REGULAR MEETING
NOVEMBER 23, 2021

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 PM.

INVOCATION: Councilwoman Pacifico
SALUTE TO THE FLAG
ROLL CALL

PRESENT: Mayor Mirabelli, Council President Deanna Andre (by phone), Councilman Dierkes, Councilman Matejek, Councilman Messler, Councilwoman Pacifico (by phone), Councilwoman Pater, Attorney Post and Administrator Mortimer. Also present was Public Works Director Matthew DeAnna.

APPROVAL OF MINUTES:

Upon motion by Councilman Dierkes a second by Councilman Messler, the minutes of the Regular & Executive Session Meetings held on October 19, 2021 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

Upon motion by Councilman Dierkes a second by Councilman Messler, the minutes of the Work Session Meeting held on November 9, 2021 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

RESOLUTION OF COMMENDATION

WHEREAS, the Mountainside Softball and Baseball League sponsors a youth baseball programs to provide kids with the opportunity to improve their skills and performances in competition with other communities; and

WHEREAS, the Mountainside 12U team, were in the District 12 Championship game during the fall season of 2021; and

WHEREAS, the team won with 6-0 victory. Then continuing on to the Northern New Jersey State Champions. Where they continued on to win 5-0.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the 12U baseball team and its coaches are hereby commended for their achievements.

<u>Coaches</u>
Andrew Adornato
Eric Cantagallo
Steve Filiaci
Mike Liloia

Players
Addison Adornato
Michael Basile
Reid Bazydlo
CJ Cantagallo
Jackson Crimaldi
Matt DiRado
Michael Donahue
Matthew Filiaci
Tyce Hanratty
Tyler Kanarek
Owen Keough
Ryan Lamera
Mateo Liloia

RESOLUTIONS:

The following resolution was introduced by Councilwoman Andre and seconded by Councilwoman Pater.

RESOLUTION 122-2021

WHEREAS, Edward Joseph Verlangieri, Mountainside's oldest resident passed away peacefully on September 28, 2021 at age 107; and

WHEREAS, Edward was born on January 31, 1914, in Orange, NJ and pursued a career as a civil engineer in both government and private sector; and

WHEREAS, Marian Bracey Verlangieri was born on August 10, 1912, in New York, NY. Marian worked as a teller at First Federal Savings Bank and also volunteered at Children's Specialized Hospital; and

WHEREAS, Marian passed away on March 29, 2010; and

WHEREAS, Marian and Edward married on April 26, 1941 and later purchased a residential lot in Mountainside where they designed and built the home themselves with only outside assistance to install the plumbing and electrical systems; and

WHEREAS, after Edward retired, he and Marian enjoyed foreign trips and cruise vacations with family. They explored the United States in their camper and spent each September vacationing in Long Beach Island; and

WHEREAS, they were both life-long learners and enrolled in courses at Union County College studying architecture, art and literature; and

WHEREAS, Edward was devoted to family, especially Marian and took an interest in every family member, offering advice, wisdom and sharing many stories.

NOW, THEREFORE, BE IT RESOLVED that we, the current members of the Governing Body of the Borough of Mountainside, recognize Marian and Edward Verlangieri and we extend our condolences to the rest of their family.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

The following resolution was introduced by Councilwoman Pacifico and seconded by Councilwoman Andre.

RESOLUTION 123-2021

WHEREAS, on April 23, 2019 Darby Road Public House/Catering was awarded the Community Pool Snack Bar Contract; and

WHEREAS, in July the Recreation Committee recommended a decrease to the contract concession fee from $11,000.00 to $5,500.00; and

WHEREAS, the Governing Body approved the recommendation and officially amended the concession fee for the 2021 pool season by passing Resolution 86-2021.

WHEREAS, Darby Road Public House/Catering had a loss of revenue this season and the Recreation Committee recommends a complete waiver of the amended concession fee.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the concession fee for the 2021 pool season of $5,500 be waived completely.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

The following resolution was introduced by Councilman Messler and seconded by Councilman Dierkes.

RESOLUTION 124-2021

WHEREAS, the Borough of Mountainside requires Architectural Engineering Services for the Construction of a New DPW Garage; and

WHEREAS, this award of contract will provide professional architectural engineering services which include schematic design, design development, construction documents, bidding & negotiations, and construction administration for the construction of a new DPW garage; and

WHEREAS, such award of contract shall be made as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-2-.5; and

WHEREAS, the appropriate Borough official has determined that the value of these services will exceed $17,500, but not to exceed $180,000 over the life of the contract. This maximum dollar value is based on a reasonable estimate of the services required over the contract term, and the Borough of Mountainside is not obligated to spend that amount; and

WHEREAS, the anticipated term of the contract is one year or less; and

WHEREAS, Heintz & Fiore, AIA has completed and submitted a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political candidate or candidate committee in the Borough of Mountainside in the previous year, and acknowledging that the contract will prohibit it from making any reportable contributions through the term of the contract; and

WHEREAS, Heintz & Fiore, AIA has completed and submitted to the Borough, the necessary documents in accordance with the New Jersey Local Unit "Pay to Play" Laws (N.J.S.A.19:44A-20-4 et. seq.); and

NOW, THEREFORE, BE IT RESOLVED, that a Professional Services Contract be awarded and executed with Heintz & Fiore, AIA to provide architectural engineering services for the construction of a DPW garage reflected in the proposal; and

BE IT FURTHER RESOLVED that award of this contract will be published in the appropriate newspaper within ten days hereof.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

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

RESOLUTION 125-2021

WHEREAS, the Recreation Director Frank Masella requested the following refund; and

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue the following refund:

Applicant	Program	Amount
Deanna Divito 105 Chestnut Street Apt#120 Cranford, NJ 07016	Fitness Class	$168.00

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

The following resolution was introduced by Councilman Matejek and seconded by Councilman Messler.

RESOLUTION 126-2021

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers within certain appropriations within the Municipal Budget during the last two months of the fiscal year; and

WHEREAS, the Chief Financial Officer has advised the Mayor and Council of the Borough of Mountainside that the need for certain transfers within the 2021 Municipal Budget exists, and

WHEREAS, this resolution authorizes the Chief Financial Officer to make these transfers.

NOW, THEREFORE, BE IT RESOLVED that the following budget transfers be ratified.

CURRENT ACCOUNT	TO	FROM
Recreation S/W	15,000.00	
Construction S/W	20,000.00	
Recreation O/E		15,000.00
Dept Public Works S/W		10,000.00
A&E S/W		10,000.00

POOL ACCOUNT		
Pool O/E	10,000.00	
Pool S/W		8,000.00
Pool Capital Outlay		2,000.00

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

The following resolution was introduced by Councilwoman Pater and seconded by Councilman Messler.

RESOLUTION 127-2021

SUPPORTING THE SUBMISSION OF APPLICATIONS TO THE COUNTY OF UNION FOR THE YEAR 48 COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") PROGRAM

WHEREAS, the Borough of Mountainside advertised a public notice for and will conduct a public hearing on, November 23, 2021, to consider proposals for the Union County Year 48 Community Block Development Grant Program ("CDBG"); and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Mountainside hereby expresses its support of the Union County Year 48 CDBG Program submission presented to the Governing Body as set forth in the grant application received, for the following program:

1. Facilities/Public Improvement – ADA Front Entrance Doors at Borough Hall

BE IT FURTHER RESOLVED that a copy of this Resolution be furnished to the County of Union along with all applications required for CDBG program submission; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

The following resolution was introduced by Councilwoman Andre and seconded by Councilwoman Pater.

RESOLUTION 128-2021

WHEREAS, the Borough of Mountainside needs to refund monies to interested parties for overpayment of current year taxes,

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue the following refund, for the following reason:

Duplicate or overpayments Due to Banks
CoreLogic
Centralized Refunds
P. O. Box 9202
Coppell, TX 75019-9978

Block	Lot	Amount	
15.01	14	2,875.10	219 Oak Tree Road
16.08	28	1,941.98	305 Timberline Road
22.02	12	3,627.81	7 Tanglewood Lane

Wells Fargo Real Estate Tax Serv
Attn: Refunds/Financial Support
P. O. Box 14506
Des Moines, IA 50328-0001

5.06	2	2,227.25	1207 Foothill Way

Overpayments Due to Homeowner

Block	Lot	Amount	
15.03	5	3,093.12	1365 Mohawk Drive

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

The following resolution was introduced by Councilman Matejek and seconded by Councilwoman Pacifico.

RESOLUTION 129-2021

WHEREAS the Borough of Mountainside is the owner of a monopole communication tower that accommodates the antenna for four users; and

WHEREAS the 100-foot location on such monopole communication tower was vacant; and

WHEREAS the Borough advertised for bids from potential users of such 100-foot location; and

WHEREAS the Borough received one bid to lease such location from Dish Wireless, L.L.C. at a rental of $36,000 per annum; and

WHEREAS the bid submitted by Dish Wireless, L.L.C. has been reviewed by the Borough Attorney and found to be conforming to the bid documents and specifications.

NOW THEREFORE BE IT RESOLVED that:

1. The bid to lease the 100-foot location on the Borough's multi user monopole communications tower be and the same is hereby awarded to Dish Wireless, L.L.C; and

2. The appropriate Borough Officials be and they hereby are authorized to sign a lease with Dish Wireless, L.L.C for such 100-foot location in accordance with the bid documents.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

The following resolution was introduced by Councilman Messler and seconded by Councilwoman Pacifico.

RESOLUTION 130-2021

RESOLUTION ADOPTING PERSONNEL POLICIES AND PROCEDURES, NOVEMBER 2021 REVISION

WHEREAS, the Borough Administrator, the Borough Staff, and the Borough Attorney's Office have been engaged in a review and evaluation of the Borough's Personnel Policies and Procedures in order to ensure that such Personnel Policies and Procedures are up to date; and

WHEREAS, such review has been completed and the results presented to the Governing Body in the form of Personnel Policies and Procedures, November 2021 Revision, for the Governing Body's consideration and evaluation; and

WHEREAS, the Governing Body has considered and evaluated the Personnel Policies and Procedures, November 2021 Revision and determined to adopt the same; and

WHEREAS, the Personnel Policies and Procedures, November 2021 Revision in some instances address and/or implicate subjects that are codified in Article IX of the Mountainside Borough Code; and

WHEREAS, it will accordingly be necessary to amend Article IX of the Mountainside Borough Code after the Personnel Policies and Procedures, November 2021 Revision have been adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Council of the Borough of Mountainside that

1. The Personnel Policies and Procedures, November 2021 Revision be and the same are hereby adopted.

2. The Borough Attorney shall prepare such amendments to Article IX of the Mountainside Borough Code as may be necessary or appropriate to ensure that the terms of such Article IX are consistent with the Personnel Policies and Procedures, November 2021 Revision.

Roll Call: Dierkes, Matejek, Messler, Pacifico. Nays: Andre, Pater.

The following resolution was introduced by Councilman Dierkes and seconded by Councilman Messler.

RESOLUTION 131-2021

RESOLUTION ADOPTING EMPLOYEE HANDBOOK FOR THE BOROUGH OF MOUNTAINSIDE NOVEMBER 2021 EDITION

WHEREAS, the Borough Administrator, the Borough Staff, and the Borough Attorney's Office have been engaged in a review and evaluation of the Borough's Personnel Policies and Procedures in order to ensure that such Personnel Policies and Procedures are up to date; and

WHEREAS, the Borough Administrator, the Borough Staff, and the Borough Attorney's Office have discussed and determined that in addition to the Personnel Policies and Procedures Manual, it would be of assistance to Borough Employees to provide an Employee Handbook; and

WHEREAS, an Employee Handbook consistent in form with the Personnel Policies and Procedures Manual has been presented to the Governing Body for the Governing Body's consideration and evaluation; and

WHEREAS, the Governing Body has considered and evaluated the Employee Handbook, November 2021 Edition and determined to adopt the same.

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Council of the Borough of Mountainside that

3. The Employee Handbook for the Borough of Mountainside, November 2021 Edition be and hereby is adopted.

4. The Borough Administrator shall distribute the Employee Handbook to all current employees of the Borough of Mountainside upon adoption of this Resolution.

Roll Call: Dierkes, Matejek, Messler, Pacifico. Nays: Andre, Pater.

ORDINANCES: Second Reading (Public Hearing)

ORDINANCE 1303-2021
AN ORDINANCE AMENDING CHAPTER XI OF THE MOUNTAINSIDE BOROUGH CODE ENTITLED "BUILDING AND HOUSING" BY THE ADDTION OF A NEW SECTION 11-7 ENTITLED "MAINTENANCE OF VACANT/ABANDONED PROPERTIES" AND CHAPTER XXIII ENTITLED "FEES" BY THE ADDITION OF A VACANT PROPERTY REGISTRATION FEE

WHEREAS, the Borough of Mountainside (the "Borough") contains structures which are vacant and/or abandoned in whole or large part; and

WHEREAS, in some cases, the owners of these structures or parties responsible for them are neglectful of them and are not maintaining or securing them to an adequate standard or restoring them to productive use; and

WHEREAS, it has been established that vacant and abandoned structures cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, increased risk of fire and potential increases in criminal activity and public health risks; and

WHEREAS, the Borough incurs significant costs in order to deal with the problems of vacant and abandoned structures, including but not limited to police calls, fire calls, code enforcement calls, and property inspections; and

WHEREAS, it is in the public interest for the Borough to establish minimum standards of accountability for the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the Borough; and

WHEREAS, it is in the public interest for the Borough to impose a fee in conjunction with registration of vacant and abandoned structures in light of the disproportionate costs imposed on the Borough by the presence of these structures.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside that Chapter XI BUILDING AND HOUSING of the Mountainside Borough Code be and the same is hereby amended by the addition of the following new Section 11-7 entitled Maintenance of Vacant/Abandoned Properties.

11-7 Maintenance of Vacant/Abandoned Properties

11-7.1 Definitions.

Owner - shall include the title holder, any agent of the title holder having authority to act with respect to a vacant/abandoned property, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, Sec. 17 as amended by P.L. 2009, c. 296), or any other entity determined by the Borough of to have authority to act with respect to the property.

Vacant Property - any building used or to be used as a residence, commercial or industrial structure which is not legally occupied or at which substantially all lawful construction operations or occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-54, 55:19-78, 55:19-79, 55:19-80 and 55:19-81; provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this ordinance.

Abandoned Property-pursuant to N.J.S.A. 55:19-81 is defined as follows:

Any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the Borough Zoning Officer that:

a. The property is in need of rehabilitation in the reasonable judgment of the Borough Zoning Officer, and no rehabilitation has taken place during that six-month period;

b. Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the Borough Zoning Officer pursuant to this section;

c. At least one installment of property tax remains unpaid and delinquent on that property in accordance with chapter 4 of title 54 of the Revised Statutes of the date of the determination by the Borough Zoning Officer pursuant to this section; or

d. The property has been determined to be a nuisance by the Borough Zoning Officer in accordance with section 5 of P.L.2003, c. 210 (C.55:19- 82). A property which contains both residential and non-residential space may be considered abandoned pursuant to P.L.

2003, c. 210 (0.55:19-78 et al.) so long as two-thirds or more of the total net square footage of the building was previously legally occupied as *residential* or commercial space and *none of* the residential or commercial space has been legally occupied for at least six months at the time of the determination of abandonment by the Borough Zoning Officer and the property meets the criteria of either subsection a. or subsection d. of this section.

11-7.2 Registration requirements.

Effective January 1, 2022, the owner of any vacant property as defined herein shall, within 30 calendar days after the building becomes vacant property or within 30 calendar days after assuming ownership of the vacant property, whichever is later; or within 10 calendar days of receipt of notice by the municipality, file a registration statement for such vacant property with the Borough Zoning Officer on forms provided by the Borough for such purposes. Failure to receive notice from the Borough shall not constitute grounds for failing to register the property.

a. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.
b. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person 21 years or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceedings on behalf of such owner or owners in connection with the enforcement of any applicable code; and the name, street address, telephone number, and email (if applicable) of the firm and the actual name(s) of the firms individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.
c. The registration shall remain valid for one year from the date of registration except for the initial registration which shall be pro-rated through December 31. The owner shall be required to renew the registration annually as long as the building remains a vacant and/or abandoned property and shall pay a registration or renewal fee in the amount prescribed in Section 11-7.5 of this ordinance, for each vacant property registered.
d. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than 10 months prior to that date.

e. The owner shall notify the Borough Zoning Officer within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Borough Zoning Officer for such purpose.

f. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the owner or owners of the building.

11-7.3 Access to vacant properties.

The owner of any vacant property registered under this Article shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 am. and 4:00 p.m., or such other time as may be mutually agreed upon between the owner and the Borough.

11-7.4 Responsible owner or agent.

a. An owner who meets the requirements of this Article with respect to the location of his or her residence or workplace in the State of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.

b. By designating an authorized agent under the provisions of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Borough in writing of a change of authorized agent or until the owner files a new annual registration statement.

c. Any owner who fails to register vacant/abandoned property under the provisions of this Article shall further be deemed to consent to receive, by posting on the building, in plain view, and by service of notice at the last known address of the owner of the property on record within the Borough by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

11-7.5 Fee schedule.

The initial registration fee for each building shall be five-hundred ($500.00) dollars. The fee for the first renewal is one thousand five hundred ($1,500.00) dollars, and the fee for the second renewal is three thousand ($3,000.00) dollars. The fee for any

subsequent renewal beyond the second renewal is five thousand ($5,000.00) dollars.

Vacant/Abandoned Property Registration Fee Schedule

Initial Registration	$ 500.00
First Renewal	$1,500.00
Second Renewal	$3,000.00
Subsequent Renewal	$5,000.00

11-7.6 Requirements of owners of vacant/abandoned properties.

The owner of any building that has become vacant/abandoned property, and any person maintaining or operating or collecting rent for any such building that has become vacant shall, within thirty (30) days thereof:

(1) Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Borough Code, or as set forth in the rules and regulations supplementing those codes; and

(2) Post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process, and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than eight (8) inches by ten (10) inches; and

(3) Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and

(4) Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, right-of-ways, alleys, retaining walls, attached or unattached accessory structures and driveways, are well-maintained and free from trash, debris, loose litter, and gross and weed growth; and

(5) Continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied, demolished, or until repair and/or rehabilitation of the building is complete.

11-7.7 Violations.

a. Any person who violates any provision of this Article or the rules and regulations issued hereunder shall be fined not less than $100.00 and not more than $1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.

b. For purposes of this section, failure to file a registration statement within 30 calendar days after a building becomes vacant property or within 30 calendar

days after assuming ownership of a vacant property, whichever is later, or within 10 calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this ordinance.

BE IT FURTHER ORDAINED by Mayor and Council that Chapter XXIII of the Borough Code be amended by the addition of a Vacant/Abandoned Property Registration Fee Schedule as follows:

Vacant/Abandoned Property Registration Fee Schedule

Initial Registration	$ 500.00
First Renewal	$1,500.00
Second Renewal	$3,000.00
Subsequent Renewal	$5,000.00

BE IT FURTHER ORDAINED by Mayor and Council that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED by Mayor and Council that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

BE IT FURTHER ORDAINED by Mayor and Council that this ordinance shall be in full force and take effect twenty (20) days after final passage and publication, as required by law.

Hearing no one wishing to speak, Councilman Messler closed the meeting to the public.

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

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

First Reading (Introduction)

ORDINANCE 1304-2021
AN ORDINANCE TO AMEND ORDINANCE 1277-2019 FIXING SALARY RANGES FOR MUNICIPAL EMPLOYEES

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Ordinance 1277-2019 is hereby amended to read as follows:

A&E	
Borough Administrator	$ 25,000 - $125,000
Administrator Assistant	15,000 - 40,000
Borough Clerk/Registrar of Vital Statistics	40,000 - 120,000
Deputy Borough Clerk/Deputy Registrar	30,000 - 65,000
QPA	5,000 - 15,000
Mayor	2,500 - 8,000
Council Member	1,200 - 6,000

Finance			
Chief Finance Officer	40,000 -	120,000	
Finance Assistant	30,000 -	60,000	
Tax Collector	10,000 -	50,000	
Police			
Chief of Police	100,000 -	185,000	
Administrative Assistant	15.00 -	30.00	Hourly
Records Clerk	12.00 -	25.00	Hourly
Communications Officers	29,000 -	70,000	
Crossing Guard	15.00 -	30.00	Hourly
Class II Special Officer	25.00 -	50.00	Hourly
Building			
Construction Official/Building Subcode Official/ Building Inspector	10,000 -	60,000	
Construction/Fire Prevention Secretary	20,000 -	65,000	
Secretary: Engineer/DPW/Shade Tree/Recycling	20,000 -	55,000	
Administrative Secretary: Construction/Planning Board	10.00 -	30.00	Hourly
Inspectors: (Plumbing/Building/Electrical)	25.00 -	50.00	Hourly
Fire Prevention/Fire Subcode Official	25.00 -	50.00	Hourly
Zoning Officer	25.00 -	65.00	Hourly
Public Works Director	40,000 -	100,000	
Public Works Employees	25,000 -	70,000	
Public Works Foreman	25,000 -	60,000	
Engineer	35,000 -	100,000	
Tax Assessor	15,000 -	40,000	
Assistant to Assessor	3,000 -	10,000	
Certified Wastewater & Treatment Operator	2,000 -	5,000	
Court Administrator	40,000 -	85,000	
Deputy Court Administrator	30,000 -	60,000	
Violations Clerk	15.00 -	30.00	Hourly
Municipal Judge	15,000 -	40,000	
Municipal Prosecutor	15,000 -	40,000	
Public Defender	3,600 -	5,000	
Miscellaneous			
Handyman	12.00 -	30.00	Hourly
Drug Alliance Coordinator	3,000 -	5,000	
Cable TV Coordinator	13.00 -	30.00	Hourly
Cable TV	10.00 -	25.00	Hourly
Website Coordinator	1,000 -	5,000	
Board of Health Secretary	3,000 -	6,000	
Senior Citizen Coordinator	15,000 -	55,000	
Senior Van Driver	15.00 -	40.00	Hourly
OEM Director	5,000 -	15,000	
OEM Deputy Director	2,500 -	12,500	
Temporary Staffing	15.00 -	75.00	Hourly
Recreation			
Recreation Director/Pool Administrator	40,000 -	110,000	
Recreation Dept Secretary/Pool Bookkeeper	20,000 -	50,000	
Assistant Recreation Director	30,000 -	70,000	

Pool Manager	6,000 -	15,000
Assistant Pool Manager	4,000 -	10,000
Pool Secretary (P/T)	10.00 -	20.00
Swim Instructors	10.00 -	20.00
Life Guards	10.00 -	20.00
Main Gate Control	10.00 -	20.00
Maintenance Foreman	10.00 -	20.00
Maintenance Personnel	10.00 -	20.00
Swim Coach	1,750 -	4,500
Assistant Swim Coach	200 -	2,500
Diving Coach	1,400 -	3,000
Assistant Pool Tech	2,000 -	5,000
Fitness/Sports Instructor (per person, per class)	2.00 -	20.00
Tennis Lesson Instructor (per person, per session)	35.00 -	150.00
Art/Crafts Instructor (per person, per class)	2.00 -	20.00
Sports Supervisor (per session)	25.00 -	75.00
Youth Tennis Team Coach (per season)	350.00 -	1,500
Men's Softball Supervisor (per season)		250.00
Activity Supervisor (per session)	10.00 -	75.00
Sports Official (per session)	10.00 -	180.00
Assignor (per game)	2.00 -	12.00
Summer Playground Supervisor (per season)	1,750 -	4,800
Summer Playground Assistant Supervisor (per season)	1,200 -	3,800
Sports Coach	1,500 -	3,500
Middle School Team Coach (per season)	350 -	4,500

This ordinance shall be effective upon final passage and publication in accordance with the law.

It was moved by Councilwoman Pater and seconded by Councilman Dierkes that this ordinance be passed on first reading and advertised in full for a public hearing on December 21, 2021.

Roll Call: Dierkes, Matejek, Messler, Pacifico. Nays: Andre, Pater.

First Reading (Introduction)

ORDINANCE 1305-2021
AN ORDINANCE TO APPROPRIATE THE SUM OF THREE HUNDRED EIGHTY-FIVE THOUSAND ($385,000.00) FOR THE RESURFACING OF CONSTITUTION PLAZA, ROLLING ROCK ROAD AND SECTION OF BIRCH HILL ROAD

WHEREAS, the Governing Body of the Borough of Mountainside have decided to resurface Constitution Plaza, Rolling Rock Road and Section of Birch Hill Road; and

WHEREAS, a grant award is now available from NJDOT in the amount of $385,000.00; and

WHEREAS, the Governing Body of the Borough of Mountainside concurs that this resurfacing is necessary; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside that the sum of $385,000.00 be and is hereby appropriated for the resurfacing of Constitution Plaza, Rolling Rock Road and Section of Birch Hill Road.

BE IT FURTHER ORDAINED that the Borough of Mountainside shall be reimbursed by the State of New Jersey, Department of Transportation in the amount of $385,000.00.

This ordinance shall be effective upon final passage and publication in accordance with the law.

It was moved by Councilwoman Pacifico and seconded by Councilwoman Andre that this ordinance be passed on first reading and advertised in full for a public hearing on December 21, 2021.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

First Reading (Introduction)

ORDINANCE 1306-2021
AN ORDINANCE IMPLEMENTING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE BOROUGH OF MOUNTAINSIDE AND THE MOUNTAINSIDE P.B.A. LOCAL 126 FOR THE PERIOD OF JANUARY 1, 2022 THROUGH DECEMBER 31, 2026

WHEREAS, the Borough of Mountainside was desirous of entering into a Collective Bargaining Agreement with the P.B.A. Local 126 ("PBA") for the purpose of establishing salary and benefits for the members of the PBA for the period of January 1, 2022 through December 31, 2026; and

WHEREAS, the Borough of Mountainside and the P.B.A. have reached agreement regarding the terms of a Collective Bargaining Agreement the period of January 1, 2022 through December 31, 2026 ("CBA").

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that the appropriate Borough officials are hereby authorized to execute the CBA for the period of January 1, 2022 through December 31, 2026, and when such CBA has been signed by the appropriate officers of the Mountainside P.B.A. Local 126 the terms of the CBA shall be implemented as follows:

Section I: The annual salaries fixed for the several ranks and officers of the Police Department of the Borough of Mountainside shall be as follows:

SCHEDULE "A"

SALARIES

(Officers Hired Prior to January 1, 2012)

SCHEDULE A					
	2022	**2023**	**2024**	**2025**	**2026**
Captain	$ 152,370.05	$ 155,798.37	$ 159,303.84	$ 163,286.43	$ 167,368.59
Lieutenant	$ 147,930.63	$ 151,259.07	$ 154,662.40	$ 158,528.96	$ 162,492.18
Detective Sergeant	$ 143,546.86	$ 146,776.67	$ 150,079.14	$ 153,831.12	$ 157,676.90
Sergeant	$ 140,045.71	$ 143,196.74	$ 146,418.67	$ 150,079.14	$ 153,831.11
Corporal	$ 132,868.53	$ 135,858.07	$ 138,914.87	$ 142,387.75	$ 145,947.44
Detective	$ 130,622.86	$ 133,561.88	$ 136,567.02	$ 139,981.19	$ 143,480.72
7th Year	$ 125,690.53	$ 128,518.57	$ 131,410.23	$ 134,695.49	$ 138,062.88
6th Year	$ 113,540.55	$ 116,095.21	$ 118,707.35	$ 121,675.03	$ 124,716.91

5th Year	$ 101,397.82	$ 103,679.27	$ 106,012.06	$ 108,662.36	$ 111,378.92
4th Year	$ 89,256.31	$ 91,264.58	$ 93,318.03	$ 95,650.98	$ 98,042.26
3rd Year	$ 77,112.39	$ 78,847.42	$ 80,621.48	$ 82,637.02	$ 84,702.95
2nd Year	$ 64,972.08	$ 66,433.95	$ 67,928.72	$ 69,626.94	$ 71,367.61
Probation	$ 50,500	$ 50,500	$ 50,500	$ 50,500	$ 50,500

Indicates RANKS made by PROMOTION, not temporary assignment to Detective Bureau, as mentioned in Article XV(D)

SCHEDULE "B"

SALARIES

(Officers Hired After to January 1, 2012)

SCHEDULE B					
	2022	**2023**	**2024**	**2025**	**2026**
Captain	$ 152,370.05	$ 155,798.37	$ 159,303.84	$ 163,286.43	$ 167,368.59
Lieutenant	$ 147,930.63	$ 151,259.07	$ 154,662.40	$ 158,528.96	$ 162,492.18
Detective Sergeant	$ 143,546.86	$ 146,776.67	$ 150,079.14	$ 153,831.12	$ 157,676.90
Sergeant	$ 140,045.71	$ 143,196.74	$ 146,418.67	$ 150,079.14	$ 153,831.11
Corporal	$ 132,868.53	$ 135,858.07	$ 138,914.87	$ 142,387.75	$ 145,947.44
Detective	$ 130,622.86	$ 133,561.88	$ 136,567.02	$ 139,981.19	$ 143,480.72
11th Year	$ 125,690.53	$ 128,518.57	$ 131,410.23	$ 134,695.49	$ 138,062.88
10th Year	$ 115,637.12	$ 118,238.96	$ 120,899.34	$ 123,921.82	$ 127,019.87
9th Year	$ 108,046.87	$ 110,477.92	$ 112,963.67	$ 115,787.77	$ 118,682.46
8th Year	$ 100,456.61	$ 102,716.88	$ 105,028.01	$ 107,653.71	$ 110,345.05
7th Year	$ 92,866.35	$ 94,955.84	$ 97,092.35	$ 99,519.66	$ 102,007.65
6th Year	$ 85,276.09	$ 87,194.80	$ 89,156.69	$ 91,385.60	$ 93,670.24
5th Year	$ 77,685.83	$ 79,433.76	$ 81,221.02	$ 83,251.55	$ 85,332.84
4th Year	$ 70,095.57	$ 71,672.72	$ 73,285.36	$ 75,117.49	$ 76,995.43
3rd Year	$ 62,505.31	$ 63,911.68	$ 65,349.70	$ 66,983.44	$ 68,658.03
2nd Year	$ 54,915.06	$ 56,150.64	$ 57,414.03	$ 58,849.38	$ 60,320.62
Probation	$ 50,500	$ 50,500	$ 50,500	$ 50,500	$ 50,500

Section II: The various provisions of the CBA are enacted. The main headings are as follows:

Title Page
Preamble

I Recognition
II Management Rights and Responsibilities
III Grievance Procedure
IV P.B.A. Representatives
V Deductions from Salary
VI Maintenance of Operation
VII Hours of Work, Overtime, Compensatory Time and Recall

VIII Vacation
IX Holiday Pay
X Sick Leave
XI Medical Insurance and Fringe Benefits
XII Military Leave
XIII Retirement
XIV Salaries
XV Longevity Pay
XVI Investigations of Police Officers
XVII Ceremonial Activities
XVIII Personnel Files
XIX Bulletin Board
XX Education
XXI Non-Discrimination
XXII Separability and Savings
XXIII Leave Time
XXIV Terminal Leave Benefit
XXV Term and Renewal
Schedule A Salaries (Officers Hired Prior to January 1, 2012)
Schedule B Salaries (Officers Hired After January 1, 2012)

Section III: Except as otherwise provided in the text of the CBA, the terms shall be effective as of January 1, 2022.

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

Section V: Ordinance 1269-2018 is hereby repealed.

This ordinance shall be effective upon final passage and publication in accordance with the law.

It was moved by Councilman Messler and seconded by Councilwoman Pater that this ordinance be passed on first reading and advertised in full for a public hearing on December 21, 2021.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

MOTION:

The following motion was unanimously approved:

1. Approval for Kyle Cravo to join the Junior Firemen's Auxiliary Program

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 23rd day of November 2021, 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 $268,439.18 (Copy of bill list attached).

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0

COUNCIL COMMENTS:

Councilwoman Andre invited residents to the Menorah and Tree Lighting Ceremonies.

Councilman Dierkes mentioned Santa Express hosted by the Fire Department.

Councilwoman Pater spoke about upcoming events including the Village Shop, Holiday Crafting and Senior Programs.

Councilman Messler spoke about leaf collection.

Councilman Matejek informed residents that there is a school bus driver shortage.

Mayor Mirabelli wished everyone a Happy Thanksgiving.

AUDIENCE PARTICIPATION:

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

Upon a motion by Councilwoman Pater and a second by Councilman Matejek, the meeting was unanimously adjourned at 8:01 P.M.

_____
Martha Lopez, RMC
Borough Clerk