### BOROUGH OF MIDLAND PARK 280 GODWIN AVENUE MIDLAND PARK, NJ 07432 June 25, 2020

### 8:00 PM Open Public Meeting Minutes

On June 25, 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: 1 877 309 2073 Access Code: 952-289-933

Questions, Comments or Concerns were emailed in advance to the Borough Clerk at wmartin@midlandparknj.org no later than June 25, 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 June 25, 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 Ester Vierheilig – 333 Godwin Avenue

#### **APPROVAL OF MINUTES:**

A Motion to approve the Open Public Meeting Minutes of May 14, 2020 and May 28, 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: Council President DeLuca Seconded by: Councilwoman Peet

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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

### **OPEN TO THE PUBLIC:**

The **Mayor** opened the meeting to the public for questions, comments, or concerns.

**Administrator Seemon** asked individual members of the Public to speak at this time. No members of the public had any comments, questions, or concerns at this time.

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

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

### **LIAISON REPORTS:**

**Mayor Shortway** 

**Mayor Shortway** reported on June 11<sup>th</sup>, he and Administrator Seemon attended a meeting with the County Executive: the discussion centered mostly on pools and recreation; on July 2<sup>nd</sup>, recreation will be allowed to open the gym and batting cages; on June 16<sup>th</sup>, he and the Administrator attended a telephone conversation with the Governor's office as to what will be allowed to open and when and also the guidelines of responsibility that will be set with each opening. The **Mayor** stated further advisement was given by Trenton regarding recreation.

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

Councilman Sansone reported the progress with the Board of Education.

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

Councilman Sansone reported the Department of Public Works remains busy: the curb project on West View Place and Aqueduct Avenue have been completed; nine catch basins have been repaired on the roads scheduled for paving as well as upgrading the grates to Department of Environmental Protection standards; milling and paving will be starting tomorrow on the following roads: Aqueduct Avenue, Demund Lane, West View Place, West View Terrace, First Street and Pierce Avenue; the playgrounds and pavilions have been prepared for opening as per the Governor's rules and regulations, including having the tables and bleachers pressure washed; glass partitions have been installed in the main section of Borough Hall as well as the Building Department in anticipation of re-opening to the public; the annual sewer line cleaning has been completed and they continue to disinfect police cars and other Borough vehicles.

#### Councilwoman Peet Finance/Board of Health

**Councilwoman Peet** reported there is progress for **Finance**.

The **Councilwoman** reported the **Board of Health's** new health officer will begin on July 1<sup>st</sup>; as of June 24<sup>th</sup>, there are 95 positive COVID cases in the Borough with 5 deaths; the Commission received a federal grant totaling \$54,968 and must submit paperwork outlining their plans for expenditure before receiving the funds. **Councilwoman Peet** noted the Commission services 15-16 long term care homes. Facilities like these have been the hardest hit by COVID–19 and the Commission has been very busy assisting them.

# Council President DeLuca Public Safety – Fire/Ambulance/ Personnel/Library Council President DeLuca reported she gave the Ambulance report at the last meeting and there is progress.

The **Council President** reported the **Fire Department** has resumed drills and meetings while remaining cautious; the truck committee is moving along and making progress and should have plans in a month and will make revisions.

Council President DeLuca reported the Library Board held a virtual meeting on June 16<sup>th</sup> and they are very busy preparing to re-open: plexiglass has been installed at the desks; they have ordered hand sanitizer and face masks, in addition to introducing new programs. She stated the Library Director reported contactless curbside pick-up started June 17<sup>th</sup> and was well received; they will be offering an online arts and craft workshop called Creativebug. The Council President reported the children's summer reading program will be digital using ReadSquared which has been provided by the State. The Board has approved holding summer concerts, weather permitting, following social distancing rules, not allowing food or beverages to be sold and keeping the restrooms closed. Council President DeLuca brought forward some requests from the Library Board for the Council's approval:

They would like to hold weekly yoga classes outside on Thursday evenings.

They would like to schedule craft night on a Monday night during July and August-weather permitting-and following social distancing rules.

The Girl Scout troop wishes to place a bench outside the Library dedicated to Lena Padavano which will be painted to match the bench placed by the Boy Scouts last year.

They would like to set up a Story Walk at Wortendyk Park dedicated to Lena Padavano. The Children's Librarian will select the books to be placed and the book will change every 2-3 weeks. The cost for the project is estimated to be \$3500-\$4000 with the funds coming from the Friends of the Library, donations, and the Library, if needed. After some discussion, with input from Attorney Regan, it was decided to make a motion to allow the Story Walk and the other items were approved.

#### **MOTION:**

A Motion to approve the Library's request to install a story walk in Wortendyk Park

Introduced by: Councilman Kamp 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

**Mayor Shortway** asked the **Council President** about allowing patrons into the Library and the limits imposed due to social distancing guidelines. **Council President DeLuca** stated it is being worked on.

### Councilman Kamp Recreation/Municipal Alliance/Ridgewood Water

Councilman Kamp reported progress for the Municipal Alliance and Ridgewood Water.

The **Councilman** reported the **Board of Recreation** had a discussion regarding summer camp: it will be modified with the Recreation Director presenting an activities calendar twice per week. **Councilman Kamp** noted the Board of Recreation will try to encourage family participation thru family-oriented events; baseball and softball will be opening soon, and the emphasis has been to make sure all participants are safe.

### Councilman Iannone Public Safety – Police/ Information Technology Councilman Iannone reported progress for Information Technology.

The **Councilman** reported the **Police Department** has been dealing with several items: NJ.com posted an article regarding new Attorney General guidelines for police reform having to do with internal affairs investigations; they are doing everything they can regarding the excessive amount of fireworks being shot off, especially in the late evening hours, including posting several messages on social media and monitoring the

areas. **Councilman Iannone** noted arrests and summonses are low due to COVID and the department is continuing with community policing details.

#### **Councilman Kruis**

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

**Councilman Kruis** reported the **Planning Board** held their second virtual meeting on Monday, June 22<sup>nd</sup>, which went pretty well and there is progress.

The **Councilman** reported the **Building Department** has been busy working with local businesses trying to make things easy for them with regards to opening for doing business outside as per the Governor's order.

Councilman Kruis reported he has spoken to the Fire Prevention Official, Office of Emergency Management Coordinator and Property Maintenance Official: since the Office of Emergency Management is slowing down, he intends to be more aggressive regarding property maintenance issues.

### ADMINISTRATORS REPORT

Borough Administrator Seemon reported that, as it currently stands, the Waldwick pool will only be open to Waldwick residents but, once the Governor relaxes outdoor restrictions, Waldwick will open the pool to Midland Park residents. In the meantime, if there are any specific questions, Midland Park residents can call the Waldwick Administrator – 201-652-5300 ext. 227. Administrator Seemon noted he will be putting that in an email notification going out tomorrow to the residents. Mr. Seemon spoke of letters that went out to residents regarding a dead tree on their property and asked that residents please continue to reach out to the Department of Public Works Superintendent who will work with residents. The Administrator noted the Borough is in the final stretch of the curbing program for 2020; some long-standing projects are in the works and soon to be completed and he invited everyone to watch for tomorrow's newsletter, there is good information in it.

Clerk Martin updated the Governing Body of primary election e-notice that she sent out: there will be only one polling location open, the Midland Park Social Hall by the Fire Department, which has enough room to spread out the poll workers and the voters in adherence to current social distancing guidelines. She reported there will be only one voting machine and that it is designated for disabled voters only, all other voters will vote by provisional paper ballot. The Clerk spoke of having developed a floor plan for safely entering and exiting the hall and requesting an officer to be at the polls to help enforce social distancing, including wearing masks. She reported she has set up parking by Wade Odell Wade for non-disabled voters and having the Social Hall parking lot for disabled voters only.

### **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 #100-20 Small Balance Credit/Debit Cancellations

**WHEREAS**, there are odd and small credit and debit balances in taxes on various parcels of property in the Borough of Midland Park which are equal to or less than \$10.00 each; and

WHEREAS, by statute (N.J.S.A. 40A:5-17) such taxes may be canceled; and

**WHEREAS,** the Tax Collector has requested the cancellation of the attached listing of credit/debit balances for the year 2020 as of June 15, 2020

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Borough of Midland Park hereby authorize the Tax Collector to cancel the listed credit/debit balances on the attached pages.

#### **Resolution #101-20 Recycling Enhancement**

WHEREAS, The Recycling Enhancement Act, P.L. 2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and

recycling programs; and

**WHEREAS,** there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

**WHEREAS**, a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality, except that all grant moneys received by the municipality shall be expended only for its recycling program.

**NOW, THEREFORE, BE IT RESOLVED,** that the Council of the Borough of Midland Park hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, chapter 311, in 2019 in the amount of \$9,093.57. Documentation supporting this submission is attached and available at the Borough Hall, 280 Godwin Avenue, Midland Park, N. J. 07432, and shall be maintained for no less than five years from this date.

### Resolution #102-20 2019 Tonnage Grant

**WHEREAS,** the Mandatory Source Separation and Recycling Act. P.L.1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition to applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants for the year 2020 will memorialize the commitment of this municipality to recycling and to indicate the assent of The Mayor and Council of the Borough of Midland Park to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW THEREFORE BE IT RESOLVED** by the Council of the Borough of Midland Park that the Borough of Midland Park hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Bergen County Utilities Authority, Recycling Coordinator, to ensure that the application is properly filed, and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

### Resolution #103-20 Chapter 159 – Municipal Court Alcohol Education, Rehab & Enforcement Fund

**WHEREAS,** N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS,** said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS,** the Borough of Midland Park has received a total of \$666.83 from the State of New Jersey, and wishes to amend its 2020 Budget to include this amount as revenue.

**NOW, THEREFORE, BE IT RESOLVED,** that the Council of the Borough of Midland Park hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in

the Budget of the Year 2020 in the sum of \$666.83, which is now available as a revenue for:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of the Division of Local Government Services:

Revenues Off-Set with Appropriations:

Municipal Court Alcohol Education, Rehabilitation & Enforcement Fund

**BE IT FURTHER RESOLVED,** that a like sum of \$666.83 to be and the same is hereby appropriated under the caption of:

General Appropriation

Programs Off-Set by Revenues:

Municipal Court Alcohol Education, Rehabilitation & Enforcement Fund

**BE IT FURTHER RESOLVED,** that the CFO did an electronic filing of this revenue to the Director of the Division of Local Government Services along with attachment.

### Resolution #104-20 Chapter 159 - Clean Communities Grant

**WHEREAS,** N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

**WHEREAS,** said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Borough of Midland Park has received a total of \$13,566.64 from the State of New Jersey and wishes to amend its 2020 Budget to include this amount as revenue.

**NOW, THEREFORE, BE IT RESOLVED,** that the Council of the Borough of Midland Park hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget of the Year 2020 in the sum of \$13,566.64, which is now available as a revenue for:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent

of the Director of the Division of Local Government Services:

Revenues Off-Set with Appropriations:

Clean Communities Grants

**BE IT FURTHER RESOLVED,** that a like sum of \$13,566.64 to be and the same is hereby appropriated under the caption of:

General Appropriation

Programs Off-Set by Revenues:

Clean Communities Grants

**BE IT FURTHER RESOLVED,** that the CFO did an electronic filing of this revenue to the Director of the Division of Local Government Services along with attachment.

## Resolution #105-20 A Resolution Authorizing Inclusion in The Bergen County Community Development Program

**WHEREAS,** certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended; the HOME Investment Partnership Act of 1990, as amended; and the Emergency Solutions Grant of 2012; and

**WHEREAS**, the current Interlocal Services Cooperative Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

**WHEREAS**, each Municipality must notify the Bergen County Division of Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

**WHEREAS,** it is in the best interest of the Municipality of the Borough of Midland Park and its residents to participate in said Programs.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Municipality of Midland Park hereby notifies the Bergen County Division of Community Development of its decision to be included as a participant Municipality in the Urban County entitlement programs being the Community Development Block Grant Program (CDBG), the HOME Investment Partnership Program (HOME), and the Emergency Solutions Grant Program (ESG) for the Program Years 2021, 2022, and 2023 covering the period July 1, 2021 – June 30, 2024; and

**BE IT FURTHER RESOLVED**, that an original copy of this resolution be made available to the Director of the Bergen County Division of Community Development as soon as possible and no later than Friday, July 17, 2020.

### Resolution #106-20 Authorizing Execution of an Agreement with The County of Bergen to Supersede the Cooperative Agreement Dated July 1, 2000 and Amendments Thereto Establishing the Bergen County Community Development Program

**WHEREAS**, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended; the HOME Investment Partnership Act of 1990, as amended; and the Emergency Solutions Grant of 2012; and

**WHEREAS**, it is necessary to supersede an existing Interlocal Services Cooperative Agreement for the County and its people to benefit from these Programs; and

**WHEREAS,** an Agreement has been proposed under which the Municipality of Midland Park and the County of Bergen in cooperation with other Municipalities, will modify an Interlocal Services Program pursuant to N.J.S.A. 40A:65-1 et seq.; and

WHEREAS, it is in the best interest of the Municipality of Midland Park to enter into such an Agreement. NOW, THEREFORE, BE IT RESOLVED by the Municipality of Midland Park that the Agreement entitled "Three Year Cooperative Agreement" (an Agreement superseding the Cooperative Agreement dated July 1, 2000 – June 30, 2003) to clarify the planning and implementation procedures and to enable the Municipality to make a Three Year irrevocable commitment to participate in the Community Development Block Grant Program (CDBG), the Home Investment Partnership Program (HOME), and the Emergency Solutions Grant Program (ESG) for the Program Years 2021, 2022, and 2023 covering the period July 1, 2021 – June 30, 2024 be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

**BE IT FURTHER RESOLVED,** that this resolution shall take effect immediately in accordance with law and that an original copy be made available to the Director of the Bergen County Division of Community Development as soon as possible and no later than Friday, July 17, 2020.

### Resolution #107-20 Arturo's Restaurant Liquor License Renewal for the period July 1, 2020 – June 30, 2021

**WHEREAS,** Mariano Allegra, Arturo G Allegra Inc., t/a Arturo's Restaurant, has made application for renewal of its Plenary Retail Consumption w/Broad Package Privilege License # 0235-32-003-010 for premises located at 41 Central Avenue, Midland Park, Bergen County, New Jersey; and

**WHEREAS**, the Police Department has performed their investigation as per Borough Code 6-6 and at this juncture nothing precludes them from being issued their renewal.

**NOW, THEREFORE, BE IT RESOLVED,** by the Council of the Borough of Midland Park that such applications for the sale of alcoholic beverages as approved by State Statute and Ordinances of the Borough of Midland Park be and is hereby approved for premises located at 41 Central Avenue, Midland Park, and;

**BE IT FURTHER RESOLVED,** that the Borough Clerk be and is hereby authorized to issue such license, upon payment of any fees, to Mariano Allegra, Arturo G Allegra Inc., t/a Arturo's Restaurant, 41 Central Avenue, Midland Park, for the period July 1, 2020 to June 30, 2021.

### Resolution #108-20 Legends Restaurant and Pub Liquor License Renewal for the period July 1, 2020 – June 30, 2021

**WHEREAS,** Legends Restaurant and Pub, Inc. has made application for renewal of its Plenary Retail Consumption License # 0235-33-002-017 for premises located in Midland Park, Bergen County, New Jersey; and

**WHEREAS**, the Police Department has performed their investigation as per Borough Code 6-6 and at this juncture nothing precludes them from being issued their renewal.

**NOW, THEREFORE, BE IT RESOLVED,** by the Council of the Borough of Midland Park that such applications for the sale of alcoholic beverages as approved by State Statute and Ordinances of the Borough of Midland Park be and is hereby approved for premises located at 11 Central Avenue, Midland Park, and;

**BE IT FURTHER RESOLVED,** that the Borough Clerk be and is hereby authorized to issue such license, upon payment of any fees, to Legends Restaurant and Pub, Inc., Midland Park, for the period July 1, 2020 to June 30, 2021.

# Resolution #109-20 Resolution to Authorize Approval to Submit A Grant Application and Execute a Grant Contract with The New Jersey Department of

Transportation for the Resurfacing of Paterson Avenue, Section 2 Project

**BE IT RESOLVED** by the Mayor and Council of the Borough of Midland Park formally approves the grant application for:

### ROAD RESURFACING OF PATERSON AVENUE, SECTION 2 PROJECT

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2021- Resurfacing of Paterson Avenue Sect 2 - 00434** to the New Jersey Department of Transportation on behalf of the Borough of Midland Park.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Midland Park and that their signature constitutes acceptance of the terms and conditions of the grand agreement and approves the execution of the grant agreement.

### Resolution #110-20 Authorizing the Borough of Midland Park Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance With P.L.1994, C. 72

WHEREAS, the Bergen County Board of Taxation is unable to certify Midland Park's tax rate at this time and the Borough of Midland Park Tax Collector will be unable to mail the Borough's 2020 tax bills on a timely basis; and

**WHEREAS**, the Borough of Midland Park Tax Collector in consultation with the Borough of Midland Park Chief Financial Officer has computed an estimated tax levy in accordance with

N.J.S.A. 54:4-66.3, and they have both signed a certification showing the tax levies for the previous year, the 2020 estimated tax rates and the range of permitted estimated tax levies.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing body of the Borough of Midland Park, County of Bergen, State of New Jersey, as follows:

- 1. The Borough of Midland Park Tax Collector is hereby authorized and directed to prepare, and issue estimated tax bills for the Borough of Midland Park for the third quarter installment of 2020 taxes.
- 2. The entire estimated tax levy for 2020 is hereby set at \$ 33,421,006.71 with 2020 estimated tax range of 105%
- 3. In accordance with law the third installment of 2020 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

### Resolution #111-20 Authorizing the Award of a Required Disclosure Contract with the "T&H Communications" for Fiber Optic Infrastructure Upgrade – Pay to Play

**WHEREAS**, the Borough of Midland Park has a need for Fiber Optic Infrastructure Upgrade in accord with its public operations through T&H Communications 10 Bergen Avenue, Waldwick, N.J. 07463, as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and,

**WHEREAS**, the Sean Canning, Q.P.A., of the Canning Group, LLC has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

**WHEREAS,** *T&H Communications, in* the aggregate is expected to provide more than the pay to play threshold of \$17,500.00; and

\$289.76

WHEREAS, T&H Communications has completed and submitted a Business Entity Disclosure Certification and a Personal Contribution Disclosure form which certifies that T&H Communications has not made any reportable contributions to a political or candidate committee in the *Borough of Midland Park* in the previous one year, and that the contract will prohibit T&H Communications from making any reportable contributions through the term of the contract, and

**WHEREAS**, the Chief Financial Officer hereby certifies that funds NOT TO EXCEED \$22,500.00 are available as follows.

Line Items: X-10- -373-107 \$ 4,400.00 X-10- -385-107 \$18,100.00

**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 T&H Communications not to exceed \$22,500.00 for the 2020 budget year: and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and Personal Contribution Disclosure form, Determination of Value be placed on file with this resolution.

### Resolution #112-20 Zoning Board Escrow Refund's

**WHEREAS,** at the meeting of June 10, 2020, it was unanimously approved and recommended by the Zoning Board, to return the unused escrow to the following parties:

184 Godwin Ave, LLC Acct. #T-20-256-170 184 Godwin Ave

(Blk. 17, Lt. 9.01)

Delaney, Christopher & Cynthia Acct. #T-20-300-063 \$12.88

223 Hill Street (Blk. 11.04, Lt. 27)

**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 following parties, Law Offices of Eric David Becker – Attorney Trust Account, 253 Madison Avenue, Wyckoff, NJ 07481 and Delaney, Christopher & Cynthia- 223 Hill St., Midland Park, NJ 07432.

# Resolution #113-20 A Resolution Authorizing Temporary Outdoor Seating Permits for Licensed Restaurants, Bars and Other Such Establishments in The Borough of Midland Park and Setting Forth a Procedure for Obtaining Said Permits

**WHEREAS**, the Borough of Midland Park currently only allows for outdoor dining when specifically approved by permit from the Building Department.

WHEREAS, in anticipation of the Governor allowing certain business to open up with either outdoor seating only or a combination of outdoor seating and limited indoor seating on June 15, 2020, the Mayor and Council would like to assist businesses during this difficult time due to the COVID-19 pandemic to allow for additional outdoor seating on a temporary basis.

**NOW, THEREFORE, BE IT RESOLVED** that effective June 15, 2020, or on such date that the State of New Jersey allows temporary outdoor seating for restaurants, bars and other establishments, the Borough hereby adopts the following procedure for the issuance of Temporary Outdoor Seating Permits in the Borough of Midland Park.

- 1. Temporary Outdoor Seating Permits (hereinafter "Permits") shall be issued by the Zoning Officer.
- 2. Permit Applications shall be submitted to the Zoning Officer on a form approved by the Borough.
- 3. The Application Form shall require, at a minimum, the following information:
  - a. Name, address, email, cell phone and owner(s) of the Applicant
  - b. Name, address and owner(s) of the property (if different than the Applicant) and consent of the property owner to the Application

- c. Copy of most recent approved Site Plan for the property, if applicable.
- d. A drawing, survey or sketch showing the proposed Outdoor Seating Area, including proposed table set-up, seating capacity and the location and size of any tents, fencing, barriers, etc.
- e. Proof of compliance with all requirements established by the Governor and/or the State of New Jersey pertaining to such Outdoor Seating Area, including but not limited to Executive Order No. 150, Executive Directive No. 20-014 issued by the Department of Health, and SR-2020-10 issued by the Department of Law and Public Safety, Division of Alcoholic Beverage Control.
  - f. Proof of insurance covering the proposed Outdoor Seating Area and the use of the property for outdoor dining.
  - g. A statement acknowledging that 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:SSD-l, et seq., nor shall any Permit be deemed to authorize the use of any Outdoor Seating Area past October 31, 2020
  - h. A statement acknowledging the following: Tents may not exceed 40'x40' in size. Tents may not have sides and must be open-air. Open flames are not permitted underneath ten structures. Outdoor Seating Areas may not have electrical service or "wired" lighting without obtaining an electrical permit and inspection.
  - i. A statement acknowledging that failure to comply with the terms and conditions of any Permit, or with any of the requirements established by the Governor and/or the State of New Jersey, may result in the Borough revoking the Permit and closing the Outdoor Seating Area
- 4. Upon receipt of a completed Application, the Zoning Official shall refer the Application to the following officials and/or departments or their designees (the "Reviewing Entities") for a review and recommendation:
  - a. Planning Board or Zoning Board Rep.
  - b. Police Department
  - c. Fire Department
  - d. Board of Health
  - e. Department of Public Works
  - f. Any other official that the Zoning Official deems necessary to assist the Site Plan Review Committee.
- 5. The Reviewing Entities shall review the Application in order to determine that the business has demonstrated that allowing the Outdoor Seating Area is safe for both the customers and the public. The Reviewing Entities shall work with Applicants to reach reasonable accommodations to assist such businesses to obtain a Permit from the Borough, and they shall make any recommendations deemed necessary to protect the health, safety and welfare of the public.
- 6. The Reviewing Entities shall review the Application and the proposed Outdoor Seating Area and either recommend to the Zoning Officer the approval, denial or revision of the Application. The approval of an Application shall set forth all terms and conditions of approval.
- 7. Upon receipt of the recommendation of approval by all Reviewing Entities, the Zoning Officer shall issue a Permit to the Applicant. All terms and

conditions set forth by any Reviewing Entities with a recommendation of approval shall become conditions on the issuance of a Permit by the Zoning Officer.

- 8. There shall be no fee for a Permit Application.
- 9. The hours of operation of any Temporary Outdoor Seating Area shall be limited to 7:00 a.m. to 10:00 p.m.
- 10. All Permits issued pursuant to this Resolution and procedure shall terminate on October 31,2020.
- 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 October 31, 2020.
- 12. All applicants seeking approval of <u>permanent</u> outdoor seating areas shall apply to the Zoning Officer, in accordance with existing procedures.

**BEIT 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 Iannone Seconded by: Councilwoman Peet

Roll Call: Co

Councilman Kamp Aye
Councilman Iannone Aye
Councilman Kruis Aye
Councilman Sansone Aye
Councilwoman Peet Aye
Council President DeLuca Aye

### **RESOLUTIONS:**

1. Resolution #099-20 – Bills List

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

TOTAL:	\$ 390,432.22
Capital Fund	\$ <u>228,426.56</u>
Trust Fund	\$ 8,193.84
Current Fund	\$ 153,811.82

**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 June 15th Payroll \$ 203,646.53 Current Corelogic – mnl ck \$ 12,614.00

**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and Council of the Borough of Midland Park that the claims totaling **\$606,692.75** be 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
<b>Councilwoman Peet</b>	Aye
<b>Council President DeLuca</b>	Aye

#### **MOTIONS:**

1. A Motion to approve the request from Edmund and Associates for a donation to the Crohn's & Colitis Foundation of America in the name of their son, and this donation will reflect as a credit on our Annual Software bill.

Introduced by: Councilman Kruis 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

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

**Councilman Kamp** spoke of Midland Park High School's Senior class parade around the community: the outpouring of support by community was outstanding and the effort put forth by the Police Department was exceptional. Borough Clerk Martin concurred it was very moving.

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.

Administrator Seemon asked the public if there are any comments.

Ester Vierheilig – 333 Godwin Ave - had no comment

**Rich Formicola** – **200 Kew Court** – would like to give credit to the new Department of Public Works Superintendent for doing a great job. Mr. Formicola thanked the town, along with the Recreation Director and others, for the great job they have done to enable Baseball to have seven travel teams ready to go with safety protocols in place for the start in mid-July. He reported everything is going great and the parents appreciate everything the town is doing to make this happen.

**Councilman Kamp** stated the Recreation Director is doing a great job; Mr. Formicola agreed, stating she has stayed on top of everything for the safety of all.

There being no response and no further business to address, at 8:34 P.M., on a Motion by Council **President DeLuca**, Seconded by Councilman Iannone and carried, Mayor Shortway adjourned the meeting.

Respectfully submitted,