

**REGULAR MEETING
APRIL 16, 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 7:32 P.M.

INVOCATION: Councilman Messler

SALUTE TO THE FLAG

ROLL CALL

MOMENT OF SILENCE: Adrienne Matejek

PRESENT: Mayor Mirabelli, Councilman Dierkes, Councilman Messler, Council President Pacifico, Councilman Rinaldo, Administrator Mortimer and Attorney Post. Also present were Public Works Director Matthew DeAnna, CFO Jill Goode and Police Chief Joseph Giannuzzi. Councilman Matejek was absent.

APPROVAL OF MINUTES:

Upon motion by Councilman Messler a second by Councilman Dierkes, the minutes of the Regular & Executive Session Meetings held on March 19, 2024 were approved. Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0.

Upon motion by Councilman Dierkes a second by Councilman Messler, the minutes of the Work & Executive Session Meetings held on April 9, 2024 were approved. Roll Call: Ayes: Dierkes, Messler, Rinaldo. Nays: 0. Abstained: Pacifico

PROCLAMATION:

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, on April 13, 2024 the Department of Public Works will observe Arbor Day by planting two trees; and

WHEREAS, the Mayor & Council, along with Beautiful Mountainside Committee and the Arbor Day Foundation are working together to bring back the beauty of the tree line to the community by applying and being approved for 500 free tree seedlings to be handed out to the residents of Mountainside on Saturday, April 13, 2024 from 9am – 1pm in front of the DPW garage while supplies last.

WHEREAS, one of the qualifications for a municipality to be eligible to be designated as a Tree City U.S.A. is by having an Arbor Day Observance and Arbor Day Proclamation.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Borough of Mountainside hereby recognize and commend Mountainside Department of Public Works along with Beautiful Mountainside Committee, for their observance of Arbor Day and for working toward

making the Borough of Mountainside a more tree-lined municipality and a more attractive place in which to live and work.

ORDINANCE: Second Reading (Public Hearing)

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.

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

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

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0.

Mayor Mirabelli provided a summary of the 2024 proposed municipal budget.

Mayor Mirabelli opened the meeting to anyone wishing to discuss the 2024 municipal budget.

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

RESOLUTIONS:

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

RESOLUTION 52-2024

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Mountainside, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0.

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

RESOLUTION 53-2024

BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside, County of Union, that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes of the sums therein as set forth as appropriations, and authorization of the amount of \$9,976,721.82 for municipal purposes.

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0.

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

RESOLUTION 54-2024

WHEREAS, Memorial Day symbolizes, and is a time for Americans to take a clear look, at both our past and our future. One day each year when we acknowledge the debt we owe to those men and women who have given their all, in service to their country; and

WHEREAS, we can show our appreciation for our Veterans and those brave individuals who have sacrificed their lives for our freedom and liberty; and

WHEREAS, the Governing Body of the Borough of Mountainside wishes to support this event.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that \$500.00 shall be donated in order to support the Memorial Day Celebration.

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo.

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

RESOLUTION 55-2024

Governor’s Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 1, 2020-June 30, 2025

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Mountainside Council of the Borough of Mountainside, County of Union, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Mountainside Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Mountainside Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Union.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Mountainside, County of Union, State of New Jersey hereby recognizes the following:

1. The Mountainside Borough Council does hereby authorize submission of a strategic plan for the Mountainside Municipal Alliance grant for fiscal year July 1, 2024 – June 30, 2025 in the amount of:

DEDR	\$ 10,160.00
Cash Match	\$ 2,540.00
In-Kind	\$ 7,620.00

2. The Mountainside Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0.

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

RESOLUTION 56-2024

WHEREAS, the Borough of Mountainside, pursuant to N.J.S.A. 40A:11-12, may by resolution and without advertising for bids, purchase any goods or services under state contract; and

WHEREAS, the Mountainside Police Department is in need of dispatch radio communication equipment and by utilizing state contracts the Borough can receive competitive pricing, on a timely basis, without the expense and time involved in undertaking independent competitive bidding; and

WHEREAS, the Borough of Mountainside intends to enter into a purchase contract with Zentron, Inc. pursuant to state contract #83924 for the acquisition of the equipment; and

WHEREAS, the cost for dispatch radio communication equipment is \$103,630; and

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside, County of Union State of New Jersey that the purchase of dispatch radio communication equipment in the amount of \$103,630 under terms and provisions of state contract #83924 be and hereby is approved.

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0.

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

RESOLUTION 57-2024

WHEREAS, N.J.S.A. 40A:9-140.10(a) provides that "in every municipality there shall be a Chief Financial Officer (CFO) appointed by the governing body of the municipality"; and

WHEREAS, the Borough has a need to appoint a new CFO; and

WHEREAS, the Borough has determined that Justyna Zagorska possesses the necessary license, education, experience and qualifications to serve as a CFO; and

WHEREAS, pursuant to N.J.S.A 40A:9-140.10(a), "the term of office shall be four years, which shall run from January 1 in the year in which the Chief Financial Officer is appointed"; and

WHEREAS, the Mayor and Council desires to appointed Justyna Zagorska to the position of CFO, effective May 1st, 2024 for a four-year term commencing January 1, 2024 and running through December 31st, 2027.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that Justyna Zagorska is appointed CFO for the Borough of Mountainside effective May 1st, 2024.

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0.

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

RESOLUTION 58-2024

BE IT RESOLVED by the Governing Body of the Borough of Mountainside that Resolution 14-2024 be hereby amended to reflect the replacement of the CFO and Tax Collector.

Administrative & Executive:
Justyna Zagorska
Martha Lopez
Glenn Mortimer

Medical & Surgical:
Justyna Zagorska
Glenn Mortimer

Financial Administration:
Justyna Zagorska
Glenn Mortimer

Collector of Taxes:
Justyna Zagorska
Sandra Bruns

Workmen's Compensation:
Justyna Zagorska
Glenn Mortimer

Health Insurance:
Justyna Zagorska
Glenn Mortimer

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0.

Mayor Mirabelli thanked CFO Jill Goode for her years of service.

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

RESOLUTION 59-2024

BE IT RESOLVED by the Governing Body of the Borough of Mountainside that the following Borough Employees be bonded in amounts set forth opposite their names herein:

Justyna Zagorska, CFO	\$ 1,000,000.00
Sandra Bruns, Tax Collector	\$ 1,000,000.00

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0.

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

RESOLUTION 60-2024

BE IT RESOLVED by the Governing Body of the Borough of Mountainside that the Chief Finance Officer be and she is hereby authorized to purchase two gift checks to be presented to the Valedictorian and Salutatorian from Deerfield School Graduating Class of 2024 in the Borough of Mountainside.

BE IT FURTHER RESOLVED that the gift checks will be in the amount of \$300.00 for the Valedictorian and \$200.00 for the Salutatorian.

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0.

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

RESOLUTION 61-2024

WHEREAS, the Borough of Mountainside has determined that the items listed herein are property no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Borough of Mountainside intends to utilize the online auction services of Muncibid located at www.Muncibid.com; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9; and

WHEREAS, the Borough of Mountainside desires to sell the following surplus property:

- LOT OF BICYCLES (8)
- IN-CAR COMPUTER BRACKET
- UNIDEN BEARCAT SCANNER
- CODE 3 SIREN BOXES (2)
- CODE 3 LIGHT BARS (2)
- WHELAN LIGHT BAR
- CODE 3 & MISCELLANEOUS EMERGENCY LIGHTING

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 Borough is hereby authorized to sell the surplus property as indicated above on an online auction website entitled www.Muncibid.com; and

BE IT RESOLVED, that the terms and conditions of the agreement entered into between Muncibid and the Borough of Mountainside are available at www.Muncibid.com and in the Borough Clerk's office; and

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

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0.

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

RESOLUTION 62-2024

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

SECTION 1

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Mountainside hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2024 for the below amount sums of which item is now available as a revenue from:

Public & Private Revenues off-set with Appropriations:
2021 Recycling Tonnage Grant (13,928.67)
American Rescue Plan Firefighter Grant (50,000.00)

SECTION 2

BE IT FURTHER RESOLVED, that a like sum be and the same is hereby appropriated under the caption of:

Public & Private Programs Offset By Revenues Excluded from "CAPS"
2021 Recycling Tonnage Grants (13,928.67)
American Rescue Plan Firefighter Grant (50,000.00)

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0.

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

RESOLUTION 63-2024

AUTHORIZATION FOR THE INSTALLATION & MAINTENANCE OF A BUS SHELTER WITH NJ TRANSIT

WHEREAS, NJ TRANSIT has funds for the purchase of bus shelters throughout the State of New Jersey; and

WHEREAS, the governing body of a municipality in New Jersey may apply to the New Jersey Transit Corporation for the purchase and installation of bus shelters at legally designated bus stops; and

WHEREAS, the Borough of Mountainside in the interest of promoting public transportation, conservation of energy, traffic safety, and for the convenience of the public, endorses the concept of providing bus shelters within its jurisdiction.

NOW THEREFORE, BE IT RESOLVED that the application is hereby made by the Borough of Mountainside to the New Jersey Transit Corporation for the purchase and installation of one (1) bus shelter as set forth in Exhibit A, made a part hereof.

FURTHER, BE IT RESOLVED that the Mayor and Municipal Clerk are authorized to execute an agreement with NJ Transit to arrange for the purchase and installation of the shelter.

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0.

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

RESOLUTION 64-2024

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

<u>Applicant</u>	<u>For</u>	<u>Amount</u>
John A. Avecillas 201 Rutgers Street Maplewood, NJ 07040	Commuter Parking Permit	\$249.42
Danielle Ward 337 Cherry Hill Road Mountainside, NJ 07092	Recreation Program (low enrollment)	\$230.00

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0.

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

RESOLUTION 65-2024

WHEREAS the Mountainside PTO traditionally sponsors a party at the Mountainside Municipal Pool for the students graduating from the 8th Grade of the Mountainside School District; and

WHEREAS the Mountainside PTO has requested that the Borough waive the \$400 fee which would otherwise be charged in order to defray the expenses associated with keeping the pool open for the party; and

WHEREAS the Governing Body has, in the past, waived such fee in order to enable the organization to use those funds towards other expenses.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the pool fee of \$400, which would be payable by the Mountainside PTO for the use of the Mountainside Municipal Pool to hold their pool party, be and the same is hereby waived.

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0.

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

RESOLUTION 66-2024

WHEREAS, there exists a vacancy in the position of PT Plumbing Inspector; and

WHEREAS, Borough Administrator Glenn Mortimer has recommended that the Borough Council take action to hire Matthew Devany, to fill this position.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Mountainside that Matthew Devany be appointed as a PT Plumbing Inspector at a rate of \$45.00 per hour, not to exceed 6 hours a week, effective immediately.

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0.

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

RESOLUTION 67-2024

WHEREAS, the Borough of Mountainside recognizes that one in five Americans has experienced mental health and substance use disorders, in a given year according to the National Institute of Mental Health; and

WHEREAS, Mental Health & SUD problems are more common than cancer and heart disease combined, affecting children and adults, including more than half of our Iraq and Afghanistan Veterans treated at Veteran's Administration hospitals; and

WHEREAS, given the serious nature of this public health problem, we must continue to reach the millions who need help; and

WHEREAS, the stigma associated with these conditions is identified as the primary reason individuals fail to seek the help they need to recover from the disease; and

WHEREAS, Stigma-Free Communities aim to inspire public interest and open dialogues about stigma, raise awareness of mental health and substance use disorders, and create a culture wherein residents feel supported by their community and neighbors and feel free to seek treatment for the disease without fear of stigma; and

WHEREAS, promoting awareness that there can be no "health" without mental health will break down barriers and encourage residents of all ages to be mindful of their mental health and ask for help when needed; and

WHEREAS, local resources are available to treat mental health and substance use so no one resident needs to suffer alone or feel hopeless; and

WHEREAS, establishing Stigma-Free Communities will raise awareness and encourage residents to engage in care as soon as the need is identified so recovery can begin, hope is inspired, and tragedies are avoided.

NOW THEREFORE BE IT RESOLVED that the Borough of Mountainside recognizes the community needs and supports a Stigma-Free Safe Zone.

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0.

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

RESOLUTION 68-2024

WHEREAS, there is a vacancy in the position of DPW/Assessing Secretary; and

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

WHEREAS, the A&E Committee has recommended that the Borough Council take action to hire Deanna Andre; and

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Deanna Andre is hereby appointed to the position of DPW/Assessing Secretary at a starting annual salary of \$57,000, effective April 17, 2024 with a six-month probationary period in accordance with the Borough of Mountainside Personnel Policy & Procedures Manual; and

BE IT FURTHER RESOLVED, that upon completion of the probationary period shall be compensated an additional \$1,000.

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0.

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

RESOLUTION 69-2024

WHEREAS, the Governing Body of the Borough of Mountainside had requested that the Planning Board of the Borough of Mountainside conduct a preliminary investigation to determine whether the Mountainside Community Pool, Block 12, Lot 1.03 as shown on the official Tax Map of the Borough of Mountainside is an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the Planning Board had its Planning Consultant, John T. Chadwick, IV, PP conduct such preliminary investigation and provide a report of such investigation to the Planning Board; and

WHEREAS, the Planning Consultant provided a report to the Planning Board which report was dated November 7, 2023; and

WHEREAS, on December 21, 2023 the Planning Board conducted a public hearing regarding the Governing Body's request; and

WHEREAS, after such public hearing, at which members of the public and/or interested parties were given an opportunity to ask questions and/or to be heard regarding whether the Mountainside Community Pool, is an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-6, the Planning Board adopted a Resolution dated January 23, 2024 that the Mountainside Community Pool should be determined by the Governing Body to be such an area.

NOW, THEREFORE, BE IT RESOLVED:

That the Mountainside Community Pool, Block 12, Lot 1.03 as shown on the official Tax Map of the Borough of Mountainside is an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-6.

1. That the appropriate Borough Officials be and they are hereby authorized to prepare a Redevelopment Plan for the Mountainside Community Pool.

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0.

ORDINANCES: Second Reading (Public Hearing)

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.

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

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

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0.

MOTION:

The following motion was unanimously approved:

1. Authorization to appoint Otabek Khudaybergenov as a Volunteer Firefighter

BILLS & CLAIMS:

The following resolution was introduced by Councilman Dierkes 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 16th day of April 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 \$445,552.19 (Copy of bill list attached).

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0

COUNCIL COMMENTS:

Councilwoman Pacifico announced upcoming events at the Hetfield House.

Mayor Mirabelli sent condolences to the Matejek Family during this difficult time.

AUDIENCE PARTICIPATION: None

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

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 personnel 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 8:12 P.M.

The meeting was recalled to public session at 8:22 P.M.

Councilman Messler nominated Valerie Wass to be appointed as the new Council Member upon the resignation of Councilwoman Andre. This nomination was seconded by Councilman Rinaldo, and unanimously approved by all members present.

Roll Call: Ayes: Dierkes, Messler, Pacifico, Rinaldo. Nays: 0

Upon a motion by Councilman Messler and a second by Councilman Dierkes, the meeting was unanimously adjourned at 8:23 P.M.

Martha Lopez, RMC
Borough Clerk