

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK NJ 07432
AUGUST 10, 2023**

8:00 P.M. OPEN PUBLIC MEETING MINUTES

On August 10, 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.

Council President DeLuca called the meeting to order, noting the date as August 10, 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 Sansone	Present
	Councilman Braunius	Present
	Councilman DeBlasio	Absent
	Councilman Kruis	Present
	Councilwoman Peet	Present
	Council President DeLuca	Present

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

ABSENT: Deputy Clerk Mari J. Margiotta

PROCLAMATION:

Councilwoman Peet read the Proclamation for Fentanyl Prevention and Awareness Day – August 21, 2023.

APPROVAL OF MINUTES:

A Motion to approve the Minutes of the Work Session, Before Closed Session, and Open Public Meeting from the date of June 22, 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 Kruis	Seconded by:	Councilman Braunius
Roll Call:	Councilman Sansone		Abstain
	Councilman Braunius		Aye
	Councilman DeBlasio		Absent
	Councilman Kruis		Aye
	Councilwoman Peet		Aye
	Council President DeLuca		Aye

OPEN TO THE PUBLIC:

Council President DeLuca 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 present, the Public Portion was closed.

LIAISON REPORTS:

Mayor Shortway

Mayor Shortway had no reports.

Council President DeLuca

Public Safety – Fire/Personnel/Library

Council President DeLuca announced the **Personnel Department** reported progress. The **Fire Department's** meeting was held on August 9, 2023. The month of July 2023 Fire report read as follows: 22 calls, two mutual aids to Wyckoff and one to Mahwah. The **Library Board** does not have a meeting in August but will resume on September 19, 2023. The Library's Children's Department is having a summer reading party on Saturday, August 12, 2023 at Wortendyke Park. The Friends of the Library's Summer Series Concerts were a large success and well attended. The next event is Community Day and the Friend's are already working on the activities.

Councilman Braunius

Office of Emergency Management/ Recreation/Chambers of Commerce

Councilman Braunius stated there were no reports for **Office of Emergency Management** or **Chambers of Commerce**. The Board of **Recreation** conducted a meeting on August 9, 2023 which the **Councilman**, Administrator Wendy Martin, Police Chief Michael Powderley, Superintendent of Public Works Matthew Tauber, Office of Emergency Management Michael Rau, and Recreation Director Kathy LaMonte attended and discussed Community Day activities and suggestions. **Councilman Braunius** thanked Ms. Martin for her leadership and contribution to the planning of Community Day.

Councilman DeBlasio

Information Technology/Building Department/Municipal Alliance

Councilman DeBlasio was absent. No report was given at this time.

Councilman Sansone

Finance/Public Safety – Ambulance/Fire Prevention

Councilman Sansone reported the **Finance** Bills List has been processed. The **Ambulance Corps** sent their July 2023 report for the month: the Kentshire received 17 calls. The **Councilman** expressed his thanks to the volunteers for their diligence and their dedication to the Borough and its residence. **Fire Prevention** Official Michael Rau emailed the **Councilman** the monthly report. Received and filed.

Councilman Kruis

Property Maintenance/ Public Works/Planning Board

Councilman Kruis reported progress from **Property Maintenance**. Superintendent of the Department of **Public Works**, Matthew Tauber, report read as the following update: all Police vehicles have been serviced, 30 of the 31 catch-basins have been repaired, and the 2023-line striping is nearly completed. The **Planning Board** meeting is scheduled for August 21, 2023.

Councilwoman Peet

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

Councilwoman Peet stated the **Board of Education** meeting will commence on August 22, 2023. The **Board of Health** meeting is scheduled in September 2023 and there is progress to report. The **Councilwoman** conveyed for **Ridgewood Water** there will be a ribbon cutting at the ravine on Goffle Road. The **Councilwoman** received her second certified letter from Ridgewood Water stating her home is serviced by a lead line. The monthly **Police Department** report showed 67 public service details including: traffic details, disorderly persons, criminal investigations, 62 traffic enforcements, traffic hazard investigation, suspicious persons, 41 property checks, 19 other municipal assists, and 5 burglary inquiries.

ADMINISTRATOR'S REPORT:

Borough Administrator/Clerk Wendy Martin announced the Mayor and Council have received the 2022 Borough Audit that will be discussed at the September 14, 2023 meeting. Ms. Martin had a request to post and support Childhood Cancer Month on the electronic sign. Ms. Martin explained only Borough business and events are posted on the digital sign, but the Midland Park weekly update can include their notice. Ms. Martin updated the Governing Body of the Medicare Premium Reimbursement. The Ordinance draft has been finalized and will be on the next Mayor and Council Agenda for discussion and possible for Introduction. There was a confirmation of an award for Community Development Block Grant of Bank Street project in the amount of \$100,834.00. The Bergen County Road Resurfacing program is being delayed. The project will most likely begin in 2024 due to the offices of the Department of Transportation and the Office of the Comptroller not agreeing on the bid documents language. Fortunately, the Borough has already planned around this delay and it does not affect Midland Park.

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 #143-2023 Tax Lien Redemption 73 Hill Street Blk 11.02 Lt. 20.01

WHEREAS, the Tax Collector has been paid \$19,446.64 by Kathleen Chirkis, the necessary amount to redeem Tax Sale Certificate #21-00001 held by WSFS C/F Actlien Holding Inc, PO Box 71539, Philadelphia, PA 19176-1539, on the property known as Block 11.02, Lot 20.01, assessed to CHIRKIS, KATHLEEN, 73 Hill Street, Midland Park, NJ 07432; and

WHEREAS, a premium of \$79,100.00 is to be returned to WSFS C/F Actlien Holding Inc.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector, upon receipt of the Tax Sale Certificate properly endorsed for cancellation, be authorized to draw a check totaling \$19,446.64 plus \$79,100.00, to WSFS C/F Actlien Holding Inc, PO Box 71539, PA, 19176-1539, from the Trust Account and forward said check to the lien holder.

BE IT FURTHER RESOLVED that the Tax Collector be authorized to cancel lien #21-00001 from the municipal records.

Resolution #144-2023 Resolution to Amend Resolution #111-2023 Appointment of 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.

WHEREAS, due to a recent resignation, the Governing Body filled the vacancy of Councilman Lorenzo Damiano with Councilman Robert Sansone and Councilman DeBlasio as its alternate to serve on the Community Development Regional Committee for FY 2023-2024 effective July 27, 2023; and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council hereby appoints Councilman Sansone 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.

Resolution #145-2023 Resolution to Adopt Coverage Enhancements to the Accident and Sickness Policy for the Volunteer Firefighters, Ambulance Corps and Office of Emergency Management

WHEREAS, the Borough of Midland Park, hereinafter referred to as the Borough, provides an Accident & Sickness Benefit for all eligible emergency services volunteers through a policy written by the Volunteer Firefighters Insurance Services Inc (hereinafter VFIS); and

WHEREAS, the Borough's Risk Management Consultant (RMC), performed an analysis of the insurance coverage and has recommended an increase in Accident & Sickness Coverage, underwritten by VFIS; and

WHEREAS, the RMC met with the Borough Administrator and presented a spreadsheet highlighting the coverage enhancements associated with the coverage being underwritten by VFIS, with such spreadsheet attached herewith and made part of this resolution, on the basis that it:

- Provides the platform to modernize the benefit, consistent with the regional norm
- Provides enhanced benefits for all Emergency Services Volunteers
- Reaffirms the Borough's commitment to our Fire Service, Ambulance Corps & OEM volunteers

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Midland Park, County of Bergen, State of New Jersey, hereby accepts the recommendation of the Risk Management Consultant and supports the coverage enhancements detailed for the Accident & Sickness Program currently underwritten by VFIS, which provides enhanced coverage for the Emergency Services Volunteers, as detailed in the spreadsheet prepared by the Risk Management Consultant and made a part of this Resolution; and

BE IT FURTHER RESOLVED, the Mayor and the Administrative Team are hereby authorized to execute the necessary documents to effectuate this change as soon as administratively practical after the passage of this Resolution; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to the Borough Chief Finance Officer, Municipal Auditor and Professional Insurance Associates, A Division of World Insurance Associates LLC, 429 Hackensack Street, P.O. Box 818 Carlstadt NJ, Risk Management Consultant to the Borough.

Resolution #146-2023 Void/Re-issue Ap Check – Social Hall Deposit Refund

WHEREAS, a resident's social hall deposit refund was lost in the mail and has not been returned or cashed;

WHEREAS, the CFO issued a stop payment on the following refund issued on June 22, 2023 to:

Rebecca Incorvaia, 1 Clinton Ave, Midland Park, NJ 07432

Check #20766 in the amount of \$200.00

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that Rebecca Incorvaia will be reissued a new check for \$200.00 and processed on the August 10, 2023 Bills List to be picked up by the resident.

Resolution #147-2023 Summer Camp Registration Refund

WHEREAS, the Recreation Director, Kathy LaMonte, received the following camp registration refund request due to change in schedule and no longer needed to go to camp;

WHEREAS, a refund check is being requested to be made out to the following resident for the weeks previously registered for:

Andrea Gambarato 81 Dora Ave., Waldwick, NJ 07463 \$280.00

(2 wks plus extended day for Lucca Gambarato)

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that the Certified Finance Officer will issue a check for the above refund amount.

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

RESOLUTIONS:

1. Resolution #142–2023 Bills List

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

Current Fund ('22)	\$ 17,797.32
Current Fund	\$ 185,378.60
Alliance Fund	\$ 1,800.00
Dog Fund	\$ 58.80
Unemployment Fund	\$ 157.50
Capital Fund	\$ 568.80
Trust Fund	<u>\$ 107,205.49</u>
TOTAL:	\$ 312,966.51

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 28 th Payroll	\$ 215,044.86
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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 **\$528,011.37** approved and ratified respectively.

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

2. Resolution #140 Appoint Temporary Property Maintenance Office Mark Berninger Sr.

WHEREAS, due to the recent resignation of Property Maintenance Official, John Torry, the appointment of a temporary Property Maintenance Official is necessary, the Borough Administrator, is recommending to the Borough's Personnel Liaisons, and brought to the Governing Body attention for approval on July 27, 2023; and

WHEREAS, the temporary Property Maintenance Official will be Construction Code Official, Mark Berninger Sr., as outlined under Borough Code, Chapter 10-4.8; and

WHEREAS, the temporary Property Maintenance Official position is a part-time position with an hourly rate up to \$21.00 per hour for six (6) hours per week and requires additional hours during the spring and summer months of up to twelve (12) hours per week, it will be a stipend of \$500.00 per month as a temporary responsibility.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Midland Park appoints Mark Berninger Sr. as the temporary Property Maintenance Official as of August 1, 2023 with a monthly stipend of \$500.00.

Introduced by: Council President DeLuca **Seconded by: Councilman Braunius**

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

MOTION:

Councilman Braunius made a Motion to appoint Gregg Verrilli, to the Board of Recreation, filling the unexpired term until December 31, 2025 and also to fill a position for an Alternate #1 Member that being Laura Parody until December 31, 2023. The Motion was Seconded by **Councilman Sansone**

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

COUNCIL PRESIDENT DELUCA READ THE RESOLUTION

Resolution #148-2023 After Closed Session 8-10-2023

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of Midland Park has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of Midland Park will go into closed session for the following reason (s) as outlined in N.J.S.A. 10:4-12:

Any matter which, by express provision of Federal Law, State Statute or Rule of Court shall rendered confidential or excluded from discussion in public (Provision relied upon):

_____Any matter in which the release of information would impair a right to receive funds from the federal government;

_____Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy;

_____Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body (Specify contract): _____.

_____Any matter involving the purpose, lease, or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Any investigations of violations or possible violations of the law;

_____Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer (If pending or anticipated litigation, the matter is _____ contract

negotiations the nature of the contract and interested party is _____ in circumstances, if public disclosure of the matter would have a potentially negative impact on the Borough's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded, or the circumstances no longer present a potential impact);

X Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting (Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing, 124 N. J. 478, the employee(s) and nature of discussion is Personnel .

Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility;

BE IT FURTHER RESOLVED, that the Borough Council hereby declares that its discussion of the aforementioned subject(s) may be made public at a time when the Borough Attorney advises the Borough Council that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough, or any other entity, with respect to said discussion. That time is currently estimated as the time of said matter.

BE IT FURTHER RESOLVED, that the Borough Council, for the aforementioned reasons, hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place, and hereby directs the Borough Clerk to take the appropriate action to effectuate the terms of this resolution.

Introduced by: Council President DeLuca

Seconded by: Councilman Braunius

Roll Call:

Councilman Sansone

Aye

Councilman Braunius

Aye

Councilman DeBlasio

Absent

Councilman Kruis

Aye

Councilwoman Peet

Aye

Council President DeLuca

Aye

NEW BUSINESS:

Borough Administrator/Clerk Wendy Martin reiterated the ribbon cutting ceremony will be held for Ridgewood Water's new purification plant. Ms. Martin received a request from a Midland Park resident for a block party. The request is for September 23, 2024 (rain date of September 24, 2023) from 2:00 P.M. with the closing of 45 Myrtle Avenue to 79 Linwood Avenue. Police Chief Michael Powderley has reviewed this request and gives his approval. The Governing Body was all in favor.

OLD BUSINESS:

Borough Administrator/Clerk Wendy Martin researched if other municipalities require an annual physical for their fire fighters. The Township of Wyckoff does require annual physicals and budgets \$25,000 a year. Fire Chief Matthew Tauber does not oppose this action. Ms. Martin asked the Governing Body if they would like the TV in the Council Chambers to be moved to the wall behind the dais. The **Mayor** and **Council** agreed. A seminar will be held on September 22, 2023 from 9:30 A.M. to 12:00 P.M. titled Discovery Your Town's Age-Friendly Future. **Council President Deluca** and **Councilman Braunius** were interested in attending. Ms. Martin will forward the email she received to the Governing Body so they may register.

PUBLIC COMMENT:

Council President DeLuca 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 Session was closed.

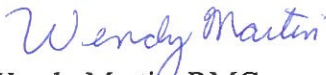
At this time, the public was notified that the Governing Body will be going into After Closed Session.

There will be no further actions taken and the meeting will adjourn following the After Closed Session.

ADJOURNMENT:

There being no further business to discuss, on a Motion by **Councilman Braunius**, Seconded by **Council President DeLuca** the Open Public Meeting adjourned at 8:23 P.M.

Respectfully submitted,



Wendy Martin, RMC
Borough Administrator/Clerk