#### BOROUGH OF MIDLAND PARK 45 WITTE DRIVE MIDLAND PARK, NJ 07432 8:00 P.M. Open Public Meeting Minutes January 23, 2020

The **Mayor** called upon **Council President DeLuca** to give this evening's Invocation, and then the **Mayor** led all present in the Pledge of Allegiance.

**Mayor Shortway** called the meeting to order at 8:00 P.M., noting the date as January 23, 2020, 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 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 and Borough Clerk Martin

## APPROVAL OF MINUTES:

No minutes available at this time.

## **OPEN TO THE PUBLIC:**

**Mayor Shortway** opened the meeting to the public for any questions, comments or concerns. There being no response, he opened the meeting to the public and the Governing Body for any questions, concerns or comments regarding the said Club License Application – Midland Park-Wyckoff Memorial Post 7086.

## PUBLIC HEARING: CLUB LICENSE APPLICATION- Midland Park-Wyckoff Memorial Post 7086

At this time, the **Mayor** opened the meeting to the public and the Governing Body for any questions, concerns or comments regarding the said Club License Application for the Midland Park -Wyckoff Veterans of Foreign Wars Memorial Post 7086. **Mayor Shortway** turned the meeting over to Borough Attorney Regan who explained the circumstances regarding why this has been brought to a public hearing. Attorney Regan asked if the complainant would like to address the Governing Body; he came forward with his statement:

**William Sosis – 80 Franklin Avenue** – objected to the legitimacy of the meeting because he felt the change of venue was not publicly noticed within a sufficient timeframe. In his objection statement relative to the Club License, he spoke of alcoholism, especially among Veterans, the proximity to the schools and the general good for the community of Midland Park. He requested the application be denied.

Attorney Regan asked if a representative for the applicant would like to address the Governing Body; he came forward with his statement:

Mr. Casio – Attorney for Applicant – noted he cannot directly rebut the prior statement because it does not

speak of an objection of the issuance of the license, only the personal opinion of the objector. Mr. Casio spoke of the process for issuing a license as set forth by the State of New Jersey Division of Alcoholic Beverage Control. He reminded the Council to consider only the regulations set down by the A.B.C. and how this organization adheres to them. Mr. Casio noted there has never been any incident or complaint against the organization.

Attorney Regan, with the permission of the Council, asked if there was anyone present who wished to speak, regarding the issuance of the license.

**Beth Sosis – 80 Franklin Avenue** – spoke of drinking and driving and alcoholism and its effects among military personnel, especially affecting those diagnosed with Post Traumatic Stress Disorder. She requested the club license be denied.

**Erik Ruebenacker – 539 Chestnut Street, Wyckoff** – clarified this is an application for a Club license, not a liquor license and it is not a functioning public bar. He noted there is more to the Club License than alcohol. He also addressed the objector's statement regarding the proximity to the schools, stating the V.F.W. and the schools do not share the same hours; he asked the Council to approve the license.

**Mark Braunius – 35 Plane Street –** spoke of the comradery of the Veterans and encouraged the Council to follow the laws of the A.B.C. and approve this application.

**Kenneth Biswurm – 26 Payne Avenue** – speaking as a member of the V.F.W., he has never seen anyone drinking in excess and asked the Council to approve this application.

John Torry – 6 Drews Lane – stated the Council must adhere to the regulations of the A.B.C. and approve this application.

**Ester Vierheilig – 333 Godwin Avenue** – as a result of her prior occupation, she has spent many instances with the members of the V.F.W. and there was never any drunkenness and there is no reason not to pass the application and to deny this would be a travesty.

**Ray Chapman – 225 Vreeland Avenue** – has never heard anything negative about anything or anyone involved with the V.F.W. and the Veterans deserve to have a place to socialize.

John Plunkett – 138 Cumberland Court, Wyckoff – spoke as an officer of the V.F.W. post, noting the main concern is not alcoholism but suicide; the hall provides important support for Veterans and if it takes a beer to get them in to talk, that's what is needed.

**James Capalbo – 89 Millington Drive** – asked Attorney Regan for a full explanation of why Mr. Sosis objected to the legality of the meeting; as a Veteran he fully supports the application.

With the consent of the Council, Mr. Sosis restated his position on the application.

Motion to close	e the meeting to the public	
Introduced by:	Councilman Sansone	Seconded by: Councilwoman Peet
Roll Call:	Councilman Kamp	Aye
	Councilman Iannone	Aye
	Councilman Kruis	Aye
	Councilman Sansone	Aye
	Councilwoman Peet	Aye
	Council President DeLuca	Abstain

Attorney Regan noted over all the years he has been the Borough's attorney; residents of Midland Park do not hesitate to come to Council meetings if they have an issue they want to discuss. He proceeded to ask Borough Clerk Martin about the procedure for the annual renewal of liquor licenses in the Borough. He then asked Borough Clerk Martin if Mr. Sosis ever objected to any licenses being issued? Mrs. Martin answered no. Referencing Mr. Sosis' letter, Attorney Regan stated it is not premised on any allegations against the

organization but is based solely on his concerns with problems with alcohol over-consumption. Attorney Regan provided a history of alcohol distribution in New Jersey, noting alcohol has been legal in New Jersey since 1933, is regulated by the Division of Alcoholic Beverage Control and that is the basis for any denial and what the Council's decision should be based on.

Motion to approve the application by the Midland Park-Wyckoff Memorial Post 7086 for a Club license.

Introduced by	y: Councilwoman Peet	Seconded by: Councilman Kruis
<b>Roll Call:</b>	Councilman Kamp	Aye
	Councilman Iannone	Aye
	Councilman Kruis	Aye
	Councilman Sansone	Aye
	<b>Councilwoman Peet</b>	Aye
	Council President DeLuca	Abstain

Mr. Casio thanked the **Mayor** and Council for their patience in reviewing this matter and reminded everyone that if it wasn't for Veterans of Foreign Wars and all Veterans, we wouldn't enjoy the freedoms we have, even to objecting about governmental policy. This decision is a tribute to them.

At this point, a five-minute recess was taken to set up for a presentation.

**Mayor Shortway** brought forward Borough resident Robert Mulder who presented a carved wooden eagle to the Governing Body for the Borough. He and Nicole Priestner worked on it: she worked with him on the design, he worked on the eagle and together they did the painting.

## **LIAISON REPORTS:**

#### **Mayor Shortway**

**Mayor Shortway** reported he attended the Northwest Bergen County Mayors meeting in Ramsey on January 11th; on January 14<sup>th</sup>, he attended the Bergen County Mayors meeting in Hackensack; January 16<sup>th</sup> he, **Council President DeLuca, Councilwoman Peet** and Administrator Seemon attended the Joint Insurance Fund meeting and on February 8<sup>th</sup>, **Mayor Shortway** will be hosting the Northwest Bergen County Mayors breakfast meeting at Borough Hall on February 8th.

## Councilman Kamp Recreation/Municipal Alliance/Ridgewood Water

**Councilman Kamp** reported he, Borough Administrator Seemon and **Recreation** Board President, John Torry, met with the baseball and softball associations to discuss merging. There are some issues to be discussed further and a meeting is scheduled for February.

Due to a schedule conflict, **Councilman Kamp** was not able to attend the **Municipal Alliance** meeting that was held on January 13<sup>th</sup> and does not have a report at this time.

Councilman Kamp reported progress with Ridgewood Water.

Councilman IannonePublic Safety – Police/ Information TechnologyCouncilman Iannone reported progress for Police and Information Technology.

# Councilman Kruis Planning Board/Building Dept/ Fire Prevention/OEM/Property Maintenance

**Councilman Kruis** reported the **Planning Board** will be meeting on January 27<sup>th</sup>. The **Councilman** reported progress for the **Office of Emergency Management**, **Fire Prevention** and **Property Maintenance**.

#### Councilman Sansone Public Works/ Board of Education/ Chamber of Commerce

**Councilman Sansone** reported he had a tour of the **Department of Public Works** facility and an invitation was extended to all the Council members to go for a tour and hear about the projects that are planned. The **Councilman** noted all current projects are on schedule and on budget and quotes are being sought for replacing the elevator at Borough Hall. The DPW Foreman is looking into an app called Recycle Coach, that is funded by the Department of Environmental Protection and would remind residents of the pick-up schedule for garbage and recycling and allow them to report a missed pick-up. He asked the Council to check it out and send feedback to the DPW Foreman.

**Councilman Sansone** reported he attended the **Board of Education's** reorganization meeting on January 7<sup>th</sup> but was not able to attend the meeting held on January 21<sup>st</sup>. For further details, please visit the Board of Education website. On January 14<sup>th</sup>, he, **Council President DeLuca**, Borough Administrator Seemon and **Mayor Shortway** attended the liaison meeting with the Board of Education representatives. It was the initial meeting for the year, and they discussed past issues and collaboration on several items. They plan to meet monthly and the next meeting is slated for February 25<sup>th</sup>.

The Councilman reported progress with the Chamber of Commerce.

#### Councilwoman Peet Finance/Board of Health

#### Councilwoman Peet reported progress for Finance.

The **Councilwoman** reported the **Board of Health** held their meeting on January 13<sup>th</sup>: they hired two new members; a discussion regarding the regulatory fees for November and December 2019 was held; they reviewed the high school wellness council and the Girl Scouts participation in the wellness conferences; there were license discussions; a babysitting class will be offered at the library and she asked the Council to consider a resolution to honor long time member Pat Hegadorn.

## Council President DeLuca Public Safety – Fire/Ambulance/ Personnel/Library

**Council President DeLuca** reported she attended the **Ambulance Corps** meeting on January 6th: the December total for calls for service were 60 and the year-to-date total is 739.

The **Council President** attended the **Fire Department** meeting on January 8<sup>th</sup>: there were 16 calls during the month of December, bringing the year-to-date total to 207. She reported "Project Santa", held December 21-22 was well received and very successful with plans to continue this year.

Council President DeLuca reported progress for Personnel.

The **Council President** reported she attended the **Library** Board meeting on January 21<sup>st</sup>: they thanked **Councilman Kamp** for his time; there is an Acting Director while the Director is out on leave; the Board members took their oaths of office for 2020; yoga has been brought back and plans are being made for new programs.

## ADMINISTRATORS REPORT

Borough Administrator Seemon reported residents can now pay taxes on-line, explaining the fees being charged offset the fees the bank is charging the Borough; the budget process is almost done; he and the staff are looking forward to another great year and everything planned for 2020.

## **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 # 036-20 Authorizing Contracts with Foveonics Document Solutions through Educational Schools Commission of New Jersey Cooperative Contract

WHEREAS, the Borough of Midland Park may by resolution, and without advertising for bids or obtaining quotations, purchase any goods or services under the Educational Services Commission Cooperative

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Purchasing System (ESCNJ) Cooperative under the authority of the New Jersey Local Publics Contract Law N.J.S.A.40A:11-1 et. Seq., and

**WHEREAS**, the Borough of Midland Park joined the ESCNJ Cooperative through Resolution 2016-157 on August 11, 2016; and

**WHEREAS**, the Borough of Midland Park has the need on a timely basis to purchase goods and services utilizing ESCNJ Contract **#65MCESCCPS** duly authorized under law to extend contract pricing to local units, per N.J.A.C. 5:34-7.1 et. Seq.; and

WHEREAS, the Borough intends to enter into for document imaging, destruction, offsite web-based storage and software access of files under ESCNJ Contract #65MCESCCPS with Foveonics Document Solutions, 88 Grayrock Road, Unit 103, Clinton, New Jersey 08809 and

**WHEREAS**, Foveonics Document Solutions, has provided for a quote in accord with the cooperative pricing award of \$66,076.16 for document imaging, destruction, offsite web-based storage and software access of files for the Borough of Midland Park; and

**WHEREAS**, the Chief Financial Officer certifies funding is available in the amount not to exceed \$67,000.00 from our 2020 Operating Budget:

Account number: #001-216

**NOW THEREFORE BE IT RESOLVED,** that the Mayor and Council of the Borough of Midland Park, authorizes the Municipal Administrator to purchase certain goods and services from Foveonics Document Solutions, under ESCNJ Contract **#65MCESCCPS** 

## **Resolution # 037-20** Mutual Aid Plan/Rapid Deployment Force

**WHEREAS**, the Police Departments in Bergen County have a day-to-day responsibility to provide for the security of lives and property, for the maintenance and preservation of the public peace and order; and

WHEREAS, Law Enforcement officials also have a responsibility to provide for preparedness against natural emergencies, such as floods, hurricanes, earthquakes, major storms, man-made causes, civil unrest, and civil disobediences such as riots, strikes, jail or prison riots, train wrecks, aircraft crashes, major fires, ethnic disorders, terrorists incidents and bombings, State and National emergencies; and

**WHEREAS,** the Bergen County Police Chief's Association has proposed a Mutual Aid Plan and Rapid Deployment Force to deal with these emergencies; and

WHEREAS, this plan is adopted in accordance with the provisions of N.J.S.A. 40A:14-156, N.J.S.A. 40A-156.1, N.J.S.A. 40A:14-156.4 and N.J.S.A. APP. A:9-40.6; and

WHEREAS, the plan will provide a uniform procedure for the coordination of the requesting, dispatching and utilization of law enforcement personnel and equipment whenever a local law enforcement agency requires mutual aid assistance from any other jurisdiction, BOTH contiguous and non-contiguous, in the event of an emergency, riot or disorder, in order to protect life and property; and

WHEREAS, it is also recognized that the Midland Park Chief of Police, in accordance with the provisions of N.J.S.A. 40A:14-118 and under the authority of the Bergen County Prosecutor, has the authority to assign officers to a Task Force, Rapid Deployment Team, or Regional SWAT Team operated in conjunction with the Bergen County Prosecutor's Office, and

**WHEREAS,** it is the desire of the Mayor and Council of the Borough of Midland Park to participate in a Mutual Aid Plan and Rapid Deployment Force in accordance with the Plan as submitted by the Bergen County Police Chief's Association.

**NOW, THEREFORE BE IT RESOLVED,** by the Mayor and Council of the Borough of Midland Park, that the Police Department of the Borough of Midland Park, under the direction of the Chief of Police, cooperate with the Bergen County Police Chief's Association to create an Interlocal Services Agreement with all municipalities in the County of Bergen to put into place the Mutual Aid Plan and Rapid Deployment Force; and

**BE IT FURTHER RESOLVED,** that a copy of this resolution be forwarded to the County Executive, Board of Chosen Freeholders, the County Prosecutor, Police Chief and all surrounding municipalities in the County of Bergen.

#### Resolution # 038-20 Authorizing Englewood Warehousing 3 LLC – Developers Agreement

**WHEREAS,** the Planning Board of the Borough of Midland Park has granted site plan approval to Englewood Warehousing 3, LLC for premises designated as Block 50, Lots 9 and 10 on the Borough tax map, being more commonly known as 268 Greenwood Avenue and 9 Clinton Avenue; and

WHEREAS, a Developer's Agreement has been prepared by the Planning Board attorney.

NOW THEREFORE BE IT RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute the Agreement on behalf of the Borough, provided that paragraph 41 is amended to read as follows: "Developer shall comply with and pay the non-residential development fee as set forth in N.J.S.A. 40:55D-8.4, which imposes a fee equal to two and one-half percent of the equalized assessed value of

the land and improvements for all new non-residential construction."

The Consent Agenda was:

Introduced by	: Councilman Kruis	Seconded by: Council President DeLuca
Roll Call:	Councilman Kamp	Aye
	Councilman Iannone	Aye
	Councilman Kruis	Aye
	Councilman Sansone	Aye
	Councilwoman Peet	Aye
	<b>Council President DeLuca</b>	Aye

#### **RESOLUTIONS:**

1. Resolution #035-20 – Bills List

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

Current Fund ('19)	\$	56,495.73
Current Fund	\$	872,895.55
Capital Fund	\$	72,896.55
Trust Fund	<u>\$</u>	3,080.00
TOTAL:	\$1	,005,367.83

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	January 15th Payroll	\$ 189,434.69
Current	January Health Payments	\$ 77,485.58
Current	January School Taxes	\$1,779,766.67

**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Council of the Borough of Midland Park that the claims totaling **\$3,052,054.77** be approved and ratified respectively.

Introduced b	y: Councilwoman Peet	Seconded by: Councilman Kamp
Roll Call:	Councilman Kamp	Aye
	Councilman Iannone	Aye
	Councilman Kruis	Aye
	Councilman Sansone	Aye
	<b>Councilwoman Peet</b>	Aye
	Council President DeLuca	Aye

## 2. Resolution # 039-20 Appointment - Municipal Prosecutor – Joseph P. De Marco, ESQ.

**WHEREAS,** there exists a need to hire a Municipal Prosecutor to fill the position in the Court System of the Borough of Midland Park; and

**WHEREAS,** the Borough Council and Mayor feel this candidate is suitable to administer the duties necessary for this position.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Midland Park, that Joseph P. De Marco, ESQ., 109 Deerfield Terrace, Mahwah, N.J., be appointed as the Municipal Prosecutor. **Introduced by: Council President DeLuca Seconded by: Councilman Sansone** 

Introduced by: Council President DeLuca		Seconded by: Councilman Sans
<b>Roll Call:</b>	Councilman Kamp	Aye
	Councilman Iannone	Aye
	Councilman Kruis	Aye
	Councilman Sansone	Aye
	Councilwoman Peet	Aye
	Council President DeLuca	Aye

## **OLD BUSINESS/NEW BUSINESS:**

There was no Old Business to discuss. There was no New Business to discuss.

## **PUBLIC COMMENT:**

Once again, **Mayor Shortway** opened the meeting to the public and the Council for any comments, questions or concerns.

**John Torry – 6 Drews Lane** – proposed of a way to honor active duty military personnel by setting up a display of the people who are serving. The Recreation Director has stated she will reach out to the families for permission and she will maintain the records. Mr. Torry noted the DPW would be consulted for location and the VFW would be asked for guidelines so it can be done in a respectful way. He asked the Council to consider the idea and let him or the Recreation Director know whether to move forward with it.

**Bob Mulder - 108 Glen Avenue** – thanked the Governing Body for their service; he pointed out some areas of the Borough that need attention: Greenwood Avenue, by the small bridge, often has cars parked on it and on the adjacent sidewalk. As an retired County engineer, he noted the load that is posted is less than normal and he is concerned something will happen with the weight; the corner of Godwin Avenue and Witte Drive has a line of sight issue; Godwin Avenue needs paving and the area of Glen Avenue and Van Dyke Avenues is very narrow and people walk their dogs and he has concerns that someone will get struck.

**Ray Chapman – 225 Vreeland Avenue** – what happened tonight is the core of democracy and likened it to the town meetings of New England; remarking that with Trenton's focus on consolidating small municipalities, residents of small towns would rue the day when someone from another town would run the municipality

There being no further response and no further business to address, at 9:06 P.M., the following resolution was read by the Borough Attorney and adopted by the Council. The **Mayor** announced no further action would be taken and the Council convened into a Second Closed Session:

## Resolution #039A-20 Closed Session – After January 23, 2020

**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 be 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;

X 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;

**X** 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: . If contract negotiations the nature of the contract and interested party is Waldwick Pistol Range.

Under certain 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	: Councilman Sansone	Seconded by: Council President DeLuca
Roll Call:	Councilman Kamp	Aye
	Councilman Iannone	Aye
	Councilman Kruis	Aye
	Councilman Sansone	Aye
	Councilwoman Peet	Aye
	Council President DeLuca	Aye

At 9:44 P.M., the Governing Body reconvened into the Open Public Meeting. There being no further business to discuss, on a Motion made by **Councilman Sansone**, Seconded by **Council President DeLuca, Mayor Shortway** adjourned the Open Public Meeting.

Respectfully submitted,

Wendy Martin, R.M.C. Borough Clerk