

**REGULAR MEETING  
APRIL 22, 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 8:00 P.M.

**INVOCATION: Mayor Mirabelli  
SALUTE TO THE FLAG  
ROLL CALL**

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

**APPROVAL OF MINUTES:**

Upon motion by Councilman Turner and a second by Councilman Dierkes, the minutes of the Regular & Executive Session Meetings held on March 18, 2014 were approved. Roll Call: Ayes: Andre, Dierkes, Turner, Mirabelli. Nays: 0.

Upon motion by Councilman Dierkes and a second by Councilman Turner, the minutes of the Work & Executive Session Meetings held on April 1, 2014 were approved. Roll Call: Ayes: Andre, Dierkes, Turner, Mirabelli. Nays: 0.

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**PROCLAMATION:**

Mabel Young Good Neighbor Award – Judy Wargaski

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

**ORDINANCE 1214-2014**

**ORDINANCE TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 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 0.50% unless authorized by ordinance to increase it to 3.5% over the previous year's 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 \$237,927.51 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.

Mayor Mirabelli opened the meeting to the public for anyone wishing to speak on this ordinance and this ordinance only.

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

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

Roll Call: Andre, Dierkes, Turner, Mirabelli. Nays: 0  
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### **2014 Municipal Hearing**

Mayor Mirabelli gave a summary of the proposed municipal budget for 2014. The following areas increased: insurances, salaries, snow budget, department budgets, reserve for tax appeals, and settlements. The pension fund and RVSA reflected a decrease. These figures equate to an operating budget increase of \$542,093.70. The following revenue areas increased: surplus, EJIF insurance and FEMA reimbursements, local fees, sale of assets, and cable franchise. Fee shortages, interest on taxes, and receipts delinquent taxes reflected a decrease. The anticipated revenue totals an increase of \$207,629.61. The total increase on an average assessed home is \$147.83.

Mayor Mirabelli opened the meeting to anyone wishing to discuss the 2014 Municipal Budget. Hearing no one wishing to speak, the meeting was closed to the public.  
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### **RESOLUTIONS:**

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



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(H-1) Total General Appropriations For Municipal Purposes Within "CAPS"	\$8,135,700.70	\$8,108,251.70
A. Operations - Excluded from "Caps"		
Public and Private Programs Offset by Revenues:		
Safe Corridor Transportation Grant	\$0.00	\$28,816.99
Total Public and Private Programs Offset by Revenues	\$56,940.12	\$85,757.11
Total Operations - Excluded from "Caps"	\$2,008,017.12	\$2,036,834.11
Detail - Other Expenses	\$2,008,017.12	\$2,036,834.11
(H-2) Total General Appropriations For Municipal Purposes Excluded from "CAPS"	\$3,204,989.11	\$3,233,806.10
(O) Total General Appropriations Excluded from "CAPS"	\$3,204,989.11	\$3,233,806.10
(L) Subtotal General Appropriations {Items (h-1) and (o)}	\$11,340,689.81	\$11,342,057.80
9. Total General Appropriations	<u>\$12,300,689.81</u>	<u>\$12,302,057.80</u>

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the local municipal budget so amended.

Roll Call: Andre, Dierkes, Turner, Mirabelli. Nays: 0

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

**RESOLUTION 49-2014**

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 \$8,216,557.64 for municipal purposes.

Roll Call: Andre, Dierkes, Turner, Mirabelli. Nays: 0

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

**RESOLUTION 50-2014**

BE IT RESOLVED by the Governing Body of the Borough of Mountainside that the Chief Finance Officer be and she is hereby authorized to purchase two gift checks to be presented to the Valedictorian and Salutatorian from Deerfield School Graduating Class of 2014 in the Borough of Mountainside.

BE IT FURTHER RESOVLED that the gift checks will be in the amount of \$300.00 for the Valedictorian and \$200.00 for the Salutatorian.

Roll Call: Andre, Dierkes, Turner, Mirabelli. Nays: 0  
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The following resolution was introduced by Councilwoman Andre and seconded by Councilman Turner.

**RESOLUTION 51-2014**

WHEREAS the Mountainside PTA traditionally sponsors a party at the Mountainside Municipal Pool for the students graduating from the 8<sup>th</sup> Grade of the Mountainside School District; and

WHEREAS the Mountainside Youth Baseball sponsors an end of year party at the Mountainside Municipal Pool; and

WHEREAS the Mountainside PTA and Mountainside Youth Baseball have requested that the Borough waive the \$400 fee which would otherwise be charged in order to defray the expenses associated with keeping the pool open for the party; and

WHEREAS the Governing Body has, in the past, waived such fee in order to enable the organizations to use those funds towards other expenses;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the pool fee of \$400, which would be payable by the Mountainside PTA and Mountainside Youth Baseball for the use of the Mountainside Municipal Pool to hold their pool parties, be and the same is hereby waived.

Roll Call: Andre, Dierkes, Turner, Mirabelli. Nays: 0  
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The following resolution was introduced by Councilman Dierkes and seconded by Councilman Turner.

**RESOLUTION 52-2014**

WHEREAS, the Fire Official Lewis Giordino has requested a refund to the following contractor whom mistakenly applied for a Certificate of Continued Occupancy for work at 399 Park Slope; and

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue the following refund:

<u>Recipient</u>	<u>Amount</u>
Anthony James Construction 215 North Avenue W. Suite 3 Westfield, NJ 07090	\$240.00

Roll Call: Andre, Dierkes, Turner, Mirabelli. Nays: 0  
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The following resolution was introduced by Councilwoman Andre and seconded by Councilman Turner.

**RESOLUTION 53-2014**

WHEREAS, in an effort to curb the increasingly prevalent incidents involving drug and alcohol abuse that members of TREND have witnessed at the Governor Livingston High School; and

WHEREAS, TREND has created a program called Days of Realization that aims to show students the true risks that come from their reckless activities so they can see how different life can be if they were to die; and

WHEREAS, the Governing Body of the Borough of Mountainside wishes to support this program; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mountainside that \$250.00 shall be given to TREND in order to support "DAYS OF REALIZATION" at the Governor Livingston High School.

Roll Call: Andre, Dierkes, Turner, Mirabelli. Nays: 0  
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The following resolution was introduced by Councilman Dierkes and seconded by Councilwoman Andre.

**RESOLUTION 54-2014**

BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the following are the 2014 Base Salaries for the office and positions indicated:

**A&E**

Borough Administrator	\$32,157.66
Borough Clerk	\$69,815.50
Deputy Borough Clerk	\$34,489.26
Board of Health Secretary	\$1,492.89
Mayor	\$3,070.50
Councilman	\$1,535.25
OEM Director	\$5,202.00
OEM Deputy	\$2,601.00

**FINANCE**

Finance Assistance	\$37,610.46
Chief Financial Officer	\$64,664.50
Tax Collector (P/T)	\$18,942.56
Assistant Tax Collector (P/T)	\$21.32

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**POLICE**

Chief of Police	\$128,337.19
Administrative Assistant	\$41,015.55
Records Clerk	\$18.70
Communications Officers:	
Walter Kutsop	\$52,948.50
Lewis Giordano	\$50,427.11
Michael Scuderi	\$36,835.13
Andrew Yasinski	\$36,835.13
Police Matron	\$26.30
Crossing Guards:	
Joan Laurent	\$22.87
Patricia Salvato	\$18.50
Robert Vargo	\$18.14
Carmen Rotella	\$17.42

**BUILDING**

Zoning Official/Construction Secretary	\$48,008.06
Secretary: Engineer/DPW/Shade Tree/Recycling	\$36,925.66
Plumbing Inspector (P/T)	\$41.81
Building Inspector (P/T)	\$37.88
Electrical Inspector (P/T)	\$41.81
Construction Code Official	\$27,060.80
Receptionist/Secy Construction/DPW/Building	\$15.88

**PUBLIC WORKS**

Ronald Romak	\$82,502.99
Thomas Root	\$49,697.44
Richard Neri	\$46,527.72
Oscar Cardona	\$39,504.84
Horacio Colella	\$36,783.67
Jason Koscinski	\$34,680.00
Engineer (P/T)	\$47,266.76
Tax Assessor (P/T)	\$17,860.13
Assistant to Assessor	\$4,551.75
Certified Wastewater & Treatment Operator	\$3,117.96
Fire Prevention Official	\$8,118.24
Planning Board – Recording Secretary	\$2,602.08
Upstairs Supervisor	\$5,412.16

**COURT**

Court Administrator (V. Hoff)	\$56,860.16
Deputy Court Administrator	\$47,505.63
Violations Clerk	\$35,752.05
Municipal Judge (P/T)	\$28,146.18
Municipal Prosecutor (P/T)	\$24,417.13

**MISCELLANEOUS**

Cable TV Coordinator	\$22.30
Cable TV Tech (M.Flynn)	\$10.40
Senior Citizen Coordinator	\$19,409.58
Senior Van Driver	\$15.61

**RECREATION**

Director/Pool Manager	\$78,063.37
Secretary/Pool Bookkeeper	\$36,925.64
Assistant Director	\$40,442.63
Pool Manager	\$11,151.90
Assistant Pool Manager (P.Mamrak)	\$6,897.85
Assistant Pool Manager (S. Laudati)	\$7,246.89
Pool Tech	\$7,914.02
Summer Playground Supervisor (S. Scofield)	\$3,097.74
Summer Playground Asst. Supervisor (L. Mirabelli)	\$2,213.40

THEREFORE, BE IT RESOLVED, that the salary paid each office or position for the calendar year 2014, as established by this Resolution of the Governing Body, shall be retroactive to January 1, 2014.

Roll Call: Andre, Dierkes, Turner, Mirabelli. Nays: 0.  
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The following resolution was introduced by Councilman Dierkes and seconded by Councilman Turner.

### RESOLUTION 55-2014

WHEREAS, in accordance with applicable provisions of the Public Contracts Law, the Borough advertised for Bids for Contract 2014-2 for "Resurfacing of New Providence and Woodland Avenue"; and

WHEREAS, on March 20, 2014 the return date for the bids, three bids were received as follows:

Bidders:	Base Bid	Alt. #1	Alt. #2
Topline Const.	\$329,478.64	\$71,880.38	\$ 950.00
Denbar Const.	\$355,863.50	\$65,725.00	\$ 9,160.00
Midwest Const.	\$393,750.00	\$72,675.00	\$10,000.00

WHEREAS, the Borough Engineer recommends awarding the Base Bid and Alternate #2; and

WHEREAS, the lowest bidder is Topline Construction Corporation and the Borough Engineer has recommended that Contract 2014-2 be awarded to Topline Construction Corporation, 22 Fifth Street, Somerville, New Jersey 08876.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the contract for Resurfacing of New Providence Road and Woodland Avenue is awarded to Topline Construction Corporation, 22 Fifth Street, Somerville, NJ 08876 in the amount of \$330,428.64.

Roll Call: Andre, Dierkes, Turner, Mirabelli. Nays: 0.  
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**ORDINANCES:** Second Reading (Public Hearing)

### ORDINANCE 1215-2014

**AN ORDINANCE IMPLEMENTING THE COLLECTIVE BARGAINING AGREEMENT  
BETWEEN THE BOROUGH OF MOUNTAINSIDE AND THE MOUNTAINSIDE P.B.A.  
LOCAL 126 FOR THE PERIOD OF JANUARY 1, 2014 THROUGH DECEMBER 31, 2017**

WHEREAS, the Borough of Mountainside is desirous of entering into a Collective Bargaining Agreement with the P.B.A. Local 126 (“PBA”) for the purpose of establishing salary and benefits for the period of January 1, 2014 through December 31, 2017; and

WHEREAS, the parties have determined to enter into a Collective Bargaining Agreement (“CBA”); and

WHEREAS, the Borough Finance Officer has certified that sufficient funds are available for this contract for the current fiscal year.

BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that the appropriate Borough officials are hereby authorized to execute the Collective Bargaining Agreement between the Borough of Mountainside and the Mountainside P.B.A. Local 126, for the period of January 1, 2014 through December 31, 2017 as follows:

Section I: The annual salaries fixed for the several ranks and officers of the Police Department of the Borough of Mountainside shall be as follows:

SCHEDULE “A” SALARIES (Officers hired prior to January 1, 2012)				
RANK	2014	2015	2016	2017
CAPTAIN	\$125,455.92	\$127,965.04	\$130,524.34	\$133,134.83
LIEUTENANT	\$122,142.96	\$124,585.82	\$127,077.54	\$129,619.09
*DET. SERGEANT	\$118,876.92	\$121,254.46	\$123,679.55	\$126,153.14
SERGEANT	\$115,925.04	\$118,243.54	\$120,608.41	\$123,020.58
CORPORAL	\$110,303.82	\$112,509.90	\$114,760.09	\$117,055.30
*DETECTIVE	\$110,130.42	\$112,333.03	\$114,579.69	\$116,871.28
7th YEAR	\$105,971.88	\$108,091.32	\$110,253.14	\$112,458.21
6th YEAR	\$95,728.02	\$97,642.58	\$99,595.43	\$101,587.34
5th YEAR	\$85,490.28	\$87,200.09	\$88,944.09	\$90,722.97
4th YEAR	\$75,253.56	\$76,758.63	\$78,293.80	\$79,859.68
3rd YEAR	\$65,014.80	\$66,315.10	\$67,641.40	\$68,994.23
2nd YEAR	\$54,779.10	\$55,874.68	\$56,992.18	\$58,132.02
PROBATION	\$42,952.20	\$43,811.24	\$44,687.47	\$45,581.22

*\*Indicates RANKS made by PROMOTION, not temporary assignment to Detective Bureau, as mention in Article XV(D).*

SCHEDULE “B”

(Officers hired after January 1, 2012)

RANK	2014	2015	2016	2017
CAPTAIN	\$125,455.92	\$127,965.04	\$130,524.34	\$133,134.83
LIEUTENANT	\$122,142.96	\$124,585.82	\$127,077.54	\$129,619.09
*DET. SERGEANT	\$118,876.92	\$121,254.46	\$123,679.55	\$126,153.14
SERGEANT	\$115,925.04	\$118,243.54	\$120,608.41	\$123,020.58
CORPORAL	\$110,303.82	\$112,509.90	\$114,760.09	\$117,055.30
*DETECTIVE	\$110,130.42	\$112,333.03	\$114,579.69	\$116,871.28
AFTER 10th YEAR	\$105,971.88	\$108,091.32	\$110,253.14	\$112,458.21
10th YEAR	\$97,495.68	\$99,445.59	\$101,434.51	\$103,463.20
9th YEAR	\$91,096.20	\$92,918.12	\$94,776.49	\$96,672.02
8th YEAR	\$84,696.72	\$86,390.65	\$88,118.47	\$89,880.84
7th YEAR	\$78,297.24	\$79,863.18	\$81,460.45	\$83,089.66
6th YEAR	\$71,897.76	\$73,335.72	\$74,802.43	\$76,298.48
5th YEAR	\$65,498.28	\$66,808.25	\$68,144.41	\$69,507.30
4th YEAR	\$59,098.80	\$60,280.78	\$61,486.39	\$62,716.12
3rd YEAR	\$52,699.32	\$53,753.31	\$54,828.37	\$55,924.94
2nd YEAR	\$46,299.84	\$47,225.84	\$48,170.35	\$49,133.76
PROBATION	\$39,900.36	\$40,698.37	\$41,512.33	\$42,342.58

Section II: The various provisions of the Borough of Mountainside/P.B.A. Local 126 proposed agreement, arrived at as a result of negotiation, are enacted. The main headings are as follows:

Title Page	
Preamble	
Article I	- Recognition Clause
Article II	- Management Rights and Responsibilities
Article III	- Grievance Procedure
Article IV	- PBA Representatives
Article V	- Deductions from Salary
Article VI	- Maintenance of Operation
Article VII	- Hours of Work, Overtime, Comp Time, Recall
Article VIII	- Vacation
Article IX	- Holiday Pay
Article X	- Sick Leave
Article XI	- Medical Insurance and Fringe Benefits
Article XII	- (Article eliminated)
Article XIII	- Military Leave
Article XIV	- Retirement
Article XV	- Salaries
Article XVI	- Longevity Pay
Article XVII	- Investigation of Police Officers
Article XVIII	- Ceremonial Activities
Article XIX	- Personnel Files
Article XX	- Bulletin Board

Article XXI	- Education
Article XXII	- Non-Discrimination
Article XXIII	- Separability and Savings
Article XXIV	- Leave Time (Bereavement and Personal)
Article XXV	- Terminal Leave
Article XXVI	- Term and Renewal
Schedule A	-Salaries
Schedule B	-Salaries

Section III: Except as otherwise provided in the text of the Agreement the terms shall be effective as of January 1, 2014 and retroactive thereto.

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

Section V: Ordinance 1202-2012 is hereby repealed.

Mayor Mirabelli opened the meeting to the public for anyone wishing to speak on this ordinance and this ordinance only.

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

It was moved by Councilman Turner and seconded by Councilman Dierkes that this ordinance be passed on second and final reading and advertised by title only.

Roll Call: Andre, Dierkes, Turner, Mirabelli. Nays: 0

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First Reading (Introduction)

**ORDINANCE 1216-2014**

**AMENDING ORDINANCE 1118-2006 EMPLOYMENT BENEFITS FOR FULL TIME  
EMPLOYEES OF THE BOROUGH OF MOUNTAINSIDE NOT COVERED  
BY A BARGAINING UNIT CONTRACT**

BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that Ordinance 1118-2006 is hereby amending Section 8-3.1 of Chapter VIII of the Borough Code of the Borough of Mountainside:

1. The benefits provided to full time employees not covered by a bargaining unit Contract with the Borough shall be as follows:

The Borough shall provide each full time employee not covered by a bargaining unit contract, including his or her family, the following cost reimbursement for the dental/vision program: Family \$1540 and Single \$715.

A one (1) time per dependent orthodontics benefit of \$1,200 by reimbursement shall be in effect as part of the self-insured program. For reimbursement, a purchase order with the bill attached must be submitted to the finance office.

This ordinance shall be effective upon final passage and publication in accordance with the law.

It was moved by Councilman Dierkes and seconded by Councilman Turner that this ordinance be passed on first reading and advertised in full for a public hearing on May 20, 2014.

Roll Call: Andre, Dierkes, Turner, Mirabelli. Nays: 0

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First Reading (Introduction)

**ORDINANCE 1217-2014**

**AN ORDINANCE CREATING A NEW SECTION OF THE LAND USE ORDINANCE OF THE BOROUGH OF MOUNTAINSIDE AND AMENDING SECTION 1003(u)(4) REGARDING CONSTRUCTION SITE SAFETY AND FENCING**

WHEREAS, the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, have determined that there is a need for certain fencing and other safety precautions at construction sites in the Borough; and

WHEREAS, in order to enact such construction site safety, it has been determined to create a new section of the Land Use Ordinance of the Borough; and

WHEREAS, in order to provide for such fencing and safety precautions, it has been determined that section 1003(u)(4) must be amended.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council as follows:

Section 1.

A new section of the Code, to be entitled "Maintenance of Sites Under Construction," shall be added to the Land Use Ordinance of the Borough, as follows:

Definitions.

**Contractor.** The person or entity identified on the building permit issued by the Borough Construction Official as the contractor.

**Construction Site.** The real property identified in a building permit issued by the Borough Construction Official or the real property identified in the demolition permit, in the event no such permits have been issued, the property identified on

the tax map of the Borough where demolition, excavation or construction is occurring.

Commencement of Work. Any activity by the Contractor, Owner, or agent of either, that begins the process of construction, demolition or excavation, which includes but is not limited to, the use and storage of machinery and supplies.

Excavation. The digging and/or removal of soil or other material forming the surface grade of a construction site so as to leave a hole and/or cavity in the surface grade.

Owner. The person or entity vested with the legal title to the Construction Site as recorded with the Borough Tax Assessor.

#### Securing the Construction Site.

It shall be the responsibility of the Contractor working at any Construction Site or the Owner of a Construction Site to secure the Construction Site with a six (6) foot chain link fence, with posts anchored in the ground, around the entire perimeter of the Construction Site, or in any other manner as the Construction Official in the reasonable exercise of his discretion may determine is necessary so as to protect the health and safety of the public. The perimeter fence shall be installed prior to the Commencement of Work and remain on the Construction Site until a Certificate of Occupancy is issued or until the Construction Official determines the Construction Site no longer

requires fencing. In addition, the Construction Official shall have the authority to require that fencing of the type described herein be installed by the Contractor or Owner of such lesser portion of a given Construction Site, than the entire perimeter, as he shall determine based upon the extent of the demolition, excavation and/or construction.

#### Penalties.

Any violation of the provisions of this Article shall result in a fine of a minimum of up to \$100 per day. The Owner of any Construction Site and any Contractor operating, engaged to operate or otherwise working at a Construction Site shall be jointly and severally liable for any violation of the provision of this Article.

#### Enforcement.

The provisions of this chapter may be enforced by the Construction Official, Code Enforcement Officer, Zoning Officer or a police officer of the Borough of Mountainside.

Section 2.

Section 1003(u)(4) of the Borough Code be and hereby is amended and restated as follows:

1003(u)(4) Fencing shall not be allowed to extend beyond the rear front yard line of any building unless the fence is of an open type such as a split rail or chain-link, or any other fence at least 51% open, and such fence does not exceed four (4) feet in height. As indicated by Section 1003(j), a corner lot shall be considered as having two frontages. The provisions of this subsection shall not apply to lots under construction or lots where demolition of the approved structures on the lot has occurred, as determined by the Construction Official of the Borough. In such circumstances, six (6) foot high fencing shall be permitted around the perimeter of the lot or in such other location as the Construction Official in the reasonable exercise of their discretion may determine in order to protect the health and safety of the public in accordance with the provisions of the Borough Code of the Borough of Mountainside.

Section 3.

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

It was moved by Councilman Dierkes and seconded by Councilman Turner that this ordinance be passed on first reading and advertised in full for a public hearing on May 20, 2014.

Roll Call: Andre, Dierkes, Turner, Mirabelli. Nays: 0  
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**MOTION:**

The following motion was unanimously approved:

1. Approve raffle applications from Church of Holy Spirit & Our Lady Help of Christians for an off premise 50/50 draw raffle

**BILLS & CLAIMS:**

The following resolution was introduced by Councilman Dierkes and seconded by Councilman Turner:

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 22<sup>nd</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 \$208,721.30 (Copy of bill list attached.)

Roll Call: Andre, Dierkes, Turner, Mirabelli. Nays: 0  
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**COUNCIL COMMENTS:**

Councilwoman Andre thanked the DPW for helping to beautify the Hetfield House.

Mayor Mirabelli invited the public to attend a Veteran's Outreach Forum at Borough Hall on May 7<sup>th</sup>.

The community was invited to attend the Memorial Day Parade and informed about the essay/poster contest at our schools.  
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**AUDIENCE PARTICIPATION:**

Hearing no one desiring to speak, Mayor Mirabelli closed the meeting to the public.  
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Upon motion by Councilman Dierkes and a second by Councilwoman Andre, the meeting was unanimously adjourned.

Meeting adjourned at 8:26 PM.  
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Respectfully submitted,

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Martha Lopez, Borough Clerk