

**REGULAR MEETING
MARCH 19, 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 Matejek
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, Police Chief Joseph Giannuzzi, Senior Coordinator Kim Moriak and Recreation Director Frank Masella. Councilman Messler was absent.

APPROVAL OF MINUTES:

Upon motion by Councilwoman Pacifico a second by Councilwoman Andre, the minutes of the Regular & Executive Session Meetings held on February 20, 2024 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Pacifico, Rinaldo. Nays: 0.

Upon motion by Councilman Matejek a second by Councilwoman Pacifico, the minutes of the Work Session Meeting held on March 5, 2024 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Pacifico, Rinaldo. Nays: 0.

PRESENTATIONS:

The Elks presented grant checks to the Rescue Squad, VFW and Mountainside PAL.

Promotions: Sergeant William Sforza and Corporal Nicholas Hussey

Police Awards were presented to the following:

Officer Brendan Carlos
Officer Ryan Carr
Officer James Debbie III
Sgt. Christopher Feighner
Corporal Jonathan Hagan
Officer Melissa Hernandez
Corporal Nicholas Hussey
Officer Atreu Melville
Sgt. Thomas Norton
Officer Timothy Stasyshyn
Sgt. Andrew Yazinski

5th Work Anniversary: Corporal Jonathan Hagan, Corporal Nicholas Hussey

10th Work Anniversary: Officer James Debbie III

15th Work Anniversary: Lt. Shaun Bendik, Sgt. Christopher Feighner

RESOLUTIONS:

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

RESOLUTION 41-2024

WHEREAS, there exists vacancies in the position of Sergeant and Corporal in the Mountainside Police Department; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Mountainside to fill such vacancies with highly qualified individuals; and

WHEREAS, a number of eligible officers in the Mountainside Police Department have undergone extensive testing and evaluation as candidates for the position of Sergeant and Corporal; and

WHEREAS, all candidates during the selection process exemplified the high qualities and standards expected of the police personnel in this community; and

WHEREAS, the Police Committee and Police Chief have recommended the promotion of two candidates whose credentials and experience were found best to suit the needs of the Borough in filling these positions.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following individuals be promoted to the position of Sergeant and Corporal in the Borough of Mountainside with all the rights, responsibilities and obligations attendant upon those positions:

1. Effective March 20, 2024, Corporal William Sforza is promoted to the position of Sergeant in the Mountainside Police Department
2. Effective March 20, 2024, Patrolman Nicholas Hussey is promoted to the position of Corporal in the Mountainside Police Department.

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

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

RESOLUTION 42-2024

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

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

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
8.02	15	\$2,756.86	1571 BROOKSIDE RD

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

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

RESOLUTION 43-2024

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 2023 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 2023 Municipal Budget Reserves;

<u>CURRENT ACCOUNT</u>	<u>FROM</u>	<u>TO</u>
Police S/W	\$20,000.00	
Clerk S/W	\$1,000.00	
Public Works, OE		\$20,000.00
Water		\$1,000.00
TOTAL	\$21,000.00	\$21,000.00

Roll Call: Ayes: Andre, Dierkes, Matejek, Pacifico, Rinaldo.

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

RESOLUTION 44-2024

WHEREAS, N.J.S.A. 40A:4-19 of the Local Budget Act provides that temporary appropriations shall be made for the purposes and amounts required in the manner and time therein provided.

NOW, THEREFORE, BE IT RESOLVED that the following additional temporary appropriations shall be made for the year 2024:

<u>APPROPRIATIONS</u>	<u>FROM</u>	<u>TO</u>
Rahway Valley Sewerage Auth	-0-	425,913.02
Contribution to PERS	-0-	338,933.40
Contribution to PFRS	-0-	881,725.36
Administration & Executive, O/E	70,000.00	80,000.00
Other Insurance	120,000.00	220,000.00

Maintenance of Free Public Library	220,000.00	320,000.00
Roads Repairs, O/E	60,000.00	80,000.00
Board of Health	12,000.00	13,000.00
Fire Department	25,000.00	33,000.00
Water	2,700.00	4,000.00

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

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

RESOLUTION 45-2024

WHEREAS, the Borough Engineer requested a refund to the following individual; and

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

<u>Applicant</u>	<u>For</u>	<u>Amount</u>
Rachel Skog SKOG Property LLC 1625 Nottingham Way Mountainside, NJ 07092	Road Opening Permit	\$1,500

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

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

RESOLUTION 46-2024

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES

WHEREAS, the Borough of Mountainside has a need to acquire professional services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the QPA has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, John H. Norton, Esq. from Law Office of John N. Norton, LLC has submitted a proposal in February indicating they will provide Labor Attorney Services for the Borough at a cost not to exceed \$40,000; and

WHEREAS, John H. Norton, Esq. from Law Office of John N. Norton, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that John H. Norton, Esq. from Law Office of John N. Norton, LLC has not made any reportable contributions to a candidate committee in the Borough of Mountainside in the previous one year, and that the contract will prohibit John H. Norton, Esq. from Law Office of John N. Norton, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Borough's Financial Officer has certified that the funds are available for this contract.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside authorizes borough officials to enter into a contract with John H. Norton, Esq. from Law Office of John N. Norton, LLC as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution and,

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

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

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

RESOLUTION 47-2024

WHEREAS, there is a need for a P/T Violations Clerk in the Court Department; and

WHEREAS, the Governing Body of the Borough of Mountainside is desirous of filling subject vacancy; and

WHEREAS, Jessica Einstein-Kaufman can perform the duties of P/T Violations Clerk; and

WHEREAS, the Borough Administrator recommends that the Borough Council take action and hire Jessica Einstein-Kaufman.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Jessica Einstein-Kaufman is hereby hired as P/T Violations Clerk in the Court Department at an hourly rate of \$23.00, not to exceed 20 hours unless approved in advance by the Administrator, effective March 4, 2024 with a six-month probationary period.

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

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

RESOLUTION 48-2024

WHEREAS, N.J.S.A. 40A:9-141 provides that every municipality provide for the appointment of a municipal Tax Collector; and

WHEREAS, the Borough of Mountainside has determined that Sandra Bruns possesses the necessary tax collector license to serve as the Tax Collector of the Borough of Mountainside; and

WHEREAS, N.J.S.A. 40A:9-142 states that every municipal Tax Collector shall hold their office for a term of 4 years from the first day of January next following their appointment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Sandra Bruns is appointed as PT Tax Collector effective May 1, 2024, for a four-year term commencing January 1, 2025 and running through December 31, 2028 with an annual salary of \$25,000.00 with \$5,000 of the \$25,000 being designated as compensation to continue with the mentoring of the new Chief Financial Officer.

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

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

RESOLUTION 49-2024
CONDUCTING ANNUAL BUDGET EXAMINATION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C 5:30-7.2 through 7.5 the Borough of Mountainside has been declared eligible to participate in the program by the Division of Local Government Service, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2024 budget year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that, in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the Governing Body has found the municipal budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated

- b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and NJAC 5:30-7.

It is further certified that the municipality has met the eligibility requirements of NJAC 5:30-7.4 and 7.5, and that I Chief Financial Officer of the Borough of Mountainside, have completed the local examination in compliance with NJAC 5:30-7.6.

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

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

RESOLUTION 50-2024

WHEREAS, the Council has recommended compensation adjustments as follows:

Council Members	\$ 3,000
Mayor	\$ 5,000

NOW, THEREFORE, BE IT RESOLVED, that this compensation becomes effective upon adoption of this resolution.

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

ORDINANCES: First Reading (Introduction)

ORDINANCE 1327-2024
CALENDAR YEAR 2024
ORDINANCE TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous years final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Borough Council of the Borough of Mountainside, County of Union, hereby determines that this difference in the amount of \$103,778.56 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

It was moved by Councilwoman Pacifico and seconded by Councilman Matejek that this ordinance be passed on first reading and advertised in full for a public hearing on April 16, 2024.

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

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

**RESOLUTION 51-2024
MUNICIPAL BUDGET NOTICE**

Municipal Budget of the Borough of Mountainside, County of Union for the Calendar Year 2024;

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2024; and

BE IT FURTHER RESOLVED, that said Budget Summaries be published in the Local Source in the issue of March 28, 2024; and

The Governing Body of the Borough of Mountainside does hereby approve the following as the Budget for the year 2024.

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of Mountainside, County of Union, on March 28, 2024. A hearing on the Budget and Tax Resolution will be held on April 16, 2024 at 7:30 PM at which time and place objections to said Budget and Tax Resolution for the year 2024 may be presented by taxpayers or other interested persons.

Mayor Mirabelli highlighted the proposed budget.

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

First Reading (Introduction)

ORDINANCE 1328-2024

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS INFRASTRUCTURE 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 undertake various infrastructure improvements in, by and for the Borough consisting of: (A) bank stabilization at various locations; (B) sanitary and storm sewer improvements at various locations; and (C) 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 (C) of the preceding sentence. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor. It is hereby determined and stated that said roads to be improved are or will be of "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").

Section 2. The sum of \$1,000,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). 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 (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$1,000,000, and (4) \$50,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$950,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$100,000 which is estimated to be necessary to finance the cost of such purpose, 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 4. 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 purpose. The sum of \$50,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, 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 6. To finance said purpose, 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 7. 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 of the Borough who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. 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 10. 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 purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. 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 12. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 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 13. 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 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

It was moved by Councilman Matejek and seconded by Councilman Rinaldo that this ordinance be passed on first reading and advertised in full for a public hearing on April 16, 2024

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

ORDINANCE 1329-2024

AN ORDINANCE AMENDING CHAPTER 7-17 OF THE BOROUGH CODE BY ADDING A PROVISION FOR TEMPORARY PARKING PERMITS

WHEREAS, it appears to the Governing Body that property owners in the Borough may be denied the ability to rent otherwise available space in their parking lots for temporary use because such rentals are not authorized by their land use or site plan approvals; and

WHEREAS the Governing Body has determined that it is in best interests of the Borough, and of such property owners to facilitate such rentals in appropriate cases; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside, that

Section I: Chapter 7, Section 17 of the Mountainside Borough Code be and the same is hereby amended to delete from the Chapter heading of Chapter 7-17, the word "Residential," so that the Chapter heading would read: "7-17 PERMIT PARKING", and by the insertion in Chapter 7-17 of the following new Section:

7-17.2 Temporary Parking Permits

(a) *Permit Requirements.* Pursuant to the Land Development Ordinance of the Borough of Mountainside and the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) parking at properties in the Borough is limited by the land use approval or site plan approval obtained for a specific property and by the Borough's land use ordinance. On occasion it may be necessary and appropriate to permit parking activities for a limited period of time, under very specific conditions, which parking activities may not have been authorized by the aforesaid land use approval or site plan approval obtained for a such property, or which might otherwise be prohibited by the Borough's Land Development Ordinance.

(b) *Authority to Issue Temporary Parking Permit.* The Zoning Officer of the Borough of Mountainside shall have the power and authority to grant Temporary Parking Permits, provided that the temporary parking will:

1. Not exert a substantially detrimental effect upon the uses of land and activities normally permitted in the zone district in which the activity is proposed;
2. Contribute to the good and welfare of the Borough or its residents; and
3. Be temporary in nature and not substantially undermine the Borough's Master Plan

and/or Land Development Ordinance.

(c) *Application Form.* Application for a Temporary Parking Permit shall be made on a form provided by the Zoning Officer, which form shall include:

1. The reason for Temporary Parking Permit.
2. The date that the parking pursuant to the Temporary Parking Permit will commence and the date it will terminate.
3. The hours of the day during which parking will occur pursuant to the Temporary Parking Permit.
4. The types of vehicles that will utilize the Temporary Parking Permit including, with respect to trucks or other commercial vehicles, a description of the vehicle.
5. The number of each type of vehicle and, if known, the identity of the owner of the vehicle.
6. The applicant's status in relation to the property where the temporary parking will occur, whether owner, lessor, or proposed user of the temporary parking.
7. Consideration to be paid to the owner or lessor of the property where the temporary parking will occur for such temporary parking.

(d) *Application Fee and Escrow.* The applicant for a Temporary Parking Permit shall pay to the Borough, at the time the application is filed, a \$250 nonrefundable fee to cover administrative expenses. In addition to the said fee, the Zoning Officer shall have the authority to require an escrow account of up to \$1,000 to be established for the purpose of covering the costs of professional services, including engineering, planning, legal and other expenses connected with the review of the application. The escrow will be held and administered in accordance with the provisions of Subsection 23-13.703 of the Borough Code and the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.).

(e) Temporary Parking Permits issued pursuant to this Subsection 7-17.2 shall not exempt vehicles parked pursuant to such Permits from any of the other Parking requirements or prohibitions of the Borough Code.

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.

It was moved by Councilman Rinaldo and seconded by Councilwoman Pacifico that this ordinance be passed on first reading and advertised in full for a public hearing on April 9, 2024.

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

BILLS & CLAIMS:

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

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 March 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 \$747,203.14 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilwoman Andre congratulated Rescue Squad EMT's and announced the Easter Egg Hunt.

Councilman Matejek highlighted senior citizen events. He also announced free tree seedlings and congratulated the DPW on achieving a 100% score for the Suburban JIF safety program.

The Mayor announce a \$50,000 grant for Fire Department turn out gear.

AUDIENCE PARTICIPATION: None

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

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.

Meeting adjourned to closed session at 8:32 P.M.

The meeting was recalled to public session.

Upon a motion by Councilwoman Andre and a second by Councilwoman Pacifico, the meeting was unanimously adjourned at 9:07 P.M.

Martha Lopez, RMC