REGULAR MEETING
FEBRUARY 15, 2022

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 7:32 P.M.

INVOCATION: Councilman Dierkes
SALUTE TO THE FLAG
ROLL CALL

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

APPROVAL OF MINUTES:

Upon motion by Councilman Matejek a second by Councilwoman Pater, the minutes of the Work Session Meeting held on January 18, 2022 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

Upon motion by Councilman Matejek a second by Councilwoman Pacifico, the minutes of the Work & Executive Session Meetings held on February 1, 2022 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

PRESENTATIONS:

Police Department Promotions: Capt. Michael Jackson, Lt. Shaun Bendik, Lt. William Stolting, Sgt. Christopher Feighner

Police Awards were presented to the following:

Officer Atreu Melville
Officer Jonathan Hagan
Officer William Sforza
Officer Nicholas Hussey
Lt. Shaun Bendik
Officer Brendan Carlos
Sgt. Christopher Feighner
Dispatcher Lewis Giordino
Capt. Michael Jackson
Officer Andrew Yasinski
Officer Eric Pastore
Officer Kevin Pierre
Officer James Debbie III
Officer Timothy Stasyshyn
Sgt. Thomas Norton

PROCLAMATIONS:

WHEREAS, Anthony Samuel Inguagiato passed away on January 31, 2022 at age 101; and

WHEREAS, Anthony was a Mountainside resident for the past 68 years; and

WHEREAS, Anthony was a proud Veteran of the US Army where he served in the European Theater and landed on the beaches of Normandy; and

WHEREAS, he was the co-owner with his brother John of Lafayette Mill & Supply Company in Newark until his retirement 30 years ago; and

WHEREAS, Anthony enjoyed riding the Mountainside senior citizen bus, more so as a social event than needing a ride. He also enjoyed trips to Atlantic City, not to gamble, but to enjoy great company. Most of all, Anthony treasured time spent with his grandchildren during their trips to the shore.

NOW, THEREFORE, BE IT RESOLVED that we, the current members of the Governing Body of the Borough of Mountainside, recognize Anthony Samuel Inguagiato and we extend our condolences to his beloved family.

WHEREAS, scouting is a movement that challenges, inspires, and guides young people toward high achievements and high values as expressed in the Scout oath, law, motto, and slogan; and

WHEREAS, Eagle is the highest rank in the Boy Scouting, and requires mastery of difficult challenges in diverse areas; and

WHEREAS, to become an Eagle Scout requires demonstration of good character and community service; and

WHEREAS, only a minority of scouts ever achieves this distinguished accomplishment; and

WHEREAS, Jack Sandholm has demonstrated a special commitment to the Boy Scouts, and has worked with great diligence to successfully complete the requirements for the rank of Eagle; and

WHEREAS, for his Eagle community service project, Jack Sandholm started a GoFundMe to raise money for his project to construct two picnic tables for the Mountainside Elks; and

WHEREAS, Jack took the lead in designing and constructing the picnic tables to help accommodate outdoor events at the Mountainside Elks Club; and

WHEREAS, in addition to earning 38 merit badges, Jack camped for 63 nights, hiked 84 miles and performed 113 hours of community service. He also served in leadership positions including Quartermaster, Patrol Leader, Assistant Senior Patrol Leader, Senior Patrol Leader and Junior Assistant Scoutmaster.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, that they do hereby congratulate Jack Sandholm on attaining the rank of Eagle Scout.

RESOLUTIONS:

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

RESOLUTION 37-2022

WHEREAS, the Borough of Mountainside desires to constitute the 2022 Temporary Capital Budget of said municipality by inserting therein various infrastructure improvements consisting of bank stabilization at various locations, sanitary and storm sewer improvements at various locations and reconstruction or resurfacing of various roads, including drainage improvements and curb construction or reconstruction; traffic pedestrian signal light, and the construction of a DPW building.

NOW, THEREFORE BE IT RESOLVED that the 2022 Temporary Capital Budget of the Borough of Mountainside is hereby constituted by the adoption of a schedule to read as follows:

PROJECT
Various Infrastructure improvements consisting of bank stabilization at various locations, sanitary and storm sewer improvements at various locations and reconstruction or resurfacing of various roads, including drainage improvements and curb construction

Traffic pedestrian signal light

Construction of a DPW building

- METHOD OF FINANCING
Estimated Costs: $1,098,000
Capital Improvement Fund: $55,000.00
Bond Anticipation Note: $1,043,000.00

The clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services within three days after the adoption of these projects for the 2022 temporary capital budget to be included in the 2022 permanent capital budget as adopted.

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

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

RESOLUTION 38-2022

WHEREAS the Mountainside PTO traditionally sponsors a party at the Mountainside Municipal Pool for the students graduating from the 8th Grade of the Mountainside School District; and

WHEREAS the Mountainside PTO has requested that the Borough waive the $400 fee which would otherwise be charged in order to defray the expenses associated with keeping the pool open for the party; and

WHEREAS the Governing Body has, in the past, waived such fee in order to enable the organization to use those funds towards other expenses.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the pool fee of $400, which would be payable by the Mountainside PTO for the use of the Mountainside Municipal Pool to hold their pool party, be and the same is hereby waived.

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

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

RESOLUTION 39-2022

WHEREAS, the Construction Official has requested a refund to the following individual; and

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

Applicant	Permit	Amount
Public Service Electric & Gas 48 Middle Avenue Summit, NJ 07901	Furnace/Condenser Replacement	$358.00

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

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

RESOLUTION 40-2022

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 Rutland B. Paal, Jr., to fill this position.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Mountainside that Rutland B. Paal, Jr. is hereby appointed as Interim Fire Prevention Official at a rate of $40.00 per hour, effective February 15, 2022 to March 31, 2022.

BE IT FURTHER RESOLVED, that the Borough Clerk shall transmit a certified copy of this resolution to the New Jersey Department of Community Affairs.

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

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

RESOLUTION 41-2022

BE IT RESOLVED by the Governing Body of the Borough of Mountainside that the election or appointment, as the case may be, of the following persons to the positions as Officers of the Mountainside Volunteer Fire Department designated opposite their names be and it hereby is confirmed and approved for the year 2022:

Fire Department

Chief	Peter Esemplare
Assistant Chief	Thomas Triolo - Conditional
Deputy Chief	Casy Olohan
Deputy Chief	Gary Cantagalo
Captain	Ed Kweselait 3rd
Captain	Brian Garcia
Lieutenant	Matthew Pristach

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

ORDINANCES: Second Reading (Public Hearing)

ORDINANCE 1307-2022
AN ORDINANCE AMENDING CHAPTER XXIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAINSIDE BY SETTING THE MEMBERSHIP FEES FOR USE OF THE MOUNTAINSIDE COMMUNITY POOL

BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that Chapter XXIII of the Borough Code be, and the same is amended and restated as follows:

Pool Membership Fees:
a. The resident and full-time employee membership fees and guest fees shall be as follows:

1. Family Membership:	
(I) Family Membership	$362.00
(ii) Each unmarried child over 21 living at home or parent living with the family	130.00
2. Single Membership: 16 years of age or older	187.00
a. A Two Adult Membership: 18 years or older living in the same Mountainside address	345.00
3. Senior Citizen Membership: 62 years of age or older	130.00
4. A child under the age of 16 joining as part of a family, single or senior citizen membership of a relative, if both the child and the membership are resident	187.00
5. A resident person age 14 or 15 employed by a family as a parent's helper joining that family's membership	187.00

6. Single Parent/Child 309.00

7. Au Pair/Nanny 130.00

8. Guest daily fee:	Weekend/ Holidays	Weekdays
(I) Adult	12.00	10.00
(ii) Under 18 years of age	10.00	8.00

9. House guest weekly fee (non-resident eating and sleeping in member's home:
   (I) 18 years of age or younger 25.00
   (ii) Over 18 years of age 30.00

10. Individuals on active military duty who are residents shall be admitted free.

11. A family membership composed of only two persons shall be entitled to ten complimentary guests.

12. A single membership shall be entitled to five complimentary guests.

13. A senior citizen membership shall be entitled to two complimentary guests.

14. A family, senior citizen or single membership shall receive two complimentary guest passes if the membership fees paid in full on or before April 15 of the membership year.

15. A two adult membership shall be entitled to five complimentary guests.

b. Non-resident membership fees and guest fees shall be as follows:

1. Family Membership:
   (I) Family membership 654.00
   (ii) Each unmarried child over 21 living at home parent living with family 130.00

2. Single Membership: 16 years of age or older 330.00

3. Senior Citizen membership: 62 years of age or older 227.00

4. A child under the age of 16 joining as part of a family, single or senior citizen membership of a relative, if both the child and membership are non-resident 330.00

5. A non-resident person age 14 or 15 employed by a family as a parent's helper joining that family's membership 330.00

6. Guest daily fee:	Weekend/ Holidays	Weekdays
(I) Adult	12.00	10.00
(ii) Under 18 years of age	10.00	8.00

7. House guest weekly fee:

(I) 18 Years of age or younger	25.00
(ii) over 18 years of age	30.00

8. Registration fee payable for first year membership only:

(I) Single Membership	35.00
(ii) Family Membership	65.00

9. A family membership composed of only two persons shall be entitled to ten complimentary guests.

10. A single membership shall be entitled to five complimentary guests.

11. A senior citizen membership shall be entitled to two complimentary guests.

12. A family, senior citizen or single membership shall receive two complimentary guest passes if the membership fees are paid in full on or before April 15 of the membership year.

BE IT FURTHER ORDAINED that if any fees set by this ordinance or otherwise collected by the Recreation Department are paid by credit card, an additional charge equal to the percentage of such fees charged the Borough by the credit card issuer shall be applied.

BE IT FURTHER ORDAINED, that all other sections of Chapter XXIII shall remain unchanged.

This ordinance shall take effect twenty days after the first publication hereof after final passage.

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 1308-2022
BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF MOUNTAINSIDE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF $1,098,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

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

Section 1. The Borough of Mountainside, in the County of Union, State of New Jersey (the "Borough") is hereby authorized to make various public improvements in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (l) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Installation of a pedestrian crossing signal in the vicinity of the Mountainside Community Pool entrance on Mountain Avenue.

Appropriation and Estimated Cost	$ 10,000
Down Payment Appropriated	$ 500
Bonds and Notes Authorized	$ 9,500
Period of Usefulness	10 years

B. Undertaking of the following infrastructure improvements: (i) bank stabilization at various locations, (ii) sanitary and storm sewer improvements at various locations and (iii) reconstruction or resurfacing of various roads, including drainage improvements and curb construction or reconstruction, where necessary, as set forth on a list prepared by the Borough Engineer on file or to be placed on file with the Borough Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the list referred to in clause (iii) of the preceding sentence. It is hereby determined and stated that said roads to be improved are or will be of at least "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	$ 248,000
Down Payment Appropriated	$ 14,500
Bonds and Notes Authorized	$ 233,500
Period of Usefulness	10 years

C. Construction of a Department of Public Works Garage at 1329 Route 22. It is hereby determined and stated that said public building being constructed will be of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	$ 840,000
Down Payment Appropriated	$ 40,000

Bonds and Notes Authorized	$ 800,000
Period of Usefulness	30 years

Aggregate Appropriation and Estimated Cost	$1,098,000
Aggregate Down Payment Appropriated	$ 55,000
Aggregate Amount of Bonds and Notes Authorized	$1,043,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of $50,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding $55,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of $55,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding $1,043,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding $1,043,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 25.34 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by $1,043,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

It was moved by Councilman Dierkes and seconded by Councilwoman Pater that this ordinance be passed on first reading and advertised in full for a public hearing on March 15, 2022.

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

First Reading (Introduction)

ORDINANCE 1309-2022
AN ORDINANCE AMENDING CHAPTERS XV STREETS AND SIDEWALKS AND CHAPTER XXIII FEES OF THE MOUNTAINSIDE BOROUGH CODE

BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that Chapter XV Streets and Sidewalks and Chapter XXIII Fees of the Mountainside Borough Code be amended as follows:

Chapter 15-5.1 Permit Required For Street Excavations; Deposit shall be amended to provide as follows:

No person shall excavate or open or cause to be excavated or opened any public right-of-way, street or portion of the street in the Borough for the purpose of laying any water, gas, electric or drainage main or lateral pipe or conduit, or for any other purpose, without first having obtained a permit from the Borough Engineer and having paid to the Borough Clerk the Excavation Permit Fee set forth in Chapter XXIII, Fees of this code. If the opening is intended to serve more than one property then an Excavation Permit Fee shall be payable for each property the opening is intended to serve.

Chapter 15-5.3 Permit For Service Connections shall be deleted.

Chapter 15-5.6 Bonds shall be amended to provide as follows:

When the work to be done includes the opening of a paved or graded street, if the applicant is not a public utility company the applicant shall be required to place a bond with the Borough in an amount to be determined by the Borough Engineer and sufficient to guarantee complete repairs by the applicant. The amount of such bond shall be no less than $1,500. The bond shall be returned to applicant upon resolution by the Mayor and Council and certification by the Borough Engineer of satisfactory completion.

Chapter 15-5.9 Public Utility Companies shall be amended to provide as follows:

Public utility companies shall be required to obtain a permit from the Borough Engineer in order to do work within the public right-of-way. Permit fees shall be charged for public utility companies.

The title of Chapter 15-6.1 Five Year Restriction on Road Openings shall be changed to be Five and Ten Year Restrictions On Road Openings and the first sentence of Chapter 15-6.1 shall be amended to provide as follows:

Notwithstanding the above, permission shall not be granted for the opening of a Borough road within five (5) years of the completion of the repaving of such road if the opening is intended to serve a single property and within ten (10) years if the opening is intended to serve more than one property.

Chapter 23-11 Streets And Sidewalks shall be amended to provide as follows:

Description	Code Section	Fee
Excavation Permit Fee for each property to be served	Ch. 15-5.1	$500.00

It was moved by Councilman Messler and seconded by Councilwoman Andre that this ordinance be passed on first reading and advertised in full for a public hearing on March 15, 2022.

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

First Reading (Introduction)

ORDINANCE 1310-2022
AN ORDINANCE AMENDING CHAPTER XIII OF THE CODE OF THE BOROUGH OF MOUNTAINSIDE TO AMEND THE SECTION ENTITLED "FIRE PREVENTION AND PROTECTION"

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 *et seq.* permits local units of this State to enter into a contract with any other local unit for the joint provisions within their combined jurisdictions of any service which any party to the agreement is empowered to render within its jurisdiction; and

WHEREAS, the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, desire to enter into a Shared Services Agreement with the Township of Scotch Plains for the shared services of the Township of Scotch Plains' Fire Official; and

WHEREAS, the Governing Body of the Borough of Mountainside and the Township of Scotch Plains have authorized and approved of this Agreement by resolution duly adopted pursuant to N.J.S.A. 40A:65-5 of the Uniform Shared Services Consolidation Act.

WHEREAS, certain sections of Chapter XIII Fire Prevention and Protection of the Borough Code require amendments as set forth herein.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside, that CHAPTER XIII, FIRE PREVENTION AND PROTECTION IS HEREBY AMENDED as follows:

Section I.

Article 13-2 AGENCY DESIGNATION is hereby amended and restated in its entirety as follows:

> The local enforcing agency shall be the Township of Scotch Plains pursuant to a shared services agreement, effective April 1, 2022, between the Borough of Mountainside and the Township of Scotch Plains, which is incorporated by reference herein. A copy of said agreement is on file in the municipal clerk's office.

Article 13-5 ORGANIZATION is hereby repealed in its entirety AND REPLACED WITH ARTICLE 13-5 RECORDKEEPING

> The Fire Official shall maintain all records of its activities on file in accordance with the shared services agreement referred to in § 13-2 above.

Article 13-6 APPOINTMENTS; TERM OF OFFICE; REMOVAL and all subsections are hereby repealed in their entirety.

Article 13-8 ADDITIONAL REQUIRED INSPECTIONS AND FEES and all subsections is hereby amended and restated in its entirety as follows:

> Additional required inspections and fees associated with fire prevention and protection are collected by the Township of Scotch Plains as outlined in the shared services agreement referred to in § 13-2 above and in accordance with § 17-1.8 and § 17-1.9 of the Code of The Township of Scotch Plains."

Article 13-9 PERMITS is hereby repealed in its entirety AND REPLACED WITH ARTICLE 13-9 VIOLATIONS AND PENALTIES

Violations and penalties shall be as prescribed by N.J.S.A. 52:27D-207 through 52:27D-211 and as set forth in the New Jersey Administrative Code pursuant to duly adopted regulations of the Department of Community Affairs.

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: Except as otherwise provided in the text of the Shared Services Agreement, the terms shall be effective as of April 1, 2022.

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

It was moved by Councilman Matejek and seconded by Councilman Messler that this ordinance be passed on first reading and advertised in full for a public hearing on March 15, 2022.

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

MOTION:

The following motion was unanimously approved:

1. Approve raffle application from Our Lady of Lourdes Church for an off premise 50/50 draw raffle

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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 February 2022, 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 $160,398.62 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilman Dierkes thanked the fire department members who responded to a fire at the Stage House Tavern on Super Bowl Sunday.

Councilman Matejek announced the Deerfield School Annual Musical.

Councilwoman Pater mentioned the reopening of the Village Shop.

AUDIENCE PARTICIPATION:

Kenny Ilgavizis, Mountainside Active Retirees Representative, announced the sale of a sweets cookbook and gave special thanks to those who contributed to its publication.

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

Upon a motion by Councilman Dierkes and a second by Councilwoman Andre, the meeting was unanimously adjourned at 8:29 P.M.

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Martha Lopez, RMC
Borough Clerk