

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK NJ 07432
AUGUST 11, 2022**

8:00 P.M. OPEN PUBLIC MEETING MINUTES

On August 11, 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.

Council President Peet called the meeting to order, noting the date as August 11, 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	Absent
	Councilman DeBlasio	Absent
	Councilman Damiano	Present
	Councilman Iannone	Present
	Councilman Kruis	Present
	Councilwoman DeLuca	Present
	Council President Peet	Present

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

APPROVAL OF MINUTES:

No Minutes for approval at this time.

OPEN TO THE PUBLIC:

Council President Peet opened the meeting to the public for general questions, concerns, and comments.

Nicholas Papapietro, 152 Payne Avenue – requested more information on the scheduled introduced Ordinance #19-2022 714 Godwin Avenue Disabled Veterans – Pilot Program. Borough Attorney Robert Regan replied with more details concerning Ordinance #19-2022, the pending contract, tax rate, tax implications, and meeting COAH requirements.

Raymond Chapman, 225 Vreeland Avenue – commended the **Mayor** and **Council** for their work and efforts made for the Borough of Midland Park. The research on democracy shows that people will not change their way of voting any time soon. Mr. Chapman was glad that Councilman Damiano was well and present at tonight's meeting.

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

LIAISON REPORTS:

Mayor Shortway absent. No report given at this time.

Councilman DeBlasio **Recreation/Information Technology/Municipal Alliance**
Councilman DeBlasio absent. No report given at this time.

Councilman Damiano **Finance/Public Works/Chamber of Commerce/Economic Development**
Councilman Damiano stated there was progress for **Chamber of Commerce** and **Finance**. In Superintendent of **Public Works** Matthew Tauber's Monthly Report, the Councilman communicated the projects of the department: 2022 line restriping of roads, fire hydrant markings, road sweeping, tree pruning, and assisted the Police Department with closure of roads during recent filming. During the early demolition at 195 Godwin Avenue (old Friendly's site), the construction company was in the process of delivering equipment and damaged the newly pave road. A representative contacted the Police Department and stated the construction company will fix the damages to the roadway. Rocco Incorvaia from the Recycling Center has announced his retirement. **Council** agreed to allow the position to be advertised for a new hire. The **Councilman** had no report for **Economic Development**.

Councilman Iannone **Public Safety – Police/Property Maintenance/Personnel**
Councilman Iannone listed the **Police Department's** 558 calls for the month of July. The officers assigned 23 summonses for moving violations and parking improperly. The classification of police duties included: public service details, criminal investigations, suspicious person activities, calls from other agencies, DUI, and theft and fraud. John Torry from **Property Maintenance** monthly report stated the cleanup of the Post Office property has been completed as well as a fallen tree on Highland Avenue. Lantern Flies have been spotted in Midland Park and has been reported to the New Jersey Department of Agriculture. Some properties have stated they are infested with these bugs.

Councilman Kruis **Planning Board/Building Dept/Fire Prevention/OEM**
Councilman Kruis reported the **Planning Board's** next meeting is Monday, August 15, 2022. The **Building Department** states progress with the new software. **Fire Prevention and OEM**, Official Michael Rau has informed the **Councilman**, the PPE inventory amounts are at a satisfactory level. Mr. Rau has inspected 103 residences and business and 99 reinspection year to date. On August 9, 2022 there was a watermain break on Greenwood Avenue. The water pressure effects the ability for hydrants to work properly in case of a fire.

Councilwoman DeLuca **Public Safety – Fire/Ambulance/Library**
Councilwoman DeLuca conveyed the **Ambulance Corps** does not conduct formal meetings in August 2022 but the Councilwoman did contact Captain John Lazzari who wanted to thank **Mayor Shortway** for contacting the Borough of Fair Lawn. The outside calls to this Borough have decreased. The Ambulance Corps received 50 calls and 449 miles were driven. At last night's **Fire Department's** meeting, the Captain's report stated 17 calls, 6 mutual aid calls were responded to. The Fire Departments annual Beef Steak Dinner will be at the Social Hall on September 23, 2022. The **Library Board's** next meeting will occur on September 20, 2022. Library Director Catherine Dileo did convey to the Councilwoman that all activities and programs are attended well.

Council President Peet **Board of Health/Board of Education/Ridgewood Water**
Council President Peet reported the **Board of Education** will meet next on August 23, 2022. The **Ridgewood Water** Roundtable was cancelled for July 28, 2022 but will reschedule in the near future. A Special Mayor and Council Meeting via Zoom has been planned for August 24, 2022 to discuss **Ridgewood Water** pending litigation of water contamination with Ridgewood Water's counsel. The Commission for the

Board of Health will hold their meeting on Monday, August 15, 2022 and the Council President will have an update at the following Mayor and Council Agenda.

ADMINISTRATOR’S REPORT:

Borough Administrator/Clerk Wendy Martin proclaimed Resolution #146-2022 Appointment of Crossing Guards, had a change which entailed Gene Raffa resigning from his position and the hiring of Dominic Iorio as a Crossing Guard. Ms. Martin received and read a thank you letter from Tara Kuipers. Ms. Kuipers was the coordinator for the Metastatic Breast Cancer Color Run held in Midland Park in May 2022. There is a follow up meeting scheduled with the El-Zahra Islamic Center on August 23, 2022. The topics will pertain to parking and traffic safety improvements that can be made. A neighborhood resident called to express her traffic concerns that were occurring near the Eastern Christian School. Ms. Martin stated she will discuss the matter with the Police Department. A representative from Congressman Josh Gottheimer’s office has contact the Borough to offer a satellite office hour before the Mayor and Council meeting. The Council declined the Congressman’s offer at this time. Ms. Martin commended the Police Department and the Department of Public Works for making the filming of the “Isle of the Dead” run so smoothly. The Borough received minimum amounts of complaints and the community enjoyed having the filming of the show in Midland Park. The New Jersey Department of Environment Commissioner has declared a drought throughout the State. The Borough sent an eblast notification to all of its residents and members. Building Department is being trained with the new software, Spatial Data Logic. Ms. Martin and Sgt. Noah Van Vliet have been diligently working together to convey to the County concerns of parking, lowering the speed limit, and pedestrian crosswalks. The Friends of the Library applied Alcoholic Beverage Control for a Social Affairs Permit to have a beer garden fundraiser at Community Day on October 1, 2022.

CONSENT AGENDA:

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

1. Resolution #141-2022 Acceptance of 2021 Audit

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the Year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the Local Fiscal Affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

**General Comments
Recommendations**

;and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

**General Comments
Recommendations**

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52 - A A local officer or member of a local governing body who after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Midland Park hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

2. Resolution #142-2022 Adopt 2021 Audit Corrective Action Plan

ADOPT CORRECTIVE ACTION PLAN

WHEREAS, the Director of the Division of Local Government Services has formally directed all counties and municipalities to adopt a Corrective Action Plan as part of their annual audit process; and

WHEREAS, the 2021 Annual Audit of the Borough of Midland Park conducted by Mark W. Bednarz, CPA, RMA of Donohue, Gironda, Doria & Tomkins, LLC Certified Public Accounts contained curtailed recommendations requiring actions; and

WHEREAS, the Corrective Action Plan shall be submitted to the Director of the Division of Local Government Services within 60 days from the receipt of the annual audit and it shall be kept on file with the Borough Clerk; and

WHEREAS, these recommendations have been reviewed by the Borough's Certified Finance Officer; and

WHEREAS, the Corrective Action Plan shall cover all audit findings and recommendations, as well as the status of prior year findings and recommendations and be prepared in accordance with the Single Audit Act, Federal and State Office of Budget Management Circular and Local Finance Notice 92-15; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of Midland Park approves the attached Corrective Action Plan for the 2021 Annual Audit; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby directed to transmit a certified copy of this Resolution into the F.A.S.T. portal per the Director of Local Government Services.

3. Resolution #143-2022 Cancel Grant Expenses & Receivables- Midland Park Alliance

WHEREAS, the following Grant funds awarded by Bergen County, NJ for Alliance program usage needs to be cancelled from the borough's budget; and

WHEREAS, it is necessary to formally cancel the unused funds for grant year July 1, 2021 – June 30, 2022 from the 2021 budget in the amount of \$1,754.54: Appropriation account # G-01- -041-766 and Receivable account # G-01- -041-751; and

WHEREAS, it is necessary to formally cancel the DMHAS Youth Leadership Grant from the 2022 Budget in the amount of \$4,620.00 which we were notified after budget was adopted that we do not qualify to receive; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, that the above unexpended balances from Bergen County Alliance grant programs be cancelled.

4. Resolution #144-2022 Filming Cash Bond Refund

WHEREAS, Stalwart Productions LLC, 50 State Route 120, East Rutherford, New Jersey, Justin Kron,

Location Manager, appeared before the Mayor and Council at its regular meeting held on June 23, 2022, to receive approval to conduct filming and associated activities relating to a television series, *Isle of the Dead* in Midland Park on August 1, 2022; and

WHEREAS, the Governing Body has considered the applicant's proposal and had agreed to permit filming on the property of the Midland Park Library, subject to various conditions. One being a cash bond in the amount of \$2,500.00 shall be provided to the Borough to ensure restoration of the property post-filming. In connection therewith, the applicant has represented that it has a professional green crew for the repair of any landscaping.

WHEREAS, this cash bond was received prior to filming on July 21, 2022, by the Certified Financial Officer, Laurie O'Hanlon and the DPW Superintendent, Matthew Tauber, inspected all borough properties after the filming and deconstruction of prop areas in and around the library to be satisfactory;

WHEREAS, a refund check in the amount of said cash bond of \$2,500.00 is to be issued back to Stalwart Productions LLC, 50 State Route 120, East Rutherford, New Jersey 07073;

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

5. Resolution #145-2022 Refund Sidewalk Permit Fee – 157 Prospect Street

WHEREAS, a request has been brought before the Governing Body by Angels Landscape Contractors, Inc. for a refund of the Sidewalk permit fee for 157 Prospect Street, Midland Park NJ. The original permit fee was paid and work was not performed, the work was rescheduled and a new permit was inadvertently filed and paid for.

WHEREAS, the Council has made the decision to refund Angels Landscape Contractors, Inc., P.O. Box 638, Garfield, NJ 07026 the Sidewalk permit fee of \$100.00.

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, for said property owner at the above address.

6. Resolution #146-2022 Appointment - Crossing Guards- 2022-2023

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

WHEREAS, the Chief of Police feels these candidates are suitable to the duties.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council, that the following appointments be made as Crossing Guards in the Borough of Midland Park, for the school calendar year of 2022– 2023 in compliance with Ordinance #07-2022:

Regular Guards

Paul Mensing
Sharon Moran
Joseph Vigilante
Ron Santaniello
Martha Schimpff
Donald Hachey
Dominic Iorio

Substitute Guard

Glenn Biswurm
Cheryl Biswurm
John Torry
Caitlin Neville
Jane Phillips

7. Resolution #147-2022 Amend Cost Change #1 Patterson Ave Section 1 & 2 Resurfacing

WHEREAS, Resolution #138-2022 adopted on July 28, 2022 provided for a Cost Change in the amount of \$16,014.15; and,

WHEREAS, the Governing Body wishes to correct the total cost change to show as \$10,976.65; and,

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

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

ORDINANCE ON INTRODUCTION:

1. ORDINANCE # 19-2022

AN ORDINANCE APPROVING A PAYMENT IN LIEU OF TAX PROGRAM AND AGREEMENT FOR AN AFFORDABLE HOUSING PROJECT AT 714 GODWIN AVENUE, BLOCK 55, LOT 8 (“THE PROPERTY”) AS DEPICTED ON THE BOROUGH TAX MAP BETWEEN THE BOROUGH AND GFM PROPERTIES, INC. AND NOUVELLE, LLC (COLLECTIVELY “THE DEVELOPER”)

WHEREAS, the Borough of Midland Park (“Borough”) has a constitutional obligation to provide its fair share of the region’s need for affordable housing; and

WHEREAS, the Developer has received a grant/loan in the amount of \$1,693,659 to provide a total of four (4) very low-income rental units at 714 Godwin Avenue, Block 55, Lot 8 as depicted on the Borough tax map; and

WHEREAS, the Grant/Loan Agreement encompasses the period from March 3, 2022 to August 24, 2024 and is designated as Grant/Loan Agreement No. 2022-02360-0249-00 and is detailed in a Grant/Loan Agreement between the Developer and the State of New Jersey, Department of Community Affairs, which has approved the Grant/Loan Agreement; and

WHEREAS, the four (4) affordable housing units are eligible for a long-term tax exemption in accordance with the provisions of *N.J.S.A. 40A:20-3g*.

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. Approval of Payment In Lieu of Taxes Program.

The Borough does hereby approve an Agreement detailed as a Payment In Lieu of Taxes (“PILOT”) Agreement for the property known as 714 Godwin Avenue, Block 55, Lot 8 as depicted on the Borough tax map. The Borough does hereby approve a tax exemption for the project in accordance with the provisions of the Limited Dividend Tax Exemption Law and as set forth in the PILOT Agreement.

Section 2. Affordable Housing Units.

The PILOT Agreement is expressly subject to the requirement that the property is developed with four (4) family affordable rental units for disabled military veterans which shall be very-low-income rental units. The four (4) affordable units shall be Deed restricted to eligible persons qualifying under the Department of Community Affairs National Housing Trust Fund rules and the requirements of the Superior Court of New Jersey, Council On Affordable Housing (“COAH”) or such other agency having jurisdiction to determine the validity of the Borough’s Affordable Housing Plan.

Section 3. Payment.

The Borough agrees, in accordance with the PILOT Agreement, that an annual service charge shall be payable to the Borough in lieu of property taxes of 6.28% of annual gross revenue, with a minimum payment of \$5,863.00 per year, which may be increased depending upon the aggregate annual rent applicable to the entirety of the development. An annual service charge shall be payable in quarterly installments on those dates when real estate tax payments are due.

Section 4. Duration of Agreement.

The annual service charge as set forth in Section 3 of this Ordinance shall become effective upon the issuance of the Certificate of Occupancy for the property and shall remain in effect for a term of thirty (30) years. The applicability of the annual service charge shall be conditioned upon compliance with applicable law and the provisions of the PILOT Agreement.

Section 5. Incorporation of Terms of PILOT Agreement

The provisions detailed in the PILOT Agreement shall be incorporated herein and as set forth in full and may not be modified absent an amendment to the PILOT Agreement and amendment of the within Ordinance.

Section 6. Notice to Department of Community Affairs.

Developer or its legal counsel shall provide notice to the State of New Jersey, Department of Community Affairs, of the adoption of this PILOT Ordinance.

Section 7. Authorization To Execute.

The Mayor is hereby authorized and directed to execute the PILOT Agreement in substantially the same form that is on file with the Borough Clerk. Upon execution of the PILOT Agreement by the Mayor, the Borough Clerk is hereby authorized and directed to attest to the signature of the Mayor and to affix the corporate seal of the Borough upon such document.

Section 8. 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 9. 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 10. Effective Date.

This Ordinance shall take effect immediately upon final passage and publication as provided by law. Borough Administrator Wendy Martin wanted to verify the correct block and lot. Block 55 Lot 7.02

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

Final Adoption and Open Public Hearing on Ordinance #19-2022 will be on September 8, 2022.

OLD BUSINESS:

Councilwoman DeLuca emailed **Mayor** and **Council** asking for nominations who would receive Assembly Resolutions from Assemblyman Auth honoring their volunteer work in Midland Park.

Council President Peet inquired about the progress on the practice fields. Borough Administrator/Clerk Wendy Martin replied the funding of the practice field is through Open Space Funds and Recreation Director Kathy LaMone has filed the necessary grant application with Bergen County. The Council President also stated many compliments were received for the solar lights that illuminate the walkway by the Recreation building.

Councilwoman DeLuca asked if the resident, Alexander Stangl, 160 Sicomac Avenue, who attended the July 28, 2022 Mayor and Council Open Public Meeting and spoke during the Open to the Public portion, about his concerns with making Midland Park more pedestrian friendly. Borough Administrator/Clerk Wendy Martin replied, Mr. Stangl's contact information was given to Sgt. Noah Van Vliet.

Councilman Iannone added Chief Powderley will send a report addressing crosswalks and recommendations.

NEW BUSINESS:

No New Business at this time.

PUBLIC COMMENT:

Council President Peet opened the meeting to the public for general questions, concerns, and comments.

Nicholas Papapietro – 152 Payne Avenue, requested a crosswalk be placed on Glen Avenue and Erie

Avenue by the Parkwood Deli. Also, Mr. Papapietro asked Council President Peet is there was chatter concerning the Board of Education proposing another referendum for the schools installing turf fields. **Council President Peet** responded that there was chatter for another referendum.

Raymond Chapman – 255 Vreeland Avenue, discussed the repaving of Godwin Avenue and how seamlessly it occurred. Mr. Chapman thanked the Department of Public Works, Police Department and the County of Bergen for the swift completion of the project.

Council President Peet asked if there was a price proposal for the crosswalks? Borough Administrator/Clerk Wendy Martin replied that the Police Department is assessing the recommendations from the public and Borough officials. Once the Police Department finalizes all their investigations regarding the crosswalks, a report will be given.

Councilwoman DeLuca added some areas that maybe be considered for crosswalk installation. Since no one else from the Public came forward and/or no callers were on the telephone, the Public Hearing was closed.

ADJOURNMENT:

There being no further business to discuss, on a Motion by **Councilwoman DeLuca**, Seconded by **Councilman Kruis** and carried, **Council President Peet** adjourned the Open Public meeting at 8:59 P.M.

Respectfully submitted,



Wendy Martin, RMC
Borough Administrator/Clerk