

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

8:00 PM Open Public Meeting Agenda

On May 14, 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 States): [1 877 568 4106](tel:18775684106)

Access Code: 721-842-293

Questions, Comments or Concerns were emailed in advance to the Borough Clerk at wmartin@midlandparknj.org no later than May 14, 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 May 14, 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.

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| 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

Jack Bricca-Hall – 26 Vreeland Avenue
Ester Vierheilig – 333 Godwin Avenue
Gerri Koch – 22 Center Street

APPROVAL OF MINUTES:

A Motion to approve the Work Session, Closed Session and Open Public Meeting Minutes of February 27, 2020 and March 12, 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: Councilman Kamp

| | | |
|-------------------|---------------------------------|---|
| Roll Call: | Councilman Kamp | Aye |
| | Councilman Iannone | Aye |
| | Councilman Kruis | Abstain for the 27th; Aye for the 12th |
| | 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.

At this time questions, concerns or comments emailed in advance to the Borough Clerk were addressed. There were no email questions from the public at this time.

Administrator Seemon asked individual members of the Public to speak at this time.

Jack Bricca–Hall – 26 Vreeland Avenue - asked why the trees that lined Godwin Avenue near Vreeland Avenue have been cut down. Administrator Seemon explained the trees, which are Bradford pear trees, were in the right-of-way and are known to create a public hazard and are outlawed in many states. They tend to rot and get tangled in the overhead wires and lift sidewalks, as well as have limbs drop during storms, creating needless costs for the Borough and the residents. There is a plan to plant trees in different locations throughout the Borough, more appropriate places for trees than between the curb and sidewalk.

Ester Vierheilig – 333 Godwin Avenue - expressed great sorrow at the loss of the trees, noting that many that were taken down appeared to be healthy trees and not under the overhead lines and the sidewalks were not raised. She stated they should have been trimmed properly and by cutting down the trees Midland Park has lost some of the “park like feel” and looks empty. She is also sad there is no plan in place to replace the trees along the street.

Gerri Koch – 22 Center Street - was distraught to see the trees were removed without sharing the plan with the residents. She expressed annoyance that it was done during a pandemic when residents have been ordered to stay at home and not out and about. She asked who gave the authorization for going forward with the removal of the trees and would like to see a plan for replanting. Godwin Avenue is no longer a tree-lined street which takes away the appeal and beauty and she feels there should be reconsideration of the decision. She too stated the trees should have been pruned properly and feels it was very destructive. Administrator Seemon addressed her concerns: he and the Department of Public Works Superintendent are part of the Shade Tree committee and their job to identify trees hazardous to the public. These trees were identified as hazardous because of the potential for limbs coming down and the roots raising the sidewalks; it was all about safety for the residents. He stated more trees will be planted in places where they will not be a public hazard like in the parks. He acknowledged it seems drastic but assured the residents that more trees will be planted throughout the Borough. He reiterated that this particular species of tree, the Bradford pear tree, have been outlawed in most states because of the way they rot and taking them down was to avoid future problems. Ms. Koch stated that by removing them, it has created a problem by not allowing any input from the people in the town. She is not satisfied with this response and plans to take it a step further.

There being no further response, the **Mayor** closed the meeting to the public.

LIAISON REPORTS:

Mayor Shortway

Mayor Shortway reported Marc and he listened to a talk from the Governor’s office on May 22 and will do so again on the 29th regarding what will be allowed and not allowed and what changes will be coming.

Councilman Sansone

Public Works/ Board of Education/ Chamber of Commerce

Councilman Sansone reported progress for the **Board of Education**: there is an ongoing discussion about how to handle graduation.

The **Councilman** reported there is progress with the **Chamber of Commerce**.

Councilman Sansone reported the **Department of Public Works** has been busy: the air conditioning and heating vents and ductwork throughout the Borough’s buildings have been cleaned; the Woodside Avenue project has been completed; Erie Avenue is scheduled to be milled and paved by the end of May, weather permitting; landscaping repairs have been made to the Borough Hall and Library properties and they continue to disinfect the police vehicles, the fire apparatus and Borough buildings per COVID -19 protocol.

Councilwoman Peet

Finance/Board of Health

Councilwoman Peet reported the **Board of Health** has been very busy: they had a virtual meeting on May 11th to go over activity reports and regulatory fees; the High School Wellness Council participation is on hold and to discuss possible alternatives to the rabies clinic that was cancelled. The **Councilwoman** informed the Governing Body that the Board of Health received the resignation from the Health Officer. **Councilwoman Peet** read the letter that went to all the all the Councils and Mayors that are part of the Commission, noting the current Health Officer will remain in her position while the search for her replacement is conducted and she will be instrumental in choosing her replacement. The **Councilwoman** reported New Jersey has, at this time, 142,704 cases of COVID-19 with the total number of decedents directly related to COVID-19 as 9946 and Midland Park’s total has reached 86. She noted there is no data for recoveries at this time and that all cases in the Borough have been investigated by the Northwest Bergen Regional Health Commission. **Councilwoman Peet** noted that long term care facilities have been hit very hard and there are new regulations for long term care facilities regarding testing.

Council President DeLuca

Public Safety – Fire/Ambulance/ Personnel/Library

Council President DeLuca reported the **Ambulance Corps** held a virtual meeting on May 4th: there were forty calls for service in April, bringing the total for the year to 181. She spoke of a change in line officers going forward: John Lazarri is the Captain, Kathy Warbrick is the 1st Lieutenant and Steve Holder is the 2nd Lieutenant.

The **Council President** reported the **Fire Department** is not holding any meetings or drills but are continuing to operate; they answered twelve calls for service in April; there are plans to record the annual Memorial service which will be sent out digitally and everything is good.

Council President DeLuca reported the Bergen County **Library** system has set up a special task force to finalize procedures for re-opening the County’s Libraries. The **Council President** noted there is a possibility of curbside pickup using an app on the phone, along with a call-in service for patrons who do not have a smart phone. She informed the Council the next meeting of the Library Board is scheduled for May 19th.

Councilman Kamp

Recreation/Municipal Alliance/Ridgewood Water

Councilman Kamp reported progress for the **Municipal Alliance**.

The **Councilman** reported applications for **Recreation’s** summer camp are trickling in and the Director is checking with other districts to see how they are handling the situation. He noted the Board

of Recreation is still hoping for a semblance of a travel baseball and softball season.

Councilman Kamp reported **Ridgewood Water** has sent out a notice of violation regarding water quality parameters: the sampling of water was taken between July-December 2019 and three of the points of testing were found to be lower than the State mandates. The **Councilman** stressed that this is not about the safety of the water for drinking – there are no contaminants in the water.

Councilman Iannone

Public Safety – Police/ Information Technology

Councilman Iannone reported **Information Technology** is working on a new area for housing the Borough’s servers; a new hosted service phone system is being looked into which will allow employees to answer phones remotely; five employees have been relocated within Borough Hall; there has been an uptick in malicious attacks on several of the Borough’s networks due to COVID-19 and they have been busy with various support issues with the staff working remotely.

The **Councilman** reported the **Police Department** is working well with a new detail starting and Officer Tillson is returning to the force by June 1st.

Councilman Kruis

Planning Board/Building Dept/ Fire Prevention/OEM/Property Maintenance

Councilman Kruis reported the **Planning Board** will be having their first virtual meeting on May 18th. The **Councilman** reported progress with the **Building Department**.

Councilman Kruis reported he asked the **Office of Emergency Management** Coordinator to send his report to the Governing Body which detailed the Personal Protection Equipment inventory of the Borough.

ADMINISTRATOR’S REPORT

Administrator Seemon reported the Ramsey Co-op numbers are favorable to Midland Park for the interlocal paving agreement. Tentatively, the following roads are scheduled to be paved: Aqueduct Avenue, First Street, Demund Lane, Pierce Avenue, Westview Place and Westview Terrace. Mr. Seemon reported Erie Avenue milling and paving should be done by the end of May, weather permitting. He noted some adjustments are being made to Borough Hall to prepare for re-opening and the new social distancing protocols that will be in effect, although there are no formal measures coming from the Governor’s office regarding municipal buildings and it is possible that it may be “by appointment only” at the start. He reported he and Information Technology personnel are in the process of major technology upgrades involving internet and phones.

ORDINANCES ON FINAL:

1. ORDINANCE #06-20

“AN ORDINANCE TO AUTHORIZE VARIOUS MUNICIPAL IMPROVEMENTS, ACQUISITIONS AND PROJECTS IN THE BOROUGH OF MIDLAND PARK, TO APPROPRIATE THE SUM OF \$477,600 TO PAY THE COST THEREOF, FROM THE CAPITAL IMPROVEMENT FUND”

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

Section 1. The following is to be funded from the Capital Improvement Fund and is hereby authorized for:

- 1. Administration**
Down Payment for Note
Reserve for Boro Hall renovations
- 2. Department of Public Works**
2020 Road Resurfacing Program

Reserve for Drainage projects

- 3. **Fire**
 - Purchase Turnout gear
 - Purchase Fire hoses
 - SCBA bottle replacements

- 4. **Police**
 - Flashing school zone safety lights

Section 2. The sum of \$477,600 hereby appropriated to the payment of the cost of such acquisitions and improvements authorized and described in Section 1 hereof. Said sum so appropriated shall be met from the Capital Improvement Fund of the Borough.

Section 3. Said improvements are lawful capital improvements of the Borough having a period of usefulness of at least five (5) years. Said improvements shall be made as a general improvement, and no part of the cost has been nor shall be assessed against property specially benefited.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital 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 5. This ordinance hereby incorporates the provisions of N.J.S.A. 40A:2-20.

Section 6. This ordinance shall take effect at the time and in the manner provided by law.

Introduced by: Councilman Kruis

Seconded by: Council President DeLuca

At this time, **Mayor Shortway** opened the meeting to the public for any questions, comments, or concerns regarding Ordinance #06-20. Administrator Seemon asked the public if they had any comments. There being none, the **Mayor** closed the meeting to the public.

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

2. ORDINANCE #07-20

“A CAPITAL ORDINANCE TO AUTHORIZE ADDITIONAL FUNDS TO THE RESERVE FUND, FOR MUNICIPAL VEHICLES IN THE BOROUGH OF MIDLAND PARK, TO APPROPRIATE THE SUM OF \$15,000.00 FROM THE CAPITAL IMPROVEMENT FUND FOR THE FUTURE PURCHASE OF MUNICIPAL VEHICLES”

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

Section 1.

The acquisition of funding from the Capital Improvement Fund is hereby authorized for:

- A. Midland Park Department of Public Works’ Reserve for a new garbage truck, in the amount of \$15,000.00

Section 2. The sum of \$15,000.00 is hereby appropriated to the payment of the cost of such acquisition and improvement authorized and described in Section 1 hereof. Said sum so appropriated shall be met from the Capital Improvement Fund of the Borough.

Section 3. Said improvements are lawful capital improvements of the Borough having a period of usefulness of at least five (5) years. Said improvements shall be made as a general improvement, and no part of the cost which has been nor shall be assessed against property specially benefited.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital

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 5. This ordinance hereby incorporates the provisions of N.J.S.A. 40A:2-20.

Section 6. This ordinance shall take effect at the time and in the manner provided by law.

Introduced by: Council President DeLuca Seconded by: Councilman Kamp

At this time, **Mayor Shortway** opened the meeting to the public for any questions, comments, or concerns regarding Ordinance #07-20. Administrator Seemon asked the public if they had any comments. There being none, the **Mayor** closed the meeting to the public.

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| 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 #079-20 Extend Grace Period for 2nd qtr. of property taxes

WHEREAS, N.J.S.A. 54:4-67 establishes a statutory 10-day grace period for the payment of property taxes without interest or penalty; and

WHEREAS, on April 28, 2020, Governor Murphy issued Executive Order No. 130, which permits municipalities to extend the grace period for the payment of property taxes for taxes due on May 1, 2020, until June 1, 2020, provided that a resolution is adopted by the governing body authorizing same; and

WHEREAS, the Mayor and Council, in recognition of the economic hardship suffered by some residents and businesses due to the COVID-19 pandemic and the present State of Emergency in effect in this State, desire to provide some temporary relief from interest charged for the delinquent payment of property taxes due on May 1, 2020; and

WHEREAS, the Mayor and Council have determined that it is in the best interests of the Borough to extend the grace period for property taxes due on May 1, 2020, until June 1, 2020; and

WHEREAS, as with the normal 10-day grace period, if full payment is not made within the extended grace period, interest will accrue retroactive to May 1, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Midland Park, as follows:

1. As authorized by Executive Order No. 130, the Borough of Midland Park does hereby extend the grace period for the payment of real property taxes due for the second quarter of 2020 until June 1, 2020;
2. Any payment of second quarter property taxes made on June 2, 2020, or later, shall accrue interest at the established rate retroactive to May 1, 2020.
3. A copy of this Resolution shall be forwarded to the Tax Collector.
4. The Borough Clerk shall, within three (3) days of the date hereof, provide a certified copy of this resolution to the Director of the Division of Local Government Services.
5. This Resolution was memorialized upon the issuance of Executive Order No. 130.
- 6.

Resolution #080-20 Cost Change #1 – Woodside Park & Dairy Field Park Improvements

WHEREAS, the Borough previously entered into a contract with Robert W. Wogisch Landscape Contractors, Inc., for Woodside Park & Dairy Field Park Improvements Project; and

WHEREAS, a cost Change Order has been proposed for the costs of the change of materials/labor as listed in the attached document; and

WHEREAS, said Cost Change is less than 3.69% of the contract price; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose;

| | |
|-------------------------------|---------------------|
| Bid Price | \$169,239.05 |
| Change Order #1 Cost Increase | \$ 8,514.32 |
| Change Order #1 Cost Decrease | (\$ 4,708.40) |
| Supplemental Repair | \$ 2,440.00 |
| Total Project Cost | \$175,484.97 |

Total Cost Change #1 \$6,245.92

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the Borough Clerk be and are hereby authorized to execute the aforesaid Cost Change #1 for these additional improvements.

Introduced by: Councilman Iannone

Seconded by: Councilman Sansone

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

RESOLUTIONS:

1. Resolution #078-20 – Bills List

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

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|--------------------|----------------------|
| Current Fund ('19) | \$ 14,396.44 |
| Current Fund | \$ 434,623.98 |
| Trust Fund | \$ 9,835.56 |
| Capital Fund | <u>\$ 36,166.92</u> |
| TOTAL: | \$ 495,022.90 |

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:

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|---------|--------------------------------|----------------|
| Current | April 30 th Payroll | \$ 176,129.27 |
| Current | April School Taxes | \$1,779,766.67 |
| Current | May Health Payments | \$ 80,552.98 |
| Current | NW Bergen Mutual-mnl ck | \$ 900.00 |
| Current | Sterling Carting-mnl ck | \$ 28,755.00 |

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Midland Park that the claims totaling **\$2,561,126.82** be approved and ratified respectively.

Introduced by: Councilwoman Peet

Seconded by: Councilman Kamp

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|------------|--------------------------|-----|
| 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:

Councilwoman Peet complimented the Joint Insurance Fund presentation on elected officials protecting the youth.

Administrator Seemon spoke of revisions to zoning ordinances and suggested that when back to being able to meet in person to have special meetings dedicated to handling this or having work sessions just for this topic.

Council President DeLuca addressed the issue of holding Memorial Day services: plans are being put in place to have something for the website and weekly newsletter.

PUBLIC COMMENT:

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

Ester Vierheilig – 333 Godwin Avenue – offered to help for Memorial Day service

Gerri Koch – 22 Center Street – thanked everyone for their time and service

There being no further response, at 8:40 P.M., on a Motion by **Councilman Sansone**, Seconded by **Council President DeLuca** and passed, **Mayor Shortway** adjourned the meeting.

Respectfully submitted,

Wendy Martin, R.M.C.
Borough Clerk