

**REGULAR MEETING
FEBRUARY 20, 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.

INVOCATION: Councilman Dierkes
SALUTE TO THE FLAG
ROLL CALL

PRESENT: Mayor Mirabelli, Councilwoman Andre, Councilman Dierkes (by phone), Councilman Matejek, Council President Pacifico, Councilman Rinaldo, Administrator Mortimer and Attorney Post. Also present were Public Works Director Matthew DeAnna and Police Chief Joseph Giannuzzi. Councilman Messler was absent.

APPROVAL OF MINUTES:

Upon motion by Councilman Rinaldo a second by Councilman Matejek, the minutes of the Executive Session Meeting held on January 9, 2024 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Pacifico, Rinaldo. Nays: 0.

Upon motion by Councilman Matejek a second by Councilwoman Andre, the minutes of the Regular Session Meeting held on January 16, 2024 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Pacifico, Rinaldo. Nays: 0.

Upon motion by Councilman Matejek a second by Councilwoman Andre, the minutes of the Work & Executive Session Meetings held on February 6, 2024 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Pacifico, Rinaldo. Nays: 0.

RESOLUTIONS:

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

RESOLUTION 34-2024

WHEREAS the Borough's contract with Animal Control Solutions, LLC for Animal Control Services expires on February 29, 2024; and

WHEREAS, under the terms of such contract the Borough has an option to extend the contract for two (2) one (1) year extensions; and

WHEREAS, Animal Control Solutions, LLC has agreed to a one-year extension at an annual sum of \$15,480 with a fee schedule for Kenneling and Veterinary Services as per Appendix B and C which is attached hereto; and

WHEREAS, it would be in the best interests of the Borough to renew the term of the Agreement as it is entitled to do under the terms of the Agreement.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Mountainside does hereby authorize the appropriate Borough Officials to advise Animal Control Solutions, LLC that the Borough is exercising the option to renew the contract for a one-year term, from the period of March 1, 2024 to February 28, 2025.

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

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

RESOLUTION 35-2024

WHEREAS, on March 21, 2023 the contract for the Pool Concession was awarded to Clark Concession Operations LLC, 75 Victoria Drive, Clark, NJ; and

WHEREAS, in accordance with the contract specifications, the Governing Body has the right to extend the contract for up to two years; and

WHEREAS, the Recreation Director and Recreation Committee recommends that the contract be extended through the 2024 pool season.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Pool Concession contract be extended for the 2024 season in the amount of \$5,100.00;

BE IT FURTHER RESOLVED that payment to the Borough shall be as follows:

June 1, 2024 - \$2,550
\$500 refundable security deposit
\$300 refundable cleaning fee
July 15, 2024 - \$2,550

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

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

RESOLUTION 36-2024

AMENDING CHAPTER XXIII

WHEREAS, the Recreation Committee has determined the need to increase the Mountainside pool membership and tennis permit fees for the 2024 season.

NOW, THEREFORE, BE IT RESOLVED, the Mountainside pool membership and tennis permit fees for 2024 are established as follows:

RESIDENT	2024 Rates
Family	\$410
Unmarried Child	\$147
2 Adults	\$391
Single	\$211

Senior Citizen	\$147
Children under 16 joining	\$211
Single Parent/Child	\$350
Au Pair/ Nanny	\$147
Parent's Helper	\$211
NON-RESIDENT	2024 Rates
Family	\$702
Unmarried Child	\$147
Single	\$355
Senior Citizen	\$294
Child under 16 Joining	\$211
Parent's Helper	\$355

INITIATION FEE \$65/family
 \$35/single

GUEST FEES Adults (\$12 weekdays & \$14 weekends/holidays)
 Children (\$10 weekdays & \$12 weekends/holidays)

TENNIS PERMIT FEES	
Resident adult (ages 18-61)	\$25
Resident teens (ages 13-17)	\$20
Resident senior (ages 62 or older)	\$20
Children under age 13	No Charge
Nonresident (ages 13 & above)	\$50

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

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

RESOLUTION 37-2024

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following are the 2024 Base Salaries for the office and positions indicated:

A&E	
Borough Administrator	\$101,481.72
Borough Clerk/Registrar/QPA/Board of Health Secretary	\$128,282.68
Deputy Clerk/Registrar	\$51,750.00
Mayor	\$3,996.94
Council Member	\$1,998.48
OEM Coordinator	\$14,103.95
FINANCE	
Chief Financial Officer/Tax Collector	\$167,959.53
Tax Clerk	\$28.98
Assistant CFO	\$87,975.00
Finance Assistant	\$58,995.00
POLICE	
Police Chief/Deputy OEM	\$181,873.12
Administrative Assistant/Planning Board Recording Secretary	\$60,664.25
Records Clerk	\$24.34

COMMUNICATIONS OFFICERS

Michael Scuderi	\$69,255.67
Anthony DeLuca	\$69,255.67
Kara Rector	\$47,949.15
Matthew Alexander	\$47,949.15

CROSSING GUARDS

Janice Sileo	\$21.75
Mario Maglicano	\$22.23
Patricia Salvato	\$24.07
Alan Kennedy	\$21.75

BUILDING

Construction Secretary/Planning Board Secretary	\$68,646.17
Fire Subcode (P/T)	\$50.37
Zoning Enf. Officer (P/T)	\$63.81
Electrical Inspector (PT)	\$46.58

PUBLIC WORKS

Richard Neri	\$62,719.03
Oscar Cardona	\$57,843.76
Horacio Colella	\$55,916.11
Wayne Jennings	\$61,147.80
Gabriel Baumgarten	\$44,132.40
Kyle Edgar	\$43,470.00
DPW Director/ Deputy OEM	\$126,822.14
DPW Secretary/Assessing Secretary	\$59,600.33

Engineer (P/T)	\$79,985.95
Tax Assessor (P/T)	\$23,805.00
Certified Wastewater & Treatment Operator	\$4,058.72

COURT

Court Administrator	\$83,862.22
Deputy Court Administrator	\$53,475.55
Municipal Judge (P/T)	\$36,638.54
Municipal Prosecutor (P/T)	\$31,784.33
Public Defender	\$3,875.04

MISCELLANEOUS

Senior Citizen Coordinator	\$64,877.03
Van Driver	\$20.70
Handyman	\$20.70

RECREATION

Director/Pool Manager	\$118,504.43
Asst. Director	\$56,925.00
Secretary/Pool Bookkeeper	\$54,362.77
Recreation Asst. (Montas)	\$22.77
Pool Manager (Tosato)	\$14,516.69
Asst. Pool Mgr. (Laudati)	\$9,433.46

THEREFORE, BE IT RESOLVED, that the salary paid each office or position for the calendar year 2024, as established by this Resolution of the Governing Body, shall be retroactive to January 1, 2024, except for employees who voluntarily left the Borough of Mountainside's employment prior to the effective date of this resolution unless such departure is by reason of retirement.

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

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

RESOLUTION 38-2024

WHEREAS, there exists a need for a Pool Manager and Assistant Manager at the Community Pool for the 2024 season; and

WHEREAS, Recreation Director Frank Masella and the Recreation Committee has recommended that the following individuals be appointed to said positions:

John Tosato, Manager	\$14,516.69
Scott Laudati, Assistant Manager	\$ 9,433.46

WHEREAS, each of the above individuals shall be appointed as temporary employees for the 2024 season; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the recommendation of Recreation Director Frank Masella and the Recreation Committee be and hereby is accepted and approved pending completion of background checks.

BE IT FURTHER RESOLVED that the salaries for the above positions shall be set forth in the borough's annual salary resolution.

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

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

RESOLUTION 39-2024

WHEREAS, the Borough of Mountainside desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$100,000 to carry out a project to replace the broken and outdated lights at the pickleball courts.

BE IT THEREFORE, RESOLVED,

- 1) that the Borough of Mountainside does hereby authorize the application for such a grant; and,
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Mountainside and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that Mayor Paul N. Mirabelli and Administrator Glenn Mortimer are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

CERTIFICATION

I, Martha Lopez, Borough Clerk do hereby certify that the foregoing is a true copy of a resolution adopted by the Mayor and Council of the Borough of Mountainside at a meeting held on the 20th day of February, 2024.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 20th day of February, 2024.

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

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

RESOLUTION 40-2024

WHEREAS, the legislature in adopting N.J.S.A. 54:4-3.30-3.33 has granted full property tax exemption for veterans suffering from service-connected disabilities as declared by the United States Department of Veterans Administration; and

WHEREAS, such exemption shall be approved and granted by the Tax Assessor upon filing of the claim demonstrating the right of exemption; and

WHEREAS, the statute does not specify the effective date for granting of a disabled Veteran tax exemption but rather states that the municipal governing body shall by resolution establish a policy for the granting of property tax exemptions under this statute.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Mountainside, County of Union and the State of New Jersey, that the Tax Assessor shall be authorized to grant property tax exemption to Veterans suffering from service connected disabilities as declared by the United States Department of Veterans Administration upon the filing of a claim demonstrating the right to an exemption; such property tax exemption shall be effective as of the date the completed application is received in the Tax Assessor’s Office.

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

ORDINANCE: Second Reading (Public Hearing)

ORDINANCE 1326-2024

AN ORDINANCE AMENDING CHAPTER XXII OF THE CODE OF THE BOROUGH OF MOUNTAINSIDE TO AMEND THE ARTICLE 221 ENTITLED “FAMILY” OF THE LAND USE ORDINANCE OF THE BOROUGH OF MOUNTAINSIDE

WHEREAS, the New Jersey Rooming and Boarding House Act of 1979, N.J.S.A. 55:13B-1 et seq., (“Act”) together with Regulations promulgated pursuant to the Act located at N.J.A.C. 5:27-1.1 et seq., established rules and regulations for the licensing and operation of rooming and boarding houses in New Jersey; and

WHEREAS, the Act defines Boarding House as:

“Boarding house” means any building, together with any related structure, accessory building, any land appurtenant thereto, and any part thereof, which contains two or more units of dwelling space arranged or intended for single room occupancy, exclusive of any such unit occupied by an owner or operator, and wherein personal or financial services are provided to the residents, including any residential hotel or congregate living arrangement, but excluding any hotel, motel, or established guest house wherein a minimum of 85 percent of the units of dwelling space are offered for limited tenure only, any resource family home as defined in section 1 of P.L.1962, c.137 (C.30:4C-26.1), any community residence for the developmentally disabled and any community residence for the mentally ill as defined in section 2 of P.L.1977, c.448 (C.30:11B-2), any adult family care home as defined in section 3 of P.L.2001, c.304 (C.26:2Y-3), any dormitory owned or operated on behalf of any nonprofit institution of primary, secondary, or higher education for the use of its students, any building arranged for single room occupancy wherein the units of dwelling space are occupied exclusively by students enrolled in a full-time course of study at an institution of higher education approved by the New Jersey Commission on Higher Education, any facility or living arrangement operated by, or under contract with, any State department or agency, upon the written authorization of the commissioner, and any owner-occupied, one-family residential dwelling made available for occupancy by not more than six guests, where the primary purpose of the occupancy is to provide charitable assistance to the guests and where the owner derives no income from the occupancy. A dwelling shall be deemed “owner-occupied” within the meaning of this section if it is owned or operated by a nonprofit religious or charitable association or corporation and is used as the principal residence of a minister or employee of that corporation or association. For any such dwelling, however, fire detectors shall be required as determined by the Department of Community Affairs.

N.J. Stat. § 55:13B-3; and

WHEREAS, the Borough Code at Chapter IV, Section 4.1.1 likewise requires that Boarding Houses be licensed in the Borough of Mountainside consistent with N.J.S.A. 55:13B-1 et seq.; and

WHEREAS, the Mayor and Council of the Borough of Mountainside, County of Union, and State of New Jersey have determined that there is a need to amend an Article of the Land Use ordinance to clarify the definition of “Family” to be consistent with the definition contained in the Act and to reinforce the licensing requirements required by the Act and the Municipal Code.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside, that CHAPTER XXII OF THE CODE OF THE BOROUGH OF MOUNTAINSIDE, ARTICLE 221 ENTITLED “FAMILY” OF THE LAND USE ORDINANCE OF THE BOROUGH OF MOUNTAINSIDE SHALL BE AMENDED AS FOLLOWS:

Section I.

ARTICLE 221: Family

Persons living privately together as a single housekeeping unit and using certain rooms and cooking facilities in common, but not including the residents of an apartment hotel, or of a boardinghouse or lodging house serving more than ONE (1) paying guest.

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.

Jim Hewitt, 1351 Wood Valley Road, expressed his opposition to the ordinance.

Thomas McDermott, 1351 Wood Valley Road, expressed his opposition to the ordinance.

Hearing no one else 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, Pacifico, Rinaldo. Nays: 0.

BILLS & CLAIMS:

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

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following bills of the persons named and for the amounts stated below, having been duly audited and found to be correct this 20th day of February 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 \$465,954.61 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilwoman Andre mentioned the Annual Easter Egg Hunt and recent snowperson contest.

AUDIENCE PARTICIPATION:

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

Upon a motion by Councilman Dierkes and a second by Councilwoman Pacifico, the following resolution to adjourn to closed session was unanimously adopted:

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 contracts and litigation 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 8:16 P.M.

The meeting was recalled to public session at 8:47 P.M.

Upon motion by Councilwoman Pacifico and a second by Councilman Matejek, the meeting was unanimously adjourned.

Martha Lopez, RMC
Borough Clerk