

**WORK SESSION**  
**JUNE 2, 2026**

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.

**PRESENT:** Mayor Mirabelli, Council President Matejek, Councilwoman Pacifico, Councilman Rinaldo, Councilman Van Deusen, Councilwoman Wass, Attorney Post and Administrator Mortimer. Also present were CFO Justyna Zagorska, Senior Coordinator Kim Moriak, Recreation Director Frank Masella, Police Chief Joseph Giannuzzi, DPW Director Matthew DeAnna and Borough Engineer Mike Disko. Councilman Dierkes was absent.

**ORDINANCE:** Second Reading (Public Hearing)

**ORDINANCE 1353-2026**

THIS ORDINANCE AMENDS AND UPDATES THE BOROUGH CODE CHAPTER XXII, SECTION 1017  
OF THE LAND USE ORDINANCE.

WHEREAS, the New Jersey Legislature has, pursuant to N.J.S.A. 40:52-1(d) and (n), authorized municipalities to regulate "furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes, and the occupancy thereof," as well as the "rental of real property for a term of less than 175 consecutive days for residential purposes by a person having a permanent place of residence elsewhere"; and

WHEREAS, in recent years, there has been a marked increase in the advertisement of short-term rental of dwelling units for periods from one to thirty days ("short-term rentals") within the Borough and neighboring municipalities; and

WHEREAS, the Borough has determined that short-term rentals frequently result in a deterioration of the neighborhood character, public nuisance, noise complaints, overcrowding and illegal parking within the residential neighborhoods in the Borough, and the effective conversion of residential dwelling units into unregulated de facto hotels, motels, or similar facilities; and

WHEREAS, the Borough therefore wishes to prohibit short-term rentals in order to ensure that traditional residential neighborhoods are not turned into tourist areas to the detriment of long-time residents; eliminate property uses that may negatively affect property value; minimize public safety risks and the noise, trash and parking problems often associated with short-term rentals without creating additional work for the local Police Department; and prohibit the unlawful creation of commercial enterprises in both single-family and multi-family dwelling units in violation of Borough zoning ordinances and public nuisance ordinances.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Mountainside, County of Union, State of New Jersey, that the Borough Code of the Borough of Mountainside is amended as follows:

Chapter XXII, Section 1017 Prohibited Uses is amended as follows:

Section 1017 Title is modified from Prohibited Use to Prohibited Uses.

## A. Cannabis Establishments Prohibited

All classes of cannabis establishments or cannabis distributors of cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a licensed cannabis delivery service.

New Section B. Short Term Rentals Prohibited is added.

## B. Short-Term Rentals Prohibited

### I. Definitions

As used in this article, the following terms shall have the meaning indicated:

#### ADVERTISE or ADVERTISING

Any form of solicitation, promotion, and communication for marketing used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this article, as same may be viewed through various media, including, but not limited to, signs, newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for consideration, which are prohibited by this article.

#### CONSIDERATION

Soliciting, charging, demanding, receiving or accepting any legally recognized form of consideration, including a promise or benefit, a quid pro quo, rent, fees, other form of payment, or thing of value.

#### DWELLING UNIT

Any structure, or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged or designed to be occupied, for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building, single-family home, cooperative, converted space, or portions thereof, that is offered to be used, made available for use, or is actually used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guest(s), for consideration.

#### HOSTING PLATFORM

A website or marketplace in whatever form, whether online or not, which facilitates short-term rentals through advertising, searching, matchmaking or any other means, using any medium of facilitation and from which the operator of the hosting platform derives revenues, including but not limited to booking fees or advertising revenues, from providing or maintaining the website or marketplace.

#### HOUSEKEEPING UNIT

Constitutes a family-type situation involving one or more persons living together that exhibit the kind of stability, permanency and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the New Jersey Superior Court.

#### OCCUPANT

Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a dwelling unit, or portion thereof, or having other permission or possessory right(s) within a dwelling unit.

## OWNER

Any person(s) who legally uses, possesses, owns, leases, subleases or licenses (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) one or more dwelling units, or who has charge, care, control, or who participates in the expenses and/or profit of a dwelling unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

## PERSON

An individual, firm, corporation, association, partnership, limited liability company, association, entity, and any person(s) and/or entity(ies) acting in concert or any combination therewith.

## RESIDENTIAL OCCUPANCY

The use of a dwelling unit by an occupant(s).

## SHORT-TERM RENTAL

A residential occupancy for a period of less than 30 days. Nothing in this Ordinance shall preclude the residential occupancy of an otherwise lawful and lawfully occupied dwelling unit for a period of 30 days or more by any person who is a member of the housekeeping unit of the owner, or invitee/house guest of the owner, without consideration as defined by this Ordinance.

### II. Short-Term rental prohibited

- A. Notwithstanding anything to the contrary contained in the Borough Code, it shall be unlawful for a person or owner to receive or obtain actual or anticipated consideration for using, authorizing, permitting, or failing to discontinue the use of any dwelling unit as a short-term rental, as defined herein.
- B. Nothing in this article will prevent formation of an otherwise lawful residential occupancy of a dwelling unit for a rental period of 30 days or more.
- C. Nothing in this article shall be deemed to prohibit the lawful operation of any hotel as that term is defined in the New Jersey Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq.

### III. Rental of Amenities Prohibited:

- A. The lease or rental, for any purpose, of any amenity, feature, accessory, or structure incidental to the primary property or associated with the principal building is prohibited, including but not limited, to swimming pools, sports courts, backyards, etc.

### IV. Advertising prohibited; hosting platform prohibitions

- A. It shall be unlawful for any person to advertise by any means all actions, or failures to act, that would be in violation of the provisions of this article.
- B. It shall be unlawful for any hosting platform to undertake, maintain, authorize, aid, facilitate or advertise any short-term rentals in violation of this article.

### V. Violations and penalties; enforcement

- A. The provisions of this article shall be enforced by the Construction Official, Zoning Official, Health Department, other Subcode or Code Official, as their jurisdiction may arise, or other persons designated by the Governing Body of the Borough of Mountainside, to issue municipal civil infractions directing alleged violators of this article and/or to appear in court or file civil complaints.

- B. A violation of this article is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.
- C. Any person found to have violated any provision of this article, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding \$2,000.
- D. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/or injunction, reasonable attorneys' fees or other fees and costs, in the Borough's Municipal Court or the Superior Court of New Jersey in the vicinage of Union County.

Section II: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section III: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

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

Peggy Rodminer, 239 Oak Tree Road, voiced her concerns about unknown renters.

Nancy Jean Walker, 268 Birch Lane, was worried about the safety of children. Is the landlord required to pay for a certificate of occupancy when a short term renter moves in and out of a property.

John Aslanian, 250 Oak Tree Road, asked why define short rentals at 30 days and why is the penalty limit \$2,000.

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

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

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

Discussion was held regarding the annual renewal of liquor licenses. The establishments have been inspected, received their tax clearances and paid all required fees. The resolution to approve liquor license renewals will be prepared for the next meeting.

Discussion was held regarding a request from the Tax Collector to authorize tax refunds due to duplicate payments. The proper resolution will be prepared for the next meeting.

Discussion was held regarding authorization to auction surplus property. The list consists of a 2007 Ford F150, 2019 Ford Explorer, landscaping equipment, sign board trailer and bins of plumbing supplies. which are no longer useful to the borough and should be auctioned. The Council approved the sale of surplus property and the resolution will be prepared for the next meeting.

Discussion was held regarding temporary sign permit fees. In addition to the required fees for sign permits, a cash bond for each sign in the amount of \$100 is required to insure the removal of the sign after it has served its purpose. The borough engineer recommends eliminating the cash bond requirement. Council concurs with the recommendation. An ordinance will be forthcoming.

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Discussion was held regarding a request from the Finance Officer for a Chapter 159 resolution to include special items of revenues into the 2026 municipal budget for the Clean Communities Grant (\$18,212.53), Watts Foundation – Senior Programs & Smoke Alarms (\$2,225) and Watts Foundation (\$2,000) – Sensory Event. The proper resolution will be prepared for the next meeting.

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Discussion was held regarding a revision to the Construction Official's work hours. Jerry Eger's appointing resolution stated a work week of 15 hours. The Borough Administrator recommends a work week of 10 hours. The Administrator's hours will also need to be revised. The proper resolutions will be prepared for the next meeting.

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Discussion was held regarding a settlement for a reverse tax appeal. Attorney Post discussed the increase in assessed value for 120 Globe Avenue for 2025, 2026 and 2027. A resolution approving the stipulation of settlement will be prepared for the next meeting.

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Discussion was held regarding canceling unexpended capital improvement balances. Several capital projects have unneeded balances which can be cancelled and returned to the capital improvement fund. The proper resolution will be prepared for the next meeting.

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Discussion was held regarding department refunds. The recreation department would like to refund participants due to cancellations and security/cleaning refunds to Clark Concession for last years pool season. The CFO will refund a sewer utility billing adjustment recommended by the Engineer. The proper resolution will be prepared for the next meeting.

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Discussion was held regarding authorization to purchase cameras and upgrade security. The purchase is through the Bergen County Co-Op BC-BID-23-17 contract with GTBM in amount of \$61,250. The proper resolution will be prepared for the next meeting.

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Discussion was held regarding an emergency appropriation to repair the pool. During preparation for opening the pool for the season, it was discovered that the grounding system for the main electrical system does not exist and is not compliant or safe for operation. The required emergency work includes installation of a new underground electrical service along with two new grounding wires to establish a proper and code-compliant grounding system. The total cost of the emergency repair project is approximately \$100,000. Options to fund are a capital ordinance or inclusion in next year's budget. Two resolutions will be prepared for the next meeting.

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Discussion was held regarding the appointment of PT staff. The appointment of a PT senior van driver was recommended along with recreation staff. The proper resolutions will be prepared for the next meeting.

Discussion was held regarding Richard Neri's final employee payout. The DPW employee retired and is entitled to unused comp and vacation time in the sum of \$1,760.39. A resolution will be prepared for the next meeting.

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Discussion was held regarding the approval to appoint Katherine Lewis as a new volunteer firefighter.

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Discussion was held regarding a potential lien redemption for 246 Fawn Ridge.

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Discussion was held regarding tennis court improvements. Both courts have been paved and secured with chain locks. Quotes for cameras are forthcoming as well as fence upgrades for a key swipe system. Signage will also be posted.

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Discussion was held regarding state regulations for e-bikes. Riders must be 15 years old or over, wear a helmet, be registered and insured with a license. There is group pushback on the new regulations and licensing mechanisms are not in place at this time.

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Discussion was held regarding Beechwood fields. Seasonal restrictions were recommended.

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Discussion was held regarding the corner park. The County was presented with the plans and are awaiting their approval. Sidewalks and curbs may need to be constructed. Electrical aspect will be done separately from the rest of the project.

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Discussion was held regarding the pool. Mailers will be sent to residents to announce a walk through at the pool to highlight the issues at the facility on June 29<sup>th</sup>.

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**BILLS & CLAIMS:**

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

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following bills of the persons named and for the amounts stated below, having been duly audited and found to be correct this 2<sup>nd</sup> day of June 2026, 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 \$158,274.60 (Copy of bill list attached).

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

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**AUDIENCE PARTICIPATION:** None

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Upon a motion by Councilman Matejek and a second by Councilwoman Wass the following resolution to adjourn to closed session was unanimously adopted:

WHEREAS, the Open Public Meetings Act of the State of New Jersey permits the public to be excluded from certain matters to be discussed by the Governing Body; and

WHEREAS, the Mayor and Council desire to discuss personnel, contracts and litigation which are matters where the exclusion of the public is permitted; and

WHEREAS, public disclosure of the results of this discussion will be made as soon as the matters discussed have been resolved by the Governing Body of the Borough of Mountainside.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the aforesaid matters shall be discussed in closed session upon adoption of this resolution.

Meeting adjourned to closed session at 8:39 P.M.  
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The meeting was recalled to public session.  
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Upon a motion by Councilwoman Wass and a second by Councilwoman Pacifico, the meeting was unanimously adjourned at 8:46 P.M.  
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Martha Lopez, RMC  
Borough Clerk