

**WORK SESSION**  
**JANUARY 14, 2014**

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 8:01 P.M.

PRESENT: Mayor Mirabelli, Councilwoman Andre, Councilman Messler, Councilman Mortimer, Council President Turner and Attorney Post. Also present were Borough Engineer Michael Disko, Public Works Director Ronald Romak, CFO Jill Goode, and Recreation Director Frank Masella. Councilman Dierkes and Councilman Lane were absent.

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Discussion was held regarding increasing the penalty fees for those who do not follow the road opening permit process dictated in the Borough ordinance. The Borough Engineer informed the Council that the utility companies are responding to emergencies, cutting into the roads and after completion are submitting an application for a road opening permit. This is a violation of the Borough ordinance and they should be penalized. Attorney Post will draft an ordinance that will increase the current violation fees with the maximum penalty fees allowed by law.

Discussion was held regarding two road opening permit requests. Selario LLC is constructing a new single family residence at 1151 Wyoming Drive and in order to demolish the existing house Elizabethtown Gas applied for a road opening permit to shut off the utility. The property is at the corner of Wyoming Drive and Cherry Hill Road. The permit referenced Raccoon Hollow Road due to a clerical error on the gas company's end and the road opening permit was approved. Elizabethtown Gas has since applied for and been denied a road opening permit to reinstall the former gas service, as there is a moratorium on Cherry Hill Road. The Council questioned the clerical error and how come the developer was not aware of the moratorium. The topic will be discussed further in executive session.

Another request discussed was from Mr. Conroy for a road opening permit at 1220 Poplar Avenue (a.k.a. 223 Central Avenue). In his pursuit to install a natural gas generator was advised about the need to upgrade the gas line located on Central Avenue. Elizabethtown Gas applied for a permit and was denied, as there is a moratorium on Central Avenue. Pictures were presented showing the street cut into by various utility companies within the past several months. Inquiries were made about the feasibility of cutting into the existing cuts to upgrade the line. This topic will also be discussed in executive session.

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Discussion was held regarding the appointment of representatives to the Union County Transportation Advisory Board. Council agreed to re-appoint Councilman Messler as our representative to the Union County Transportation Advisory Board, with Mike Disko, Jr. as alternate, for a one-year term. The proper resolution approving the appointments will be prepared for the meeting of January 21, 2014.

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Discussion was held regarding increasing the pool membership fees for 2014. The proposed changes include a 2% increase to last year's membership fees. The Council agreed with the recommendation and the ordinance will be prepared for the meeting of January 21, 2014.

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Discussion was held regarding the 2014 contract renewal with Associated Humane Society for animal control services. They are proposing no increase from the 2013 rates for an annual cost of \$15,989.81. The Governing Body agreed to pass a resolution at the meeting of January 21, 2014 renewing the animal control contract.

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Discussion was held regarding the contract renewal for health services with Westfield Regional Board of Health for 2014. The contract proposes a 1.75% increase equal to \$628 at an annual cost of \$36,514 for a three-year agreement. If Union County agrees to fund the TB/STD services, the Borough will receive a savings of \$1,000. Council agreed to continue the contract with the Westfield Regional Board of Health and the proper resolution will be prepared for the meeting of January 21, 2014 authorizing the Mayor and Borough Clerk to enter into the contract.

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Discussion was held regarding authorizing the Recreation Department to accept credit card payments. The Council questioned whether the Borough could legally charge a 2.5% convenience fee for credit card payments. Attorney Post will advise if this practice is allowed.

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Discussion was held regarding a request from the Finance Officer for end of year budget transfers within 2013 reserve municipal budget. In accordance with State Statute, transfers can be made within certain budget appropriations during the first three months of the fiscal year. It is requested that certain transfers be made within the 2013 municipal budget. The proper budget transfer resolution will be prepared for the January 21, 2014 meeting.

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Discussion was held regarding raffle applications from Our Lady of Peace Church. They are requesting two on premise draw raffles, an off premise draw raffle and a 50/50 on premise draw raffle. The applications are in order and the proper fees have been paid. Action to approve the raffle licenses will take place at the meeting of January 21, 2014.

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Discussion was held regarding a raffle application from the Westfield YMCA. They are requesting an on premise draw raffle. The application is in order and the proper fees have been paid. Action to approve the raffle license will take place at the meeting of January 21, 2014.

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Discussion was held on the annual July 4<sup>th</sup> fireworks display. Garden State Fireworks, Inc. provided a quote of \$15,000 and offering additional materials on contracts paid before January 31, 2014. Council agreed that the Borough should take advantage of this offer. The proper resolution will be prepared for the January 21, 2014 meeting.

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**BILLS & CLAIMS:**

The following resolution was introduced by Councilman Mortimer and seconded by Councilman Messler:

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 14<sup>th</sup> day of January 2014, 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 \$144,101.14. (Copy of bill list attached)

Roll call: Ayes: Andre, Messler, Mortimer, Turner. Nays: 0.

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

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 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 8:45 P.M.

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The meeting was recalled to public session at 9:07 P.M.

Upon a motion by Councilman Turner and a second by Councilman Mortimer, the meeting was unanimously adjourned.

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Respectfully submitted,

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Martha Lopez, Borough Clerk