

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK NJ 07432
JULY 28, 2022**

8:00 P.M. OPEN PUBLIC MEETING MINUTES

On July 28, 2022 at 8:00 P.M., the Mayor and Council of the Borough of Midland Park conducted a meeting at Borough Hall in the Council Chambers located at 280 Godwin Avenue as previously advertised. Agenda items for the meeting were also listed on the Borough website. There was also an option for the public to access the meeting electronically by dialing this Toll-Free number 1-866-899-4679, Access Code: 766-030-917.

Mayor Shortway called the meeting to order, noting the date as July 28, 2022, 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 was 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 DeBlasio	Present
	Councilman Damiano	Absent
	Councilman Iannone	Absent
	Councilman Kruis	Present
	Councilwoman DeLuca	Present
	Council President Peet	Present

ALSO PRESENT: Borough Attorney Robert Regan and Borough Deputy Clerk Mari J. Margiotta

APPROVAL OF MINUTES:

A Motion to approve the Minutes of Work Session, Closed Session, and Open Public Meeting from the date of June 9, 2022 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: Council President Peet Seconded by: Councilman Kruis

Roll Call:	Councilman DeBlasio	Aye
	Councilman Damiano	Absent
	Councilman Iannone	Absent
	Councilman Kruis	Aye
	Councilwoman DeLuca	Abstain
	Council President Peet	Aye

OPEN TO THE PUBLIC:

Mayor Shortway opened the meeting to the public for general questions, concerns, and comments.

Alexander Stangl, 160 Sicomac Avenue – requested from the Mayor and Council to consider the reprogramming of the traffic lights in order to promote a more pedestrian friendly Midland Park. Mr. Stangl also asked if there were any plans to put a crosswalk on Godwin Avenue since its new repaving has been complete?

Borough Attorney Robert Regan, **Mayor Shortway**, and **Council** discussed some of the issues and stated, the Borough would be responding to Mr. Stangl.

There being no one else from the Public and/or no callers were on the telephone, the Public Hearing was closed.

LIAISON REPORTS:

Mayor Shortway stated the monthly Planning Board, and the Ridgewood Water meetings were cancelled. A Special Meeting for the **Mayor** and **Council**, with the subject matter of Ridgewood Water has been scheduled for August 24, 2022 via Zoom.

Council President Peet **Board of Health/ Board of Education/Ridgewood Water**
Council President Peet reported the **Board of Health** has recorded an increase in the positive cases of COVID-19. The **Board of Education** did not have their public meeting this monthly. Their next meeting will be in August 2022. The **Council President**, **Mayor Shortway** and Borough Administrator/Clerk Wendy Martin will gather with the Board of Education Subcommittee on August 18, 2022 to negotiate field proposal. **Ridgewood Water** continues to research funding and bonding for the future lead pipe replacement project.

Councilman DeBlasio **Recreation/Information Technology/Municipal Alliance**
Councilman DeBlasio specified there was no report for the **Municipal Alliance** at this time. A September meeting is being scheduled. Phil Scaglione, **Information Technology** Director reported to the Councilman that the Police Department's computer installation has one outstanding update will be completed by the end of this month. Due to back ordered purchases, the body camera equipment is pending its final upgrade and storage. The Building Department's SDL equipment has been installed and will be activated on September 1, 2022. Mr. Scaglione also reported there was a transformer that blew by the Habben Building. There was no damage to the Borough's files. Kathy LaMonte, Director of the **Recreation Department** provided a report on the standings of the sports activities. Midland Park's Summer Camp is in its last week of attendance.

Councilman Damiano **Finance/Public Works/Chamber of Commerce/Economic Development**
Councilman Damiano absent. No report given at this time.

Councilman Iannone **Public Safety – Police/Property Maintenance/Personnel**
Councilman Iannone absent. No report given at this time.

Councilman Kruis **Planning Board/Building Dept/Fire Prevention/OEM**
Councilman Kruis stated the **Planning Board** cancelled the July 18, 2022 meeting. The **Building Department's** new software has been installed and a smooth transition is being predicted. **Fire Prevention and OEM**, Official Michael Rau has informed the Councilman, the PPE inventory amounts are at a satisfactory level.

Councilwoman DeLuca **Public Safety – Fire/Ambulance/Library**
Councilwoman DeLuca The **Ambulance Corps** does not conduct formal meetings in July and August 2022. The **Councilwoman** declared the **Fire Department's** meeting will be held on August 10, 2022. The **Library Board** met on July 19, 2022. Library Director Catherine Dileo's report included statistics of: 8% increase in circulation and 70% increase in foot traffic this month compared to June 2021. The summer programs are being attended in positive numbers. Field Station Dinosaurs, Wetland Institute,

and summer reading are just some of the programs that are underway. The Friends of the Library held their last summer concert last evening. Next year's programs are already being planned and discussed.

ADMINISTRATOR'S REPORT:

Borough Administrator/Clerk absent. No Reports at this time.

ORDINANCE ON FINAL:

1. ORDINANCE #18-2022

AN ORDINANCE TO AMEND CHAPTER 9 OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED, "RECREATIONAL FACILITIES". (ANIMALS IN PARKS)

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 9 of the Code of the Borough of Midland Park, Recreational Facilities, Section 9-1, Parks, Subsection 9-1.7, Animals In Parks, be and is hereby amended to read as follows:
§9-1.7 Animals In Parks.

No person owning, keeping, harboring, or having the care, custody or control of any animal shall suffer, permit, or allow its presence in any public park, provided however that dogs on leashes shall be permitted.

Section 2. Fines and Penalties.

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

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.

At this time Mayor Shortway opens the meeting to the public for any questions, comments, or concerns regarding Ordinance #18-2022.

The Mayor closes the meeting to the public regarding Ordinance #18-2022.

Introduced by: Councilman Kruis

Seconded by: Council President Peet

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

1. Resolution #131-2022 Authorizing Person-to-Person Transfer of Plenary Retail Consumption Liquor License from Legends Restaurant and Pub Inc. to CAP Midland Park LLC

WHEREAS, an application has been filed for a Person-to-Person Transfer of a Plenary Retail Distribution License, by CAP Midland Park LLC ("Transferee") heretofore, currently issued to Legends Restaurant and Pub Inc. ("Transferor") #0235-33-002-018, for premises located at 11 Central Avenue, Midland Park, New Jersey; and

WHEREAS, the application form has been received by the Borough, the transfer fees have been paid, and the license has been properly renewed for the current term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33:1-1 et seq., of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions with Title 33:1-1 et seq.; and

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

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Midland Park does hereby approve the transfer of the aforesaid Plenary Retail consumption License to CAP Midland Park LLC 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 CAP Midland Park LLC".

2. Resolution #134-2022 Summer Camp Registration Refunds

WHEREAS, the Recreation Director, Kathy LaMonte, received the following camp registration refund requests due to campers attending a summer enrichment programs;

WHEREAS, a refund check is being requested to be made out to the following resident for the weeks previously registered for:

Bryan Feuilly 75 Highwood Ave., Midland Park, NJ 07432 \$90.00
(1 wk. for Khloe Feuilly)

Fusun Garrett 950 N. Monroe St., Ridgewood, NJ 07450 \$90.00
(1 wk. for Bailey Garrett)

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

3. Resolution #135-2022 Zoning Board Escrow Refund

WHEREAS, at the Zoning Board of Adjustment meeting of June 20, 2022 it was approved by Motion and recommended by the Zoning Board, to return the unused escrow to the following party:

Payee	Address Mailing Address	Block	Lot	Account #	Amount
Englewood Warehousing 3 LLC	268 Greenwood Avenue Midland Park, NJ 07432	50	9 & 10	T-20-500-423	\$1,646.98

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that the Chief Financial Officer issue checks for the funds in the above stated amounts, to the above stated party.

4. Resolution #136-2022 Adopting an Information Technology Practice Policy

WHEREAS, the Borough of Midland Park has created an Information Technology Practice Policy using the Municipal Excess Liability Joint Insurance Fund (MELJIF) model documentation to obtain a

Tier 1 Certification for Cyber Risk Management Certification; and

WHEREAS, in an attempt to prevent as many cyber related claims as possible, the NJ MEL developed and released to its members the NJ MEL Information Technology Practice Policy; and

WHEREAS, the Governing Body of Midland Park approved the appended Information Technology Practice Policy, and the Borough asks that said document to be adopted by the Mayor and Council; and

NOW, THEREFORE, BE IT RESOLVED, that by the Mayor and Council of the Borough of Midland Park, County of Bergen, does here by adopted the Information Technology Practice Policy.

5. Resolution #137-2022 Cost Change #2 – 2021 Road Resurfacing Project: Colonial Road, Fairview Avenue, and Miedema Place

WHEREAS, on September 9, 2021 the Borough entered into a Contract with D&L Paving Contractors Inc., 675 Franklin Avenue, Nutley, NJ 07110, for the 2021 Road Resurfacing of Colonial Road, Fairview Avenue and Miedema in the sum of \$422,802.57; and

WHEREAS, there was a change order on July 14, 2022, Resolution #122-2022, in the amount of \$20,377.11, bringing the new total to \$443,179.68; and,

WHEREAS, a Second Cost Change Order has been proposed for the costs of the modifications as listed in the attached document; and

WHEREAS, the Contractor has advised that the cost of these changes is \$16,017.28, bringing the new total to \$459,196.96; and

WHEREAS, a change order is required, and the amount required for the changes will not cause the Contract amount to be exceeded by more than 20 percent in accordance with *N.J.A.C. 5:30-11.3(a)(9)*.

WHEREAS, said Second Cost Change is less than 8.61% of the contract price; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose;

Bid Price	\$ 422,802.57
Change Order #1 Cost Increase	\$ 20,377.11
Change Order #2 Cost Increase	\$ 16,017.28
Total Project Cost	<u>\$ 459,196.96</u>

Total Cost Change #2 \$ 16,017.28

NOW THEREFORE BE IT RESOLVED that this change order, designated as change order No. 2 be and is hereby approved to execute same as permitted by *N.J.A.C. 5:30-11.3(a)(5)*.

6. Resolution #138-2022 Cost Change #1 – Paterson Avenue Section 1 & 2 Resurfacing

WHEREAS, the Borough previously entered into a contract with D.L.S. Contracting Inc., 36 Montesano Road, Fairfield, NJ 07004, for Resurfacing of Paterson Avenue, Sections 1 & Section 2; and

WHEREAS, a Cost Change Order has been proposed for the costs of the modifications as listed in the attached document; and

WHEREAS, said Cost Change is less than -3.14% of the contract price; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose;

Bid Price	\$349,042.65
Change Order #1 Cost Increase	\$ 21,843.90
Change Order #1 Cost Decrease	(\$ 37,858.05)
Supplemental	\$ 5,037.50
Total Project Cost	\$338,066.00

Total Cost Change #1 (\$16,014.15)

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the Borough Clerk be and are hereby authorized to execute the aforesaid Cost Change #1 for these additional improvements.

Introduced by: Councilwoman DeBlasio Seconded by: Councilwoman DeLuca

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

RESOLUTIONS:

1. Resolution #130-2022 Bills List

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

Current Fund ('01)	\$ 471.75
Current Fund	\$1,183,034.72
Capital Fund	\$ 36,578.94
Trust Fund	<u>\$ 4,035.07</u>
TOTAL:	\$1,224,120.48

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	July 15th Payroll	\$ 284,518.99
Current	NJEIT-loan payment	\$ 19,550.00

NOW, THEREFORE, BE IT RESOLVED, by the Council President and Council of the Borough of Midland Park that the claims totaling **\$1,528,189.47** approved and ratified respectively.

Introduced by: Councilman DeBlasio **Seconded by: Council President Peet**

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

2. Resolution #132-2022 Appoint Sub Code Official – Brian Drewes

WHEREAS, the need exists for a Plumbing/Mechanical Subcode Official in the Borough of Midland Park; and

WHEREAS, the Construction Code Official has recommended Brian Drewes for the position of Plumbing/Mechanical Subcode Official; and

WHEREAS, N.J.S.A. 52:27D-126 states that the appointment of a Subcode Official is a 4-year term; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Midland Park, County of Bergen, and the State of New Jersey hereby appoint Brian Drewes for the position of Plumbing/Mechanical Subcode Official effective July 1, 2022 with no health benefits.

Introduced by: Councilman Kruis **Seconded by: Councilwoman DeLuca**

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

3. Resolution #133-2022 Borough Employee Salary Increase – Mari J. Margiotta

WHEREAS, Borough Ordinance requires that individual salaries be set by Resolution; and
WHEREAS, a request has come before the Governing Body from the Borough Administrator, Wendy Martin, to increase the salary of the Borough Deputy Clerk, Mari J. Margiotta by \$12,000.00; and
WHEREAS, Mari J. Margiotta has finished the probationary period of six months after the hire date of October 18, 2021; and
WHEREAS, Ms. Margiotta completed the five Rutgers University Center for Government Services courses required to obtain her Registered Municipal Clerk Certification, and passed the State certification examination given on April 6, 2021; and
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Midland Park that the above noted salary increase requested be authorized beginning August 1, 2022.

Introduced by: Councilwoman DeLuca Seconded by: Council President Peet

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

ORDINANCE ON INTRODUCTION:

No Ordinances on Introduction

OLD BUSINESS:

No Old Business at this time.

NEW BUSINESS:

No New Business at this time.

PUBLIC COMMENT:

Mayor Shortway opened the meeting to the public for general questions, concerns, and comments. Since no one from the Public came forward and/or no callers were on the telephone, the Public Hearing was closed.

ATTORNEY REGAN READ THE RESOLUTION

Resolution #139A-2022 After Closed Session 07-28-2022

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;

X 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: Ordinance #16-2022 5G contract negotiations the nature of the contract and interested party is _____ *in 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 _____).

_____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: Council President Peet Seconded by: Councilwoman DeLuca

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Roll Call:	Councilman De Blasio	Aye
	Councilman Damiano	Absent
	Councilman Iannone	Absent
	Councilman Kruis	Aye
	Councilwoman DeLuca	Aye
	Council President Peet	Aye

ADJOURNMENT:

There being no further business to discuss, on a Motion by **Councilwoman DeLuca**, Seconded by **Council President Peet** and carried, **Mayor Shortway** adjourned the Open Public meeting and **Council** convened into the 2nd Closed Session at 8:26 P.M., where no official actions will be taken.

Respectfully submitted,



Wendy Martin, RMC
Borough Administrator/Clerk