

**REGULAR MEETING  
JULY 16, 2024**

In compliance with Chapter 231, OPEN PUBLIC MEETINGS ACT of the State of New Jersey, adequate notice has been given to all members of the Governing Body, the "Local Source" and the "Westfield Leader" the two newspapers designated to receive such notice. The notice is posted on the Borough Hall bulletin board.

Mayor Paul N. Mirabelli called the meeting to order at 7:30 P.M.

**INVOCATION:** Councilman Dierkes

**SALUTE TO THE FLAG**

**ROLL CALL**

**PRESENT:** Mayor Mirabelli, Councilman Dierkes (by phone), Councilman Matejek, Councilman Rinaldo, Councilwoman Wass, Administrator Mortimer and Attorney Post. Also present were Public Works Director Matthew DeAnna, Senior Coordinator Kim Moriak and Police Chief Joseph Giannuzzi. Councilman Messler and Council President Pacifico were absent.

**APPROVAL OF MINUTES:**

Upon motion by Councilman Matejek a second by Councilman Dierkes, the minutes of the Regular & Executive Session Meetings held on June 18, 2024 were approved. Roll Call: Ayes: Dierkes, Matejek, Rinaldo, Wass. Nays: 0.

Upon motion by Councilman Dierkes a second by Councilwoman Wass, the minutes of the Work & Executive Session Meetings held on July 2, 2024 were approved. Roll Call: Ayes: Dierkes, Matejek, Rinaldo, Wass. Nays: 0.

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**PROCLAMATION:**

WHEREAS, the Varsity Baseball Team of Governor Livingston High School, consists of players Alex Adornato, Michael Basile, Anthony Claudino, Brad Cordo, Anthony DeNora, Matt Diskin, Aidan Feldman, Dylan Gardner, Zach Geerstma, Vinny Graham, Jason Habedank, Matt Kosuda, Dominic Labisi, Michael Liloia, Keith Mann, Michael Novotny, Ryan Pappas, Matt Shaffer, Ben Smookler, Lev Villanueva, Matt Wood, and Harrison Woodard; and

WHEREAS, the team is coached by Head Coach Christopher Roof and Assistant Coaches James Cariello, Chris Flynn, Sean Flynn, Matt Rago, and Bryan Young. Managers include Caroline Donahue, Michelle Espinoza, Sierra Isbirian, Hudson McLaughlin, Tim Murphy, and Emily Schmidt; and

WHEREAS, the Varsity Baseball Team of Governor Livingston High School captured the title of 2024 NJSIAA Group II State Champions after defeating Pascack Valley High School 3-0. The team's tournament was highlighted by defeating South Sectional Champions Seneca High School in the NJSIAA Group II Semifinals 10-2; and

WHEREAS, Governor Livingston High School won the NJSIAA Group II State Championship for the 4<sup>th</sup> time in school history.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Mountainside, do hereby proclaim today, as a day to honor and celebrate the Varsity Baseball Team of Governor Livingston High School for their outstanding achievement in winning the Championship title. We commend the players, coaches, and supporters whose dedication and passion exemplify the spirit of sportsmanship and community pride.

**RESOLUTIONS:**

The following resolution was introduced by Councilman Rinaldo and seconded by Councilwoman Wass.

**RESOLUTION 87-2024**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

**SECTION 1**

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Mountainside hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2024 for the below amount sums of which item is now available as a revenue from:

Public & Private Revenues off-set with Appropriations:  
Alcohol Education Rehab (\$2,574.26)

**SECTION 2**

BE IT FURTHER RESOLVED, that a like sum be and the same is hereby appropriated under the caption of:

Public & Private Programs Offset By Revenues Excluded from "CAPS"  
Alcohol Education Rehab (\$2,574.26)

Roll Call: Ayes: Dierkes, Matejek, Rinaldo, Wass. Nays: 0.  
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The following resolution was introduced by Councilman Dierkes and seconded by Councilwoman Wass.

**RESOLUTION 88-2024**

WHEREAS, there exists a vacancy in the position of Recreation Assistant; and

WHEREAS, Alanna Moriak has the experience and knowledge to perform the duties of Recreation Assistant; and

WHEREAS, the Recreation Committee and Recreation Director Frank Masella have recommended the appointment of Alanna Moriak to the position of Recreation Assistant.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Mountainside that Alanna Moriak be and she hereby is appointed as Recreation Assistant effective July 8, 2024 at an annual salary of \$57,000; and

BE IT FURTHER RESOLVED, that Alanna Moriak be hired as a probationary employee for a period of six-months in accordance with the Borough of Mountainside Personnel Policy & Procedures Manual.

Roll Call: Ayes: Dierkes, Matejek, Rinaldo, Wass. Nays: 0.  
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The following resolution was introduced by Councilwoman Wass and seconded by Councilman Matejek.

**RESOLUTION 89-2024**

WHEREAS, there exists a vacancy in the position of PT Plumbing Inspector; and

WHEREAS, the Borough Administrator has recommended that the Borough action to hire Gary Junkroft as PT Plumbing Inspector for the Borough of Mountainside.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that Gary Junkroft be appointed as a PT Plumbing Inspector at a rate of \$50.00 per hour, not to exceed 6 hours a week, effective July 15, 2024 with a six-month probationary period.

Roll Call: Ayes: Dierkes, Matejek, Rinaldo, Wass. Nays: 0.  
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The following resolution was introduced by Councilman Matejek and seconded by Councilman Dierkes.

**RESOLUTION 90-2024**

BE IT RESOLVED by the Governing Body of the Borough of Mountainside that the following person recommended by the Borough Administrator, be and hereby is appointed as such:

Betty Presser                      PT Backup Senior Driver                      \$20.00/hour  
Effective: July 22, 2024

Roll Call: Ayes: Dierkes, Matejek, Rinaldo, Wass. Nays: 0.  
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The following resolution was introduced by Councilwoman Wass and seconded by Councilman Rinaldo.

**RESOLUTION 91-2024**

BE IT RESOLVED by the Governing Body of the Borough of Mountainside that the following appointment to the OEM Committee for the terms of office set forth herein, made by Paul N. Mirabelli, Mayor of the Borough of Mountainside, be and is hereby confirmed:

Replacement for Paul N. Mirabelli  
Captain Michael Jackson, Deputy OEM Coordinator  
Effective: 7/22/2024  
Term Expiration: 12/31/2024  
Compensation for additional duties: \$2,500

Roll Call: Ayes: Dierkes, Matejek, Rinaldo, Wass. Nays: 0.  
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The following resolution was introduced by Councilman Matejek and seconded by Councilwoman Wass.

**RESOLUTION 92-2024**

BE IT RESOLVED that the Treasurer be authorized to issue the following refunds:

<u>Applicant</u> Anna Carissimo 410 Henry Street Scotch Plains, NJ 07076	<u>For</u> Swim Team	<u>Amount</u> \$80.00
Karen Malet 201 Chipmunk Mountainside, NJ 07092	Swim Team	\$80.00

Roll Call: Ayes: Dierkes, Matejek, Rinaldo, Wass. Nays: 0.  
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The following resolution was introduced by Councilman Dierkes and seconded by Councilman Rinaldo.

**RESOLUTION 93-2024**

WHEREAS, there exist a need for Pool Staff at the Community Pool that will operate from May 1<sup>st</sup> to September 30<sup>th</sup>; and

WHEREAS, Recreation Director Frank Masella and the Recreation Committee has recommended that the following individuals be appointed to said positions:

Name	Position	Wage	
CASTLES, SHANNON	Front Desk	\$14.50	Hourly
DILLON, NATALIE	Front Desk	\$14.50	Hourly
DORSETT, HANNA	Front Desk	\$14.50	Hourly
KREISBERG, DYLAN	Front Desk	\$14.50	Hourly
PATTERSON, KELLY	Front Desk	\$14.50	Hourly
PINE, KYLIE	Front Desk	\$14.00	Hourly
SERVELLO, AVA	Front Desk	\$14.00	Hourly
STEINMETZ, LIV	Front Desk	\$14.00	Hourly
MILLER, AIDEN	Lifeguard	\$16.25	Hourly
ALVAREZ, EVAN	Lifeguard	\$16.50	Hourly
BASSOLINO, AUDREY	Lifeguard	\$16.00	Hourly
BECK, NATALIE	Lifeguard	\$16.00	Hourly
BEVERSLUIS, NORMANDIE	Lifeguard	\$16.50	Hourly
BONILLA, MAXIMUS	Lifeguard	\$16.00	Hourly
BUSH, ALEXIS	Lifeguard	\$16.00	Hourly
CULJAK, LUKA	Lifeguard	\$16.50	Hourly
DI RADO, MATTHEW	Lifeguard	\$16.00	Hourly
DORSETT, HOLLY	Lifeguard	\$16.50	Hourly
DORSETT, HOLLY	Head Lifeguard	\$17.00	Hourly
GARDNER, DYLAN	Lifeguard	\$16.50	Hourly
HEALY, KEEGAN	Lifeguard	\$16.50	Hourly

HYMAN, JULIA	Lifeguard	\$16.50	Hourly
IANNOTTA, LUKE	Lifeguard	\$16.50	Hourly
IANNOTTA, MATT	Lifeguard	\$16.50	Hourly
JANCOURTZ, GARRETT	Lifeguard	\$16.50	Hourly
KELLY III, FRANCIS	Lifeguard	\$16.00	Hourly
KELLY, KIERA	Lifeguard	\$16.00	Hourly
KUZMIN, ANNABELLE	Lifeguard	\$16.00	Hourly
MASELLA, BEN	Lifeguard	\$16.50	Hourly
MASELLA, BEN	Head Lifeguard	\$17.00	Hourly
MINCOLELLI, NICO	Lifeguard	\$16.50	Hourly
MOTZ, HALEY	Lifeguard	\$16.50	Hourly
NOGUEIRA, AMARI	Lifeguard	\$16.00	Hourly
PERUCKI, DILLON	Lifeguard	\$16.50	Hourly
SCARPA, CONNOR	Lifeguard	\$16.00	Hourly
SCARPA, RYAN	Lifeguard	\$16.00	Hourly
SILVA, NICK	Lifeguard	\$16.50	Hourly
SMITH, TIM	Lifeguard	\$16.50	Hourly
TAYLOR, MORGANNE	Lifeguard	\$16.50	Hourly
WARGASKI, JACK	Lifeguard	\$16.50	Hourly
WARGASKI, JACK	Head Lifeguard	\$17.00	Hourly
WOO, RYAN	Lifeguard	\$16.50	Hourly
WOODARD, HARRISON	Lifeguard	\$16.50	Hourly
WRIGHT, ETHAN	Lifeguard	\$16.00	Hourly
WRIGHT, JACOB	Lifeguard	\$16.00	Hourly
CEAR, HAYDEN	Maintenance	\$15.00	Hourly
DURSEE, AIDAN	Maintenance	\$15.00	Hourly
DURSEE, GEORGE	Maintenance	\$15.00	Hourly
HOY, TOM	Maintenance	\$15.50	Hourly
MATTERA, ANTHONY	Maintenance	\$15.50	Hourly
RUBAN, JAMES	Maintenance	\$15.50	Hourly
RUBAN, SABRINA	Office Manager	\$17.50	Hourly
BERCKES, JOHN	Assistant Manager	\$19.00	Hourly
GRINDLINGER, SAMANTHA	Assistant Manager	\$22.00	Hourly
TOMAS, MIA	Assistant Manager	\$19.00	Hourly
FILLER, FRED	Swim Team Coach	\$3,312.00	Per Season
WARGASKI, JACK	Asst Swim Coach	\$1,242.00	Per Season

WHEREAS, each of the above individuals shall be appointed as temporary employees for the 2024 pool season; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that the recommendation of Recreation Director Frank Masella and the Recreation Committee by and herby is accepted and approved of background checks.

BE IT FURTHER RESOLVED, that the salaries for the above positions shall be set forth in the borough’s salary ordinance.

Roll Call: Ayes: Dierkes, Matejek, Rinaldo, Wass. Nays: 0.  
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The following resolution was introduced by Councilman Matejek and seconded by Councilwoman Wass.

**RESOLUTION 94-2024**

WHEREAS, there exists a need for Summer Recreation Staff for programs that will operate from June 1<sup>st</sup> to August 30<sup>th</sup>; and

WHEREAS, Recreation Director Frank Masella and the Recreation Committee has recommended that the following individuals be appointed to said positions:

Name	Position	Wage	
MORIAK, ALANNA	Temporary Staff	\$31.31	Hourly
FIAMINGO, ANNA	Head Playground Supervisor	\$17.00	Hourly
CACCAMO, BRADEN	Assistant Playground Supervisor	\$15.00	Hourly
FABIO, VINCENT	Assistant Playground Supervisor	\$15.00	Hourly
GONZALEZ, JORDAN	Assistant Playground Supervisor	\$15.00	Hourly
MINCOLELLI, LUCAS	Assistant Playground Supervisor	\$15.00	Hourly
STAMBAUGH, IAN	Assistant Playground Supervisor	\$15.00	Hourly

WHEREAS, each of the above individuals shall be appointed as temporary employees for the 2024 Summer Season; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that the recommendation of Recreation Director Frank Masella and the Recreation Committee by and herby is accepted and approved of background checks.

BE IT FURTHER RESOLVED, that the salaries for the above positions shall be set forth in the borough’s salary ordinance.

Roll Call: Ayes: Dierkes, Matejek, Rinaldo, Wass. Nays: 0.  
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The following resolution was introduced by Councilman Rinaldo and seconded by Councilman Dierkes.

**RESOLUTION 95-2024**

WHEREAS, there exists a need for Tennis/Pickleball Instructors; and

WHEREAS, Recreation Director Frank Masella and the Recreation Committee has recommended that the following individuals be appointed to said positions:

Name	Position	Wage	
<b>GILLO, SARAH</b>	Tennis Instructor	\$40.00	Hourly
<b>MASON, TAYLOR</b>	Tennis/Pickleball Instructor	\$40.00	Hourly
<b>RUBAN, JAMES</b>	Tennis/Pickleball Instructor	\$40.00	Hourly
<b>RUBAN, JEANIE</b>	Tennis/Pickleball Instructor	\$10.00	Per person/per hour (minimum of 4 person)
<b>RUBAN, JEANIE</b>	Tennis/Pickleball Instructor	\$12.00	Per person/per hour (minimum of 4 person) Eff 7/1/2024

WHEREAS, each of the above individuals shall be appointed as temporary employees; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that the recommendation of Recreation Director Frank Masella and the Recreation Committee by and herby is accepted and approved of background checks.

BE IT FURTHER RESOLVED, that the salaries for the above positions shall be set forth in the borough’s salary ordinance.

Roll Call: Ayes: Dierkes, Matejek, Rinaldo, Wass. Nays: 0.  
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The following resolution was introduced by Councilwoman Wass and seconded by Councilman Rinaldo.

**RESOLUTION 96-2024**

WHEREAS, there exists a vacancy in the position of Temporary PT Plumbing Sub Code Official; and

WHEREAS, the Borough Administrator has recommended that the Borough take action to hire Jerry Eger as Temporary PT Plumbing Sub Code Official for the Borough of Mountainside.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that Jerry Eger be appointed as Temporary PT Plumbing Sub Code Official at a rate of \$50.00 per hour, not to exceed 6 hours a week, effective May 20, 2024 with a six-month probationary period.

Roll Call: Ayes: Dierkes, Matejek, Rinaldo, Wass. Nays: 0.  
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**ORDINANCES:** Second Reading (Public Hearing)

**ORDINANCE 1330-2024**

AN ORDINANCE AMENDING ARTICLE 20, CHAPTER 2004 AND OTHER OF THE MOUNTAINSIDE BOROUGH CODE

BE IT ORDAINED, Article 20, Chapter 2004, of the Mountainside Borough Code is hereby amended as follows:

1. The 1% fee set forth in subparagraph a) i. is increased to 1.5%.

AND BE IT FURTHER ORDAINED,

2. There is substituted a new Article 20, Chapter 2005 which shall provide as follows:

2005. Non-Residential Development Fees

- a) Imposed fees
  - i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
  - ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
  - iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and one-half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- b) Eligible exactions, ineligible exactions and exemptions for non-residential development
  - i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
  - ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
  - iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF “State of New Jersey Non-Residential Development Certification/Exemption” Form. Any exemption claimed by a developer shall be substantiated by that developer.
  - iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
  - v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Mountainside as a lien against the real property of the owner.

AND BE IT FURTHER ORDAINED,

- 3. The existing Article 20, Chapter 2005 shall be renumbered Chapter 2006, and so on with subsequent Chapters requiring to be renumbered by reason of the insertion of the new Chapter 2005.
- 4. Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.
- 5. If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or

applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

6. This ordinance shall take effect immediately upon final passage and publication as provided by law.

Hearing no one wishing to speak, Mayor Mirabelli closed the meeting to the public.

It was moved by Councilman Matejek and seconded by Councilwoman Wass that this ordinance be passed on second and final reading and advertised by title only.

Roll Call: Ayes: Dierkes, Matejek, Rinaldo, Wass. Nays: 0.  
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#### First Reading (Introduction)

### **ORDINANCE 1331-2024**

AN ORDINANCE AMENDING ARTICLE 20, CHAPTER 2004 AND OTHER OF THE MOUNTAINSIDE BOROUGH CODE

BE IT ORDAINED, Article 14, Chapter 1418, of the Mountainside Borough Code is hereby amended as follows:

1. There is substituted a new Article 14, Chapter 1418 which shall provide as follows:

#### Article 1418: Privately-Owned Salt Storage

##### 1418.1 Purposes; Definitions

###### A. Purpose:

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Borough of Mountainside to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

###### B. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
2. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
3. "Storm drain inlet" means the point of entry into the storm sewer system.
4. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and

walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- a) Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing
- b) The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
- c) The structure shall be erected on an impermeable slab;
- d) The structure cannot be open sided; and
- e) The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

5. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

6. "Resident" means a person who resides on a residential property where de-icing material is stored.

#### 1418.2 De-icing Material Storage Requirements:

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15<sup>th</sup> and April 15<sup>th</sup>:

1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through; Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;

2. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;

3. Loose materials shall be covered as follows:

- a. The cover shall be waterproof, impermeable, and flexible;
- b. The cover shall extend to the base of the pile(s);
- c. The cover shall be free from holes or tears;
- d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
- e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

(1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;

4. Containers must be sealed when not in use; and

5. The site shall be free of all de-icing materials between April 16<sup>th</sup> and October 14<sup>th</sup>.

B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.

C. All such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.

- D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
- E. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

1418.3 Exemptions:

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in this ordinance. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

1418.4 Enforcement:

This article shall be enforced by the Zoning Officer, the Police Department and the Borough Engineer of the Borough of Mountainside.

1418.5 Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72-hours to complete corrective action. Except where otherwise provided, any person who shall violate any of the provisions of this chapter shall, upon conviction, be punished as provided in this Code, and each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

AND BE IT FURTHER ORDAINED,

1. The existing Article 14, Chapter 1418 shall be renumbered Chapter 1419, and so on with subsequent Chapters requiring to be renumbered by reason of the insertion of the new Chapter 1418.
2. Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.
3. This ordinance shall take effect immediately upon final passage and publication as provided by law.

It was moved by Councilman Rinaldo and seconded by Councilman Dierkes that this ordinance be passed on first reading and advertised in full for a public hearing on August 20, 2024.

Roll Call: Ayes: Dierkes, Matejek, Rinaldo, Wass. Nays: 0.

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**MOTIONS:**

The following motions were unanimously approved:

1. Approve raffle application from Mountainside Restoration Committee for an off premise draw raffle
2. Approve raffle application from PTO Mountainside for an off premise 50/50 draw raffle & on premise draw raffle
3. Authorization to appoint Jonluis Fonseca, Curtis Gilford, Sean Prawdzik, Jacob Tomas as Volunteer Firefighters and Anthony Labisi as Junior Auxiliary Member

**BILLS & CLAIMS:**

The following resolution was introduced by Councilman Dierkes and seconded by Councilman Matejek:

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following bills of the persons named and for the amounts stated below, having been duly audited and found to be correct this 16<sup>th</sup> day of July 2024, the same be paid after Council's review, if and when funds are available and that the Mayor, Council President, Administrator and Treasurer are hereby authorized and directed to sign and deliver warrants for same in the amount of \$528,045.95 (Copy of bill list attached).

Roll Call: Ayes: Dierkes, Matejek, Rinaldo, Wass. Nays: 0

**COUNCIL COMMENTS:**

Mayor Mirabelli praised the 4<sup>th</sup> of July Fireworks and thanked our sponsors. He also read a storm report and thanked those who helped with the clean-up. Residents were invited to attend National Night Out.

**AUDIENCE PARTICIPATION:** None

The following resolution was introduced by Councilwoman Wass and seconded by Councilman Rinaldo.

WHEREAS, the Open Public Meetings Act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

WHEREAS, the Mayor and Council desire to discuss litigation which are matters where the exclusion of the public is permitted; and

WHEREAS, public disclosure of the results of this discussion will be made as soon as the matters discussed have been resolved by the Governing Body of the Borough of Mountainside;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the aforesaid matters shall be discussed in closed session upon adoption of this resolution.

Meeting adjourned to closed session at 7:58 P.M.  
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The meeting was recalled to public session at 8:08 P.M.

Upon a motion by Councilman Rinaldo and a second by Councilwoman Wass, the meeting was unanimously adjourned.  
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Martha Lopez, RMC  
Borough Clerk