

**REGULAR MEETING
MAY 19, 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 7:31 P.M.

INVOCATION: Councilman Van Deusen
SALUTE TO THE FLAG
ROLL CALL

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

APPROVAL OF MINUTES:

Upon a motion by Councilwoman Wass and a second by Councilwoman Pacifico, the minutes of the Regular Session Meeting held on April 21, 2026 were approved. Roll Call: Ayes: Dierkes, Matejek, Pacifico, Van Deusen, Wass. Nays: 0.

Upon a motion by Councilman Dierkes, and a second by Councilman Matejek, the minutes of the Work & Executive Session Meetings held on May 5, 2026 were approved. Roll Call: Ayes: Dierkes, Matejek, Pacifico, Van Deusen, Wass. Nays: 0.

PROCLAMATION:

WHEREAS, mental health is an essential part of overall health and well-being at every stage of life; and

WHEREAS, one in two people will experience a mental health challenge in their lifetime, reminding us that this is not "someone else's issue" — it touches all of us; and

WHEREAS, all individuals experience stress and challenges, and seeking help should be met with compassion, understanding, and support; and

WHEREAS, prevention, early identification, and early intervention significantly improve outcomes for individuals and strengthen families and communities; and

WHEREAS, there are proven tools and resources that empower people to care for their mental health, build resilience, and support one another; and

WHEREAS, recovery is possible, and with the right support, individuals can lead full, meaningful, and productive lives; and

WHEREAS, stigma and barriers to care continue to prevent too many people from seeking the help they deserve; and

WHEREAS, mental health is a shared responsibility, and communities thrive when schools, families, businesses, healthcare providers, and local leaders work together to support well-being;

NOW, THEREFORE, we, the Mayors of the communities of:

- Union County: Berkeley Heights, Chatham, Fanwood, Long Hill, Mountainside, New Providence, Scotch Plains, Summit, Westfield
- Morris County: Florham Park, Madison, Mendham Borough, Mendham Township
- Essex County: Livingston

Do hereby proclaim May 2026 as Mental Health Awareness Month in our respective municipalities.

Together, we stand united in:

- Raising awareness
- Reducing stigma
- Encouraging open conversation
- Promoting access to care and support

We proudly support the ongoing work of the NJ Cross Town Mental Health Coalition, whose collaboration across our communities reflects the power of partnership in promoting mental health awareness, education, and advocacy. Through shared initiatives such as the Paint the Town Green campaign, we visibly demonstrate our collective commitment to reducing stigma and supporting those impacted by mental health challenges.

We call upon all residents, organizations, schools, and businesses to:

- Check in with one another
- Start conversations
- Seek help when needed
- And help build communities where mental health is prioritized and supported

Together, we can create communities where it is safe to speak, safe to struggle, and safe to heal.

ORDINANCE: Second Reading (Public Hearing)

ORDINANCE 1349-2026
CALENDAR YEAR 2026
ORDINANCE TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous years final appropriations; and

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and

WHEREAS, the Borough Council of the Borough of Mountainside, County of Union, hereby determines that this difference in the amount of \$174,358.58 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed

with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Hearing no one wishing to speak, Councilman Matejek 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: Ayes: Dierkes, Matejek, Pacifico, Van Deusen, Wass. Nays: 0.

Mayor Mirabelli provided a summary of the 2026 proposed municipal budget.

Mayor Mirabelli opened the meeting to anyone wishing to discuss the 2026 municipal budget.

Margot Baruch, 1136 Saddle Brook Road, asked how the municipal pool renovations would impact the budget.

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

RESOLUTIONS:

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

RESOLUTION 61-2026

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

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

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

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

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

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

RESOLUTION 62-2026

BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside, County of Union, that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes of the sums therein as set forth as appropriations, and authorization of the amount of \$11,258,113.49 for municipal purposes.

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

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

RESOLUTION 63-2026

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Borough of Mountainside has the authority to prepare and issue estimated tax bills; and

WHEREAS, in order for the Borough of Mountainside to meet our financial obligations, maintain the tax collection rate, provide uniformity for tax payments and save the unnecessary cost of interest expenses on borrowing it would be in our best interest to do so; and

WHEREAS, the Tax Collector and the Chief Financial Officer have reviewed and computed an estimated levy in accordance with N.J.S.A. 54:4-66.3.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside on this 19th day of May, 2026, as follows:

1. The Borough of Mountainside Tax Collector is hereby authorized and directed to prepare and issue estimated bill for the Borough of Mountainside for the third quarter of 2026 taxes, in accordance with the provisions of N.J.S.A. 54:4-66.2 et seq. in the event a tax rate is not certified timely.
2. The entire estimated tax levy for 2026 is hereby set at \$42,052,954.68.

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

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

RESOLUTION 64-2026

WHEREAS, the New Jersey Transportation Trust Fund Authority Act has provided funds for the improvement of municipal roads through the New Jersey Department of Transportation; and

WHEREAS, the Borough of Mountainside desires to apply for a grant for municipal aid funds for improvements of municipal roads; and

WHEREAS, the Borough Engineer will prepare the application for the grant for municipal aid for sections of roadways known as:

RESURFACING OF STONY BROOK LANE

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Mountainside formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Mountainside and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

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

RESOLUTION 65-2026

WHEREAS, there exist a need for Pool and Summer Staff in the Recreation Department that will operate from April 1st to September 30th; and

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

Name	Position	Wage	
Pool	Start Date April 1 st		
Aidan Alvarez	Maintenance	\$15.75	Per Hour
Evan Alvarez	Lifeguard	\$17.50	Per Hour
John Berckes	Sub Manager	\$19.50	Per Hour
Alexis Bush	Lifeguard	\$17.00	Per Hour
Evan Cadet	Lifeguard	\$16.00	Per Hour
Luka Culjak	Lifeguard	\$17.50	Per Hour
Tessa DeGennaro	Lifeguard	\$16.00	Per Hour
Natalie Dillon	Desk	\$15.75	Per Hour
Matt DiRado	Head Lifeguard	\$17.00	Per Hour
Aiden Dursee	Maintenance	\$16.50	Per Hour
George Dursee	Maintenance	\$16.50	Per Hour
Daniella Eriksson	Lifeguard	\$16.50	Per Hour
Mira Faustino	Lifeguard	\$16.50	Per Hour
Matteo Frungillo	Lifeguard	\$16.50	Per Hour
Ally Gardner	Lifeguard	\$16.00	Per Hour
Dylan Gardner	Maintenance	\$16.50	Per Hour
Jackson Hyman	Lifeguard	\$16.50	Per Hour
Luke Iannotta	Lifeguard	\$17.50	Per Hour
Matthew Iannotta	Lifeguard	\$17.50	Per Hour
Keri Kapusanski	Lifeguard	\$16.50	Per Hour

Frankie Kelly	Lifeguard	\$17.50	Per Hour
Kiera Kelly	Lifeguard	\$17.00	Per Hour
Charlotte Keenan	Desk	\$15.50	Per Hour
Dylan Kreisberg	Desk	\$15.75	Per Hour
Mark Klimas	Maintenance	\$16.50	Per Hour
Sloan Lynn	Lifeguard	\$16.50	Per Hour
Pat Mamrach	Head Maintenance	\$19.50	Per Hour
Sydney Man	Lifeguard	\$16.50	Per Hour
Daniella Marano	Lifeguard	\$16.00	Per Hour
Molly McDermott	Lifeguard	\$16.00	Per Hour
Kelly Patterson	Desk	\$15.75	Per Hour
Devyn Perucki	Lifeguard	\$16.50	Per Hour
Dillon Perucki	Lifeguard	\$17.00	Per Hour
Eric Phillips	Lifeguard	\$16.00	Per Hour
Jane Reichart	Lifeguard	\$16.00	Per Hour
Jimmy Ruban	Maintenance	\$16.75	Per Hour
Sabrina Ruban	Office Manager	\$18.50	Per Hour
Connor Scarpa	Lifeguard	\$17.00	Per Hour
Ryan Scarpa	Lifeguard	\$17.00	Per Hour
Paul Schwartz	Maintenance	\$16.50	Per Hour
Liv Steinmetz	Desk	\$15.75	Per Hour
Alaina Stewart	Lifeguard	\$16.00	Per Hour
Morganne Taylor	Lifeguard	\$17.50	Per Hour
Maddy Valera	Lifeguard	\$16.50	Per Hour
Emma Wargaski	Lifeguard	\$17.00	Per Hour
Jack Wargaski	Head Guard	\$18.00	Per Hour
Jack Wargaski	Head Swim Coach	\$3,300.00	season
Erin Whelan	Lifeguard	\$16.50	Per Hour

Rec

Gina Fabio	Assistant Camp Counselor	\$15.75	
Mikayla Lapinski	Assistant Camp Counselor	\$15.75	
Madison Philips	PlaygroundCamp Supervisor	\$20.00	
Ian Strambaugh	Assistant Camp Counselor	\$16.00	
Matthew Wood	Assistant Camp Counselor	\$15.25	
Riley Amato	Tennis/ Pickleball Instructor		Per Hour
Sarah Gillo	Tennis/ Pickleball Instructor	\$40.00	Per Hour
Jeanie Ruban	Tennis/ Pickleball Instructor	\$12/hr-per participant	
James Ruban JR	Tennis/Pickleball Instructor	\$40.00	Per Hour

James Ruban III	Tennis/Pickleball Instructor	\$40.00	Per Hour
Sabrina Ruban	Tennis/Pickleball Instructor	\$40.00	Per Hour
Taylor Mason	Tennis/Pickleball Instructor	\$40.00	Per Hour
Bryan Doyle	Tennis/Pickleball Instructor	\$25.00	Per Hour
Nathan Gao	Tennis/Pickleball Instructor	\$40.00	Per Hour
Rachel Walsh	Yoga Instructor	\$60.00	Per Class
Intern split bet. two depts	Start Date May 13 th		
Brenna Falso	Intern – Rec & Senior Svcs.	\$16.00	Per Hour

WHEREAS, each of the above individuals shall be appointed as temporary employees for the 2026 pool and summer 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 by and herby is accepted and approved of background checks.

BE IT FURTHER RESOLVED, that the salaries for the above positions shall be set forth in the borough’s salary ordinance.

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

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

RESOLUTION 66-2026

WHEREAS, there will be a vacancy in the position of Deputy Clerk/Deputy Registrar of Vital Statistics; and

WHEREAS, the Borough Administrator has recommended the appointment of Jasmeen Ashe to fill this position; and

WHEREAS, Jasmeen Ashe shall receive a starting salary of \$62,000; and

WHEREAS, Jasmeen Ashe shall complete CMR certification within the probationary period and upon completion shall be compensated an additional \$4,000.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Jasmeen Ashe is hereby appointed to the position of Deputy Clerk/Deputy Registrar of Vital Statistics effective May 4, 2026 with a six-month probationary period in accordance with the Borough of Mountainside Personnel Policy & Procedures Manual.

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

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

RESOLUTION 67-2026

WHEREAS, there is a need for a PT Planning Board Secretary; 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 an hourly rate of \$30.00, not to exceed 6 hours without Administrator's approval, effective April 21, 2026 with a six-month probationary period. At the conclusion of the probationary period the hourly rate will increase to \$32 per hour.

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

The following resolution was introduced by Councilman Wass and seconded by Councilman Van Deusen.

RESOLUTION 68-2026

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Mountainside that Anamika Sandhu is hereby appointed to the position of DPW/Zoning/Assessing Secretary at a starting annual salary of \$60,000, effective May 18, 2026 with a six-month probationary period in accordance with the Borough of Mountainside Personnel Policy & Procedures Manual; and

BE IT FURTHER RESOLVED, that upon completion of the probationary period shall be compensated an additional \$2,000.

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

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

RESOLUTION 69-2026

WHEREAS, there exists a vacancy in the position of Department of Public Works Laborer; and

WHEREAS, Administrator Glenn Mortimer and DPW Director Matthew DeAnna recommend that the Borough Council take action to hire Eric Demnitz.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mountainside that Eric Demnitz is hereby hired as a full-time Laborer with the Department of Public Works, at a salary of \$45,000, effective May 11, 2026. Upon obtaining a CDL-B license shall be compensated an additional \$2,000.

BE IT FURTHER RESOLVED, that Eric Demnitz be hired as a probationary employee for a period of six months in accordance with the Borough of Mountainside Personnel Policy & Procedures Manual.

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

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

RESOLUTION 70-2026

WHEREAS, the Borough of Mountainside has settled a tax appeal with Vericon Construction Company LLC upon the terms and conditions set forth in the Stipulation of Settlement attached hereto; and

WHEREAS, it is necessary that the settlement set forth in such Stipulation of Settlement be approved by the Governing Body.

NOW THEREFORE BE IT RESOLVED that the Stipulation of Settlement between Mountainside Borough, Plaintiff and Vericon Construction Company LLC Defendant, whereby, *inter alia*, the assessment for the property known as 1165 Globe Avenue., Mountainside, as shown on the Borough tax map as Block 23, Lot 23 is set for 2025 at \$413,300 for the land and \$2,427,800 for the Improvement, for a total assessment of \$2,841,100, be and the same is hereby approved.

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

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

RESOLUTION 71-2026

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

<u>Applicant</u>	<u>For</u>	<u>Amount</u>
Barbara Bager 1570 Brookside Rd Mountainside, NJ 07092	Mah Jongg	\$134.00
Michelle Fiorenza 1287 Poplar Ave Mountainside, NJ 07092	Dog Licenses	\$32.00

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

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

RESOLUTION 72-2026

WHEREAS, it is required for the Borough of Mountainside to adopt and have on file a detailed Cash Management Plan regarding investments of Borough funds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following Cash Management Plan is hereby adopted and it is to be kept on file in the offices of the Borough CFO and Borough Clerk:

I. STATEMENT OF PURPOSE

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for the deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the Borough of Mountainside, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to

the Deposits and the Permitted Investments will be done to insure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to ensure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

II. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN

- 1. The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the Borough of Mountainside.

1. Current Fund	5. Affordable Housing Account
2. Trust Other Account	6. Swim Pool Utility Operating Fund
3. General Capital Fund	7. Unemployment Trust Account
4. Dog Trust Fund	8. Health Reimbursement Account

III. DESIGNATION OF OFFICIAL AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS UNDER THE PLAN AND DESIGNATE AUTHORIZED CHECK SIGNERS

The Chief Financial Officer of the Borough of Mountainside (the "Designated Official") and their designees are hereby authorized and directed to deposit and/or invest the funds referred to in the Plan.

The Chief Financial Officer, Business Administrator, Mayor, and Council President are hereby authorized as check signers for all borough accounts except Court General, Court Bail, and Forfeiture Funds Accounts.

IV. DESIGNATION OF DEPOSITORIES

The following banks and financial institutions are hereby designated as depositories for the Deposit of all public funds referred to in the Plan, including any Certificates of Deposit which are not otherwise invested in Permitted Investments as provided for in this Plan:

For purposes of investing, all institutions presenting a GUDPA certificate may be used. The following banks and financial institutions are hereby designated as official depositories for the deposit of all public funds referred to in this plan: Valley Bank and TD Bank.

A "Certificate of Eligibility" is the certification issued by the New Jersey Department of Banking, Division of Banking, that a public depository is eligible to act as a depository for public funds and qualifies as a participant in the New Jersey Governmental Unit Depository Protection Act (GUPA).

V. AUTHORIZED INVESTMENTS

A. Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

- (1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;

- (2) Government money market mutual funds;
- (3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of the purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
- (4) Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located;
- (5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units;
- (6) Local government investment pools;
- (7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section I of P.L. 1977, c. 281 (C.52:18A-90.4); or
- (8) Agreements for the repurchase of fully collateralized securities if:
 - (a) the underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a;
 - (b) the custody of collateral is transferred to a third party;
 - (c) the maturity of the agreement is not more than 30 days,
 - (d) the underlying securities are purchased through a public depository as defined in section I of P.L. 1970, c.236 (C.17:9-41); and
 - (e) a master repurchase agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms "government money market mutual fund" and "local government investment pool" shall have the following definitions:

Government Money Market Mutual Fund. An investment company or investment trust:

(a) which is registered with the Securities and Exchange Commission under the "Investment Company. Act of 1940," 15 U.S.C. sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec. 270.2a-7.

(b) the portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and

(c) which has:

(i) attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or

(ii) retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the "Investment Advisors Act of 1940," 15 U.S.C. sec. 80b-1 et seq., with experience investing in U.S. Government securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

Local Government Investment Pool. An investment pool:

(a) which is managed in accordance with 17 C.F.R. sec. 270.2a-7;

(b) which is rated in the highest category by a nationally recognized statistical rating organization;

(c) which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;

(d) which is in compliance with rules adopted pursuant to the "Administrative Procedure Act," P.L. 1968, C.410 (c.52:14B-l et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;

(e) which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and

(f) which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 c.9 (C.49.3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.

VI. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGMENT OF RECEIPT OF PLAN

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Borough of Mountainside, then such instrument or security shall be covered by a custodial agreement--with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Borough of Mountainside to assure that there is no unauthorized use of the funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a "delivery versus payment" method to ensure that such Permitted Investments are either received by the Borough of Mountainside or by a third-party custodian prior to or upon the release of the Borough's funds.

To assure that all parties with whom the Borough of Mountainside deals either by way of Deposits or Permitted Investments are aware of the authority and the limits set forth in this Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Designated Official(s).

VII. FEES CHARGED BY THE OFFICE OF THE TAX COLLECTOR

The Collector of Taxes shall charge interest at the rate of 8% per annum on the first \$1,500 of a delinquency and 18% per annum on that amount of the delinquency as defined in N.J.S.A. 54:4-67 in excess of \$1,500 on all delinquent taxes and sewer fees to be calculated from the date the tax or fee was due until the date of actual payment.

The grace period of ten (10) calendar days will be allowed for an installment of taxes and sewer fees where payments received on or before the 10th of the due date month will not be subject to interest charges as provided by Chapter 105, Public Laws of 1965.

There will be a six percent (6%) penalty on delinquency of ten thousand dollars (\$10,000) or more at the end of the calendar year.

The Tax Collector is hereby authorized to cancel at year-end small balances on taxes and sewer accounts whether owed to the Borough or owed by the Borough an amount of \$5.00 and under.

VIII. TERM OF PLAN

This Plan shall be in effect from adoption until December 31, 2026. Attached to this Plan is a resolution of the governing body of the Borough of Mountainside approving this Plan for such period of time. The Plan may be amended from time to time. To the extent that any amendment is adopted by the governing body of the Borough of Mountainside, the Designated Official is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

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

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

RESOLUTION 73-2026

WHEREAS, Local Public Contract Law 40A:11-6.1; “Award of Contracts” requires that every contract awarded by the contracting agent for the provision or performance of any goods or services, the cost of which in the aggregate may exceed the bid threshold, shall be awarded only by resolution of the governing body; and

WHEREAS, The Borough of Mountainside is authorized by law to purchase goods and services from approved vendors who have been awarded by and have existing contracts with the State of New Jersey and/or authorized Cooperative Purchasing Programs; and

WHEREAS, the following vendors have been awarded state contracts and/or authorized cooperative purchasing program agreements and the Borough Council of the Borough of Mountainside hereby authorizes the purchase of goods and/or services through the following vendors listed herewith, that in the aggregate may exceed the bid threshold for the calendar year 2026;

State Contracts				
Vendor	State Contract Numbers			
A&K Equipment	24-FLEET-118738			
All Hands Fire Equipment	21-FOOD-05224	21-FOOD-01685	17-FLEET-00812	17-FLEET-00746
All Traffic Solutions	17-FLEET-00776			
Atlantic Tactical	17-FLEET-00732	24-COMG-105931		
AT&T Mobility	22-TELE-05861			
Axon Enterprise, Inc.	17-FLEET-00738			
Ben Shaffer Recreation, Inc.	24-FOOD-118190			
Business Information Systems	21-TELE-01333			
Canon	40462	24-FOOD-52427	25-COMG-103708	
Cleveland Auto & Tire Co.	25-FLEET-81812	25-FLEET-82627		

Constellation New Energy, Inc.	19-PROS1-00673	40091		
Continental Fire & Safety	17-FLEET-00802	21-FOOD-01681		
Dell	20-TELE-01510	24-TELE-71883		
Draeger	21-FOOD-01688	20-TELE-00933	17-FLEET-00827	17-FLEET-00784
Eagle Point Gun Shop	17-FLEET-00721			
East Coast Emergency Lighting	23-FLEET-68813			
ESI Equipment, Inc	17-FLEET-00820			
Firefighter One	17-FLEET-00807			
Fit-Rite Uniform Co, Inc	16-FOOD-00109			

State Contracts

Vendor	State Contract Numbers			
Foley	24-FLEET-111139			
Gall's	20-FOOD-00904	24-COMG-105934		
Gold Type Business Machines	83904	17-FLEET-00716	22-TELE-40641	
Grainger	25-FLEET-96861	25-COMG-96978		
Hertrich Fleet	24-FLEET-85677	21-FLEET-01483	24-FLEET-103119	20-Fleet-01387
	24-FLEET-97626	24-FLEET-107620	25-FLEET-109064	
Home Depot USA	18-FLEET-00234			
Johnny on the Spot	20-GNSV1-01315			
Lawmen Supply Company	17-FLEET-00740			
Morton Salt	20-FLEET-01519			
Motorola	83909	23-FLEET-33791	83925	
Municipal Emergency Services	17-FLEET-00818			
Neilson of Morristown	23-FLEET-34933			
New Jersey Door Works	T1343			
NJ fire Equipment	17-FLEET-00811			
Northeast Communication, Inc	83898			
Pitney Bowes	41258			
Rich Tree	24-GNSV1-108523	23-GNSV1-73346		
SHI	21-TELE-01360			
Sisbarro Towing	40845			
Traffic Safety Services	20-FLEET-01319			
Turn Out Fire & Safety	16-FOOD-00113	17-FLEET-00752	17-FLEET-00813	24-COMG-105935
UGI Energy Services	19-PROS1-00688			
Verizon Wireless	22-TELE-05441			
W.E. Timmerman	24-FLEET-111135			

State Contracts

Vendor	State Contract Numbers			
Waste Management	40379			
WB Mason	24-FOOD-84467	24-COMG-78752	19-FOOD-01329	
Winner Ford	40805	20-FLEET-01189	20-FLEET-01392	24-FLEET-108120
	25-FLEET-109065	24-FLEET-107621	T-2102 A88215	
Wireless Electronics	20-TELE-00910			
Witmer	17-FLEET-00767			
Zentron, Inc	83924			

Cooperative Purchasing		
Vendor	Cooperative Purchasing Program	Contract #
A & K Equipment, Inc	Somerset County	CC-0043-24R2
Atlantic Tactical	Somerset County	CC-00004-24
Buy Wise Auto	Somerset County	CC-0113-24
		CC-0025-25
Gall's	Somerset County	CC-0004-24
GTBM	Bergen County	BC-BID-23-17
Morton Salt	Somerset County	CC-0054-24
On-Site Fleet Service	Somerset County	CC-0129-25
Storr Tractor Company	Somerset County	CC-0091-24
Some's Uniforms	Somerset County	CC-0004-24
National Highway Products	Somerset County	CC-0099-24
W.B. Mason	Somerset County	CC-0001-24
		CC-0059-25
Neilsen/Winner Ford	Cranford Co-Op	47 - CPCPS
Deer Carcas Removal Service	Union County	UCCP-3-2025
Morton Salt	Union County	UCCP-33-2024
Traffic Safety Service	Union County	UCP-11-2024
Weldon	Union County	UCCP-64-2024
Waste Management	Union County	UCCP-16-2023
Cooperative Purchasing		
Vendor	Cooperative Purchasing Program	Contract #
A & K Equipment	ESCNJ	ESCNJ 23/24-04
Ben Shaffer Recreation Inc.	ESCNJ	ESCNJ 24/25-01
		ESCNJ 24/25-03
Direct Flooring/Hannon Floors	ESCNJ	ESCNJ 23/24-14
Field Turf	ESCNJ	ESCNJ 22/23-37
		ESCNJ 24-25-40
		ESCNJ 24/25-45
Foley	ESCNJ	ESCNJ 22/23-12
		ESCNJ 22/23-46
Hoffman Services, Inc	ESCNJ	ESCNJ 24/25-14
Jesco, Inc.	ESCNJ	ESCNJ 22/23-12
Main Line	ESCNJ	ESCNJ 24/25-39
Modern Group	ESCNJ	ESCNJ 22/23-12
Sherwin Williams	ESCNJ	ESCNJ 23/24-16
Storr Tractor Company, Inc.	ESCNJ	ESCNJ 22/23-12
Timothy P. Bryan Electric Co.	ESCNJ	ESCNJ 22/23-35
U.S. Municipal Supply	ESCNJ	ESCNJ 22/23-12
V.E. Ralph & Sons	ESCNJ	ESCNJ 23/24-29
W.B. Mason	ESCNJ	ESCNJ 23/24-15
		ESCNJ 25/26-38
		ESCNJ 21/22-18
W.E. Timmerman	ESCNJ	ESCNJ 23/24-04

Amazon Services	OMNIA Partners	L54679
		R-TC-17006
Cintas	OMNIA Partners	R-BB-19002
		222886
		001299
Cooperative Purchasing		
Vendor	Cooperative Purchasing Program	Contract #
Dell	OMNIA Partners	C000001019611
Grainger	OMNIA Partners	R240808
		240078-01
Home Depot	OMNIA Partners	16154
		170009/260006-03
Sherwin Williams	OMNIA Partners	02-147
SHI	OMNIA Partners	R220804
Draeger	Sourcewell (Formerly NJPA)	011824-DRG
Foley Cat	Sourcewell (Formerly NJPA)	001723-CAT
Gall's	Sourcewell (Formerly NJPA)	091924-GAL
		011124-GAL
Grainger	Sourcewell (Formerly NJPA)	080922-WWG
		090122-WWG
		091422-WWG
Motorola	Sourcewell (Formerly NJPA)	042021-MOT
		051321-MOT
		030425-MOT
		020625-MOT
		101223-MOT
Musco Sports Lighting	Sourcewell (Formerly NJPA)	041123-MSL
Napa (Garwood Auto Parts)	Sourcewell (Formerly NJPA)	100124-GPC
National Auto Fleet	Sourcewell (Formerly NJPA)	091521-NAF
		032824-NAF
		081325-NAF
Pitney Bowes	Sourcewell (Formerly NJPA)	070125-PIT
Sherwin Williams	Sourcewell (Formerly NJPA)	091323-SHW
SHI	Sourcewell (Formerly NJPA)	121923-SHI
UPS	Sourcewell (Formerly NJPA)	090121-UPS
Cooperative Purchasing		
Vendor	Cooperative Purchasing Program	Contract #
Ciocca Ford of Flemington	Morris County Cooperative	# 15
Fit-Rite Uniforms	Morris County Cooperative	# 50
		# 23
JEN Electric	Morris County Cooperative	# 37
Main Pools	Morris County Cooperative	# 17
Neilson Chevrolet	Morris County Cooperative	# 15
Sherwin Williams	Morris County Cooperative	# 10
Spectrum Communications	Morris County Cooperative	# 41

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Mountainside authorizes purchases from the aforementioned vendors that in the aggregate may exceed the bid threshold for the calendar year 2026.

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

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

RESOLUTION 74-2026

WHEREAS, the State of New Jersey requires a municipality to appoint an Emergency Management Coordinator for a period of three years; and

WHEREAS, additional authorized Emergency Management personnel are required to be identified; and

WHEREAS, it is the desire of the Governing Body of the Borough of Mountainside to fill the position of Emergency Management Coordinator and identify additional authorized Emergency Management personnel.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that Keith C. Turner is hereby appointed as Emergency Management Coordinator for the Borough of Mountainside for a period of three years, term to expire May 18, 2029; and

BE IT FURTHER RESOLVED, that the following individuals were hereby appointed as additional Emergency Management Deputy personnel:

Michael Jackson
Matthew DeAnna
Joseph Giannuzzi

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

ORDINANCES: Second Reading (Public Hearing)

ORDINANCE 1350-2026

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE BOROUGH OF MOUNTAINSIDE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,320,000 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 and to acquire new additional or replacement equipment and machinery 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. 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	\$1,028,000
Down Payment Appropriated	\$ 49,000
Bonds and Notes Authorized	\$ 979,000
Period of Usefulness	10 years

B. Undertaking of HVAC improvements at the Municipal Building. It is hereby determined and stated that said public building being improved is of at least "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 60,000
Down Payment Appropriated	\$ 2,860
Bonds and Notes Authorized	\$ 57,140
Period of Usefulness	15 years

C. Undertaking of security improvements at various Borough facilities.

Appropriation and Estimated Cost	\$ 62,000
Down Payment Appropriated	\$ 3,000
Bonds and Notes Authorized	\$ 59,000
Period of Usefulness	10 years

D. Acquisition of new additional or replacement equipment and machinery consisting of self-contained breathing apparatus equipment for the use of the Fire Department.

Appropriation and Estimated Cost	\$ 170,000
Down Payment Appropriated	\$ 11,140
Bonds and Notes Authorized	\$ 158,860
Period of Usefulness	10 years

Aggregate Appropriation and Estimated Cost	\$1,320,000
Aggregate Down Payment Appropriated	\$ 66,000
Aggregate Amount of Bonds and Notes Authorized	\$1,254,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$126,000 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 \$66,000, 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 \$66,000 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 \$1,254,000 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 \$1,254,000 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 10.22 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 \$1,254,000 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 else wishing to speak, Councilman Matejek 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, Van Deusen, Wass. Nays: 0

ORDINANCE 1351-2026

AN ORDINANCE TO APPROPRIATE THE SUM OF FIFTY-ONE THOUSAND DOLLARS (\$51,000.00) FROM THE CAPITAL IMPROVEMENT FUND FOR THE ACQUISITION OF VARIOUS EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Governing Body of the Borough of Mountainside is desirous of acquiring various equipment for the Department of Public Works; and

WHEREAS, funds up to the amount of \$51,000.00 may be needed.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Mountainside that the sum of \$51,000.00 be and the same is hereby appropriated from the Capital Improvement Fund.

Hearing no one wishing to speak, Councilman Matejek 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: Ayes: Dierkes, Matejek, Pacifico, Van Deusen, Wass. Nays: 0

ORDINANCE 1352-2026

AN ORDINANCE AMENDING ORDINANCE 1219-2014 (LAND DEVELOPMENT) OF THE CODE OF THE BOROUGH OF MOUNTAINSIDE, COUNTY OF UNION, AND STATE OF NEW JERSEY TO ESTABLISH AN INCLUSIONARY ZONE DISTRICT ENTITLED L-I/AH2, PROVIDING AFFORDABLE HOUSING UNITS TO BE DEVELOPED SUBJECT TO CERTAIN CONDITIONS AND REQUIREMENTS

WHEREAS, the Borough of Mountainside will satisfy its affordable housing obligation in accordance with Mount Laurel IV regulations and the most recently adopted Housing Element & Fair Share Plan; and

WHEREAS, prior to the most recent Borough of Mountainside Housing Element & Fair Share Plan, in 2023 the State of New Jersey provided a framework for municipalities to achieve constitutional compliance with regard to creating a realistic opportunity for producing a fair share of affordable housing for the Fourth Round; and

WHEREAS, N.J.S.A. 4:55D-62 provides the governing body with the power to create zoning districts and related requirements to effectuate the Borough Master Plan and Housing Element & Fair Share Plan; and

WHEREAS, the Borough Council recognizes the importance of providing a realistic opportunity to produce its fair share obligation for the Fourth Round and to allow for the opportunity of housing choices within the Borough; and

WHEREAS, the most recently adopted Housing Element & Fair Share Plan; includes overlay inclusionary developments to provide the Township with low- and moderate-income affordable units.

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Mountainside, County of Union, State of New Jersey, that a Multi Family Inclusionary Zone (L-I/AH2) is hereby established and applied to certain lands along State Route 22 as follows:

Section 1. Affordable Housing Obligation

- (a) This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- (b) The Borough of Mountainside Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways the Borough of Mountainside shall address its fair share for low- and moderate-income housing as determined by the Department of Community Affairs (the Department) and documented in the Housing Element.
- (c) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.
- (d) The Borough of Mountainside shall file monitoring reports with the Department in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by the Department in accordance with N.J.A.C. 5:96 shall be available to the public at the Borough of Mountainside Municipal Building, Municipal Clerk's Office, 1385 US Highway 22 East, Mountainside, NJ 07092, or from the Department at 101 South Broad Street, Trenton, New Jersey and on the Department's website, www.nj.gov/dca.

Section 2. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

"Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

"Adaptable" means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

"Administrative agent" means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“The Department” means the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement, and/or load bearing structural systems.

“Developer” means any person, partnership, association, company, or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement, or load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable county, as adopted annually by the Department.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by the Department’s adopted Regional Income Limits published annually by the Department.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls, and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows, and replacement doors, and is considered a major system for rehabilitation.

Section 3. Affordable Housing Programs

The Borough of Mountainside has determined that it will use the following mechanisms to satisfy its affordable housing obligations: rehabilitation and new construction.

- (a) A Rehabilitation program.
 1. The Borough of Mountainside’s rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
 2. Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.

3. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
4. The Borough of Mountainside shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
5. The Borough of Mountainside shall adopt a resolution committing to fund any shortfall in the rehabilitation programs for the Borough of Mountainside.
6. The Borough of Mountainside shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97. The Administrative Agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of the Department. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
7. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
 - i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
 - ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
 - iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
 - iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

Section 4. Inclusionary Zoning

- (a) Presumptive densities and set-asides. To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning permits minimum presumptive densities and presumptive maximum affordable housing set-asides as follows [*Include only those Planning Areas applicable to the municipality*]:
 1. For Sale Developments
 - i. Inclusionary zoning for the L-1/AH2 zone in Borough of Mountainside permits residential development at a presumptive minimum gross density of twelve (12) units per acre and a presumptive maximum affordable housing set-aside of twenty (20) percent of the total number of units in the development;
 2. Rental Developments
 - i. Inclusionary zoning permits a presumptive minimum density of 12 units per acre and a presumptive maximum affordable housing set-aside of 20 percent of the total number of units in the development and the zoning provides for at least 10 percent of the affordable units to be affordable to households earning 30 percent or less of the area median income for the Housing Region.
- (b) Phasing. In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50

- (c) Design. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- (d) Payments-in-lieu and off-site construction. The standards for the collection of Payments-in-Lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with N.J.A.C. 5:97-6.4.
- (e) Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

1. Affordable Housing (AH) Districts

- i. Purpose. The AH districts are established to provide the opportunity to provide affordable housing in accord with NJ Fair Housing Law. The standards and requirements of the districts are designed to recognize the existing developed neighborhood character and to further the goals of the Borough Master Plan as amended. All districts established by Ordinance 1219-1014 remain and the new L-I/AH2 zone is shown on Exhibit 1.
- ii. The following sites and areas shall provide affordable housing units as follows:
 - A. Block 3A, Lots 17 and 18 6 units
 - B. Block 14 Lot 14 6 units
 - C. Block 15I, Lot 48B 4 units
 - D. LI/OB, OB/AH and B/AH 20% of total approved units overlay zone
 - E. LI/AH2 overlay zone 20% of total approved units
- iii. The R-2/AH district permits senior citizen development only. The O-B/AH, B/AH, and L-I/AH2 district are not age restricted.
- iv. The L-I/AH, OB/AH, AND L-I/AH2 districts are overlay zones. These properties may be maintained and/or developed in accord with L-I and OB district restrictions and standards as set forth in Section 1013 and 1014 respectively or in the alternative developed for affordable units as set forth in this section.
- v. Permitted Uses. No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:
 - A. Townhouses.
 - B. Apartments.
 - C. In the B/AH zone non-residential uses limited to and subject to all restrictions and standards of the B zone and as set forth in Section 1100.
 - D. In the L-I/AH and OB/AH non-residential uses limited to and subject to all restrictions and standards of the L-I and OB zones and as set forth in Section 1013 and 1014 respectively.
- vi. Area, yard and building requirements for the L-I/AH2 zone are as follows:
 - A. Minimum area – 200,000 sf for B24.10, L1, 2, 3, and 5
Minimum area – 20,000 sf for B14, L1.01
 - B. Maximum density
 - 1. R-2/AH and B/AH – 6 dwelling units/acre
 - 2. O-B/AH and L-I/AH – 6 dwellings/acre subject to critical area restriction (Section 1003Z)
 - 3. L-I/AH2 – 12 dwellings/acre subject to critical area restriction (Section 1003Z)
 - C. Bulk and yard requirements.
 - 1. Maximum percent lot coverage by residential buildings shall be a maximum of twenty-five (25%) percent for the R-2/AH, O-B/AH and L-I/AH zones and forty

2. (40%) percent for the L-I/AH2 zone. The maximum percent lot coverage by residential buildings shall be forty (40%) percent for the B/AH zone. This restriction excludes common facilities such as clubhouses, gazebos, maintenance sheds, shelters and similar structures.
 3. Maximum percent total impervious coverage is sixty-five (65%) percent for R-2/AH, O-B/AH and L-I/AH zones, eighty (80%) percent for the B/AH zone, and seventy-five (75%) percent for the L-I/AH2 zone.
 4. Building height. No buildings shall exceed a height of 2½ stories or thirty-six (36) feet except 3 story or 38 feet may be permitted in the L-I/AH2 zone
 5. Minimum setback for front yard is fifty (50) feet for R-2/AH, O-B/AH, L-I/AH, and L-I/AH2 zones, five (5) feet for non-residential and mixed-use buildings and thirty (30) feet for residential buildings in the B/AH zone. Minimum setback for side and rear yard is twenty-five (25) feet.
 6. Off-street parking. Off-street parking spaces shall be provided in accordance with applicable Residential Site Improvement Standards (RSIS) N.J.S.A. 5:21-4.14 (parking).
- D. In the L-I/AH and L-I/AH2 zones non-residential uses are limited to and subject to all restrictions and standards of the L-I zone and as set forth in Section 1013.
 - E. No parking shall be permitted in the required side and rear yard setback area.
 - F. Lighting standards for common areas shall conform to standards as set forth in this chapter.
 - G. Roads. All interior roads shall be private streets and conform to applicable RSIS standards.
 - H. Signs. Project ID sign shall be permitted at maximum of 50 sf in size.
- vii. Establishment of owner association. Where units are sold the developer shall provide for an organization for the ownership and maintenance of any common facilities and recreation facilities, landscaped areas, internal roadways, and other amenities in the development for the benefit of owners and residents of the development. The documentation establishing such owner's association shall be subject to the approval of the Borough Attorney.
- viii. Recreation facilities.
- A. The areas within the common open space shall provide recreation facilities appropriate for the size of the development.
 - B. The common open space and recreation facilities located on the development shall be available on an equal basis to all residents of the development.
 - C. The recreation facilities may include a central recreation complex, swimming pool, tennis courts, picnic areas, and similar facilities.
 - D. The recreation facilities shall include meandering open space and trail system linking residential dwellings and other structures located within and without the development.
- ix. Sidewalk and walkways.
- A. A system of contiguous walkways shall be provided throughout the development, including its common areas, for safe pedestrian movement.
 - B. walkways within common areas shall connect to sidewalks along streets.
- x. Buffers.
- A. Buffers must be a minimum of twenty-five (25) feet from all property lines of the tract where abutting existing single-family homes. These shall either be preserved with natural vegetation or landscaped to provide a visual buffer from adjacent properties.
 - B. Buffering shall provide a year-round visual screen to minimize adverse impacts on the site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise, and light.

- C. Buffering shall consist of a berm and either fencing or evergreens or combinations of materials to achieve the stated buffering objectives.
- xi. Low- and moderate-income housing requirement. Required percentage of affordable units to be constructed on-site. The developer shall designate and set aside twenty (20%) percent of the total dwelling units as affordable to low- and moderate-income households. Any fractional calculations shall be rounded up.
- xii. Permitted Accessory Building and Uses. Accessory uses customary and incidental to the principal use, including but not limited to those specified. The term accessory use shall not include a business nor any building or unit not located on the same lot with the principal building to which it is accessory.
 - A. Private garages and carports.
 - B. Private swimming pools and tennis courts provided such uses shall comply with the minimum required yard depth requirement for ht principal building.
 - C. Outdoor barbecue structures.
 - D. Storage buildings.
- xiii. Conditional uses. None.

Section 5. New Construction

The following general guidelines apply to all newly constructed developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

- (a) Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
 - 1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
 - 2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
 - 3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - ii. At least 30 percent of all low- and moderate-income units shall be two-bedroom units;
 - iii. At least 20 percent of all low- and moderate-income units shall be three-bedroom units; and
 - iv. The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
 - 4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.
- (b) Accessibility Requirements:
 - 1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
 - 2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel on the first floor;

- iv. An interior accessible route of travel shall not be required between stories within an individual unit;
- v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Borough of Mountainside has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - A. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - B. To this end, the builder of restricted units shall deposit funds within the Borough of Mountainside's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - C. The funds deposited under paragraph B. above shall be used by the Borough of Mountainside for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - D. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Borough of Mountainside.
 - E. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough of Mountainside's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
 - F. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

(c) Maximum Rents and Sales Prices

- 1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in the Department, utilizing the regional income limits established by the Department.
- 2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 80 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
- 3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
 - i. At least 10 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.

****NOTE:** N.J.S.A. 52:27D-329.1 (P.L. 2008, C. 46) includes the requirement that all municipal fair share plans provide for the reservation of at least 13% of the affordable units for very low-income households, i.e. households earning 30% or less of the median income. The new statute states that the requirement is not project-specific. Each municipality's version of this ordinance must reflect the determinations made in the Fair Share Plan as to the percentage of units necessary for very low income units in rental projects. Additional incentives to subsidize the creation of affordable housing available to very-low income households may be included in the zoning section of this ordinance or specified in a developer's or redeveloper's agreement.

4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one- and one-half person household;
 - iii. A two-bedroom unit shall be affordable to a three-person household;
 - iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - v. A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one- and one-half person household; and
 - iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
11. Utilities. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

The following general guidelines apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

Section 6. Affirmative Marketing Requirements

- (a) The Borough of Mountainside shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Department, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (b) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children to housing units which are being marketed by a developer, sponsor, or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the Department Housing Region 2 and covers the period of deed restriction.
- (c) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in the Department Housing Region 2 comprised of Union, Essex, Morris, and Warren Counties.
- (d) The Administrative Agent designated by the Borough of Mountainside shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- (e) In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (f) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (g) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor, or owner, unless otherwise determined or agreed to by the Borough of Mountainside.

Section 7. Occupancy Standards

- (a) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 1. Provide an occupant for each bedroom;
 2. Provide children of different sex with separate bedrooms; and
 3. Prevent more than two persons from occupying a single bedroom.
- (b) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

Section 8. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- (a) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until the Borough of Mountainside elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (c) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- (d) At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- (e) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

- (f) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

Section 9. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- (a) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- (b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (c) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- (d) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

Section 10. Buyer Income Eligibility

- (a) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

Section 11. Limitations on indebtedness secured by ownership unit; subordination

- (a) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- (b) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

Section 12. Control Periods for Restricted Rental Units

- (a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Borough of Mountainside elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Union. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- (c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 - 1. Sublease or assignment of the lease of the unit;
 - 2. Sale or other voluntary transfer of the ownership of the unit; or
 - 3. The entry and enforcement of any judgment of foreclosure.

Section 13. Price Restrictions for Rental Units; Leases

- (a) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- (b) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- (c) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

Section 14. Tenant Income Eligibility

- (a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 - 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 - 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - 1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - 2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - 3. The household is currently in substandard or overcrowded living conditions;
 - 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - 5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- (c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

Section 15. Administration

- (a) The position of Municipal Housing Liaison (MHL) for the Borough of Mountainside is established by this ordinance. The Mayor shall make the actual appointment of the MHL by means of a resolution.
 - 1. The MHL must be either a full-time or part-time employee of Borough of Mountainside.
 - 2. The person appointed as the MHL must be reported to the Department.
 - 3. The MHL must meet all the Department requirements for qualifications, including initial and periodic training.

****NOTE:** if the MHL position is one that will always be included in the job description for a particular position in the local staff, e.g. Township Clerk, that position can be named in this ordinance.

4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Mountainside, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - ii. The implementation of the Affirmative Marketing Plan and affordability controls.
 - iii. When applicable, supervising any contracting Administrative Agent.
 - iv. Monitoring the status of all restricted units in the Borough of Mountainside's Fair Share Plan;
 - v. Compiling, verifying, and submitting annual reports as required by the Department;
 - vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - vii. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Department.
- (b) The Borough of Mountainside shall designate by resolution of the Governing Body, subject to the approval of the Department, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.
- (c) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the Governing Body and subject to approval of the Department. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- (d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
 1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Department;
 2. Affirmative Marketing;
 2. Household Certification;
 3. Affordability Controls;
 4. Records retention;
 5. Resale and re-rental;
 6. Processing requests from unit owners; and
 7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
 8. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

Section 16. Enforcement of Affordable Housing Regulations

- (a) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household

recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

- (b) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - i. A fine of not more than \$1000 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - ii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Mountainside Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
 - (c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 - (d) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
 - (e) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
 - (f) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
 - (g) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser

which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

- (h) The Owner shall remain fully obligated, responsible, and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Section 17. Appeals

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Commissioner of the Department.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as provided by law.

Section 18.

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

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

It was moved by Councilman Van Deusen 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, Van Deusen, Wass. Nays: 0

PROPOSED AFFORDABLE HOUSING – 4TH ROUND L-I/AH2 ZONE



First Reading (Introduction)

ORDINANCE 1354-2026

THIS ORDINANCE AMENDS AND UPDATES THE BOROUGH CODE CHAPTER 9, ARTICLE 4, REGARDING VACATION SCHEDULES FOR EMPLOYEES (EXCLUDING EMPLOYEES THAT ARE SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT), AND ADDS VACATION BENEFITS FOR CERTAIN PART-TIME SALARIED EMPLOYEES, EXCLUDING SEASONAL EMPLOYEES

WHEREAS, the Governing Body and Council of the Borough of Mountainside find and declare that it is in the public interest to establish clear and uniform standards under which permanent full-time employees of the Borough may earn and utilize paid vacation leave; and

WHEREAS, the Governing Body and Council of the Borough of Mountainside find and declare that it is in the public interest to establish clear and uniform standards under which certain permanent part-time employees of the Borough may earn paid vacation leave on a proportionate basis; and

WHEREAS, the Governing Body and Council for the Borough of Mountainside have determined to update this Ordinance to be consistent with the Borough's Personnel Policies and Procedures governing vacation time for employees and;

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 IX, Article 9.4 VACATION SCHEDULE is deleted in its entirety and replaced as follows:

The Borough of Mountainside's Vacation Leave Policy shall be as follows:

A. Each full-time employee of the Borough, except for employees who are members of collective bargaining units, shall be allowed the following vacation with compensation: vacations shall be chosen on the basis of position of seniority.

<u>Years of Continuous Service</u>	<u>Number of Vacation Days</u>
Years one (1) through five (5) [AFTER 1 YEAR]	70 Hours [2 WEEKS]
Upon completion of five (5) years	70 Hours, plus 7 hours for each additional year completed year thereafter up to 9 completed years. 6 completed years = 77 Hours 7 completed years = 84 Hours 8 completed years = 91 Hours [2 WEEKS PLUS 1 DAY FOR EACH ADDITIONAL YEAR OF BOROUGH SERVICE FOR YEARS 6-10]
Upon completion of nine (9) years [AFTER 10 YEARS]	105 Hours [3 WEEKS]
Upon completion of fifteen (15) years	140 Hours [4 WEEKS]

Days will be granted only upon the employee's anniversary date.

B. The following permanent Part-time employees shall receive vacation leave on ratios that are proportionate to the ratios set forth in the schedule for full-time employees:

Borough Administrator
Borough Tax Assessor
Borough Engineer
Borough Construction Code Official

Seasonal employees are not entitled to vacation leave.

C. Employees who are newly hired shall begin to accrue vacation time in accordance to the following schedule: 7 hours vacation for every six weeks worked until the end of the first calendar year of hire. Upon the first day of the New Year the employee shall be entitled to the full and regular vacation benefits. Newly hired employees shall not use credited vacation time during the ninety-day period following the date of hire.

D. For the purpose of recruiting, special vacation provisions may be made at the time of appointment by action of the Governing Body.

E. All vacations must be used in the current year and cannot be accumulated, unless an alternative is authorized by the Borough Administrator. Upon approval by the Borough Administrator, unused vacation time may be carried over to the next year, but must be used by end of March of that year. Effective January 1, 2022, there will be a cap of 70 hours carry over from the prior year.

F. The Borough may adopt written administrative procedures consistent with this Ordinance to implement timekeeping, requests, approvals, compensation therefor, management and operations, and record retention.

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.

It was moved by Councilman Matejek and seconded by Councilman Van Deusen that this ordinance be passed on first reading and advertised in full for a public hearing on June 16, 2026.

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

MOTION:

The following motion was unanimously approved:

1. Authorization to appoint Jayden Miller as a Volunteer Firefighter

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 19th day of May 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 \$358,143.45 (Copy of bill list attached).

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

COUNCIL COMMENTS:

Councilman Dierkes thanked the fire department for their response to a house fire today.

Councilwoman Pacifico thanked the Restoration Committee for the Boston Tea Party event.

Councilwoman Wass praised the Rescue Squad 5K run and announced upcoming events.

Councilman Van Deusen spoke about Memorial Day and America's 250th Events.

The Mayor informed the community about funding field improvements at Beechwood School with the approval of the Board of Education.

AUDIENCE PARTICIPATION: None

Upon a motion by Councilman Dierkes and a second by Councilman Matejek 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 contracts 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 8:15 P.M.

The meeting was recalled to public session.

Upon a motion by Councilwoman Wass and a second by Councilwoman Pacifico, the meeting was unanimously adjourned at 8:30 P.M.

Martha Lopez, RMC
Borough Clerk