

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK NJ 07432
JULY 27, 2023**

8:00 P.M. OPEN PUBLIC MEETING MINUTES

On July 27, 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 July 27, 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 Kruis	Present
	Councilwoman Peet	Present
	Council President DeLuca	Present

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

MOTIONS:

Councilman DeBlasio requested the following Motions be made:

A Motion was made to out of the regular Order of Business for this evening:

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

At this time, the Oath of Office will be administered by Borough Attorney Robert Regan to **Robert Sansone**, who will take place on the Council, in filling the unexpired term vacated by **Lorenzo Damiano**.

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 May 25, 2023 and June 8, 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:	Councilwoman Peet	Seconded by:	Councilman Braunius
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Roll Call:	Councilman Sansone	Abstain
	Councilman Braunius	Aye
	Councilman DeBlasio	Aye
	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.

Michael Kenney, resident of Midland Park was in attendance. Mr. Kenney wanted to verify rumors that the Borough will be taking over the upper and lower Sunset Fields. There were also rumors that negotiations were halted.

Councilwoman Peet responded that the negotiations are ongoing and that this matter is a Closed Session subject and may not be discussed in an Open Public Meeting.

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

LIAISON REPORTS:

Mayor Shortway

Mayor Shortway attended the Junior Police Academy graduation on July 14, 2023. The **Mayor** and **Councilman Kruis** were present on the July 17, 2023 Planning Board meeting. Last night, the Fire Department held an open house recruiting new volunteers and also, the **Mayor** joined the Library for the Summer Concert.

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

Councilwoman Peet stated she attended the **Board of Education** meeting on July 18, 2023. The meeting consisted of several personnel and finance matters. The School Resource Officer and the maintenance of Sunset fields contract negotiations continues between the School District and the Borough. The **Councilwoman** reported progress for the **Board of Health** and **Ridgewood Water**.

Council President DeLuca Public Safety – Fire/Personnel/Library

Council President DeLuca stated the **Fire Department's** next meeting will be conducted on August 9, 2023. The Fire Department's open house for new volunteers and the new junior volunteer program was well attended. The Library's meeting was held on July 18, 2023. The monthly statistics read as the following: total physical and digital circulation of materials were up 8% and building usage has increased 28% from June 2022. The scavenger hunt is underway with 100 families participating and 15 families have completed the challenge. The **Library** staff is examining and removing uncirculated fiction books. Please contact the Library if you are interested in viewing these books. The Boy Scout has completed the scanning of all the yearbooks and these images can be accessed on the website. The Boy Scout will also train the staff on the use of the scanner. The scanner will be available for the public as well. The Family Movies are averaging approximately 40 attendees and has received great reviews. The Library's Children Department has been extremely busy. Activities such as: the HIP preschool class from Godwin, summer reading, the STEM themed story time, and the Movers and Shakers class are most popular. On Thursday, the parking lot is often full. The Friends of the Library's final summer concert will be on Friday, July 28, 2023. All concerts were well attended. The **Council President** reported there was progress for **Personnel**.

Councilman Braunius **Office of Emergency Management/ Recreation/Chambers of Commerce**
Councilman Braunius stated on July 19, 2023, the Borough held an Active Shooter drill with the staff, the Police Department and with the **Office of Emergency Management**. The **Recreation Department's** Summer Camp is running smoothly, and the children are enjoying themselves. No report from the **Chamber of Commerce** was submitted.

Councilman DeBlasio **Information Technology/Building Department/Municipal Alliance**
Councilman DeBlasio updated the Governing Body of the status on Midland Park Food Mart. The business' license has since been revoked for several repeated violations. The **Councilman** briefly stated other violations that are being resolved and/or worked on by the **Building Department**. Zoning Official Mark Berninger is finalizing the updates to a zoning ordinance regarding residential rental properties and inspections. Mr. Berninger is addressing any situations where there are illegal converted two-family houses. Philip Scaglione of **Information Technology** has been working on the issues with the Microsoft cloud. Mr. Scaglione is researching the pricing and the capabilities of keypads for security entrance to Borough buildings. The **Councilman** spoke with Borough Administrator Wendy Martin about replacing the clock in the Council Chambers with a LED TV monitor. Mr. Scaglione will also be placing a sensor at the Habben Building so that any future electric failures or over heating occurrences will send a notification out to the alarm company. The **Councilman** reported progress for **Municipal Alliance**.

Councilman Sansone **Finance/Public Safety – Ambulance/Fire Prevention**
Councilman Sansone reported there was progress for **Finance, Ambulance, and Fire Prevention**.

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: the 2023 line striping program is continuing, 2023 catch basin repair program is nearly complete, and the Borough experienced fallen branches in the roadway during a recent thunderstorm. The crews cleared the streets within two hours. The staff at the Department of Public Works has assisted in the set up for the Library's concerts on the lawn. The **Councilman** attended the **Planning Board** meeting. There was no report submitted by **Property Maintenance**.

ADMINISTRATOR'S REPORT:

Borough Administrator/Clerk Wendy Martin stated the Borough's Property Maintenance Official position was advertised via eblast and was posted on the website. Det. Thomas Bedoe led the mock active shooter scenario with the Borough Hall staff. Ms. Martin will implement some suggestions Det. Bedoe made for the building and offices. The Department of Public Works received several compliments on the fields. The trial for 80 East Center Street has been postponed due to the resignation of the Property Maintenance Official. Ms. Martin has asked the temporary Property Maintenance Official, Mark Berninger, to assess the property in the meantime.

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 #135-2023 Void/Reissue AP Check

WHEREAS, the below vendor's quarterly invoice received was incorrectly charging the wrong amount;
WHEREAS, since the first payment processed on July 13, 2023 was pulled before mailing, the CFO voided check #20815 in the amount of \$48.00 and issued a check for the correct amount of new invoice received on July 13, 2023 to:

GTBM Inc. P.O. Box 305, East Rutherford, NJ 07073

Check #20876 in the amount of \$81.00

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that GTBM Inc. will be reissued a new check for \$81.00.

Resolution #136-2023 Void/Reissue AP Check

WHEREAS, the Military Transport Association payment for the Memorial Day Parade attendance was mailed to P.O. Box 393, Budd Lake, NJ 07828 per the address noted on their invoice was incorrect;

WHEREAS, since the payment processed on June 8, 2023 has not been received or returned, the CFO did a stop payment and voided check #20687 in the amount of \$500.00 and issued a replacement check on July 17, 2023 to be mailed directly to:

Military Transport Association, 50 Birch Run Ave, Denville, NJ 07834

Attn: Albert Mellini, MTA Treasurer

Check #20877 in the amount of \$500.00

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that Military Transport Association will be reissued a new check in the amount of \$500.00.

Resolution #137-2023 Chapter 159 Stormwater Assistance Grant

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Midland Park has received a total of \$15,000.00 from the State of New Jersey and wishes to amend its 2023 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Midland Park hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget of the Year 2023 in the sum of \$15,000.00, which is now available as a revenue for:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent
of the Director of the Division of Local Government Services:

Revenues Off-Set with Appropriations:

Stormwater Assistance Grants

BE IT FURTHER RESOLVED, that a like sum of \$15,000.00 to be and the same is hereby appropriated under the caption of:

General Appropriation

Programs Off-Set by Revenues:

Stormwater Assistance Grants

BE IT FURTHER RESOLVED, that the CFO did an electronic filing of this revenue to the Director of the Division of Local Government Services along with attachment.

Introduced by: Councilman Braunius

Seconded by: Council President DeLuca

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

RESOLUTIONS:

1. Resolution #134-2023 Bills List

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

Current Fund ('22)	\$ 2,488.00
Current Fund	\$1,236,327.03
Dog Fund	\$ 85.80
Capital Fund	\$ 17,725.11
Trust Fund	\$ 241.39
TOTAL:	\$1,256,867.33

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	July 14 th Payroll	\$ 245,420.71
Current	P-Card payment	\$ 196.05
Trust	P-Card payment	\$ 14.00

NOW, THEREFORE, BE IT RESOLVED, by the Council President and Council of the Borough of Midland Park that the claims totaling \$1,502,498.09 approved and ratified respectively.

Introduced by: Councilman Sansone **Seconded by: Councilman Braunius**

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

ORDINANCES ON INTRODUCTION:

1. ORDINANCE #19-2023

AN ORDINANCE TO AMEND ORDINANCE #08-21, "ZONING", MORE PARTICULARLY TO AMEND SECTION 34-1.4 THEREOF (Cannabis and Vaping)

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

Section 1.

Chapter 34, Zoning, §34-1.4 of the Code of the Borough of Midland Park, Prohibited Use In All Zones, is hereby repealed in its entirety and the following substituted therefor:

§34-1.4 **PROHIBITED USE IN ALL ZONES.**

§34-1.4.1 **DEFINITIONS.**

CANNABIS

All parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16 for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marijuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.).

CANNABIS CULTIVATOR

Any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

CANNABIS DELIVERY SERVICE

Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.

CANNABIS DISTRIBUTOR

Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

CANNABIS ESTABLISHMENT

A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

CANNABIS MANUFACTURER

Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

CANNABIS RETAILER

Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.

CANNABIS WHOLESALER

Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

§34-1.4.2 CANNABIS ESTABLISHMENTS, DISTRIBUTORS AND DELIVERY SERVICES PROHIBITED.

Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Borough of Midland Park, except for the delivery of cannabis items and related supplies by a licensed cannabis delivery service based and initiated from a cannabis delivery service licensed location outside of the Borough of Midland Park.

§34-1.4.3 PROHIBITION OF VAPING PRODUCTS.

The sale of vaping products of any kind or nature be and are hereby prohibited in the Borough of Midland Park.

§34-1.4.4 FINES AND PENALTIES.

Any person found guilty of violating the provisions of this Ordinance shall be subject to such fines and penalties as set forth in §1-5 of the Borough Code.

Section 2. Inconsistent Ordinances Repealed.

Any article, chapter, section, paragraph, subsection, clause, or other provision of the Code inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

Section 3. Severability.

In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

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

Final Adoption and Open Public Hearing on Ordinance #19-2023 will be held on September 14, 2023.

MOTION:

Councilwoman Peet made a Motion to support and approve the agreement for the School Resource Officer Agreement between the **Mayor and Council** of the Borough of Midland Park and the Midland Park Board of Education. The Motion was Seconded by **Councilman Braunius**

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

OLD BUSINESS:

Borough Administrator/Clerk Wendy Martin reported the Library's window will be arriving in six weeks. Building Official Mark Berninger and Superintendent of Public Works Matthew Tauber have been in contact with Verizon in regard to the junction box on Witte Drive. Verizon will be addressing the damaged box. Mr. Tauber and Mr. Berninger suggest not planting shrubs or bushes since these may collect debris and garbage. Mr. Tauber also investigated the issue of the softball/baseball back stop. After many ideas and ways to ensure the safety of the public, Mr. Tauber believes the best resolution would be to place new full back stop. The cost would approximately be \$18,000.00. Ms. Martin has invited the Borough Planner David Novak to attend the September 14, 2023 meeting and discuss the 90 Midland Avenue project. Ms. Martin replied to a question that was raised about physicals and the Fire Department. Upon application, the volunteers are required to have a physical and are encouraged to participate in a federal funded physical examination. However, the following physical is not mandated. The Borough's Risk Management stated there are no requirements for the firefighters.

NEW BUSINESS:

Borough Administrator/Clerk Wendy Martin received an email from a resident regarding a missing signs on Lake and Wyckoff Avenues and Godwin Avenue and Goffle Road. Ms. Martin stated there was never a sign in place, but she has notified the County to order one, since it is a County road. A request was received to knowledge August 21, 2023 as National Fentanyl Prevention and Awareness Day. The Mayor and Council agreed.

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.

Nicholas Papapietro, resident of Midland Park was in attendance. Mr. Papapietro asked what the proposed Ordinance changes were.

Borough Attorney Robert Regan replied to Mr. Papapietro stating the proposed Ordinance is a clarification by placing definitions in the body suggested by the State. There are no substance changes to the Ordinance. There being no one else from the Public wishing to speak, the Public Session was closed.

ADJOURNMENT:

There being no further business to discuss, on a Motion by **Councilman Braunius**, Seconded by **Council President DeLuca** and carried, **Mayor Shortway** adjourned the Open Public meeting at 8:35 P.M.

Respectfully submitted,



Wendy Martin, RMC

Borough Administrator/Clerk