

**REGULAR MEETING
MARCH 15, 2022**

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 7:33 P.M.

INVOCATION: Councilman Matejek
SALUTE TO THE FLAG
ROLL CALL

PRESENT: Mayor Mirabelli, Council President Andre, Councilman Dierkes, Councilman Matejek, Councilwoman Pacifico, Councilwoman Pater, Administrator Mortimer and Attorney Post. Also present were Public Works Director Matthew DeAnna, Senior Coordinator Kim Moriak and Police Chief Joseph Giannuzzi. Councilman Messler was absent.

APPROVAL OF MINUTES:

Upon motion by Councilman Dierkes a second by Councilwoman Pater, the minutes of the Regular & Executive Session Meetings held on February 15, 2022 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Pacifico, Pater. Nays: 0.

Upon motion by Councilwoman Pacifico a second by Councilwoman Andre, the minutes of the Work & Executive Session Meetings held on March 1, 2022 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Pacifico, Pater. Nays: 0.

PRESENTATION:

The Elks presented the PAL and Police Department with spotlight grant checks for \$1,000 to support youth programs, the Memorial Day parade and alcohol & drug awareness programs.

RESOLUTIONS:

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

RESOLUTION 42-2022

WHEREAS, there exists a need for a Pool Manager and Assistant Managers at the Community Pool for the 2022 season; and

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

John Tosato, Manager	\$12,967.63
Scott Laudati, Assistant Manager	\$ 8,426.82

WHEREAS, each of the above individuals shall be appointed as temporary employees for the 2022 season; and

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

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

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

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

RESOLUTION 43-2022

A RESOLUTION OF THE BOROUGH OF MOUNTAINSIDE, RECOGNIZING NJ LOCAL GOVERNMENT WEEK, APRIL 3 THROUGH APRIL 9, AND ENCOURAGING ALL CITIZENS TO SUPPORT THIS CELEBRATION AND CORRESPONDING ACTIVITIES

WHEREAS, local government is the government closest to most citizens, and the one with the most direct impact upon its residents; and

WHEREAS, local government provides services and programs that enhance the quality of life for residents, making their municipality their home; and

WHEREAS, local government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, local government officials and employees share the responsibility to pass along the understanding of public services and their benefits; and

WHEREAS, NJ Local Government Week offers an important opportunity for elected officials and local government staff to spread the word to all citizens of New Jersey that they can shape and influence this branch of government; and

WHEREAS, the NJ State League of Municipalities and its member municipalities have joined together to teach citizens about municipal government through a variety of activities.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MOUNTAINSIDE AS FOLLOWS:

Section 1. The Mayor and Council encourage all citizens, local government officials, and employees to participate in events that recognize and celebrate NJ Local Government Week.

Section 2. The Mayor and Council encourages educational partnerships between local government and schools, as well as civic groups and other organizations.

Section 3. The Mayor and Council supports and encourages all New Jersey local governments to actively promote and sponsor NJ Local Government Week.

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

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

RESOLUTION 44-2022

WHEREAS, the Recreation Director Frank Masella requested the following refund; and

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

<u>Applicant</u>	<u>Program</u>	<u>Amount</u>
Will Plaza 328 Partridge Run Mountainside, NJ 07092	Soccer	\$120.00

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

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

RESOLUTION 45-2022

WHEREAS, the Borough Engineer has requested refunds to the following individuals; and

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

<u>Applicant</u>	<u>Permit</u>	<u>Amount</u>
Lucila Vollbrechthausen 1567 Rising Way Mountainside, NJ 07092	Road Opening	\$500
Anthony Paredes Paredes Enterprises, LLC 231 Pembroke Road Mountainside, NJ 07092	Road Opening	\$500
Sergio Pereira Pombal Builders, LLC PO Box 274 Hillside, NJ 07205	Road Opening	\$1,000
Jarek Olesiak Jarek's Remodeling & Construction LLC 12 Brunswick Avenue Vauxhall, NJ 07088	Road Opening	\$1,500
A & N General Contracting 220 South Avenue East Westfield, NJ 07090	Road Opening	\$2,500

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

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

RESOLUTION 46-2022

WHEREAS, the Mayor and Council of the Borough of Mountainside hereby acknowledges the requirement of preliminary costs to determine the scope and cost of a proposed undertaking. The purpose of these preliminary costs are the architect and related costs to establish the feasibility of the renovation to the Mountainside Community Pool and that the amount to be charged is for the purpose for which bonds may be issued under Chapter 2 of Title 40A.

NOW, THEREFORE, BE IT RESOLVED that the amount appropriated for preliminary costs shall not exceed \$25,000 and the Chief Financial Officer is authorized to set up a "Reserve for Preliminary Expenses" out of the Capital Improvement Fund of the General Capital Fund.

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

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

RESOLUTION 47-2022

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 refunds, for the following reason:

Duplicate payments Due to Bank

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

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
15.12	16	\$ 2,323.41	274 Hickory Lane
16.10	25	\$ 4,422.44	317 Central Ave

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

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

RESOLUTION 48-2022

BE IT RESOLVED that the Chief Financial Officer Jill Goode is hereby authorized to accept bids for a \$5,085,000.00 Bond Anticipation Note.

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

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

RESOLUTION 49-2022

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 2021 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 2021 Municipal Budget Reserves;

<u>CURRENT ACCOUNT</u>	<u>FROM</u>	<u>TO</u>
Legal, O/E	50,000.00	
Group Insurance	50,000.00	
Police S/W	50,000.00	
Rahway Valley Sewer Authority	50,000.00	
Capital Improvement Fund		200,000.00
TOTAL	\$200,000.00	\$200,000.00

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

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

RESOLUTION 50-2022

WHEREAS, NJSA 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 2022:

<u>APPROPRIATIONS</u>	<u>FROM</u>	<u>TO</u>
Rahway Valley Sewerage Auth	-0-	441,835.00
Contribution to PERS	-0-	270,922.60
Contribution to PFRS	-0-	807,542.80
Administration & Executive, O/E	50,000.00	75,000.00
Snow, Other Exp.	100,000.00	200,000.00
Other Insurance	90,000.00	170,000.00
Group Health Insurance	250,000.00	300,000.00
Maintenance of Free Public Library	170,000.00	230,000.00
Interest of Notes	-0-	193,015.00
Payment of Bond Antic. Notes & Capital Notes	-0-	876,642.00

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

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

RESOLUTION 51-2022

RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF SCOTCH PLAINS AND THE BOROUGH OF MOUNTAINSIDE FOR THE SERVICES OF A FIRE PREVENTION OFFICIAL

WHEREAS, the Township of Scotch Plains and the Borough of Mountainside have agreed to enter into a Shared Service Agreement whereby the services of a certified fire prevention official will be provided by Scotch Plains to Mountainside, pursuant to N.J.S.A. 40A:65-1 et seq.

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

1. The Shared Service Agreement between the Township of Scotch Plains and the Borough of Mountainside for the services of a certified fire official, provided by Scotch Plains to Mountainside, is approved pursuant to N.J.S.A. 40A:65-1 et seq.
2. The Mayor and Borough Clerk are authorized to sign the Agreement on behalf of the Borough.
3. This Resolution shall take effect immediately.
4. A copy of this Agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs pursuant to N.J.S.A. 40A:65-4.

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

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

RESOLUTION 52-2022

WHEREAS, today, as in the past, a generation has come forth that is being asked to defend the place that we call home; and

WHEREAS, this generation inspires in all of us its own gift of hope and confidence that our nation and way of life will endure for countless generations yet to come; and

WHEREAS, members of an earlier generation went forth from our Borough and gave their lives to make that very same gift; and

WHEREAS, we remember them, and we do not want them to be forgotten for so long as our Borough shall endure; and

WHEREAS, a subdivision of property in the Borough of Mountainside that will entail the construction of homes and the naming of a new street, provides a way for us to accomplish this goal.

NOW THEREFORE BE IT RESOLVED, that the new street be named Gold Star Way in honor of Mountainside Veterans George Boyton, Michael Iannacone, Robert E. Johnson, Alan, Lindberg and Justi R. Schmidt who sacrificed their lives in WWII for our country.

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

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

RESOLUTION 53-2022

GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE
FISCAL GRANT CYCLE JULY 1, 2022-JUNE 30, 2023
FORM 1B

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, 2022 – June 30, 2023 in the amount of:

DEDR	\$ 7,562.00
Cash Match	\$ 1,891.00
In-Kind	\$ 5,671.00

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: Andre, Dierkes, Matejek, Pacifico, Pater. Nays: 0.

ORDINANCES: Second Reading (Public Hearing)

ORDINANCE 1308-2022

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF MOUNTAINSIDE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,098,000 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 make various public improvements in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. 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 the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Installation of a pedestrian crossing signal in the vicinity of the Mountainside Community Pool entrance on Mountain Avenue.

Appropriation and Estimated Cost	\$ 10,000
Down Payment Appropriated	\$ 500
Bonds and Notes Authorized	\$ 9,500
Period of Usefulness	10 years

B. Undertaking of the following infrastructure improvements: (i) bank stabilization at various locations, (ii) sanitary and storm sewer improvements at various locations and (iii) 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 (iii) of the preceding sentence. It is hereby determined and stated that said roads to be improved are or will be of at least "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").

Appropriation and Estimated Cost	\$ 248,000
Down Payment Appropriated	\$ 14,500
Bonds and Notes Authorized	\$ 233,500
Period of Usefulness	10 years

C. Construction of a Department of Public Works Garage at 1329 Route 22. It is hereby determined and stated that said public building being constructed will be of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 840,000
Down Payment Appropriated	\$ 40,000
Bonds and Notes Authorized	\$ 800,000
Period of Usefulness	30 years

Aggregate Appropriation and Estimated Cost	\$1,098,000
Aggregate Down Payment Appropriated	\$ 55,000
Aggregate Amount of Bonds and Notes Authorized	\$1,043,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$50,000 which is estimated to be necessary to finance the cost of such purposes, 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 6. It is hereby determined and stated that moneys exceeding \$55,000, 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 purposes. The sum of \$55,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$1,043,000 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 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$1,043,000 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 9. 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 who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 25.34 years computed from the date of said bonds.

Section 11. 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 \$1,043,000 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 12. 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 purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 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 14. 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 15. 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 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Hearing no one wishing to speak, Councilwoman Andre closed the meeting to the public.

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

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

Second Reading (Public Hearing)

ORDINANCE 1309-2022
AN ORDINANCE AMENDING CHAPTERS XV STREETS AND SIDEWALKS AND CHAPTER XXIII
FEES OF THE MOUNTAINSIDE BOROUGH CODE

BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that Chapter XV Streets and Sidewalks and Chapter XXIII Fees of the Mountainside Borough Code be amended as follows:

Chapter 15-5.1 Permit Required For Street Excavations; Deposit shall be amended to provide as follows:

No person shall excavate or open or cause to be excavated or opened any public right-of-way, street or portion of the street in the Borough for the purpose of laying any water, gas, electric or drainage main or lateral pipe or conduit, or for any other purpose, without first having obtained a permit from the Borough Engineer and having paid to the Borough Clerk the Excavation Permit Fee set forth in Chapter XXIII, Fees of this code. If the opening is intended to serve more than one property then an Excavation Permit Fee shall be payable for each property the opening is intended to serve.

Chapter 15-5.3 Permit For Service Connections shall be deleted.

Chapter 15-5.6 Bonds shall be amended to provide as follows:

When the work to be done includes the opening of a paved or graded street, if the applicant is not a public utility company the applicant shall be required to place a bond with the Borough in an amount to be determined by the Borough Engineer and sufficient to guarantee complete repairs by the applicant. The amount of such bond shall be no less than \$1,500. The bond shall be returned to applicant upon resolution by the Mayor and Council and certification by the Borough Engineer of satisfactory completion.

Chapter 15-5.9 Public Utility Companies shall be amended to provide as follows:

Public utility companies shall be required to obtain a permit from the Borough Engineer in order to do work within the public right-of-way. Permit fees shall be charged for public utility companies.

The title of Chapter 15-6.1 Five Year Restriction on Road Openings shall be changed to be Five and Ten Year Restrictions On Road Openings and the first sentence of Chapter 15-6.1 shall be amended to provide as follows:

Notwithstanding the above, permission shall not be granted for the opening of a Borough road within five (5) years of the completion of the repaving of such road if the opening is intended to serve a single property and within ten (10) years if the opening is intended to serve more than one property.

Chapter 23-11 Streets And Sidewalks shall be amended to provide as follows:

Description	Code Section	Fee
Excavation Permit Fee for each property to be served	<u>Ch. 15-5.1</u>	\$500.00

Hearing no one wishing to speak, Councilwoman Andre closed the meeting to the public.

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

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

Second Reading (Public Hearing)

ORDINANCE 1310-2022
AN ORDINANCE AMENDING CHAPTER XIII OF THE CODE OF THE BOROUGH OF MOUNTAINSIDE TO AMEND THE SECTION ENTITLED "FIRE PREVENTION AND PROTECTION"

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 *et seq.* permits local units of this State to enter into a contract with any other local unit for the joint provisions within their combined jurisdictions of any service which any party to the agreement is empowered to render within its jurisdiction; and

WHEREAS, the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, desire to enter into a Shared Services Agreement with the Township of Scotch Plains for the shared services of the Township of Scotch Plains' Fire Official; and

WHEREAS, the Governing Body of the Borough of Mountainside and the Township of Scotch Plains have authorized and approved of this Agreement by resolution duly adopted pursuant to N.J.S.A. 40A:65-5 of the Uniform Shared Services Consolidation Act.

WHEREAS, certain sections of Chapter XIII Fire Prevention and Protection of the Borough Code require amendments as set forth herein.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside, that CHAPTER XIII, FIRE PREVENTION AND PROTECTION IS HEREBY AMENDED as follows:

Section I.

Article 13-2 AGENCY DESIGNATION is hereby amended and restated in its entirety as follows:

The local enforcing agency shall be the Township of Scotch Plains pursuant to a shared services agreement, effective April 1, 2022, between the Borough of Mountainside and the Township of Scotch Plains, which is incorporated by reference herein. A copy of said agreement is on file in the municipal clerk's office.

Article 13-5 ORGANIZATION is hereby repealed in its entirety AND REPLACED WITH ARTICLE 13-5 RECORDKEEPING

The Fire Official shall maintain all records of its activities on file in accordance with the shared services agreement referred to in § 13-2 above.

Article 13-6 APPOINTMENTS; TERM OF OFFICE; REMOVAL and all subsections are hereby repealed in their entirety.

Article 13-8 ADDITIONAL REQUIRED INSPECTIONS AND FEES and all subsections is hereby amended and restated in its entirety as follows:

Additional required inspections and fees associated with fire prevention and protection are collected by the Township of Scotch Plains as outlined in the shared services agreement referred to in § 13-2 above and in accordance with § 17-1.8 and § 17-1.9 of the Code of The Township of Scotch Plains.”

Article 13-9 PERMITS is hereby repealed in its entirety AND REPLACED WITH ARTICLE 13-9 VIOLATIONS AND PENALTIES

Violations and penalties shall be as prescribed by N.J.S.A. 52:27D-207 through 52:27D-211 and as set forth in the New Jersey Administrative Code pursuant to duly adopted regulations of the Department of Community Affairs.

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: Except as otherwise provided in the text of the Shared Services Agreement, the terms shall be effective as of April 1, 2022.

Section V: This ordinance shall take effect immediately upon final passage and publication as provided by law.

Hearing no one wishing to speak, Councilwoman Andre closed the meeting to the public.

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

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

First Reading (Introduction)

ORDINANCE 1311-2022

AN ORDINANCE TO APPROPRIATE THE SUM OF FIFTY THOUSAND DOLLARS (\$50,000.00) FROM THE CAPITAL IMPROVEMENT FUND FOR THE DESKTOP REPLACEMENT PROGRAM, LEAF/CHIPPING BOX FOR MASON DUMP TRUCK, DOWNTOWN IMPROVEMENTS AND CONSTRUCTION DEPT ELECTRONIC PLAN EQUIPMENT

WHEREAS, the Governing Body of the Borough of Mountainside is desirous to begin a desktop replacement program, purchase a leaf/chipping box for Mason Dump Truck, downtown improvements and construction department electronic plan equipment; and

WHEREAS, funds up to the amount of \$50,000.00 may be needed; and

WHEREAS, the Governing Body of the Borough of Mountainside concurs that the purchase to be necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that the sum of \$50,000.00 be and is hereby appropriated from the Capital Improvement Fund for the desktop replacement program, purchase a leaf/chipping box for Mason Dump Truck, downtown improvements and construction department electronic plan equipment.

It was moved by Councilwoman Andre and seconded by Councilwoman Pater that this ordinance be passed on first reading and advertised in full for a public hearing on April 19, 2022.

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

BILLS & CLAIMS:

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

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 15th day of March 2022, 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 \$802,712.12 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilwoman Pacifico announced the library book sale.

Councilwoman Pater mentioned the opening dates for the village shop and the upcoming plant sale and tea on the porch events.

The Mayor advised the public to hold off on sending donations to the Ukraine due to a lack of funding to ship them. They are in our prayers for peace.

AUDIENCE PARTICIPATION: None

Upon a motion by Councilwoman Andre and a second by Councilman Matejek, the meeting was unanimously adjourned at 7:59 P.M.

Martha Lopez, RMC
Borough Clerk