

BOROUGH OF MIDLAND PARK
280 Godwin Avenue
Midland Park NJ 07432
July 8, 2021

8:00 PM Open Public Meeting Minutes

On July 8, 2021 at 8:00 p.m., the Mayor and Council of Midland Park conducted an in person meeting, the location has changed to 280 Godwin Avenue, there was also an option for the public to access the meeting electronically by dialing this Toll-Free Dial in number [1 866 899 4679](tel:8668994679) Access Code: 766-030-917

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

The **Mayor** called upon **Councilwoman 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 July 8, 2021, 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 Damiano	Absent
	Councilman Kruis	Present
	Councilman Sansone	Present
	Councilwoman DeLuca	Present
	Councilwoman Peet	Present
	Council President Iannone	Present

ALSO PRESENT: Borough Attorney Regan and Acting Borough Administrator/Borough Clerk Martin

APPROVAL OF MINUTES:

No minutes available for approval at this time.

OPEN TO THE PUBLIC:

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

Steven Engel – 7 Orchard Street – addressed the Governing Body concerning fireworks and the

effects on pets and children and to ask if the Ordinance could be updated. Acting Borough Administrator Martin noted she has received a few complaints and when she reached out to the Police Department for an update on the number of fireworks complaints from last year to this year, there were not that many. She acknowledged that it is happening and stated that this is something she is looking into regarding possible changes to the Borough's code.

Acting Administrator/Clerk Martin asked members of the public on the phone to speak at this time.

No one was on the line at this time

LIAISON REPORTS:

Mayor Shortway

Mayor Shortway reported he attended the June 30th meeting regarding Starbucks, also present were: Acting Administrator/Clerk Martin, the Department of Public Work Superintendent, the Zoning/Construction Official, the Borough Engineer, the Chief of Police Department, the Traffic Officer, who gave a report and the Chairman of the Planning Board, to review and discuss suggestions made by residents in that area. The conclusion was that there is not much the Borough can do. The **Mayor** stated he is there often and the Police have an officer there frequently and they are doing their job. Acting Administrator Martin summarized the meeting: the Zoning/Construction Official will be looking over minutes and resolutions that were passed at the Planning Board meetings to make sure Starbucks is in compliance. She noted there were some things Starbucks was out of compliance with: the tractor trailer truck making deliveries instead of the box truck that was stated in the agreement as well as the queue line extending beyond the parking lot out onto Van Blarcom Avenue, causing a safety issue. The Zoning Officer will be pushing to enforce what was stipulated in the agreement.

Councilwoman Peet

**Board of Health/ Board of Education
Municipal Alliance**

Councilwoman Peet reported the **Board of Health**, in collaboration with New Bridge Medical Center, will be administering the COVID vaccines to people who are homebound.

The **Councilwoman** reported the **Board of Education** has not held a meeting since June 15th and the next one is scheduled for July 20th.

Councilwoman Peet reported the **Municipal Alliance** will meet again in September.

Councilwoman DeLuca

Public Safety – Fire/Ambulance/Library

Councilwoman DeLuca reported that due to the holiday on Monday, the **Ambulance Corps** will be meeting at a later date.

The **Councilwoman** reported the **Fire Department's** next meeting is scheduled for July 14th and there is progress.

Councilwoman DeLuca reported there are many events and activities happening at the **Library**: the summer reading program entitled, "Tails and Tales", has begun as well as the town wide scavenger hunt, which is open to everyone; there is a virtual Book Club, outdoor Yoga, craft night and the Children's Story Hour, please check the Library's website for more information. She noted the Friends of the Library is holding an outdoor concert series, weather permitting, on Wednesdays in July. **Councilwoman DeLuca** reported the next Library Board meeting is

secured every evening and under surveillance and behind a locked fence.

ORDINANCES ON FINAL:

1. ORDINANCE #13-21

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 NEW AUTOMOTIVE VEHICLES, 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 \$2,537,000 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 new automotive vehicles, 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 and undertaking of other improvements 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	\$ 428,000
Down Payment Appropriated	\$ 20,385
Bonds and Notes Authorized	\$ 407,615

Period of Usefulness 15 years

B. Supplemental funding for the undertaking of the Communications and Technology Upgrade Project. It is hereby determined and stated that the Borough has heretofore appropriated the sum of \$565,000 for such improvement pursuant to Ord. No. 02-20 adopted on March 12, 2020.

Appropriation and Estimated Cost	\$ 100,000
Down Payment Appropriated	\$ 4,770
Bonds and Notes Authorized	\$ 95,230
Period of Usefulness	5 years

C. Acquisition of new automotive vehicles, including original apparatus and equipment, consisting of (i) a roll-off truck for the use of the Department of Public Works ("DPW") and (ii) SUVs for the use of the Police Department.

Appropriation and Estimated Cost	\$ 548,500
Down Payment Appropriated	\$ 26,120
Bonds and Notes Authorized	\$ 522,380
Period of Usefulness	5 years

D. Acquisition of new additional or replacement equipment and machinery consisting of a loader for the use of the DPW.

Appropriation and Estimated Cost	\$ 180,500
Down Payment Appropriated	\$ 8,600
Bonds and Notes Authorized	\$ 171,900
Period of Usefulness	15 years

E. Undertaking of various improvements to roads and culverts, as set forth on a list on file or to be placed on file with the Borough Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$1,060,000
Down Payment Appropriated	\$ 50,480
Bonds and Notes Authorized	\$1,009,520
Period of Usefulness	10 years

F. Acquisition of new additional or replacement equipment and machinery for the use of the Police Department, including, but not limited to, lockers.

Appropriation and Estimated Cost	\$ 50,000
Down Payment Appropriated	\$ 2,545
Bonds and Notes Authorized	\$ 47,455
Period of Usefulness	5 years

G. Acquisition of new additional or replacement equipment and machinery consisting of self-contained breathing apparatus equipment for the use of the Fire Department.

Appropriation and Estimated Cost	\$ 170,000
Down Payment Appropriated	\$ 8,100
Bonds and Notes Authorized	\$ 161,900
Period of Usefulness	10 years

Aggregate Appropriation and Estimated Cost	\$2,537,000
Aggregate Down Payment Appropriated	\$ 121,000
Aggregate Amount of Bonds and Notes Authorized	\$2,416,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$122,000 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 \$121,000, 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 \$121,000 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 \$2,416,000 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 \$2,416,000 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 9.82 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 \$2,416,000 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: Council President Iannone

Seconded by: Councilman Sansone

At this time, **Mayor Shortway** opened the meeting to the public for any questions, comment or concerns regarding Ordinance #13-21. There being no response, the **Mayor** closed the meeting to the public and called for a Roll Call Vote of Council.

Roll Call:	Councilman Damiano	Absent
	Councilman Kruis	Aye
	Councilman Sansone	Aye
	Councilwoman DeLuca	Aye
	Councilwoman Peet	Aye
	Council President Iannone	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 #122-21- Resolution to Accept the NJ Dept. Of Law & Public Safety Grant
Award and Program Participation**

BE IT RESOLVED, that the Mayor and Council of The Borough of Midland Park wishes to enter into a grant agreement with the New Jersey Dept. of Law & Public Safety and

does accept Award #21-BWC-271 for the period of January 1, 2021 thru December 31, 2025.

BE IT FURTHER RESOLVED, that the Mayor and Council hereby accepts the award amount of \$34,646.00 for the purpose of the Police Dept. to purchase Body-Worn Cameras; and,

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Mayor Harry Shortway, Jr. to be a signatory for the aforesaid grant agreement; and This resolution was adopted by the Mayor and Council of The Borough of Midland Park at a meeting on July 8, 2021.

Resolution #123-21- Resolution for Approval to Submit a Grant Application and Execute a Grant Contract with The New Jersey DOT for The Resurfacing of Franklin Avenue, Section 1 Project

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Midland Park formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2022- Resurfacing of Franklin Avenue Sect 1 - 00571** 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 #124-21- Resolution for Approval to Submit a Grant Application and Execute a Grant Contract with The New Jersey Department of Transportation for The Resurfacing of Franklin Avenue, Section 2 Project

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Midland Park formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2022- Resurfacing of Franklin Avenue Sect 2 - 00573** 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 #125-21- Liquor License Place to Place Transfer Acme Markets Inc

WHEREAS, an application has been filed for a Place-to-Place Transfer (Liquor Department within the store) of a Plenary Retail Distribution License, #0235-44-001-006, heretofore issued to ACME Markets Inc., for premises located at 136 Lake Street, Midland Park, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term; and

WHEREAS, the applicant will be expanding the premise to include a full Liquor Department within the premise; and

WHEREAS, the applicant is qualified to be licensed according to all standards established

by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Midland Park does hereby approve, effective July 8, 2021, the transfer of the aforesaid Plenary Retail Distribution License at 136 Lake Street and does hereby direct the Borough Clerk to endorse the license certificate: “This license, subject to all its terms and conditions, is hereby transferred at the location of 136 Lake Street, Midland Park, N. J. 07432., effective July 8, 2021.”

Introduced by: Councilman Kruis

Seconded by: Council President Iannone

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

RESOLUTIONS:

- 1. Resolution #121-21 – Bills List**
- 2. WHEREAS,** claims have been submitted to the Borough of Midland Park in the following amounts:

Current Fund ('20)	\$ 3,223.84
Current Fund	\$ 150,295.38
Dog Fund	\$ 494.60
Private Duty Fund	\$ 71.00
Capital Fund	\$ 84,431.64
Trust Fund	\$ 2,582.67
TOTAL:	\$ 241,099.13

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 30 th Payroll	\$ 191,267.30
Current July Health Payments	\$ 82,157.52
Current July School Taxes	\$2,245,596.90

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Midland Park that the claims totaling **\$2,760,120.85** approved and ratified respectively.

Introduced by: Councilwoman Peet

Seconded by: Council President Iannone

Roll Call:	Councilman Damiano	Absent
	Councilman Kruis	Aye
	Councilman Sansone	Aye
	Councilwoman DeLuca	Aye

Councilwoman Peet Aye
Council President Iannone Aye

3. Resolution #126-21 – Appointment of Court Judge- Richard Brady

WHEREAS, the term of Municipal Court Judge Richard Brady will expire on August 31, 2021; and,

WHEREAS, a nomination to renew Judge Richard Brady’s position is submitted to the Mayor and to be confirmed by the Borough Council.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council that Richard Brady be and is hereby reappointed Municipal Court Judge of the Borough of Midland Park, Effective September 1, 2021; and

BE IT FURTHER RESOLVED, that said Richard Brady shall serve for a term of three (3) years, from September 1, 2021 to August 31, 2024 in accordance with the provisions of N.J.S.A. 2B:12-4(a)

Introduced by: Council President Iannone Seconded by: Councilman Sansone

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

4. Resolution #127-21 Appointment – D.P.W. Seasonal Laborer – James Klas

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

WHEREAS, it is the recommendation of the Department Superintendent, Matt Tauber, that James Klas is qualified to fill this temporary position, at the rate of \$15.00 per hour.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, that James Klas be confirmed as Seasonal Laborer effective June 21, 2021.

Introduced by: Councilwoman DeLuca Seconded by: Councilman Kruis

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

ORDINANCES ON INTRODUCTION:

1. ORDINANCE # 14-21

“AN ORDINANCE TO AMEND CHAPTER IX OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED “RECREATION FACILITIES”

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 IX of the Code of the Borough of Midland Park, Recreation Facilities, §9-3.3, Rules for Use of Basketball Courts, paragraph a, be and is hereby amended to read as follows:

a. The basketball courts shall be utilized for the purpose of but not limited to basketball play, unless otherwise authorized by the Mayor and Council. Notwithstanding the foregoing, pickleball play shall be permitted on court number one (1).

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 4. Effective Date.

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

Introduced by: Councilman Sansone

Seconded by: Councilwoman DeLuca

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

OLD BUSINESS/NEW BUSINESS:

There was no Old Business to discuss.

Acting Administrator Martin suggested reviewing/revising the tennis court ordinance. The consensus of the Council was to move forward with preparing the revision.

PUBLIC COMMENT:

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

Councilwoman Peet spoke of the lack of communication between the Board of Education's Business Administrator and the Council with regards to setting up stakeholders for the turf committee. Other members of the Council expressed their opinions and directed Borough Clerk Martin to contact her to clarify how things are handled at the Borough's level.

There being no response and no further business to address, at 8:32 P.M., on a Motion by **Councilman Sansone**, Seconded by **Councilwoman DeLuca** and carried, **Mayor Shortway** adjourned the meeting.

Respectfully submitted,

Wendy Martin, R.M.C.
Borough Clerk