

**REGULAR MEETING  
FEBRUARY 18, 2020**

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 7:31 P.M.

**INVOCATION:** Councilman Dierkes  
**SALUTE TO THE FLAG**  
**ROLL CALL**

**PRESENT:** Mayor Mirabelli, Councilman Dierkes, Councilman Messler, Councilwoman Pacifico, Councilwoman Pater, Administrator Atkins and Attorney Post. Also present were Police Chief Joseph Giannuzzi, Recreation Director Frank Masella, CFO Jill Goode and Public Works Director Matthew DeAnna. Councilwoman Andre and Councilman Turner were absent.

**APPROVAL OF MINUTES:**

Upon motion by Councilman Dierkes a second by Councilman Messler, the minutes of the Regular Meeting held on January 21, 2020 were approved. Roll Call: Ayes: Dierkes, Messler, Pacifico, Pater. Nays: 0.

Upon motion by Councilman Dierkes a second by Councilwoman Pater, the minutes of the Work & Executive Session Meetings held on February 4, 2020 were approved. Roll Call: Ayes: Dierkes, Messler, Pacifico, Pater. Nays: 0.

-----

**PRESENTATION:**

Police Awards were presented to the following:

- Officer James Urban
- Corporal Jeffrey Stinner
- Officer William Sforza
- Officer Jonathan Hagan
- Officer Eric Pastore
- Corporal Thomas Norton
- Corporal William Stolting
- Police Officer Kevin Pierre
- Detective Corporal Shaun Bendik
- Sergeant Richard Latargia
- Detective Christopher Feighner
- Officer Stephen DeVito
- Officer Nicholas Hussey
- Officer Ryan Carr
- Officer Andrew Yasinski

**PROCLAMATIONS:**

**FRIENDS OF THE MOUNTAINSIDE PUBLIC LIBRARY**

WHEREAS, every year the libraries of Union County gather and give out awards for contributions to libraries from community members in the following categories; Businesses, elected officials, friends, trustees, volunteers, library advocates and staff members; and

WHEREAS, the 2019 award for “Friends Group of the Year” went to the Friends of the Mountainside Public Library for their dedication and hard work; and

WHEREAS, in 2019 the Friends donated over \$20,000 to the library, including paying for all of our programming, paid for our website maintenance, funded the entire museum pass program, and purchased materials for our childhood reading programs – such as 1000 books before kindergarten and prizes for our summer reading program. The friends work tirelessly running book sales, a holiday sale and a boutique sale, along with their membership drives to raise money to support the library; and

WHEREAS, a recent Gallup poll reported that American adults visit the library more than they attend the movies, live sporting events, museums, concerts amusement parks, and casinos. The effort of this small but mighty group of dedicated volunteers is why libraries remain so popular. They are fierce and loyal advocates of the libraries mission and help support this community resource that provides access to everyone in Mountainside.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Mountainside hereby commend the Friends of the Mountainside Public Library for being the recipients of the “2019 Friends Group of the Year Award”.

-----

### **YOUTH ART MONTH 20 20**

WHEREAS, art education contributes powerful educational benefits to all elementary, middle and secondary students including the following:

- Art education develops students’ creative problem-solving and critical thinking abilities; and
- Art education teaches sensitivity to beauty, order and other expressive qualities; and
- Art education gives students a deeper understanding of multi-cultural values and beliefs; and
- Art education reinforces and brings to life what students learn in other subjects; and
- Art education interrelates student learning in art production, art history, art criticism and aesthetics; and

WHEREAS, our national leaders acknowledged the necessity of including arts experiences in all students’ education; and

WHEREAS, March is officially recognized as YOUTH ART MONTH, I endorse the observance of YOUTH ART MONTH and encourage the support of quality school art programs for children and youth.

NOW, THEREFORE, I Mayor Paul N. Mirabelli do endorse March 2020 as YOUTH ART MONTH.

**RESOLUTIONS:**

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

**RESOLUTION 36-2020**

WHEREAS, the students of the 2020 Graduating Class of Governor Livingston High School have determined to have an Alcohol and Drug Free Graduation Party during the hours immediately following graduation until the following morning to be held at Rutgers; and

WHEREAS, the Governing Body of the Borough of Mountainside wishes to support this decision to have a graduation celebration free from the serving of alcohol and thereby assuring that there will be no students who have attended this graduation party driving under the influence of liquor or drugs; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that \$300.00 shall be given to the Fund Raising Committee of "PROJECT GRADUATION" toward the expenses incurred for the 2020 Alcohol Free Graduation Party of Governor Livingston High School.

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

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

**RESOLUTION 37-2020**

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 payments Due to Banks/Title Company/Lawyer

CoreLogic  
Centralized Refunds  
P. O. Box 9202  
Coppell, TX 75019-9978

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
5.17	17	\$2,439.85	1111 Maple Court
15.09	48.10	\$3,318.87	208 Echo Ridge Way

Wells Fargo Real Estate Tax Service  
Attn: Refund/Financial Support  
P. O. Box 14506  
Des Moines, IA 50309

16	65	\$3,765.90	1260 Cedar Ave.
----	----	------------	-----------------

Eugene Perrotta, Esq.  
Perrotta, Fraser & Forester, LLC  
16 Valley Road  
Clark, NJ 07066

8.04            9                    \$3,773.37                    177 Chipmunk Hill

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

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

**RESOLUTION 38-2020**

WHEREAS, the Borough requires an Attorney to perform services for the Borough consisting of conducting disciplinary investigations regarding certain members of the Mountainside Police Department; and

WHEREAS, such services constitute professional services within the meaning of N.J.S.A.40A:11-2; and

WHEREAS, the nature of such legal services will not reasonably permit the drawing of specifications or the receipt of competitive bids;

WHEREAS, the Borough of Mountainside desires to appoint such Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and

WHEREAS, the appropriate Borough officials have determined that the value of these services will exceed \$17,500, but will not exceed \$25,000 over the term 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 term of the contract expires on 12/31/2020; and

WHEREAS, William F. Maderer, Esq. (a member of the firm of Saiber LLC) will complete and submit 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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that William F. Maderer, Esq. be and he hereby is appointed to perform legal services consisting of conducting disciplinary investigations regarding certain members of the Mountainside Police Department; and

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

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

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

**RESOLUTION 39-2020**

WHEREAS, the Local Public Contracts Law, specifically, N.J.S.A 40A:11-4.1(b)(3), allows the use of competitive contracting for the operation, management or administration of Animal Control services by the Borough of Mountainside; and

WHEREAS, the Borough of Mountainside is in need of these services; and

WHEREAS, the competitive contracting process was initiated by Resolution 131-2019 adopted by the Mayor and Council on December 17, 2019; and

WHEREAS, on January 22, 2020 the Borough received one (1) response to the Request for Proposals for the operation, management or administration of Animal Control services as follows:

<u>VENDOR</u>	<u>ANNUAL FEE YR 1</u>	<u>ANNUAL FEE YR 2</u>	<u>ANNUAL FEE YR 3</u>
ANIMAL CONTROL SOLUTIONS, LLC	\$15,480.00	\$15,480.00	\$15,480.00

IN ADDITION ARE COST PROPOSALS FOR ANCILLARY SERVICES AS REQUESTED IN PROPOSAL AND ATTACHED HERETO AS EXHIBIT "A"

WHEREAS, the QPA recommends an award to Animal Control Solutions, LLC for three (3) years for the sum of \$46,440.00 for the period from March 1, 2020 to March 31, 2023; and

WHEREAS, the Chief Financial Officer certified the funds are available in the 2020 budget for \$15,480.00 for year one of a three-year contract by Certification of Availability of Funds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, in the County of Union, State of New Jersey that the Mayor is authorized to execute a contract, as follows:

1. That a contract be awarded to Animal Control Solutions, LLC, 2 Marshall Drive, Flemington, New Jersey, 08822, year one \$15,480.00, year two \$15,480.00 and year three \$15,480.00 for the total sum of \$46,440.00 for the period of March 1, 2020 to March 31, 2023 and for all ancillary cost proposals as contained and attached hereto as Exhibit "A"
2. The contract may be extended for two one-year periods at the option of the Borough for \$15,480.00 year four (4) and \$15,480.00 year five (5).
3. That the Clerk publish notice of this award with the information required by N.J.S.A. 40A:11-4.5(g)
4. The annual fee shall be paid in monthly installments of 1/12<sup>th</sup> of the total annual fee for each of the three years of the contract. All other ancillary fees to be paid within 30 days upon receipt of invoice for services rendered.

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

-----

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

**RESOLUTION 40-2020**

WHEREAS, the Recreation Department had previously established fees for various recreation classes; and

WHEREAS, the Recreation Department has determined that a non-refundable administrative fee should be charged for the various recreation classes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following non-refundable administrative fees be charged for Recreation Department classes:

<u>Cost of Class</u>	<u>Non-Refundable Administrative Fee (residents)</u>	<u>Non-Refundable Administrative Fee (non-residents)</u>
Up to \$25	\$ 5.00	\$10.00
\$25-\$34	\$ 6.00	\$12.00
\$35-\$44	\$ 7.00	\$14.00
\$45-\$54	\$ 8.00	\$16.00
\$55-\$64	\$ 9.00	\$18.00
\$65-\$74	\$10.00	\$20.00
\$75-\$84	\$11.00	\$22.00
\$85-\$94	\$12.00	\$24.00
\$95 +	\$13.00	\$26.00

10% use of facility fee for all instructors that run clinics

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

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

**RESOLUTION 41-2020**

BE IT RESOLVED that Mayor Paul N. Mirabelli hereby authorizes the following appointments and terms to the Library Board of Trustees:

Alison Murphy            2020

Ashley Osieja            2022

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

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

**RESOLUTION 42-2020**

WHEREAS, N.J.S.A. 40A:4-58 provides for transfers within certain appropriations within the Reserve Municipal Budget during the first three 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 2019 Municipal Budget exists; and

WHEREAS, it is recommended that these budget transfers be made;

NOW, THEREFORE, BE IT RESOLVED that the following budget transfers be made in the 2019 Municipal Budget Reserves; and

<u>CURRENT ACCOUNT</u>	<u>FROM</u>	<u>TO</u>
Legal, O/E	75,000.00	
Other Expenses Group Insurance	50,000.00	
Police S/W	75,000.00	
Gasoline & Diesel Fuel	25,000.00	
Planning Board, O/E	25,000.00	
Snow Expenses		50,000.00
Capital Improvement Fund		200,000.00
TOTAL	\$250,000.00	\$250,000.00

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

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

**RESOLUTION 43-2020**

WHEREAS, N.J.S.A. 27:5F requires all 9-1-1 Emergency Medical Service Agencies to notify the municipality they serve that their volunteers, employees, applicants, ambulances and equipment meet the standards required by law; and

WHEREAS, the Mountainside Rescue Squad has notified the Governing Body that the Mountainside Rescue Squad is licensed by the State of New Jersey as a basic life support ambulance provider, all ambulances are licensed to provide this service and operate with at least two emergency medical technicians.

THEREFORE, BE IT RESOLVED that the Mayor and Council do hereby certify that, based on the notification from the Mountainside Rescue Squad, the staff, ambulances and ambulance equipment are qualified for providing emergency medical services to the Borough of Mountainside.

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

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

**RESOLUTION 44-2020**

WHEREAS, the year 2020 marks the 100th anniversary of the ratification of the 19th Amendment to the United States Constitution, guaranteeing and protecting women's right to vote; and

WHEREAS, this centennial offers an opportunity to commemorate a milestone of democracy; that the right of citizens of the United States to vote shall not be denied or abridged by the federal or state governments on account of gender; and

WHEREAS, New Jersey has had a long, storied history in the suffrage movement with New Jersey women playing a crucial role in pursuing the rights of women to vote; and

WHEREAS, in 1776 women property owners were enfranchised under the New Jersey State Constitution, which was unique in the nation at the time. However, in 1807, the New Jersey Legislature eliminated the property requirement for voting rights and limited the ballot to white males; and

WHEREAS, in 1867 New Jersey residents Lucy Stone and Harry Blackwell organized the New Jersey Woman Suffrage Association (NJWSA), devoted to gaining women's suffrage; and

WHEREAS, in 1909 New Jersey's first open air suffrage rallies were held in Orange and Newark, led by Dr. Emma O. Gantz and Martha Klatshchken with NJWSA collecting 5,000 signatures for a petition in support of the federal amendment guaranteeing and protecting women's constitutional right to vote; and

WHEREAS, although the 1912 state referendum on woman's suffrage was soundly defeated in the New Jersey Legislature a corner was turned for the New Jersey suffrage movement; and

WHEREAS, in 1913 an automobile rally led by "General" Rosalie Jones traveled through New Jersey on the way to Washington, D.C., in a Suffrage Parade of over 8,000 marchers with many New Jersey women including event organizer Alice Paul; and

WHEREAS, in 1915 a second suffrage constitutional referendum was pursued in New Jersey, New York, Pennsylvania, and Massachusetts with active campaigns by many suffrage organizations, including the "Passing of the Torch of Liberty" via tug boats on the Hudson River from New York to New Jersey, but was defeated in all four states October 1915; and

WHEREAS, in 1917 New Jersey suffragists Allison Turnbull Hopkins, Julia Hulburt, Beatrice Reynolds Kinkead, and Minnie D. Abbott picketed in front of the White House as part of the Silent Sentinels and subsequently were arrested and imprisoned; and

WHEREAS, on June 4, 1919 Congress passed the 19th Amendment guaranteeing all American women the right to vote; and

WHEREAS, on February 9, 1920, New Jersey became the 29th state to ratify the 19th Amendment granting women the right to vote; and

WHEREAS, shortly after the ratification of the 19th Amendment Margaret Laird and Jennie Van Ness were the first two women elected to the New Jersey Assembly in 1921 and in 1925 Rebecca Estelle Bourgeois Winston of Estell Manor was New Jersey's first woman mayor; and

NOW, THEREFORE, BE IT RESOLVED, in honor of the 100<sup>th</sup> Anniversary of the Ratification of the 19th Amendment, the Borough of Mountainside lit up areas of the municipal building in purple, one of the colors of the New Jersey Suffrage movement, for the week of February 10.

BE IT FURTHER RESOLVED that the Borough of Mountainside supports the efforts of New Jersey's Suffrage Centennial NJ Women Vote and strongly encourages local celebrations of this historic milestone.

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

**ORDINANCES:**        Second Reading (Public Hearing)

**ORDINANCE 1278-2020**  
**AN ORDINANCE TO APPROPRIATE THE SUM OF THREE HUNDRED TWENTY-TWO THOUSAND (\$322,000.00) FOR THE RESURFACING OF LONG MEADOW & BEECHWOOD COURT**

WHEREAS, the Governing Body of the Borough of Mountainside have decided to resurface Long Meadow and Beechwood Court; and

WHEREAS, a grant award is now available from NJDOT in the amount of \$322,000.00; 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 \$322,000.00 be and is hereby appropriated for the resurfacing of Long Meadow and Beechwood Court.

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 \$322,000.00.

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

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

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

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

Second Reading (Public Hearing)

**ORDINANCE 1279-2020**  
**AN ORDINANCE AMENDING CHAPTER X, SECTION 1.14, SECTION a. AND b., OF THE CODE OF THE BOROUGH OF MOUNTAINSIDE, NEW JERSEY REGARDING 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 X, Section 1.14-a. and Section 1.14-b. of the Borough Code be, and the same is amended and restated as follows:

10-1.14 Fees Established:

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

- |  |                      |          |
|--|----------------------|----------|
| 1. Family Membership:  |                      |          |
| (I) Family Membership  |                      | \$348.00 |
| (ii) Each unmarried child over 21 living at home<br>or parent living with the family   |                      | 124.00   |
| 2. Single Membership: 16 years of age or older   |                      | 179.00   |
| a. A Two Adult Membership: 18 years or older living<br>in the same Mountainside address  |                      | 332.00   |
| 3. Senior Citizen Membership: 62 years of age or older   |                      | 124.00   |
| 4. A child under the age of 16 joining as part of a family,<br>single or senior citizen membership of a relative, if<br>both the child and the membership are resident                 |                      | 179.00   |
| 5. A resident person age 14 or 15 employed by a family<br>as a parent's helper joining that family's membership  |                      | 179.00   |
| 6. Single Parent/Child   |                      | 297.00   |
| 7. Au Pair/Nanny   |                      | 124.00   |
| 8. Guest daily fee:  | Weekend/<br>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<br>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<br>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<br>guest passes if the membership fees paid in full on or before April 15 of the<br>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  |                      | 640.00   |

(ii) Each unmarried child over 21 living at home parent living with family	124.00	
2. Single Membership: 16 years of age or older	322.00	
3. Senior Citizen membership: 62 years of age or older	271.00	
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	322.00	
5. A non-resident person age 14 or 15 employed by a family as a parent's helper joining that family's membership	322.00	
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 X shall remain unchanged.

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

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

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

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

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

Second Reading (Public Hearing)

**ORDINANCE 1280-2020**

**AN ORDINANCE ADOPTING AN UPDATED AND REVISED CODE PURSUANT TO N.J.S.A. 40:49-4**

WHEREAS, the Borough of Mountainside (the "Borough") has maintained a codification of its ordinances pursuant to N.J.S.A. 40:49-4 in hard copy (the "Code"); and

WHEREAS, the Code has not been updated for many years; and

WHEREAS, the Borough has contracted with Municipal Code Online, a firm that provides software which will permit the Borough to maintain an electronic version of the Code online and simultaneously update the electronic version of the Code online as it adopts new legislation.

NOW THEREFORE, BE IT ORDAINED by the MAYOR AND COUNCIL OF THE BOROUGH OF MOUNTAINSIDE in the County of ESSEX in the State of New Jersey pursuant to NJSA 40:49-4., as follows:

Section 1-1. Adoption of Code.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Borough of Mountainside of a general and permanent nature adopted by the Mayor and Council of the Borough of Mountainside of the Borough of Mountainside, as revised, codified and consolidated into chapters and sections, and consisting of Chapters 1 through 23, are hereby approved, adopted, ordained and enacted as the "The Revised General Ordinances of the Borough of Mountainside, 2020" and are referred to as the Revised Code.

Section 1-2. Code supersedes prior ordinances.

This ordinance and the Revised Code shall supersede all other general and permanent ordinances enacted prior to December 31, 2019 and repealed by necessary implication.

Section 1-3. When effective.

This ordinance shall take effect immediately upon passage and publication according to law.

Section 1-4. Publication; filing.

Under the direction of the Borough Attorney, the Clerk of the Borough of Mountainside, pursuant to law, shall cause to be published, in the manner required, a copy of this Adopting Ordinance in a newspaper of general circulation in the Borough. Sufficient copies of the Revised Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with availability of copies of the Revised Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Revised Code for all purposes.

Section 1-5. Code book to be kept up-to-date.

Under the direction of the Borough Attorney, it shall be the duty of the Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing the Revised Code required to be filed in his or her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification shall be adopted specifically as part of the Revised Code, when finally adopted, and shall be included in the Revised Code book and the online electronic version, unless specifically noted in an ordinance, that said ordinance should not be included in the Revised Code.

Section 1-6. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

Section 1-7. Repealer.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on November 30, 2019 and not contained in the Revised Code are hereby repealed by necessary implication, as of the effective date of this Adopting Ordinance.

Section 1-8. Ordinances saved from repeal.

The adoption of this Revised Code and the repeal of ordinances provided for in § 1-13 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to November 30, 2019.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred; prior to the effective date of this ordinance.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Borough's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.

Section 1-9. Violations and penalties.

Whenever any provision of the New Jersey Revised Statutes limits the authority of the Borough to punish the violation of any particular provision of this Revised Code or other Borough ordinance or rule, regulation or order promulgated pursuant thereto to a fine of less amount than that provided in this section or imprisonment for a shorter term than that provided in this section, then the violation of such particular provision of this Revised Code or other Borough ordinance, resolution, rule, regulation or order shall be punished by the imposition of not more than the maximum fine or imprisonment so authorized or by both such fine or imprisonment.

Section 1-10. Changes in previously adopted ordinances.

In compiling and preparing the ordinances for adoption and revision as part of the Revised Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the Mayor and Council that all such changes be adopted as part of the Revised Code as if the ordinances so changed had been previously formally amended to read as such.

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

E. Almeida, 237 South Fork Road, questioned whether changes were made to ordinances that would impact the residents of Mountainside.

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

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

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

-----

First Reading (Introduction)

**ORDINANCE 1281-2020**

**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 \$1,000,000 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 (1) 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. 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	\$ 975,000
Down Payment Appropriated	\$ 48,800
Bonds and Notes Authorized	\$ 926,200
Period of Usefulness	10 years

B. Undertaking of HVAC improvements at the Municipal Building. It is hereby determined and stated that said public building being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 25,000
Down Payment Appropriated	\$ 1,200
Bonds and Notes Authorized	\$ 23,800
Period of Usefulness	15 years
Aggregate Appropriation and Estimated Cost	\$1,000,000
Aggregate Down Payment Appropriated	\$ 50,000
Aggregate Amount of Bonds and Notes Authorized	\$ 950,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$100,000 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 \$50,000, 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 \$50,000 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 \$950,000 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 \$950,000 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 10.12 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 \$950,000 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 Pacifico that this ordinance be passed on first reading and advertised in full for a public hearing on March 17, 2020.

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

-----

First Reading (Introduction)

**ORDINANCE 1282-2020**  
**AN ORDINANCE AMENDING CHAPTER 23, SECTION 8 OF THE REVISED GENERAL**  
**ORDINANCES OF THE BOROUGH OF MOUNTAINSIDE, 2020**

BE IT ORDAINED, Chapter 23, Section 8 of the Revised General Ordinances of the Borough of Mountainside, 2020 is hereby amended as follows:

1. The Minimum Building, Plumbing and Electrical Subcode Fees are changed to \$75.00.
2. Under Plumbing Subcode Fee the Schedule for additional Fees shall be as follows:

Fixtures	\$30
Special Devices <i>Including: backflow, grease trap, sewer connection, water service</i>	\$85
Furnace A/C	\$65
AAV	\$30

3. Under Electric Subcode Fee the Schedule for additional Fees shall be as follows:

Devices 1-50	\$65
50+ Devices	\$15
Hot Tub	\$75
Solar-Including all control devices:	
1-50 KW	\$150
51-100 KW	\$250
100+ KW	\$600

4. There shall be added a new subsection per NJAC 5:23 as follows:

Mechanical

Fired Mechanical Equipment/Appliance	\$90
HWH	\$75
Gas or Oil Piping – First Connection	\$75
Additional Gas or Oil Piping	\$20
Chimney liners, Chimneys and Vents except Dryer Venting	\$90
Dryer Venting	\$55
Kitchen Exhaust Hood	\$75

5. The Additional Inspection Fee shall be \$150 per hour.

6. For Continued Certificates of Occupancy on Single Family Residential Sales the Fee shall be \$100.

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 17, 2020.

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

-----  
First Reading (Introduction)

**ORDINANCE 1283-2020  
AN ORDINANCE AMENDING CHAPTER 6, SUBSECTION 4.2 OF THE REVISED GENERAL  
ORDINANCES OF THE BOROUGH OF MOUNTAINSIDE, 2020**

BE IT ORDAINED, Chapter 6, subsection 4.2 of the Revised General Ordinances of the Borough of Mountainside, 2020 is hereby amended by the repeal of the existing Chapter 6, subsection 4.2 and the substitution of the following new Chapter 6, subsection 4.2:

The provisions of Chapter 6, subsection 6-4.1 shall not apply on Sundays. On Sundays no alcoholic beverages may be sold, served, delivered to or consumed in the licensed premises as follows:

Plenary Retail Consumption – between the hours of 2:00 a.m. and 9:00 a.m.

Plenary Retail Consumption with a Broad C – between the hours of 2:00 a.m. and 9:00 a.m., except as to the Broad C, which shall be between the hours of 2:00 a.m. and 12:00 noon.

Club License - between the hours of 2:00 a.m. and 9:00 a.m.

Plenary Distribution - between the hours of 2:00 a.m. and 12:00 noon.

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 17, 2020.

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

**MOTIONS:**

The following motions were unanimously approved:

1. Approve raffle application from Mountainside Restoration Committee for an off premise draw raffle
  2. Authorization to appoint Bianca Wass as a Volunteer Firefighter
- 

**BILLS & CLAIMS:**

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

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 18<sup>th</sup> day of February 2020, 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 \$254,261.23 (Copy of bill list attached).

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

**COUNCIL COMMENTS:**

Councilwoman Pacifico announced upcoming library events.

Councilman Messler and Councilwoman Pater mentioned local clubs are collecting old photos of Mountainside to archive its history.

Mayor Mirabelli announced upcoming 125<sup>th</sup> Anniversary events.  
-----

**AUDIENCE PARTICIPATION:**

L. Truman, 355 Cherry Hill Road, requested an update on the legal costs for the police lawsuit.

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 Pater, the meeting was unanimously adjourned at 8:47 P.M.  
-----

---

Martha Lopez, RMC  
Borough Clerk