

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK, NJ 07432
FEBRUARY 20, 2020
8:00 P.M. Open Public Meeting Minutes**

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 February 20, 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	Absent
	Councilman Iannone	Present
	Councilman Kruis	Present
	Councilman Sansone	Absent
	Councilwoman Peet	Present
	Council President DeLuca	Present

ALSO PRESENT: Borough Attorney Regan, Borough Administrator Seemon and Borough Clerk Martin

APPROVAL OF MINUTES:

A Motion to approve the Special Closed and Budget Session Meeting Minutes of December 12, 2019 and the Budget Session, Work Session, Closed Session and Open Public Meeting Minutes of December 19, 2019, and the Sine Die and Re-Organization Meeting Minutes of January 2, 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:	Councilwoman Peet	Seconded by:	Council President DeLuca
Roll Call:	Councilman Kamp		Absent
	Councilman Iannone		Aye
	Councilman Kruis		Aye
	Councilman Sansone		Absent
	Councilwoman Peet		Aye
	Council President DeLuca		Aye

OPEN TO THE PUBLIC:

Mayor Shortway opened the meeting to the public for any questions, comments or concerns. There being no response, the **Mayor** closed the meeting to the public.

Council President DeLuca made a motion to go out of the regular Order of Business.

Introduced by: Council President DeLuca **Seconded by: Councilwoman Peet**

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

AT THIS TIME, MAYOR SHORTWAY ADMINISTERED THE OATHS OF OFFICE TO THE 2020 ELECTED AMBULANCE CORPS LINE OFFICERS

- 1. Captain Joseph Rector**
- 2. 1st Lt. John Lazzari**

Due to Cathy Warbrick’s absence, it was decided she would be sworn in at a different date.

- 3. 2nd Lt. Cathy Warbrick**

LIAISON REPORTS:

Mayor Shortway

Mayor Shortway reported on February 8th the Borough hosted the North West Bergen Mayors’ meeting: Bergen County Freeholder Ortiz spoke about the 2020 census questions, noting it is supposed to be done by April. The **Mayor** reported on February 11th, he and Administrator Seemon attended the Mayors’ meeting in Hackensack: the keynote speaker was Mr. Grubb, the insurance advisor from the Joint Insurance Fund who spoke about sexual harassment policies. He, **Council President DeLuca** and **Councilwoman Peet** attended the Love Fund dinner on February 13th. On February 17th, he attended a gathering of Mayors in Franklin Lakes and on February 20th, he was a judge for the National Christian Speech and Debate competition held at the Midland Park Christian Reformed Church for 12-18 years old. Today, he attended the State of the County speech given by the County Executive who thanked the employees and spoke about the parks and road repairs and maintenance. **Mayor Shortway** reminded everyone that May is Mental Health month.

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

Council President DeLuca reported the **Ambulance Corps** answered 57 calls for service in January. Borough Administrator Seemon and **Councilwoman Peet** attended the Ambulance Corps dinner.

The **Council President** reported the **Fire Department** met on February 13th: there were 6 calls for service in January and her, **Mayor Shortway** and **Councilwoman Peet** attended the dinner hosted by the Fire Department. **Council President DeLuca** reminded everyone of the Beefsteak Dinner scheduled for April 17.

Council President DeLuca reported she attended the **Library** Board meeting: the Acting Director is working on a report for the State; the staff is reorganizing the shelves and they are busy setting up programs for summer.

Councilman Kamp Recreation/Municipal Alliance/Ridgewood Water

Due to **Councilman Kamp’s** absence, no report was given.

Resolution # 043-20 Authorize Private Purchases of Excess Items

WHEREAS, the New Jersey Local Publics Contract Law at N.J.S.A. 40A:11-36 allows by resolution of its governing body may authorize by sealed bid or public auction the sale of its personal property not needed for public use; and

WHEREAS, at N.J.S.A.40A:11-36(1) states If the estimated fair value of the property to be sold exceeds 15 percent of the bid threshold in any one sale it shall be sold at public sale to the highest bidder; and

WHEREAS, at N.J.S.A.40A:11-36(6) If the estimated fair value of the property to be sold does not exceed the applicable bid threshold in any one sale it may be sold at private sale without advertising for bids; and

WHEREAS, the Borough of Midland Park possesses the following equipment: 10ft x 30ft Tents and Medical Boxes; and

WHEREAS, the fair market value of the equipment is estimated to be at: Tents - \$90.00 per Tent and Medical Boxes - \$5.00 per Medical Box; and

WHEREAS, the Borough has been approached by private persons requesting to purchase the equipment at fair market value.

NOW, THEREFORE, BE IT RESOLVED by the Governing body of the Borough of Midland Park that the following equipment:

Tents and Medical Boxes valued at: Tent - \$90.00 per Tent Medical Boxes - \$5 per Medical Box

Is authorized to be sold at private sale reflecting fair market value.

Resolution # 044-20 Authorize Participation in The Law Enforcement Support Office 1033 Program

WHEREAS, the Borough of Midland Park utilizes, State, county, regional and national contracts to obtain competitive pricing; and,

WHEREAS, the Midland Park Police Department has recommended the Borough participate in a surplus federal property program transformed to local law enforcement agencies administered through the New Jersey State Police as a procurement option; and,

WHEREAS, the Midland Park Borough Council shall have complete and full oversight of any equipment or vehicles acquired through the Law Enforcement Support Office 1033 Program.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, County of Bergen, State of New Jersey that the Midland Park Police Department is allowed to participate in the Law Enforcement Support Office (LESO) 1033 program.

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Midland Park shall have complete oversight of the Law Enforcement Support Office 1033 program.

BE IT FURTHER RESOLVED, that the Midland Park Police Department is allowed to acquire property through the Law Enforcement Support Office program after prior review oversight and written permission from the Midland Park Borough Council.

BE IT FURTHER RESOLVED, that Lieutenant Gregory Kasbarian and Patrolman Joseph Gaeta, the Officers in Charge, is authorized to sign the Law Enforcement Support Office application.

Resolution # 045-20 Planning Board Escrow Refund – 180 Godwin Avenue

WHEREAS, at the meeting of January 27, 2020, it was unanimously approved and recommended by the Planning Board, to return the unused escrow to the following party:

Gulesserian, Maurice Acct. #T-20-300-351 \$922.78
180 Godwin Avenue
(Blk. 17, Lt.8)

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that the Chief Financial Officer issue a check for the funds in the above stated amount, to Maurice Gulesserian, 180 Godwin Avenue at the appropriate address on file with the Chief Financial Officer.

Resolution # 046-20 Zoning Board Escrow Refund

WHEREAS, at the meeting of February 12, 2020, it was unanimously approved and recommended by the Zoning Board, to return the unused escrow to the following parties:

Vivian Dwyer 81 Park Avenue (Blk. 42, Lt. 2)	Acct. #T-20-256-165	\$40.23
Susan Conzo 142 Highland Avenue (Blk. 16, Lt. 5)	Acct. #T-20-256-153	\$15.70
Kenneth Junta 203 Hill Street (Blk. 11.04 Lt. 29)	Acct #T-20-256-169	\$39.76
Patrick & Evelyn Haftek 180 Birch Street (Blk. 30.02 Lt. 1.04)	Acct #T-20-256-171	\$39.76
Iron Physical Therapy 648 Godwin Avenue (Blk. 45 Lt. 7)	Acct #T-20-256-154	\$1,445.31
11 Paterson Ave LLC 11 Paterson Avenue (Blk. 19 Lt. 3.01)	Acct #T-20-256-162	\$686.11

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that the Chief Financial Officer issue checks for the funds in the above stated amounts, to the above note parties at the appropriate address on file with the Chief Financial Officer.

The Consent Agenda was:

Introduced by: Councilman Iannone

Seconded by: Council President DeLuca

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

RESOLUTIONS:

1. Resolution #041-20 – Bills List

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

Current Fund ('19)	\$ 33,015.52
Current Fund	\$ 101,715.98
Capital Fund	\$ 3,967.73
Dog Fund	\$ 1.20
Dog Fund ('19)	\$ 7.80
Trust Fund	\$ 8,300.00
Unemployment Fund ('19)	\$ <u>321.40</u>
TOTAL:	\$ 147,329.63

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 30 th Payroll	\$ 199,792.02
Current	February 14 th Payroll	\$ 203,369.55
Current	February Health Payments	\$ 80,283.07
Current	February School Taxes	\$1,779,766.67
Current	N.J.E.I.T. February Payment	\$ 5,517.89
Current	Konica Minolta – mnl ck	\$ 628.09

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Midland Park that the claims totaling **\$2,416,686.92** be approved and ratified respectively.

Introduced by: Councilwoman Peet

Seconded by: Councilman Kruis

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

2. Resolution #047-20 Appoint- Municipal Humane Law Enforcement Officer – Carol Tyler

WHEREAS, the New Jersey Legislature has adopted a law establishing the position of Municipal Humane Law Enforcement Officer; and

WHEREAS, pursuant to law, an application for such appointment has been submitted to the Chief of Police; and

WHEREAS, the Chief, has recommended Carol Tyler of Tyco Animal Control, be appointed to such position for the reason set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that it does hereby appoint Carol Tyler, Kimberly Nangle and Kristen Gunderson as Municipal Humane Law Enforcement Officers, effective immediately until December 31, 2020; and

BE IT FURTHER RESOLVED, that the Municipal Humane Law Enforcement Officer shall comply with all requirements of law, including any training requirements in respect thereto, and shall be authorized to investigate and sign complaints, arrest violators and otherwise act as an

Officer for detection, apprehension and arrest of offenders against the Animal Welfare and Animal Cruelty Laws for the State and Ordinances of the Borough as the case may be.

Introduced by: Council President DeLuca

Seconded by: Councilman Iannone

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

ORDINANCES ON INTRODUCTION:

1. ORDINANCE #01-20

“AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COST OF LIVING ADJUSTMENT (COLA) IS EQUAL TO OR LESS THAN 2.5 PERCENT (N.J.S.A.40A:4-45.14)”

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

WHEREAS, the Local Government Cap Law, N.J.S.A 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% or the Cost-of-Living Adjustment (COLA), whichever is less, over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:45.14 provides that a municipality may, in any year in which the COLA is equal to or less than 2.5% increase its final appropriations by a percentage greater than the COLA, but not to exceed the 3.5% rate as specified in the law, when authorized by ordinance; and,

WHEREAS, the COLA for CY 2020 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 2.5%; and,

WHEREAS, N.J.S.A 40A:4-45.15a provides that a municipality may, in any year in which the COLA is equal to or less than 2.5% may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Midland Park, in the County of Bergen, finds it advisable and necessary to increase its CY 2020 Budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$283,944.91 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Midland Park, in the County of Bergen, a majority of the full authorized membership of this governing Body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Midland Park shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14,

be increased by 3.5%, amounting to \$8,396,656.77 and that the CY 2020 municipal budget for the Borough of Midland Park, be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as Introduced be filed with the Director of the Division of Local Government Services within 5 days of Introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon Adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such Adoption.

BE IT FURTHER ORDAINED, that any ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance, are hereby repealed, but only to the extent of such inconsistencies.

This ordinance shall take effect at the time and in the manner provided by law.

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

2. ORDINANCE # 02-20

“BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS EQUIPMENT, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF MIDLAND PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,463,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.”

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

Section 1. The Borough of Midland Park, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new information technology and telecommunications equipment, new communication and signal systems equipment and a new automotive vehicle, including original apparatus and equipment, in, by and for said Borough, as more particularly described in Section 4 hereof. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes.

Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Replacement of roofs at various public buildings. It is hereby determined and stated that said public buildings being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 265,000
Down Payment Appropriated	\$ 12,620
Bonds and Notes Authorized	\$ 252,380
Period of Usefulness	15 years

B. Undertaking of HVAC and clean energy upgrades at various public buildings.

Appropriation and Estimated Cost	\$ 100,000
Down Payment Appropriated	\$ 4,770
Bonds and Notes Authorized	\$ 95,230
Period of Usefulness	10 years

C. Installation of emergency generators at various public buildings.

Appropriation and Estimated Cost	\$ 283,000
Down Payment Appropriated	\$ 13,500
Bonds and Notes Authorized	\$ 269,500
Period of Usefulness	15 years

D. Undertaking of the Communications and Technology Upgrade Project.

Appropriation and Estimated Cost	\$ 565,000
Down Payment Appropriated	\$ 27,000
Bonds and Notes Authorized	\$ 538,000
Period of Usefulness	5 years

E. Acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of a Recycling Center garbage truck for the use of the Department of Public Works.

Appropriation and Estimated Cost	\$ 250,000
Down Payment Appropriated	\$ 12,110
Bonds and Notes Authorized	\$ 237,890
Period of Usefulness	5 years

Aggregate Appropriation and Estimated Cost	\$1,463,000
Aggregate Down Payment Appropriated	\$ 70,000

Aggregate Amount of Bonds and Notes Authorized	\$1,393,000
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Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$33,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$70,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$70,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$1,393,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$1,393,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 9.08 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,393,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 14. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 15. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Introduced by: Councilman Iannone

Seconded by: Council President DeLuca

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

3. ORDINANCE # 03-20

“AN ORDINANCE TO AMEND CHAPTER III OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED, “POLICE REGULATIONS”

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 III of the Code of the Borough of Midland Park, Police Regulations, §3-13, Fire Lanes Or Zones, Subsection 3-13.3, Designation Of Fire Zones, be and is hereby amended to read as follows:

- a. No change.
- b. No change.
- c. CVS Store
80 Godwin Avenue
 1. Zone A (Erie side of CVS) – 45 feet X 18

- feet
- 2. Zone B (Front of CVS) – 30 feet X 18 feet
- 2. Zone C (Front of Dunkin Donuts) - 142½ feet X 14 feet 8 inches
- 3. Zone D (Side of Dunkin Donuts) - 90 feet X 3 feet
- 4. Zone E (Rear of Dunkin Donuts) – 97½ feet X 6 feet
- d. No change.
- e. No change.
- f. No change.
- g. No change.
- h. No change.
- i. No change.
- j. No change.
- k. No change.

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

MOTIONS

- 1. A Motion to Appoint Matt Tauber as a Deputy to the Office of Emergency Management for a one-year term.

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

2. A Motion to Appoint Board of Health members Miguel Garcia and Alexandra Zubok each filling unexpired terms ending December 31, 2021.

Introduced by: Councilwoman Peet

Seconded by: Councilman Iannone

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

3. A Motion to approve the membership application of Jason Jacoby to the New Jersey State Firemen’s Association and to become a member of the Midland Park Volunteer Fire Department.

Introduced by: Councilman Kruis

Seconded by: Council President DeLuca

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

OLD BUSINESS/NEW BUSINESS:

Under Old Business, the Council discussed the Sign Ordinance and enforcement. After a lengthy discussion, it was decided to put the subject on the Work Session agenda for February 27th.

For New Business, **Council President DeLuca** reported she, the Recreation Director and Borough Administrator attended the first meeting with a group of Seniors on February 4th regarding setting up activities: twelve people attended and three have email capabilities; the next meeting is scheduled for March 3rd.

Borough Clerk Martin reminded everyone The Eastern Christian Children’s Retreat is hosting an event on March 25th and would like attendance responses. They are encouraging people to attend to meet the new C.E.O., noting Representative Gottheimer and Senator Menendez will be in attendance. The **Mayor** announced April 25th is Beautification Day with the scouts lending a hand and **Council President DeLuca** reminded everyone April 18th is the Opening Day for baseball.

PUBLIC COMMENT:

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

Ray Chapman – 225 Vreeland Avenue – spoke about political signs and enforcement. Borough Attorney Regan noted they are protected under the 1st amendment and hard to regulate.

James Capalbo - 89 Millington Drive – asked if there are fees for signs? **Councilman Kruis** explained permits are required. Mr. Capalbo stated that if there is an ordinance which spells out the requirements, it

should be enforced. **Councilman Kruis** explained that originally the “sandwich” signs were allowed to help the shop owners in town, but it has gotten worse. Mr. Capalbo asked about the bond ordinance and what is the dollar amount limit? Attorney Regan and Borough Administrator Seemon explained the limit is 3% of the assessed value, noting the amount passed tonight is not close.

There being no further response and no further business to address, at 8:45 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 #048-20 CLOSED SESSION – AFTER FEBRUARY 20, 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;

_____ 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: _____ . If contract negotiations the nature of the contract and interested party is _____

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 Kruis

Seconded by: Council President DeLuca

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

At 9:11 the Council reconvened into the Open Public Meeting. There being no further business to discuss, on a Motion made by **Councilman Kruis**, Seconded by **Council President DeLuca** and carried, **Mayor Shortway** adjourned the Open Public Meeting.

Respectfully submitted,

Wendy Martin, R.M.C.
Borough Clerk