

**BOROUGH OF MIDLAND PARK  
280 GODWIN AVENUE  
MIDLAND PARK NJ 07432  
JANUARY 26, 2023**

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

**On January 26, 2023 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.**

**Mayor Shortway** called the meeting to order, noting the date as January 26, 2023, and that there will be a 3-minute limit to each individual addressing the Governing Body during the Open Public portions of the meeting.

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

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

**ALSO PRESENT:** Borough Attorney Robert Regan, Borough Administrator/Clerk Wendy Martin, and Borough Deputy Clerk Mari J. Margiotta

**APPROVAL OF MINUTES:**

A Motion to approve the Minutes of Work Session, Closed Session, and Open Public Meeting from the date of October 27, 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: Councilwoman Peet      Seconded by: Council President DeLuca**

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

**OPEN TO THE PUBLIC:**

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

**8:09 P.M. Borough Administrator/Clerk Wendy Martin exits the meeting.**

**Aziza Kadribeg, 27 Donna Lane** – a school psychologist expressed her views and love of the Ramadan Holidays. Her son attends a school in the Borough of Midland Park. Ms. Kadribeg asked the Mayor and Council if their community could hold a Ramadan Lantern lighting.

**Haajar Yanes, 60 Linwood Avenue** – informed the **Governing Body** neighboring municipalities will be

hosting a Ramadan Lantern lighting ceremony. Ms. Yanes described the lighting and what the first night would require.

**Samir Sidiqi, 80 Franklin Avenue** – thanked the Mayor and Council for their consideration to allow the Muslim community to celebrate Ramadan at Borough Hall. Mr. Sidiqi has young children not yet in the school. He and his family are happy to be Midland Park residents.

**Casey McCarthy, 88 Woodside Avenue** – stated he is an 8<sup>th</sup> grader at a Midland Park school. Mr. McCarthy expressed his wishes to open the fence so that walking to school is an easier and shorter path. He stated that he is willing to have a petition signed by fellow supporters.

There being no one else from the Public, the Public Hearing was closed.

### **LIAISON REPORTS:**

#### **Council President DeLuca**

#### **Public Safety – Fire/Personnel/Library**

**Council President DeLuca** stated she attended the **Fire Department's** meeting on January 12, 2023. The total number of calls for December 2022 were 26 and the total for the 2022 year was 206. The Fire Department's Junior Fire Fighter's Program has received its first applicant. Project Santa was an extremely well obtained event. Many donations were collected. The **Library's** meeting was conducted on December 20, 2022. The statistics for the physical and digital items of circulation ended at 89,000. The January statistics were given at the January 18, 2023 meeting. All categories have increase since the previous years. A new edition to the Library is a therapy dog named Benny who visits the children and is very popular. The Committees are as follows: Library Director Catherine Dileo will be on Technology & Digital Services and E-BCCLS, Emily Myhren will represent Diverse & Underserved Populations and Meghan Cummings will act for Technology & Digital Services.

#### **Councilman Braunius**

#### **Office of Emergency Management/ Recreation/Chambers of Commerce**

**Councilman Braunius** reported there is progress for the **Office of Emergency Management**. The **Councilman** is eager to address the security at the Recreation Center and would like to move forward with discussions at the next meeting. The **Chambers of Commerce** will reach out to **Councilman Braunius** when there is a meeting to attend.

#### **Councilman DeBlasio**

#### **Information Technology/Building Department/Municipal Alliance**

**Councilman DeBlasio** stated the **Information Technology** Philip Scaglione has completed the updates on the body cameras at the Police Department. The Recreation Center has come across some issues with the cameras, adaptors, and mounting capability. Mr. Scaglione will be meeting with Superintendent of Public Works Matthew Tauber and Police Chief Michael Powderley to discuss the placement of security cameras on the Recreation field and the Pavilion. In a meeting with Building Official Mark Berninger from the **Building Department**, the subject of signage and businesses in the Borough complying with the Ordinance. If there is a need, an amendment will be drafted for the Governing Body's review and approval. There has been progress reported with the **Municipal Alliance**.

#### **Councilman Damiano**

#### **Finance/Public Safety – Ambulance/Fire Prevention**

**Councilman Damiano** was absent. **Council President DeLuca** read the submitted report. In December 2022, the **Ambulance Corps** report reads as follows: a total of 66 calls were received for a total of 500 miles, 4 mutual aid calls outside of Midland Park, and 9 calls from the Kentshire. No other reports were given.

**Councilman Kruis**

**Property Maintenance/ Public Works/Planning Board**

**Councilman Kruis** received a reported John Torry from **Property Maintenance**. Mr. Torry stated in 2022 there were 20 snow and ice complaints, 36 bulk garbage and dumpster issues, 3 animal issues, 19 high grass and leaves issues, 29 OPRA requests completed, and there are 3 open issues from 2022. Superintendent of **Public Works** Matthew Tauber informed the Councilman there was 3712 yards of leaves, 2022 Road Resurfacing Project completed, the generator at Borough Hall has been installed and functional, Library's generator has been installed as well. The Christmas Tree pickup has been completed. The **Planning Board** met on January 23, 2023. In the next few weeks, the topic of Ridgewood Water will be discussed.

**Councilwoman Peet**

**Public Safety – Police/Board of Health/Bd of Education/Ridgewood Water**

**Councilwoman Peet** stated the **Police Department** responded to 193 requests and jobs which included 112 traffic enforced details. Director Richard Calbi from Ridgewood Water updated the Councilwoman with a bid opening on February 15, 2023. The bid is for the three (3) treatment plants. If all goes well, the construction will begin before the summer. Ridgewood Water urges its customers to continue conserving water to avoid opening contaminated wells. **Board of Health** met in the month of January 2023 for the Reorganization Meeting. The Minutes from these meetings will be posted on the website as soon as they are approved. The NorthWest Regional Health Commission has grown in its service. The Commission will be contracted with a few more neighboring municipalities. The meeting of the **Board of Education** was to be held on January 23, 2023 meeting. The Councilwoman announced the collaboration between the Borough and the schools. At this meeting, the parking concerns are being addressed.

**ADMINISTRATOR'S REPORT:**

Borough Administrator/Clerk Wendy Martin was absent. No report given.

**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 #038-2023 Authorizing Mayor to Sign Interlocal Agreement for Well Child Care with Waldwick**

**BE IT RESOLVED**, by the Council of the Borough of Midland Park, that the Mayor is hereby authorized to execute an Interlocal Agreement with the Borough of Waldwick, pertaining to the provisions of Well Child Care services by the Borough of Waldwick.

2023	\$125.00	One-time Administrative Charge
	\$ 35.00	Charge per child
	\$ 20.00	Charge per child for immunization only

**Resolution #039-2023 West Bergen Mental Healthcare Contract**

**WHEREAS**, West Bergen Mental Healthcare provides support to the residents and employees of the Borough of Midland Park; and

**WHEREAS**, West Bergen Mental Healthcare does this through contributions.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Midland Park, that \$4,850.00 be allocated to West Bergen Mental Healthcare. In addition, the Council authorizes the Mayor and Clerk to execute an agreement with this organization.

**Introduced by: Councilman Braunius**

**Seconded by: Councilwoman Peet**

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

**RESOLUTIONS:**

**1. Resolution #037-2023 Bills List**

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

Current Fund ('22)	\$ 110,057.05
Current Fund	\$ 877,072.34
Capital Fund	\$ 15,630.58
Dog Fund ('22)	\$ 3.60
Trust Fund	\$ 1,313.69
<b>TOTAL:</b>	<b>\$1,004,077.26</b>

**WHEREAS**, such claims have been listed according to Department and account number with corresponding vouchers to be reviewed and approved by the Finance Committee; and

**WHEREAS**, the CFO has determined that the funds have been properly appropriated for such purposes and are available, in the Borough of Midland Park and that the claims specified on the schedule attached hereto, following examination and approval by the Finance Committee, be paid and checks issued accordingly; and

**WHEREAS**, claims have already been paid in the following accounts:

Current	January 13 <sup>th</sup> Payroll	\$ 204,891.30
Current	January Health Payments	\$ 104,197.26
Current	January School Taxes	\$1,907,290.08
Current	NJEIT loan payment	\$ 5,246.94
Current	Procurement Card	\$ 14.00

**WHEREAS**, manual checks were issued on January 17, 2023 from the Current account to avoid late fees:

RPS Bollinger Sports & Leisure	\$ 3,887.67
Chubb	\$ 812.76
BC Mun Joint Insurance Fund	\$ 86,104.00
Konica Minolta	\$ 666.72
Metropolitan Life Insurance	\$ 2,158.38
Verizon Wireless	\$ 736.76
Verizon	\$ 307.77

**NOW, THEREFORE, BE IT RESOLVED**, by the Council President and Council of the Borough of Midland Park that the claims totaling **\$3,320,390.90** approved and ratified respectively.

**Introduced by: Councilman Braunius**      **Seconded by: Councilwoman Peet**

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

**2. Resolution #040-2023 Appoint Tax Collector – Anna Kalata**

**WHEREAS**, the Borough of Midland Park finds it necessary to fill the position of Tax Collector pursuant

to N.J.S.A. 40A:9-141 et seq.; and

**WHEREAS**, Anna Kalata has attended and passed all required courses to qualify to take the State examination, to obtain the certificate of Tax Collector, and successfully passed said State exam; and

**WHEREAS**, Anna Kalata has assumed all the responsibilities of Deputy Tax Collector effective April 12, 2020; and

**WHEREAS**, on January 1, 2021, Anna Kalata was appointed Tax Collector; and

**WHEREAS**, by the Mayor and Council of the Borough of Midland Park that a salary increase to \$74,000.00 be authorized beginning January 1, 2023.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Midland Park that Anna Kalata is hereby confirmed as Tax Collector effective January 1, 2021 to December 31, 2024 in which a salary of \$74,000.00 commences on January 1, 2023.

**Introduced by: Council President DeLuca**

**Seconded by: Councilwoman Peet**

**Roll Call:**

**Councilman Braunius**

**Aye**

**Councilman DeBlasio**

**Aye**

**Councilman Damiano**

**Absent**

**Councilman Kruis**

**Aye**

**Councilwoman Peet**

**Aye**

**Council President DeLuca**

**Aye**

### **3. Resolution #041-2023 Appoint Recycling Coordinator – Matthew Tauber**

**WHEREAS**, the Mandatory Source Separation and Recycling Act P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, the Borough of Midland Park Code §15-1.4 provides for the appointment of a Recycling Coordinator by the Mayor with the advice and consent of Council; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Midland Park that it hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Matthew Tauber, as Recycling Coordinator, as of January 1, 2023, to ensure the application is properly filed.

**Introduced by: Councilman Kruis**

**Seconded by: Councilman Braunius**

**Roll Call:**

**Councilman Braunius**

**Aye**

**Councilman DeBlasio**

**Aye**

**Councilman Damiano**

**Absent**

**Councilman Kruis**

**Aye**

**Councilwoman Peet**

**Aye**

**Council President DeLuca**

**Aye**

### **ADDED:**

#### **4. Resolution #042-2023 Appointment of Joint Insurance Fund Alternate Commissioner – Wendy Martin**

**WHEREAS**, the Borough of Midland Park is a current member of the Bergen County Municipal Joint Insurance Fund; and

**WHEREAS**, the Mayor and Council of the Borough of Midland Park must appoint an individual as the Alternate Representative of the Borough of Midland Park to the Joint Insurance Fund.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Midland Park, in the County of Bergen, in the State of New Jersey, that Wendy Martin is hereby appointed as the Alternate Representative of the Bergen County Municipal Joint Insurance Fund Commission.

<b>Introduced by:</b>	<b>Council President DeLuca</b>	<b>Seconded by:</b>	<b>Councilwoman Peet</b>
<b>Roll Call:</b>	<b>Councilman Braunius</b>	<b>Aye</b>	
	<b>Councilman DeBlasio</b>	<b>Aye</b>	
	<b>Councilman Damiano</b>	<b>Absent</b>	
	<b>Councilman Kruis</b>	<b>Aye</b>	
	<b>Councilwoman Peet</b>	<b>Aye</b>	
	<b>Council President DeLuca</b>	<b>Aye</b>	

**APPOINTMENTS:**

**Mayor Shortway appoints, with the consent of Council, the following member to the Borough of Midland Park Recreation Advisory Council retroactive to January 5, 2023 Reorganization Meeting:**

- **Donald Benanti appointed as a Member, term ending December 31, 2025.**

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

**ORDINANCES ON INTRODUCTION:**

**1. ORDINANCE #01-2023**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COST OF LIVING ADJUSTMENT (COLA) IS EQUAL TO OR LESS THAN 2.5 PERCENT (N.J.S.A. 40A: 4-45.14)**

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

**WHEREAS**, the Local Government Cap Law, N.J.S.A 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% or the Cost-of-Living Adjustment (COLA), whichever is less, over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A:45.14 provides that a municipality may, in any year in which the COLA is equal to or less than 2.5% increase its final appropriations by a percentage greater than the COLA, but not to exceed the 3.5% rate as specified in the law, when authorized by ordinance; and,

**WHEREAS**, the COLA for CY 2023 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 2.5%; and,

**WHEREAS**, N.J.S.A 40A:4-45.15a provides that a municipality may, in any year in which the COLA is equal to or less than 2.5% may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Borough Council of the Borough of Midland Park, in the County of Bergen, finds it advisable and necessary to increase its CY 2023 Budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$314,648.53 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Midland Park, in the County of Bergen, a majority of the full authorized membership of this governing Body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Midland Park shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$9,304,606.61 and that the CY 2023 municipal budget for the Borough of Midland Park, be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as Introduced be filed with the Director of the Division of Local Government Services within 5 days of Introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon Adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such Adoption.

**BE IT FURTHER ORDAINED**, that any ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance, are hereby repealed, but only to the extent of such inconsistencies.

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

**Introduced by: Councilman DeBlasio      Seconded by: Councilwoman Peet**

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

**Final Adoption and Open Public Hearing on Ordinance #01-2023 will be held on February 9, 2023.**

**OLD BUSINESS:**

No Old Business at this time.

**NEW BUSINESS:**

No New Business at this time.

**PUBLIC COMMENT:**

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

**Raymond Chapman, 225 Vreeland Avenue** – congratulated and thanked the Mayor and Council for their service and volunteering their time. Mr. Chapman also welcomed the new Muslim residents to the Borough of Midland Park.

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

**ATTORNEY REGAN READ THE RESOLUTION**

**Resolution #043-2023 After Closed Session 01-26-2023**

**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;

X 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): In Rem.

\_\_\_\_\_ 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;

X 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 Nouvelle LLC 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);

\_\_\_\_\_ 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 \_\_\_\_\_.

\_\_\_\_\_ 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: Councilwoman Peet**

**Seconded by: Council President DeLuca**



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**Roll Call:**


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

**At this time the public was notified Mayor and Council will be going into an After Closed Session and no further action will be taken.**

**ADJOURNMENT:**

There being no further business to discuss, on a Motion by **Councilman DeBlasio**, Seconded by **Councilman Braunius** and carried, **Mayor Shortway** adjourned the Open Public meeting at 8:52 P.M. and convened immediately into the After Closed Session.

Respectfully submitted,



Wendy Martin, RMC  
Borough Administrator/Clerk