

**REGULAR MEETING  
FEBRUARY 17, 2026**

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:** Council President Matejek  
**SALUTE TO THE FLAG**  
**ROLL CALL**

**PRESENT:** Mayor Mirabelli, Council President Matejek, Councilman Rinaldo, Councilman Van Deusen, Councilwoman Wass, Administrator Mortimer and Attorney Post. Also present were DPW Director Matthew DeAnna and Chief Joseph Giannuzzi. Councilman Dierkes and Councilwoman Pacifico were absent.

**APPROVAL OF MINUTES:**

Upon a motion by Councilman Matejek and a second by Councilman Van Deusen, the minutes of the Regular Meeting held on January 20, 2026 were approved. Roll Call: Ayes: Matejek, Rinaldo, Van Deusen, Wass. Nays: 0.

Upon a motion by Councilman Van Deusen, and a second by Councilwoman Wass, the minutes of the Work Session Meeting held on February 3, 2026 were approved. Roll Call: Ayes: Matejek, Van Deusen, Rinaldo, Wass. Nays: 0.

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**RESOLUTIONS:**

The following resolution was introduced by Councilman Matejek and seconded by Councilman Van Deusen.

**RESOLUTION 38-2026**

BE IT RESOLVED that the Treasurer be authorized to issue the following refunds:

<u>Applicant</u>	<u>For</u>	<u>Amount</u>
Maria Claudia Martins Nunes 543 Woodland Avenue Mountainside, NJ 07092	Soccer	\$135.00
Patricia Emma 314 Linda Drive Mountainside, NJ 07092	Smoke Detector Inspection	\$100.00

Roll Call: Ayes: Matejek, Rinaldo, Van Deusen, Wass. Nays: 0.

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The following resolution was introduced by Councilman Rinaldo and seconded by Councilman Van Deusen.

**RESOLUTION 39-2026**

BE IT RESOLVED by the Governing Body that the Members of the Council be assigned to the following OEM Committee for the year 2026:

COMMITTEE  
OEM

CHAIRPERSON  
Mayor Paul N. Mirabelli

MEMBERS  
Councilman Rene Dierkes  
Councilwoman Valerie Wass

Roll Call: Ayes: Matejek, Rinaldo, Van Deusen, Wass. Nays: 0.  
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Resolution 40-2026 was tabled.  
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The following resolution was introduced by Councilman Matejek and seconded by Councilwoman Wass.

**RESOLUTION 41-2026**

WHEREAS, by Resolution 10-2025 the Borough of Mountainside appointed the firm of Post, Polak, P.A. as the Borough's legal counsel; and

WHEREAS, the amount specified in such Resolution as the value of the services to be provided by such firm was \$275,000; and

WHEREAS, it appears that it is necessary to increase the amount specified in such Resolution by amendment thereto; and

NOW THEREFORE BE IT RESOLVED that the amount specified in Resolution 10-2025 as the value of the services to be provided by the Post, Polak, P.A. firm be increased from not to exceed \$275,000 to not to exceed \$307,515; and

BE IT FURTHER RESOLVED that this amendment be published in the appropriate newspaper within ten days hereof.

Roll Call: Ayes: Matejek, Rinaldo, Van Deusen, Wass. Nays: 0.  
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**ORDINANCE:** First Reading (Introduction)

**ORDINANCE 1347-2026**

**AN ORDINANCE TO APPROPRIATE THE SUM OF TWO HUNDRED FIFTY-EIGHT THOUSAND TWO HUNDRED SIXTY (\$258,260.00) FOR THE RESURFACING OF CHARLES STREET**

WHEREAS, the Governing Body of the Borough of Mountainside have decided to resurface Charles Street; and

WHEREAS, a grant award is now available from NJDOT in the amount of \$258,260.00; 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 \$258,260.00 be and is hereby appropriated for the resurfacing of Charles Street.

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 \$258,260.00.

It was moved by Councilman Van Deusen and seconded by Councilwoman Wass that this ordinance be passed on first reading and advertised in full for a public hearing on March 17, 2026.

Roll Call: Ayes: Matejek, Rinaldo, Van Deusen, Wass. Nays: 0  
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**BILLS & CLAIMS:**

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

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 17<sup>th</sup> day of February 2026, 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 \$351,702.57 (Copy of bill list attached).

Roll Call: Ayes: Matejek, Rinaldo, Van Deusen, Wass. Nays: 0  
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2025 Police Awards were presented to the following:

5<sup>th</sup> Work Anniversary: Officer Timothy Stasyshyn & Officer Atreu Melville

25<sup>th</sup> Work Anniversary: Sergeant James Urban

Officer Atreu Melville  
Sergeant Andrew Yasinski  
Detective James Debbie  
Lt. Detective Shaun Bendik  
Captain Michael Jackson  
Lt. William Stolting  
Corporal Kevin Pierre  
Officer Alexander Harris  
Officer Timothy Stasyshyn  
Officer Melissa Hernandez  
Officer Brendan Carlos  
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**COUNCIL COMMENTS:**

Councilman Van Deusen announced America's 250<sup>th</sup> Celebration and those interested in volunteering should contact the Administrator.

Mayor Mirabelli read the last snow storm report.  
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**AUDIENCE PARTICIPATION:** None

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Upon motion by Councilwoman Wass and a second by Councilman Van Deusen, 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 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.

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Meeting adjourned to closed session at 7:59 P.M.

The meeting was recalled to public session at 8:09 P.M.

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The following resolution was introduced by Councilwoman Wass and seconded by Councilman Van Deusen.

**RESOLUTION 42-2026**

WHEREAS, the Borough of Mountainside ("Borough") having filed a Complaint for a Declaratory Judgement [LCV2025165472], pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (collectively, the "FHA"), and in accordance with Section ILA of Administrative Directive #14-24 ("Directive #14-24") of the Affordable Housing Dispute Resolution Program ("Program"), seeking a certification of compliance with the FHA; and

WHEREAS, the Court entered a Decision and Order Fixing Municipal Obligations for "present need" and "prospective need" for the Fourth Round Housing Cycle on APRIL 30, 2025 for the Borough — specifically, a "present need" obligation of 120 affordable housing units, and a "prospective need" obligation of 137 affordable housing units (collectively, the "Fourth Round Affordable Housing Obligation"); and

WHEREAS, the Borough adopted Resolution #32-2025 on JANUARY 21, 2025 [LCV2025165472] thereby adopting its proposed Housing Element and Fair Share Plan ("HEFSP") for the implementation of its Fourth Round Affordable Obligation; and

WHEREAS, challenges to the Borough's HEFSP ("Challenges") were filed by Fair Share Housing Center ("FSHC"); and Echo Fidelco Partners, L.P. ("Echo"); and WH Holding Company, Inc. ("WH", collectively, FSHC, Echo and WH, "Challengers") by and through their respective counsel, in accordance with the FHA and Section III.B of Directive #14-24, wherein the Challengers disputed, in whole or in part, certain compliance mechanisms and/or other aspects of the Borough's proposed HEFSP, as set forth in each Challenge; and

WHEREAS, pursuant to the Program, the Administrative Office of the Courts ("AOC") appointed and assigned the case to Program member, the Hon. Thomas C. Miller, A.J.S.C., (Ret.)

("Program Member") to manage the proceedings, host settlement conferences, and make recommendations to the Court in accordance with the FHA and the AOC's Directive #14-24, and that the Program Member appointed Jennifer Beahm, PP, AICP, an independent affordable housing expert, as special adjudicator ("Special Adjudicator") in this case to work with, make recommendations to and assist the Program, and who worked closely with the Program Member; and

WHEREAS, on November 14, 2025, December 18, 2025 settlement conferences were conducted on notice to all parties with the participation of local officials, town planners, planners for FSHC, and attorneys for the Borough and attorneys for the Challengers, in accordance with the statutory framework and Directive #14-24, and with the goal of reaching a resolution; and

WHEREAS, the parties engaged in extensive settlement negotiations before and during the settlement conferences, with the guidance and assistance of the Program Member and the Special Adjudicator; and

WHEREAS, as a result of the settlement conferences conducted, no settlement was reached between the Borough and the Challengers; and

WHEREAS, Echo withdrew its Challenge on December 17, 2025, as confirmed on the record by eCourt filing [LCV20253531912]; and

WHEREAS, all parties and the Court received the Special Adjudicator's January 10, 2026 Report, and the Program Member's Recommendation, including an attached Statement of Reasons dated February 5, 2026, (the "Report") all of which since posted to the eCourts jacket for this matter at Trans. ID: LCV2026295810; and

WHEREAS, in the Report: (i) the Special Adjudicator recommended rejection of the Borough's HEFSP, and that (ii) the Challenges of FSHC and WH be upheld as being reasonable; and that (iii) the Program Member further recommended that the Court adopt the findings and recommendations set forth in the Report and enter an Order, *forthwith*, compelling the Borough to amend its HEFSP to implement the recommendations of the Special Adjudicator, and provided that the Borough plan does incorporate the recommendations of Special Adjudicator Beahm, the Borough's amended HEFSP (appropriately authorized by Resolution) should be approved as compliant; however, the Member recommended that if the Borough fails to accept and incorporate all recommendations of the Special Adjudicator, then the Borough would be deemed "noncompliant" and its immunity from Builder's Remedy suits would be terminated; and

WHEREAS, on February 13, 2026 the Court entered an Order (the 2/13/2026 Order) whereby the Court adopted, approved and incorporated in such Order the Program Member's Report and Recommendations and the underlying Recommendations of the Special Adjudicator in support of this Court's finding that the Borough's current HEFSP was rejected as noncompliant and the Challenges of FSHC and WH were upheld; and

WHEREAS, the 2/13/2026 Order further provided that in the event the Borough were to agree to amend its HEFSP to fully comply with the recommendations of the Special Adjudicator, as approved by the Program Member, and in the event that the Borough did so fully agree to amend its HEFSP to be fully compliant with the Special Adjudicator's Report, then the Borough should, without further delay, adopt and implement ordinances and resolutions proposed to ensure implementation of its AMENDED Fourth Round HEFSP, incorporating therein any changes from the Program and this Court's Order, and on or before MARCH 15, 2026, whereupon the Court would issue and enter its formal Certification of Compliance and repose from builder's remedy and/or exclusionary zoning litigation in the Fourth Round housing cycle and the period of 2025 to 2035.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside:

1. That it does hereby agree to amend its HEFSP to fully comply with the recommendations of the Special Adjudicator, as approved by the Program Member, and to adopt and implement ordinances and resolutions proposed to ensure implementation of its AMENDED Fourth Round HEFSP, incorporating therein any changes from the Program and this Court's Order, and on or before May 19, 2026.

2. That the Borough Attorney request of the Court an extension of the March 15, 2026 compliance date set forth in paragraph 2 of the 2/13/2026 Order to May 19, 2026 in order that the Borough have sufficient time to comply with the statutory procedural requirements regarding the adoption of ordinances.

Roll Call: Ayes: Matejek, Rinaldo, Van Deusen, Wass. Nays: 0  
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Upon a motion by Councilman Matejek and a second by Councilman Rinaldo, the meeting was unanimously adjourned at 8:11 PM.

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Martha Lopez, RMC  
Borough Clerk