

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK NJ 07432
SEPTEMBER 14, 2023**

8:00 P.M. OPEN PUBLIC MEETING MINUTES

On September 14, 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 September 14, 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	Present
	Councilman Kruis	Present
	Councilwoman Peet	Present
	Council President DeLuca	Present

ALSO PRESENT: Borough Attorney Robert Regan, Borough Administrator/Clerk Wendy Martin, Chief Finance Officer Laurie O'Hanlon, and Deputy Clerk Mari J. Margiotta

ABSENT: None

APPROVAL OF MINUTES:

A Motion to approve the Minutes of the Special Open Public Meeting, Special Closed Session, Work Session, Before Closed Session, and Open Public Meetings from the date of July 13, 2023 and July 27, 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
Roll Call:	Councilman Sansone	Abstain on July 13, 2023	
	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.

Borough Administrator/Clerk Wendy Martin stated the Ordinances listed for introduction were not

discussed at Work Session due to time constraints. The Ordinances will be open for discussion during the later part of the Agenda and the Governing Body will be voting on Tabling them. If the Public would like to speak after the discussion, perhaps some questions would be answered.

James Brennan, Midland Park resident, voiced his opinions concerning the Taco Bell that will be opening a few feet away from his home. Mr. Brennan does not want to hear Taco Bell's drive-thru microphone dialog while in their backyard. Is there a safeguard for this issue?

Mayor Shortway addressed Mr. Brennan and suggested he attend the next Planning Board meeting and voice any concerns he may have.

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

LIAISON REPORTS:

Mayor Shortway

Mayor Shortway reported on August 28, 2023 there was a Planning Board meeting. The Mayor, Council President DeLuca and Councilwoman Peet attended the ribbon cutting for a new massage therapy business located at Sola Salons at One Godwin Avenue.

Councilman Braunius Office of Emergency Management/ Recreation/Chambers of Commerce

Councilman Braunius stated for **Office of Emergency Management**, Michael Rau is aiming to rejuvenate the CERT group and is looking into combining with another municipality so the Borough may have a roster of members. Mr. Rau has completed all reimbursements forms for COVID-19. The Board of **Recreation** is finalizing the planning of Community Day on September 30, 2023. The **Councilman** announced there was no report from the **Chambers of Commerce**.

Councilman DeBlasio Information Technology/Building Department/Municipal Alliance

Councilman DeBlasio communicated the **Building Department** had 125 total inspection and 96 permits issued totaling in the amount of \$24,538.00 in the month of August. Construction Official Mark Berninger has been contacting owners of pools who had not taken out permits during COVID-19. Most residents have obtained permits complying and paid any application fees. Mr. Berninger is in the process of updating ordinances for pools and temporary pools. Several residents have added illegal 2nd family residences and additions which Mr. Berninger and the Building Department are responding to. The convenience store on Godwin Avenue remains closed. The construction at 80 Godwin Avenue has ceased and the permits have been pulled. The owner has hired a new contractor and hopefully the project will resume building shortly. The property maintenance issue at 80 E Center Street is continuing with improvements. There has been progress reported for the **Municipal Alliance**.

Councilman Sansone Finance/Public Safety – Ambulance/Fire Prevention

Councilman Sansone stated that **Finance** has reported progress. Chief John Lazzari of the Ambulance Corps, has sent a note stating September 14, 2023 will be his last day at the **Ambulance Corps**. Mr. Lazzari and his wife have moved from Midland Park and will be missed. A new Chief has not yet been appointed. For the month of August 2023, there were 51 calls with mutual aid, three in the Borough and three to neighboring towns. **Fire Prevention** has inspected and reinspected several homes and businesses.

Councilman Kruis

Property Maintenance/ Public Works/Planning Board

Councilman Kruis stated Superintendent of the Department of **Public Works**, Matthew Tauber, report was as follows: all 31 catch-basins have been repaired, the 2023-line striping has been completed, at Borough Hall, the old shrubs have been taken away since they were blocking visibility for drivers in the parking lot, newly planted trees and river stone were placed. The DPW staff continues with Midland Park's drainage cleaning around the Borough. Public Works vehicles have been prepared for the upcoming seasons of leaf removal and snow plowing. Woodside Park has received the installation of its irrigation system along with the supply of an electric system. The Memorial Banners will be removed after the September 11, 2023 ceremony so that they will not be damaged during the hurricane season and placed back up for Veterans Day. The **Planning Board** held their meeting on August 21, 2023 and has a meeting scheduled for September 18, 2023. **Property Maintenance** has no report.

Councilwoman Peet

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

Councilwoman Peet stated the **Board of Education** held their work session on September 5, 2023, and the next meeting will be September 19, 2023. The Borough and the Board of Education are working closely on shared services and joint venture projects. The monthly **Police Department** report showed 100 public service details including: traffic details, disorderly persons, criminal investigations, 36 traffic enforcements, traffic hazard investigation, suspicious persons, 54 property checks, other municipal assists, missing persons investigation and burglary inquiries. At the **Board of Health** meeting, on September 11, 2023, the agenda consisted of announcements of: the Kentshire will host a flu clinic on October 25, 2023, at Community Day, COVID test kits and Narcan kits will be given out. The Health Department reports COVID cases remain low but there are two cases of West-Nile Virus in Bergen County. The **Councilwoman** conveyed for **Ridgewood Water** that 150 main to curb line replacements haven been completed to date. On October 24, 2023, the Borough will host a presentation and open house on water operations and system services from 6:00 P.M. to 8:00 P.M.

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 September 13, 2023. The month of August 2023 Fire report read as follows: 24 calls, two mutual aids to Wyckoff, one to Waldwick, and one to Ridgewood. The **Council President** announced from Chief Matthew Tauber that the Fire Department will be hosting a beefsteak on October 6, 2023 at 6:30 P.M. and their annual Open House will be held at the Social Hall on October 11, 2023 starting at 7:00 P.M. On Community Day, the firemen will be serving free hot dogs to its patrons. A representative from Professional Insurance Associates (PIA) conducted a presentation to the firemen explaining the Borough's accident and sick policy for first responders. The **Council President**, Chief Tauber and Michael Rau discussed the information that was collected during Mr. Rau's Fire Prevention inspections. Mr. Rau stated he takes notes and Linda Krantz, Administrative Support, inputs the information into Codes system. Thomas E. Reich is a transfer fireman from another municipality and wishes to join Midland Park's Fire Department. The **Library Board** will meet on September 19, 2023. Library Director Catherine Dileo's report stated that from June through August 2023, the Library's foot traffic was recorded 15,000. The scavenger hunt's participation grew 40% from the previous year. The final number of boards completed was 280 along with positive feedback from residents of all ages. The Library continues to hold activities and events for adults and children. Please visit their website for more information. The Friends of the Library's meeting was held on September 7, 2023 to recap the Summer Concerts and the planning of the beer garden on Community Day.

ADMINISTRATOR'S REPORT:

Borough Administrator/Clerk Wendy Martin reported Michael Thimme started his position as **Property Maintenance** Official. Ms. Martin has received a spreadsheet from Mr. Thimme containing the properties' addresses, names of the owners, if they have received a summons or notification and/or the date of completion. After fifty years of planting and maintaining the flowers around the flagpole at the Vietnam Veterans Park, David Lancaster announced he will be retiring. Ms. Martin thanked Mr. Lancaster for all that he has done for the community. The County has updated the speed limit signs on Godwin Avenue from 40 mph to 35 mph, spanning from Clinton Avenue to the Wyckoff border.

ORDINANCE ON FINAL:

1. ORDINANCE #19-2023

AN ORDINANCE TO AMEND ORDINANCE #08-21, "ZONING", MORE PARTICULARLY TO AMEND SECTION 34-1.4 THEREOF (Cannabis & 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.24:61-1 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 WHOLESALE

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.

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

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52-A A local officer or member of a local governing body who after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Midland Park hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution #153-2023 Adopt Corrective Action Plan

WHEREAS, the Director of the Division of Local Government Services has formally directed all counties and municipalities to adopt a Corrective Action Plan as part of their annual audit process; and

WHEREAS, the 2022 Annual Audit of the Borough of Midland Park conducted by Mark W. Bednarz, CPA, RMA of Donohue, Gironda, Doria & Tomkins, LLC Certified Public Accounts contained curtailed recommendations requiring actions; and

WHEREAS, the Corrective Action Plan shall be submitted to the Director of the Division of Local Government Services within 60 days from the receipt of the annual audit and it shall be kept on file with the Borough Clerk; and

WHEREAS, these recommendations have been reviewed by the Borough's Certified Finance Officer; and

WHEREAS, the Corrective Action Plan shall cover all audit findings and recommendations, as well as the status of prior year findings and recommendations and be prepared in accordance with the Single Audit Act, Federal and State Office of Budget Management Circular and Local Finance Notice 92-15; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of Midland Park approves the attached Corrective Action Plan for the 2022 Annual Audit; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby directed to transmit a certified copy of this Resolution into the F.A.S.T. portal per the Director of Local Government Services.

Resolution #154-2023 Tax Exempt 22 Prospect Street; Block 13, Lot 20

WHEREAS, the status of Block 13, Lot 20, has been changed to tax exempt. However, Family Services Ridgewood, Inc., 22 Prospect Street has agreed to pay "in lieu of taxes", the minimal Service Fee Rate for 2023 is as follows:

2023 County Tax Rate	.301
2023 Local Tax Rate	<u>.871</u>
2023 Municipal Service Fee Rate	1.172
Assessed Value	\$501,800
Rate	<u>1.172</u>
Amount Due	\$5,881.10

Resolution #155-2023 Tax Exempt 14 Cross Avenue; Block 20.09, Lot 7.02

WHEREAS, the status of Block 20.09, Lot 7.02, 14 Cross Avenue, has been changed to tax exempt. However, West Bergen Mental Healthcare has agreed to pay "in lieu of taxes", the minimal Service Fee Rate for 2023 is as follows:

2023 County Tax Rate	.301
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2023 Local Tax Rate	<u>.871</u>
2023 Municipal Service Fee Rate	1.172
Assessed Value	\$332,100
Rate	<u>1.172</u>
Amount Due	\$3,892.21

Resolution #156-2023 Rejecting Bid of Dish Wireless LLC Pertaining to Lease of Space on the Cell Tower; Block 26.01, Lot 1.02

WHEREAS, the Borough of Midland Park advertised that sealed bids would be received for lease rights to a land area of approximately 2,000 square feet on Block 26.01, Lot 1.02, being more commonly known as 20 Greenwood Avenue, together with co-location of antennas and microwave dishes on the existing tower on the premises at a height of 102 feet, together with the placement of a cabinet on a pad or platform at ground level; and

WHEREAS, it was advertised that bids would be received on August 2, 2023; and

WHEREAS, in response to the advertisement for bids, Dish Wireless LLC submitted a bid dated August 2, 2023 which contained a total of 13 exceptions to the requirements in the Notice To Bidders and Land Lease Agreement; and

WHEREAS, the exceptions constitute material deviations from the provisions in the advertisement for proposals and may not be waived.

NOW THEREFORE BE IT RESOLVED that the bid submitted by Dish Wireless LLC be and is hereby rejected; and

BE IT FURTHER RESOLVED that the Borough Clerk/Administrator be and is hereby authorized to return the Bid Guarantee to the bidder.

Resolution #157-2023 Enter into a Community Development Block Grant Agreement for Roadway Improvements of Bank Street

BE IT RESOLVED, that the Mayor and Council of the Borough of Midland Park wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$141,410.00 in FY2023-2024 Community Development Block Grant funds for Street Improvements of Bank Street located in the Borough of Midland Park; and,

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Mayor Harry Shortway, Jr. to be a signatory for the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Laurie O'Hanlon, Certified Finance Officer to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Midland Park is liable for any funds not spent in accordance with the Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

Resolution #158-2023 Void/Reissue AP Check

WHEREAS, the Albertsons/Safeway June 22, 2023, payment for the May statement was lost in transit;

WHEREAS, the CFO did a stop payment and voided check #20722 in the amount of \$538.08 and issued a replacement check on August 9, 2023 to be mailed;

Albertsons/Safeway P.O. Box 742918, Los Angeles, CA 90074-2918

Check #20995 in the amount of \$538.08

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that Albertsons/Safeway will be reissued a new check in the amount of \$538.08.

Resolution #159-2023 Authorize the Award of Required Disclosure Contract with Superior Glass & Metal LLC for Alterations at Borough Hall

WHEREAS, the Borough of Midland Park has a need for alteration services at Borough Hall, through Superior Glass & Metal LLC, 445 West Main Street, Wyckoff, N.J. 07481 as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Borough obtained multiple quotes in accord with N.J.S.A. 40A:11-6.1 wherein, Superior Glass & Metal LLC, submitted a quote, determined to be the most advantageous to the Borough, price and other factors considered at \$20,750.00, in excess of the pay to play threshold of \$17,500.00; and

WHEREAS, Superior Glass & Metal LLC., has completed and submitted a Business Entity Disclosure Certification and a Personal Contribution Disclosure form which certifies that Superior Glass & Metal LLC, has not made any reportable contributions to a political or candidate committee in the Borough of Midland Park in the previous one year, and that the contract will prohibit Superior Glass & Metal LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer hereby certifies that funds NOT TO EXCEED \$20,750.00 are available as follows;

#13-21 Bond Issuance: Building Improvements X-10- -390-101 \$20,750.00

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Midland Park authorizes the Business Administrator to enter into a contract with Superior Glass & Metal LLC, 445 West Main Street, Wyckoff, N.J. 07481, in an amount not to exceed \$20,750.00 for alterations at Borough Hall; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and Personal Contribution Disclosure form, Determination of Value be placed on file with this resolution.

Resolution #160-2023 Authorize the Procurement of Vehicles and Accessories Through NJ State Contract

WHEREAS, the Borough of Midland Park has a need for alteration services at Borough Hall, through Superior Glass & Metal LLC, 445 West Main Street, Wyckoff, N.J. 07481 as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Borough obtained multiple quotes in accord with N.J.S.A. 40A:11-6.1 wherein, Superior Glass & Metal LLC, submitted a quote, determined to be the most advantageous to the Borough, price and other factors considered at \$20,750.00, in excess of the pay to play threshold of \$17,500.00; and

WHEREAS, Superior Glass & Metal LLC., has completed and submitted a Business Entity Disclosure Certification and a Personal Contribution Disclosure form which certifies that Superior Glass & Metal LLC, has not made any reportable contributions to a political or candidate committee in the Borough of Midland Park in the previous one year, and that the contract will prohibit Superior Glass & Metal LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer hereby certifies that funds NOT TO EXCEED \$20,750.00 are available as follows;

#13-21 Bond Issuance: Building Improvements X-10- -390-101 \$20,750.00

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Midland Park authorizes the Business Administrator to enter into a contract with Superior Glass & Metal LLC, 445 West Main Street, Wyckoff, N.J. 07481, in an amount not to exceed \$20,750.00 for alterations at Borough Hall; and

Resolution #161-2023 Authorizing the Mayor to Sign a Shared Service Agreement for School Resource Officer Services between the Borough of Midland Park and the Midland Park Board of Education

BE IT RESOLVED, by the Council of the Borough of Midland Park, that the Mayor is hereby authorized

to execute the Shared Services Agreement with the Midland Park Board of Education, pertaining to the School Resource Officer services for a one-year agreement beginning August 1, 2023 ending June 30, 2024.

Resolution #162-2023 Recognizing September as Hunger Action Month

WHEREAS, hunger and food insecurity are a reality for far too many of our neighbors; and
WHEREAS, those who are food insecure are without reliable access to an adequate amount of affordable, nutritious food. Food insecurity can affect anyone, whether they are recently unemployed, underemployed, or supporting a large family; and

WHEREAS, food insecurity is a symptom of broader challenges, such as unemployment, disability, retirement or unforeseen financial hardships; and

WHEREAS, those who do not have their basic needs met are further hampered in their path toward self-sufficiency; and

WHEREAS, ongoing economic instability has increased food insecurity amongst individuals and families throughout Bergen County and across the country; and

WHEREAS, food pantries in Bergen County have experienced an approximately 22% increase in need for food assistance compared to last year, and a 40% increase in need from the unprecedented levels seen in 2020 due to the COVID-19 pandemic; and

WHEREAS, there are residents in every municipality in Bergen County who receive SNAP benefits, illustrating that this is an issue impacting residents all across Bergen County; and

WHEREAS, the economic coattails of the pandemic are long, and despite the end of Federal and state emergency declarations, tremendous need still exists within our community; and

WHEREAS, the Bergen County Food Security Task Force was established to support food pantries in Bergen County by increasing the supply of healthy food options, connecting those in need to vital services, and investing in long term infrastructure to build a more resilient pantry network to ensure no one in Bergen County goes hungry; and

WHEREAS, the Bergen County Food Security Task Force has been incorporated into the Department of Human Services as the new Office of Food Security to reaffirm that the county's commitment to fighting hunger continues past the pandemic; and

WHEREAS, the energy, philanthropy, and hands-on efforts of a multitude of volunteers throughout the county make a tremendous impact in combatting hunger in our community, and are vital in meeting the struggles of our neighbors with compassion; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby recognizes the month of September 2023 as "Hunger Action Month" in the Borough of Midland Park and encourages all Bergen County residents to support their local food pantries.

BE IT FURTHER RESOLVED that this **MAYOR/COUNCIL** is committed to ending hunger in Bergen County and will spread awareness and increase engagement in our community to solve this problem.

Resolution #163-2023 Award Contract to American Asphalt & Trucking LLC for Resurfacing of Franklin Avenue – Sections 1 & 2

WHEREAS, the Borough of Midland Park has advertised for bids in a fair and open manner consistent with N.J.S.A. 19:44A-20.5, for the project known as Resurfacing of Franklin Avenue Sections 1&2; and

WHEREAS, bids were received, publicly opened and reviewed on September 6, 2023; and

WHEREAS the lowest responsible bidder was American Asphalt & Trucking LLC, 818 Summer Avenue, Newark, N.J. in the amount base bid \$301,669.17, in accordance with the terms and conditions included in the Bid specifications; and

WHEREAS the bids were reviewed by the design engineer and qualified purchasing agent, and same were found to be reflective of the lowest responsible bidder in accord with the New Jersey Local Public Contracts Law, N.J.S.A.40A:11-4(a); and

WHEREAS the Chief Financial Officer certifies funding in the amount of \$301,669.17 is available from:

Ord #04-2022/09-2023 Franklin Ave NJDOT grants: X-10- -394-101

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Midland Park, County of Bergen, State of New Jersey, that:

1. Contract for the bid known as Resurfacing of Franklin Avenue Sections 1&2 be and is hereby authorized for award to the lowest responsible bidder, American Asphalt & Trucking LLC, 818 Summer Avenue, Newark, N.J. in the amount base bid \$301,669.17.
2. The Borough Administrator/ Clerk and Mayor are hereby authorized to execute the contract.

Resolution #164-2023 Authorizing the Mayor to Sign a Shared Service Agreement for Tree Removal along County Roads

BE IT RESOLVED, by the Council of the Borough of Midland Park, that the Mayor is hereby authorized to execute the Shared Services Agreement with the County of Bergen, pertaining to the Tree Removal Along County Roads.

Introduced by: Councilwoman Peet

Seconded by: Councilman Braunius

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

Aye
Aye
Aye
Aye
Aye
Aye

RESOLUTIONS:

1. Resolution #150-2023 Bills List

WHEREAS, claims have been submitted to the Borough of Midland Park which were paid before a scheduled council meeting on August 24th, 2023 in the following amounts:

Current Fund ('22)	\$ 650.00
Current Fund	\$ 34,577.92
Capital Fund	\$ 9,424.75
Trust Fund	\$ 4,089.96
TOTAL:	\$ 48,742.63

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

Current Fund ('22)	\$ 131.93
Current Fund	\$143,904.03
Open Space Fund	\$ 1,493.94
Capital Fund	\$ 18,608.07
Trust Fund	\$ 6,687.75
TOTAL:	\$170,825.72

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	August 15 th /30 th Payrolls	\$ 469,966.10
Current	August/September School taxes	\$4,158,940.80
Current	Aug/Sept Health payments	\$ 212,356.76
Current	P-Card payment	\$ 166.03
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 \$5,061,012.04 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

Resolution #151-2023 Appoint Property Maintenance Official Michael Thimme

WHEREAS, Michael Thimme was recommended to the Borough's Personnel Liaisons, and brought to the Governing Body for approval on August 10, 2023; and

WHEREAS, the position of Property Maintenance Official will have a six-month probationary period, then an annual appointment as outlined under Borough Code, Chapter 10-4.8; and

WHEREAS, the position of Property Maintenance Official will be a part-time rate of \$21.00 per hour for six (6) hours per week; and

WHEREAS, the part-time position of Property Maintenance Official requires additional hours during the spring and summer and are amended as follows, up to twelve (12) per week in the Spring and Summer months; and

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Midland Park appoints Michael Thimme as the Property Maintenance Official as of September, 1 2023.

Introduced by: Council President DeLuca

Seconded by: Councilwoman Peet

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 #20-2023 TABLED

AN ORDINANCE CLARIFYING LIFETIME HEALTH BENEFITS AND CAPPING STANDARD BASE MEDICARE PREMIUM REIMBURSEMENT FOR EMPLOYEES HIRED PRIOR TO JANUARY 1, 2023

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:

WHEREAS, the Borough of MIDLAND PARK has heretofore had a practice of providing lifetime health benefits to employees who retire from employment with the Borough with 25 or more years of service, or who met the terms of a Collective Bargaining Agreement or personal services contract; and

WHEREAS, the Borough of MIDLAND PARK has determined that there exists a need to clarify and specify this practice by adoption of a written statement with respect to the same, so that both the Borough and its employees know precisely who is eligible for such benefit and what standards and procedures are applicable to the same; and

WHEREAS, this ordinance is intended to provide such clarification and specification.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of MIDLAND PARK that the following terms be used as the guide for the purpose of clarifying and specifying the standards and procedures applicable to health care benefits for those Borough employees who retire from the Borough.

Section I **Eligibility**

To receive lifetime health benefits, an employee must meet the following criteria (unless otherwise provided by a Collective Bargaining Agreements, personal service contracts, or by law):

1. The employee worked on a full-time basis (35 hour minimum) for the Borough of MIDLAND PARK in a position that qualified such employee for employment- related health insurance.
2. The employee worked for the Borough in a position or positions that met the above criteria for a period of at least 25 years.
3. The employee retired from a full-time employment position with the Borough of MIDLAND PARK through either a Service Retirement or a Disability Retirement, as defined by the Public Employee's Retirement System ("PERS") or under the terms of any Collective Bargaining Agreement or personal services agreement. If an employee who otherwise meets the criteria for lifetime health benefits decides to take Early Retirement as defined by PERS, he or she shall be eligible to receive these benefits upon attaining age 60, as required for a Service Retirement.

Section II **Health Plan Provided**

1. The Retired Employee will be enrolled in the same plan with the appropriate status (employee only, employee and spouse, employee and family, etc.) as he/she had on his or her last day of employment prior to retirement, unless a change is agreed to by the Borough.
2. The Borough shall have the right, in the future, without restrictions, to change health insurance plans. In such event, a retired employee receiving lifetime benefits shall be covered by the health insurance plan selected by the Borough and the retired employee will be enrolled in the new health insurance plan most similar to the health insurance plan in which the retired employee was enrolled at the time of the change.

Section III **Medicare Enrollment**

1. If the employee is eligible for enrollment in Medicare, he/she must enroll in and purchase Medicare Part B at his/her sole cost. By law, upon retirement, Medicare is the primary carrier and the Borough's health insurance carrier is secondary.
2. If an employee who is eligible to purchase Medicare Part B coverage fails to do so, the Borough's insurance carrier shall be released from paying any and all medical bills incurred while Part B was not in effect.
3. As to those employees who have retired prior to January 1, 2024, the Borough will provide Standard Base Medicare premium reimbursement to an eligible retiree, and his/her spouse, only to such dollar amount as a retiree is receiving as of the date of adoption of this Ordinance. Any future increases in the cost of Medicare shall be at the sole and exclusive expense/obligation of the retired employee.
4. As to those employees who were hired prior to January 1, 2024, and who retire after such date, the Borough will provide Standard Base Medicare premium reimbursement to an eligible retiree, excluding his/her spouse, only to the minimum monthly contribution amount in effect as of the date of adoption of this Ordinance (\$164.90 per month). Any future increases in the cost of Medicare shall be at the sole and exclusive expense/obligation of the retired employee.

Section IV **Working After Retirement**

1. If a retiree who is receiving health benefits from the Borough of MIDLAND PARK secures another employment position that provides any health insurance coverage, the employee must accept such coverage and immediately notify the Borough Clerk of the date such insurance becomes effective.
2. Upon receipt of such information, the Borough will notify the Borough's insurance carrier and the employee's coverage will be discontinued forthwith.
3. If, subsequently, the employee terminates his/her employment in such position, the employee shall immediately notify the Borough, and the employee, subject to any reenrollment/eligibility waiting periods as may be applicable will be reinstated to the Borough's insurance plan on the same terms as he/she was last enrolled in the Borough's plan.

4. Any premiums paid by the Borough on behalf of an employee who had health insurance coverage offered to him/her by virtue of employment secured after retirement from the Borough, but failed to notify the Borough of such coverage, will be the responsibility of the retired employee and the Borough shall be entitled to pursue recovery of any payments made by the Borough during such time period, including any legal fees and costs incurred in pursuit thereof.

Section V

Conflicts

To the extent the terms and provisions of this ordinance differ or conflict with any practice or custom of the Borough of MIDLAND PARK with respect to lifetime health benefits for employees hired prior to January 1, 2024, the terms and provisions of this ordinance shall supplant and supersede any such practice or custom.

Motioned by: Council President DeLuca

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

2. ORDINANCE #21-2023 TABLED

**AN ORDINANCE ELIMINATING LIFETIME HEALTH BENEFITS FOR EMPLOYEES
HIRED AFTER JANUARY 1, 2023**

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:

WHEREAS, the Borough of MIDLAND PARK has heretofore had a practice of providing lifetime health benefits for employees who retire from employment with the Borough with more than 25 years of service with a Service Retirement, Disability Retirement, or under the terms of a Collective Bargaining Agreement or personal services contract; and

WHEREAS, the Mayor and Council of the Borough of MIDLAND PARK recognize that due to the rapidly escalating cost of health care, this benefit has placed, and will, in the future, place a significant tax burden on our residents; and

WHEREAS, the Mayor and Council of the Borough of MIDLAND PARK have concluded that because of this additional tax burden, this benefit should no longer be offered by the Borough to employees hired from and after January 1, 2024 unless otherwise provided for by a Collective Bargaining Agreement or personal services contract.

NOW THEREFORE BE IT ORDAINED that any and all employees hired by the Borough of MIDLAND PARK from and after January 1, 2024, shall not receive health care benefits after retirement payable by the Borough, except that, in the event that there is a conflict between this ordinance and any Collective Bargaining Agreement, personnel services contract, or federal or state law, the terms and conditions of such Collective Bargaining Agreement, contract or law shall prevail. In all other cases, the provisions of this ordinance shall prevail.

Motioned by: Councilwoman Peet

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

NEW BUSINESS:

Council President DeLuca made a Motion to appoint Thomas E. Reich to the Midland Park Volunteer Fire Department. 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

Borough Administrator/Clerk Wendy Martin received a request from the Midland Park High School Class of 2025 to host a clothing drive at the Borough Hall parking lot, on Saturday, October 21, 2023 from 8:00 A.M. to 12:00 P.M. as in past years. Motioned by **Council President DeLuca** and 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 opened the discussion on two (2) tabled ordinances #20-2023 and #21-2023. Ms. Martin stated the Borough Labor Attorney Ray Wiss drafted the two (2) ordinances and added a few matters that were not requested. **Councilman Sansone** referenced Ms. Martin's email and stated that all subject matters need to be removed as stated in the email. The **Councilman** questioned how this matter was not adhered to since Resolution #059-19 "A Resolution Eliminating the Health Insurance – Medical Premium Reimbursement for New Hires and Capping Reimbursement for Existing Eligible Retirees and Eliminating Chapter 88 for All New Hires" was approved on February 14, 2019. Ms. Martin noted that this Resolution does not encompass the Collective Bargaining Contract. Also, Ms. Martin read a resolution from 2006 that was approved and addressed the same issue. This resolution was not implemented as well. The current tabled ordinances were reviewed section by section. Chief Finance Officer, Laurie O'Hanlon, clarified employees hired after January 1, 2024. **Councilmen Sansone** and **DeBlasio** stated that removing lifetime benefits from employees hired in the following year may not attract potential worthy staff members and that losing this benefit, the Borough may need to change its hiring wages. Ms. Martin verified that changes made from 2019 to present where the Governing Body did not want to cap Medicare Reimbursement as before. Ms. Martin will contact Attorney Wiss to make the revisions as discussed by the Mayor and Council.

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.

Nickolas Papapietro, Midland Park resident. If losing the lifetime healthcare benefits for newly hire employees are not given, then perhaps the Borough will need to increase its pay scale in order to attract desirable candidates.

Lt. Greg Kasbarian, Midland Park Police Department, wanted to thank the Governing Body for the reconsideration. Lt. Kasbarian believes that health benefits are extremely important to Borough employees. There being no one else 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.

BOROUGH ATTORNEY ROBERT REGAN READ THE RESOLUTION

Resolution #149-2023 After Closed Session 9-14-2023

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 _____ Health Benefits _____ 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*);

_____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 _____).

_____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

Aye

Councilman Kruis

Aye

Councilwoman Peet

Aye

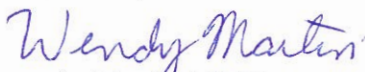
Council President DeLuca

Aye

ADJOURNMENT:

There being no further business to discuss, on a Motion by **Council President DeLuca**, Seconded by **Councilman Braunius** the Open Public Meeting adjourned at 8:51 P.M. and the Mayor and Council moved immediately to the After Closed Session. No formal action will be taken.

Respectfully submitted,



Wendy Martin, RMC

Borough Administrator/Clerk