

**REGULAR MEETING
SEPTEMBER 15, 2020**

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 7:34 P.M via Zoom.

INVOCATION: Councilman Messler
SALUTE TO THE FLAG
ROLL CALL

PRESENT: Mayor Mirabelli, Councilwoman Andre, Councilman Dierkes, Councilman Messler, Councilwoman Pacifico, Councilwoman Pater, Council President Turner, Administrator Mortimer and Attorney Post. Also present were Public Works Director Matthew DeAnna, Recreation Director Frank Masella and Police Chief Joseph Giannuzzi.

APPROVAL OF MINUTES:

Upon a motion by Councilman Messler a second by Councilwoman Pater, the minutes of the Regular Session Meeting held on August 18, 2020 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

Upon a motion by Councilman Dierkes a second by Councilwoman Pacifico, the minutes of the Work & Executive Session Meetings held on September 1, 2020 were approved. Roll Call: Ayes: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

RESOLUTIONS:

The following resolution was introduced by Councilwoman Pacifico and seconded by Councilwoman Andre.

RESOLUTION 110-2020

WHEREAS, the following applicants for Plenary Retail Consumption, Plenary Retail Distribution and Club License have complied with the provisions of R.S. Title 33, Intoxicating Liquors, c.1 Alcoholic Beverage Law; and

WHEREAS, these applications have been inspected and approved by the Board of Health and Fire Prevention Official.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside, County of Union, State of New Jersey, that pursuant to the statute in such case made and provided that the following Plenary Retail, Plenary Distribution and Club Licenses for the period of October 1, 2020 to June 30, 2021 be and the same are hereby granted:

2010-31-011-001	Mountainside Lodge BPO ELKS #1585 1193 Route 22	\$188
2010-32-002-003	Breezy Point Inc., t/a Chrone's Tavern 906 Mountain Ave	2,500
2010-33-004-006	Las Medulas LLC, t/a Spanish Tavern 1239 Route 22	2,500

2010-33-005-006	Stage House Tavern 3, LLC 1099 Route 22	2,500
2010-33-007-004	1230 Rt 22 Restaurant, LLC t/a Arirang Hibachi Steakhouse and Sushi Bar, 1230 Route 22	2,500
2010-33-008-005	Mosaico Café Inc. 1072 Route 22	2,500
2010-33-009-007	Famous Daves Ribs Inc. 1443 Route 22 East	2,500
2010-33-010-006	Ciro 56 Inc. t/a Publick House 899 Mountain Ave	2,500
2010-33-012-007	Echo Park Food, LLC t/a Echo Tap & Grille 1079 Route 22	2,500
2010-44-001-004	Minio Group Inc. t/a Vine Republic 1267 Route 22	2,500

Roll Call: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

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

RESOLUTION 111-2020

WHEREAS, the Governing body of the Borough of Mountainside is aware that Friday, September 18, 2020 has been declared as “POW/MIA Remembrance Day”; and

WHEREAS, all Americans everywhere owe a special debt of gratitude and a responsibility for remembering and honoring those who have given so much to make all of us free and secure in this, our national homeland, and a recognition day is a fitting testament and remembrance for all of us, for the sacrifices of our POW/MIA Veterans.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council of the Borough of Mountainside that it hereby declares, Friday, September 18, 2020 as:

“POW/MIA REMEMBRANCE DAY”

in the Borough of Mountainside and urges all citizens of the Borough of Mountainside to make a special effort to give thanks to and remember the sacrifices rendered to us by all these noble sons and daughters of America.

Roll Call: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

The following resolution was introduced by Councilman Messler and seconded by Councilwoman Pater.

RESOLUTION 112-2020

WHEREAS, the Borough of Mountainside would like to participate in the leaf disposal program at the Union County Conservation Center; and

WHEREAS, it is necessary to enter into an Indemnification Agreement and Memorandum of Understanding with the County of Union to participate in the leaf disposal program; and

WHEREAS, the current 2020 rate is \$2.00 per yard – loose, \$4.00 per yard – compacted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that the Mayor and Borough Clerk are hereby authorized to sign the Indemnification Agreement and Memorandum of Understanding to participate in the leaf disposal program at the Union County Conservation Center.

Roll Call: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

The following resolution was introduced by Councilwoman Andre and seconded by Councilwoman Pacifico.

RESOLUTION 113-2020

WHEREAS, the Recreation Director Frank Masella requested the following refunds; and

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

refunds:	<u>Applicant</u>	<u>Program</u>	<u>Amount</u>
	Adriana Gamboa 235 Juniper Way	Spring Soccer	\$140.00

Roll Call: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

The following resolution was introduced by Councilwoman Pater and seconded by Councilwoman Andre.

RESOLUTION 114-2020

WHEREAS, the Borough of Mountainside needs to refund monies to interested parties for overpayment of current year taxes,

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

Duplicate payments Due to Banks

CoreLogic
Centralized Refunds
P. O. Box 9202
Coppell, TX 75019-9978

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
6.02	2	\$ 2,633.85	1123 Summit Lane
3.09	3.04	\$ 3,217.50	303 Partridge Run
24.04	13	\$ 2,208.20	211 Glen Road
8.04	3	\$ 2,923.81	201 Chipmunk Hill

15.09 48.10 \$ 3,283.36 208 Echo Ridge Way

Wells Fargo
Attn: Refunds/Financial Support
P. O. Box 14506
Des Moines, IA 50328

Block Lot Amount
5.01 11.01 \$3,531.63 471 Summit Road

Lereta, LLC
901 Corporate Center Dr.
Refunds Dept.
Pomona, CA 91768

Block Lot Amount
3.16 127 \$ 2,962.85 281 Friar Lane

Overpayments Due to County Tax Appeals

Paul & Barbara Garber
1375 Mohawk Drive
Mountainside, NJ 07092

Block Lot Amount
15.03 6 \$ 405.42

Overpayments Due to County Tax Appeals

Ventura, Miesowitz, Keough & Warner, Counselors at Law
783 Springfield Ave.
Summit, New Jersey 07901

Block Lot Amount
18 15 \$ 2,667.69

Roll Call: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

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

RESOLUTION 115-2020

WHEREAS, the Borough of Mountainside through the Mountainside Police Department, has provided a Special Law Enforcement Officer Class II (SLEO II) Officer to the Mountainside School District; and

WHEREAS, the Borough of Mountainside and the Mountainside Board of Education recognize the benefit of a SLEO II program to the residents of the Borough and the students, staff and parents of the Mountainside School district in providing police protection to the students and staff through a collaborative approach between Law Enforcement and the School Board that focuses on education, prevention, communication and information sharing; and

WHEREAS, the Borough, through the Mountainside Police Department has agreed to assign a Special Law Enforcement Officer Class II at the Beechwood and Deerfield School; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. specifically authorizes local government units, including counties and municipalities, to enter into shared services agreements; and

WHEREAS, the Shared Services Agreement has been approved by the parties and outlines the responsibilities of each Party to the Agreement to achieve goals as outlined above and was executed by the Borough of Mountainside and the Mountainside Board of Education on September 1, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Mountainside does hereby acknowledge and approve the renewal of the Shared Services Agreement between the Borough of Mountainside and the Mountainside Board of Education, pursuant to the terms of the Agreement.

Roll Call: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0.

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

RESOLUTION 116-2020

RESOLUTION APPROVING STINNER V. MOUNTAINSIDE SETTLEMENT AGREEMENT AND AUTHORIZING BOROUGH OFFICIALS TO SIGN SUCH AGREEMENT

WHEREAS, the Borough of Mountainside is a Defendant in a lawsuit pending in the Superior Court of New Jersey captioned Jeffrey Stinner, Christopher Feighner, Amy Colineri, Richard Latargia, Thomas Norton, James Urban v. The Borough of Mountainside, John & Jane Does(s) 1-10, XYZ Corp(s) 1-10, Law Division: Union County Docket No.: UNN-L-001695-18; and

WHEREAS, the parties to the lawsuit have engaged in mediation in an effort to determine whether the issues addressed in the lawsuit can be amicably resolved; and

WHEREAS, the result of such mediation is that an agreement was reached that was recommended by the Mediator, the Attorneys employed by the Borough to defend the lawsuit, and the Borough's insurance companies as being in the best interests of the Borough of Mountainside; and

WHEREAS, the proposed settlement amount is \$2,450,000 to be shared among the six plaintiffs and their attorney; and

WHEREAS, the Governing Body is very much aware that in litigation there is never a guarantee of the outcome regardless of how confident we might be that the Borough would ultimately prevail in the lawsuit; and

WHEREAS, if the Borough approves such settlement the Borough's insurance companies will pay the entire settlement amount, no taxpayer funds will be needed, any risk of a jury verdict that would not be covered by insurance is eliminated, and the Borough will avoid substantial future legal costs; and

WHEREAS, by reason of these facts, among others, the Governing Body is satisfied that it is in the best interests of the Borough of Mountainside for the Borough to settle the litigation on the terms recommended as a result of the mediation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mountainside that it does hereby approve the settlement of the aforesaid lawsuit on the terms resulting from the aforesaid mediation and that the appropriate Borough Officials be and they hereby are authorized to sign the Settlement Agreement.

Roll Call: Andre, Messler, Pacifico, Pater, Turner. Nays: Dierkes.

BILLS & CLAIMS:

The following resolution was introduced by Councilman Dierkes 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 15th day of September 2020, 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 \$175,214.24 (Copy of bill list attached).

Roll Call: Andre, Dierkes, Messler, Pacifico, Pater, Turner. Nays: 0

COUNCIL COMMENTS:

Councilwoman Andre provided a Rescue Squad report. Special thanks to the VFW for purchasing the GL graduate banner brackets.

Residents were invited to upcoming events including: 125th Anniversary Time Capsule, Hetfield House Plant Sale, Clean Communities and Electronic Recycling Day.

Councilman Messler thanked the DPW for their hard work clearing branches from the last storm.

Councilwoman Pacifico announced Kathryn Brown as the new Library Director.

The Mayor reported the COVID cases in Mountainside and asked residents to remain vigilant.

AUDIENCE PARTICIPATION:

Hearing no one wishing to speak, this section was closed to the public.

Upon a motion by Councilwoman Andre and a second by Councilwoman Pacifico, the meeting was unanimously adjourned at 7:58 P.M.
