

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK NJ 07432
OCTOBER 13, 2022**

8:00 P.M. OPEN PUBLIC MEETING MINUTES

On October 13, 2022 at 8:00 P.M., the Mayor and Council of the Borough of Midland Park conducted a meeting at Borough Hall in the Council Chambers located at 280 Godwin Avenue as previously advertised. Agenda items for the meeting were also listed on the Borough website. There was also an option for the public to access the meeting electronically by dialing this Toll-Free number 1-866-899-4679, Access Code: 766-030-917.

Mayor Shortway called the meeting to order, noting the date as October 13, 2022, and that there will be a 3-minute limit to each individual addressing the Governing Body during the Open Public portions of the meeting.

SUNSHINE LAW STATEMENT: This meeting was held in accordance with the Sunshine Law, notice having been published according to law with a copy on file in the Borough Clerk's Office and a copy posted on the bulletin board in the Municipal Building.

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

ALSO PRESENT: Borough Attorney Robert Regan, Borough Administrator/Clerk Wendy Martin, Police Chief Michael Powderley, Sgt Noah Van Vliet, and Superintendent of Public Works Matthew Tauber.

PRESENTATION:

Councilwoman DeLuca recited the Proclamation honoring the Borough of Midland Park's Ambulance Corps.

APPROVAL OF MINUTES:

A Motion to approve the Minutes of Work Sessions, Closed Sessions, Open Public Meetings and a Special Open Public Meeting from the dates of July 28, 2022, August 11, 2022, and August 24, 2022 as all Governing Body members have previously received copies of the Minutes and copies are available to the Public at the Borough Clerk's Office.

Introduced by: Councilman DeBlasio **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

OPEN TO THE PUBLIC:

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

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

LIAISON REPORTS:

Mayor Shortway attended the County's Mayors' Meeting on September 29, 2022 in Hackensack, New Jersey. The future meeting on October 18, 2022, for the North West Mayors' Association was cancelled. The contract negotiations for the Police Benevolent Association continued in the Borough.

Councilman Iannone

Public Safety – Police/Property Maintenance/Personnel

Councilman Iannone conveyed for **Personnel** there was progress. The updated **Police Department** monthly report states 216 calls categorized as public service. This includes several call types such as community service, assisting citizens and other similar assignments and requests. There were 40 motor vehicle summons including moving and parking violations. Two people were arrested on an assault charge and a motor vehicle charge. Officers attended training seminars for life saving tactics, radar updates, crisis intervention training, and traffic apprisers. The Police Department has placed pink magnetic patches on all patrol cars in support of cancer awareness month. An employment position of police officer has been advertised due to the recent retirement of Kevin Van Dyke. After nearly two years of cancelled orders, the Police Department was able to requisition for two new SUVs prior to the year's end. The Police Department has applied for a grant to obtain automatic license plate readers. The grant has been offered through the New Jersey Attorney General's Office. In regard to **Property Maintenance**, the address of 80 Center Street is being addressed and there is progress. Borough Attorney Robert Regan stated he will discuss the matter as a Closed Session topic after the Open Regular Meeting.

Councilman Kruis

Planning Board/Building Dept/Fire Prevention/OEM

Councilman Kruis reported the **Planning Board's** meeting for October 2022 was cancelled due to no requests of applications on the agenda. The **Building Department** stated progress has been made with the new software. Fire Official Michael Rau's report specified on October 5, 2022, **Fire Prevention** participated in the JIF safety meeting. Mr. Rau has also participated in the New Jersey **OEM** overview of Preliminary Damages Assessment and Declaration Process seminars on September 26, 2022. The **Councilman** stated FEMA sent the Borough additional reimbursement monies for Hurricane Ida.

Councilwoman DeLuca

Public Safety – Fire/Ambulance/Library

Councilwoman DeLuca stated the **Ambulance Corps** meeting was conducted on October 3, 2022 and the **Councilwoman** informed the Council of Captain John Lazzari's report. In the month of September 2022, there were 78 calls received and a total of 728 miles were driven by the two apparatuses. Captain Lazzari noted a "very busy month" with 11 mutual aid calls for Wyckoff. In the month of September 2022, the **Fire Department's** reported 22 calls were received. Four (4) mutual aid requests were to Paterson, Mahwah, Franklin Lakes, and Wyckoff. The Fire Department held an open house for fire prevention on October 12, 2022 that was well attended. During the day, the firemen visited Midland Park's schools where they educated the students on fire safety. Chief Matthew Tauber transmitted rules and regulations for the proposed Midland Park Fire Department Junior Auxiliary program to Borough Attorney Robert Regan, Borough Administrator/Clerk Wendy Martin and Ken Schultz from JIF, for their review. The **Library Board's** meeting will be held on October 25, 2022. Library Director Catherine Dileo spoke with the **Councilwoman** and stated there will be a new BCCLS app being promoted at Community Day. The Friends of the Library will sponsor a beer garden at Community Day and tickets may be purchased before on line or at the event.

Council President Peet

Board of Health/Board of Education/Ridgewood Water

Council President Peet updated the Governing Body on the meeting of the **Board of Education** on October 4, 2022, to discuss eight personnel and one financial item during their work session. The financial item was the subject of the health benefits provided to the school district employees. **Ridgewood Water** will continue meetings with the representative from the four municipalities. There was a slight delay due to discussions with the bond attorney and the subject of funding plans. The concerns of the community and the matter of replacing

the lead lines of the residents needed to be addressed. The **Council President** stated the **Board of Health** will not meet in October 2022. The North West Bergen Health Commission has hired a new Health Officer and she will be starting in the near future.

Councilman DeBlasio

Recreation/Information Technology/Municipal Alliance

Councilman DeBlasio reported the **Municipal Alliance** held their meeting on October 12, 2022 but the **Councilman** was not able to attend. **Recreation** Director Kathy LaMonte had some updates for Community Day. The food trucks that were hired for the previous date were unable to attend this coming weekend's date. The **Councilman** stated Michael Kenney from the Soccer Association has volunteered to grill. Borough Administrator/Clerk Wendy Martin informed the **Mayor and Council** that Ms. LaMonte was able to contract with two food truck. The **Councilman** read a report also from Ms. LaMonte stating the parking at the Barn has been considerably well managed since the barricades were erected. The certification of the coaches and the processing of ids have been a successful program. According to Phil Scaglione, Director of **Information Technology**, the malware system will need to be updated in order to stay current with all the attacks the Borough is sustaining.

Councilman Damiano

Finance/Public Works/Chamber of Commerce/Economic Development

Councilman Damiano noted there was progress reported for the **Finance, Chamber of Commerce, and Economic Development** committees and/or departments. Superintendent Matthew Tauber of the Department of **Public Works** submitted a report to the **Councilman**. In the monthly statement, the Department of Public Works conveyed all leaf and snow equipment have been serviced for the upcoming season, the "Touch-A-Truck" was a successful event thanks to Library Director Catherine Dileo, asphalt road repairs have been completed, the shred event was well attended, one application was received for seasonal help position, and on October 13, 2022, Mr. Tauber and Borough Engineer David Hals stated the 2022 Road Resurfacing Project will start on October 31, 2022.

ADMINISTRATOR'S REPORT:

Borough Administrator/Clerk Wendy Martin stated the New Jersey League of Municipalities Executive Board is voting on an increase in dues. They will inform the Borough of their outcome. In light of the State's increase in health benefits, **Mayor Shortway, Council President Peet, Councilwoman DeLuca**, and Ms. Martin have met with other health insurance administrative companies to find lower health plans. Ms. Martin updated the Governing Body of the lead contamination law. A list is being comprised so that the Borough may investigate those households that are affected. This past week, the Borough hosted a COVID booster clinic for its staff.

Mayor Shortway invited Assemblyman Robert Auth and Assemblywoman DeAnne DeFuccio to the Council Chamber floor.

Assemblywoman DeAnne DeFuccio presented the Legislative Resolution to Chief John Lazzari. The Assemblywoman thanked Chief Lazzari and all the members of the Midland Park Ambulance Corp for their dedication to the Borough, its residents, and the community.

Assemblyman Robert Auth presented the Legislative Resolution to EMS President Steven Holder. The Assemblyman thanked Mr. Holder for his services especially during the COVID years. All of his time and efforts are extremely appreciated.

Assemblywoman DeAnne DeFuccio present the Legislative Resolution to **Councilman Jerry Iannone**. The Assemblywoman thanked the **Councilman** for his dedication to the Borough and its residents for all these years.

Assemblyman Robert Auth recognized **Mayor Harry Shortway** as a great leader to the Council and the

Borough of Midland Park.

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 #168-2022 2023 Mayor and Council Meetings

BE IT RESOLVED, by the Council of the Borough of Midland Park that the schedule of meetings for 2023 shall be as follows:

January 5, 2023	Sine Die Meeting – 7:00 P.M. at Social Hall, 45 Witte Drive
January 5, 2023	Reorganization Meeting at 7:30 P.M. at Social Hall, 45 Witte Drive
January 26, 2023	6:00 P.M. Budget Meeting/Work/Closed/Open Public
February 9, 2023	Work Session/Closed Session/Open Public Meeting
February 23, 2023	Work Session/Closed Session/Open Public Meeting
March 9, 2023	Work Session/Closed Session/Open Public Meeting
March 30, 2023	Work Session/Closed Session/Open Public Meeting
April 13, 2023	Work Session/Closed Session/Open Public Meeting
April 27, 2023	Work Session/Closed Session/Open Public Meeting
May 11, 2023	Work Session/Closed Session/Open Public Meeting
May 25, 2023	Work Session/Closed Session/Open Public Meeting
June 8, 2023	Work Session/Closed Session/Open Public Meeting
June 22, 2023	Work Session/Closed Session/Open Public Meeting
July 13, 2023	Work Session/Closed Session/Open Public Meeting
July 27, 2023	Work Session/Closed Session/Open Public Meeting
August 10, 2023	Work Session/Closed Session/Open Public Meeting
September 14, 2023	Work Session/Closed Session/Open Public Meeting
September 28, 2023	Work Session/Closed Session/Open Public Meeting
October 12, 2023	Work Session/Closed Session/Open Public Meeting
October 26, 2023	Work Session/Closed Session/Open Public Meeting
November 9, 2023	Work Session/Closed Session/Open Public Meeting
December 14, 2023	6:00 P.M. Budget Session/Work/Closed/Open Public Meeting
December 28, 2023	6:00 P.M. Budget Session/Work/Closed/Open Public Meeting

BE IT FURTHER RESOLVED, Budget Meetings will convene either at 6:00 P.M. or 7: 00 P.M. as designated: Work Session - 7:00 P. M., Closed Session 7:30 P.M. (Prevailing time) and 8:00 P.M. for the Open Public Session meetings. All Open Public Meetings may be action meetings. All Open Public Meetings will be held in the Midland Park Borough Hall, Council Chambers, 280 Godwin Avenue, Midland Park, New Jersey, or the Mayor and Council of Midland Park may conduct Electronic Public Meeting in lieu of its in-person Public Meetings as necessary, unless otherwise advertised according to law.

2. Resolution #169-2022 Tax Appeal – One Godwin Avenue; Block 3 Lot 24.01

WHEREAS, there is presently pending in the Tax Court of New Jersey a certain matter entitled, “1 Godwin Ave LLC v. Borough of Midland Park”, Docket No. 009495-2020 which matter involves an appeal of the assessment for the tax year 2020 on certain premises known as Block 3, Lot 24.01 and being more commonly known as One Godwin Avenue; and

WHEREAS, the parcel is assessed for the 2020 tax year at \$1,577,400.00; and

WHEREAS, said appeal was filed to contest the assessment on the property for the 2020 tax year.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Midland Park that it does hereby authorize settlement of the above-captioned matter based upon the following terms and

conditions:

1. The Stipulation of Settlement shall provide that the assessment for the 2020 tax year on said parcel shall be established at \$1,377,400.00.
2. The parties agree that there has been no change in value or municipal-wide revaluation or reassessment adopted for the tax year 2021, and therefore agree that the provisions of *N.J.S.A. 54:51A-8*, commonly known as the “Freeze Act”, shall be applicable to and a final disposition of this case and the entire controversy and of any actions pending or hereafter instituted by the parties concerning the assessment on the property referred to herein for said Freeze Act year.
3. The Freeze Act shall not apply for the tax year 2022, and for said year there will be an added assessment of \$774,600.00 pro rated for three (3) months.
4. Plaintiff agrees to waive interest due on the refund in connection with this settlement. In addition, any refund due the property owner shall be payable in the form of a cash refund or credit against future taxes due for the first quarter following the entry of judgment, at the option of the Borough. If a cash refund is due the property owner, same shall be payable to “Spiotti & Esposito, P.C., Attorneys for 1 Godwin Ave LLC”, and forwarded to Robert E. Spiotti, Esq., 271 US Highway 46, Suite 105-106, Fairfield, New Jersey 07004 within sixty (60) days of the date of the Judgment.

BE IT FURTHER RESOLVED that Borough Attorney Robert T. Regan be and is hereby authorized and directed to execute any and all documents necessary to effectuate the terms of the within settlement.

3. Resolution #170-2022 Void/Reissue AP Check

WHEREAS, a resident’s social hall deposit refund was mailed to a wrong address and has not been returned or cashed;

WHEREAS, the CFO issued a stop payment on the following refund issued on July 14, 2022 to:

Rebecca Incorvaia, 612 Shelton Rd, Ridgewood, NJ 07450

Check #19381 in the amount of \$200.00

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that Rebecca Incorvaia will be reissued a new check for \$200.00 and processed on the October 13, 2022 Bills List to the following address: 1 Clinton Ave, Midland Park, NJ 07432

4. Resolution #171-2022 Return of Escrow for Tower Install at 20 Greenwood Avenue Dish Site

WHEREAS, it is the recommendation of the CFO to return unspent escrow funds in the amount of \$1,153.75 from the original \$2,500.00 received on December 16, 2021 from AMP Communications, LLC;

WHEREAS, this escrow was to offset the borough’s attorney fees in regard to AMP Communications, LLC to install a dish tower on borough property located at 20 Greenwood Ave;

WHEREAS, the installation project was discontinued and there are no longer attorney fees relative for this project, so a refund of \$1,153.75 will be issued to:

AMP Communications, LLC

32 Spruce St.

Oakland, NJ 07436

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that the Chief Financial Officer issue a check for the refund in the above stated amount.

Introduced by: Councilwoman DeLuca Seconded by: Council President Peet

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

RESOLUTIONS:

1. Resolution #167-2022 Bills List

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

Current Fund ('01)	\$ 3,206.48
Current Fund	\$ 166,568.10
Dog Fund	\$ 11.40
Unemployment Fund	\$ 175.50
Capital Fund	\$ 173,821.50
Trust Fund	\$ 11,903.75
TOTAL:	\$ 355,686.73

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	September 30 th Payroll	\$ 206,314.94
Current	October School Taxes	\$1,716,561.08
Current	October Health Payments	\$ 86,827.47
Current	Go-To Meeting (P-card)	\$ 25.86
Current	Bond Principal/Interest Pymt	\$ 418,381.00

NOW, THEREFORE, BE IT RESOLVED, by the Council President and Council of the Borough of Midland Park that the claims totaling **\$2,783,797.08** approved and ratified respectively.

Introduced by: Councilman Damiano **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

ORDINANCES ON INTRODUCTION:

1. ORDINANCE #17-2022

“AN ORDINANCE AMENDING CHAPTER 34 ZONING, SECTION 16, OFF-STREET PARKING AND LOADING TO ADD 34-16.7 INSTALLATION OF ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) AND MAKE-READY PARKING SPACES”

This Ordinance sets forth procedures for the installation of Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces and establishes associated regulations and other standards within the Borough of Midland Park of the County of Bergen.

WHEREAS, supporting the transition to electric vehicles contributes to Borough of Midland Park's commitment to sustainability and is in the best interest of public welfare; and

WHEREAS, installation of EVSE and Make-Ready parking spaces encourages electric vehicle adoption; and

WHEREAS, the Borough of Midland Park encourages increased installation of EVSE and Make Ready parking spaces; and

WHEREAS, adoption of this ordinance supports the State of New Jersey's goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to NJ's 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), and EV Law (P.L. 2019, c. 362); and

WHEREAS, P.L. 2021, c.171, signed into law on July 9, 2021, requires EVSE and Make-Ready parking

spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

WHEREAS, adoption of this ordinance will support the Master Plan of Borough of Midland Park adopted in concurrence with P.L. 1975 c.291, s.1 eff. Aug. 1, 1976, and is consistent with goals of the Master Plan; and

WHEREAS, the Borough of Midland Park is amending the Zoning Ordinance to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready parking spaces at appropriate locations.

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

FIRST: ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT

A. Purpose

The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State's transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

1. Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
2. Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
3. Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
4. Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

B. Definitions

Certificate of Occupancy: The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act, and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

Charging Level: The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric vehicle: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE): The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

Make-Ready Parking Space: means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (C.48:25-1 et al.).

Private EVSE: EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

Publicly-accessible EVSE: EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

C. Approvals and Permits

1. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.
2. EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.
3. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
4. The zoning officer shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of the Borough of Midland Park's land use regulations.
5. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the zoning officer, provided the application meets the following requirements:
 - a. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
 - b. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
 - c. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.1.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
6. An application pursuant to Section 5. above shall be deemed complete if:
 - a. the application, including the permit fee and all necessary documentation, is determined to be complete,
 - b. a notice of incompleteness is not provided within 20 days after the filing of the application, or
 - c. a one-time written correction notice is not issued by the zoning officer within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
7. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
8. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

D. Requirements for New Installation of EVSE and Make-Ready Parking Spaces

1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development which includes a residential component, the developer or owner, as applicable, shall:
 - a. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
 - b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
 - c. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
 - d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
 - e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:
 - a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
 - b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
 - c. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
 - d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities if there will be 101 to 150 off-street parking spaces.
 - e. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
 - f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
 - g. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
 - h. Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

E. Minimum Parking Requirements

1. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to Section 34.16.
2. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
3. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
4. Additional installation of EVSE and Make-Ready parking spaces above what is required in Section D. above may be encouraged but shall not be required in development projects.

F. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces

1. Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.
2. Installation:
 - a. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform

Construction Code, N.J.A.C. 5:23-3.16.

- b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
 - c. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
 - d. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
3. EVSE Parking:
- a. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE.
 - b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
 - c. Public Parking. Pursuant to N.J.S.A. 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space, or any electric vehicle parked and not connected to the EVSE shall be subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of this Municipal Code or Section 7-14. Signage indicating the penalties for violations shall comply with Section 5. below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.
 - d. Private Parking. The use of EVSE shall be monitored by the property owner or designee.
4. Safety
- a. Each publicly accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.
 - b. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with Borough of Midland Park's ordinances and regulations.
 - c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.
 - d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
 - e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
 - f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility

requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

- g. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, the Borough of Midland Park shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

5. Signs

- a. Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.
- b. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
- c. Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b. above.
- d. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:
 - 1) Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
 - 2) Usage fees and parking fees, if applicable; and
 - 3) Contact information (telephone number) for reporting when the equipment is not operating or other problems.
- e. Signage shall be restricted to the required regulatory signs and static signs pertaining solely to the premises where the EVSE is installed.

6. Usage Fees

- a. For publicly-accessible municipal EVSE: In addition to any parking fees, the fee to use parking spaces within the municipality identified as EVSE spaces shall be specified in Chapter 90 Fees and Charges for each hour that the electric vehicle is connected to the EVSE.
- b. Private EVSE and non-municipal publicly-accessible EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

SECOND: SEVERABILITY

If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause, or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

THIRD: REPEAL OF PRIOR ORDINANCES

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to extent of such inconsistency.

FORTH: EFFECTIVE DATE

This ordinance shall take effect after final passage and publication as provided by law.

Introduced by: Councilman Kruis 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

Final Adoption and Open Public Hearing on Ordinance #17-2022 November 10, 2022

2. ORDINANCE #21-2022

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

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

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

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

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

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

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

Section 1. Authorization of Sale

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

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

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

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

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

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

Section 4. Acceptance Of Offer To Purchase

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

Section 5. Authorization To Execute Documents

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

convey title.

Section 6. Severability

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Section 7. Inconsistent Ordinances Repealed

All ordinances or parts or ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 8. Effective Date

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

Introduced by: Councilman Iannone

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

Final Adoption and Open Public Hearing on Ordinance #21-2022 October 27, 2022

3. ORDINANCE #22-2022

AN ORDINANCE TO AMEND CHAPTER 34 OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED, "ZONING". (Oversized Vehicles)

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 34 of the Code of the Borough of Midland Park, Zoning, Section 34-13, Certain Uses In All Zones, Subsection 34-13.5, Trailers, Mobile Homes, Boats, Campers and Wheel-Based Vehicles, be and is hereby amended to read as follows:

**§34-13.5 Trailers, Mobile Homes, Boats, Campers, Wheel-Based Vehicles
and Trucks.**

In all districts, noncommercial trailers, mobile homes, boats, campers, aircraft, trucks, and similar portable or wheel-based objects must be completely garaged or otherwise stored within a building at all times, except that one such vehicle or object may be stored outside the confines of a building subject to all of the following conditions:

- Said vehicle or object is registered to or leased by the occupant of the premises.
- The area devoted to storage of the vehicle or object is located in the side or rear yard only.
- The length of said vehicle or object does not exceed 32 feet.
- Said object is not located closer to the property line than the greater of five feet or the height of the vehicle or object.
- Said object is screened from view from any adjoining property.
- No trailer, mobile home, boat, camper or other vehicle shall be used as a residence or signage.
- Only a non-commercial truck may be stored outside the confines of the building, provided that the weight limitation of the truck shall be under 4 tons.

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: Council President Peet

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**

Final Adoption and Open Public Hearing on Ordinance #22-2022 December 8, 2022

4. ORDINANCE #23-2022

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

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

Section 1.

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

THE FOLLOWING WILL BE ADDED TO THE ORDINANCE:

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

Section 2. Fines and Penalties.

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

Section 3. Severability.

If any section, sentence, or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Section 4. Inconsistent Ordinances Repealed.

All ordinances or parts or ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 5. Effective Date.

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

Introduced by: Councilwoman Deluca

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

Final Adoption and Open Public Hearing on Ordinance #23-2022 October 27, 2022

MOTION:

A Motion was made by Council President Peet to approve Metastatic Breast Cancer Fun Run/Walk organized by Tara Kuipers, on May 21, 2023 in the Borough of Midland Park.

Introduced by: Council President Peet

Seconded by: Councilman Iannone

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

OLD BUSINESS:

No New Business at this time.

NEW BUSINESS:

Councilwoman DeLuca announced the Christian Reformed Church is hosting a Thanksgiving prayer service on Sunday, October 20, 2022 at 6:00 P.M. and wanted to invite the Mayor and Council to attend.

Borough Administrator/Clerk Wendy Martin read an invitation from the New Jersey Environmental Protection is offering mayors and governing bodies to meet with environmental commissioners to discuss important matters at the New Jersey League of Municipalities Conference. The Governing Body will reply to Ms. Martin if there is an interest at a later date. Ms. Martin received a request for a proclamation for Family Court Month. The Mayor and Council declined this request at this time. The Administrator reminded all attending the conference to download the app to their phone for more information on events and classes. The Godwin School would like to have their annual 2nd Grade class trip on October 25, 2022 at 9:00 A.M. The Mayor and Councilwoman DeLuca volunteered to present and tour with the groups at Borough Hall.

PUBLIC COMMENT:

No public was present or on the line.

ATTORNEY REGAN READ THE RESOLUTION

Resolution #172-2022 After Closed Session 10-13-2022

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of Midland Park has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of Midland Park will go into closed

session for the following reason (s) as outlined in N.J.S.A. 10:4-12: Any matter which, by express provision of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public (Provision relied upon):

_____ Any matter in which the release of information would impair a right to receive funds from the federal government;

_____ Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy;

_____ Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body (Specify contract): _____.

_____ Any matter involving the purpose, lease, or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____ Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Any investigations of violations or possible violations of the law;

_____ 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 and Mayor & Council By Laws .

_____ Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility;

BE IT FURTHER RESOLVED, that the Borough Council hereby declares that its discussion of the aforementioned subject(s) may be made public at a time when the Borough Attorney advises the Borough Council that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough, or any other entity, with respect to said discussion. That time is currently estimated as the time of said matter.

BE IT FURTHER RESOLVED, that the Borough Council, for the aforementioned reasons, hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place, and hereby directs the Borough Clerk to take the appropriate action to effectuate the terms of this resolution.

Introduced by: Councilman Iannone

Seconded by: Councilman Kruis

**Midland Park Borough Council
Open Public Meeting – Minutes**

**October 13, 2022
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Roll Call:	Councilman De Blasio	Aye
	Councilman Damiano	Aye
	Councilman Iannone	Aye
	Councilman Kruis	Aye
	Councilwoman DeLuca	Aye
	Council President Peet	Aye

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

ADJOURNMENT:

There being no further business to discuss, on a Motion by **Councilman Kruis**, Seconded by **Council President Peet** and carried, **Mayor Shortway** adjourned the Open Public meeting at 8:47 P.M. and convened immediately into the After Closed Session.

Respectfully submitted,

Wendy Martin

Wendy Martin, RMC
Borough Administrator/Clerk

