

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK, NJ 07432
November 12, 2020**

8:00 PM Open Public Meeting Minutes

On November 12, 2020 at 8:00 p.m., the Mayor and Council of Midland Park conducted an Electronic Public Meeting in lieu of its in-person regular Public Meeting previously advertised. Members of the public accessed the meeting by dialing this Toll Free Dial in number (United S.

tates): [1 877 309 2073](tel:18773092073) Access Code: 517-281-101

Questions, Comments or Concerns were emailed in advance to the Borough Clerk at wmartin@midlandparknj.org no later than November 12, 2020 4:00 pm.

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

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, noting the date as November 12, 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

PUBLIC ROLL CALL:

**Administrator Seemon took a roll call of the public in attendance
Anthony Sikora – 41 Chestnut Street**

APPROVAL OF MINUTES:

A Motion to approve the Minutes of the Work Session, Closed Session and Open Public Meeting of October 22, 2020, 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 Iannone	Seconded by: Councilwoman Peet
Roll Call: Councilman Kamp	Abstain
Councilman Iannone	Aye
Councilman Kruis	Aye
Councilman Sansone	Aye
Councilwoman Peet	Aye
Council President DeLuca	Aye

OPEN TO THE PUBLIC:

The **Mayor** opened the meeting to the public for general concerns and comments.

Administrator Seemon asked individual members of the Public to speak at this time. No one from the public had anything to say at this time. Another caller was on the line:

Griffin Kutcha – 49 Aqueduct Avenue

At this time questions, concerns or comments emailed in advance to the Borough Clerk were addressed.

There were no comments, concerns or questions emailed to the Clerk.

LIAISON REPORTS:

Mayor Shortway

Mayor Shortway reported on October 27th he, **Councilman Sansone**, **Council President DeLuca** and Administrator Seemon attended a liaison meeting with their counterparts from the Board of Education with the main topic being the turf fields. On November 10th, the **Mayor** attended two Zoom meetings: the first was with the mayors of Bergen County and the second he and Administrator Seemon listened in to the Governor’s office regarding the new restrictions for restaurants including closing at 10 P.M.; **Mayor Shortway** reminded everyone about staying vigilant with social distancing, washing hands and wearing masks.

Councilwoman Peet

Finance/Board of Health

Councilwoman Peet reported under **Finance**, the Tax Collector stated 92% of fourth quarter taxes were collected.

The **Councilwoman** reported the **Board of Health** met on November 9th: the Board thanked Pat McGlade for her service as she will be leaving effective January 1, 2021; there was discussion regarding their website updates; the Midland Park High School Wellness Council was placed on hold due to COVID-19; the Board reviewed and discussed license fees as well as the budget; the budget request was submitted to the Borough Clerk; there have been a significant amount of

complaints which were investigated and evaluated, including rodent infestation; as of November 9th, the Borough had 150 COVID-19 cases which is up 26 cases since November 1. The **Councilwoman** spoke of the 10 P.M. restaurants and bars closures, noting bartenders have the highest exposure to the virus. She reminded everyone to keep up with the social distancing, washing hands and wearing masks because it is not going away soon. **Councilwoman Peet** reported Pfizer will be putting forth a two-dose vaccine. She spoke of the Health Commission meeting on November 10th and they are working day and night with schools and nursing homes; they are also putting together contracts to send out to municipalities.

Council President DeLuca **Public Safety – Fire/Ambulance/ Personnel/Library**
Council President DeLuca reported the **Ambulance Corps** held a Zoom meeting on November 2nd: there were 51 calls for service in October.

The **Council President** reported she attended the **Fire Department** meeting on November 11th: they answered 19 calls in October, bringing the year-to-date total to 141 and they are taking precautions when going on calls.

Council President DeLuca reported the **Library** Board meeting was held on October 27th: The Director thanked everyone for help with the Story Walk and the bench dedication, in memory of Lena Padovano, will be held on November 28th at 2 P.M. and all are invited. She noted the virtual yoga class has a steady attendance; next month there will be virtual self-defense classes for adults and children; the adult grab and go craft has been a big success; the new website is tentatively scheduled to launch at the end of November; the Library Director will be applying for the Joan Sweetland Lum Memorial Grant, a \$1000 grant which would be used to purchase materials for the Story Walk; the sidewalk chalk and book character pumpkin contests went well and curbside pick-ups and go crafts for kids are ongoing.

Councilman Kamp **Recreation/Municipal Alliance/Ridgewood Water**
Councilman Kamp reported progress for **Ridgewood Water**. **Mayor Shortway**, Administrator Seemon and the **Councilman** will be attending a virtual Northwest Bergen Mayors meeting on November 14th and the topic will be drinking water.

The **Councilman** reported the **Municipal Alliance** met for first time on October 26th: it was a very good meeting; the modified plan, was accepted by the State and contained a notation that it was found to be impressive so the **Councilman** offered kudos to the group of people who put the program together.

Councilman Kamp reported the **Recreation** Director, Administrator Seemon and himself, in conjunction with the Fire Department and the Department of Public Works, have worked out a tentative plan for the annual tree lighting. The **Councilman** explained the plan: the tree will be lit, Santa Claus will be sitting in the municipal parking lot, there will be two fire trucks, music will be playing and goodie bags will be given to all children 12 years of age and under and will be put in the trunk area of the vehicles that drive through. Administrator Seemon noted the Police Department has backed this idea with regards to traffic.

Councilman Iannone **Public Safety – Police/ Information Technology**
Councilman Iannone reported the **Police** Department continues to have a positive morale; the Chief is monitoring the current spike climate to see if changes need to be made to the schedule and all safety protocols are being adhered to.

ORDINANCES ON FINAL:

1. ORDINANCE #12-20

“AN ORDINANCE TO AMEND CHAPTER II OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED “ADMINISTRATION” ARTICLE V “BOARDS, COMMITTEES AND COMMISSIONS” §2-19.4 “DUTIES”

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 II of the Code of the Borough of Midland Park, Administration, Article V Boards, Committees and Commissions, §2-19, Recreation Advisory Council, Subsection §2-19.4, Duties, be and is hereby amended to add to subparagraph (c)

§2-19.4 Duties

c. The Recreation Advisory Council shall maintain communication with recreational use of municipal organizations in order to coordinate the use of facilities and establish consistent policies and cooperation among the various groups.

1. **The Recreation Advisory Council shall require all quasi-municipal organizations to provide monthly bank statements of all accounts in order to maintain insurance coverage and field usage for their organization.**

Section 2. Severability.

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Section 3. Inconsistent Ordinances Repealed.

All Ordinances or parts or Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 4. Effective Date.

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

Introduced by: Councilman Kamp

Seconded by: Councilman Iannone

At this time, **Mayor Shortway** opened the meeting to the public for any questions, comments or concerns regarding Ordinance #12-20. There being no response, the **Mayor** closed the meeting to the public and called for a Roll Call Vote of Council.

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

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 #166-20 Reclassification of Capital Project Usage

WHEREAS, funds previously budgeted for capital request projects in prior years totaling \$327,926.76, has balances left that is no longer needed for that specific project and;

WHEREAS, the Borough Administrator has requested to reclass title usage of these monies already in the capital budget due to changes in circumstances for said projects; and

WHEREAS, the C.F.O. will reclass the following projects to the capital account X- 336-101 for the Fire Dept Truck Reserve so that the purchase can be done in 2020:

Ord #06-19 (X- 385-107) Administration \$124,043.00

Ord #06-20 (X- 386-104) Administration \$55,000.00

Ord #10-18 (X- 380-101) Buildings & Grounds \$70,000.00

Ord #06-19 (X-385-101) Buildings & Grounds \$38,570.00

Ord #03-17 (X-375-107) Recreation \$20,897.00

Ord #05-15 (X-369-106) Recycling \$19,416.76

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, County of Bergen, State of New Jersey, that the above funds be reclassified for the purchase of a new fire truck.

Resolution #167-20 Tax Overpayment Refund –Blk 20.10 Lot 4

WHEREAS, an overpayment occurred for the 4th quarter of 2020 taxes due to successful appeal to the Bergen County Board of Taxation on the following property:

Heller Property Partners LP

215 Godwin Ave

(Blk. 20.10, Lt. 4)

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, that the amount of \$1,403.10 for this overpayment in taxes to be refunded and payable to HELLER PROPERTY PARTNERS LP by whom overpayment was created:

HELLER PROPERTY PARTNERS LP

180 MAIN ST

PO BOX 700

MADISON, NJ 07940

Resolution #168-20 Reclassification of Grant Funds

WHEREAS, several previous years Recycling Tonnage Grants funds recorded under separate spending accounts has not been fully utilized;

WHEREAS, the C.F.O. will reclass the below small balances from previous years totaling \$193.50 into one Recycling Tonnage Grant accounting line (G-01- -041-773) for various purchases requested by our DPW department:

2011 Grant (G- 041-757) \$114.20

2012 Grant (G- 041-762) \$54.72

2013 Grant (G- 041-768) \$6.78

2014 Grant (G- 041-770) \$17.80

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, County of Bergen, State of New Jersey, that the above funds be reclassified for future use of recycling items.

Resolution #169-20 Void/Re-Issue Ap Check

WHEREAS, our vendor’s June 11, 2020 payment was lost in transit and requested a replacement;

WHEREAS, the CFO issued a stop payment on check #16484 dated June 11, 2020 issued to The Canning Group, LLC 45 S. Park Place #183, Morristown, NJ 07960 in the amount of \$791.67;

WHEREAS, Sean Canning has requested a stop payment to be issued and new check mailed to same address as above;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that the above item be void and a new check issued on the November 12, 2020 bills list.

Resolution #170-20 Cancel Expenses to Reserves

WHEREAS, certain budget account lines have balances that will be reclassified to a reserve account for future usage, instead of being written off towards fund balance;

WHEREAS, it is necessary to formally cancel said balances from various accounts for a total amount of \$53,928.14 to be set aside for future usage

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, that the CFO reclass the following unexpended balances to their appropriate reserve account:

<u>BUDGET ACCOUNT</u>	<u>AMOUNT</u>	<u>GL RESERVE ACCOUNT</u>
0-01- -015-256 (Dispatch Svcs)	\$ 5,000.00	0-01- -570-026 Reserve for Dispatch
0-01- -035-217 (Tax Appeals)	\$20,000.00	0-01- -570-011 Reserve for Tax Appeal
9-01- -020-201 (Snow Storms)	\$28,928.14	9-01- -570-027 Reserve Future storms

Resolution #171-20 NJ Clean Energy Direct Install Program

WHEREAS, the Borough of Midland Park is in need of infrastructure upgrades for their public buildings associated with energy efficiency; and

WHEREAS, the Borough of Midland Park has agreed to participate in the NJ Clean Energy Direct Install Program through the Board of Public Utilities for the State of New Jersey; and

WHEREAS, Lime Energy, A Willdan Company, located at 4 Gateway Center, 4th Floor, 100 Mulberry St., Newark, NJ 07102, has been approved by the Board of Public Utilities as the administrator of the NJ Clean Energy Direct Install Program; and

WHEREAS, the Chief Financial Officer hereby certifies that funds NOT TO EXCEED \$95,000.00 are available as follows.

Line Item: X-10- -387-102 (Bond Ordinance) HVAC & clean energy upgrades

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 Lime Energy, through the NJ Clean Energy Direct Install Program through the Board of Public Utilities for the State of New Jersey.

Resolution #172-20 Authorizing Award of Contract to Fire & Safety Services

through HGAC National Coop for Pierce Enforcer Pumper Fire Apparatus

BE IT RESOLVED, by the Council of the Borough of Midland Park, Bergen County, State of New Jersey as follows:

WHEREAS, in accordance with the requirements of the Local Public Contract Law P.L. 2011, C.139 (the “Law” or “Chapter 139” and N.J.S.A.52:34-6.2 the regulations promulgated there under in Local Finance Notice LFN 2012-10, the following purchase without competitive bids from vendor with a National Cooperative Contract is hereby approved for municipalities, and;

WHEREAS, the Borough of Midland Park has the need to procure certain specialized fire apparatus in accord with the Local Publics Contract Law N.J.S.A. 40A:11-1 et. Seq., and;

WHEREAS, the Borough of Midland Park has previously acted in accord with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative, being the Houston Galveston Area Cooperative, and;

WHEREAS, the regulations as set forth within Local Finance Notice LFN 2012-10 have been fully complied with, and;

WHEREAS, the Business Administrator has complied with the public notification provisions of public advertisement and has received no protests in accord with law and regulation, and;

WHEREAS, the equipment and corresponding Houston Galveston Area Cooperative contract numbers are: Fire & Safety Services HGAC Contract FS12-19; and

WHEREAS, the Chief Financial Officer of the Borough of Midland Park has certified that adequate funds for such contract are available and are designated to line item appropriation of the official budget. A copy of the said certification is attached hereto and part hereof and the funds to be expended herein are assigned to line item no. see below. A copy of the within resolution and certification shall be certified by the Borough Clerk.

NOW THEREFORE BE IT RESOLVED THAT, the Business Administrator is hereby directed to effectuate the purchase of herein approved equipment for the approved cost.

Resolution #173-20 BC Multi-Jurisdictional Hazard Mitigation Plan Draft Participation

WHEREAS, the **Borough of Midland Park**, New Jersey has experienced natural hazards that result in public safety hazards and damage to private and public property;

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk;

WHEREAS, the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan;

WHEREAS, a *Hazard Mitigation Plan* has been developed by the Mitigation Planning Committee;

WHEREAS, the *Hazard Mitigation Plan* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

WHEREAS, the draft plan was provided to each participating jurisdiction and was posted on the County Office of Emergency Management’s website so as to introduce the planning concept and to solicit questions and comments; and to present the Plan and request comments, as required by law, and

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

1. The Bergen County Multi-Jurisdictional *Hazard Mitigation Plan, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on August 7, 2020* by the Bergen County Office of Emergency Management is hereby adopted as an official plan of the Borough of Midland Park; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The **Borough of Midland Park's** departments identified in the Plan are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the **Borough of Midland Park**, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Bergen County Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date as agreed upon by all stakeholders.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately in accordance with law and that an original copy be made available the Bergen County Office of Emergency Management.

Resolution #174-20 A Resolution to Amend Resolution # 113-20 Temporary Outdoor Seating Permits Expiration to November 30, 2020

WHEREAS, the Mayor and Council would like to continue to assist businesses during this difficult time due to the COVID-19 pandemic to allow for additional outdoor seating on a temporary basis by passing Resolution # 113-20 on June 25, 2020.

NOW, THEREFORE, BE IT RESOLVED that Resolution #113-20 dated June 25, 2020, paragraph 10 and 11 shall be amended so as to provide the permit to have an expiration date of November 30, 2020

10. All Permits issued pursuant to this Resolution and procedure shall terminate on November 30, 2020.
11. Nothing in this Resolution or in the issuance of any Permit pursuant to this Resolution shall be considered a land use approval pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., nor shall any Permit be deemed to authorize the use of any Outdoor Seating Area past November 30, 2020.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the Chamber of Commerce to alert them of the Temporary Outdoor Seating Permit option when it becomes available.

Introduced by: Councilman Sansone

Seconded by: Council President DeLuca

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

Aye
Aye
Aye
Aye
Aye
Aye

RESOLUTIONS:

1. Resolution #165-20 – Bills List

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

Current Fund ('19)	\$ 395.00
Current Fund	\$ 157,960.13
Dog Fund	\$ 543.00
Trust Fund	\$ 2,486.48
Capital Fund	\$ 83,829.67
TOTAL:	\$ 245,214.28

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	October 30 th Payroll	\$ 204,738.58
Current	November School Taxes	\$2,192,095.10
Current	November Health Payments	\$ 84,763.07
Current	Heller Property Partners LP (manual check)	\$ 1,403.10

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Midland Park that the claims totaling **\$2,728,214.13** approved and ratified respectively.

Introduced by: Councilwoman Peet

Seconded by: Councilman Kamp

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

2. Resolution #175-20 - Appoint Police Officer Michael Powderley as Permanent Member of the Midland Park Police Department

WHEREAS, Michael Powderley Jr. has been serving a probationary period as a Full-Time Officer in the Midland Park Police Department since September 1, 2019; and

WHEREAS, it is recommended by Police Chief Michael Powderley that his appointment be made permanent.

NOW, THEREFORE, BE IT RESOLVED that the appointment of Michael Powderley Jr., is hereby made permanent by the Council of the Borough of Midland Park, effective September 1, 2020.

Introduced by: Council President DeLuca

Seconded by: Councilman Iannone

Roll Call: Councilman Kamp Aye
Councilman Iannone Aye
Councilman Kruis Aye

Councilman Sansone	Aye
Councilwoman Peet	Aye
Council President DeLuca	Aye

3. Resolution #176-20 Appointment – D.P.W. Seasonal Laborer – Michael Canova

WHEREAS, there is a need for Seasonal Laborer to be hired for the Department of Public Works; and

WHEREAS, it is the recommendation of the Department Superintendent, Matt Tauber, that Michael Canova is qualified to fill this temporary position, at the rate of \$17.00 per hour.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, that Michael Canova be confirmed as Seasonal Laborer effective November 2, 2020.

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

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

ORDINANCES ON INTRODUCTION:

1. ORDINANCE #13-20

“AN ORDINANCE TO PROHIBIT PUBLIC URINATION AND DEFECACTION WITHIN THE BOROUGH OF MIDLAND PARK AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF”

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. Acts Prohibited.

It shall be unlawful for any person to urinate or defecate on any public street or way or upon any public or private property other than when using a toilet, urinal or commode located in a restroom, bathroom or other structure enclosed from public view.

Section 2. Violations and Penalties.

Any person convicted of violating this Ordinance shall be subject to such fines and penalties as set forth in §1-5, General Penalty, of the Borough Code.

Section 3. Severability.

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Section 4. Inconsistent Ordinances Repealed.

All ordinances or parts or ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

Introduced by: Councilman Kruis **Seconded by: Councilwoman Peet**

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

2. ORDINANCE #14-20

“AN ORDINANCE TO AMEND CHAPTER XC OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED “FEES AND CHARGES”

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 XC of the Code of the Borough of Midland Park, Fees and Charges, §90-10, Fees For Chapter X, Building and Housing, Subsection 10-1.3, Fees For Construction Permit, be and is hereby amended to read as follows:

§10-1.3 Fees for Construction Permit.

The fees and charges required under the Code of the Borough of Midland Park entitled Construction Codes, Uniform, shall be as follows:

- A. The fee for a construction permit shall be the sum of the subcode fees listed in paragraphs a., 1. through 10. thereof, and shall be paid before the permit is issued.
1. **New construction and additions are based on the volume of the structure:**
 - (a) Volume of building in cu. Ft. X \$.07.
 2. **Reconstruction, alterations, renovations, repairs are based on the cost of the work:**
 - (a) Based on cost of work: \$25.00 per \$1,000.00
 3. **Demolition or removal permit:**
 - (a) For all principal buildings: the fee is \$150.00
 - (b) For all residential accessory structures: the fee is \$50.00
 - (c) For all nonresidential accessory structures: the fee is \$80.00
 - (d) For all fuel tank removals: the fee is \$100.00
 4. **Fence permits:**
 - (a) Fences for pool barriers: the fee is \$50.00
 - (b) Fences over 6 ft. in height: the fee is \$50.00
 5. **Signs:** the fee is \$1.00 per square foot.
(Note: fee to be based on one side of double-sided signs)
 6. **Certificate of occupancy fees:**
 - (a) Fee for certificate of occupancy is \$75.00
 - (b) Fee for certificate of occupancy based on change of use is \$200.00 for nonresidential
 7. **Pools:**
 - (a) Above ground pools are a flat fee of \$50.00
 - (b) In ground pools are a flat fee of \$150.00

- 8. **Asbestos removal permit is \$50.00**
- 9. **Miscellaneous permit fees:**
 - (a) Commercial roof: the fee is \$150.00
 - (b) Residential roof or siding: the fee is \$75.00
 - (c) Detached (Residential) building - roof or siding: the fee is \$50.00
 - (d) Fireplaces and stoves: the fee is \$50.00
 - (e) HVAC duct work: the fee is \$50.00
 - (f) Fuel storage tank installation / removal: the fee is \$100.00
 - (g) Plan review credit20%
 - (h) Minimum fee for building sub-code permit: the fee is \$75.00
 - (i) Change in contractor: the fee is \$25.00
- B. **The plumbing subcode fees shall be:**
 - (1) For new construction, additions, renovations and alterations:
 - (a) Each fixture and device\$25.00
 - (b) Floor Drain \$25.00
 - (c) Dishwasher residential\$25.00
 - (d) Dishwasher commercial \$25.00
 - (e) Disposal unit \$25.00
 - (f) Drinking fountain \$25.00
 - (g) Washing machine \$25.00
 - (h) Hose bib \$25.00
 - (i) Gas piping\$25.00
 - (j) Fuel oil piping\$25.00
 - (k) Water heater \$75.00
 - (l) Steam or hot water boiler \$75.00
 - (m) Interceptor/separator \$75.00
 - (n) Back flow preventor \$25.00
 - (o) Grease trap \$75.00
 - (p) Air conditioning units and Refrigeration\$75.00
 - (q) Sewer connections \$75.00
 - (r) Water service connection\$75.00
 - (s) Gas service connection \$75.00
 - (t) Water softener and Water Filters.....\$75.00
 - (u) Pool Drains.....\$75.00
 - (v) Lawn sprinkler\$75.00
 - (w) Fire sprinkler \$75.00
 - (x) Sewer ejector\$75.00
 - (y) Vent stack \$25.00
 - (2) Notwithstanding anything to the contrary, the minimum fee for any plumbing subcode permit shall be\$75.00
 - (a) Plan review credit.....20%
 - (b) Change of contractor.....\$25.00
- C. **The electrical subcode fees shall be as follows:**

- (a) Fixtures and devices to be counted for these items include outlets, wall switches, fluorescent fixtures, convenience receptacles or similar fixtures and motors and devices of one (1) horsepower or one (1) kilowatt or less:
 - (1) Fee for first 25\$100.00
 - (2) Fee for increments of 5 \$10.00
 - (3) Fee for pool with U/lights\$150.00
 - (4) Fee for storage pool/spa\$100.00
 - (5) Fee for above-ground pool\$100.00
- (b) For the purposes of calculating the following electrical fees, all motors except those in plug-in appliances shall be counted, including control equipment, generators, transformers and all heating, cooking or other devices consuming or generating electrical current:
 - (1) Motors/electrical devices to
1-5 horsepower \$25.00
 - (2) Motors/electrical devices to
6-9 horsepower\$50.00
 - (3) Motors/electrical devices to
10-15 horsepower\$75.00
 - (4) Motors/electrical devices above
26 horsepower \$100.00
 - (5) Transformer/generator to
10 kilowatt \$75.00
 - (6) Transformer/generator to
45 kilowatt\$125.00
 - (7) Transformer/generator to
112.5 kilowatt\$175.00
 - (8) Transformer/generator above
112.5 kilowatt\$225.00
 - (9) Service/panels/subpanels to
100 ampere\$75.00
 - (10) Service/panels/subpanels to
200 ampere\$125.00
 - (11) Service/panels/subpanels to
300 ampere\$200.00
 - (12) Service/panels/subpanels to
400 ampere\$250.00
 - (13) Service/panels/subpanels to
800 ampere\$300.00
 - (14) Service/panels/subpanels to
1000 ampere and higher\$450.00
 - (15) HVAC and Central AC – per unit..... \$75.00
- (c) Minimum fee\$75.00
- (d) Plan review credit20%
- (e) Change of contractor.....\$25.00

D. The fire subcode fees shall be as follows:

- (a) Fireplace\$75.00
- (b) Woodburning stove \$75.00
- (c) Residential mechanical equipment\$75.00
- (d) Residential smoke or heat detectors
Five (\$7.00) dollars each, minimum\$75.00
- (e) Restaurant extinguishing systems\$100.00
- (f) Automatic fire sprinkler:
 - (1) Three (\$5.00) dollars per head,
Minimum\$50.00
- (g) Industrial/commercial fire alarm
system\$75.00
- (h) Flammable/combustible liquid tank
installation, except commercial shall
be \$100.00 per 1,000 gallons \$100.00
- (i) Flammable/combustible liquid tank
removal/abandonment. Includes
above or underground storage tanks\$100.00
- (j) Installation of Propane tanks up to 350 lbs.....\$75.00
- (k) Chimney liner..... \$75.00
- (l) Egress emergency and exit lighting
systems\$75.00
- (m) Industrial/commercial mechanical
systems\$75.00
- (n) L.P.G. or L.N.G. tanks\$75.00
- (o) Standpipes\$75.00
- (p) Pool heaters\$75.00
- (q) Minimum fee.....\$75.00
- (r) Plan review credit20%
- (s) Change of contractor.....\$25.00

E. The Mechanical subcode fees shall be:

- 1) \$100 for the installation and replacement of heating and cooling
equipment, or other mechanical equipment in existing buildings of R-
3, R-4 and R-5 Use Groups.
 - (a) Other equipment shall include: refrigeration, air
conditioning, heating systems, or standby power
generators.
 - (b)The \$100.00 fee shall be for each item.
- 2) Other fees:
 - (a)Fee for a chimney liner.....\$75.00
 - (b)Fee for a hot water or water storage tank.....\$75.00
 - (c)Fee for gas piping.....\$20.00
 - (d)Fee for ductwork for mechanical equipment.....\$20.00
 - (e)Fee for A/C, ductless split systems:
(up to 3 interior units)\$100.00

- (4 or more interior units) \$175.00
- 3) Notwithstanding anything to the contrary, the minimum fee for any Mechanical subcode permit shall be\$75.00
 - a) Plan review fee.....20%
 - b) Change of Contractor.....\$25.00

Section 3. Severability.

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Section 4. Inconsistent Ordinances Repealed.

All ordinances or parts or ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

Introduced by: Councilman Kruis	Seconded by: Councilman Kamp
Roll Call: 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, the **Mayor** opened the meeting to the public and the Council for any comments, questions, or concerns.

Griffin Kutch – 49 Aqueduct Avenue - thanked the Council and Administration for their continued support for the purchase of the new pumper truck for the Fire Department.

It was noted that Councilman-Elect Lorenzo Damiano was in attendance.

There being no response and no further business to address, at 8:31 P.M., on a Motion by **Council President DeLuca**, Seconded by **Councilman Kamp** and carried, **Mayor Shortway** adjourned the meeting.

Respectfully submitted,

Wendy Martin, R.M.C.
Borough Clerk