

BOROUGH OF MIDLAND PARK
45 Witte Drive
Midland Park NJ 07432
May 13, 2021

8:00 PM Open Public Meeting Minutes

On May 13, 2021 at 8:00 p.m., the Mayor and Council of Midland Park conducted an in person meeting as previously advertised, there was also an option for the public to access the meeting electronically by dialing this Toll-Free Dial in number [1 866 899 4679](tel:18668994679) Access Code: 766-030-917

Agenda items for the meeting were listed on the Borough website. The foregoing electronic option 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 May 13, 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	Absent

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

APPROVAL OF MINUTES:

No minutes available for approval at this time.

OPEN TO THE PUBLIC:

The **Mayor** opened the meeting to the public for general questions, concerns and comments. **Acting Administrator/Clerk Martin** asked members of the public present and on the phone to

Speak at this time.

None of the public present spoke at this time.

Rich Formicola – 200 Kew Court - no comment

2021 BUDGET PROCESS:

RESOLUTION:

Resolution #097-21 – Budget by Title on Final

WHEREAS, the provisions of N.J.S.A. 40A:4-8 and N.J.S.A. 40A:4-9 have been followed.

NOW, THEREFORE, BE IT RESOLVED, that a majority of the full authorized membership of Borough Council of the Borough of Midland Park, affirmatively concurs that the 2021 Municipal Budget on Final may be read by title only.

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

Absent

OPEN TO THE PUBLIC HEARING ON THE 2021 MUNICIPAL BUDGET:

The **Mayor** opened the meeting to the Council and the public for discussion on the 2021 Budget.

Nick Papapietro – 152 Payne Avenue – asked what is the impact of the final budget on the average home? Acting Administrator Martin answered \$117.03. Mr. Papapietro asked how does it compare to last year? Members of the Council stated it is around the same amount as last year. Mr. Papapietro stated that given the loss of revenue due to COVID-19, the Council did a great job keeping the number as low as they did.

Acting Borough Administrator Martin asked the public on the line if they had any comment

Rich Formicola – congratulated the Council on the budget

ADOPTION OF THE 2021 BUDGET:

A MOTION TO ADOPT THE 2021 BUDGET

Introduced by: Councilman Damiano

Seconded by: Councilwoman DeLuca

Roll Call: Councilman Damiano

Aye

Councilman Kruis

Aye

Councilman Sansone

Aye

Councilwoman DeLuca

Aye

Councilwoman Peet
Council President Iannone

Aye
Absent

LIAISON REPORTS:

Mayor Shortway

Mayor Shortway reported he attended the May 8th Mayors' breakfast: the guest speaker was Karen Randall, wife of the Ho-Ho-Kus Mayor, spoke of the cyber-attack of May 6th which involved the Colonial Pipeline. He and **Councilwoman DeLuca** attended the National Day of Prayer service on May 6th; he attended the holiday service at the mosque with **Councilwoman Peet**; he spoke to Tom Connolly of Bergen County Roads and the approval for the Godwin Avenue project is scheduled for this fall with the work planned to begin in the spring of 2022.

Councilwoman Peet

Board of Health/ Board of Education/Municipal Alliance

Councilwoman Peet reported the **Board of Health** held the annual rabies clinic on May 10th: it was a drive-through and very successful with over 100 participants; she thanked the Citizens Emergency Response Team for their help, the Police Department, the office staff, the North West Bergen Regional Health Commission members and Board of Health participants and especially Acting Administrator/Borough Clerk Martin for all the effort she put into setting it up to make it work so well. The **Councilwoman** noted Midland Park is ahead of the State norm for COVID-19 vaccinations with 56% of adults fully vaccinated and 70% of adults with one dose. She noted that before the service at the mosque, there was a vaccine clinic. **Councilwoman Peet** reported school attendance is back to in-person five days per week and they are observing three foot distancing.

Councilwoman Peet reported she attended the **Board of Education** meeting on May 4th where the budget was presented: the discretionary funds portion totaled \$1.5 million dollars of budget; the proposed amount for the 2021-2022 general fund is \$24,986,728 which is an increase of 2.4%; the debt service amount comes to \$939,125 which is a .18% increase; the total tax levy is \$22,455,969 for a 2.54% increase; the total impact equals \$189/year. For further details, please visit the Board of Education website. The **Councilwoman** stated the Board of Education liaisons are looking forward to the May 25th liaison meeting.

Councilwoman Peet noted there was no report for the **Municipal Alliance** at this time.

Councilwoman DeLuca

Public Safety – Fire/Ambulance/Library

Councilwoman DeLuca reported she attended the **Ambulance Corps** meeting on May 3rd: they answered 58 calls for service in May with one mutual aid in because both rigs were in service; the new ambulance has arrived, and members are continuing to receive training on it.

Councilwoman DeLuca reported she attended the May 12th **Fire Department** meeting: they responded to 12 calls in May; the annual Memorial service will be held on Wednesday, May 26th at 7:30pm and all are invited to attend.

Councilwoman DeLuca reported the **Library Board** will be holding their meeting the 18th and she will give the report at next Council meeting; the Library is having a town "Scavenger Hunt" to coincide with the Summer Reading program; the clues are animal tails in green and will be distributed throughout the town; the Director has contacted businesses in town as to placing clues and securing funds for prizes. The **Councilwoman** asked the Council for permission for a clue to

be placed at Borough Hall? The consensus was Yes. For more information on the various programs the Library sponsors, please visit their website.

Councilman Damiano

Finance/Recreation/Information Technology

Councilman Damiano reported he attended the May 3rd **Board of Recreation** meeting: there is interest in starting an adult Kickball league, which would use Veterans' field or Vander Meer field and the Recreation Director would block off a certain day and time for them, and an adult Cornhole league; the Recreation Director checked with the insurance company and it would cost about \$273 to cover for accidents; if the Council agrees to the expense, she can set it up; the Pickleball league has inquired about using an outside space, preferably one of the tennis courts or one of the basketball courts; it would require additional lining and the town ordinance states: Basketball use only unless otherwise authorized by Mayor and Council. This will be discussed in the upcoming Closed Session. The **Councilman** noted May 22nd is set for Beautification Day: the Cub Scouts will be cleaning up litter at Wortendyk and Bank Street, the Boy Scouts will be spreading mulch at the Veterans of Foreign Wars building, the Daisies will be cleaning up and planting at the Godwin School, and the Brownies will be cleaning up and planting at the Highland School. **Councilman Damiano** gave a status report on summer camp: if COVID restrictions lift significantly on May 19th, the Recreation Director stated she would like to open registration to Waldwick residents on May 24th without raising rates.

Council President Iannone

Public Safety – Police/ Personnel/Ridgewood Water

Due to **Council President Iannone's** absence, no report was given.

Councilman Kruis

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

Councilman Kruis reported the **Planning Board** will be meeting next week and he will give a report at the next Council meeting.

Councilman Kruis reported progress with the **Building Department**.

Councilman Kruis reported the **Fire Prevention Official** has completed 23 inspections, 2 re-inspections, and all educational facilities are in the process of being done and should be completed by June 1st.

The **Councilman** reported the **Office of Emergency Management Official** has submitted and the Borough has received COVID-19 reimbursements totaling \$154,040.36.

Councilman Sansone

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

Councilman Sansone reported the **Department of Public Works** has been busy: they completed the project on the batting cages; it was a collaboration between Baseball, Softball and the DPW; they continue to disinfect all police cars and borough buildings for COVID; the Superintendent has been in contact with restaurants that have applied for tents for dining areas and have placed barriers to protect those areas from traffic.

Councilman Sansone reported the **Economic Development Committee** will be meeting on May 20th and there is progress.

The **Councilman** reported progress for the **Chamber of Commerce**.

ADMINISTRATOR’S REPORT

Acting Administrator Martin reported the Property Maintenance Official has been working closely with residents and staying on top of any issues; the Borough has received the JIF payment of \$1000.

ORDINANCES ON FINAL:

1. ORDINANCE #07-21

“AN ORDINANCE BY THE BOROUGH OF MIDLAND PARK IN THE COUNTY OF BERGEN, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTION 34-1.4, PROHIBITED USES IN ALL ZONES, OF THE BOROUGH CODE”

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, Section 31a of the Act authorizes municipalities by Ordinance to adopt regulations governing the number of cannabis establishments (defined in Section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of the Act authorizes municipalities by Ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services

anywhere in the municipality; and

WHEREAS, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such Ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Mayor and Council of the Borough of Midland Park has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Borough of Midland Park in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough's residents and members of the public who visit, travel, or conduct business in the Borough of Midland Park, to amend the Borough of Midland Park's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Borough of Midland Park; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

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

1. Pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Borough of Midland Park, except for the delivery of cannabis items and related supplies by a delivery service.

2. Chapter 34 of the Borough Code, Zoning, Section 34-1, General Provisions, Subsection 34-4.1, Prohibited Uses In All Zones, is hereby amended to read as follows: "In every Zoning District referred to in Section 34-2 of this Chapter, no land or building shall be used or allowed to be used for any class of cannabis establishment, cannabis distributor or retailer, or cannabis delivery service as said terms are defined in Section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service."

3. Any person found guilty of violating the provisions of this Ordinance shall be subject to such fines and penalties as set forth in Section 1-5 of the Borough Code.

4. Any article, section, paragraph, subsection, clause, or other provision of the Midland Park Borough Code inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

5. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

6. This Ordinance shall take effect upon its passage and publication and filing with the Bergen County Planning Board, and as otherwise provided for by law.

Introduced by: Councilwoman Peet

Seconded by: Councilman Kruis

At this time, **Mayor Shortway** opened the meeting to the public for any questions, comments, or concerns regarding Ordinance #07-21. There being no response, the **Mayor** closed the meeting to the public and called for a Roll Call Vote of Council.

Caller 1 – no comment

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

Councilman Sansone asked Attorney Regan to explain why the Council has passed this ordinance. Attorney Regan stated the Council has 180 days to pass an ordinance prohibiting one or more classes of cannabis. If the Council did not act by August 22, 2021, it would be precluded from any action for five years. Since this ordinance has passed, the Council can now do research as to the benefits and detriments the different classes of cannabis can be and they can pass new ordinances allowing cannabis classes during those five years.

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 #098-21 Borough of Midland Park and DiGenova Family- 10 Franklin Avenue Blk 7.02 Lt 1.05

WHEREAS, there presently exists on property owned by Nicholas Di Genova and Stephanie Di Genova (“the Property Owners”) located at the corner of Franklin Avenue and Maltbie Avenue, known as Block 7.02, Lot 1.05, being more commonly known as 10 Franklin Avenue (“the property”), an existing fence, together with a portion of an existing patio and walkway, located on the Maltbie Avenue side of the property within the Borough right-of-way and located twelve (12) inches from the curb within said roadway; and

WHEREAS, the Property Owners desire to replace this fence with a new fence to be located

within the Borough right-of-way which would be located approximately six (6) feet from the back of the curb, with the existing patio and walkway to remain; and

WHEREAS, as a result of the proposed intrusion of the fence into the Borough right-of-way area, and the continued maintenance of a portion of the existing patio and walkway thereon, approval of the Mayor and Council is required.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Midland Park that permission is hereby granted to the Property Owners to replace the existing fence with a new fence located approximately, six (6) feet from back of the curb, and the continued maintenance of the existing patio and walkway in the Borough right-of-way, subject to the following conditions:

1. Execution of a “Hold Harmless Agreement” by the Property Owners, which shall provide that should the Borough require access to the area of the right-of-way for any reason, the Borough shall have the right to remove the fence and the portion of the patio and walkway or take such action as it deems necessary, in its sole and exclusive discretion, to access the right-of-way area.

2. The location, size and dimensions of the fence shall be in accordance with a survey of the property prepared by Schmidt Surveying dated March 15, 2021 which depicts the proposed fence location, as well as the existing fence, which is to be removed, together with a portion of an existing patio and walkway.

3. Compliance with all requirements of the Borough Engineer, Zoning Officer and Construction Official.

4. Payment of all required fees, including reimbursement of Borough professionals for services in this matter and costs incurred for recording the “Hold Harmless Agreement”.

Resolution #099-21 Zoning Board Escrow Refund- 63 Cottage Street Blk 5 Lt 23.02

WHEREAS, at the meeting of April 12, 2021 it was unanimously approved by Motion and recommended by the Zoning Board, to return the unused escrow to the following party:

Leegwater, Dennis Acct. #T-20-300-258 \$41.49
63 Cottage Street
Midland Park, NJ 07432
(Blk. 5, Lt. 23.02)

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, Dennis Leegwater, 63 Cottage Street, Midland Park NJ 07432.

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	Absent

RESOLUTIONS:

1. Resolution #096-21 – Bills List

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

following amounts:

Current Fund ('20)	\$ 50,450.20
Current Fund	\$ 81,898.45
Dog Fund	\$ 469.00
Capital Fund	\$ 7,554.38
Trust Fund	\$ 851.49
TOTAL:	\$ 141,223.52

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	April 30 th Payroll	\$ 191,413.80
Current	May Health Payments	\$ 81,009.16
Current	May School Taxes	\$1,826,745.92
Current	Heidt Agency – mnl ck	\$ 2,615.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Midland Park that the claims totaling **\$2,243,007.40** approved and ratified respectively.

Introduced by: Councilwoman Peet

Seconded by: Councilwoman DeLuca

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

2. Resolution #100-21 – Appoint W. Martin – Extend Interim Borough Administrator

WHEREAS, the Borough of Midland Park has accepted the resignation of current Borough Administrator Marc Seemon; and

WHEREAS, there exists a need to hire an Interim Borough Administrator; and

WHEREAS, Wendy Martin, RMC, the current Borough Clerk for the Borough of Midland Park, shall serve as the Interim Borough Administrator; and

WHEREAS, the extended interim period will be for a three (3) month period, with Wendy Martin receiving a stipend of three thousand two hundred dollars (\$3,200.00) per month in addition to her current salary; and

WHEREAS, in the event that this agreement is not extended after the initial three (3) month period, that she be permitted to return to the position of Borough Clerk; and

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Midland Park extends the appointment of Wendy Martin, as the Interim Administrator for the Borough of Midland Park effective May 1, 2021.

Introduced by: Councilwoman DeLuca

Seconded by: Councilman Sansone

Roll Call:	Councilman Damiano	Aye
	Councilman Kruis	Aye
	Councilman Sansone	Aye

Councilwoman DeLuca	Aye
Councilwoman Peet	Aye
Council President Iannone	Absent

3. Resolution #101-21 Appoint J. Torry - Sub Crossing Guard

WHEREAS, the need for Substitute Crossing Guards exists in the Borough of Midland Park;
and

WHEREAS, the Chief of Police feels this candidate is suitable for the appointment to the duties.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Midland Park, that Joh Torry, to be appointed as a Substitute Crossing Guard at a rate of \$18.00 per hour, effective May 13, 2021.

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	Absent

4. Resolution #102-21 Amend Appoint J. Torry – Property Maintenance Official

WHEREAS, John Torry was interviewed by the Borough Administrator, recommended to the Borough's Personnel Liaisons, and brought to the Governing Body for approval on January 12, 2021; and

WHEREAS, the position of Property Maintenance Official will be an annual appointment as outlined under Borough Code, Chapter 10-4.8; and

WHEREAS, the position of Property Maintenance Official will be a part-time rate of \$20.00 per hour for six (6) hours per week; and

WHEREAS, the part-time position of Property Maintenance Official requires additional hours during the spring and summer and are amended as follows, up to twelve (12) per week in the Spring and Summer months; and

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Midland Park amend the appointment of John Torry as the Property Maintenance Official as of May 15, 2021.

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

ORDINANCES ON INTRODUCTION:

1. ORDINANCE #09-21

“AN ORDINANCE TO AUTHORIZE THE EXPENDITURE OF \$116,431.50: \$75,000

FROM A 2020-2021 COMMUNITY DEVELOPMENT BLOCK GRANT FOR ENGLISHMAN DRIVE, WITTE DRIVE AND BUTTERNUT AVENUE ROADWAY IMPROVEMENTS, AS WELL AS APPROPRIATE THE SUM OF \$41,431.50 FROM THE CAPITAL IMPROVEMENT FUND”

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 a 2020-2021 Community Development Block Grant for Englishman Drive, Witte Drive and Butternut Avenue for Road Construction Improvements in the Borough of Midland Park

Section 2.

The sum of \$75,000 is appropriated to the payment of the cost of such improvements authorized and described in Section 1 hereof. Said sum so appropriated shall be met from the Capital Improvement Fund in the amount of \$41,431.50.

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.

Introduced by: Councilman Damiano

Seconded by: Councilwoman DeLuca

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

2. ORDINANCE #10-21

“AN ORDINANCE TO AUTHORIZE VARIOUS MUNICIPAL IMPROVEMENTS, ACQUISITIONS AND PROJECTS IN THE BOROUGH OF MIDLAND PARK, TO APPROPRIATE THE SUM OF \$303,973.28 TO PAY THE COST THEREOF, FROM THE CAPITAL IMPROVEMENT FUND.”

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 following is to be funded from the Capital Improvement Fund and is hereby authorized for:

1. **Fire**
Purchase Turnout gear
Purchase Fire hoses
SCBA bottle replacements
2. **Department of Public Works**
2021 Road Resurfacing Program
Reserve for Drainage projects
3. **Building & Grounds**
Fire House exterior doors
4. **Police**
Portable police radios/accessories

Section 2. The sum of \$303,973.28 hereby appropriated to the payment of the cost of such acquisitions and improvements authorized and described in Section 1 hereof. Said sum so appropriated shall be met from the Capital Improvement Fund of the Borough.

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.

Introduced by: Councilwoman DeLuca

Seconded by: Councilman Sansone

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

3. ORDINANCE #11-21

“A CAPITAL ORDINANCE TO AUTHORIZE ADDITIONAL FUNDS TO THE RESERVE FUND, FOR MUNICIPAL VEHICLES IN THE BOROUGH OF MIDLAND PARK, TO APPROPRIATE THE SUM OF \$30,000.00 FROM THE CAPITAL IMPROVEMENT FUND FOR THE FUTURE PURCHASE OF MUNICIPAL VEHICLES.”

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 acquisition of funding from the Capital Improvement Fund is hereby authorized for:

- A. Midland Park Fire Department’s Reserve for a future apparatus, in the amount of \$30,000.00

Section 2. The sum of \$30,000.00 is hereby appropriated to the payment of the cost of such acquisition and improvement authorized and described in Section 1 hereof. Said sum so

appropriated shall be met from the Capital Improvement Fund of the Borough.

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 which 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.

Introduced by: Councilman Kruis

Seconded by: Councilwoman Peet

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

4. ORDINANCE #12-21

“AN ORDINANCE TO AMEND CHAPTER 3 OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED, “POLICE REGULATIONS” (CANNABIS)

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 3 of the Code of the Borough of Midland Park, Police Regulations, §3-16, be and is hereby amended to read as provided, together with Subsections thereafter:

§3-16. Prohibition of All Cannabis Establishments.

§3-16.1. All Classes of Cannabis Prohibited.

Pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Borough of Midland Park, except for the delivery of cannabis items and related supplies by a delivery service.

§3-16.2. Fines and Penalties.

Any person found guilty of violating the provisions of this Ordinance shall be subject to such fines and penalties as set forth in Section 1-5 of the Borough Code.

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.

Introduced by: Councilman Sansone

Seconded by: Councilman Kruis

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

OLD BUSINESS/NEW BUSINESS:

Councilman Damiano expressed his concerns regarding the proposed cabana ordinance. Acting Borough Administrator/Borough Clerk Martin stated she would set up a meeting with **Councilman Damiano**, **Councilman Kruis** and the Construction Official to go over the verbiage of the ordinance.

Councilwoman DeLuca spoke of moving forward with the Memorial Day parade and service, noting more information will be in the weekly newsletter and she thanked Administrative Assistant Harmon for taking care of that.

There was no New Business to discuss.

PUBLIC COMMENT:

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

Rich Formicola – 200 Kew Court- thanked the Department of Public Works for their hard work installing the turf field for the batting cages and how well it turned out. He thanked the Council for letting the DPW crew help with the project and encouraged the Council to recognize the DPW for all the work they did.

There being no further response and no further business to address, at 8:38 P.M., the following resolution was read by the Borough Attorney and adopted by the Council. The Borough Clerk stated no action will be taken and the Council convened into a Closed Session.

Resolution #095-21 Closed Session Resolution

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 _____ 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 – Administrator's Position, Economic Development Committee.

_____ 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

Absent

Respectfully submitted,

Wendy Martin, R.M.C.
Borough Clerk