

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK NJ 07432
JUNE 8, 2023**

8:00 P.M. OPEN PUBLIC MEETING MINUTES

On June 8, 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 June 8, 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, Borough Administrator/Clerk Wendy Martin and Deputy Clerk Mari J. Margiotta

PROCLAMATION:

LGBTQ+ Pride Month

The Wreski Family was present and accepted the Proclamation read by **Council President DeLuca**.

APPROVAL OF MINUTES:

A Motion to approve the Minutes of the Work Session, Before and After Closed Session, and Open Public Meeting from the dates of March 30, 2023 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: 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

OPEN TO THE PUBLIC:

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

Due to the adoption of Daniel's Law, P.L.2021, c.371 the Borough only requires the Public to state their name and if they reside in the Borough of Midland Park for the Record.

There being no one from the Public wishing to speak, the Public Portion was closed.

LIAISON REPORTS:

Mayor Shortway

Mayor Shortway attended the ribbon cutting ceremony for Virga Fit at 289 Godwin Avenue along with **Council President DeLuca** and **Councilwoman Peet**. It was well attended.

Councilman Damiano

Finance/Public Safety – Ambulance/Fire Prevention

In the absence of **Councilman Damiano**, **Councilman DeBlasio** reported. Fire Official Michael Rau's of **Fire Prevention** monthly statement read: 35 inspections and 31 re-inspections along with permit inspections occurred, and 26 certificates were issued. On June 2, 2023, the ESP database was downloaded into the Codes system with 570 businesses. Codes needs to be reviewed to make any changes. Some areas, such as fields in the secondary addresses, did not download properly. These will have to be done manually. The monthly **Ambulance** report for May 2023 consisted of 53 calls with a total of 479 miles. There were only 1 mutual aid calls since the Township of Wyckoff have been able to cover their calls better.

Councilman Kruis

Property Maintenance/ Public Works/Planning Board

Councilman Kruis received a report from the Superintendent of the Department of **Public Works** Matthew Tauber, who wrote the following updates: sod on Woodside Park has been installed and is being monitored by Mr. Tauber and the contractor during the heat wave, all the Veterans Banners have been installed, the setup of equipment for the Memorial Day Parade was completed, the Shared Services with the Borough of Franklin Lakes is being utilized for the trimming of trees with the bucket truck, maintenance of the Police Department vehicles are complete, DPW's newest staff member Mark Cohen is already started the process of renewing his CDL. The **Planning Board** will meet in a few weeks. **Property Maintenance** reports progress.

Councilwoman Peet

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

Councilwoman Peet stated she received the monthly **Police Department's** activity report. The **Board of Health** report stated there was progress. On June 6, 2023, the **Councilwoman** attended the work session for the **Board of Education**. The session consisted of acknowledgements of many of the staff and honored many retirees. A name change was approved for Midland Park Continuing Education to Midland Park Community School. A grant was accepted in the amount of \$1,000.00 for computer science education. On the Agenda, an ordinance is scheduled for introduction for "Water and Sewer. On June 20, 2023, **Ridgewood Water** will conduct a meeting updating all municipalities involved on the lead pipe project.

Council President DeLuca

Public Safety – Fire/Personnel/Library

Council President DeLuca stated **Personnel** reported progress. The **Library** will conduct their meeting on June 15, 2023. The **Council President** will deliver their report at the next Council Meeting. **Library** Director Catherine Dileo monthly report stated the Scavenger Hunt is being finalized and the Summer Reading Program is underway. **Council President DeLuca** drove past the Library today and there were no available parking spots. The Shakers and Movers program was in progress with 80 participants. The first Summer Concert will perform on July 7, 2023. The event is open to the public. The **Fire Department** received 21 calls with 6 mutual aid calls to Waldwick, Wyckoff and Ridgewood. In the previous week, Fire Prevention Official Michael Rau had the Codes program download information for the Midland Park businesses he had obtained during his inspections. Some key information was not successful in the transfer. A meeting will transpire with the Borough Administrator, Fire Chief and Fire Prevention Official.

Councilman Braunius **Office of Emergency Management/ Recreation/Chambers of Commerce**
Councilman Braunius reported there was progress for the **Chambers of Commerce**. **Office of Emergency Management** has been sending out eblasts and information regarding the air quality. Director of **Recreation** Kathy LaMonte is vacationing and will meet with the **Councilman** upon her return.

Councilman DeBlasio **Information Technology/Building Department/Municipal Alliance**
Councilman DeBlasio read the May 2023 report from Building Official Mark Berninger that stated the **Building Department** issued **38 permits**, had 137 inspections, and fees collected for the month was \$12,059.00. Also, there were zoning certificates issued for 291-293 Godwin Avenue and 1 Godwin Avenue. **Information Technology** Philip Scaglione informed the **Councilman** the following: the Cloud migration for all Borough Departments have been completed, the Police Department's Detective Bureau new login protocol has been updated, and the taser usage tracking system has been installed for State compliance. Mr. Scaglione attended a Powered Fiber Solutions seminar. This company states they have the technology to have fewer wires and be more cost effective. More information will follow. The **Councilman** gave a brief historical background on Pride Month.

ADMINISTRATOR'S REPORT:

Borough Administrator/Clerk Wendy Martin stated Primary Election Day went well. There were some new board workers and new equipment that had a few glitches but mostly everything went smoothly. Ms. Martin wanted to thank the Department of Public Works staff members: Matthew Tauber, Josh Terpstra, and Steven Hrinuk for their assistance on setting up and especially to Matthew Tauber for responding to a 10:00 P.M. call to open the Library Building to retrieve election equipment left behind by board workers. Office of Emergency Management has been sending eblasts concerning the air quality. The Borough's sports and outdoor Recreation activities have been postponed until further notice. Ms. Martin stated summer hours will be starting on June 19, 2023, for Borough Hall. The Department of Public Works did a wonderful job of handing all the Veteran Tribute Banners despite the delay in their delivery. Ms. Martin replied to a request from the Mayor and Councilman DeBlasio regarding fencing for baseball areas. The Mayor and the Councilman wanted to protect the fans attending games. Ms. Martin received two (2) quotes: one for \$18,500 for all new protective fencing and the second for \$5,000.00 that would extend the current fencing. Matthew Tauber will be meeting the Joint Insurance Fund representatives to ask for their opinions.

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 #106-2023 Return Street Opening Maintenance Bond Escrow

WHEREAS, it is the recommendation of the Borough Engineer, as the project has been confirmed completed, and work acceptable to return the maintenance bond escrow received when applying for a street opening permit to the following party:

ASC Construction Co., Inc 460 DeKorte Dr, Franklin Lakes, NJ 07417 \$1,250.00
(T-20-700-101) Location: 190 Bank St., Midland Park (8/31/22)

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

Resolution #107-2023 Disabled Veteran Exemption – Richard Kroitsch

WHEREAS, N.J.S.A. 54:4-3.30A allows for exemption from taxation from property for any citizens and resident of the State who has a disability as defined by this statute; and

WHEREAS, the property located at 30 Zimmer Avenue known as Block 10.07, Lot 23 as set forth on the official tax map of the Borough of Midland Park; and

WHEREAS, Richard Kroitsch, the owner of said property, has filed the Dwelling of Disabled Veteran and received approval from the Department of Veterans Affairs as of May 11, 2023; and

WHEREAS, the Tax Assessor has granted full Veteran's exemption status, effective May, 13 2023, to the property owner of 30 Zimmer Ave (Block 10.07, Lot 23), Richard Kroitsch.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Midland Park here by approves that the Tax Collector be authorized to cancel the remaining balance of taxes on said property as of May 13, 2023.

Resolution #108-2023 Authorizing the Appointment of a Health Benefits Consultant to Evaluate the Borough's Employee Health Benefits Program

WHEREAS, the Borough of Midland Park (hereinafter, the Borough) provides eligible full-time employees and eligible Retirees Medical, Prescription, Dental and other ancillary coverages as part of a comprehensive Health Benefits Program; and

WHEREAS, there exists a need for Insurance Broker/Consultant services for the Health Benefits Program and related coverages; and

WHEREAS, more specifically, the State Health Benefit Program (SHBP), the current medical and prescription benefits provider for the Borough, approved an approximate twenty-one percent (21%) increase in rates for Calendar Year 2023, affirming the need to perform due diligence on alternate financial instruments to the SHBP, including but not limited to a Health Insurance Fund (HIF) and the commercial market; and

WHEREAS, the New Jersey Department of Community Affairs, Division of Local Government Services, Local Finance Notice AU 2002-2 defines Insurance Consulting Services as an Extraordinary Unspecifiable Service; and

WHEREAS, the Governing Body, in consultation with the Borough Administrator has discussed and deliberated the advantages to appointing a Health Benefits Consultant; and

WHEREAS, PIA Security Programs, a division of World Insurance Associates, LLC has extensive experience as a Consultant for Health Insurance Programs, and given their success and experience with public entities throughout northern NJ, transparent and competitive fee structure and other factors considered thereof, it is advantageous for the Borough to appoint PIA Security Programs, Health Benefits Consultant and Broker of Record for Medical, Prescription, Dental and other ancillary coverages comprising the Health Benefits Program.

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

1. The Mayor and Borough Administrator are hereby authorized to execute an Agreement with P.I.A. Security Programs, a Division of World Insurance Associates, LLC, 429 Hackensack Street, Carlstadt, NJ 07072.
2. For Insurance Consulting Services related to the medical/prescription coverages, there shall be no remuneration. For all other coverages authorized by the Municipality, including but not limited to Employee Health Benefits, Property & Casualty Coverages (outside of the Bergen County Municipal JIF), Accident & Health, Disability or Statutory Bonds, the Consultant shall receive, as full compensation, the standard brokerage commissions paid by the insurance company, consistent with industry standards and practice.

BE IT FURTHER RESOLVED, This appointment is made without public advertising and bidding as a Qualified Professional Service under the provisions of the NJ Public Contracts Law, which permits the waiving of public advertising and bidding for service of this nature.

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to the Municipal

Finance Officer, Auditor and PIA Security Programs, a division of World Insurance Associates., 429 Hackensack Street, Carlstadt, NJ 07072, Benefits Consultant to the Municipality.

Resolution #109-2023 Authorizing the Inclusion in the Bergen County Community Development Program Municipal Cooperative Agreement Renewal for Fiscal Years 2024, 2025, and 2026

WHEREAS certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended; the HOME Investment Partnership Act of 1990, as amended; and the Emergency Solutions Grant of 2012; and

WHEREAS the current Interlocal Services Cooperative Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS each Municipality must notify the Bergen County Division of Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

WHEREAS it is in the best interest of the Municipality of the Borough of Midland Park and its residents to participate in said Programs.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Municipality of Borough of Midland Park hereby notifies the Bergen County Division of Community Development of its decision to be included as a participant Municipality in the Urban County entitlement programs being the Community Development Block Grant Program (CDBG), the HOME Investment Partnership Program (HOME), and the Emergency Solutions Grant Program (ESG) for the **Fiscal Years 2024, 2025, and 2026 covering the period July 1, 2024 – June 30, 2027**; and

BE IT FURTHER RESOLVED that an original copy of this resolution be made available to the Director of the Bergen County Division of Community Development as soon as possible and no later than **MONDAY, JUNE 26, 2023**.

Resolution #110-2023 Authorizing the Execution of an Agreement with the County of Bergen to Supersede the Cooperative Agreement Dated July 1, 2021

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended; the HOME Investment Partnership Act of 1990, as amended; and the Emergency Solutions Grant of 2012; and

WHEREAS, it is necessary to supersede an existing Interlocal Services Cooperative Agreement for the County and its people to benefit from these Programs; and

WHEREAS, an Agreement has been proposed under which the Borough of Midland Park and the County of Bergen in cooperation with other Municipalities, will modify an Interlocal Services Program pursuant to N.J.S.A. 40A:65-1 et seq.; and

WHEREAS, it is in the best interest of the Borough of Midland to enter into such an Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Midland Park that the Agreement entitled "Three Year Cooperative Agreement" (an Agreement superseding the Cooperative Agreement dated July 1, 2021 – June 30, 2024) to clarify the planning and implementation procedures and to enable the Municipality to make a Three Year irrevocable commitment to participate in the Community Development Block Grant Program (CDBG), the Home Investment Partnership Program (HOME), and the Emergency Solutions Grant Program (ESG) for the **Fiscal Years 2024, 2025, and 2026 covering the period July 1, 2024 – June 30, 2027**, be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately in accordance with law and that an original copy be made available to the Director of the Bergen County Division of Community Development as soon as possible and no later than **MONDAY, JUNE 26, 2023**.

Resolution #111-2023 Authorizing the Appointment of Municipal Representatives to the Bergen

County Community Development Regional Committee

WHEREAS, the Municipality of the Borough of Midland Park has entered into a three-year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40A:65-1 et seq. and Title 1 of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that the Borough Council appoint a representative and alternate and that the Mayor appoint a representative and alternate for the FY 2023-2024 term starting July 1, 2023, and ending on June 30, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council hereby appoints Councilman Damiano as its representative and Councilman DeBlasio as its alternate and that the Mayor hereby appoints Councilwoman Peet as his representative and Councilman Kruis as his alternate to serve on the Community Development Regional Committee for FY 2023-2024; and

BE IT FURTHER RESOLVED that an original, certified copy of this resolution be immediately emailed and sent via postage to Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, Fourth Floor; Hackensack, New Jersey 07601 | resposito@co.bergen.nj.us as soon as possible and no later than Monday, June 26, 2023.

Resolution #112-2023 Supporting Bergen County Fire Mutual Aid Plan

WHEREAS, the Borough of Midland Park provides fire protection resources for ordinary emergency response requirements within its jurisdiction; and

WHEREAS the Fire Departments in Bergen County have a day-to-day responsibility to provide for the safety and security of lives and property; and

WHEREAS, local resources can become exhausted during the small percentage of large magnitude fire or disaster occurrences; and

WHEREAS, mutual aid is the most cost-effective method of providing sufficient resources to a local jurisdiction for those extraordinary occurrences; and

WHEREAS, it is of mutual benefit for fire departments located within the County of Bergen to provide supplemental resources to each other in the event of a local emergency or disaster;

WHEREAS this plan will provide a uniform procedure for the coordination of the requesting, dispatching, and utilization of fire department personnel and equipment whenever a local fire department requires mutual aid assistance from any other jurisdiction, both contiguous and non-contiguous, in the event of a fire or emergency; and

WHEREAS, a county area mutual aid plan is encouraged by, and is compatible with the State of New Jersey Resource Deployment Act; and

WHEREAS, participation in a county area mutual aid plan will not impose liability on the local entity; and

WHEREAS it is the desire of the governing body of the Borough of Midland Park to participate in fire mutual aid;

NOW, THEREFORE, BE IT RESOLVED, THE Borough of Midland Park does hereby agree to authorize their fire department to provide mutual aid assistance to each participating municipality, district, state or federal organization, as identified in the Bergen County Fire Mutual Aid Plan (ESF 4) and as may be amended from time to time by Participating Units and ratified by this body; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Bergen County Office of Emergency Management for filing.

Resolution #113-2023 Approving a Proposal for Professional Planning Services Pertaining to a Redevelopment Plan for Block 45, Lot 9.01, 90 Midland Avenue

WHEREAS, by resolution dated December 8, 2022, the Mayor and Council authorized the Planning Board to undertake a preliminary investigation to determine whether certain property known as Block 45, Lot 9.01

being more commonly known as 90 Midland Avenue ("the property") is a redevelopment area in accordance with the criteria set forth in *N.J.S.A. 40A:12A-5*; and

WHEREAS, in accordance with said resolution, the Planning Board directed the Borough Planner, Burgis Associates to perform a Study and Planning Analysis; and

WHEREAS, Burgis Associates submitted a Report entitled, "90 Midland Avenue, Area In Need of Redevelopment Study" dated February 24, 2023 ("the Report"); and

WHEREAS, the Report determined that the property satisfies the criteria for a non-condemnation redevelopment area; and

WHEREAS, the Planning Board conducted a hearing in accordance with the provisions of *N.J.S.A. 40A:12A-6*; and

WHEREAS, on April 17, 2023 the Planning Board accepted the findings of the Report; and

WHEREAS, the aforesaid Planning Board resolution has been submitted to the Mayor and Council; and

WHEREAS, by resolution dated May 11, 2023 the Mayor and Council accepted the determination of the Planning Board, determined that the property is a non-condemnation redevelopment area, and authorized and directed the Borough Planner Burgis Associates ("the Borough Planner") to prepare a Redevelopment Plan for the property; and

WHEREAS, the Borough is in receipt of a proposal from the Borough Planner dated May 30, 2023 for the preparation of a Redevelopment Plan for the property.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Midland Park as follows:

The Borough hereby retains the services of the Borough Planner to prepare a Redevelopment Plan for the property in accordance with its letter proposal dated May 30, 2023.

The contract for services constitutes professional services under *N.J.S.A. 40A:11-5* and may be awarded without public advertising for bids. In addition, this contract is awarded to the Borough Planner based upon the merits and professional abilities and was not awarded through a "fair and open process" pursuant to *N.J.S.A. 19:44A-20.4, et seq.* and the Professional Service Agreement will include a provision that the Borough Planner has complied with the provisions of *N.J.S.A. 19:44A-8* or *N.J.S.A. 19:44A-16*.

The amount of the contract is more particularly detailed in Article V of the proposal which provides for an amount not to exceed \$12,000.00 for the Redevelopment Plan and additional sums for a Power Point Presentation and meeting attendance and further details the hourly rate of the professionals associated with the Borough Planner's firm.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute a Professional Service Agreement in accordance with the foregoing; and

BE IT FURTHER RESOLVED that the Chief Financial Officer of the Borough has certified that funds are available to pay for the services as proposed in the contract; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Midland Park that the Borough Clerk be and is hereby authorized to publish a notice of the adoption of this resolution in the official newspaper of the Borough.

Resolution #114-2023 Acme Markets, Inc. Liquor License Renewal

WHEREAS, Acme Markets, Inc., has made application for renewal of its Plenary Retail Distribution License # 0235-44-001-007 for mailing address at 250 East Parkcenter Blvd., Boise, ID 83726; and

WHEREAS, the Police Department has performed their investigation as per Borough Code §6-6 and this juncture nothing precludes them from being issued their renewal.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Midland Park, that such renewal application for the sale of alcoholic beverages as approved by State Statute and Ordinances of the Borough of Midland Park be and is hereby approved for premises located at 136 Lake Street, Midland Park, NJ 07432, and

BE IT FURTHER RESOLVED, that the Borough Clerk be and is hereby authorized to issue such license, upon payment of any fees, to Acme Markets, Inc., with a mailing address of 250 East Parkcenter Blvd., Boise, ID 83726 for the period of July 1, 2023 through June 30, 2024.

Resolution #115-2023 Arturo's Liquor License Renewal

WHEREAS, Arturo G Allegra Inc., t/a Arturo's Restaurant, has made application for renewal of its Plenary Retail Consumption License with Broad Package Privilege #0235-32-003-010 for premises located at 41 Central Avenue, Midland Park, New Jersey 07432; and

WHEREAS, the Police Department has performed their investigation as per Borough Code §6-6 and at this juncture nothing precludes them from being issued their renewal.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Midland Park that such applications for the sale of alcoholic beverages as approved by State Statute and Ordinances of the Borough of Midland Park be and is hereby approved for premises located at 41 Central Avenue, Midland Park, New Jersey 07432 and;

BE IT FURTHER RESOLVED, that the Borough Clerk be and is hereby authorized to issue such license, upon payment of any fees, to Arturo G Allegra Inc., t/a Arturo's Restaurant, 41 Central Avenue, Midland Park, New Jersey 07432 for the period July 1, 2023 to June 30, 2024.

Resolution #116-2023 Fire Department Liquor License Renewal

WHEREAS, Midland Park Fire Company has made application for renewal of its Club License #0235-31-005-001 for premises located at 45 Witte Drive, Midland Park, New Jersey 07432; and

WHEREAS, the Police Department has performed their investigation as per Borough Code 6-6 and at this juncture nothing precludes them from being issued their renewal; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Midland Park that such applications for the sale of alcoholic beverages as approved by State Statute and Ordinances of the Borough of Midland Park be and is hereby approved for premises located at, 45 Witte Drive, Midland Park, New Jersey 07432 and;

BE IT FURTHER RESOLVED, that the Borough Clerk be and is hereby authorized to issue such license, upon payment of any fees, to Midland Park Fire Company, 45 Witte Drive, Midland Park, New Jersey 07432, for the period July 1, 2023 to June 30, 2024.

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

Seconded by: Councilwoman Peet
Aye
Aye
Absent
Aye
Aye
Aye

RESOLUTIONS:

1. Resolution #105-2023 Bills List

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

Current Fund ('22)	\$ 1,431.80
Current Fund	\$ 119,571.26
Capital Fund	\$ 42,701.32
Mun Open Space Fund	\$ 40,000.00
Dog Fund	\$ 299.40
Trust Fund	<u>\$ 3,222.35</u>

TOTAL:

\$ 207,226.13

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 May 30th Payroll \$ 219,524.86

Current Mnl Check: US Postmaster \$ 1,523.97

NOW, THEREFORE, BE IT RESOLVED, by the Council President and Council of the Borough of Midland Park that the claims totaling **\$428,274.96** 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 #17-2023

AN ORDINANCE TO AMEND CHAPTER 13 OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED "WATER AND SEWER".

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.

The following sections in Chapter 13 of the Code of the Borough of Midland Park, Water And Sewer, Article I, Water, are hereby amended to read as follows:

§ 13-2. EMERGENCY USE.

§ 13-2.1. Purpose.

The purpose of this Article is to limit, restrict and regulate the use of water by customers of the Department of Water Supply of the Village of Ridgewood, during periods of use and emergency, as hereinafter defined, in order to insure public health and safety.

§ 13-2.2. Definitions.

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

CONVENTIONAL IRRIGATION SYSTEM OR DEVICE – Shall mean hose end irrigation systems and automatic irrigation devices.

DRIP/MICRO IRRIGATION – Shall mean an irrigation method that saves water and fertilizer by allowing water to drip slowly to the roots of many different plants, either onto the soil surface or directly onto the root zone, through a network of valves, pipes, tubing and emitters.

EMERGENCY – Shall mean any period of water shortage or imminent water shortage caused by drought; lack or failure of proper pumping equipment, storage, or other facilities; acts of God or public enemies; or excessive demand upon or use of water facilities or capacity.

HAND-HELD HOSE – Shall mean a hose designed to be operated while being held in the hand and equipped with a nozzle that automatically shuts off when released.

IRRIGATION – Shall mean the water or sprinkling (including automatic sprinkling) of lawns, shrubs and gardens.

NJDEP – Shall mean the New Jersey Department of Environmental Protection.

NJPDES – Shall mean the New Jersey Pollution Discharge Elimination System.

SMART CONTROLLER – Shall mean a weather-based irrigation controller or soil moisture-based irrigation controller meeting criteria specified and labeled as being compliant under the United States Environmental Protection Agency Water Sense Program meeting the guidelines prescribed by Ridgewood Water and approved by permit from Ridgewood Water.

WATER – Shall mean that water obtained, delivered, and/or supplied to any persons by the Department of Water Supply of the Village of Ridgewood. This definition shall not include water pumped from private wells for residential irrigation purposes provided, however, that the property owner maintaining the private well has provided their name and address to the Borough of Midland Park.

§ 13-2.3. Declaration of Emergency.

The Village Manager of the Village of Ridgewood is authorized to enforce the provisions of this article and, in his discretion, in consultation with the Director of Ridgewood Water to determine and declare the existence and extent of an emergency with respect to the water supply of the Village of Ridgewood. The determination of the Village Manager shall apply to the Borough of Midland Park and notification of the emergency shall be promulgated to the Borough of Midland Park. Interim emergency regulations may be adopted without notice by the Village Manager of the Village of Ridgewood and shall apply to the Borough of Midland Park.

§ 13-2.4. Public Notice.

Public notice of the declaration of an emergency and the determinations made by the Village Manager of the Village of Ridgewood shall be made in the most expeditious manner by publication in the legal newspaper for the Village of Ridgewood and by posting in the Borough Administrator's and Clerk's office and at such other public places as shall be designated by the Village Manager and the Borough Administrator or Borough Clerk. Notice shall also be disseminated through the press and public in general. The emergency shall remain in effect until declared at an end by the Village Manager of the Village of Ridgewood.

§ 13-2.5. Use Regulations.

The following irrigation schedule and water emergency regulations are hereby adopted to become effective as set forth herein:

a. Irrigation schedule, effective year-round:

1. All nongovernmental properties: Irrigation by a conventional irrigation system or device may only be done on Tuesday and Saturday for odd-numbered addresses and Wednesday and Sunday for even-numbered addresses.
2. Governmental properties: Irrigation by a conventional irrigation system or device may only be done on Monday and Friday.
3. Irrigation using a hand-held hose or drip/micro irrigation system shall be allowed any day.

b. The emergency stages shall be as follows:

Stage of Emergency Regulation	Drought Emergency Condition	User Restrictions
III	Pending/Critical	Mandatory restriction of irrigation for all properties to the use of hand-held hose on Tuesdays and Saturdays for properties with odd-numbered addresses and Wednesdays and Sundays for

		properties with even-numbered addresses. addresses. No irrigation of any kind shall be allowed on Mondays, Thursdays, or Fridays.
IV	Critical	Irrigation is prohibited at any time. Exceptions for irrigation using a hand-held hose may be allowed under conditions prescribed by the Village Manager of the Village of Ridgewood.

c. Stage III and Stage IV emergency regulations shall become effective upon declaration of each stage by the Village Manager of the Village of Ridgewood. The cleaning of cars, houses or property, filling of swimming pools or other outdoor water usage shall be prohibited during Stage III and Stage IV.

d. Exceptions to the user restrictions shall be determined by the Village Manager of the Village of Ridgewood or a Village of Ridgewood employee designated by the Village manager. The request for an exception shall be submitted on forms prepared by Ridgewood Water and shall include any required documentation. Exceptions are subject to renewal annually and may be voided at any time due to an emergency. The exceptions may include the following:

1. Outdoor irrigation necessary for the establishment of newly sodded or seeded grass lawns or landscaping within the first 21 consecutive days of planting.
2. Irrigation of lawns or plantings with smart controllers, approved by permit from Ridgewood Water, and limited to the irrigation hours specified in Section E of this Chapter.
3. Outdoor water use from rain harvesting (rain barrels, etc.), gray water, or reclaimed water. Use of gray or reclaimed water must have an approved NJPDES permit issued through the NJDEP.
4. Outdoor irrigation necessary for one day only where treatment with an application of chemicals required immediate watering to preserve an existing landscape or to establish a new landscape.
5. Other outdoor water usage.

e. Irrigation shall not be conducted between 10:00 a.m. and 6:00 p.m. on any day. Irrigation using automatic systems, including Smart Controllers, may only be used between 3:00 a.m. and 7:00 a.m. on the permissible day.

f. Any automatic irrigation systems installed subsequent to the enactment of this Ordinance shall be equipped with an operational automatic rain sensor device. Each rain sensor device shall be capable of and programmed to interrupt the automatic irrigation cycle when $\frac{1}{4}$ inch of rain has fallen.

g. Enforcement.

The enforcement of the provisions of this article shall be the responsibility of such officer and/or employee designated by the Mayor and Council 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: Councilwoman Peet

Seconded by: Councilman Kruis

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

OLD BUSINESS:

Councilwoman Peet spoke with Borough of Franklin Lakes Councilman Joel Ansh regarding 5G. They discussed pole location and the Councilman stated there is no reason to have several poles erected. Borough Administrator/Clerk Wendy Martin stated the Federal Communications Commission (FCC) passed a law allowing poll structures to be installed in the Borough. If a carrier would like to rent space on Midland Park's water tower, the Borough may lease out an area. Ms. Martin will call Borough of Franklin Lakes Administrator Gregory Hart and discuss the matter further.

NEW BUSINESS:

Councilwoman Peet asked if the counselors underwent background checks. Borough Administrator/Clerk Wendy Martin will discuss the regulations with Recreation Director Kathy LaMonte. Ms. Martin does know that there is a strict guideline that the Borough follows.

Councilman DeBlasio inquired if the Borough conducted annual employee reviews. Borough Administrator/Clerk Wendy Martin explained that just recently all staff were requested to submit job titles and their responsibilities. Ms. Martin also stated, for the 14 years working for the Borough, she has never received an evaluation.

PUBLIC COMMENT:

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

Due to the adoption of Daniel's Law, P.L.2021, c.371, the Borough only requires the Public to state their name and if they reside in the Borough of Midland Park for the Record.

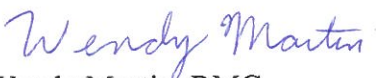
Michael Rau, Fire Prevention Official spoke of the new program recommended by the New Jersey Division of Fire. Midland Park is the only Fire Prevention department that is handling the project with the Fire Department to upload Codes. Mr. Rau has asked other municipalities how the project is being handled and some of their Fire Departments are working with their Building Departments.

There being no one else from the Public wished to speak, the Public Session was closed.

ADJOURNMENT:

There being no further business to discuss, on a Motion by **Councilman Braunius**, Seconded by **Councilman DeBlasio** 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, RMC
Borough Administrator/Clerk