

**WORK SESSION MEETING
MAY 5, 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 7:32 P.M.

PRESENT: Mayor Mirabelli, Councilman Dierkes, Council President Matejek, Councilwoman Pacifico, Councilman Rinaldo, Councilman Van Deusen (7:45 pm), Councilwoman Wass, Attorney Post and Administrator Mortimer. Also present were CFO Justyna Zagorska-Diaz, Police Chief Joseph Giannuzzi, Engineer Mike Disko, DPW Director Matthew DeAnna and Recreation Director Frank Masella.

Discussion was held regarding a request for a road opening permit at 232 Beechwood Court. The new homeowners planned to convert the HVAC system to natural gas. They were not advised that a 5-year moratorium was in place and that the road could not be opened. The moratorium is at a year in a half out of the five year period. The topic was moved to executive session.

Discussion was held regarding authorization to issue estimated tax bills. The Tax Collector recommends issuing estimated bills since the county tax rate has not been determined and to continue meeting our financial obligations. The Council agreed and the proper resolution will be prepared for the next meeting.

Discussion was held regarding department appointments. The Recreation Director recommends the appointment of summer staff. The Administrator recommended the appointments of Deputy Clerk, Planning Board Secretary, DPW Secretary and DPW Laborer. The proper resolutions will be prepared for the next meeting.

Discussion was held regarding short-term rentals. A proposed ordinance was introduced after residents complained about strangers renting in residential areas. Peggy Rodimer, 239 Oak Tree Road, raised her concerns.

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

ORDINANCE 1353-2026

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

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

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

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

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

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

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

A. Cannabis Establishments Prohibited

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

New Section B. Short Term Rentals Prohibited is added.

B. Short-Term Rentals Prohibited

I. Definitions

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

ADVERTISE or ADVERTISING

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

CONSIDERATION

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

DWELLING UNIT

Any structure, or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged or designed to be occupied, for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building, single-family home, cooperative, converted space, or

portions thereof, that is offered to be used, made available for use, or is actually used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guest(s), for consideration.

HOSTING PLATFORM

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

HOUSEKEEPING UNIT

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

OCCUPANT

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

OWNER

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

PERSON

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

RESIDENTIAL OCCUPANCY

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

SHORT-TERM RENTAL

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

II. Short-Term rental prohibited

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

III. Rental of Amenities Prohibited:

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

IV. Advertising prohibited; hosting platform prohibitions

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

V. Violations and penalties; enforcement

- A. The provisions of this article shall be enforced by the Construction Official, Zoning Official, Health Department, other Subcode or Code Official, as their jurisdiction may arise, or other persons designated by the Governing Body of the Borough of Mountainside, to issue municipal civil infractions directing alleged violators of this article and/or to appear in court or file civil complaints.
- B. A violation of this article is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.
- C. Any person found to have violated any provision of this article, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding \$2,000.
- D. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/or injunction, reasonable attorneys' fees or other fees and costs, in the Borough's Municipal Court or the Superior Court of New Jersey in the vicinage of Union County.

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

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

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

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

Discussion was held regarding a request from the Borough Engineer to determine which road to apply for this year's NJDOT Municipal Aid Grant application. The Council approved the resurfacing of Stony Brook Lane. The proper resolution will be prepared for the next meeting.

Discussion was held regarding a department refund. The recreation department would like to refund a participant who cancelled their registration. The proper resolution will be prepared for the next meeting.

Discussion was held regarding a settlement for a reverse tax appeal. Attorney Post discussed the increase in assessed value for 1165 Globe Avenue for 2025. A resolution approving the stipulation of settlement will be prepared for the next meeting.

Discussion was held regarding the approval to appoint Jayden Miller as a new volunteer firefighter. The background check has cleared. The Fire Chief recommends the appointment. A motion to approve the new firefighter will take place at the next meeting.

Discussion was held regarding an amendment to the cash management plan passed at the reorganization meeting. The addition of a health reimbursement arrangement (HRA) was established for the high deductible difference card. The proper resolution will be prepared for the next meeting.

Discussion was held regarding a shared services agreement with the Westfield Conservation Center. Residents will be able to pay a fee to dispose of bulk items, yard/food waste, recycling, metal and electronics. Margot Baruch, 1136 Saddle Brook Road, asked about the fees.

Discussion was held regarding the tennis permit ordinance. Complaints were made about children congregating on the tennis/pickle ball courts at Deerfield. Permits from the recreation department are required to use the courts. It was suggested to post signs, have more police presence and adding surveillance cameras.

Discussion was held regarding authorization to purchase over the bid threshold through state and co-op contracts. This will allow aggregate purchases throughout the year that will exceed the bid threshold without requiring a resolution. The proper resolution will be prepared for the next meeting.

Discussion was held regarding a proposed ordinance to clarify vacation time for part-time employees. Attorney Post explained the ordinance will give part-time permanent employees quantum vacation time similar to full-time employees.

BILLS & CLAIMS:

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

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following bills of the persons named and for the amounts stated below, having been duly audited and found to be correct this 5th 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 \$95,407.84 (Copy of bill list attached.)

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

AUDIENCE PARTICIPATION: None

Upon motion by Councilman Dierkes and a second by Councilman Rinaldo, 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, personnel and litigation which are matters where the exclusion of the public is permitted; and

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

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

Meeting adjourned to closed session at 8:11 P.M.

The meeting was recalled to public session at 8:35 P.M.

Upon a motion by Councilman Dierkes and a second by Councilman Rinaldo, the meeting was unanimously adjourned.

Martha Lopez, RMC
Borough Clerk