

**WORK SESSION  
APRIL 1, 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 8:06 P.M.

PRESENT: Mayor Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilman Lane, Councilman Messler, Councilman Mortimer, Council President Turner, Attorney John Post and Administrator Debbie. Also present were CFO Jill Goode, Recreation Director Frank Masella, and Public Works Manager Ronald Romak.

**Comcast Municipal Consent Hearing**

Charles Smith, representative from Comcast, was present for the public hearing. Mr. Smith read a brief statement regarding the process of renewal of its franchise to provide cable services to the community.

This portion of the meeting was opened to the public for anyone wishing to ask questions of the Comcast representative.

The Council questioned the company's ability to continue to provide public access channels, including access to Berkeley Heights programming, and their response to power outages during recent severe weather.

The Borough plans to set up a meeting to negotiate the terms of the contract and at the end of this process will introduce a consent ordinance. This ordinance will spell out all the terms and conditions and will be available to the public.

Hearing no one wishing to speak, Mayor Mirabelli closed the meeting to the public.

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Discussion was held regarding the bid recommendation for Contract 2014-2 – Resurfacing of New Providence Road and Woodland Avenue. Three bids were received on March 20, 2014. Borough Engineer Michael Disko recommends that the bid be awarded to Topline Construction Corporation with a Base Bid of \$329,478.64 and Alternate #2 in the amount of \$950.00 for a total cost of \$330,428.64. The proper resolution will be prepared for the meeting of April 22, 2014.  
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The following resolution was introduced by Councilman Turner and seconded by Councilman Mortimer.

**RESOLUTION 47-2014**

WHEREAS, an application has been filed for a Person-to-Person/ Place-to-Place Transfer of Plenary Retail Consumption License Number 2010-33-012-006, heretofore issued to Echo Park Food, LLC for premises located at 1079 Route 22 East, Mountainside, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business; and

NOW, THEREFORE BE IT RESOLVED that the Governing Body does hereby approve, effective April 1, 2014 the Person to Person/Place to Place transfer of the aforesaid Plenary Retail Consumption License to Echo Park Food, LLC from its former owner ZLW Enterprises, Inc. (Raagini Restaurant) and former location at 1085 Route 22, Mountainside, NJ to its new location at 1079 Route 22, Mountainside, NJ and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Echo Park Food, LLC., effective April 1, 2014.

Roll Call: Andre, Dierkes, Lane, Messler, Mortimer, Turner. Nays: 0  
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Discussion was held regarding two pool party waiver requests. The Mountainside PTA and Mountainside Youth Baseball have requested the use of the facilities at the Mountainside Community Pool on June 4, 2014 and June 11, 2014. They have requested that the fee of \$400 normally charged be waived. The proper resolution will be prepared for the April 22, 2014 meeting to grant permission for use of the pool and to waive the \$400 fee.  
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Discussion was held regarding a request from the Finance Officer to purchase gift checks for Deerfield School Graduation Class Valedictorian and Salutatorian. Council approved two gift checks in the amount of \$300 and \$200. The proper resolution will be prepared for the meeting of April 22, 2014.  
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Discussion was held regarding a building department refund. Anthony James Construction requested a refund because they mistakenly applied for a Certificate of Occupancy not required for renovation work at 399 Park Slope. The total refund amount is \$240. The proper resolution will be prepared for the meeting of April 22, 2014.  
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Discussion was held regarding a proposed construction fencing ordinance. Borough Engineer Michael Disko was asked to research and propose an ordinance used by Westfield regulating the maintenance of sites under construction. Mountainside has a front yard fence prohibition that would require a revision to allow fences at construction sites. The ordinance would require portable toilets and six (6) foot high fencing around the

perimeter of the construction location. The proper ordinance shall we introduced at the meeting of April 22, 2014.

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Discussion was held regarding an increase to the sewer minimum. The sewer minimum of \$50 has not increase in many years. Tax Collector Jill Goode recommends increasing the minimum to \$75 or \$100 to collect more revenue for the borough. The Mayor and Council denied the request to increase the minimum.

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Discussion was held a regarding raffle application from Church of the Holy Spirit & Our Lady Help of Christians. They are requesting an off premise 50/50 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 April 22, 2014.

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Discussion was held a regarding raffle application from the Mountainside Education Foundation. They are requesting an on premise 50/50 draw raffle. The application is in order and the proper fees have been paid. Action to approve the raffle license was necessary due to time restraints. The motion was unanimously approved.

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Discussion was held regarding a contribution request from TREND at Governor Livingston High School to sponsor a Day of Realization Program. Council agreed to contribute \$250.00 to support the program. The proper resolution will be prepared for the meeting of April 22, 2014.

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Discussion was held regarding the 2014 municipal budget. Mayor Mirabelli highlighted the increases and decreases in the operating budget, anticipated revenues and compared the increase to last year's. The 2014 increase per average home is \$147.83. An amendment to the introduced budget is necessary due to a decrease in the pension bills. The Council agreed to reduce down the pension lines and use 50% of the decrease towards snow removal, building maintenance and planning board. The budget will be adopted at the meeting of April 22, 2014. Mayor Mirabelli commented on a recent article in the Star-Ledger which showed Mountainside taxes as being high compared to other towns. The Mayor explained how the numbers were misleading because they were based on each individual town's average assessed home. When the taxes are based on the same home value then the comparison is more accurate and those figures would show Mountainside ranks 2<sup>nd</sup> for lowest taxes in the County.

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Discussion was held regarding another road opening permit from Elizabethtown Water Company submitted for approval after the road job was completed. The permit states the road work on Poplar Avenue was for pipe maintenance. The job does not appear to be an emergency that required immediate action. This is an ongoing issue with the utility companies claiming the job is an emergency and not following the proper permit procedures. Zoning Officer Ronald Romak was instructed to issue Elizabethtown Water Company a summons for violating our ordinance.

**BILLS & CLAIMS:**

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

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 1<sup>st</sup> day of April 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 \$570,409.66 (Copy of bill list attached.)

Roll Call: Andre, Dierkes, Lane, Messler, Mortimer, Turner. Nays: 0  
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Upon motion by Councilman Messler and a second by Councilman Mortimer, the following resolution to adjourn to closed session was unanimously adopted:

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

WHEREAS, the Mayor and Council desire to discuss personnel 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 9:04 P.M.  
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The meeting was recalled to public session at 9:14 P.M.

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

Respectfully submitted,

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Martha Lopez, Borough Clerk