

**BOROUGH OF MIDLAND PARK  
280 GODWIN AVENUE  
MIDLAND PARK NJ 07432  
OCTOBER 27, 2022**

**8:00 P.M. OPEN PUBLIC MEETING MINUTES**

On October 27, 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 October 27, 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.

<b>Roll Call:</b>	<b>Mayor Shortway</b>	<b>Present</b>
	<b>Councilman DeBlasio</b>	<b>Present</b>
	<b>Councilman Damiano</b>	<b>Present</b>
	<b>Councilman Iannone</b>	<b>Present</b>
	<b>Councilman Kruis</b>	<b>Present</b>
	<b>Councilwoman DeLuca</b>	<b>Present</b>
	<b>Council President Peet</b>	<b>Present</b>

**ALSO PRESENT:** Borough Attorney Robert Regan, Borough Administrator/Clerk Wendy Martin, and Director of Information Technology Phillip Scaglione.

**APPROVAL OF MINUTES:**

No Minutes for approval at this time.

**OPEN TO THE PUBLIC:**

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

**LIAISON REPORTS:**

Mayor Shortway reported on October 19, 2022, the Police Benevolent Association held its meeting and discussed contract negotiations. October 25, 2022, the 2<sup>nd</sup> grade students from Highland School came to Borough Hall to tour the Police, Library and the Municipality. The Mayor and Councilwoman DeLuca gave the tour of the Municipal Building and the history of Midland Park.

**Councilman Kruis**

**Planning Board/Building Dept/Fire Prevention/OEM**

Councilman Kruis reported the Planning Board's meeting for October 2022 was cancelled due to no requests of applications on the agenda. The Building Department stated progress has been made with the municipal inspections. Fire Official Michael Rau's Fire Prevention report specified on October 15, 2022, the food trucks were inspected for Community Day. The OEM conducted a Zoom meeting concerning the reimbursement status for 2021 Tropical Storm Ida. The Borough's PPE inventory is at a satisfactory level.

**Councilwoman DeLuca**

**Public Safety – Fire/Ambulance/Library**

**Councilwoman DeLuca** stated the **Ambulance Corps** report was given at the last Mayor and Council Meeting. The **Fire Department** upcoming events include Breakfast with Santa on December 10, 2022 and Project Santa with more details to follow. The **Library Board's** meeting was held on October 25, 2022. Library Director Catherine Dileo reported there was a 5% increase in foot traffic since 2021. BCCLS announced they have a new app that residents may download. Midland Park has been chosen to be a test site for BCCLS. The Children's Department has been extremely busy with students receiving their first Library cards, a newly formed Pokémon Club, Halloween Event, and the Touch-A-Truck. The Friends of the Library's beer garden at Community Day was a well-attended event.

**Council President Peet**

**Board of Health/Board of Education/Ridgewood Water**

**Council President Peet** stated the **Board of Health** will not meet in October 2022 but reports progress. The meeting of the **Board of Education** was held on October 10, 2022, to discuss eight personnel matters. Ann Schaefer, the confidential secretary to the Superintendent, has given notice for retirement as of February 1, 2023. An approval of 500 books from the Highland School for discard has been granted. This is occurring due to age and condition. On November 3, 2022, **Ridgewood Water** and the participating municipalities will meet to continue discussions how bonding will be handled for the remediations of the issues in the communities. meetings with the representative from the four municipalities.

**Councilman DeBlasio**

**Recreation/Information Technology/Municipal Alliance**

**Councilman DeBlasio** stated the **Municipal Alliance** reported progress. **Recreation** Director Kathy LaMonte reported to the **Councilman**, that Community Day was an extremely successful event. For next year, there will be hamburgers and hotdogs. The Trunk-Or-Treat event will be held at the Barn, on October 28, 2022. The Open Space reimbursement application has been submitted to the State. Phil Scaglione, Director of **Information Technology**, has conveyed there is progress on the Police Department's body cameras installation.

**Councilman Damiano**

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

**Councilman Damiano** noted there was progress reported for the **Finance, Chamber of Commerce, and Economic Development** committees and/or departments. The Borough's **Public Works** has completed the first collection of the fall leaf program. The generators for Borough Hall and the Library have been delivered and upon receiving the proper permits, they will be installed. The Fire House roof is approximately 90% completed and the Police Department's security door has been installed. The 2022 Road Resurfacing Project will begin on October 31, 2022. The County will replace the ADA ramps on Goffle Road. In November, Sanzari will begin removal of the culvert on Greenwood Avenue.

**Councilman Iannone**

**Public Safety – Police/Property Maintenance/Personnel**

**Councilman Iannone** reported for the **Police Department's** October monthly report, there were 115 public service details which consisted of assists in community service, assisting citizens and other similar assignments and requests. In regard to **Property Maintenance**, there are two tree issues on Paterson Avenue and Park Avenue. A trial date has been set for the address of 80 Center Street and the property issues it has been having.

**ADMINISTRATOR'S REPORT:**

Borough Administrator/Clerk Wendy Martin stated at the post-meeting for the Community Day, attended by Recreation Director Kathy LaMonte and Library Director Catherine Dileo, improvements for next year consisted of a petting zoo, pet adoption day, an organization grilled food, touch-a-truck. At previous Community Days, the Borough did not permit political soliciting at event. There were reports that soliciting was occurring. In the future, no tables or soliciting will be allowed. The Clerk's Office attended the Bergen County Board of Elections seminar prepping for the upcoming election. The Borough's voting machines were

delivered today.

**ORDINANCES ON FINAL:**

**1. ORDINANCE #21-2022**

**AN ORDINANCE TO AUTHORIZE THE SALE OF CERTAIN REAL PROPERTY KNOWN AND DESIGNATED AS BLOCK 15, LOT 20.01 AND BLOCK 17, LOT 3.02 PURSUANT TO N.J.S.A. 40A:12-13(b)(5). (In Rem)**

**WHEREAS**, the Borough of Midland Park (“the Borough”) instituted an action in the Superior Court of New Jersey, Chancery Division entitled, “Borough of Midland Park vs. Block 15, Lot 20.01 and Block 17, Lot 3.02” (collectively “the properties”) which action sought to foreclose In-Rem certain tax sale certificates designated as 67-2 (as to Block 15, Lot 20.01) and 1-63 (as to Block 17, Lot 3.02); and

**WHEREAS**, the Final Judgment in the aforesaid action dated September 12, 2022 vested fee simple title to the properties in the Borough; and

**WHEREAS**, the land area of each of the properties is less than the minimum size required for development under the Borough Zoning Ordinance and is without any capital improvement thereon; and

**WHEREAS**, N.J.S.A. 40A:12-13(b)(5) permits such properties to be offered for sale to the highest bidder among owners of property contiguous to each of the aforesaid properties; and

**WHEREAS**, the Mayor and Council has determined that the properties are not needed for any public purpose.

**NOW THEREFORE 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. Authorization of Sale**

The Governing Body does hereby authorize the sale of the properties to the owners of real property contiguous thereto in accordance with the provisions of N.J.S.A. 40A:12-13(b)(5), with each of the properties to be sold to the highest bidder from among all such owners.

**Section 2. List of Properties To Be Sold; Minimum Bid Price; Eligible Bidders**

The properties to be sold, minimum bid price, and contiguous property owners eligible to be bid are as follows:

<u>Property</u>	<u>Minimum Bid</u>	<u>Property Owners Eligible To Bid</u>
Block 15	\$10,000.00	Owners of Block 15
Lot 20.01		Lots 18, 19 and 22
Block 17	\$3,500.00	Owners of Block 17
Lot 3.02		Lots 2.01 and 3.01

**Section 3. Posting of List; Advertisement; Offers to Purchase**

The Borough Clerk is directed to post this Ordinance on the bulletin board or other conspicuous space in the Municipal Building and to advertise same in the official newspaper of the Municipality. Any owner of property listed in Section 2 above may provide an offer for the particular property within twenty (20) days of such advertisement, subsequent to the adoption of this Ordinance, at not less than the minimum bid price indicated therein.

**Section 4. Acceptance Of Offer To Purchase**

Acceptance of any offer to purchase shall be in the sole discretion of the Mayor and Council. The Borough shall be under no obligation to accept any offer to purchase and shall have the right to reject any submitted bid without detailing the reason for such rejection.

**Section 5. Authorization To Execute Documents**

Upon acceptance of any offer for either of the properties by resolution, the Mayor and Borough Clerk be and are hereby authorized to execute a Contract of Sale and such other documents as may be necessary to convey title.

**Section 6. 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 7. 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 8. Effective Date**

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

At this time **Mayor Shortway** opened the meeting to the public for any questions, comments, or concerns regarding Ordinance #21-2022.

There being no response, the **Mayor** closed the meeting to the public regarding Ordinance #21-2022.

**Introduced by: Councilman Iannone**

**Seconded by: Council President Peet**

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

**2. ORDINANCE #23-2022**

**AN ORDINANCE TO AMEND CHAPTER VII, 7-3.4, OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED “TRAFFIC” (Rubble Street & Witte Drive)**

**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 VII of the Code of the Borough of Midland Park, Traffic, §7-3.4 **Parking Prohibited at All Times on Certain Streets**, be and is hereby amended to read as follows:

**THE FOLLOWING WILL BE ADDED TO THE ORDINANCE:**

Name of Street	Sides	Location
Rubble Street	West	From a point 140 feet from the southwest corner of Rubble Street and Glen Avenue, to a point of 185 feet north thereof
Witte Drive	Both	No parking both sides of Witte Drive between Godwin Avenue and Greenwood Avenue

**Section 2. Fines and Penalties.**

Any person convicted of a violation of a provision of this Ordinance, or any amendment thereof, shall be liable to a penalty as set forth in §7-14 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.

At this time **Mayor Shortway** opened the meeting to the public for any questions, comments, or concerns regarding Ordinance #23-2022.

There being no response, the **Mayor** closed the meeting to the public regarding Ordinance #23-2022.

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

<b>Roll Call:</b>	<b>Councilman DeBlasio</b>	<b>Aye</b>
	<b>Councilman Damiano</b>	<b>Aye</b>
	<b>Councilman Iannone</b>	<b>Aye</b>
	<b>Councilman Kruis</b>	<b>Aye</b>
	<b>Councilwoman DeLuca</b>	<b>Aye</b>
	<b>Council President Peet</b>	<b>Aye</b>

**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 #175-2022 Tax Court of New Jersey Stipulation of Settlement of 1 Godwin Avenue  
Block 3; Lot 24.01**

**WHEREAS**, the Borough of Midland Park has received a Stipulation of Settlement from the Tax Court of New Jersey, reducing the assessed value from \$1,577,400.00 to \$1,377,400.00 for the 2020 tax year for the property known as 1 Godwin Avenue., Block 3 Lot 24.01, a refund to be issued to:

SPIOTTI & ASSOCIATES, PC

612 GODWIN AVE

MIDLAND PARK, NJ 07432

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Midland Park, that the amount of \$6,236.00 for overpayment in taxes of 2020, be refunded.

**Resolution #176-2022 Void AP Check**

**WHEREAS**, payment issued on October 13, 2022 for the yearly Mayor's breakfast was accidentally issued to the wrong vendor;

**WHEREAS**, the CFO will Void and issue a stop payment on the below check payable to:

Parkwood Deli 342 Erie Ave, Midland Park, NJ 07432 check #19722 for \$139.50

**WHEREAS**, the CFO will issue a new check to the correct vendor for the same amount of \$139.50:

The Wilkes Family Deli 283 E. Glen Ave, Ridgewood, NJ 07450 check #19752

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Midland Park that the above item be voided and re-issued.

**Introduced by: Councilman Kruis      Seconded by: Councilman Iannone**

<b>Roll Call:</b>	<b>Councilman DeBlasio</b>	<b>Aye</b>
	<b>Councilman Damiano</b>	<b>Aye</b>
	<b>Councilman Iannone</b>	<b>Aye</b>
	<b>Councilman Kruis</b>	<b>Aye</b>
	<b>Councilwoman DeLuca</b>	<b>Aye</b>
	<b>Council President Peet</b>	<b>Aye</b>

**RESOLUTIONS:**

**1. Resolution #174-2022 Bills List**

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

Current Fund	\$ 1,198,937.51
Capital Fund	\$ 40,848.00
Trust Fund	\$ 343.45
<b>TOTAL:</b>	<b>\$ 1,240,128.96</b>

**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	October 14 <sup>th</sup> Payroll	\$ 264,708.14
---------	----------------------------------	---------------

**NOW, THEREFORE, BE IT RESOLVED**, by the Council President and Council of the Borough of Midland Park that the claims totaling **\$1,504,837.10** approved and ratified respectively.

**Introduced by: Councilman Damiano**      **Seconded by: Councilman Kruis**

**Roll Call:**

<b>Councilman DeBlasio</b>	<b>Aye</b>
<b>Councilman Damiano</b>	<b>Aye</b>
<b>Councilman Iannone</b>	<b>Aye</b>
<b>Councilman Kruis</b>	<b>Aye</b>
<b>Councilwoman DeLuca</b>	<b>Aye</b>
<b>Council President Peet</b>	<b>Aye</b>

**2. Resolution #177-2022 Appoint of Department of Public Works Seasonal Laborer Garrett Opderbeck**

**WHEREAS**, there is a need for Seasonal Laborer to be hired for the Department of Public Works; and

**WHEREAS**, it is the recommendation of the Department Superintendent, Matthew Tauber, that Garrett Opderbeck is qualified to fill this temporary position, at the rate of \$16.00 per hour.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Midland Park, that Garrett Opderbeck be confirmed as Seasonal Laborer effective October 17, 2022.

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

**Roll Call:**

<b>Councilman DeBlasio</b>	<b>Aye</b>
<b>Councilman Damiano</b>	<b>Aye</b>
<b>Councilman Iannone</b>	<b>Aye</b>
<b>Councilman Kruis</b>	<b>Aye</b>
<b>Councilwoman DeLuca</b>	<b>Aye</b>
<b>Council President Peet</b>	<b>Aye</b>

**MOTION:**

A Motion was made by **Councilwoman DeLuca** to accept the rules and regulations for the Junior Firemen Auxliary.

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

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

**OLD BUSINESS:**

No Old Business at this time.

**NEW BUSINESS:**

**Councilman DeBlasio** was approached by the business owner of 11 Central. The owner was concerned about the parking time limits near his restaurant.

Borough Administrator/Clerk Wendy Martin read a request to the Mayor from the American Lung Cancer Screening Unitive for a proclamation. The request was tabled until next year. The owner from Marigold Boutique would like to have a local women's vendor day on Sunday, November 13, 2022 in the shopping lot. The Police Department will be notified, and all Blue Laws will be adhered to. Property Maintenance John Torry and Wendy Martin have discussed changing the Ordinance Chapter 15 "Solid Waste Management" pertaining to leaf collection.

**PUBLIC COMMENT:**

No public was present or on the line.

**ATTORNEY REGAN READ THE RESOLUTION**

**Resolution #177A-2022 After Closed Session 10-27-2022**

**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;

☒ **X** 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: \_\_\_\_\_contract negotiations the nature of the contract and interested party is 90 Midland Avenue *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*);

X 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 and Mayor & Council By Laws .

\_\_\_\_\_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.

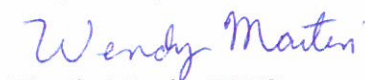
Introduced by:	Councilman Damiano	Seconded by:	Councilman Kruis
Roll Call:	Councilman De Blasio	Aye	
	Councilman Damiano	Aye	
	Councilman Iannone	Aye	
	Councilman Kruis	Aye	
	Councilwoman DeLuca	Aye	
	Council President Peet	Aye	

At this time the public was notified Council will be going into an After Closed Session.

**ADJOURNMENT:**

There being no further business to discuss, on a Motion by **Councilman Kruis**, Seconded by **Council President Peet** and carried, **Mayor Shortway** adjourned the Open Public meeting at 8:40 P.M. and convened immediately into the After Closed Session.

Respectfully submitted,



Wendy Martin, RMC  
Borough Administrator/Clerk