

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK, NJ 07432
8:00 P.M. Open Public Meeting Minutes
August 28, 2008**

Mayor Monahan called the meeting to order at 8:07 P.M.

Mayor Monahan called upon **Council President Pruiksmas** to give this evening's Invocation and then led all present in the Pledge of Allegiance.

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 Monahan	Present
	Councilwoman Plumley	Present
	Councilman Kruijs	Present
	Councilwoman Peet	Present
	Councilman Holst	Present
	Councilman O'Hagan	Absent
	Council President Pruiksmas	Present

ALSO PRESENT: **Borough Attorney Regan, Administrator Dugan and Borough Clerk Hanna**

APPROVAL OF MINUTES:

A Motion to approve the Minutes of the Open Public, Work Session and Closed Session Meeting Minutes of August 14, 2008, as all 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 Pruiksmas Seconded by: Councilman Holst and carried.

OPEN TO THE PUBLIC:

Mayor Monahan opened the meeting to the public for any comment, questions or discussion

Dave and Debbie Hachey, 108 Park Ave. – again came before Council requesting an update on the drainage issue on Second Avenue. The **Mayor** stated the Governing Body has reviewed the findings of the Borough Engineer's re-examination of LAN Associates calculations relative to a 100 year flood, and the Borough Engineer is in agreement with LAN, and the drainage problem would be correctly addressed by putting a drain through the easement on their property to prevent a problem on Second Street. **Attorney Regan** noted that the Borough has been put on notice of an impending problem and must address it by following the professional's recommendations. **Administrator Dugan** again requested Mr. and Mrs. Hachey put their concerns in writing, as well as the specific landscape wants they would like addressed during the installation of the drainage pipe.

OLD BUSINESS FOR DISCUSSION:

There was no Old Business to discuss this evening.

NEW BUSINESS FOR DISCUSSION:

There was no New Business to discuss this evening.

Mayor Monahan

Mayor Monahan spoke of his conversation with Chamber of Commerce President Chris Rossi, regarding increasing resident interest in the Chamber and the Governing Body Meetings. He also spoke of holding an open forum for all residents to attend, which could possibly be held on Oct. 1st.

Councilwoman Plumley Buildings & Grounds/Board of Health/Library

Councilwoman Plumley reported under **Buildings and Grounds** that the DePhillips Center parking lot needs to be paved, and the fungus at the Wortendyke playground is under control and has received clearance from the Board of Health. A top dress layer of new mulch will be placed in the park and it will be open again for use. She noted the D.P.W. took advantage of the fact that P.S.E.&G. was replacing the gas main on Rea Avenue, and cleaned the catch basins at the same time. The **Councilwoman** stated the **Library's** new copy machine has been delivered, however, is larger than the old one and may not fit in the space provided. D.P.W. Foreman Rudy Gnehm will be contacted regarding this. She also reported a cover has been placed on the sump pump in the Library elevator and the stripping will be done on Park Avenue before school begins. Regarding the Community Development Open Space Meeting, the **Councilwoman** reported, giving a brief overview of the process, that only one of our two application will be approved-the basketball courts.

Council President Pruiksmas Public Safety – Police

Council President Pruiksmas stated he has received a letter from the 200 Club regarding funds available for safety equipment and upgrades, and he suggested reaching out to Phil Scaglione, the Borough IT Consultant, relative to upgrades and safety of our computer network data backup. He then mentioned the **Police Department** will be educating the public on safe driving during school opening and closing times, the O.E.M. program with the P.O.D. is progressing well, and the possibility of obtaining an AED (defibrillator) device for the DePhillips Center, which personnel and sports coaches should be trained to use.

Councilman O'Hagan Recreation/JIF/Alliance

There was no report for **Recreation/JIF/Alliance** in **Councilman O'Hagan's** absence.

Councilman Holst Public Works

Councilman Holst reported Progress in the D.P.W. finishing up the summer projects, and Foreman Gnehm is fabricating a new leaf pusher for the Fall leaf season. **Mayor Monahan** mentioned that during the budget process, the stripping of the parking lot at the DePhillips Center should be addressed, especially since the Basketball courts are being refurbished.

Councilman Kruis Finance

Councilman Kruis stated the **Finance Department** is Progressing very well and the bills are paid. A possible audit of the Verizon phone bill was discussed.

Councilwoman Peet Public Safety - Fire & Ambulance/Board of Education

Councilwoman Peet reported the **Board of Education** is getting ready for the new school year, with the interim Administrator, the **Fire Department** is preparing of the New Jersey/New York Firemen's Convention and conducting efficient drills to improve their skills, and there is Progress in the **Ambulance Corps**.

ADMINISTRATOR'S REPORT:

Administrator Dugan reported the Joint Insurance Fund Representative performed a safety inspection walk-through of the buildings, giving suggestions relative to the kitchen safety at the DePhillips Center. She then spoke of her visit last week from Peter Jeffer regarding the Fire Department’s 100 year anniversary celebration, at which he asked to have the main celebration incorporated into the Town Picnic on September 12, 2009, and also have the events considered during budget sessions. **The Administrator** stated the development of the Fall Newsletter is moving forward, and she has passed information along to the Fire Department and Ambulance Corps regarding grants from TD North for non profit organizations.

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 #148-08 – Bills List

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

Current Fund (07)	\$ 4,185.00
Current Fund	\$ 34,002.50
Alliance Fund	\$ 1,497.32
Trust Fund	\$ 90.69
Capital Fund	\$ <u>1,625.00</u>
TOTAL:	\$ 41,400.51

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	Aug 15 & 29 Payrolls	\$ 227,517.93
Current	August’s Library bills	\$ 5,940.32
Current	Tax bill mailing (mnl ck)	\$ 1,013.88
Current	August School Tax	\$ <u>1,598,974.80</u>
		\$1,833,446.93

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Midland Park that the claims totaling **\$1,874,847.44** and ratified respectively.

Resolution #149-08 – Bid Award – D.P.W. Dump Truck

WHEREAS, the Borough of Midland Park advertised that bids would be received on August 7, 2008, for the furnishing of “One (1) New/Unused Cabin Chassis and Air Flo Dump Body; and

WHEREAS, in response to the advertisement, the following bids were received:

<u>Bidder</u>	<u>Base Bid</u>	<u>Option</u>
Hawthorne Chevrolet	\$86,250.00	\$6,250.00
Beyer Brothers Corp.	\$89,884.00	\$7,600.00

WHEREAS, the bid submitted by Hawthorne Chevrolet is noncompliant with the specifications, contained numerous deviations, and failed to complete portions of the bid documents,

including items 1 through 16 relating to the equipment specifications qualification sheet; and

WHEREAS, the bid submitted by Beyer Brothers Corp. is in compliance with the bid documents; and

WHEREAS, the Chief Financial Officer has certified the availability of funds.

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

1. The bid of Hawthorne Chevrolet is rejected due to being in noncompliance with the specifications.
2. The Governing Body does hereby award the contract to Beyer Brothers Corp. in the amount of \$89,884.00 representing the base bid.
3. The Mayor and Borough Clerk are hereby authorized to execute a contract for the aforesaid acquisition, after same has been prepared by the Borough Attorney.

Resolution #150-08 – Bid Award – College Road Tennis Courts – Construction)

WHEREAS, bids were received by the Borough Administrator and the Borough Clerk on July 10, 2008 for the Construction of the College Road Tennis Courts Project in the Borough of Midland Park; and

WHEREAS, the bids were reviewed by Stantec Engineering Consulting and the Borough Attorney; and

WHEREAS, it is recommended by Stantec Engineering to award the contract to M. J. D’Arminio, with the base bid price of \$55,825.00, making M. J. D’Arminio the lowest responsible bidder for the Construction portion of the project; and

WHEREAS, the Chief Financial Officer has certified that the bid funds of \$55,825.00 are available from Ordinance #08-06.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, County of Bergen, State of New Jersey, that M. J. D’Arminio, 130 West Franklin St., Hackensack, N. J. 07601, be awarded the contract..

Resolution #151-08 – Bid Award – College Road Tennis Court Grading/Paving

WHEREAS, bids were received by the Borough Administrator and the Borough Clerk on July 10, 2008 for the Construction of the College Road Tennis Courts Project in the Borough of Midland Park; and

WHEREAS, the bids were reviewed by Stantec Engineering Consulting and the Borough Attorney; and

WHEREAS, it is recommended by Stantec Engineering to award the contract to D & S Land Development, with the base bid price of \$83,625.00, making D & S Land Development the lowest responsible bidder for the Grading/Paving portion of the project; and

WHEREAS, the Chief Financial Officer has certified that the bid funds of \$83,625.00 are available from Ordinances #08-06, #05-08, and #03-04.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, County of Bergen, State of New Jersey, that D & S Land Development, 13 Alida Place., Ramsey, N. J. 07446, be awarded the contract..

Resolution #152-08 – Tax Exemption – Disabled Veteran

WHEREAS, a Property Tax Exemption for Disabled Veterans has been applied to Block 7.01, Lot 21, (154 Busted Drive) in accordance with N.J.S.A. 54:4-3.30 effective July 15, 2008

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, to cancel the 2008 tax billing on the above referenced property in the amount of \$3,134.898.

Resolution #153-08 – Tax Exempt – Family Counseling Ser. Ridgewood

WHEREAS, the status of Block 13, Lot 20, has been changed to tax exempt. However, Family Counseling Service Ridgewood, Inc., 22 Prospect St. has agreed to pay “in lieu of taxes”, the minimal Service Fee Rate as follows:

2008 County Tax Rate	.286
2008 Local Tax Rate	<u>.723</u>
2008 Municipal Service Fee Rate	1.009
Assessed Value	456,900
Rate	1.009
Amount Due	\$4,610.12

Resolution #154-08 – Tax Exempt – West Bergen Mental Health

WHEREAS, the status of Block 20.09, Lot 7.02, has been changed to tax exempt. However, West Bergen Mental Healthcare, 14 Cross Avenue has agreed to pay “in lieu of taxes”, the minimal Service Fee Rate as follows:

2008 County Tax Rate	.286
2008 Local Tax Rate	<u>.722</u>
2008 Municipal Service Fee Rate	1.006
Assessed Value	272,600
Rate	<u>1.006</u>
Amount Due	\$2,742.36

Resolution #155-08 – Tax Exempt – Faith Reformed Church

WHEREAS, the status of Block 25.01, Lot 21, has been changed to tax exempt status for the 2008 tax year. However, Faith Reformed Church, located at 99 Prospect St. paid the taxes for the 1st quarter 2008 taxes, in the amount of \$2,379.00, amount which has to be refunded.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, to the Tax Collector instruct the Finance Officer to draw a check in the amount of \$2,379.00 to the Faith Reformed Church, 99 Prospect St., Midland Park, N.J. 07432

Resolution #156-08 – Tax Overpayment - 70 Goffle Road

WHEREAS, the Borough of Midland Park received an overpayment for the 3rd Quarter 2008 taxes, which resulted in an overpayment of taxes for the property known as 70 Goffle Road (Blk 19, Lot 6).

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector be instructed, by the Borough Council, to authorize a check to be issued in the amount of \$3,411.96 to Dean Cerf, 2 Lookout Drive, Saddle River, N. J. 07458.

Resolution #157-08 – Raffle License – M.P.H.S. Performing Arts Parents

WHEREAS, N.J.S.A. 5:28-7, provides for Governing Body approval of applications for license for legalized games of chance; and,

WHEREAS, the Midland Park High School Performing Arts Parents, located at 250

Prospect St., Midland Park, has applied for such license to conduct a On Premises 50/50 Raffle to be held on October 12, 2008.

WHEREAS, an investigation of the Midland Park Police Department into qualifications and merit of the applicant has uncovered no reason to deny such application for licensing;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that the Borough Clerk be and is hereby authorized to issue a raffle license to conduct this raffles on said date, at the location of 50 Dairy Street, Midland Park, N. J. 07432

The Consent Agenda was:

Introduced by: Councilman Holst Seconded by: Councilman Kruis

Roll Call:	Councilwoman Plumley	Aye
	Councilman Kruis	Aye
	Councilwoman Peet	Aye
	Councilman Holst	Aye
	Councilman O’Hagan	Absent
	Council President Pruiksmma	Aye

RESOLUTION:

Resolution #158-08 – Appoint Substitute Crossing Guards

WHEREAS, the need for School Crossing Guards exists in the Borough of Midland Park; and

WHEREAS, the Chief of Police feels these candidates are suitable to the duties.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Midland Park, that Eileen Gaye DeCeglea, Martha A. Schimpff and Frank M. Post, Jr., be appointed as Substitute School Crossing Guards at a rate of \$11.70 per hour, pending satisfactory background checks, effective September 1, 2008.

Introduced by: Council President Pruiksmma Seconded by: Councilman Holst

Roll Call:	Councilwoman Plumley	Aye
	Councilman Kruis	Aye
	Councilwoman Peet	Aye
	Councilman Holst	Aye
	Councilman O’Hagan	Absent
	Council President Pruiksmma	Aye

ORDINANCES ON INTRODUCTION:

1. ORDINANCE # 10-08

“AN ORDINANCE DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM”

WHEREAS, the State Legislature recently adopted Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) to create the Defined Contribution Retirement Program to provide retirement benefits to various county and municipal officials; and

WHEREAS, N.J.S. 43:15C-2 requires the governing body of each county, municipality, and other local entity to adopt, as appropriate, either a resolution or ordinance to determine the positions that are substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which officials appointed to such

positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law; and

WHEREAS, the Mayor and Council of the Borough of Midland Park has considered the guidelines issued by the Local Finance Board.

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

1. Pursuant to N.J.S. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:
 - a. Borough Administrator;
 - b. Borough Attorney;
 - c. Borough Engineer;
 - d. Municipal Judge
 - e. Municipal Prosecutor;
 - f. Public Defender;
 - g. Recreation Director.
2. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership pursuant to N.J.S. 43:15C-2:
 - a. Tax Collector;
 - b. Chief Financial Officer;
 - c. Construction Code Official;
 - d. Registered Municipal Clerk
 - e. Tax Assessor
 - f. Principal Public Works Manager
 - g. Licensed Uniform Sub-Code Inspectors
 - i. Qualified Purchasing Agent
 - j. Municipal Planner
 - k. Certified Court Administrator
3. If an individual is appointed to one of the positions listed in Section 1 and the individual is not serving in a position as described in Section 2 above, the Pension Certifying Officer of the municipality may determine that the individual is not required to join the Defined Contribution Retirement Program if that individual: (1) was an active participant in the Public Employee Retirement System on July 1, 2007 and continuously since that time; or (2) has been appointed pursuant to a valid promotional process; or (3) is appointed on a temporary, interim, or “acting” basis to a position requiring State Certification as set forth in Section 2 herein, and is in pursuit of the required certification; or (4) meets such other exceptions that may be approved by the Local Finance Board or the Division of Pensions and Benefits.
4. This Ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.
5. Should any part or parts of this Ordinance be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.
6. A copy of this Ordinance shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.
7. This Ordinance shall take effect immediately upon final passage and publication as required by law.

Seconded by: Councilman Holst

Roll Call:	Councilwoman Plumley	Aye
	Councilman Kruis	Aye
	Councilwoman Peet	Aye
	Councilman Holst	Aye
	Councilman O’Hagan	Absent
	Council President Pruiksmas	Aye

MOTION:

1. A Motion to approve the residents of Hillside Avenue to have a block party on September 13, 2008, with a rain date of September 14, 2008 beginning at 6:00 P.M.

Introduced by: Councilwoman Peet Seconded by: Councilman Holst

Roll Call:	Councilwoman Plumley	Aye
	Councilman Kruis	Aye
	Councilwoman Peet	Aye
	Councilman Holst	Aye
	Councilman O’Hagan	Absent
	Council President Pruiksmas	Aye

2. A Motion to approve the Solid Foundation Skate Park Run/Walk to be held in the Central, Greenwood and Hillside Avenues area, on October 18, 2009, upon notification to residents and shop owners along the approved route, the New York Susquehanna Railway and New Jersey Transit Bus Line, as well as the turning in of an insurance certificate to the Borough.

Introduced by Councilman Holst, Seconded by Councilman Kruis

Roll Call:	Councilwoman Plumley	Aye
	Councilman Kruis	Aye
	Councilwoman Peet	Aye
	Councilman Holst	Aye
	Councilman O’Hagan	Absent
	Council President Pruiksmas	Aye

Once again **Mayor Monahan** opened the meeting to the public for any comment, questions, or concerns.

Nick Papapietro, 152 Payne Avenue - asked the purpose of Ordinance #10-08. **Administrator Dugan** explained this is in response to the legislative changes made regarding the pension plan of public employees, structuring municipal positions to be similar to cabinet and other appointed position on the state level, separating them out of PERS into a 401K type retirement fund.

Councilman Kruis stated the Recreation Director is still looking for judges for the chili and apple pie contests at the town picnic.

There being no further response and no further business to discuss, on a Motion made by Councilman Kruis, Seconded by Councilman Holst, and carried. The Mayor adjourned the Open Public Meeting at 8:57 P.M.

Respectfully submitted,

Adeline M. Hanna, R.M.C.
Borough Clerk