

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK, NJ 07432
May 14, 2020**

7:00 P.M. –Work Session Minutes

On May 14, 2020 at 7:00 p.m., the Mayor and Council of Midland Park will conduct an Electronic Public Meeting in lieu of its in-person regular Public Meeting previously advertised. Members of the public may access the meeting by dialing this Toll-Free Dial in number (United States): [1 866 899 4679](tel:18668994679)

Access Code: 635-415-205

Agenda items for the meeting will be listed on the Borough website. The foregoing Electronic Public Meeting is recommended due to the current situation involving the COVID-19 Virus and directives of State and County governments.

Mayor Shortway called the Meeting to Order at 7:00 P.M.

The Mayor read the Sunshine Law Statement: This meeting is being 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 Kamp	Present
	Councilman Iannone	Present
	Councilman Kruis	Present
	Councilman Sansone	Present
	Councilwoman Peet	Present
	Council President DeLuca	Present

Also Present: Borough Attorney Regan, Borough Administrator Seemon, Zoning Official Berninger, and Borough Clerk Martin

Public Roll Call

Caller #1 - No name for the record

Caller #2 - Patrice Sharo, 26 Dairy Street, Midland Park NJ 07432

Caller #3 - Kevin Topp, 29 Brandon Road, Midland Park NJ 07432

Caller #4 - No name for the record

Caller #5 – Dave Wiseman, 522 Bergen Ave, Maywood NJ 07607

DISCUSSION ITEMS:

- 1. Eagle Scout Project Proposal – Patrick Sharo** addressed the Governing Body explaining his plan to refurbish the current bench outside of the Recreation Center and move it inside

and donate a new bench made from recycled plastic in its place. This bench will be engraved with a Thank You to David Bolger for all his contributions to Midland Park. The next portion of the project is to donate two recycled benches for the new Woodside Avenue passive park along the walking path. All of this will be coordinated with the town Department of Public Works Superintendent, Matt Tauber. Due to the Corona Virus all self-distancing requirements will be met, and CDC precautions will be taken along with any recommendations from the town. The Governing Body thanked Patrick for a great presentation and the consensus of the Council was to approve the project.

MOTION:

A Motion to approve Patrick Sharo's Eagle Scout Project at the Recreation Center and Woodside Avenue passive park.

Introduced by: Councilman Kamp

Seconded by: Councilwoman Peet

Roll Call: Councilman Kamp
Councilman Iannone
Councilman Kruis
Councilman Sansone
Councilwoman Peet
Council President DeLuca

Aye
Aye
Aye
Aye
Aye
Abstain

2. **Outdoor Café Ordinance – 4-18.19 Consumption of Alcoholic Beverages & Zoning Requirements – Administrator Seemon** – explained due to the COVID-19 pandemic we are anticipating occupancy restrictions for certain businesses in town and how the town could amend or repeal certain ordinances to ease restrictions. **Councilman Kamp** asked why these changes need to be so permanent as the Administrator stated. **Councilman Kruis** inquired if this change could be for a six-month period. **Attorney Regan** suggested if the Governing body wants to eliminate this prohibition, they would need to pass an ordinance repealing 4-18-19. A possible alternate would be to waive the prohibition for a limited period however there is no prediction of how long this situation will continue. **Councilman Kamp** asked could it say just until full occupancy is permitted or the last phase of the reversal of the Executive Order? **Attorney Regan** suggested once the State of Emergency is over. The zoning portion of this request was discussed by Zoning Official, Mark Berninger and the Council members. The Zoning Official stated the business in question should apply for outdoor café seating, as it would be permitted in the front and of the business. **Borough Clerk Martin** explained to the Governing Body if the prohibition portion of the Outdoor Café Ordinance is repealed it does affect all the restaurants in the town and the restaurants can apply for outdoor seating and if the zoning is approved, they can allow their patrons to BYOB. **Councilman Kamp** is in favor of both the outdoor seating for this business and repealing the prohibition, anything to help the businesses during these extraordinary times. **Councilman Sansone** is also in favor. **Attorney Reagan** stated the first

step would be to repeal 4-18.19 which prohibits consumption in the outdoor café. Liquor License holders must apply for an extension of their current license with the ABC in order for them to serve alcohol in an outdoor café setting. The restaurants without a liquor license can permit their patrons to BYOB to consume in the outdoor café once the ordinance is repealed. **Councilwoman DeLuca** stated Fiona's and Rosario's can sell you a bottle of wine produced at a NJ Winery to drink in their restaurants.

3. **Outdoor Café requirements – Permits, fees, and approval process – letter from URSTADT BIDDLE Properties Inc.** Zoning Official Berninger agreed with the Governing Body, we need to help the businesses in anyway we can.

MOTION:

A Motion to move forward with items #1 and #2 on the work session and to approve Attorney Regan to move forward with preparing an ordinance to repeal Ordinance 4-18.19.

Introduced by: Councilman Sansone

Seconded by: Councilman Kamp

Roll Call: **Councilman Kamp**
 Councilman Iannone
 Councilman Kruis
 Councilman Sansone
 Councilwoman Peet
 Council President DeLuca

Aye
Aye
Aye
Aye
Aye
Aye

Councilman Kamp stated the Mayor and Council received an email from Dave Syvertsen relative to his personal training facility, Crossfit Bison. **Councilman Kamp** explained in Mr. Syvertsen's email how this facility is not a regular gym, the owner can control the population, capacity and what takes place in the building. Do we have any flexibility to work around the Executive Orders? **Councilman Sansone** also noted Greg Baiunco, also owning a similar facility, in the same situation. **Administrator Seemon** stated there has been no relaxation of the Executive Orders related to gyms, and defers to Attorney Regan. Attorney Regan feels it is not the decision of the Council, it is the Governor. **Administrator Seemon** stated he and **Mayor Shortway** have a weekly call with the Governor and will present this situation during the call. **Councilwoman DeLuca** stated this is a grey area in the Executive Order. **Borough Clerk Martin** stated Chief Powderly is deferring to the Bergen County Prosecutors Office relative to what business can and cannot be open.

OPEN TO THE PUBLIC:

Members of the Public will be asked to speak individually

Ester Vierheilig 333 Godwin Ave. – Please ask the Governor when they are going to open churches. Also, Mrs. Vierheilig feels the Council did a great job cutting through red tape to get things done to help businesses. In addition, she would like to clarify the type of license Rosarios

Restaurant has relative to alcohol. Rosarios can only serve State made wine by the bottle.

Councilman Kamp noted that he spoke with Father George at Nativity and the Archdioceses has given permission for the churches to enter phase one. They will be open every day for personal reflection from 9:00 am to 1:00 pm they will have whole host of restrictions. **Councilwoman DeLuca** stated this information can be found on the Archdioceses website and the Nativity website.

Dave Wiseman – 522 Bergen Avenue Maywood NJ, Midland Park Ambulance Corps. discussed an event the Ambulance Corps planned on holding this coming Saturday to decontaminate vehicles. The Corps was looking for support from the Municipality. Unfortunately, they received push back rather than support and he is calling to express his frustration and disappointment. **Attorney Regan** advised he spoke with Administrator Seemon and it was his recommendation not to move forward with this type of event, as it is somewhat like a car wash activity and they are not permitted to be open. Mr. Wiseman respectfully disagreed with the attorney's opinion and pointed out that the Bergen County Sheriffs PBA is holding the same event this Saturday, in Paramus. **Councilwoman DeLuca** added this event is for first responders. Mr. Wiseman stated each first responder can bring up to two vehicles. What the Corps were doing was to provide a public service to the members of the community. The PBA were permitted to have the event and advertise it through the entire County and Midland Park is pushing back claiming it would violate the Executive Order. **Administrator Seemon** asked if Mr. Wiseman had spoken with John or Heather of the Ambulance Corps. as he and **Councilwoman DeLuca** have and explained why the town was pushing back at the moment, and stated we are in the process of working together to see if we can delay this event for a week or so. Mr. Wiseman stated we are looking for support. **Administrator Seemon** advised the decisions are being made for safety reasons, the town understands this is a well-intended idea, however, we need to take precautions when making these decisions. **Councilwoman DeLuca** stated let the County run their event and see how it goes, we do not want any lawsuits if someone claims the decontamination did not work or they contracted the virus at the event. Mr. Wiseman stated theoretically they would sue the Ambulance Corps., not the Borough of Midland Park. **Attorney Reagan** and **Councilwoman Peet** disagreed we would vicariously be liable for the action. Mr. Wiseman further noted the Corps wanted to kick off EMS Appreciation week with the event, maybe they could end the week with the event. **Administrator Seemon** stated this is the goal we are trying to achieve.

There being no response from the public, at 7:53 P.M., and no items to be discussed in Closed Session on a Motion made by **Councilman Sansone**, Seconded by **Council President DeLuca**, and carried, the **Mayor** adjourned the Work Session Meeting.

Respectfully submitted,

Wendy Martin, R.M.C.
Borough Clerk