REGULAR MEETING
JUNE 15, 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 7:36 PM.

INVOCATION: Councilwoman Pater
SALUTE TO THE FLAG
ROLL CALL

PRESENT: Mayor Mirabelli, Councilman Dierkes, Councilman Matejek, Councilman Messler, Councilwoman Pacifico, Councilwoman Pater, Attorney Post and Administrator Mortimer. Also present were Public Works Director Matthew DeAnna, Senior Coordinator Kim Moriak, Assistant Recreation Director Samantha Grindlinger and Police Chief Joseph Giannuzzi. Council President Andre was absent.

APPROVAL OF MINUTES:

Upon motion by Councilman Dierkes a second by Councilman Messler, the minutes of the Executive Session Meeting held on May 4, 2021 were approved. Roll Call: Ayes: Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

Upon motion by Councilman Dierkes a second by Councilwoman Pacifico, the minutes of the Regular Session Meeting held on May 18, 2021 were approved. Roll Call: Ayes: Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

Upon motion by Councilman Dierkes a second by Councilman Messler, the minutes of the Work & Executive Session Meetings held on June 1, 2021 were approved. Roll Call: Ayes: Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

Police Awards were presented to the following:

Corporal Donald Amberg
Officer Ryan Carr
Officer James Debbie III
Officer Christopher Feighner
Officer Jonathan Hagan
Officer Alexandra Harris
Officer Nicholas Hussey
Officer Eric Pastore
Officer Kevin Pierre
Officer William Sforza
Officer Timothy Stasyshyn
Officer Andrew Yasinski

RESOLUTIONS OF CONGRATULATIONS: Deerfield School Valedictorian David J. Pattathil and Salutatorian Jason George Habedank, Jr. were unanimously approved.

RESOLUTIONS:

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

RESOLUTION 64-2021

WHEREAS, the New Jersey Transportation Trust Fund Authority Act has provided funds for the improvement of municipal roads through the New Jersey Department of Transportation; and

WHEREAS, the Borough of Mountainside desires to apply for a grant for local aid funds for improvements of municipal roads; and

WHEREAS, the Borough Engineer will prepare the application for the grant for local aid for sections of roadways known as:

MOUNTAINSIDE LIBRARY PARKING LOT, WATCHUNG PLAZA, BIRCH HILL ROAD & ROLLING ROCK ROAD

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Mountainside formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Mountainside and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

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

RESOLUTION 65-2021

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:

Overpayments Due to Bank
Corelogic
Centralized Refunds
P. O. Box 9202
Coppell, TX 75019-9978

Block	Lot	Amount	
3.16	132	3,204.48	261 Friar Lane
5.07	1	2,841.99	330 Short Drive
16.06	9	3,895.82	1257 Cedar Ave.
16.09	19	2,703.72	1267 Virginia Ave.

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

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

RESOLUTION 66-2021

AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OFOCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2026

WHEREAS, the Morris County Cooperative Pricing Council ("MCCPC") was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Borough of Mountainside desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency to renew its membership in the MCCPC for the period of October 1, 2021 through September 30, 2026.

BE IT RESOLVED, by the Borough of Mountainside, County of Union, State of New Jersey as follows:

1. The Governing Body of the Borough of Mountainside hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2021 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2021 through September 30, 2026.

2. The Borough of Mountainside Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.

3. This Resolution shall take effect immediately upon final passage according to law.

4. All appropriate Borough of Mountainside officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

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

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

RESOLUTION 67-2021

WHEREAS, the CFO Jill Goode requested the following refund; and

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

Applicant	Reason	Amount
Suburban Municipal JIF c/o Qual-Lynx 30 Knightsbridge Road Piscataway, NJ 08854	Excess Funds Rec'd Workman Comp Claim	$568.11

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

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

RESOLUTION 68-2021

WHEREAS, Alpine at Mountainside, LLC provided a performance guarantee for site plan improvements; and

WHEREAS, all site improvements have been completed and approved prior to release of the certificate of occupancy; and

WHEREAS, the Borough Engineer Mike Disko, Jr. has recommended that the performance guarantee should be fully released and terminated and any escrow paid to the borough be returned.

WHEREAS, a caveat to the performance guarantee release would require a two-year landscaping maintenance bond.

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be hereby authorized to release and terminate the performance guarantee and return the escrow to the following:

Applicant	Amount
Alpine at Mountainside, LLC 1496 Route 22	N/A

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

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

RESOLUTION 69-2021

WHEREAS, there exists a vacancy in the position of P/T Senior Citizen Handyman; and

WHEREAS, Borough Administrator Glenn Mortimer has recommended that the Borough Council take action to hire Casey Olohan, to fill this position.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Mountainside that Casey Olohan be appointed as a P/T Senior Citizen Handyman at a rate of $20.00 per hour, effective June 4, 2021.

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

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

RESOLUTION 70-2021

WHEREAS, there exists a vacancy in the position of P/T Fire Prevention Official; and

WHEREAS, Borough Administrator Glenn Mortimer has recommended that the Borough Council take action to hire Patrick Renaldi, to fill this position.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Mountainside that Patrick Renaldi be appointed as a P/T Fire Prevention Official at a rate of $40.00 per hour, not to exceed 6 hours a week, effective June 16, 2021.

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

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

RESOLUTION 71-2021

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 2021 for the below amount sums of which item is now available as a revenue from:

Public & Private Revenues off-set with Appropriations:
2021 Infrastructure & Municipal Aid Grant Program ($40,000)
2021 Clean Communities Grant ($15,382.56)

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"
2021 Infrastructure & Municipal Aid Grant Program ($40,000)
2021 Clean Communities Grant ($15,382.56)

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

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

RESOLUTION 72-2021

WHEREAS, the following applicants for Plenary Retail Consumption, Plenary Retail Distribution and Club License have complied with the provisions of R.S. Title 33, Intoxicating Liquors, c.1 Alcoholic Beverage Law; and

WHEREAS, these applications have been inspected by the Board of Health and Fire Prevention Official and license renewals will be issued upon their approval.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that pursuant to the statute in such case made and provided that the following Plenary Retail, Plenary Distribution and Club Licenses for the period of July 1, 2021 to June 30, 2022 be and the same are hereby granted:

2010-31-011-001	Mountainside Lodge BPO ELKS #1585 1193 Route 22	$ 188
2010-32-002-003	Breezy Point Inc., t/a Chrone's Tavern 906 Mountain Ave	2,500
2010-33-004-006	Las Medulas LLC, t/a Spanish Tavern 1239 Route 22	2,500
2010-33-005-006	Stage House Tavern 3, LLC 1099 Route 22	2,500
2010-33-007-004	1230 Rt 22 Restaurant, LLC t/a Arirang Hibachi Steakhouse and Sushi Bar, 1230 Route 22	2,500
2010-33-008-005	Mosaico Café Inc. 1072 Route 22	2,500
2010-33-009-007	Famous Daves Ribs Inc. 1443 Route 22 East	2,500
2010-33-010-006	Ciro 56 Inc. t/a Publick House 899 Mountain Ave	2,500
2010-33-012-007	Echo Park Food, LLC t/a Echo Tap & Grille 1079 Route 22	2,500
2010-44-001-004	Minio Group Inc. t/a Vine Republic 1267 Route 22	2,500

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

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

RESOLUTION 73-2021

WHEREAS, the Mayor and Council of the Borough of Mountainside, County of Union, awarded a contract on March 16, 2021, to Topline Construction Corp. for Resurfacing of Long Meadow and Beechwood Court in the amount of $254,050.62; and

WHEREAS, the Borough Engineer has submitted Change Order No. 1 in the amount of $50,762.33; and

WHEREAS, as a result of the change order the contract will be amended to $304,812.95.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of the Mountainside that the change order for the increase in the contract is authorized according to Change Order No. 1 presented and the revised contract amount is $304,812.95.

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

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

RESOLUTION 74-2021

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following are the 2021 Base Salaries for the office and positions indicated:

A&E	
Borough Administrator	$72,775.00
Borough Clerk/Registrar	$99,625.60
QPA	$5,989.67
Deputy Borough Clerk/Deputy Registrar	$48,322.86
Board of Health Secretary	$4,016.00
Mayor	$3,570.43
Councilman	$1,785.22
OEM Deputy (A. Pecorelli)	$2,562.50
OEM Coord.	$9,737.50
FINANCE	
Finance Assistant (K. Vilarino)	$45,176.88
Finance Assistant (M. Kacifa)	$44,075.00
Chief Financial Officer	$105,581.77
Tax Collector (P/T)	$39,647.28
POLICE	
Police Chief/Deputy OEM	$152,340.63
Administrative Assistant	$50,432.99
Records Clerk	$21.75
Nicole Griffiths P/T	$25.63
Communications Officers	
Walter Kutsop	$61,569.47
Lewis Giordano	$61,569.47
Michael Scuderi	$61,569.47
Anthony DeLuca	$58,637.54
Crossing Guards:	
Janice Sileo	$19.42
Mario Magliacano	$19.86
Patricia Salvato	$21.51
Robert Vargo	$21.08
BUILDING	
Construction/Fire Prevention Secretary	$47,278.13
Secretary: Engineer/DPW/Shade Tree/Recycling	$45,677.19
Plumbing Inspector (P/T)	$39.90
Electrical Inspector (P/T)	$48.63
Construction Code Official	$31,466.78
PUBLIC WORKS	
Thomas Root	$57,789.08
Richard Neri	$54,103.27
Oscar Cardona	$49,748.23
Horacio Colella	$46,583.98

Ed Parin	$43,257.70
DPW Manager	$84,972.50
Deputy OEM (M.Deanna)	$9,455.63
Engineer (P/T)	$71,450.73
Tax Assessor (P/T)	$20,768.08
Assistant to Assessor	$5,292.87
Certified Wastewater & Treatment Operator	$3,625.62
COURT	
Court Administrator	$70,409.90
Deputy Court Administrator	$50,490.41
Municipal Judge (P/T)	$32,728.88
Municipal Prosecutor (P/T)	$28,392.66
Court P/T (R. Burns)	$15.38
MISCELLANEOUS	
Cable TV Tech (M.Flynn)	$21.01
Senior Citizen Coordinator	$46,637.50
Senior Citizen Van Driver	$18.15
Planning Board	$26.65
RECREATION	
Director/Pool Manager	$94,193.56
Secretary/Pool Bookkeeper	$45,677.17
Recreation Ass't Director	$48,999.54
Pool Manager	$12,967.63
Asst. Pool Mgr. (Laudati)	$8,426.82
Asst. Pool Mgr. (Chiariello)	$7,943.75
Returning Playground Staff	+2.5%

THEREFORE, BE IT RESOLVED, that the salary paid each office or position for the calendar year 2021, as established by this Resolution of the Governing Body, shall be retroactive to January 1, 2021.

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

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

RESOLUTION 75-2021

RESOLUTION AUTHORIZING APPROPRIATE BOROUGH OFFICIALS TO SIGN A CONTRACT FOR THE PURCHASE OF LOTS 15.01 AND 15.03 IN BLOCK 14, COMMONLY KNOWN AS 90 NEW PROVIDENCE ROAD AND 903 MOUNTAIN AVENUE, RESPECTIVELY, IN THE BOROUGH OF MOUNTAINSIDE

WHEREAS, Don Don Realty, LLC (the "Owner") owns real property located at Lots 15.01 and 15.03 in Block 14, commonly known as 90 New Providence Road and 903 Mountain Avenue, respectively, in the Borough of Mountainside (collectively referred to as the "Property"); and

WHEREAS, the Borough of Mountainside (the "Borough") intends to purchase the Property, along with Beautiful Mountainside, a not-for-profit corporation formed by Mountainside residents that is assisting the Governing Body in acquiring the Property for the development of a park; and

WHEREAS, the Borough is permitted to purchase real property; and

WHEREAS, the Borough and Beautiful Mountainside have reached an agreement with the Owner whereby they will purchase the Property from the Owner for the sum of Eight Hundred Twenty Thousand Dollars ($820,000.00); and

WHEREAS, the Borough, Beautiful Mountainside and the Owner have negotiated the terms of a Contract of Sale.

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

1. The Contract that has been negotiated by the Borough Attorney and the Owner's Attorney is hereby approved.

2. The appropriate Borough Officials be and they hereby are authorized to sign the aforementioned Contract on behalf of the Borough.

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

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

RESOLUTION 76-2021

WHEREAS for seventeen years the Partnership for a Drug-Free New Jersey ("PDFNJ"), Radio Station WRAT 95.9 and the New Jersey Broadcasters Association have sponsored a statewide program named "Your Song! Your Voice! Shout Down Drugs New Jersey music competition;" and

WHEREAS the program challenges high school students to create original music with lyrics that contain peer-to-peer substance use prevention measures; and

WHEREAS as noted by the PDFNJ's Executive Director, our country is going through trying times, and hopefully these substance use prevention songs created for the competition will inspire today's youth with the messages they convey; and

WHEREAS two Mountainside high school students, Margaret Smith and Lauren Gomez, created and performed an original song that they entered in the competition; and

WHEREAS their song – "Bad Decisions/Bad Conditions" – is a strong message to their peers regarding all of the negative consequences for those who use drugs; and

WHEREAS their song can be heard online at the Shout Down Drugs Website; and

WHEREAS their song was among the 14 finalists from seven different counties in the State.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that they do hereby:

1. Commend Lauren Gomez and Margaret Smith for the leadership and initiative they demonstrated in entering the competition; and

2. Add our voices to their song – “Bad Decisions/Bad Conditions” - in an effort to motivate and inform their peers to refrain from substance abuse of whatever kind or description; and

3. Congratulate them that their song was a finalist in this very worthy competition.

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

Resolution 77-2021 was tabled.

ORDINANCE: First Reading (Introduction)

ORDINANCE 1296-2021

AN ORDINANCE BY BOROUGH OF MOUNTAINSIDE, IN UNION COUNTY, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER XXII OF THE LAND USE ORDINANCE OF THE BOROUGH OF MOUNTAINSIDE

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;

- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;

- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;

- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;

- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and

- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer"), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Governing Body of the Borough of Mountainside has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on Mountainside in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Mountainside's residents and members of the public who visit, travel, or conduct business in Mountainside, to amend Mountainside's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Mountainside; and

WHEREAS, officials from two prominent non-profit organizations established for the purpose of advising New Jersey municipalities on legal matters (New Jersey State League of Municipalities and New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts.

NOW THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Mountainside, as follows:

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Borough of Mountainside. Licensed cannabis delivery services situated outside the geographic boundaries of the Borough may deliver cannabis items and related supplies within the Township as permitted by the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq.

2. Chapter XXII of the Mountainside Municipal Code is hereby amended by adding to the list of prohibited uses, the following: "All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a licensed cannabis delivery service."

3. Any article, section, paragraph, subsection, clause, or other provision of the Mountainside Municipal Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

5. This ordinance shall take effect upon its passage and publication and filing with the Mountainside Planning Board, and as otherwise provided for by law.

It was moved by Councilman Messler and seconded by Councilwoman Pacifico that this ordinance be passed on first reading and advertised in full for a public hearing on July 20, 2021.

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

BILLS & CLAIMS:

The following resolution was introduced by Councilman Dierkes and seconded by Councilwoman Pacifico:

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 15th day of June 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 $521,312.70 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilman Dierkes announced Juneteenth, a holiday that celebrates the emancipation of those who had been enslaved in the US in 1865. He also mentioned upcoming events.

Councilwoman Pater reported upcoming Historical Restoration events.

Councilwoman Pacifico provided upcoming Library events.

Mayor Mirabelli announced the 4th of July Fireworks.

AUDIENCE PARTICIPATION:

JD Bryden, Summit Lane, was pleased the meetings were back in person.

Upon a motion by Councilman Dierkes and a second by Councilman Messler, the meeting was unanimously adjourned at 8:23 P.M.

_____
Martha Lopez, RMC
Borough Clerk