

**WORK SESSION  
FEBRUARY 4, 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 8:02 P.M.

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

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Discussion was held regarding pending road opening permit requests. At the meeting of January 14<sup>th</sup>, two road opening requests were made by the owners of 1151 Wyoming Drive (connect on Cherry Hill Road) and 223 Central Avenue on streets with a moratorium. Council asked the Borough Engineer to contact Elizabethtown Gas to question the clerical error with the Wyoming Drive application and to explore the cutting options available on Central Avenue. Borough Engineer Michael Disko informed the Council about his findings. John Gruenling of Elizabethtown Gas confirmed the inaccurate listing of Raccoon Hollow on the permit was the result of an error by their personnel. He further stated that a road opening was inevitable and could probably be constructed within the original Cherry Hill Road opening. In reference to the latter request, Elizabethtown Gas will require one new opening on Central Avenue to disconnect the existing gas service and one new connection on Poplar Avenue to construct the new gas service. Fortunately, the gas main on Poplar Avenue is located behind the curb avoiding a street opening. A condition could be placed to final pave the three existing openings at Central Avenue as one "patch" rather than three.

The following resolution was introduced by Councilman Lane and seconded by Councilman Mortimer.

**RESOLUTION 32-2014**

WHEREAS, Mr. and Mrs. Hilaire, owns property located at 1151 Wyoming Drive, Mountainside, New Jersey, 07092 (the "Property"); and

WHEREAS, the owners are currently constructing a single family home at 1151 Wyoming Drive through their company, Selario, LLC; and

WHEREAS, Selario, LLC is seeking to install a new gas service, which would be connected to the existing gas main on Cherry Hill Road; and

WHEREAS, Selario, LLC has made application to the Borough for a road opening permit to allow such construction; and

WHEREAS, it is Borough policy that there is a five year moratorium on opening roads that have been newly paved for utility connections; and

WHEREAS, the Borough has determined to waive the terms of the ordinance that would otherwise prevent the opening of the road with the conditions set forth by the Borough Engineer; and

WHEREAS, the conditions include a curb to curb restoration with a \$15,000 escrow to the Borough for resurfacing work to be performed by the Borough. All costs of the restoration will be paid from the escrow along with a \$5,000 bond/escrow for possible infrared repair on Wyoming.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the road opening permit application for Selario, LLC is hereby approved, effective as of the date of execution of the License Agreement.

Roll call: Ayes: Andre, Dierkes, Lane, Mortimer, Turner. Nays: 0.

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

#### **RESOLUTION 33-2014**

WHEREAS, Mr. and Mrs. Conroy, owns property located at 1220 Poplar Avenue, Mountainside, New Jersey, 07092 (the "Property"); and

WHEREAS, the owners are seeking to install an emergency generator which requires upsizing of the existing gas service; and

WHEREAS, Mr. and Mrs. Conroy have made application to the Borough for a road opening permit to allow such construction; and

WHEREAS, it is Borough policy that there is a five year moratorium on opening roads that have been newly paved for utility connections; and

WHEREAS, the Borough has determined to waive the terms of the ordinance that would otherwise prevent the opening of the road with the conditions set forth by the Borough Engineer; and

WHEREAS, the condition would be placed on Elizabethtown Gas Co. to final pave the three existing openings at the Central/Poplar intersection as one "patch" rather than three.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the road opening permit application for Mr. and Mrs. Conroy is hereby approved, effective as of the date of execution of the License Agreement.

Roll call: Ayes: Andre, Dierkes, Lane, Mortimer, Turner. Nays: 0.

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Discussion was held regarding the annual Borough donation to the Governor Livingston High School Project Graduation. It has been past practice to donate \$300 to Project Graduation. The proper resolution authorizing the Finance Officer to issue a check for the donation of \$300 will be prepared for the meeting of February 18, 2014.

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Discussion was held regarding a request from the Finance Officer for end of year budget transfers within 2013 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 February 18, 2014 meeting.

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Discussion was held regarding a request by the Tax Collector for the tax sale redemption of Block 24.C Lot 2. It is requested that the Finance Officer be authorized to issue a check plus premium to the lien holder for the redemption of this tax lien. The proper resolution will be prepared for the meeting of February 18, 2014.

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Discussion was held regarding recreation program refunds. Recreation Director Frank Masella recommends issuing several recipients refunds due to program cancellations. The proper resolution will be prepared for the February 18, 2014 meeting.

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Discussion was held regarding a raffle application from Lions Club NJ 16E Charitable Foundation. They are requesting an off premise 50/50 draw raffle. The application is in order and the proper fees have been paid. Due to time restraints action to approve the raffle license must take place tonight. The Council unanimously approved the raffle application. Another raffle application was submitted by the Mountainside Restoration Committee for an on premise draw raffle. A motion to approve the application will take place at the meeting of February 18, 2014.

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Discussion was held regarding preparation for the upcoming snow storm and the importance of signing up with Union County First Alert for emergency notices.

**BILLS & CLAIMS:**

The following resolution was introduced by Councilman Mortimer 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 4<sup>th</sup> day of February 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 \$103,781.75. (Copy of bill list attached)

Roll call: Ayes: Andre, Dierkes, Lane, Mortimer, Turner. Nays: 0.  
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The following resolution was introduced by Councilman Mortimer and seconded by Councilman Dierkes.

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 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 8:35 P.M.  
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The meeting was recalled to public session at 9:03 P.M.

Upon a motion by Councilman Mortimer and a second by Councilman Lane, the meeting was unanimously adjourned.  
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Respectfully submitted,

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Martha Lopez, Borough Clerk