

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK NJ 07432
FEBRUARY 24, 2022**

8:00 P.M. OPEN PUBLIC MEETING MINUTES

On February 24, 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 February 24, 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 De Blasio	Present
	Councilman Damiano	Present
	Councilman Iannone	Present
	Councilman Kruis	Present
	Councilwoman DeLuca	Present
	Council President Peet	Present

ALSO PRESENT: Borough Attorney Robert Regan, Borough Administrator/Borough Clerk Wendy Martin

APPROVAL OF MINUTES:

A Motion to approve the Minutes of Work Session, Closed Session, Open Public Meeting, and After Closed Session from the date of December 16, 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: Councilwoman DeLuca Seconded by: Council President Peet

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

OPEN TO THE PUBLIC:

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

Administrator/Clerk Martin asked members of the public present and on the phone to speak at this time.

No one from the Public came forward.

LIAISON REPORTS:

Mayor Shortway stated on Wednesday, February 23, 2022, the Mayor had the pleasure of swearing in Captain Chad Miller and Lieutenant Steven Rau at Borough Hall.

Councilman Damiano

Finance/Public Works/Chamber of Commerce

Finance and the Chamber of Commerce reports progress. **Councilman Damiano** was informed by Matthew Tauber that 15 catch basin heads have been changed to conform to the Department of Environmental Protection standards. Superintendent Matthew Tauber also stated the **Department of Public Works** staff has attended several training sessions such as: employee conduct and violence prevention, woodchipper safety, playground safety inspections, CDL safety regulations, and ethical decision making. DPW continues to disinfect all Borough buildings. The staff is ready for tonight's winter weather. Mr. Tauber has predicted 2 to 3 inches of slush.

Councilman Iannone

Public Safety – Police/Property Maintenance/Personnel

Property Maintenance has experienced (3) vehicle complaints since the last **Mayor and Council** meeting. CVS has been notified of a dumpster complaint in the parking lot. Sanitation has been notified. There are (5) open property issues which John Torry, the Property Maintenance Official is continuing to resolve. The **Police Department** had officers investigated a shoplifting complaint, a restraining order, suspicious activity reports, one missing adult male who was later found in Paterson, one vehicle theft later located in North Bergen. Chief Powderley wanted to inform our residents that auto theft is up 84% in Bergen County in the current year 2022. 346% up for high end vehicles in the State of New Jersey as well. A public announcement for Midland Park citizens is to keep your vehicles locked, do not have valuables visible to the outside, and do not leave auto FOBs in the vehicles. Progress was reported for **Personnel**.

Councilman Kruis

Planning Board/Building Dept/Fire Prevention/OEM

The **Planning Board** will have their meeting on February 28, 2022. The **Councilman** had a meeting with Mark Berninger, Construction and Zoning Official, and reported that the **Building Department** has progress. Michael Rau, **Fire Prevention/OEM** states there are 509 inspections due for 2022. 44 inspections have been done since the beginning of the year. Mr. Rau noted \$158,968.00 has been submitted through the CARES Act and the Borough has received \$135,825.00. Midland Park's inventory for PPE is at a satisfactory level and there are no future purchases needed at this time.

Councilwoman DeLuca

Public Safety – Fire/Ambulance/Library

The **Ambulance Corps** meeting is scheduled for Monday, March 7, 2022. President Steve Holder stated, "Midland Park Ambulance Corps is alive and well and happy we are able to serve the town." Fire Chief Matthew Tauber indicated the next **Fire Department** meeting will be held on Wednesday, March 9, 2022. The **Library Board's** meeting was held on Tuesday, February 15, 2022. In response to **Councilman Damiano**, Library Director Catherine Dileo answered the (3) questions the Councilman asked at the last month's **Mayor and Council** meeting. The Library's on-going projects included: adult section and collection – completing the fiction section of purging out

noncirculating books, children's story time, held a meeting for the Special Olympics Young Athletes and started registration, Grab and Go Crafts, the extremely popular, "Battle of the Books" in conjunction with the schools, and BCCLS Trustee Training program hours for State aid.

Council President Peet **Board of Health/ Board of Education/Ridgewood Water**
Council President Peet stated the **Ridgewood Water**, which services Midland Park, Glen Rock, Ridgewood, and Wyckoff, sent the **Council President** a certified notice **for lead service line**. The **Council President** recapped the letter and notified the public of a link where a resident can find more information and maps on this subject. There are 1119 homes in the four communities with verified lead in their pipes and 3800 that are at an unknown status. The cost of \$15 million dollars (\$10,000.00 per home) is projected for **Ridgewood Water** over the next 10 years. The replacement of pipes is not mandatory but optional for residents. Only Ridgewood residents may receive an assessment since Ridgewood Water does not have jurisdiction over Midland Park, Wyckoff, or Glen Rock. Midland Park's residents may have an issue if/when they sell their home. **Council President Peet** discussed the road paving project and the effects the water pipe replacements may have on the quality and disturbance of the roads. The **Board of Health** reported 292 positive Omicron COVID-19 cases since the beginning of 2022. The **Board of Education** held a seminar that is provided to high school seniors for college application process. The event was well attended. There has been several Bills in motion concerning New Jersey schools. One Bill is pending that would aide towns and the creation of regional schools. On March 8, 2022, the Special Election for the public question for the approval for the school's turf field will be held.

Councilman DeBlasio **Recreation/Information Technology/Municipal Alliance**
Kathy LaMonte, **Recreation** Director is preparing for the opening of summer camp registration for the year 2022. This year's Memorial Day parade planning is under way. There are several more activities that are in progress: yoga, pickleball, softball, and soccer. For **Information Technology**, **Councilman DeBlasio** was in contact with Phil Scaglione. Mr. Scaglione stated the update of the Borough's computers has been completed and he is working with the County so that the systems are compatible. The cameras, except for (2) in the Police Department, are functioning and recording. A discussion between Wendy Martin, Borough Administrator/Clerk and **Councilman DeBlasio** occurred regarding the future project of the recording system in the Borough and the Social Hall. **Municipal Alliance** reports will be the next meeting in April.

ADMINISTRATOR'S REPORT:

Borough Administrator/Clerk Martin updated Mayor and Council concerning the 5G future project. Ms. Martin sent out an email with several open questions, but no final answers have been received. The new electronic voting machines will be used as of 2023. 2022 elections will be a hybrid of old and new electronic machines. Ms. Martin continues to advertise the March 8, 2022 Special School Election via eblast, posts on the Borough's website and posting on the Borough's bulletin board. The cost of this election, with the Borough's involvement, will not be available until after the election. An eblast also went out the subscriber concerning the Ridgewood Water project.

ORDINANCE ON FINAL:

1. ORDINANCE # 02-2022

AN ORDINANCE TO AMEND CHAPTER 9 OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED, "RECREATIONAL FACILITIES". - TENNIS

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, §9-2, Tennis Courts, be and is hereby amended to read as follows:

§9-2.1 Classes of Courts Designated.

The Borough hereby establishes two (2) classes of tennis courts known as "A"- College Road, and "B" – Dairy Street The A tennis courts, which were constructed by municipal funds, shall be located at the Dairy Street Recreation Area (College Road site); and the B tennis courts, which were constructed by municipal, Federal, or State funds, shall be located at the Dairy Street Recreation Area (site B). If additional courts are constructed in the Borough, they shall receive the appropriate designation.

§9-2.2 Card Required; Daily Passes.

RESERVED

§9-2.3 Schedule of Fees.

RESERVED

§9-2.4 Use of Courts by Residents and Nonresidents.

The tennis courts, categorized as A in §9-2.1, are solely for the use of residents of the Borough. A resident of the Borough, when playing, may invite one (1) non-resident guest. The officers of the Police Department of the Borough and other authorized personnel of the Borough may demand at any time proof of such residency as condition precedent to the use of the aforesaid tennis courts by any person or persons. The tennis courts, categorized as B in §9-2.1, may be used by residents and nonresidents. A first-come, first-served basis is a service policy whereby the requests of residents and/or non-residents are attended to in the order that they arrived, without other considerations or preferences. All of the rules and regulations provided herein shall apply to a nonresident as well as a resident.

§9-2.5 Rules for Use of Courts.

1. All persons and guests using the tennis courts in the Borough shall adhere to the rules and regulations set forth hereafter and such additional rules and regulations adopted by the Mayor and Council, which shall govern the use of such facilities. A copy of such rules and regulations shall be posted on a fence at each tennis court location.
2. A first come, first served basis is a service policy whereby the request of resident and/or non-residents, are attended to in the order that they arrived, without other considerations or preferences. All of the rules and regulations provided herein shall apply to a non-resident as well as a resident.
3. Privately paid instructed lessons are prohibited on Borough tennis courts at all times.
4. No person shall use any of the tennis courts unless such person complies in full with the rules and regulations pertaining to the same, as hereinafter set forth.
5. All players must be properly attired, including shirts and tennis shoes or sneakers.
6. Playing time on any court for any player or players is limited to one (1) hour of play, whether playing singles or doubles. However, if, at the termination of such hour, there are no other players waiting to have the court, the players may continue to play past the one-hour time limit and until such time as other players are ready to use the court.
7. At the discretion of the Recreation Board and Department, certain periods on specified courts may be reserved for particular groups or activities based upon rules and regulations developed by the Recreation Board and Department and approved by the Mayor and Council.
8. There may be no litter, undue noise, or use of profanity while on the tennis courts.

9. Courts are for tennis only. Any other use of tennis courts will not be permitted.
10. Defacing or damaging the courts in any way is prohibited.

§9-2.6 Fines and Penalties.

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

Section 2. 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 3. 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 4. 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 #02-2022.

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

This ordinance shall take effect at the time and in the manner provided by law.

Introduced by: Councilman DeBlasio Seconded by: Council President Peet

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

2. ORDINANCE #03-2022

“AN ORDINANCE TO AMEND TO CHAPTER XC OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED, “FEES AND CHARGES”. – SUMMER CAMP

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Midland Park, in the County of Bergen, State New Jersey that Chapter XC of the Code of the Borough of Midland Park entitled Fees and Charges be amended to read as follows:

Section 1.

§90-2, “FEES FOR CHAPTER II, ADMINISTRATION”, Section 2-33.1 is hereby amended to add and read as follows:

Recreational Programs:

Summer Recreation Camp

First child.....	\$ 90.00 per week
Second child.....	\$ 75.00 per week
Third child.....	\$ 65.00 per week
Maximum per week per family.....	\$225.00
Extended day.....	\$ 50.00 per week

Section 3. Severability.

If any section, sentence, or any other part of this Ordinance is adjudged unconstitutional or

Ordinance #03-2022 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.

At this time, **Mayor Shortway** opened the meeting to the public for any questions, comments, or concerns regarding Ordinance #03-2022.

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

This ordinance shall take effect at the time and in the manner provided by law.

Introduced by: Council President Peet Seconded by: Councilwoman DeLuca

Roll Call:	Councilman De Blasio	Aye
	Councilman Damiano	Aye
	Councilman Iannone	Aye
	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:

Resolution #047-2022 Tax Lien Redemption – 102 Godwin Avenue

WHEREAS, the Tax Collector has been paid \$104,783.91 by the mortgagee, Century Capital Partners LLC, the necessary amount to redeem Tax Sale Certificate #19-00001 held by The Borough of Midland Park, Midland Park, NJ, property known as Block 18, Lot 17, assessed to EBURY RE 2 LLC, 1357 AVE ASH, STE2 PMB45, SAN JUAN, PR 00907-1403.

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be authorized to cancel lien #19-00001 from the municipal records.

Resolution #049-2022 Bergen County Open Space – Dairy Street

BE IT RESOLVED, that the Mayor and Council of the Borough of Midland Park wish to enter into a Bergen County Trust Fund Project Contract (“Contract”) with the County of Bergen for the purpose of using a \$22,500.00 matching grant award from the 2019 Funding Round of the Bergen County Open Space Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“Trust Fund”) for the municipal park project entitled Dairy Street Recreation Area Improvement Project located in 50 Dairy Street, Dairy Street Recreation Area, in Block 10.02, Lot 41.02, on the tax maps of the Borough of Midland Park; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Mayor Harry Shortway Jr. to be a signatory to the aforesaid grant agreement contract; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved recreation area project must be completed by or about July 1, 2022; and

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant will be

disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund's requirements; and

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund's requirements. Professional Services Costs may be reimbursed from grant award's unexpended balance, should there be a balance.

This resolution was adopted by the Council of the Borough of Midland Park at a meeting held on February 24, 2022.

Resolution #050-2022 Authorizing Foreclosure of Certain Properties for Delinquent Taxes

WHEREAS, the Tax Collector of the Borough of Midland Park has prepared and present to the Mayor and Council an In Rem Foreclosure List; and

WHEREAS, N.J.S.A. 54:5-104.35 provides in pertinent that the Governing Body may by Resolution, foreclose any of the tax sale certificates held by it, by the summary proceeding In Rem as provided in the In Rem Foreclosure Act [L.1948, c.96]; and

NOW, THEREFORE, BE IT RESOLVED that a certified copy of this resolution be forwarded to the Tax Collector and the Borough Attorney;

FURTHERMORE, BE IT RESOLVED, by the Governing Body of the Borough of Midland Park in the County of Bergen, State of New Jersey that the Tax Collector is hereby directed to forward the list of Certificates to Attorney Keith Bonchi, GMS Law, 660 New Road, 1st Floor, Northfield, NJ 08225 to proceed to Foreclose In Rem, the land and premises covered by said certificates.

<u>Cert #</u>	<u>Block/Lot</u>	<u>Property Name</u>
63-1	17/ 3.02	Chapman, Jennie Est.
67-2	15/20.01	Unknown (Right of Way)

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**

RESOLUTIONS:

1. Resolution #048-2022 – Bills List

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

Current Fund ('21)	\$ 12,348.90
Current Fund	\$ 38,906.08
Private Duty Fund	\$ 1,167.50
Capital Fund	\$ 5,265.66
Trust Fund	<u>\$ 10,590.22</u>

TOTAL: \$ 68,278.36

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	February 15th Payroll	\$ 212,430.40
Current	February Health Payments	\$ 92,227.22
Current	February School Taxes	\$1,871,330.75
Current	Verizon Wireless-mnl ck	\$ 380.10
Current	Konica Minolta-mnl ck	\$ 654.75
Current	Home Depot-mnl ck	\$ 653.57

NOW, THEREFORE, BE IT RESOLVED, by the Council President and Council of the Borough of Midland Park that the claims totaling **\$2,245,955.15** approved and ratified respectively.

Introduced by: Councilwoman Damiano

Seconded by: Councilwoman DeLuca

Roll Call:

Councilman De Blasio	Aye
Councilman Damiano	Aye
Councilman Iannone	Aye
Councilman Kruis	Aye
Councilwoman DeLuca	Aye
Council President Peet	Aye

ORDINANCES ON INTRODUCTION:

1. ORDINANCE #05-2022

“AN ORDINANCE TO AMEND TO CHAPTER XC OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED, “FEES AND CHARGES” – SOCIAL HALL & PLENARY LICENSE

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Midland Park, in the County of Bergen, State New Jersey that Chapter XC of the Code of the Borough of Midland Park entitled Fees and Charges be amended to read as follows:

§90-2 FEES FOR CHAPTER 2, ADMINISTRATION

§2.33.1. Municipal Fees Established.

Use of Municipal Social Hall at Fire Complex:

Resident/Business Resident/Nonprofit.....	\$200.00
Nonresident.....	\$500.00

§6-3.4. License Fees.

The fees and charges required under the Code of the Borough of Midland Park entitled Alcoholic Beverages shall be as follows:

Plenary Retail Consumption Licenses.

Fee for a Plenary Retail Consumption License per annum shall be the sum of

.....\$2,250.00
Plenary Retail Distribution Licenses

Fee for a Plenary Retail Distribution License per annum shall be the sum of
.....\$2,250.00

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.

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

2. ORDINANCE 06-2022

“AN ORDINANCE TO AUTHORIZE THE EXPENDITURE OF \$400,000.00: \$400,000.00 FROM THE 2021 NJ DOT MUNICIPAL AID PROGRAM GRANT, FOR THE WITTE DRIVE AND MIDLAND AVENUE CULVERT REPLACEMENT/REPAIR PROJECT.”

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

Section 1.

The Borough of Midland Park has received 2021 NJ DOT Municipal Aid Program Grant for The Witte Drive and Midland Avenue Culvert Replacement and Repair Project.

Section 2.

The sum of \$400,000.00 is appropriated to the payment of the cost of such improvements authorized and described in Section 1 hereof.

Section 3.

Said improvements are lawful capital improvements of the Borough having a period of usefulness of at least five (5) years. Said improvements shall be made as a general improvement, and no part of the cost has been nor shall be assessed against property specially benefited.

Section 4.

The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 5.

This ordinance hereby incorporates the provisions of N.J.S.A. 40A:2-20.

Section 6.

This ordinance shall take effect at the time and in the manner provided by law.

CERTIFICATION OF AVAILABILITY OF FUNDS

I, Laurie O’Hanlon, Chief Financial Officer of the Borough of Midland Park, do hereby certify that adequate funds have been appropriated in the Capital Improvement Fund Account.

Introduced by: Councilman Kruis 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

Council President Peet announced that the State gave \$100,000.00 for the DOT bridge project identified in Ordinance 06-2022.

MOTION:

Mayor Shortway motioned with the consent of Council to Appoint Full Member **Nancy Peet** to the Midland Park Board of Health with an expiration date of December 31, 2024.

Seconded by: Councilwoman DeLuca

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

NEW BUSINESS:

Wendy Martin, Borough Administrator/Clerk received a telephone call from Beth Kasbarian, Midland Park High School Continuing Education Program requesting a block of time for the tennis courts for tennis lessons. Ms. Martin explained to Ms. Kasbarian that the Borough cannot block off time for a revenue generated program over the needs of the residents. All Council members agreed.

PUBLIC COMMENT:

No Public present or on the line.

ADJOURNMENT:

There being no response and no further business to address, at 8:59 P.M., on a Motion by **Councilman Damiano**, Seconded by **Councilman Iannone** and carried, **Mayor Shortway** adjourned the meeting.

Respectfully submitted by,

Wendy Martin, RMC
Borough Clerk