

**REGULAR MEETING
AUGUST 20, 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 7:31 P.M.

INVOCATION: Councilman Matejek

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Mayor Mirabelli, Councilman Dierkes (by phone), Councilman Matejek, Council President Pacifico, Councilman Rinaldo, Councilwoman Wass, Administrator Mortimer and Attorney Post. Also present were Public Works Director Matthew DeAnna and Captain Michael Jackson.

COUNCIL VACANCY NOMINATION:

A motion was made by Councilman Matejek to nominate Alex Van Deusen to fill the Council vacancy and seconded by Councilman Rinaldo.

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

The oath of office was administered by Mayor Mirabelli.

APPROVAL OF MINUTES:

Upon motion by Councilman Matejek a second by Councilwoman Pacifico, the minutes of the Regular & Executive Session Meetings held on July 16, 2024 were approved. Roll Call: Ayes: Dierkes, Matejek, Pacifico, Rinaldo, Wass. Nays: 0. Abstained: Van Deusen.

Upon motion by Councilman Matejek a second by Councilwoman Pacifico, the minutes of the Work Session Meeting held on August 6, 2024 were approved. Roll Call: Ayes: Dierkes, Matejek, Pacifico, Wass. Nays: 0. Abstained: Rinaldo, Van Deusen.

RESOLUTIONS:

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

RESOLUTION 97-2024

WHEREAS, it is the desire of the Governing Body of the Borough of Mountainside to appoint a Probationary Police Officer to the Borough of Mountainside Police Department; and

WHEREAS, the Police Committee interviewed several qualified candidates for the position of Probationary Police Officer for the Borough of Mountainside Police Department; and

WHEREAS, the Police Committee has recommended the appointment of Zachery Myretetus as Police Officer; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Zachery Myretetus be appointed as a Probationary Police Officer for the Borough of Mountainside Police Department; and

BE IT FURTHER RESOLVED, that said appointment shall be effective August 5, 2024 with the probationary period ending one-year from the appointment date at a probationary period salary of \$50,500.

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

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

RESOLUTION 98-2024

WHEREAS, there is a need for a PT Planning Board Secretary since the resignation of Paulette Beck effective August 30, 2024; and

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

WHEREAS, the Borough Administrator recommends that the Borough Council take action and hire N'dela Costley.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that N'dela Costley is hereby hired as PT Planning Board Secretary at hourly rate of \$30.00 not to exceed 6 hours a week unless approved in advance, effective August 6, 2024 with a six-month probationary period. Kristine Moran will continue in the position of Recording Secretary.

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

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

RESOLUTION 99-2024

WHEREAS, there is a need for a PT Construction Official; and

WHEREAS, Jerry Eger is experienced and licensed in performing the duties of a PT Construction Official; and

WHEREAS, the Borough Administrator has recommended that the Borough take action to hire Jerry Eger as PT Construction Official for the Borough of Mountainside.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that Jerry Eger be appointed as PT Construction Official at an annual salary of \$34,034.00, with a standard work week of 15 hours, effective July 31, 2024 with a six-month probationary period.

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

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

RESOLUTION 100-2024

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

WHEREAS, Pedro Pons is experienced and licensed in performing the duties of a PT Electrical Inspector; and

WHEREAS, the Borough Administrator has recommended that the Borough take action to hire Pedro Pons as PT Electrical Inspector for the Borough of Mountainside.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that Pedro Pons be appointed as PT Electrical Inspector at a rate of \$50.00 per hour, not to exceed 6 hours a week unless approved in advance, effective August 1, 2024 with a six-month probationary period.

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

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

RESOLUTION 101-2024

AUTHORIZING THE MAYOR AND MUNICIPAL CLERK OF THE MUNICIPALITY OF MOUNTAINSIDE TO EXECUTE AN AGREEMENT WITH THE COUNTY OF UNION TO MODIFY THE COOPERATIVE AGREEMENT DATED JUNE 2014, AS AMENDED JULY 2017

WHEREAS, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnership program; and

WHEREAS, substantial Federal funds provided through subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act commonly known as the Emergency Solutions Grants program (ESG) are allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

WHEREAS, it is necessary to amend an existing Cooperative Agreement for the County of Union and its people to benefit from this program; and

WHEREAS, it is in the best interest of the Municipality of Mountainside and the County of Union in cooperation with each other to enter into a modification of the existing Cooperative Agreement pursuant to N.J.S.A. 40A:65-1 et seq;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Borough of Mountainside that the agreement entitled "COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES," dated June 2014, as amended July 2017 for the Purpose of Inserting a Description of Activities for Fiscal Year 2024-2025 of the Union County Community Development Block Grant program, the HOME Investment Partnership program, and the Emergency Shelter Grant program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

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

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

RESOLUTION 102-2024

WHEREAS, the State of New Jersey Department of Military and Veterans Affairs has confirmed that Mr. Mennella, a resident of Mountainside was granted a determination of 100% total disability by the United States Department of Veterans Affairs on October 6, 2022; and

WHEREAS, Mr. Mennella has made an application to the Tax Assessor on March 6, 2024, for an exemption from property taxes based on his disabled veteran’s status under N.J.S.A. 54:4-3.30; and

WHEREAS, it is recommended by the tax assessor that Mr. Mennella be granted complete exemption from property taxes from the application date to the assessor and any overpayment of taxes paid on Mr. Mennella’s behalf be refunded.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Mountainside, County of Union, State of New Jersey that Mr. Mennella be granted complete exemption from property taxes from the application date to the assessor of March 6, 2024, and Mr. Mennella be issued a refund of \$625.42 for overpayment of 2024 taxes.

| <u>Refund</u> | <u>Address</u> | <u>Block and Lot</u> |
|---------------------|------------------|----------------------|
| Mr. Victor Mennella | 305 Indian Trail | Block 15.13, Lot 6 |

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

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

RESOLUTION 103-2024

WHEREAS, the State of New Jersey Department of Military and Veterans Affairs has confirmed that Mr. Ford, a resident of Mountainside was granted a determination of 100% total disability by the United States Department of Veterans Affairs on January 12, 2024; and

WHEREAS, Mr. Ford has made an application to the Tax Assessor on January 24, 2024, for an exemption from property taxes based on his disabled veteran’s status under N.J.S.A. 54:4-3.30; and

WHEREAS, it is recommended by the tax assessor that Mr. Ford be granted complete exemption from property taxes from the application date to the assessor and any overpayment of taxes paid on Mr. Ford’s behalf be refunded.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Mountainside, County of Union, State of New Jersey that Mr. Ford be granted complete exemption from property taxes from the application date to the assessor of January 24, 2024, and CoreLogic be issued a refund of \$1,747.04 on behalf of Mr. Ford for overpayment of 2024 taxes.

| <u>Refund</u> | <u>Address</u> | <u>Block and Lot</u> |
|---|--------------------|----------------------|
| CoreLogic, Inc. Attn: Centralized Refunds P.O. Box 9202 Coppell, TX 75019-9760 | 1241 Knollwood Rd. | Block 16.11, Lot 1 |

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

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

RESOLUTION 104-2024

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:
Drunk Driving Enforcement Fund (\$16,632.21)

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"
Drunk Driving Enforcement Fund (\$16,632.21)

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

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

RESOLUTION 105-2024

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MOUNTAINSIDE, IN THE COUNTY OF UNION, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF MOUNTAINSIDE, AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$6,355,000 BOND ANTICIPATION NOTE, DATED JULY 19, 2024 AND PAYABLE JULY 18, 2025, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of Mountainside, in the County of Union, New Jersey (the "Borough"), from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, that require issuers of tax-exempt obligations, such as

the Borough, to account for and rebate certain arbitrage earnings to the United States Treasury and to take such other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough intends to issue a \$6,355,000 bond anticipation note, dated July 19, 2024 and payable July 18, 2025 (the "Note"); and

WHEREAS, the Borough desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mountainside, in the County of Union, New Jersey, as follows:

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2024.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2024.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2024 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

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

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

RESOLUTION 106-2024

WHEREAS, the Borough of Mountainside would like to hang banners for an upcoming Car Show and Restaurant Week; and

WHEREAS, the Mayor and Council would like to request permission from the County of Union to hang these banners along Mountain Avenue.

WHEREAS, the Governing Body of Mountainside is also requesting permission to close Mountain Avenue on September 29, 2024 for the Car Show.

NOW, THEREFORE, BE IT RESOLVED that the County of Union grant the Borough of Mountainside permission to hang such banners and close Mountain Avenue on September 29, 2024.

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

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

RESOLUTION 107-2024

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that authorization is granted for the Finance Officer to issue a check in the amount of \$500 to the Mountainside Rescue Squad Spooky Trail as a donation in support of this community event.

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

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

RESOLUTION 108-2024

WHEREAS, the Borough of Mountainside Fire Department needs turnout gear; and

WHEREAS, a State Contract authorized dealer can supply the Borough with all the Fire Departments requirements under its State Contract #T0790 Blanket #17-FLEET-00811 for Firefighter Protective Clothing and Equipment; and

WHEREAS, pursuant to the provision of N.J.S.A. 40A:11-12, a Contracting Unit may, without advertising for bids, purchase any materials, supplies or equipment under any contract or contracts for such materials, supplies or equipment entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside shall hereby authorize the purchase of Firefighter Clothing from NJ Fire Equipment Co, 119-131 Route 22 East, Greenbrook, NJ 08812 in the amount of \$51,623.00.

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

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

RESOLUTION 109-2024

WHEREAS, pursuant to N.J.S.A 52:34-6.2(b)(3), the Governing Body of the Borough of Mountainside has authorized the use of Sourcewell Co-Op, to contract with various vendors for goods and services; and

WHEREAS, N.J.S.A. 52:34-6.2(b)(3) permits the award of a contract without the necessity of competitive bidding; and

WHEREAS, the borough applied for a grant to fund this lighting project; and

WHEREAS, Musco Sports Lighting, LLC is an authorized vendor under Sourcewell Co-Op #041123-MSL; and

WHEREAS, the Recreation Director recommends award of this contract to Musco Sports Lighting, LLC in the amount not to exceed \$110,996; and

WHEREAS, the Chief Financial Officer has certified funds in the amount of \$110,996.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, that a contract for the purchase of field lighting is hereby awarded to Musco Sports Lighting, LLC, 101 1st Ave West, Oskaloosa, IA under Sourcewell Co-Op #041123-MSL.

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

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

RESOLUTION 110-2024

WHEREAS, the Union County Board of Chosen Freeholders established the “Kids Recreation Trust Fund” Grant Program designed to fund Recreational opportunities for our County’s children; and

WHEREAS, the Borough of Mountainside wishes to apply to Union County Trust Fund through the “Kids Recreation Trust Fund” Grant Program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that the proper Borough officials are hereby authorized to file an application with the County of Union for the 2024 “Kids Recreation Trust Fund” Grant Program for the following projects:

| | |
|----------------------------------|-----------|
| Recreation Facility Improvements | \$225,000 |
|----------------------------------|-----------|

BE IT FURTHER RESOLVED, that matching funds in the amount of \$112,500 (Both MSBL & Borough) have been appropriated in accordance with the grant requirements.

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

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

RESOLUTION 111-2024

RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT BETWEEN THE BOROUGH OF MOUNTAINSIDE AND THE MOUNTAINSIDE BOARD OF EDUCATION FOR THE SERVICES OF CLASS II SPECIAL LAW ENFORCEMENT OFFICERS

WHEREAS, the Mountainside Board of Education and the Borough of Mountainside have agreed to enter into a Shared Service Agreement whereby the services of Class II Special Law Enforcement Officers II will be provided by the Borough of Mountainside to the Mountainside Board of Education, 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 Borough of Mountainside and the Mountainside Board of Education for the services of Class II Special Law Enforcement Officers to be provided by the Borough of Mountainside to the Mountainside Board of Education 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-

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

ORDINANCES: Second Reading (Public Hearing)

ORDINANCE 1331-2024

AN ORDINANCE AMENDING ARTICLE 20, CHAPTER 2004 AND OTHER OF THE MOUNTAINSIDE BOROUGH CODE

BE IT ORDAINED, Article 14, Chapter 1418, of the Mountainside Borough Code is hereby amended as follows:

1. There is substituted a new Article 14, Chapter 1418 which shall provide as follows:

Article 1418: Privately-Owned Salt Storage

1418.1 Purposes; Definitions

A. Purpose:

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Borough of Mountainside to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

B. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
2. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
3. "Storm drain inlet" means the point of entry into the storm sewer system.

4. “Permanent structure” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- a) Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing
 - b) The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 - c) The structure shall be erected on an impermeable slab;
 - d) The structure cannot be open sided; and
 - e) The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
5. “Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
 6. “Resident” means a person who resides on a residential property where de-icing material is stored.

1418.2 De-icing Material Storage Requirements:

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:

1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through; Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 2. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 3. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
 4. Containers must be sealed when not in use; and
 5. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.

- C. All such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.
- D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
- E. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

1418.3 Exemptions:

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in this ordinance. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

1418.4 Enforcement:

This article shall be enforced by the Zoning Officer, the Police Department and the Borough Engineer of the Borough of Mountainside.

1418.5 Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72-hours to complete corrective action. Except where otherwise provided, any person who shall violate any of the provisions of this chapter shall, upon conviction, be punished as provided in this Code, and each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

AND BE IT FURTHER ORDAINED,

1. The existing Article 14, Chapter 1418 shall be renumbered Chapter 1419, and so on with subsequent Chapters requiring to be renumbered by reason of the insertion of the new Chapter 1418.
2. 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.
3. This ordinance shall take effect immediately upon final passage and publication as provided by law.

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

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

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

The introduction of Ordinance 1332-2024 was tabled.

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 20th day of August 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 \$448,732.90 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Council welcomed Councilman Van Deusen and Police Officer Myretetus.

The Mayor thanked the sponsors and organization committee for making National Night Out a great success.

AUDIENCE PARTICIPATION: None

Upon a motion by Councilman Matejek and a second by Councilwoman Pacifico, the meeting was unanimously adjourned at 8:08 PM.

Martha Lopez, RMC
Borough Clerk