

**REGULAR MEETING  
OCTOBER 19, 2021**

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 PM.

**INVOCATION:** Councilman Messler  
**SALUTE TO THE FLAG**  
**ROLL CALL**

PRESENT: Mayor Mirabelli, Council President Deanna Andre, Councilman Dierkes, Councilman Matejek, Councilman Messler, Councilwoman Pacifico, Councilwoman Pater, Attorney Post and Administrator Mortimer. Also present were Public Works Director Matthew DeAnna, Recreation Director Frank Masella and Senior Coordinator Kim Moriak.

**APPROVAL OF MINUTES:**

Upon motion by Councilwoman Pater a second by Councilman Messler, the minutes of the Regular & Executive Session Meetings held on September 21, 2021 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

Upon motion by Councilwoman Pacifico a second by Councilwoman Andre, the minutes of the Work & Executive Session Meetings held on October 5, 2021 were approved. Roll Call: Ayes: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.

**PROCLAMATION:**

**RED RIBBON WEEK**

WHEREAS, October 23 through October 31, 2021 has been designated Red Ribbon Week; and

WHEREAS, Red Ribbon Week started in 1985 with a group of parents wearing red satin badges as a memorial to Enrique Camarena, a Federal Drug Enforcement Administration Agent who was killed while on duty; and

WHEREAS, as a result, in 1989 the red ribbon became a united symbol of commitment to create a drug-free America, showing a nation's intolerance to alcohol and drug abuse; and

WHEREAS, the Municipal Alliance of the Borough of Mountainside, whose mandate includes spreading the message of drug and alcohol abuse prevention, has coordinated borough and county participation by sponsoring Red Ribbon Week.

THEREFORE, I, Paul N. Mirabelli, Mayor of the Borough of Mountainside do hereby proclaim October 23 through October 31, 2021 as RED RIBBON WEEK in the Borough of Mountainside and ask all residents to join in a personal commitment to a drug-free America by wearing and displaying red ribbons during Red Ribbon Week.

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**RESOLUTIONS:**

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

**RESOLUTION 112-2021**

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

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

<u>Name</u>	<u>Address</u>	<u>Amount</u>	<u>Program</u>
Laura Byron	229 Sylvania Place, Westfield, NJ 07090	\$ 160.00	Pool Overpayment
Michael Esemplare	583 Woodland Ave., Mountainside, NJ 07092	\$ 39.75	Pool Overpayment
Helen Feygin	853 Hillside Ave., Mountainside, NJ 07092	\$ 62.00	Pool Overpayment
Clark Landale	1104 Heckel Dr., Mountainside, NJ 07092	\$ 87.00	Pool Overpayment
Linda Price	1210 Lawrence Ave., Mountainside, NJ 07092	\$ 87.00	Pool Overpayment
Jamie Quinn	2 Highpoint Dr., Mountainside, NJ 07092	\$ 87.00	Pool Overpayment
Stephanie Suriani	996 Sunny Slope Dr., Mountainside, NJ 07092	\$ 87.00	Pool Overpayment
Kelly Sweeney	1455 Dunn Parkway, Mountainside, NJ 07092	\$ 88.00	Pool Overpayment
Stephanie Trano	368 Dogwood Way, Mountainside, NJ 07092	\$ 87.00	Pool Overpayment
Helen Ahlquist	147 Sunrise Parkway, Mountainside, NJ 07092	\$ 127.00	Pool Membership
Bela Schmidt	275 Pembroke Road, Mountainside, NJ 07092	\$ 60.00	Senior Gym
Michele Berry	400 Warren Street, Scotch Plains, NJ 07076	\$ 240.00	Lifeguard Certification
Catia Salerno	1592 Deer Path, Mountainside, NJ 07092	\$ 135.00	Soccer
Brooke Lucas	590 Woodland Ave, Mountainside, NJ 07092	\$ 227.50	Softball
Lauren Hauser	1145 South Avenue W, Westfield, NJ 07090	\$ 227.50	Softball
Linda Liebiedz	1760 Mountain Avenue, Scotch Plains, NJ 07076	\$ 227.50	Softball

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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The following resolution was introduced by Councilwoman Pater and seconded by Councilwoman Andre.

**RESOLUTION 113-2021**

**SUPPORTING THE SUBMISSION OF APPLICATIONS TO THE COUNTY OF UNION FOR THE YEAR 48  
COMMUNITY DEVELOPMENT BLOCK GRANT (“CDBG”) PROGRAM**

WHEREAS, the Borough of Mountainside advertised a public notice for and will conduct a public hearing on, October 19, 2021, to consider proposals for the Union County Year 48 Community Block Development Grant Program (“CDBG”); and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Mountainside hereby expresses its support of the Union County Year 48 CDBG Program submission presented to the Governing Body as set forth in the grant application received, for the following program:

1. Senior Citizens Social Services Program

BE IT FURTHER RESOLVED that a copy of this Resolution be furnished to the County of Union along with all applications required for CDBG program submission; and

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

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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The following resolution was introduced by Councilman Messler and seconded by Councilwoman Andre.

**RESOLUTION 114-2021**

WHEREAS, the Borough of Mountainside wishes to continue utilizing the services of the County of Union for 911 Emergency Medical call and screening services; and

WHEREAS, the Borough of Mountainside has entered into prior Shared Services Agreements with the County and now wishes to enter into a long-term Shared Services Agreement between the Borough and the County for 911 Emergency Medical call screening services for a term of ten (10) uninterrupted years commencing on January 1, 2021 through December 31, 2030; and

WHEREAS, the County of Union would continue to serve as the Borough’s 911 Emergency Medical call screening and EMS Dispatch services commencing January 1, 2021 through December 31, 2030 in an amount not to exceed \$6,573.00 year one (1) with a subsequent two percent (2%) increase in each additional year for the remaining nine (9) years of the total ten (10) year term of the agreement.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Mountainside does hereby acknowledge and approve the renewal of the Shared Services Agreement between the Borough of Mountainside and the County of Union pursuant to the terms of the Agreement.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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The following resolution was introduced by Councilwoman Pacifico and seconded by Councilwoman Andre.

**RESOLUTION 115-2021**

WHEREAS, there is a need for a P/T Administrative Assistant in the Police Department; and

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

WHEREAS, Kristine Moran can perform the duties of P/T Administrative Assistant; and

WHEREAS, the Borough Administrator recommends that the Borough Council take action and hire Kristine Moran.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Kristine Moran is hereby hired as P/T Administrative Assistant in the Police Department at an hourly rate of \$25.00, not to exceed 24 hours, effective September 27, 2021 with a six-month probationary period.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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The following resolution was introduced by Councilman Messler and seconded by Councilwoman Pacifico.

**RESOLUTION 116-2021**

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 new vehicles 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 Winner Ford, Cherry Hill, NJ pursuant to State Contract #20-FLEET-01189 for the acquisition of a Police vehicles; and

WHEREAS, the cost for a 2022 Ford Utility Interceptor with options under the State Contract is \$32,250.00; and

WHEREAS, the borough intends to purchase two (2) 2022 Ford Utility Interceptors; 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 two (2) 2022 Ford Utility

Interceptors with options in the amount of \$64,500.00 under terms and provisions of State Contract #20-FLEET-01189 be and hereby is approved.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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The following resolution was introduced by Councilwoman Pacifico and seconded by Councilwoman Andre.

**RESOLUTION 117-2021**

WHEREAS, the Police Committee has recommended a compensation adjustment for the following Municipal Employee:

Police Chief	\$5,000.00 (2021)
	\$5,000.00 (2022)
	Retroactive to January 1 <sup>st</sup>

NOW, THEREFORE, BE IT RESOLVED that the foregoing compensation adjustment be implemented upon adoption of this resolution.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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The following resolution was introduced by Councilman Matejek and seconded by Councilwoman Andre.

**RESOLUTION 118-2021**

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 PTO as a donation in support of the PTO Trunk or Treat to be held on October 29, 2021 at Deerfield School.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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The following resolution was introduced by Councilman Dierkes and seconded by Councilwoman Pater.

**RESOLUTION 119-2021**

WHEREAS, Har Mac Corporation was the owner of the property designated as 1429 Route 22, Block 10.06, Lot 3.01, on the current tax map of the Borough of Mountainside, and took an appeal from the 2017 and 2018 real estate tax assessments; and

WHEREAS, Michael Frangella, the Borough's Tax Assessor, has recommended that such appeal be settled upon the terms set forth below; and

WHEREAS, the Borough Attorney concurs with such recommendations; and

WHEREAS, the Governing Body has concluded that such settlement is appropriate.

NOW, THEREFORE, BE IT RESOLVED, that the foregoing tax appeal be settled as follows:

(a) The 2017 and 2018 assessed valuations for Block 10.06, Lot 3.01, otherwise known as 1429 Route 22, shall be reduced from \$196,000 to \$166,000.

Upon receipt of the New Jersey State Tax Court Judgment reflecting the above referenced assessment values and when the method for generating the refund payment has been fully and finally approved, the appropriate Borough officials are authorized and directed to refund approximately \$4,500.30, for the 2017 and 2018 tax year. Such refund is to be paid by way of check made payable to “Ventura, Miesowitz, Keough & Warner PC” forwarded to Daniel Keough, Esq., 783 Springfield Avenue, Summit, New Jersey 07901.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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The following resolution was introduced by Councilwoman Pater and seconded by Councilwoman Pacifico.

**RESOLUTION 120-2021**

WHEREAS, there is a vacancy in the position of F/T Construction/Fire Prevention Secretary in the Building Department; and

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

WHEREAS, Paulette Beck is experienced to perform the duties of F/T Construction/Fire Prevention Secretary in the Building Department; and

WHEREAS, the A&E Committee recommends that the Borough Council take action and hire Paulette Beck.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Paulette Beck is hereby hired as F/T Construction/Fire Prevention Secretary in the Building Department at an annual salary of \$53,000, effective October 12, 2021 with a 180-day probationary period.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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**ORDINANCES:** Second Reading (Public Hearing)

**ORDINANCE 1300-2021**

**ORDINANCE AUTHORIZING THE TERMINATION OF A CERTAIN SETTLEMENT AGREEMENT DATED AS OF SEPTEMBER 1, 1994, BETWEEN THE TOWNSHIP OF CLARK AND THE RAHWAY VALLEY SEWERAGE AUTHORITY, THE BOROUGH OF GARWOOD, KENILWORTH AND ROSELLE PARK, THE CITY OF RAHWAY, THE TOWN OF WESTFIELD AND THE TOWNSHIPS OF CRANFORD, SPRINGFIELD AND WOODBRIDGE**

BE IT ORDAINED by the Governing Body of the Borough of Mountainside, County of Union, State of New Jersey, as follows:

Section 1. The Mayor and Clerk of the Borough of Mountainside are hereby authorized to execute a certain amendment (“Amendment”) to the Settlement Agreement, dated September 1, 1994, between Clark Township, and the municipalities of Garwood, Kenilworth, Roselle Park, Rahway, Westfield, Cranford, Springfield, Scotch Plains and Woodbridge and the Rahway Valley

Sewerage Authority (“Settlement Agreement”), for the purpose of terminating the Settlement Agreement.

Section 2. A copy of the Amendment is attached as Appendix A and the termination of the Settlement Agreement shall become effective upon adoption of this Ordinance or a comparable ordinance adopted by all eleven (11) of the current member municipalities of the Authority, i.e. Clark, Cranford, Garwood, Kenilworth, Mountainside, Rahway, Roselle Park, Scotch Plains, Springfield, Westfield and Woodbridge and the adoption of a resolution by the Authority authorizing execution of the Amendment.

Section 3. This Ordinance shall take effect upon second reading and publication in accordance with New Jersey Law.

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

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

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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**ORDINANCE 1301-2021  
ORDINANCE ADOPTING A NEW AGREEMENT BETWEEN THE MEMBER MUNICIPALITIES OF THE  
RAHWAY VALLEY SEWERAGE AUTHORITY**

BE IT ORDAINED, by the Governing Body of the Borough of Mountainside, County of Union, State of New Jersey, as follows:

Section 1.

The Borough of Mountainside hereby approves the revised Agreement for the continued establishment and operation of the Rahway Valley Sewerage Authority to replace the Agreement adopted in January, 1995 by the then nine (9) member municipalities of the Authority.

Section 2.

The revised Agreement approved by this Ordinance is attached as Appendix A (“2021 Agreement”) and shall become effective upon approval by comparable ordinances adopted by all eleven (11) current member municipalities of the Authority, i.e. Clark, Cranford, Garwood, Kenilworth, Mountainside, Rahway, Roselle Park, Scotch Plains, Springfield, Westfield and Woodbridge (“Member Municipalities”).

Section 3.

The 1995 Agreement, upon adoption of comparable ordinances by all of the Member Municipalities, shall be null and void and shall have no effect, having been replaced by the 2021 Agreement.

Section 4. Severability.

If any section, clause, paragraph, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

Section 5. Inconsistency.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

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

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

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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**ORDINANCE 1302-2021  
AN ORDINANCE AMENDING CHAPTERS XIX AND XXIII OF THE MOUNTAINSIDE BOROUGH CODE  
REGARDING THE IMPOSITION OF A SOIL REMOVAL PERMIT FEE**

WHEREAS, the Borough's current procedure for processing soil removal permits results in time consuming and unnecessary work by the Borough Staff because they are required to escrow funds that are ultimately reimbursed to the Borough to cover engineering fees, and

WHEREAS, it is more efficient to simply treat such escrows as a permit fee, and

WHEREAS, the change from an escrowed amount to a fee will not affect applicants for soil removal permits,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council, as follows:

Section 1. Amendments to Chapters XIX and XXIII of the Borough Code.

That CHAPTER 19-1.2 Application For Permit be amended by deletion of the period at the end of 19-1.2 and the addition of the following: ", and an application fee in the amount of \$250.00."

That CHAPTER 19-1.3 Approval By Planning Board; Bond; Hearing be amended so that the first sentence of 19-1.3 is modified by insertion of a comma after the word "for" and addition of the word "if" before the word "such" and addition of the words "bond was determined to be necessary by the Borough Engineer,"

That CHAPTER 19-1.6 be amended so that the first sentence of 19-1.6 is modified by the deletion of the word "shall" and the insertion of the words "may, in the sole discretion of the Borough Engineer, be required to" where the word "shall" formerly appeared.

That CHAPTER XXIII FEES of the Borough Code be amended by the addition at the end of such Chapter of the following: Soil Removal Permit Fee -- \$250.00

Section 2.

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

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

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0.  
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First Reading (Introduction)

**ORDINANCE 1303-2021**  
**AN ORDINANCE AMENDING CHAPTER XI OF THE MOUNTAINSIDE BOROUGH CODE ENTITLED “BUILDING AND HOUSING” BY THE ADDITION OF A NEW SECTION 11-7 ENTITLED “MAINTENANCE OF VACANT/ABANDONED PROPERTIES” AND CHAPTER XXIII ENTITLED “FEES” BY THE ADDITION OF A VACANT PROPERTY REGISTRATION FEE**

WHEREAS, the Borough of Mountainside (the “Borough”) contains structures which are vacant and/or abandoned in whole or large part; and

WHEREAS, in some cases, the owners of these structures or parties responsible for them are neglectful of them and are not maintaining or securing them to an adequate standard or restoring them to productive use; and

WHEREAS, it has been established that vacant and abandoned structures cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, increased risk of fire and potential increases in criminal activity and public health risks; and

WHEREAS, the Borough incurs significant costs in order to deal with the problems of vacant and abandoned structures, including but not limited to police calls, fire calls, code enforcement calls, and property inspections; and

WHEREAS, it is in the public interest for the Borough to establish minimum standards of accountability for the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the Borough; and

WHEREAS, it is in the public interest for the Borough to impose a fee in conjunction with registration of vacant and abandoned structures in light of the disproportionate costs imposed on the Borough by the presence of these structures.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside that Chapter XI BUILDING AND HOUSING of the Mountainside Borough Code be and the same is hereby amended by the addition of the following new Section 11-7 entitled Maintenance of Vacant/Abandoned Properties.

11-7 Maintenance of Vacant/Abandoned Properties  
11-7.1 Definitions.

Owner - shall include the title holder, any agent of the title holder having authority to act with respect to a vacant/abandoned property, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, Sec. 17 as amended by P.L. 2009, c. 296), or any other entity determined by the Borough of to have authority to act with respect to the property.

Vacant Property - any building used or to be used as a residence, commercial or industrial structure which is not legally occupied or at which substantially all lawful construction operations or occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A.

55:19-54, 55:19-78, 55:19-79, 55:19-80 and 55:19-81; provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this ordinance.

Abandoned Property-pursuant to N.J.S.A. 55:19-81 is defined as follows:

Any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the Borough Zoning Officer that:

- a. The property is in need of rehabilitation in the reasonable judgment of the Borough Zoning Officer, and no rehabilitation has taken place during that six-month period;
- b. Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the Borough Zoning Officer pursuant to this section;
- c. At least one installment of property tax remains unpaid and delinquent on that property in accordance with chapter 4 of title 54 of the Revised Statutes of the date of the determination by the Borough Zoning Officer pursuant to this section; or
- d. The property has been determined to be a nuisance by the Borough Zoning Officer in accordance with section 5 of P.L.2003, c. 210 (C.55:19- 82). A property which contains both residential and non-residential space may be considered abandoned pursuant to P.L. 2003, c. 210 (0.55:19-78 et al.) so long as two-thirds or more of the total net square footage of the building was previously legally occupied as *residential* or commercial space and *none* of the residential or commercial space has been legally occupied for at least six months at the time of the determination of abandonment by the Borough Zoning Officer and the property meets the criteria of either subsection a. or subsection d. of this section.

#### 11-7.2 Registration requirements.

Effective January 1, 2022, the owner of any vacant property as defined herein shall, within 30 calendar days after the building becomes vacant property or within 30 calendar days after assuming ownership of the vacant property, whichever is later; or within 10 calendar days of receipt of notice by the municipality, file a registration statement for such vacant property with the Borough Zoning Officer on forms provided by the Borough for such purposes. Failure to receive notice from the Borough shall not constitute grounds for failing to register the property.

- a. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.
- b. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person 21 years or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceedings on behalf of such owner or owners in connection with the enforcement of any applicable code; and the name, street address, telephone number, and email (if applicable) of the firm and the actual name(s) of the firms individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.
- c. The registration shall remain valid for one year from the date of registration except for the initial registration which shall be pro-rated through December 31. The owner shall be required to renew the registration annually as long as the building remains a vacant and/or abandoned property and shall pay a registration or renewal fee in the amount prescribed in Section 11-7.5 of this ordinance, for each vacant property registered.
- d. The annual renewal shall be completed by January 1<sup>st</sup> each year. The initial registration fee shall be pro-rated for registration statements received less than 10 months prior to that date.
- e. The owner shall notify the Borough Zoning Officer within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Borough Zoning Officer for such purpose.
- f. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the owner or owners of the building.

#### 11-7.3 Access to vacant properties.

The owner of any vacant property registered under this Article shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 am. and 4:00 p.m., or such other time as may be mutually agreed upon between the owner and the Borough.

#### 11-7.4 Responsible owner or agent.

- a. An owner who meets the requirements of this Article with respect to the location of his or her residence or workplace in the State of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.
- b. By designating an authorized agent under the provisions of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Borough in writing of a change of authorized agent or until the owner files a new annual registration statement.
- c. Any owner who fails to register vacant/abandoned property under the provisions of this Article shall further be deemed to consent to receive, by posting on the building, in plain view, and by service of notice at the last known address of the owner of the property on record within the Borough by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

#### 11-7.5 Fee schedule.

The initial registration fee for each building shall be five-hundred (\$500.00) dollars. The fee for the first renewal is one thousand five hundred (\$1,500.00) dollars, and the fee for the second renewal is three thousand (\$3,000.00) dollars. The fee for any subsequent renewal beyond the second renewal is five thousand (\$5,000.00) dollars.

#### Vacant/Abandoned Property Registration Fee Schedule

Initial Registration	\$ 500.00
First Renewal	\$1,500.00
Second Renewal	\$3,000.00
Subsequent Renewal	\$5,000.00

#### 11-7.6 Requirements of owners of vacant/abandoned properties.

The owner of any building that has become vacant/abandoned property, and any person maintaining or operating or collecting rent for any such building that has become vacant shall, within thirty (30) days thereof:

- (1) Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Borough Code, or as set forth in the rules and regulations supplementing those codes; and
- (2) Post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process, and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner

holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than eight (8) inches by ten (10) inches; and

- (3) Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and
- (4) Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, right-of-ways, alleys, retaining walls, attached or unattached accessory structures and driveways, are well-maintained and free from trash, debris, loose litter, and gross and weed growth; and
- (5) Continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied, demolished, or until repair and/or rehabilitation of the building is complete.

11-7.7 Violations.

- a. Any person who violates any provision of this Article or the rules and regulations issued hereunder shall be fined not less than \$100.00 and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.
- b. For purposes of this section, failure to file a registration statement within 30 calendar days after a building becomes vacant property or within 30 calendar days after assuming ownership of a vacant property, whichever is later, or within 10 calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this ordinance.

BE IT FURTHER ORDAINED by Mayor and Council that Chapter XXIII of the Borough Code be amended by the addition of a Vacant/Abandoned Property Registration Fee Schedule as follows:

Vacant/Abandoned Property Registration Fee Schedule

Initial Registration	\$ 500.00
First Renewal	\$1,500.00
Second Renewal	\$3,000.00
Subsequent Renewal	\$5,000.00

BE IT FURTHER ORDAINED by Mayor and Council that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED by Mayor and Council that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

BE IT FURTHER ORDAINED by Mayor and Council that this ordinance shall be in full force and take effect twenty (20) days after final passage and publication, as required by law.

This ordinance shall take effect twenty days after the first publication hereof after final passage.

It was moved by Councilman Messler and seconded by Councilwoman Pacifico that this ordinance be passed on first reading and advertised in full for a public hearing on November 23, 2021.

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico. Nays: Pater.  
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**BILLS & CLAIMS:**

The following resolution was introduced by Councilman Dierkes and seconded by Councilman Matejek:

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 19<sup>th</sup> day of October 2021, the same be paid after Council's review, if and when funds are available and that the Mayor, Council President, Administrator and Treasurer are hereby authorized and directed to sign and deliver warrants for same in the amount of \$351,475.33 (Copy of bill list attached).

Roll Call: Andre, Dierkes, Matejek, Messler, Pacifico, Pater. Nays: 0  
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**COUNCIL COMMENTS:**

Councilman Dierkes mentioned Santa will be delivering presents on the fire truck this year.

Councilwoman Andre announced the Haunted Trail event.

Councilman Matejek invited residents to the Mountainside PTO Trunk or Treat event.

Councilwoman Pater spoke about upcoming events including a COVID Vaccine Clinic, Grab & Go Lunch Program and the opening of the Levi Cory Village Shop.

Councilman Messler reported Clean Communities and Electronic Recycling.

Mayor Mirabelli hopes everyone enjoys trick or treating on Halloween.  
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**AUDIENCE PARTICIPATION:**

Hearing no one wishing to speak, Mayor Mirabelli closed the meeting to the public.  
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Upon a motion by Councilwoman Andre and a second by Councilwoman Pater, the meeting was unanimously adjourned at 8:00 P.M.

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Martha Lopez, RMC  
Borough Clerk