

**WORK SESSION MEETING
APRIL 9, 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.

PRESENT: Mayor Mirabelli, Councilwoman Andre, Councilman Dierkes (by phone), Councilman Matejek, Councilman Rinaldo, Attorney Post and Administrator Mortimer. Also present were Public Works Director Matthew DeAnna, Recreation Director Frank Masella, Assistant CFO Justyna Zagorska, Senior Coordinator Kim Moriak, Police Chief Joseph Giannuzzi and Engineer Mike Disko. Councilman Messler and Council President Pacifico were absent.

Discussion was held regarding a request from the Finance Officer to purchase gift checks for Deerfield School Graduation Class Valedictorian and Salutatorian. Council approved two gift checks in the amount of \$300 and \$200. The proper resolution will be prepared for the meeting of April 16, 2024.

Discussion was held regarding the Memorial Day Parade donation. A ceremony will take place followed by the parade. The Council will donate \$500 for those activities. The proper resolution will be prepared for the April 16, 2024 meeting.

Discussion was held regarding authorization to enter into a grant agreement with the Department of Human Services Division of Planning for a Municipal Drug Alliance Grant. The grant period is effective through a fiscal year cycle for 2024-2025 and covers anti-drug and anti-alcohol programs. The proper resolution authorizing the grant agreement will be prepared for the meeting of April 16, 2024.

Discussion was held regarding the appointment of the CFO and resolution amendments. Justyna Zagorska will replace Jill Goode upon her retirement. Resolutions need to be amended to reflect the change. The proper resolutions will be prepared for the meeting of April 16, 2024.

Discussion was held regarding authorization to auction surplus property. Two ford explorers, bicycles, and police vehicle equipment which are no longer useful to the borough and should be auctioned. The vehicles could possibly be donated to other departments. The council approved the sale of surplus property and the resolution will be prepared for the April 16, 2024 meeting.

Discussion regarding a stop sign at Sunny View was tabled.

Discussion was held regarding the purchase of radio communication equipment for upgrades to the 9-1-1 call center. The proper resolution will be prepared for the meeting of April 16, 2024.

Discussion was held regarding the approval to appoint Otabek Khudabergenov as a new Volunteer Firefighter. Fire Chief Peter Esemplare recommends the appointment and the background check has been cleared. A motion for approval will take place at the meeting of April 16, 2024 meeting.

Discussion was held regarding a request from the Finance Officer for a Chapter 159 resolution to include special items of revenue into the 2024 municipal budget for the Recycling Tonnage Grant \$13,928.67 and the American Rescue Plan Firefighter Grant \$50,000. The proper resolution will be prepared for the meeting of April 16, 2024.

Discussion was held regarding Mental Health Awareness Month. In order to support mental wellness, green ribbons will be posted, the library will host a program and council will pass a resolution.

Discussion was held regarding a department refund. The police department would like to refund a commuter parking permit that is no longer needed. The proper resolution will be prepared for the April 16, 2024 meeting.

Discussion was held regarding a pool party waiver request. The Mountainside PTO has requested the use of the facilities at the Mountainside Community Pool. They have requested that the fee of \$400 normally charged be waived. The proper resolution will be prepared for the April 16, 2024 meeting.

Discussion was held regarding the appointment of a PT Plumbing Inspector. The Administrator recommends the appointment of Matthew Devany as the primary Plumbing Inspector and Bashkim Maliqi as the substitute. The borough will continue to explore potential shared services for the building department. The proper resolution will be prepared for the meeting of April 16, 2024.

ORDINANCE: Second Reading (Public Hearing)

ORDINANCE 1329-2024

AN ORDINANCE AMENDING CHAPTER 7-17 OF THE BOROUGH CODE BY ADDING A PROVISION FOR TEMPORARY PARKING PERMITS

WHEREAS, it appears to the Governing Body that property owners in the Borough may be denied the ability to rent otherwise available space in their parking lots for temporary use because such rentals are not authorized by their land use or site plan approvals; and

WHEREAS, the Governing Body has determined that it is in best interests of the Borough, and of such property owners to facilitate such rentals in appropriate cases; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside, that

Section I: Chapter 7, Section 17 of the Mountainside Borough Code be and the same is hereby amended to delete from the Chapter heading of Chapter 7-17, the word “Residential,” so that the Chapter heading would read: “7-17 PERMIT PARKING”, and by the insertion in Chapter 7-17 of the following new Section:

7-17.2 Temporary Parking Permits

- (a) *Permit Requirements.* Pursuant to the Land Development Ordinance of the Borough of Mountainside and the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) parking at properties in the Borough is limited by the land use approval or site plan approval

(b) obtained for a specific property and by the Borough's land use ordinance. On occasion it may be necessary and appropriate to permit parking activities for a limited period of time, under very specific conditions, which parking activities may not have been authorized by the aforesaid land use approval or site plan approval obtained for a such property, or which might otherwise be prohibited by the Borough's Land Development Ordinance.

(c) *Authority to Issue Temporary Parking Permit.* The Zoning Officer of the Borough of Mountainside shall have the power and authority to grant Temporary Parking Permits, provided that the temporary parking will:

1. Not exert a substantially detrimental effect upon the uses of land and activities normally permitted in the zone district in which the activity is proposed;
2. Contribute to the good and welfare of the Borough or its residents; and
3. Be temporary in nature and not substantially undermine the Borough's Master Plan and/or Land Development Ordinance.

(d) *Application Form.* Application for a Temporary Parking Permit shall be made on a form provided by the Zoning Officer, which form shall include:

1. The reason for Temporary Parking Permit.
2. The date that the parking pursuant to the Temporary Parking Permit will commence and the date it will terminate.
3. The hours of the day during which parking will occur pursuant to the Temporary Parking Permit.
4. The types of vehicles that will utilize the Temporary Parking Permit including, with respect to trucks or other commercial vehicles, a description of the vehicle.
5. The number of each type of vehicle and, if known, the identity of the owner of the vehicle.
6. The applicant's status in relation to the property where the temporary parking will occur, whether owner, lessor, or proposed user of the temporary parking.
7. Consideration to be paid to the owner or lessor of the property where the temporary parking will occur for such temporary parking.

(e) *Application Fee and Escrow.* The applicant for a Temporary Parking Permit shall pay to the Borough, at the time the application is filed, a \$250 nonrefundable fee to cover administrative expenses. In addition to the said fee, the Zoning Officer shall have the authority to require an escrow account of up to \$1,000 to be established for the purpose of covering the costs of professional services, including engineering, planning, legal and other expenses connected with the review of the application. The escrow will be held and administered in accordance with the provisions of Subsection 23-13.703 of the Borough Code and the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.).

(f) Temporary Parking Permits issued pursuant to this Subsection 7-17.2 shall not exempt vehicles parked pursuant to such Permits from any of the other Parking requirements or prohibitions of the Borough Code.

Section II: 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.

Section III: 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.

Section IV: 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 Andre that this ordinance be passed on second and final reading and advertised by title only.

Roll Call: Andre, Dierkes, Matejek, Rinaldo. Nays: 0.

BILLS & CLAIMS:

The following resolution was introduced by Councilman Rinaldo and seconded by Councilwoman Andre:

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 9th day of April 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 \$81,033.35 (Copy of bill list attached.)

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

AUDIENCE PARTICIPATION: None

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

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 and contracts 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 7:47 P.M.

The meeting was recalled to public session.

Upon a motion by Councilwoman Andre and a second by Councilman Matejek, the meeting was unanimously adjourned at 8:26 P.M.

Martha Lopez, RMC
Borough Clerk