

**BOROUGH OF MIDLAND PARK  
280 GODWIN AVENUE  
MIDLAND PARK NJ 07432  
JUNE 22, 2023**

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

**On June 22, 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 22, 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>Absent</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 Deputy Clerk Mari J. Margiotta

**APPROVAL OF MINUTES:**

A Motion to approve the Minutes of the Work Session, Before Closed Session, and Open Public Meeting from the dates of April 13, 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: Councilman Braunius**                      **Seconded by: Councilwoman Peet**

<b>Roll Call:</b>	<b>Councilman Braunius</b>	<b>Aye</b>
	<b>Councilman DeBlasio</b>	<b>Absent</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.

**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.**

**Clinton Voltman** addressed the **Government Body** of his concerns. He and his wife have lived in Midland Park for 44 years. His neighbors have erected a batting cage and a pitching machine. Mr. Voltman has asked the neighbors to keep the noise level down but to no avail. Several times the police have been called.

Hunt will begin on July 3, 2023. There are 40 locations and local businesses have donated \$950.00 for the costs of the event and iPads for the winners. Ms. Dileo wishes to have the Library engage more with the community. Meghan Cummings, Circulation Assistant at the Library, received the Mary Joyce Doyle Scholarship from BCCLS. The Summer Reading Program will begin June 21, 2023 and encourage all students to participate. Miss Jolie, a popular children's musician will be performing this July. The Friends of the Library's Summer Concert series begins on July 7, 2023 and continues for the rest of the month. Please see the Library's web page for more activities and events. The **Council President** reported there was progress for **Personnel**.

**Councilman Braunius**                      **Office of Emergency Management/ Recreation/Chambers of Commerce**  
**Councilman Braunius** stated there was progress for **Office of Emergency Management** and **Chambers of Commerce**. The **Recreation Department's** Summer Camp will commence on Monday, June 26, 2023. Director Kathy LaMonte of the Recreation Department is pleased with the high enrollment for the program.

**Councilman DeBlasio**                      **Information Technology/Building Department/Municipal Alliance**  
**Councilman DeBlasio** was absent. No report at this time.

**Councilman Damiano**                      **Finance/Public Safety – Ambulance/Fire Prevention**  
In the absence of **Councilman Damiano**, **Councilman Braunius** reported there was progress for Finance.

#### **ADMINISTRATOR'S REPORT:**

Borough Administrator/Clerk Wendy Martin reported the front desk tinting of the safety glass has been completed. The property maintenance summons the trial date for 80 East Center Street has been scheduled for July 27, 2023. Ms. Martin has been discussing Bill A-4376 with Hoplite Communications, LLC, Peter Lupo regarding updates to the 5G Small Cell right of way laws. The Borough has a Resolution awaiting approval for the opposition of this Bill. After tonight's Mayor and Council Meeting, all Plenary Licenses will be renewed and reissued in Midland Park. Ms. Martin attended the quarterly Bergen County Municipal Clerks Association meeting which provided ethics CEUs for the Clerks. Ridgewood Water was very pleased with Midland Park's version of the water restriction ordinance which is on the Agenda for adoption this evening. The proposed Ordinance was also emailed to several municipalities. The new date for the Cell Tower bid is set for August 2, 2023. The Resolution will show the revised date. Borough Chief Financial Officer Laurie O'Hanlon and Ms. Martin are reviewing the Medicare Premium Reimbursement ordinances. These will be addressed and revised in the near future.

#### **ORDINANCE ON FINAL:**

##### **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.

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. 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.

Ordinances of the Borough of Midland Park be and is hereby approved for premises located at 11 Central Avenue, 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 CAP Midland Park LLC, 11 Central Avenue, Midland Park, NJ 07432 for the period of July 1, 2023 to June 30, 2024.

**Resolution #121-2023 Authorizing the Receipt of Bids for Co-Location on the Cell Tower Located in Block 26.01. Lot 1.02**

**WHEREAS**, the Borough of Midland Park is the owner of certain premises designated Block 26.01, Lot 1.02 as depicted on the Borough tax assessment map, being more commonly known as 20 Greenwood Avenue; and

**WHEREAS**, situated on the property within a land area of approximately 2,000 square feet is a 150 foot monopole on which several carriers have leased space for the placement of cellular telephone transmitting and receiving equipment, including antennas and on-ground equipment area; and

**WHEREAS**, the Borough seeks to advertise for proposals for the co-location of up to nine (9) antennas and/or two (2) foot diameter microwave dishes on the existing tower at a height of 102 feet, together with the placement of equipment on a pad or platform to be situated at the base of the tower, with the pad or platform having dimensions of five (5) feet by seven (7) feet; and

**WHEREAS**, bid documents have been prepared which provide for a minimum annual rent of \$45,000.00 with increases of four (4%) percent per year, with the initial term of the Lease being for five (5) years with up to four (4) renewal periods of five (5) years each.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Midland Park that the Borough Clerk be and is hereby directed to advertise in the official newspaper of the Borough that sealed proposals will be received by the Borough at 10:00 a.m. on Wednesday, August 2, 2023 in accordance with specifications on file and which may be obtained from the Borough Clerk.

**Resolution #122-2023 Expressing Support for S-3906 \$2.2 Million of State Funds to Repay Debt, Advance Capital Projects, and Provide Property Tax Relief**

**WHEREAS**, the New Jersey Debt Defeasance and Prevention Fund was created for the purpose of repaying or defeasing taxpayer-funded debt and funding capital projects that would otherwise be paid for with new debt; and

**WHEREAS**, the New Jersey Debt Defeasance and Prevention Fund is expected to have an unallocated balance of at least \$4.32 billion; and

**WHEREAS**, members of the New Jersey Senate Republican caucus, including Senator Holly Schepisi, have introduced Senate Bill 3906 (S-3906), which would allocate \$4.32 billion from the New Jersey Debt Defeasance and Prevention Fund to towns and counties to repay local government debt, advance capital projects of their choosing, and provide property tax relief to residents; and

**WHEREAS**, funds would be allocated by S-3906 on a per capita basis, meaning every town and county would get a fair share of funding based on population; and

**WHEREAS**, S-3906 provides that \$3 billion would be allocated to New Jersey municipalities on a per capita basis, and \$1.32 billion would be allocated to New Jersey counties on a per capita basis; and

**WHEREAS**, prior allocations from the New Jersey Debt Defeasance and Prevention fund have not been determined in a fair, equitable, or transparent manner; and

**WHEREAS**, the Borough of Midland Park would receive an estimated allocation of \$2.2 million under S-3906 based on 2020 United States Census data; and

**WHEREAS**, S-3906 requires funds to be disbursed within 30 days of the legislation's enactment; and

**WHEREAS**, S-3906 is not expected to have a fiscal impact on the proposed State Budget for Fiscal Year 2024; and



**ORDINANCES ON INTRODUCTION:**

**1. ORDINANCE #18-2023**

**AN ORDINANCE TO AMEND CHAPTER 10 OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED "BUILDING AND HOUSING" TO PROVIDE REGULATIONS OF INVASIVE PLANTS IN THE BOROUGH OF MIDLAND PARK**

**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 10 of the Code of the Borough of Midland Park, Building and Housing, is amended to add a new § 10.8, Planting, Growing and/or Cultivating Of Invasive Plants In The Borough of Midland Park to read as follows:

**§ 10-8.1 Purpose.**

It is determined that invasive plants are often difficult to control and can cause significant damage to property. The purpose of this Section is to preserve and protect public and private property in the Borough of Midland Park from the damaging spread of Invasive Plants, to protect indigenous and other plant materials from the invasive spread of Invasive Plants and to maintain the general welfare of the residents of the Borough of Midland Park.

**§ 10-8.2. Definitions.**

As used in this Section, the following terms shall have the meanings indicated:

**BAMBOO**

Shall mean woody perennial grass plant species classified under the taxonomic family Poaceae, that may be known as monopodial (running) bamboo, sympodial (clumping) bamboo, "common" bamboo, golden bamboo and arrow bamboo.

**BUFFER ZONE**

Shall mean a clear distance of 5 feet from any property line, street, public property or Borough right-of-way, or from any neighboring property, whichever is the most restrictive for the Invasive Plants owner.

**INVASIVE PLANTS OWNER**

Shall mean any property owner or resident who has planted and/or grows Invasive Plants, or who maintains Invasive Plants on the property, or who permits Invasive Plants to grow or remain on a property, prior to the effective date of this Ordinance.

**INVASIVE PLANT SPECIES**

Shall mean all native and non-native vines and vegetation that grow beyond the boundaries of the property lines and are competitive, persistent and pernicious. These plants may damage trees, vegetation, and structures. Examples include, but are not limited to, those plants and vegetation as detailed in [www.invasivespeciesinfo.gov](http://www.invasivespeciesinfo.gov).

**PROPERTY MAINTENANCE OFFICIAL AND/OR CODE ENFORCEMENT OFFICER**

Shall mean the Borough employee designated as the Property Maintenance Official and/or Code Enforcement Officer for the Borough of Midland Park, or his designee.

**§ 10-8.3. Prohibitions.**

- a. No owner, tenant or occupant of a property, or person, corporation or other entity, shall plant, install or cause or permit the planting or installation of Invasive Plants upon any property located within the Borough of Midland Park.
- b. Any existing Invasive Plants may not be replanted or replaced after any such Invasive Plants has died or been destroyed, uprooted or otherwise removed.
- c. Any person who plants or replants Invasive Plants within the Borough limits after the effective date of this Ordinance shall be in violation thereof and subject to penalties as set forth herein.

stated in Chapter 1, § 1-5 General Penalty. A summons may be issued per Chapter 10, §10-4.10. Each violation of any of the provisions of this section and each day that each such violation shall continue, shall be deemed to be a separate and distinct offense.

- b. When an encroachment is upon public property or a public right-of-way and the Invasive Plants property owner and/or occupant has not complied with the written notice provided as set forth above, the Borough of Midland Park, at its discretion, may remove or contract for the removal of such Invasive Plants from Borough property or the public right-of-way. The cost of said removal shall be the responsibility of the Invasive Plants property owner and/or occupant and shall be paid or assessed as a lien against the property on which the Invasive Plants growth originated. Such lien may be enforced in the same manner as unpaid taxes and assessments. The cost of said removal from Borough-owned property and/or the public right-of-way shall include the installation of an appropriate barrier to prevent future Invasive Plants invasion or other suitable remedy approved by the Borough.

**§ 10-8.7. Enforcement.**

The requirements under this Ordinance shall be enforceable by the Property Maintenance Official and/or Code Enforcement Officer or designee, including, but not limited to, the Borough Construction Official or Zoning Officer. The Midland Park Police Department can also enforce the provisions of this Ordinance.

**§ 10-8.8.**

The terms of this Ordinance shall not be deemed and are not intended to impair the provisions and enforcement of any other chapter of this Code, which shall remain in full force and effect.

**§ 10-8.9.**

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

**§ 10-8.10.**

All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

**§ 10-8.11.**

This Ordinance shall take effect upon passage and publication according to law.

**Introduced by: Councilman Kruis**

**Seconded by: Council President DeLuca**

**Roll Call: Councilman Braunius**

**Aye**

**Councilman DeBlasio**

**Absent**

**Councilman Damiano**

**Absent**

**Councilman Kruis**

**Aye**

**Councilwoman Peet**

**Aye**

**Council President DeLuca**

**Aye**

**Final Adoption and Open Public Hearing on Ordinance #18-2023 will be held on July 13, 2023.**

**OLD BUSINESS:**

**No discussion items to report.**

**NEW BUSINESS:**

**Councilwoman Peet** noticed the utility box near the Social Hall is in need of replacement. Borough Administrator/Clerk Wendy Martin will contact the utility company since she believes they are responsible for the maintenance.