

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK NJ 07432
FEBRUARY 9, 2023**

8:00 P.M. OPEN PUBLIC MEETING MINUTES

On February 9, 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 February 9, 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.

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

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

APPROVAL OF MINUTES:

A Motion to approve the Minutes of Work Session, Closed Session, and Open Public Meeting from the date of November 10, 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
Roll Call:	Councilman Braunius	Abstain	
	Councilman DeBlasio	Aye	
	Councilman Damiano	Absent	
	Councilman Kruis	Aye	
	Councilwoman Peet	Aye	
	Council President DeLuca	Aye	

MOTION:

Council President DeLuca made a Motion to Go Out of Order from the regular Agenda. **Councilwoman Peet** seconded.

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

Councilwoman Peet made a Motion to approve a request from the members of the Midland Park Mosque to celebrate and display the Ramadan crescent moon and lantern on March 22, 2023 and thirty (30) days after. All requested insurance certificates and agreements will be provided prior to the event.

Introduced by: Councilwoman Peet **Seconded by: Council President DeLuca**

Roll Call:	Councilman Braunius	Aye
	Councilman DeBlasio	Aye
	Councilman Damiano	Absent
	Councilman Kruis	Aye
	Councilwoman Peet	Aye
	Council President DeLuca	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, the Public Portion was closed.

LIAISON REPORTS:

Mayor Shortway

Mayor Shortway stated on February 2, 2023, the **Mayor** attended a seminar at the Senior Center along with Councilwoman Peet. Congressman Josh Gottheimer lead the discussion of scams that target seniors.

Councilman Braunius **Office of Emergency Management/ Recreation/Chambers of Commerce**
Councilman Braunius reported there is progress for the **Office of Emergency Management**. Kathy LaMonte, Director of the Department of **Recreation** has implemented a program for honoring veterans with flag banners throughout Midland Park. Applications for this program will be accepted until May 8, 2023. Another event being established by the Department of Recreation will be an open house for new residents to introduce them to Midland Park and provide useful information from the Borough's departments and the **Chambers of Commerce**. A welcome packet is being compiled.

Councilman DeBlasio **Information Technology/Building Department/Municipal Alliance**
Councilman DeBlasio reported there has been progress with the **Municipal Alliance**. The **Councilman** will be touring the **Building Department** in the near future with Building Official Mark Berninger. A full report will follow. **Information Technology** Philip Scaglione has semi-completed the testing and rerunning wires for the security cameras at the Recreation Center. A meeting with Police Chief Michael Powderley, Superintendent of Public works Matthew Tauber, Information Technology Philip Scaglione, and Director of Recreation Kathy LaMonte will occur in the next few weeks to discuss cameras and security for the Borough's fields and the Recreation Center.

Councilman Damiano **Finance/Public Safety – Ambulance/Fire Prevention**
Councilman Damiano was absent. **Councilman Braunius** stated the Borough's Bills List has been completed.

Councilman Kruis **Property Maintenance/ Public Works/Planning Board**
Councilman Kruis stated there was progress reported for **Property Maintenance**. Superintendent of **Public Works** Matthew Tauber informed the Councilman about projects: fire alarm system at the firehouse, Department of Public Works, and the Social Hall is almost completed, the fire house roof is almost completed as well, the generator at the Library is in the final stages, and DPW is waiting for the manufacturer for the shipment of the bay window. The Borough's salt allocations are at a high level due to the lack of snowfall this season. Mr. Tauber is involved with many more projects and will inform the

Councilman as they occur. The **Planning Board** has not met yet in the month of February 2023.

Councilwoman Peet Public Safety – Police/Board of Health/Bd of Education/Ridgewood Water
Councilwoman Peet informed the Governing Body of the monthly report statistics from the **Police Department** responded to 233 public service calls which included community service and assisting residents. The **Board of Health** and the NorthWest Regional Health Commission will be providing the Borough with a monthly report of activity to be published on Midland Park's website. The Commission began the 2023 annual inspections and renewal of the licensed businesses in the Borough. The meeting of the **Board of Education** was to be held on February 7, 2023 meeting. The Councilwoman announced Track and Field received an anonymous donation for purchasing equipment. Other motions were made at the meeting and approved. Councilwoman Peet asked Director Richard Calbi of **Ridgewood Water** for an update on the lead line project. Mr. Calbi is waiting for the other communities to respond to outstanding issues.

Council President DeLuca Public Safety – Fire/Personnel/Library
Council President DeLuca stated she attended the **Fire Department's** meeting on February 8, 2023. The total number of calls for January 2023 was 17 and a mutual aid request to North Haledon. The devastating fire at 222 Franklin Avenue was reviewed at the meeting. The **Library Board's** meeting will be conducted on February 21, 2023. Library Director Catherine Dileo updated the **Council President** on the installation of the generator. The Eagle Scouts project to scan the yearbooks will begin shortly.

ADMINISTRATOR'S REPORT:

Borough Administrator/Clerk Wendy Martin reported the NorthWest Regional Health Commission provided the Office of Emergency Management with a supply of free at home COVID-19 tests. The tests will be distributed to the Borough's employees and the Ambulance Corps.

ORDINANCES ON FINAL:

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.

At this time **Mayor Shortway** opened the meeting to the public for any questions, comments, or concerns regarding Ordinance #01-2023.

There being no response, the **Mayor** closed the meeting to the public regarding Ordinance #01-2023.

Introduced by: Councilman DeBlasio

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

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 #046-2023 Social Hall Rental – Employees/Volunteers/Non-Profit/Quasi Exemption

WHEREAS, Resolution #065-1605 needs to be amended as follows: the Council of the Borough of Midland Park has set a policy to waive all fees payable to the Borough of Midland Park for Borough Employees/Volunteers, and Borough Officials that have applied for the rental of the Social Hall, except for the \$125.00 Monitor fee, the \$200.00 Security/Clean-up fee, a Vendor Security Deposit of \$200.00 if applicable, for any time the individual rents the Social Hall for its own use; and

WHEREAS, the Council has also set a policy to waive all fees payable to the Borough of Midland Park for Quasi groups and these select Non-Profit organizations that have applied for the rental of the Social Hall, except for the \$125.00 Monitor fee, the \$200.00 Security/Clean-up fee, a Vendor Security Deposit of

\$200.00 if applicable, for any time the group rents the Social Hall for its own use. This use cannot be transferred to any other organization or individual; and

WHEREAS, the following groups have applied for said waiver of Borough fees:

Ambulance Corps Members	Knights of Columbus - Midland Park
Fire Department and Fire Company Members	Ladies Fire Auxiliary - Midland Park
Ambulance Corps - Midland Park	Lions Club of Midland Park
Athletic Booster - Midland Park High School	Midland Park Baseball Assoc.
Midland Park Basketball Assoc	Midland Park HS Performing Arts Parents
Borough Employees	Midland Park Jr. Wrestling
Borough Officials	Midland Park Soccer Assoc.
Boy Scouts and Cub Scouts of Midland Park	Music Parents Association of Midland Park
Chamber of Commerce - Midland Park	PBA 79 - Midland Park
Midland Park Children's Love Fund	PTA- Midland Park (Grade School & High School)
Democratic Organization of Midland Park	Rotary Club of Midland Park/Wyckoff
Fire Company - Midland Park	Midland Park Girls Softball Assoc
Midland Park Junior Football Cheer Assoc.	United Republican Club of Midland Park
Friends of the Library - Midland Park	Valley Hospital Auxiliary - Midland Park
Girl Scouts of Midland Park	VFW Ladies Auxiliary - Midland Park
Historical Society of Midland Park	VFW Post 7086 - Midland Park
Houses of Worship - Midland Park	

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that the fees, except for all security/clean up fees and the monitor fee, for the above stated persons, quasi and non-profit organizations, be waived as stated.

Resolution #047-2023 Budget Transfer and Cancel Expenses to Reserves

WHEREAS, transfers are permitted between budget appropriations during the first three months of the succeeding year; except for out-of-cap expenses; and

WHEREAS, certain budget account lines have balances that will be reclassified to a reserve account for future usage, instead of being written off towards fund balance;

WHEREAS, it is necessary to formally cancel said balance from an account for a total amount of \$25,000 to be set aside for future usage;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, that the CFO transfer between 2022 Budget Appropriations and reclass the following unexpended balance to its appropriate reserve account:

<u>Department</u>	<u>Account Name</u>	<u>Account #</u>	<u>To</u>	<u>From</u>
Police	Comp Absences	2-01--014-103	\$25,000.00	
Police	Overtime Salary	2-01--014-102		\$25,000.00
<u>BUDGET ACCOUNT</u>		<u>AMOUNT</u>	<u>GL RESERVE ACCOUNT</u>	
2-01- -014-103 (Compensated Absences)		\$ 25,000.00	2-01- -570-021	

Resolution #048-2023 Cancel Expense from Capital Improvements Authorized

WHEREAS, certain General Capital Improvement Authorizations are necessary for projects using D.O.T. grant funds authorized on Ordinance #09-2023;

WHEREAS, it is necessary to formally cancel the amount of \$11,027.21 for the Franklin Ave-Section 2 phase project;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, that the following unexpended balance of General Capital Appropriations/Projects be canceled:

GENERAL CAPITAL APPROPRIATIONS:

ORD. #	DATE	PROJECT	AMOUNT	SOURCE
06-20	05/14/20	2020 Road Resurfacing Program	\$ 11,027.21	C.I.F.

Resolution #049-2023 Approving the Memorandum of Midland Park and the New Jersey Policemen's Benevolent Association – Local No. 79

WHEREAS, the Collective Bargaining Agreement (“CBA”) between the Borough of Midland Park (“Midland Park”) and the Policemen's Benevolent Association, Local No. 79 (“PBA”) expired on December 31, 2022; and

WHEREAS, Midland Park and the PBA have engaged in ongoing negotiations to discuss and agree upon the terms and conditions of a successor CBA; and

WHEREAS, as part of the negotiations for a successor CBA, a Memorandum of Understanding (“MOU”) between Midland Park and the PBA has been agreed to between the parties; and

WHEREAS, Midland Park wishes to memorialize its approval of the terms and conditions of the MOU.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Midland Park that the Memorandum of Understanding as between the Borough of Midland Park and the Policemen's Benevolent Association, Local No. 79, for the term January 1, 2023 through December 31, 2026, be and hereby is approved; and

BE IT FURTHER RESOLVED that the Mayor, the Borough Administrator and the Borough Labor Attorney are authorized to take all appropriate actions so as to implement this Resolution.

Introduced by: Councilwoman Peet

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

RESOLUTIONS:

1. Resolution #045-2023 Bills List

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

Current Fund ('22)	\$ 41,380.71
Current Fund	\$ 362,516.74
Capital Fund	\$ 213,672.05
Dog Fund	\$ 4.20
Trust Fund	\$ 9,687.50
TOTAL:	\$ 627,261.20

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 30 th Payroll	\$ 203,654.49
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NOW, THEREFORE, BE IT RESOLVED, by the Council President and Council of the Borough of Midland Park that the claims totaling \$830,915.69 approved and ratified respectively.

Introduced by:	Councilman Braunius	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

ORDINANCES ON INTRODUCTION:

1. ORDINANCE #02-2023

AN ORDINANCE TO AMEND CHAPTER X OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED, "BUILDING AND HOUSING"

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 X of the Code of the Borough of Midland Park, Building and Housing, §10-4, Property Maintenance, Subsection §10-4.8, Enforcement, be and is hereby amended to read as follows:

- a. Enforcement Officer. The Property Maintenance Official, appointed annually by the Mayor and Council, is hereby designated as the officer charged with enforcement of this Code and is hereinafter referred to as the Property Maintenance Official. The Property Maintenance Official will also be responsible for the enforcement of the following codes: Chapter 14-2 titled; "Removal of Impediments", and Zoning Ordinance §34-13.5, titled; "Trailers, Mobile Homes, Boats, Campers, and Wheel Based Vehicles", and §15-3.3 "Yard Waste Collection", and §15-3.4 "Enforcement".
- b. No change

Section 2. Severability.

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

Section 3. Inconsistent Ordinances Repealed.

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

Section 4. Effective Date.

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

Introduced by:	Councilman DeBlasio	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

Final Adoption and Open Public Hearing on Ordinance #02-2023 will be held on February 23, 2023.

2. ORDINANCE #03-2023

"AN ORDINANCE TO AMEND CHAPTER XV OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED, "SOLID WASTE MANAGEMENT"

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 XV of the Code of the Borough of Midland Park, Solid Waste Management, §15-3.3 Yard Waste Collection, §15-3.4, Enforcement, be and is hereby amended to read as follows:

- a. The provisions of this section shall be enforced by the Property Maintenance Official, appointed annually by the Mayor and Council, and/or by the Police Department of the Borough of Midland Park.

Section 2. Severability.

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

Section 3. Inconsistent Ordinances Repealed.

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

Section 4. Effective Date.

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

Introduced by: Councilman Kruis

Seconded by: Council President DeLuca

Roll Call: Councilman Braunius

Aye

Councilman DeBlasio

Aye

Councilman Damiano

Absent

Councilman Kruis

Aye

Councilwoman Peet

Aye

Council President DeLuca

Aye

Final Adoption and Open Public Hearing on Ordinance #03-2023 will be held on February 23, 2023.

3. ORDINANCE #04-2023

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED "ADMINISTRATION" (LOSAP)

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 2 of the Code of the Borough of Midland Park, Administration, §2-13, Emergency Services Volunteer Length of Service Award Program (LOSAP), paragraph c, subparagraph 1, pertaining to LOSAP eligibility for annual contributions shall read as follows:

1. One hundred (100) points are required to be met for a member of the Volunteer Fire Department and one hundred (100) points are required to be met for a member of the Volunteer Ambulance Corps to be eligible for annual contribution.

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 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

Final Adoption and Open Public Hearing on Ordinance #04-2023 will be held on February 23, 2023.

2. ORDINANCE #05-2023

**“AN ORDINANCE FOR THE VACATION OF HOMER AVENUE SITUATE IN THE
BOROUGH OF MIDLAND PARK, COUNTY OF BERGEN, STATE OF NEW JERSEY”**

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

WHEREAS, by a certain map bearing date April 1871, entitled “Property of Edward H. Babcock, Wortendyke, Bergen County, New Jersey, scale 100 feet per inch. F. Watlington, Surveyor, dated April 1874 and filed in the Bergen County Clerk’s Office on August 27, 1902, filed map #876, there appears a certain street thereon known as Homer Avenue; and

WHEREAS, it appears to the Borough Council of the Borough of Midland Park that said street is not needed for public use; that the public interest will be better served by releasing said lands as hereinafter more particularly described from the effect of any such dedication which many have been made by the aforesaid map, and in order to avoid any future question respecting the dedication of said street;

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

Section 1. That the following described land and premises situate lying and being in the Borough of Midland Park, County of Bergen and State of New Jersey, be and the same are hereby vacated, viz:

BEGINNING at the point of intersection of the northeasterly line of Meda Place with the northwesterly line of Homer Avenue, said point being also the southeasterly corner of Lot 1 in Block 44-B on the current Tax Map of the Borough of Midland Park: thence from said point of beginning running:

- (1) Northeasterly along the north westerly line of Homer Avenue and along the line of said Lot 1 in Block 44-B on said map, a distance of 20.00 feet, more or less, to a point in the municipal boundary line between the Borough of Midland Park on the south and the Township of Wyckoff on the north; thence
- (2) In an easterly direction along said municipal boundary line, a distance of 62.00 feet, more or less, to the point of intersection of said line with the southeasterly line of Homer Avenue, being also the line of Lot 1 in Block 44-A on said map; thence
- (3) In a southwesterly direction along the southeasterly line of Homer Avenue, being also along said Lot 2 in Block 44-A on said map, a distance of 64.94 feet, more or less, to its intersection with the northeasterly line of Meda Place: thence
- (4) In a direct extension westerly of the northeasterly line of Meda Place a distance of 50.00 feet to a point in the northwesterly line of Homer Avenue and the point or place of BEGINNING.

Section 2. It being the intention of this ordinance to vacate all of Homer Avenue in the Borough of Midland Park, as shown on the aforementioned filed map #876 and as more particularly described herein.

Section 3. Notwithstanding anything here into the contrary, the Borough of Midland Park specifically excepts from this vacation, any and all rights it may have to maintain, construct and reconstruct, sewer, water, drainage and utility lines within the area above described.

Section 4. That this ordinance shall take effect after passage and publication as provided by law.

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

Final Adoption and Open Public Hearing on Ordinance #05-2023 will be held on February 23, 2023.

3. ORDINANCE #06-2023

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

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

§90-2 FEES FOR CHAPTER 2, ADMINISTRATION

§6-3.4. License Fees.

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

Plenary Retail Consumption License (33)

Fee for a Plenary Retail Consumption License per annum shall be the sum of
.....\$2,500.00

Plenary Retail Distribution License (44)

Fee for a Plenary Retail Distribution License per annum shall be the sum of
.....\$2,500.00

Section 3. Severability.

If any section, sentence, or any other part of this Ordinance is adjudged unconstitutional or **Ordinance #06-2023** invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Introduced by:	Councilman DeBlasio	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

Final Adoption and Open Public Hearing on Ordinance #06-2023 will be held on February 23, 2023.

4. ORDINANCE #07-2023

“AN ORDINANCE TO AMEND TO CHAPTER XC OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED, “FEES AND CHARGES” (Electrical Fees)

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

§90-10 FEES FOR CHAPTER 20, Building and Housing

§10-1.3. Fees for Construction Permit

c. The electrical subcode fees shall be as follows:

2. For the purposes of calculating the following electrical fees, all motors except those in plug-in appliances shall be counted, including control equipment, generators, transformers and all heating, cooking or other devices consuming or generating electrical current:

- (a) Motors/electrical devices to one to five horsepower: \$25.
- (b) Motors/electrical devices to six to nine horsepower: \$50.
- (c) Motors/electrical devices to 10 to 15 horsepower: \$75.
- (d) Motors/electrical devices above 26 horsepower: \$100.
- (e) Transformer/generator to 10 kilowatts: \$75.
- (f) Transformer/generator to 45 kilowatts: \$125.
- (g) Transformer/generator to 112.5 kilowatt: \$175.
- (h) Transformer/generator above 112.5 kilowatt: \$225.
- (i) Service/panels/subpanels to 100 ampere: \$75.
- (j) Service/panels/subpanels to 200 ampere: \$125.
- (k) Service/panels/subpanels to 300 ampere: \$200.
- (l) Service/panels/subpanels to 400 ampere: \$250.
- (m) Service/panels/subpanels to 800 ampere: \$300.
- (n) Service/panels/subpanels to 1,000 ampere and higher: \$450.
- (o) ~~HVAC and central AC, per unit: \$75.~~
- (o) **Solar Batteries to 10 kilowatts: \$75.**
- (p) **Solar Batteries to 45 kilowatts: \$125.**
- (q) **Solar Batteries to 112.5 kilowatts: \$175.00**
- (r) **Solar Batteries above 112.5 kilowatts: \$225.**

Section 3. Severability.

If any section, sentence, or any other part of this Ordinance is adjudged unconstitutional or **Ordinance #07-2023** invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Introduced by: Council President DeLuca 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

Final Adoption and Open Public Hearing on Ordinance #07-2023 will be held on February 23, 2023.

5. ORDINANCE #08-2023

AN ORDINANCE TO AMEND CHAPTER II OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED "ADMINISTRATION" (Recreation By Laws)

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 II of the Code of the Borough of Midland Park, Administration, §2-19, Recreation Advisory

Section 2. Severability.

Section 3. Inconsistent Ordinances Repealed.

Section 4. Effective Date.

Introduced by: Councilman Braunius

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

Final Adoption and Open Public Hearing on Ordinance #08-2023 will be held on February 23, 2023.

"AN ORDINANCE TO AUTHORIZE THE EXPENDITURE OF \$168,997.21: \$157,970.00 FROM THE 2023 NJ DOT MUNICIPAL AID PROGRAM GRANT, FOR ROADWAY RESURFACING OF FRANKLIN AVENUE Section II, AS WELL AS APPROPRIATE THE SUM OF \$11,027.21 FROM THE CAPITAL IMPROVEMENT FUND."

Section 1.

Section 2.

Section 3.

Section 4.

The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division

of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 5.

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

Section 6.

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

CERTIFICATION OF AVAILABILITY OF FUNDS

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

Introduced by: Councilwoman Peet

Seconded by: Council President DeLuca

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

Final Adoption and Open Public Hearing on Ordinance #09-2023 will be held on March 9, 2023.

OLD BUSINESS:

No Old Business at this time.

NEW BUSINESS:

Councilman Braunius stated Kathy LaMonte, Director of Recreation, has been approached by JP Pizza in Wortendyke area to have their business take over the Snack Bar. Borough Administrator/Clerk Wendy Martin informed the Governing Body this action would need to go to a bidding process. At the present time, the **Governing Body** decided that the Baseball/Softball Association Parents should become more involved in the Snack Bar.

Councilman Kruis informed the **Mayor** and **Council** of the new wells that are under construction in the Borough. This will involve digging in many of the streets that have been recently paved. **Councilwoman Peet** did ask at a meeting with Ridgewood Water if they will be coordinating with the Borough and the paving company. An agreement must be made with Ridgewood Water so when the construction is completely, the streets must be repaired and repaved curb to curb.

Borough Administrator/Clerk Wendy Martin read a correspondence from Light Up for Lupus. The organization is requesting the Borough participate on May 10, 2023 and light Borough Hall with a purple light. The **Governing Body** agreed.

In another email, Ms. Martin informed the **Mayor** and **Council** she received a communication and resume from Jacqueline Deppe applying for an internship. Ms. Deppe attends Seton Hall University and is obtaining her Master of Arts in the Museum Program and must perform an internship to gain credits. She is well versed in archives and document preservation. Ms. Deppe would like to create an inventory which the Borough can use for future digitalization. Ms. Martin will ask Ms. Deppe to a future meeting.

Borough Attorney Robert Regan briefly discussed a court case Drew University vs. the Borough of Madison. This involves a Council on Affordable Housing (COAH) conflict.

PUBLIC COMMENT:

Mayor Shortway opened the meeting to the public for general questions, concerns, and comments. There being no one from the Public present. The Public Session was closed.

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 8:51 P.M. and convened immediately into the After Closed Session.

Respectfully submitted,



Wendy Martin, RMC
Borough Administrator/Clerk