

**BOROUGH OF MIDLAND PARK  
280 GODWIN AVENUE  
MIDLAND PARK, NJ 07432  
8:00 P.M. Open Public Meeting Minutes  
December 16, 2010**

**Mayor Monahan** called the meeting to order at 8:00 P.M.

**The Mayor** called upon **Councilman Pruiksm**a to give this evening's Invocation, and he 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.

<b>Roll Call:</b>	<b>Mayor Monahan</b>	<b>Present</b>
	<b>Councilman Papapietro</b>	<b>Present</b>
	<b>Councilman Junta</b>	<b>Present</b>
	<b>Councilwoman Peet</b>	<b>Present</b>
	<b>Councilman Pruiksm</b> a	<b>Present</b>
	<b>Councilman Holst</b>	<b>Present</b>
	<b>Council President O'Hagan</b>	<b>Present</b>

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

**OPEN TO THE PUBLIC:**

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

**OLD BUSINESS FOR DISCUSSION:**

**Work Session Agenda Item:**

**Open Space Projects – Finalize Projects for 2010 Grant Award**

**Administrator Dugan** reported the only money encumbered to-date from the 2010 Open Space grant fund is \$3,000.00 for the repairs to the junior field. The proposed projects that need approval are the permanent elevated bleachers, the block storage building and the sprinkler improvements at a cost of \$127,375.00, and the wall replacement at a cost of \$34,060.00. It was noted by the **Mayor** that if these projects are approved by Council, the Open Space grant fund has \$36,000 remaining. The **Administrator** said other projects that have been suggested are the replacement of the scoreboard (\$7,200.00), an extension on the backstop at the junior field (\$2,500.00), and to increase the height on the fence at the new basketball courts. The **Administrator** said she has called Mr. Abatamarcco, in the Community Development Open Space Division, twice and sent 2 e-mails to him, regarding using the excess funds from the 2009 grant for this fencing extension, however, he has not yet responded. Council discussed whether or not they feel it is necessary to pay the \$23,000.00 for the elevated platform for the permanent bleachers, and the final consensus was yes. A brief discussion took place relative to various suggestions. Summarizing the discussion, **Mayor Monahan** suggested committing to the elevated bleachers, the block storage building, the sprinkler improvements, the wall replacement, and the backstop extension, and obtain definite prices from Mike DeSena on the ADA playground equipment, before making any decision on the scoreboard. Council agreed with the Mayor's suggestions.

**NEW BUSINESS FOR DISCUSSION:**

**Mayor Monahan** spoke of **Administrator Dugan** and her service to the Municipality for the past 15 years, as she is retiring from government employ with the Borough as of December 31, 2010.

**LIAISON REPORTS:**

**Council President O’Hagan**                      **Public Safety-Police/JIF/Alliance**

**Council President O’Hagan** reported Progress in all Departments.

**Councilman Pruiksma**                      **Recreation**

**Councilman Pruiksma** stated the Department is working on the Winter theatre.

**Councilman Holst**                              **Public Works**

**Councilman Holst** noted the leaf pick up program has been completed.

**Councilman Papapietro**                      **Finance/Ambulance Corps**

**Councilman Papapietro** reported Progress in both Departments.

**Councilwoman Peet**                              **Personnel/Board of Education**

**Councilwoman Peet** stated Progress in both Departments.

**Councilman Junta**                              **Public Safety-Fire Department/Board of Health**

**Councilman Junta** reported Progress in all Departments.

**ADMINISTRATOR’S REPORT:**

**Administrator Dugan** reported on the dealings with the D.E.P. regarding the tank removal at the D.P.W. site in 1994. She said the testing of the soil at the D.P.W. was done by Malcolm Pirnie a few months ago, and unfortunately the contamination increased a slight amount. Malcolm Pirnie will be sending information as to the options in handling this, as the D.E.P. will want to have oversight. They will also be sending a detailed letter regarding the changes in the law governing contamination. The **Administrator** said she shared this report with our engineer Mike DeSena and requested he opine on this and give suggestions as to what options he feels are available, so we have the benefit of comparison.

**The Administrator** then gave a follow up on parking at the DePhillips Center stating she touched base with Zoning Official Wittekind and Fire Official Fred Depkin, who referred her to the Fire Department regarding parking in fire areas. She said Mr. Depkin will be sending a memo to the Borough Clerk with his written opinion and perhaps a site plan of the area should be given to the Fire Department so they can delineate where they feel parking can not be. **Mayor Monahan** spoke of reconfiguring the parking at the DePhillips Center and he feels this should be addressed at some time in the future. Finally, she reported the N.J.E.I.T. loan will possibly come to fruition in March now that Ridgewood has completed its public hearing and is moving along on the Water Quality Management Plan that is necessary for us to obtain our permit.

**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:

**WHEREAS**, the following checks were returned to the borough uncashed and due to the age of them, they will be voided and reissued in one check payment. The total amount of \$274.00 will be voided and reissued.

<u>Issue Date</u>	<u>Check #</u>	<u>Issued To</u>	<u>Amount</u>
12/10/09	#1181	Tony's Pizza	\$126.50
(was a replacement for '08-'09 purchases)			
1/28/10	#1407	Tony's Pizza	39.50
2/25/10	#1509	Tony's Pizza	39.50
4/08/10	#1681	Tony's Italian Kitchen	39.50
6/10/10	#1912	Tony's Italian Kitchen	29.00

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Midland Park that the above item be voided and reissued on the December 16, 2010 bills list.

**Resolution #201-10 – Budget Transfers -#2 2010**

**WHEREAS**, transfers are permitted between budget appropriations during the last two months of the fiscal year:

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Midland Park, in the County of Bergen, New Jersey, that transfers between 2010 Budget Appropriations be made as follows:

<u>Department</u>	<u>Account Name</u>	<u>Account #</u>	<u>From</u>	<u>To</u>
Fire	Fire Hydrant	0-01-031-301	\$2,000	
		0-01-013-301		\$2,000
<i>Res #180-10 from 11/11/10 mtg had incorrect acct # for "trans to"</i>				
Recreation	Rec-O.E.	0-01-025-211	\$ 250	
Recreation	Salary-Barn	0-01-025-106		\$ 250
Insurance	Bergen JIF Prop	0-01-012-406	\$ 7,000	
Sewer	Line Maintenance	0-01-022-281		\$ 2,000
Police	Salary-OT	0-01-014-102		\$ 5,000

**Resolution #202-10 – Change Order #1 – Hill St. Drainage**

**WHEREAS**, Vincent J. Construction was awarded a contract for the Hill Street Drainage Improvement Project in the Borough of Midland Park, with a total Bid amount of \$117,650.00; and

**WHEREAS**, Stantec Engineering has submitted Change Order #1 for the improvements to this area, which is within project limits; and

**WHEREAS**, this change increases the price of the contract amount by \$857.50 to the adjusted contract amount of \$118,507.50, and.

**WHEREAS**, supporting documentation from Stantec Engineering is attached to this resolution as if it were a part of same.

**NOW, THEREFORE, BE IT RESOLVED**, that this Resolution shall take effect upon approval by the Borough Council of the Borough of Midland Park.

**Resolution #203-10 – Join N.J.S.E.M.**

**WHEREAS**, Local Units of the State of New Jersey are authorized to enter into a joint contract to provide for the formation of a joint meeting for the joint procurement of natural gas, electricity and other forms of energy as permitted by N.J.S.A. 40A:65-14 et seq.; and

**WHEREAS**, the statutes regulating the creation and establishment of a Joint Meeting contain a mechanism for local units to aggregate their collective energy consumption in order to

negotiate and contract for energy in a cost-effective, environmentally sensitive manner, furthering the public interest entrusted to such a Joint Meeting; and

**WHEREAS**, the governing body of the **Borough of Midland Park** has determined that membership in the Joint Meeting is in the best interest of the **Borough**.

**NOW THEREFORE, BE IT RESOLVED**, that the governing body of the **Borough of Midland Park** does hereby resolve and agree to become a member in the New Jersey Sustainable Energy Joint Meeting (NJSEM) for the purpose of joining with other Local Units in the State to aggregate purchasing power of energy so as to achieve financial savings and to encourage Local Units to cooperate in seeking ways to jointly implement sustainable energy alternatives;

**BE IT FURTHER RESOLVED** that the Mayor is authorized to execute the Joint Contract Joinder Agreement, attached hereto, and that Administrator is hereby designated to represent the Local Unit as a member of the State Management Committee of the NJSEM; and

**BE IT FURTHER RESOLVED** that the Mayor is authorized and directed to execute such other documents signifying their membership in the NJSEM, and make payment of the Initial Membership Fee of \$300 as required by the NJSEM's Bylaws and to deliver same to the Executive Director of the NJSEM.

**Resolution #204-10 – Raffles – Nativity Church**

**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 Church of the Nativity, located at 315 Prospect Street, Midland Park has applied for such license to conduct a 3 Month Calendar Raffle on February 1, 7, 14, 21, 28; March 1, 7, 14, 21, 28; and April 4, 11, 18, 25, 2011; and

**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 these raffles on said dates, at the location of 315 Prospect Street.

**The Consent Agenda was:**

<b>Introduced by: Councilman Holst</b>	<b>Seconded by: Councilman Junta</b>
<b>Roll Call: Councilman Papapietro</b>	<b>Aye</b>
<b>Councilman Junta</b>	<b>Aye</b>
<b>Councilwoman Peet</b>	<b>Aye</b>
<b>Councilman Pruiksma</b>	<b>Aye</b>
<b>Councilman Holst</b>	<b>Aye</b>
<b>Council President O’Hagan</b>	<b>Aye</b>

**RESOLUTION:**

**Resolution #199-10 – Bills List**

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

Current Fund (09)	\$ 85.00
Current Fund	\$ 107,443.79
Capital Fund	\$ 6,780.13
Trust Fund	<u>\$ 2,571.80</u>

**TOTAL: \$ 116,880.72**

**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	December 15th PR	\$ 175,405.66
Current	December Health Payments	\$ 55,103.73
Current	December School Taxes	\$1,295,208.67
Current	Skymarket (debit card)	\$ 35.80
	Website domain	

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Midland Park that the claims totaling **\$1,642,634.58** be approved and ratified respectively.

<b>Introduced by: Councilman Papapietro</b>	<b>Seconded by: Councilwoman Peet</b>
<b>Roll Call: Councilman Papapietro</b>	<b>Aye</b>
<b>Councilman Junta</b>	<b>Aye</b>
<b>Councilwoman Peet</b>	<b>Aye</b>
<b>Councilman Pruiksmas</b>	<b>Aye</b>
<b>Councilman Holst</b>	<b>Aye</b>
<b>Council President O’Hagan</b>	<b>Aye</b>

**Resolution #205-10 – Continuation of Interlocal – Waldwick – Court Administrator**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Midland Park that the Borough is hereby authorized to continue the existing Interlocal Services Agreement with the Borough of Waldwick, for Midland Park to provide Waldwick with Court Administrator Services, in accordance with the Memorandum of Understanding signed and sealed on 1/25/2010.

After action is taken in 2011 by the Borough of Midland Park Council for any salary adjustment for the Court Administrator, all increases shall be borne 50/50 by each municipal entity relative to salary, other related statutory obligations and health benefit increases retroactive to January 1, 2011.

<b>Introduced by: Council President O’Hagan</b>	<b>Seconded by: Councilman Holst</b>
<b>Roll Call: Councilman Papapietro</b>	<b>Aye</b>
<b>Councilman Junta</b>	<b>Aye</b>
<b>Councilwoman Peet</b>	<b>Aye</b>
<b>Councilman Pruiksmas</b>	<b>Aye</b>
<b>Councilman Holst</b>	<b>Aye</b>
<b>Council President O’Hagan</b>	<b>Aye</b>

**MOTION:**

A Motion to approve the Mayor’s signature on the Proposal for Professional Engineering and Construction Observation Services for the Rehabilitation of Existing Wall at Dairy Street Baseball Field and Rehabilitation of Dairy Street Bleacher Projects in the Borough of Midland Park.

<b>Introduced by: Councilman Pruiksmas</b>	<b>Seconded by: Councilwoman Peet</b>
<b>Roll Call: Councilman Papapietro</b>	<b>Aye</b>
<b>Councilman Junta</b>	<b>Aye</b>
<b>Councilwoman Peet</b>	<b>Aye</b>
<b>Councilman Pruiksmas</b>	<b>Aye</b>
<b>Councilman Holst</b>	<b>Aye</b>
<b>Council President O’Hagan</b>	<b>Aye</b>

**PUBLIC COMMENT:**

**Mayor Monahan** once again opened the meeting to the public for any comments, questions or concerns. There being no response, at 8:40 P.M. the Mayor adjourned the open public meeting and the following Resolution was adopted:

**Resolution #206-10 - After Open Public Meeting**

**WHEREAS**, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

**WHEREAS**, the Governing Body of Midland Park has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

**WHEREAS**, the regular meeting of this Governing Body will reconvene;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of Midland Park will go into closed session for the following reason (s) as outlined in N.J.S.A. 10:4-12:

\_\_\_\_\_ Any matter which, by express provision of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public (Provision relied upon): \_\_\_\_\_

\_\_\_\_\_ Any matter in which the release of information would impair a right to receive funds from the federal government;

\_\_\_\_\_ Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy;

\_\_\_\_\_ Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body (Specify contract): \_\_\_\_\_.

\_\_\_\_\_ Any matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

\_\_\_\_\_ Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

\_\_\_\_\_ Any investigations of violations or possible violations of the law;

\_\_\_\_\_ Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer (If pending or anticipated litigation, the matter is: \_\_\_\_\_)

(If contract negotiations the nature of the contract and interested party is

*Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Borough's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact);*

**X** \_\_\_\_\_ Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees

whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting (Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing, 124 N. J. 478, the employee(s) and nature of discussion is: **Recreation Department Personnel Issues.**

\_\_\_\_\_ Any deliberation of a public body occurring after a public hearing that may result in the

imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility;

**BE IT FURTHER RESOLVED**, that the Borough Council hereby declares that its discussion of the aforementioned subject(s) may be made public at a time when the Borough Attorney advises the Borough Council that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough, or any other entity, with respect to said discussion. That time is currently estimated as the time of said matter.

**BE IT FURTHER RESOLVED** that the Borough Council, for the aforementioned reasons, hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place, and hereby directs the Borough Clerk to take the appropriate action to effectuate the terms of this resolution.

**Introduced by: Councilwoman Peet**

**Seconded by Councilman Holst** and carried.

At 9:30 P.M. Council reconvened into the Open Public Meeting. There being no further business to address, on a Motion made by **Councilman Papapietro**, Seconded by **Councilman Junta** and carried, **Mayor Monahan** adjourned the Open Public Meeting at 9:31 P.M.

Respectfully submitted,

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