

**BOROUGH OF MIDLAND PARK
MIDLAND PARK, NJ 07432
March 25, 2021**

8:00 PM Open Public Meeting Minutes

On March 25, 2021 at 8:00 p.m., the Mayor and Council of Midland Park conducted an Electronic Public Meeting in lieu of its in-person Public Meeting previously advertised. Members of the public accessed the meeting by dialing this Toll Free Dial in number (United [1 877 309 2073](tel:18773092073) Access Code: 883-241-357

Questions, Comments or Concerns were emailed in advance to the Borough Clerk at wmartin@midlandparknj.org no later than March 25, 2021 4:00 pm.

Agenda items for the meeting were listed on the Borough website. The foregoing Electronic Public Meeting was recommended due to the current situation involving the COVID-19 Virus and directives of State and County governments.

The Mayor called upon Councilwoman DeLuca to give this evening's Invocation, and then the Mayor led all present in the Pledge of Allegiance.

Mayor Shortway called the meeting to order, noting the date as March 25, 2021, and that there will be a 3-minute limit to each individual addressing the Governing Body during the Open Public portions of the meeting.

SUNSHINE LAW STATEMENT: This meeting is being held in accordance with the Sunshine Law, notice having been published according to law with a copy on file in the Borough Clerk's Office and a copy posted on the bulletin board in the Municipal Building.

Roll Call:	Mayor Shortway	Present
	Councilman Damiano	Present
	Councilman Kruis	Present
	Councilman Sansone	Present
	Councilwoman DeLuca	Present
	Councilwoman Peet	Present
	Council President Iannone	Present

ALSO PRESENT: Borough Attorney Regan and Acting Borough Administrator/Borough Clerk Martin

PUBLIC ROLL CALL:

Acting Borough Administrator/Clerk Martin made a statement regarding the emails she has received regarding the Library's budget:

The members of the Governing Body have been provided with copies of each email. However, to save time and my voice, I am going to read the following statement and list the

names of the public emails sent into the Borough Clerk.

Every email the Borough received has been in support of the Library. Each email had a reason, example or story expressing their love of the Library and its staff. Each email had concerns relative to the possible cuts to the Library's budget. In the work session portion of our budget meeting, we discussed the budget and are ready to introduce it at the April 8th meeting with no cuts to the Library. The emails that I received were from:

Charlie Parry
Mimi Duffy
Steve Padovano
Sandra Abballe
Erin Ortandl
Noreen Desbiens
Sara Wachter
Catherine Durden

Acting Administrator/Clerk Martin took a roll call of the public in attendance

Caller 11 – no comment

Caller 12 – no comment

Caller 13 – no comment

Caller 14 – no comment

Nick Papapietro – no comment at this time

Caller 16 – no comment

Caller 18 – no comment

Annie Campbell-25 Chestnut Street – thanked the Governing Body for reconsidering the Library's budget.

Lauren Sikora-41 Chestnut Street – reiterated what Ms. Campbell said, stating that it means so much and the Library Board and staff are looking forward to the year ahead and serving the community.

Caller 21 – no comment

Ms. Killilea – 292 Park Avenue – called to support the Library

Anthony Sikora – 41 Chestnut Street – no comment at this time

Francis O'Shea – 92 Westbrook Avenue - no comment at this time

Julie Yohanna – 165 Vreeland Avenue – echoed previous comments thanking the Governing Body for their reconsideration of the Library's budget.

Jill Mulder – 30 Hiawatha Court – no comment at this time

Caller 27 – no comment
Caller 28 – no comment
Caller 29 – no comment

APPROVAL OF MINUTES:

A Motion to approve the Minutes of the Work Session, Closed Session, Open Public Meeting, and 2nd Closed Session of February 11, 2021, as all Governing Body members have previously received copies of the Minutes and copies are available to the Public at the Borough Clerk's Office.

Introduced by: Councilman Sansone

Seconded by: Councilwoman DeLuca

Roll Call:	Councilman Damiano	Aye
	Councilman Kruis	Aye
	Councilman Sansone	Aye
	Councilwoman DeLuca	Aye
	Councilwoman Peet	Aye
	Council President Iannone	Aye

OPEN TO THE PUBLIC:

It was decided to forego this portion of the public meeting since all members of the public were given an opportunity to speak earlier and will be given time to speak at the end of the meeting.

LIAISON REPORTS:

Mayor Shortway

Mayor Shortway reported he attended the March 13th North West Bergen Mayors meeting and on March 23rd, he and a few Council members attended the liaison meeting with their counterparts from the Board of Education.

Councilman Damiano **Finance/Recreation/Information Technology**

Councilman Damiano reported progress for **Finance** and **Information Technology**.

The **Councilman** reported the **Board of Recreation** is waiting for guidelines from the County pertaining to opening the Recreation program.

Council President Iannone **Public Safety – Police/ Personnel/Ridgewood Water**

Council President Iannone reported progress with the **Police Department** and **Personnel**.

The **Councilman** reported he will attend the virtual **Ridgewood Water** meetings in April and will report back to the Council.

Councilman Kruis **Planning Board/Building Dept/Fire
Prevention/OEM/Property Maintenance**

Councilman Kruis reported the **Fire Prevention/Office of Emergency Management** Official submitted a nice report reviewing CARES and FEMA and the Borough's Personal Protection Equipment supplies are good at this time.

The **Councilman** reported progress with the **Building Department, Planning Board** and **Property Maintenance**.

Councilman Sansone

**Public Works/Chamber of Commerce/Economic
Development Committee**

Councilman Sansone reported the **Department of Public Works** has been busy working on pothole repairs and starting to prepare the fields and outdoor areas for Spring. They have hired a full-time laborer starting April 1st, for a six-month probationary period.

The **Councilman** reported progress for the **Chamber of Commerce and Economic Development Committee**.

Councilwoman Peet

Board of Health/ Board of Education/Municipal Alliance

Councilwoman Peet reported the **Municipal Alliance** held a virtual meeting on March 3rd: the County stated any change to the budget of more than \$2000 must be approved by the State; there is future legislation in the works to address underage marijuana use; the County has not released anyone's budget; the High School's "Take Action" club will not be going in person to Camp Nyoda; the Alliance sends their reports and budget to the Governor's Council on Alcoholism and Drug Abuse and the next meeting will be April 19th.

The **Councilwoman** reported the **Board of Education** is looking into providing student assistance during the summer. She noted the liaison meeting on March 23rd was well attended and included the Department of Public Works Superintendent and the Acting Administrator. The Board of Education's regular meeting took place on March 16th.

Councilwoman Peet reported the **Board of Health** will be holding the annual rabies clinic and specifics are being worked on for the option of a "drive-up" immunization program. The next meeting will be on May 4th.

Councilwoman DeLuca

Public Safety – Fire/Ambulance/Library

Councilwoman DeLuca reported the **Ambulance Corps** has not met since the last Council meeting however, on March 17th they held a raffle, and she was asked to pull the ticket. The next Ambulance Corps meeting is scheduled for April 5th and she will have a report at the next Council meeting.

The **Councilwoman** reported the **Fire Department** is scheduled to have their next meeting on April 14th.

Councilwoman DeLuca reported the **Library Board** held a virtual meeting on March 16th: the President stated the main goals for the Library are grant writing, planning for 2021 and fund raising. The Director reported the Library received \$2605 from the Bergen County Cooperative Library System for Personal Protection Equipment and the report for the State has been completed and submitted. The **Councilwoman** reported the Grab 'n Go crafts continue to be successful; a new yoga teacher will be teaching classes this summer and she also teaches family yoga which is being looked into for Saturdays. The **Councilwoman** presented a request to the Governing Body: does the Library have permission to set up tents for outdoor activities on the lawn between the buildings? The consensus of the Governing Body was to approve the request. Councilwoman DeLuca continued her report: there are 14 members of the adult Bookscription program and 18 members of the children's Booked program; the Story Walk book continues to be updated by the Girl Scouts; the Children's Librarian is doing virtual story times and the musical program "Movin' and Groove with Miss Julia" is loved by the children. The **Councilwoman** noted the Policy and Personnel committee is in the process of updating the manual and the Information Technology committee is looking into installing wi-fi outside.

ADMINISTRATOR’S REPORT

Acting Borough Administrator Martin reported progress at Borough Hall.

ORDINANCES ON FINAL:

1. ORDINANCE #04-21

“AN ORDINANCE ESTABLISHING SALARIES AND WAGES FOR CERTAIN BOROUGH OFFICERS AND EMPLOYEES OF THE BOROUGH OF MIDLAND PARK FOR THE YEAR 2021 BEGINNING JANUARY 1ST, AND THEREAFTER”

BE IT ORDAINED, by the Council of the Borough of Midland Park, in the County of Bergen, State of New Jersey as follows:

1. The following schedule setting forth the salaries and wages to be paid to certain Borough Officers, Employees and Officials during the year 2021, beginning January 1st, and thereafter, be and is hereby approved:

POSITION	2021 RATE
Mayor	Up to \$ 5,000.00
Council Members	Up to \$ 4,000.00
Municipal Administrator	\$100,000.00 to \$120,000.00
Chief Financial Officer/Treasurer	\$ 2,500.00 to \$ 90,000.00
Borough Clerk	Up to \$ 82,000.00
Deputy Borough Clerk	Up to \$ 40,000.00
Records Clerk	\$ 15.00/hr to \$ 20.00/hr
Administrative Assistant	Up to \$ 50,000.00
Administrative Secretary/Support	Up to \$ 37,000.00
Tax Collector	Up to \$ 80,000.00
Deputy Tax Collector/Tax Clerk	\$35,000.00 to \$ 65,000.00
Tax Assessor	\$11,000.00 to \$ 45,000.00
Plumbing Inspector – M.P.	Up to \$ 15,000.00
Plumbing Inspector – Ho-Ho-Kus	Up to \$ 12,000.00
Plumbing Subcode Official- HoHoKus	Up to \$ 2,000.00
Fire Subcode Official - HoHoKus	Up to \$ 2,500.00
Fire Inspector – M.P.	Up to \$ 4,000.00
Fire Inspector (substitute)	Up to \$ 30.00/hr
Elevator Inspector – M.P.	\$ 1,500.00 to \$ 3,000.00
Electrical Inspector- M.P.	\$ 2,000.00 to \$ 22,000.00
Electrical Sub Code – HoHoKus	Up to \$ 15,000.00
Property Maintenance Official	Up to \$ 20.00/hr
Construction Code Official/Zoning Official – M.P.	\$60,000.00 to \$ 87,000.00
Construction Code Official – HoHoKus	Up to \$ 40,000.00
Construction Code Assistant	\$ 6,000.00 to \$ 40,000.00
Building Inspector – HoHoKus	Up to \$ 16,000.00
D.P.W. Superintendent	Up to \$116,000.00
D.P.W. Foreman	Up to \$ 90,000.00
D.P.W. Utility Laborers	\$ 43,000.00 to \$ 75,000.00
D.P.W. personnel “on-call” stipend	\$ 250.00/wk
D.P.W. personnel “boot allowance”	\$ 150.00/yr

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Recycling Center Attendant	\$ 14.00/hr to	\$ 20.00/hr
Building/Grounds Maintenance Worker	Up to	\$ 57,000.00
Municipal Court Judge	\$ 10,000.00 to	\$ 25,000.00
Municipal Court Administrator	\$ 20,000.00 to	\$ 86,000.00
Deputy Municipal Court Clerk	\$ 65.00	per Session
Special Help-Court Clerk's Office/Deputy	\$ 7.00/hr to	\$ 75.00/hr
Information Technology	up to	\$ 75.00/hr
Zoning Board of Adjustment Secretary	\$ 5,000.00 to	\$ 20,000.00
Planning Board Secretary	\$ 5,000.00 to	\$ 20,000.00
Fire Prevention Officer	\$ 8,000.00 to	\$ 20,000.00
Fire Prevention Sub Inspector	Up to	\$ 2,500.00
Officer of Emergency Management	\$ 5,000.00 to	\$ 31,000.00
Police Chief	\$ 60,000.00 to	\$210,000.00
Secretary-Police Dept	Up to	\$ 52,000.00
Special Police/Matron/Desk Clerks	Up to	\$ 25.00/hr
Crossing Guard	Up to	\$ 25.00/hr
Extra Help - Any department	Up to	\$ 21.50/hr
Recreation Coordinator	\$ 500.00 to	\$ 60,000.00
Recreation Building Attendant	\$ 12.00 to	\$ 16.00/hr
Summer Camp Coordinator	\$ 20.00 to	\$ 30.00/hr
Asst. Summer Camp Coordinator	\$ 13.00 to	\$ 25.00/hr
Counselor: Year #1		\$ 7.00/hr
Counselor: Year #2		\$ 8.00/hr
Counselor: Year #3		\$ 9.00/hr
Counselor: Year #4		\$ 10.00/hr
Counselor: Year #5		\$ 11.00/hr
Counselor: Year #6		\$ 12.00/hr
Counselor: Year #7		\$ 13.00/hr
Senior Counselor		\$ 14.50/hr

2. Individual salaries shall be set by Resolution of the Council within the salary range. In the absence of a minimum, any employee may be hired at any sum less than the maximum set forth above.

3. All civilian employees' fringe benefits will be in accordance with the Borough of Midland Park's Personnel Policy Manual.

4. All salaries and wages provided for herein shall be effective in accordance to the Resolution adopted pursuant to paragraph 2 of the Ordinance.

5. This Ordinance shall take effect upon final passages and publication according to law.

Introduced by: Councilwoman DeLuca

Seconded by: Council President Iannone

At this time, **Mayor Shortway** opened the meeting to the public for any questions, comments, or concerns regarding Ordinance #04-21.

Caller 11 – no comment

Caller 13 – no comment

Caller 14 – no comment

Caller 15 – no comment

Caller 16 – no comment
Caller 18 – no comment
Caller 19 – no comment
Caller 20 – no comment
Caller 21 – no comment
Caller 22 – no comment
Caller 23 – no comment
Caller 26 – no comment
Caller 27 – no comment
Caller 30 – no comment

There being no response, the **Mayor** closed the meeting to the public and called for a Roll Call Vote of Council.

Roll Call:	Councilman Damiano	Aye
	Councilman Kruis	Aye
	Councilman Sansone	Aye
	Councilwoman DeLuca	Aye
	Councilwoman Peet	Aye
	Council President Iannone	Aye

CONSENT AGENDA:

All matters listed below are considered by the Borough Council to be routine in nature. There will be no separate discussion of these items. If any discussion is desired by the Borough Council, that item will be removed from the consent agenda and considered separately:

Resolution #069-21 Social Hall Deposit Refund

WHEREAS, the State of New Jersey is implementing aggressive social distancing measures to mitigate further spread of COVID-19 at this time;

WHEREAS, all social hall deposits that have been received are to be refunded due to the cancellation of gatherings in excess of a certain amount of people.

WHEREAS, the following refund check is being requested by the Midland Park Valley Hospital Auxiliary for their 4/25/21 event cancellation and that the check should be sent to:

Midland Park Valley Hospital Auxiliary
c/o Robin Burgess 215 Franklin Ave, Wyckoff, NJ 07481 \$500.00

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that the Certified Finance Officer will issue a check for the above refund amount.

Resolution #070-21 Zoning Board Escrow Refund

WHEREAS, at the meeting of March 10, 2021 it was unanimously approved and recommended by the Zoning Board, to return the unused escrow to the following party:

Ray Kadire Acct. #T-20-256-122 \$13.93
410 Smith Pl
Midland Park, NJ 07432
(Blk. 9.01, Lt. 6)

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that the Chief Financial Officer issue a check for the funds in the above stated amount, to the

following party, Ray Kadire, 410 Smith Pl., Midland Park NJ 07432.

Resolution #071-21 Borough Employee Salaries

WHEREAS, Ordinance #04-21 establishes salary ranges for employees; and

WHEREAS, said Ordinance requires that individual salaries be set by Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that the following salaries are hereby authorized for the period of January 1, 2021 through December 31, 2021:

POSITION	2021 RATE
Mayor	\$ 4,772.98
Council Member	3,419.50
Borough Clerk	80,855.00
Administrative Assistant	36,050.00
Administrative Assistant	47,899.64
Part-time Records Clerk	\$16.48/hr
Borough Administrator	116,699.00
Chief Financial Officer/Library Bookkeeper	96,952.45
Tax Collector	66,950.00
Tax Assessor	43,709.08
Information Technology	\$75.00/hr
Plumbing Inspector	14,808.03
Elevator Inspector	2,404.00
Ho-Ho-Kus: Plumbing Inspector	11,842.47
Ho-Ho-Kus: Plumbing Sub-code Officer	1,791.04
Fire Sub-code Inspector	3,432.80
Ho-Ho-Kus: Fire Sub-code Officer	2,194.74
Fire Inspector - Sub	\$21.50/hr
Electric Inspector	21,327.53
Ho-Ho-Kus: Electric Sub Code	14,820.83
Construction Code Enforcement	86,555.23
Construction Code Enforcement – Ho-Ho-Kus	35,836.21
Construction Code Control Assistant	37,240.70
Construction Code Control Assistant-Replacement	37,500.00
Part-time UCC Assistant	\$17.50/hr
Ho-Ho-Kus: Building Inspector	15,934.48
Board of Adjustment Secretary	18,620.35
Planning Board Secretary	18,620.35
Bd of Adj/Planning Bd Replacement Secretary	10,000.00
DPW Superintendent	92,700.00
DPW Utility Laborer	74,287.39
DPW Utility Laborer	65,040.77
DPW Utility Laborer	59,470.86
DPW Utility Laborer	57,856.82
Recycling Center Attendant	\$16.00/hr
Custodian/Bldg Maintenance Worker	62,450.29
Municipal Court Judge	23,031.12

Municipal Court Administrator	85,554.49
Municipal Court Cashier	\$65.00/Session
Fire Prevention Official	18,540.50
Property Maintenance Official	\$20.00/hr
Police Chief	207,627.90
Police Secretary	51,199.03
Police Desk Clerical	\$19.07/hr to 19.62/hr
Crossing Guards	\$15.97/hr to 24.72/hr
Police Special Officers/Matrons	\$15.86/hr to 21.33/hr
Office Emergency Management	30,250.30
Recreation Coordinator	57,400.95
DePhillips Attendants	\$13.11/hr to 15.12/hr
<u>Summer Staff Salaries 2021</u>	
Summer Camp Coordinator	\$20.00/hr to 30.00/hr
Asst. Summer Camp Coordinator	\$13.00/hr to 25.00/hr
Counselor: Year #1	\$ 7.00/hr
Counselor: Year #2	\$ 8.00/hr
Counselor: Year #3	\$ 9.00/hr
Counselor: Year #4	\$ 10.00/hr
Counselor: Year #5	\$ 11.00/hr
Counselor: Year #6	\$ 12.00/hr
Counselor: Year #7	\$ 13.00/hr
Senior Counselor	\$ 14.50/hr

Resolution #072-21 Budget Self- Exam

WHEREAS, pursuant to N.J.S.A. 40A:4-78b, the Local Finance Board has adopted rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 5:30-7.5 the Borough of Midland Park has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2021 budget year;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Midland Park that in accordance with N.J.A.C. 5.30-7.6a & b, and based upon the Chief Financial Officer's certification, the Borough Council of the Borough of Midland Park has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated, pursuant to law, and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges;
 - b. Deferred charges and statutory expenditures;
 - c. Cash deficit of preceding year;
 - d. Reserve for uncollected taxes;
 - e. Other reserves and non-disbursement items; and
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations, pursuant to N.J.S.A.

- 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. (complies with the “CAP” law) are fully met.
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
 4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated;
 - b. Items of appropriation are properly set forth; and
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
 5. The budget and associated amendments have been introduced, publicly advertised, in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
 6. That all other applicable statutory requirements have been fulfilled.
- BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Resolution #073-21 Planning Board Escrow Refund

WHEREAS, at the meeting of March 15, 2021, it was unanimously approved and recommended by the Planning Board, to return the unused escrow to the following party:

Cornerstone Diversified Properties, LLC Acct. #T-20-300-251 \$4,259.37
25 Baldin Drive
(Blk. 25, Lt.12)

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that the Chief Financial Officer issue a check for the funds in the above stated amount, to Cornerstone Diversified Properties, LLC, 611 River Drive, Elmwood Park, NJ 07407.

Introduced by: Council President Iannone

Seconded by: Councilwoman Peet

Roll Call:	Councilman Damiano	Aye
	Councilman Kruis	Aye
	Councilman Sansone	Aye
	Councilwoman DeLuca	Abstain from #069-21; Aye to the rest
	Councilwoman Peet	Aye
	Council President Iannone	Aye

RESOLUTIONS:

1. Resolution #068-21 – Bills List

WHEREAS, claims have been submitted to the Borough of Midland Park in the following amounts:

Current Fund ('20)	\$ 2,343.02
Current Fund	\$ 42,601.70
Capital Fund	\$ 16,964.51
Trust Fund	\$ 1,368.47
TOTAL:	\$ 63,277.70

WHEREAS, such claims have been listed according to Department and account number with corresponding vouchers to be reviewed and approved by the Finance Committee; and,

WHEREAS, the CFO has determined that the funds have been properly appropriated for

such purposes and are available, in the Borough of Midland Park and that the claims specified on the schedule attached hereto, following examination and approval by the Finance Committee, be paid and checks issued accordingly; and,

WHEREAS, claims have already been paid in the following accounts:

Current	March 15 th Payroll	\$ 218,559.69
Current	Home Depot – Mnl Ck	\$ 442.12

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Midland Park that the claims totaling **\$282,279.51** approved and ratified respectively.

Introduced by: Councilman Damiano

Seconded by: Councilwoman Peet

Roll Call:	Councilman Damiano	Aye
	Councilman Kruis	Aye
	Councilman Sansone	Aye
	Councilwoman DeLuca	Aye
	Councilwoman Peet	Aye
	Council President Iannone	Aye

2. Resolution #074-21 – Appoint- Building Department Technical Assistant-Amy Davidson

WHEREAS, the Borough of Midland Park finds it necessary to fill the position of Full-Time Building Department Technical Assistant; and

WHEREAS, Amy Davidson has been serving as permanent Part-Time Technical Assistant since October 1, 2019, and

WHEREAS, it is recommended by the Acting Borough Administrator and Borough Clerk that her appointment be made Full-Time.

WHEREAS, the annual salary has been established as \$37,500.00 with the Title of Technical Assistant.

NOW, THEREFORE, BE IT RESOLVED that the appointment of Amy Davidson, is hereby confirmed as Full-Time Technical Assistant by the Council of the Borough of Midland Park, effective March 16, 2021.

Introduced by: Councilman Kruis

Seconded by: Councilwoman DeLuca

Roll Call:	Councilman Damiano	Aye
	Councilman Kruis	Aye
	Councilman Sansone	Aye
	Councilwoman DeLuca	Aye
	Councilwoman Peet	Aye
	Council President Iannone	Aye

3. Resolution #075-21 Appoint- Planning & Zoning Board Secretary – Jessica Harmon

WHEREAS, the Borough of Midland Park finds it necessary to fill the positions of Planning Board and Zoning Board Secretary; and

WHEREAS, the annual stipend has been established as \$5000.00 for the Planning Board Secretary position and \$5000.00 for the Zoning Board Secretary position.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that Jessica Harmon be confirmed, effective March 16, 2021, as both the Planning Board and Zoning Board Secretary.

Introduced by: Council President Iannone

Seconded by: Councilwoman DeLuca

Roll Call: Councilman Damiano

Aye

Councilman Kruis

Aye

Councilman Sansone

Aye

Councilwoman DeLuca

Aye

Councilwoman Peet

Aye

Council President Iannone

Aye

ORDINANCES ON INTRODUCTION:

1. ORDINANCE #05-21

“AN ORDINANCE TO AMEND CHAPTER 7 OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED, “TRAFFIC” (SNOW EMERGENCIES)

BE IT ORDAINED by the Mayor and Council of the Borough of Midland Park, in the County of Bergen, and State of New Jersey as follows:

Section 1.

Chapter 7 of the Code of the Borough of Midland Park, Traffic, §7-3, Parking, Subsection 7-3.3, Snow Emergencies, be and is hereby amended to read as follows:

§7-3.3. Snow/Ice Emergencies; Temporary Parking Prohibition For Snow Plowing and Removal.

- a. Whenever snow and/or ice has fallen and the accumulation of snow and/or ice is such that it covers the streets or highways, an emergency shall exist and no vehicle shall be parked on any street or highway within the Borough. The above parking prohibitions shall remain in effect after the snow has ceased until the streets have been plowed sufficiently and to the extent that parking will not interfere with the normal flow of traffic.
- b. Any unoccupied vehicle parked or standing in violation shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any police officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal and storage which may result from such removal before regaining possession of the vehicle.

Section 2. Fines and Penalties.

Any person convicted of violating this Ordinance shall be subject to such fines and penalties as set forth in §1-5, General Penalty, of the Borough Code.

Section 3. Severability.

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Section 4. Inconsistent Ordinances Repealed.

All ordinances or parts or ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

Introduced by: Councilman Sansone

Seconded by: Councilwoman Peet

Roll Call: Councilman Damiano

Aye

Councilman Kruis	Aye
Councilman Sansone	Aye
Councilwoman DeLuca	Aye
Councilwoman Peet	Aye
Council President Iannone	Aye

OLD BUSINESS/NEW BUSINESS:

Councilwoman DeLuca stated the VFW-Midland Park/Wyckoff had a meeting and are moving forward with plans for the Memorial Day ceremonies while waiting to hear about specifics regarding how to proceed due to COVID-19. The **Councilwoman** noted the flag raising will be at 9 A.M. at Veterans field and the ceremony will be at 11 A.M. at Veteran's Plaza. They are planning for a parade but if it is not permitted, there is an alternate plan.

There was No New Business to discuss.

PUBLIC COMMENT:

Once again, the **Mayor** opened the meeting up to the public for any questions, comments, or concerns.

Caller 11 – no comment

Caller 13 – no comment

Nick Papapietro-152 Payne Avenue-asked about budget session items pending and if there will be an updated budget hearing prior to approval of the budget? Acting Administrator/Borough Clerk Martin replied the Introduction of the Budget will be at the April 8th meeting and that the current budget has been agreed on except for a \$10,000 change to the Library's portion. Mr. Papapietro inquired about the impact to the average home. Ms. Martin explained it is 3.8% which works out to \$117 per assessed value on a \$400,000 home. Mr. Papapietro asked if the Open Space was put back in and Acting Borough Administrator Martin stated it was not put back in which is how the impact has been kept to a minimum.

Catherine DiLeo, Library Director, Borough of Midland Park - thanked the Governing Body for reconsidering the Library's budget, noting the Library is looking forward to a great year; she also thanked **Councilwoman DeLuca** for the thorough Library report.

Caller 19 – no comment

Caller 20 – no comment

Caller 21 – no comment

Anthony Sikora – 41 Chestnut Street - glad to hear people are interested in what the Governing Body is doing and thanked the Governing Body for the great information this evening.

Jill Mulder – 30 Hiawatha Court - spoke of an email she had sent to the Governing Body regarding recent communications with the Midland Park Superintendent of the Schools. She explained the situation regarding a rumored infraction of one of the Board of Education members and asked for some direction as to how she could get an explanation of what has happened and how it could happen. Attorney Regan addressed the question, stating it is solely in the jurisdiction of the Board of Education and by law the Governing Body is absolutely forbidden to interfere with the business and activities of the school district; it is exclusively within the jurisdiction of the school board and not the Governing Body nor can they reverse or countermand any decision of the Board of Education. Ms. Mulder asked for advice regarding who she can speak to and Attorney Regan stated that as the Borough's attorney, he cannot give her any advice

because it is out of the Governing Body's jurisdiction but there may be other agencies she can research.

Caller 28 – no comment

Caller 31 – no comment

There being no further response and no further business to address, at 8:40 P.M., the following resolution was read by the Borough Attorney and adopted by the Council. The Borough Clerk stated if there is any action to be taken, the Governing Body will reconvene in an Open Public Session. The Council then convened into a Second Closed Session.

Resolution #075A-21 – 2nd Closed Session – After March 25, 2021

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of Midland Park has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of Midland Park will go into closed session for the following reason (s) as outlined in N.J.S.A. 10:4-12:

_____ Any matter which, by express provision of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public (Provision relied upon): _____

_____ Any matter in which the release of information would impair a right to receive funds from the federal government;

_____ Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy;

_____ Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body (Specify contract): _____.

_____ Any matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

☒ Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Any investigations of violations or possible violations of the law;

_____ Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer (If pending or anticipated litigation, the matter is: _____). If contract negotiations the nature of the contract and interested party is _____

Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Borough's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact);

☒ Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting (Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing, 124 N. J. 478, the employee(s) and

nature of discussion is: **Personnel- Police, Recreation, Administrator, OEM**.

_____Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility;

BE IT FURTHER RESOLVED, that the Borough Council hereby declares that its discussion of the aforementioned subject(s) may be made public at a time when the Borough Attorney advises the Borough Council that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough, or any other entity, with respect to said discussion. That time is currently estimated as the time of said matter.

BE IT FURTHER RESOLVED that the Borough Council, for the aforementioned reasons, hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place, and hereby directs the Borough Clerk to take the appropriate action to effectuate the terms of this resolution.

Introduced by: Councilman Sansone

Seconded by: Councilwoman DeLuca

Roll Call: Councilman Damiano

Aye

Councilman Kruis

Aye

Councilman Sansone

Aye

Councilwoman DeLuca

Aye

Councilwoman Peet

Aye

Council President Iannone

Aye

There being no further business to address, at 8:40 P.M., on a Motion by **Councilman Sansone**, Seconded by **Councilwoman DeLuca** and carried, **Mayor Shortway** adjourned the meeting.

Respectfully submitted,

Wendy Martin, R.M.C.
Borough Clerk