REGULAR MEETING
JANUARY 19, 2021

In compliance with Chapter 231, OPEN PUBLIC MEETINGS ACT of the State of New Jersey, adequate notice has been given to all members of the Governing Body, the “Local Source” and the "Westfield Leader" the two newspapers designated to receive such notice. The notice is posted on the Borough Hall bulletin board.

Mayor Paul N. Mirabelli called the meeting to order at 7:35 P.M. via Zoom.

INVOCATION: Council President Andre
MOMENT OF SILENCE: Coach Chuck Fernicola
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 Recreation Director Frank Masella and Public Works Director Matthew DeAnna.

APPROVAL OF MINUTES:

Upon motion by Councilman Messler a second by Councilwoman Pater, the minutes of the Reorganization Meeting held on January 5, 2021 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

Upon motion by Councilman Dierkes a second by Councilwoman Pacifico, the minutes of the Work & Executive Session Meetings held on January 12, 2021 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

RESOLUTIONS:

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

RESOLUTION 24-2021

BE IT RESOLVED, that the Borough Administrator is hereby appointed as Fund Commissioner to the Suburban Municipal Joint Insurance Fund for a term of one (1) year expiring December 31, 2021 at no additional salary.

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

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

RESOLUTION 25-2021

WHEREAS, the Union County Transportation Advisory Board has requested that the Borough of Mountainside appoint a representative and an alternate to serve on the Board for a one-year term; and

WHEREAS, the Governing Body is desirous of appointing a representative and alternate from the Borough of Mountainside;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Councilman Robert W. Messler be appointed as representative and Michael Disko, Jr. be appointed as an alternate for a term to expire December 31, 2021.

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

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

RESOLUTION 26-2021

WHEREAS, there exists a vacancy in the position of Department of Public Works Employee; and

WHEREAS, Administrator Glenn Mortimer and DPW Director Matthew DeAnna recommend that the Borough Council take action to hire Wayne Jennings.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that Wayne Jennings is hereby hired as a full-time employee with the Department of Public Works, at a salary of $41,000, effective January 4, 2021 with an increase of $1,000 upon a satisfactory completion of the probation period.

BE IT FURTHER RESOLVED, that Wayne Jennings be hired as a probationary employee for a period of six months in accordance with the Borough of Mountainside Personnel Policy & Procedures Manual.

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

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

RESOLUTION 27-2021

WHEREAS, a need exists in the Fire Department for the purchase and delivery of one replacement Fire Pumper Truck; and

WHEREAS, the Borough of Mountainside has entered into an Interlocal Contract for Cooperative purchasing with the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program, Contract # FS12-19; and

WHEREAS, the Fire Department recommends purchase of one Fire Pumper Truck in accordance with the Interlocal Contract with HGAC Cooperative Purchasing; and

WHEREAS, the manufacturer for the truck will be Pierce Manufacturing, Inc., 2600 American Drive, Appleton, Wisconsin 54912 for one (1) VC07- Enforcer Pumper to be purchased through their dealer, Fire & Safety Services, Inc. 200 Ryan Street, South Plainfield, NJ 07080 and the pricing of the truck is through the HGAC Cooperative Purchasing Program and is not expected to exceed $877,055.00; and

WHEREAS, the availability of funds for said purchase to be awarded herein have been certified by the Chief Financial Officer; and

WHEREAS, the Borough of Mountainside has certified that this meets the statute and regulations governing the award of said contract.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside, that the Purchasing Agent is authorized to prepare a purchase order to procure the Pierce Enforcer Fire Pumper for a price not to exceed $877,055.00.

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

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

RESOLUTION 28-2021

WHEREAS, Charles Michael Fernicola, known to his many friends in our town as "Chuck", and to the children who played on Chuck's Little League Baseball team, the Mountainside Blue Stars, as "Coach," has passed away, and

WHEREAS, Chuck sponsored and coached the Mountainside Blue Stars over a span of two generations, touching the lives of many hundreds of our children, and having a positive impact that has extended throughout their lives, and

WHEREAS, Chuck also served for many years on the Board of Directors of Mountainside Youth Baseball and in 2007 was inducted into the Union County Baseball Association Hall of Fame, and

WHEREAS, perhaps the best way for us to remember Chuck and establish him in the annals of our Borough is by repeating in this Resolution something of what his former players had to say about him, and

WHEREAS, one of such former players described Chuck as by far the best coach he ever had, and

WHEREAS, another of his former players described him as a Mountainside Legend.

NOW, THEREFORE, BE IT RESOLVED that we simply say, as did yet another of Chuck's former players, "Thanks Coach for everything."

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

ORDINANCES: First Reading (Introduction)

ORDINANCE 1289-2021
AN ORDINANCE TO APPROPRIATE THE SUM OF FOUR HUNDRED THOUSAND ($400,000.00) FOR THE RESURFACING OF MILL LANE AND RUTGERS ROAD

WHEREAS, the Governing Body of the Borough of Mountainside have decided to resurface Mill Lane and Rutgers Road; and

WHEREAS, a grant award is now available from NJDOT in the amount of $400,000.00; 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 $400,000.00 be and is hereby appropriated for the resurfacing of Mill Lane and Rutgers Road.

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 $400,000.00.

It was moved by Councilwoman Pater and seconded by Councilwoman Pacifico that this ordinance be passed on first reading and advertised in full for a public hearing on February 16, 2021.

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

First Reading (Introduction)

ORDINANCE 1290-2021
AN ORDINANCE AMENDING CHAPTER XXIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAINSIDE BY SETTING THE POOL 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	$355.00
(ii) Each unmarried child over 21 living at home or parent living with the family	127.00
2. Single Membership: 16 years of age or older	183.00
a. A Two Adult Membership: 18 years or older living in the same Mountainside address	339.00
3. Senior Citizen Membership: 62 years of age or older	127.00
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	183.00
5. A resident person age 14 or 15 employed by a family as a parent's helper joining that family's membership	183.00
6. Single Parent/Child	303.00

7. Au Pair/Nanny 127.00

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 647.00
   (ii) Each unmarried child over 21 living at home parent living with family 127.00

2. Single Membership: 16 years of age or older 326.00

3. Senior Citizen membership: 62 years of age or older 274.00

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 326.00

5. A non-resident person age 14 or 15 employed by a family as a parent's helper joining that family's membership 326.00

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.

It was moved by Councilwoman Andre and seconded by Councilman Messler that this ordinance be passed on first reading and advertised in full for a public hearing on February 16, 2021.

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

First Reading (Introduction)

ORDINANCE 1291-2021

AN ORDINANCE AMENDING CHAPTERS XXII AND XXIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAINSIDE BY MAKING SOLAR COLLECTION SYSTEMS AN ACCESSORY USE UNDER THE ZONING ORDINANCE AND SETTING THE APPLICATION FEE

BE IT ORDAINED that Chapter XXII, Article 2, Section 202 of the Borough Code is hereby amended by:

the addition of the phrase “solar collection system,” between the comma after the word “pool” and before the word “driveway.”

the addition of a new definition as follows:

<u>270.1 Solar Collection System</u>

A panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage and distribution of solar energy for electricity generation, space heating, space cooling or water heating.

AND BE IT FURTHER ORDAINED Chapter XXII, Article 10, of the Borough Code is hereby amended by the addition of the following new Section 1016:

1016 Solar Collection Systems
Solar collection systems, as defined in Chapter XXII, Article 2, Section 270.1 of the Borough Code shall be considered an accessory use in all zoning districts. The purpose of this section is to establish regulations to govern the installation of solar collection systems. The following regulations shall apply:

1. Permits. No solar collection system shall be situated on any premises until an application has been made to the Borough Zoning Official for a permit allowing for the installation and use of such solar collection system, and such permit has been granted. The permit application shall include a sketch of the property where the installation is to occur, which sketch shall include the location of buildings on the property, the location of the solar collection system, the driveway, street, house number, utilities, approximate distances, and any fire hydrants on the property. The sketch shall also show the extent to which, if at all, any trees on the property are to be removed or trimmed. The application shall contain the mailing address and the contact numbers of the applicant, and the non-refundable application fee as set forth in Chapter XXIII, Fees of this code. Within ten (10) days of receipt of the application, the Borough Zoning Official shall visit the proposed site and either approve or disapprove the requested permit.

2. Setbacks. The requirements for location of the solar collection system shall be as specified for principal structures in this zoning ordinance for the zone in which the property is located.

3. Height. Freestanding collection systems shall not exceed five feet in height.

4. Size. Freestanding collection systems shall not exceed the greater of 1/2 the footprint of the principal structure or 1,000 square feet, whichever is the lesser.

5. Solar collection systems are permitted to be located on the roof or exterior wall of a structure subject to the following:

a. Solar Collection systems shall not extend above the roof line;
b. If the Solar Collection system is to be located on the roof or attached to a structure the application shall include a structural certification from the installer or other qualified professional.

6. Code Compliance. Solar collection systems shall comply with all applicable building and electrical codes;

7. Solar collection systems may be located on accessory structures.

8. If in the judgment of the Borough Zoning Official the installation will entail undue tree removal or trimming the application shall be referred to the Borough Land Use Board for further review and in any such case no permit shall issue until the application has been approved by the Borough Land Use Board.

9. In the event a solar collection system is situated on a property without a permit, the property owner/occupant shall submit an application as described above within twenty-four hours of an abatement notice; however, in such instances, the non-refundable application fee shall be set forth in Chapter XXIII, Fees of this code. Submission of an application shall not guarantee issuance of a permit.

10. Violations. The enforcement of Article 12 of the Borough Land Use Ordinance shall apply to this Section.

AND BE IT FURTHER ORDAINED Chapter XXII, Article 2, Section 202 of the Borough Code is hereby amended by the addition of the following new application fee:

Solar Collection System Ch. 22-1016 $50.00 per application

It was moved by Councilman Messler and seconded by Councilwoman Pacifico that this ordinance be passed on first reading and advertised in full for a public hearing on February 16, 2021.

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

First Reading (Introduction) **TABLED**

ORDINANCE 1292-2021

AN ORDINANCE AMENDING STORMWATER CONTROL

First Reading (Introduction)

ORDINANCE 1293-2021

AN ORDINANCE AMENDING CHAPTER VIII, PUBLIC SAFETY, OF THE CODE OF THE BOROUGH OF MOUNTAINSIDE, NEW JERSEY REGARDING REGULATING THE POLICE DEPARTMENT

Attorney Post explained that the Police Department rules and regulations are being updated based on the recommendations of Joseph Santiago and after an extensive review conducted by the Police Chief, Police Committee, Labor Attorney and PBA Attorney. The Ordinance will allow the Police Chief by way of a general order for these rules and regulations to become effective. The Council will receive the extensive amendment via email to review and discuss further if necessary.

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 February 16, 2021.

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

MOTION:

The following motion was unanimously approved:

1. Approve raffle application from OLL for a 50/50 off premise draw raffle
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BILLS & CLAIMS:

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

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 19th day of January 2021, the same be paid after Council's review, if and when funds are available and that the Mayor, Council President, Administrator and Treasurer are hereby authorized and directed to sign and deliver warrants for same in the amount of $383,290.95 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilwoman Andre congratulated Mayor Mirabelli for being inducted into the NJLOM 2021 Hall of Fame and praised Councilman Matejek on his presentation.

Mayor Mirabelli thanked Councilwoman Andre for nominating him into the Hall of Fame.

Councilman Messler announced upcoming events.

Councilman Matejek reminded residents that Beechwood School has started kindergarten registration for next year.

Mayor Mirabelli warned residents to be cautious with mail that solicits the purchase of your home. Kim Moriak is hosting a zoom meeting to inform residents how to be vigilant and prudent when selling their homes. The Mayor also advised Senior Citizens how to register for the Covid-19 vaccine and to be patient with the process.

AUDIENCE PARTICIPATION:

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

Upon a motion by Councilwoman Andre and a second by Councilman Messler, the meeting was unanimously adjourned at 8:01 P.M.

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Martha Lopez, RMC
Borough Clerk