

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK, NJ 07432
8:00 P.M. Open Public Meeting Minutes
July 14, 2011**

Council President Peet called the meeting to order at 8:00 P.M.

Council President Peet led all present in the Pledge of Allegiance and then called upon **Councilman Pruiksm**a to give this evening's Invocation.

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	Absent
	Councilman Papapietro	Present
	Councilman Junta	Present
	Councilman Pruiksm a	Present
	Councilman Holst	Present
	Councilman O'Hagan	Present
	Council Present Peet	Present

ALSO PRESENT: Borough Attorney Regan, Borough Clerk/Administrator Hanna

APPROVAL OF MINUTES:

A Motion to approve the Minutes of the Closed Sessions, Work Sessions and Open Public Meetings of June 9, 2011, 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: Councilman O'Hagan **Seconded by: Councilman Papapietro**, and carried

OPEN TO THE PUBLIC:

At this time **Council President Peet** opened the meeting to the public for any comments, questions or concerns. There being no response, **Council President Peet** closed the meeting to the public.

OLD BUSINESS FOR DISCUSSION:

At this time the Council discussed the Riparian Zone Ordinance, which the B.C.U.A has mandated each Municipality in the Riparian Zone adopt. **Attorney Regan** explained the regulation involved with this ordinance. At the conclusion of the discussion the following action was taken to introduce the ordinance.

ORDINANCE # 08-11

“AN ORDINANCE OF THE BOROUGH OF THE MIDLAND PARK, COUNTY OF BERGEN AND THE STATE OF NEW JERSEY AMENDING CHAPTER 34 THE LAND DEVELOPMENT CODES OF THE BOROUGH OF MIDLAND PARK ENTITLED ‘ZONING ORDINANCE’”

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

Section 1

The Code of the Borough of Midland Park, Chapter XXXIV, the Zoning Ordinance shall be supplemented with the following

Riparian Zones

Definitions

Acid producing soils means soils that contain geologic deposits of iron sulfide minerals (pyrite and marcasite) which, when exposed to oxygen from the air or from surface waters, oxidize to produce sulfuric acid. Acid producing soils, upon excavation, generally have a pH of 4.0 or lower. After exposure to oxygen, these soils generally have a pH of 3.0 or lower. Information regarding the location of acid producing soils in New Jersey can be obtained from local Soil Conservation District offices.

Applicant means a person, corporation, government body or other legal entity applying to the Planning Board, Board of Adjustment or the Construction Office proposing to engage in an activity that is regulated by the provisions of this ordinance, and that would be located in whole or in part within a regulated Riparian Zone.

Category One waters or C1 waters shall have the meaning ascribed to this term by the Surface Water Quality Standards, N.J.A.C. 7:9B, for purposes of implementing the antidegradation policies set forth in those standards, for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, and other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources.

Intermittent Stream means a surface water body with definite bed and banks in which there is not a permanent flow of water and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

Lake, pond, or reservoir means any surface water body shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys; that is an impoundment, whether naturally occurring or created in whole or in part by the building of structures for the retention of surface water. This excludes sedimentation control and stormwater retention/detention basins and ponds designed for treatment of wastewater.

Perennial stream means a surface water body that flows continuously throughout the year in most years and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

Riparian zone means the land and vegetation within and directly adjacent to all surface water bodies including, but not limited to lakes, ponds, reservoirs, perennial and intermittent streams, up to and including their point of origin, such as seeps and springs, as shown on the New Jersey Department of Environmental Protection's GIS hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys. There is no riparian zone along the Atlantic Ocean nor along any manmade lagoon or oceanfront barrier island, spit or peninsula.

Special Water Resource Protection Area or SWRPA means a 300 foot area provided on each side of a surface water body designated as a C1 water or tributary to a C1 water that is a perennial

stream, intermittent stream, lake, pond, or reservoir, as defined herein and shown on the USGS quadrangle map or in the County Soil Surveys within the associated HUC 14 drainage, pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h).

Surface water body(ies) means any perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein. In addition, any regulated water under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-2.2, or State open waters identified in a Letter of Interpretation issued under the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-3 by the New Jersey Department of Environmental Protection Division of Land Use Regulation shall also be considered surface water bodies.

Threatened or endangered species means a species identified pursuant to the Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-1 et seq., the Endangered Species Act of 1973, 16 U.S.C. §§1531 et seq. or the Endangered Plant Species List, N.J.A.C. 7:5C-5.1, and any subsequent amendments thereto.

Trout maintenance water means a section of water designated as trout maintenance in the New Jersey Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

Trout production water means a section of water identified as trout production in the New Jersey Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

Section 2. Intent and Authority

It is the intent of this Article to provide compliance with N.J.A.C. 7:15-5.25(g)3 which requires municipalities to adopt an ordinance that prevents new disturbance for projects or activities in riparian zones. Authority is provided or limited as follows:

- A. Compliance with the riparian zone requirements of this Article does not constitute compliance with the riparian zone or buffer requirements imposed under any other Federal, State or local statute, regulation or ordinance.
- B. Use powers given to Midland Park under the provisions of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*, which authorizes each municipality to plan and regulate land use in order to protect public health, safety, and welfare through the protection and maintenance of native vegetation in riparian areas. Midland Park is also empowered to adopt and implement this ordinance under provisions provided by the following legislative authorities of the State of New Jersey:
 1. Water Pollution Control Act, N.J.S.A. 58:10A-1 *et seq.*
 2. Water Quality Planning Act, N.J.S.A. 58:11A-1 *et seq.*
 3. Spill Compensation and Control Act, N.J.S.A. 58:10-23 *et seq.*
 4. Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 *et seq.*
 5. Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 *et seq.*

Section 3. Riparian Zone Protection

Riparian zones adjacent to all surface water bodies as described below in this paragraph shall be protected from avoidable disturbance:

- A. The riparian zone shall be 300 feet wide along both sides of any Category One water (C1 water), and all upstream tributaries situated within the same HUC 14 watershed.
- B. The riparian zone shall be 150 feet wide along both sides of the following waters not identified in A. above:
 - (1) Any trout production water and all upstream waters (including tributaries);
 - (2) Any trout maintenance water and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water;

- (3) Any segment of a water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the regulated water for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water; and
 - (4) Any segment of a water flowing through an area that contains acid producing soils; and
- C. For all other surface water bodies, a riparian zone of 50 feet wide shall be maintained along both sides of the water.

The portion of the riparian zone that lies outside of a surface water body is measured landward from the top of bank. If a discernible bank is not present along a surface water body, the portion of the riparian zone outside the surface water body is measured landward as follows:

- (1) Along a linear fluvial or tidal water, such as a stream or swale, the riparian zone is measured landward of the feature's centerline;
- (2) Along a non-linear fluvial water, such as a lake or pond, the riparian zone is measured landward of the normal water surface limit; and
- (3) Along an amorphously-shaped feature such as a wetland complex, through which water flows but which lacks a discernible channel, the riparian zone is measured landward of the feature's centerline.

The applicant or designated representative shall be responsible for the initial determination of the presence of a riparian zone on a site, and for identifying the area on any plan submitted to Midland Park in conjunction with an application for a construction permit, subdivision, land development, or other improvement that requires plan submissions or permits. This initial determination shall be subject to review and approval by the municipal engineer, governing body, or its appointed representative, and, where required, by the New Jersey Department of Environmental Protection.

Section 4. Exceptions

- A. The following disturbances are Excepted:
- (1) Redevelopment within the limits of existing impervious surfaces; and
 - (2) New disturbance in the riparian zone necessary to protect public health, safety or welfare; to provide an environmental benefit; to prevent extraordinary hardship on the property owner peculiar to the property; or to prevent extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment.
- B. An Exception to any of the disturbances listed in A.(1) above shall be granted by the Municipal Engineer upon proof by virtue of submission of appropriate maps and drawings, that the proposed redevelopment is within the limits of impervious surfaces that existed at the time of passage of this ordinance and shall be in conformance with the Stormwater Management Rules, N.J.A.C. 7:8, and the Flood Hazard Area Control Act Rules, N.J.A.C. 7:13.
- C. For all riparian zones an Exception to any of the disturbances listed in A.(2) above shall be granted by the Zoning Board of Adjustment upon proof by virtue of submission of appropriate maps, drawings, reports and testimony, that the disturbance protects public health, safety or welfare; provides an environmental benefit; prevents extraordinary hardship on the property owner peculiar to the property; or prevents extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment.
- D. Appeals of a determination by the Municipal Engineer made in accordance with B.

above may be made to the Planning Board. The party contesting the determination or decision shall have the burden of proof in case of any such appeal.

Section 5. Adjustments

Adjustments to the riparian zones established by this article are allowed to the extent they comply with the Stormwater Management Rules (N.J.A.C. 7:8), the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), and the Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38), and shall be subject to review and approval by the New Jersey Department of Environmental Protection, unless exempt.

Section 6. Permits-By-Rule

The Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), Subchapter 7. PERMITS-BY-RULE, establishes permits-by-rule for certain regulated activities. This Article hereby adopts by reference said Subchapter as it exists at the time of passage of this ordinance and as it may change from time to time, as a means of allowing regulated activities in the riparian zone without any other permits or approvals. In addition, any permit-by-rule provision that requires notification to the New Jersey Department of Environmental Protection shall also be copied to the Borough of Midland Park Municipal Engineer.

Section 7. ENFORCEMENT

A prompt investigation shall be made by the appropriate personnel of the Midland Park, of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Ordinance is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this Ordinance shall be construed to preclude the right of the Borough of Midland Park pursuant to N.J.S.A 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this Ordinance shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this Ordinance. Each day a violation continues shall be considered a separate offense. In addition any person convicted of violating any provision of this ordinance shall be subject to such fines and penalties as set forth in Section 1-5, ‘General Penalty’, of the Borough Codes.

Section 8

Conflicts:

All ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this ordinance are hereby repealed to the extent of such inconsistencies and the provisions of this ordinance apply.

Section 9

Severability:

1. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.
2. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.
3. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

Section 10

This ordinance shall take effect immediately upon final adoption and publication as provided by law.

Introduced by: **Councilman O’Hagan**

Seconded by: **Councilman Holst**

Roll Call: **Councilman Papapietro** Aye
 Councilman Junta Aye
 Councilman Pruiksm Aye
 Councilman Holst Aye
 Councilman O’Hagan Aye
 Council President Peet Aye

NEW BUSINESS FOR DISCUSSION:

There was no New Business to discuss this evening.

LIAISON REPORTS:

Council President Peet noted, in **Mayor Monahan’s** absence she would report from a list of items the **Mayor** provided: **Mayor Monahan** received a call from Matt Mowers (Director/Aide of Governor Christie’s office) thanking the Northwest Bergen Community Mayor’s Association, specifically Midland Park for the key issues and insights given last June. The **Mayor** also wanted to report the Library Open House was celebrated on May 25, 2011 and well attended.

Councilman Pruiksm **Recreation**

Councilman Pruiksm reported the **Recreation** Summer Camp is underway and going extremely well. There are 193 children registered to attend this week which is 20 more than last year, and residents and non-residents are continuing to add additional weeks. The **Councilman** also noted Community Day plans are being coordinated and there is a plan to have a 9/11 component this year.

Councilman Holst **Public Works**

Councilman Holst noted **Public Works** has started the storm water basin cleaning and the painting of street lines, and there is lots of progress with the D.P.W. summer projects.

Councilman Papapietro **Finance/Ambulance Corps**

Councilman Papapietro reported progress in the **Finance Department**. The **Councilman** noted a portion of services has been donated by Diversified Technical Services for the Fire Department to upgrade software and service. **Councilman Papapietro** also noted he stopped by the Recreation Summer Camp program and he is also very pleased with how well camp is going.

Council President Peet **Personnel/Board of Education**

Council President Peet reported progress for both **Personnel** and the **Board of Education**.

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

Councilman Junta noted progress for the **Board of Health**. The **Councilman** also reported the **Fire Department** handled 21 calls for the month of June.

Councilman O’Hagan **Public Safety-Police/JIF/Alliance**

Councilman O’Hagan reported **Police** Chief Casson submitted to the Council copies of the May and June monthly activity reports. **Councilman O’Hagan** also noted the Chief will submit 4 candidates for the Council to review for the vacancy in the Police Department.

ORDINANCE ON FINAL:

“AN ORDINANCE TO AUTHORIZE THE EXPENDITURE OF \$195,000: \$150,000 FROM A 2011 NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT FOR THE ROAD IMPROVEMENT PROJECT FOR GREENWOOD AVENUE, AS WELL AS, APPROPRIATE THE SUM OF \$45,000 FROM THE CAPITAL IMPROVEMENT FUND”

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

Section 1.

The Borough of Midland Park has received a New Jersey Department of Transportation Grant for Road Improvements to Greenwood Avenue in the Borough.

Section 2.

The sum of \$150,000 is appropriated to the payment of the cost of such improvements authorized and described in Section 1 hereof. Said sum so appropriated shall be met from the Capital Improvement Fund in the amount of \$45,000.

Section 3.

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

Section 4.

The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 5.

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

Section 6.

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

Introduced by: Councilman Holst

Seconded by: Councilman O’Hagan

OPEN TO THE PUBLIC:

At this time, **Council President Peet** opened the meeting to the public for any questions, comments or discussions on Ordinance No. 06-11. There being no response the **Council President** closed the meeting to the public and called for a Roll Call Vote of the Council.

Roll Call:	Councilman Papapietro	Aye
	Councilman Junta	Aye
	Councilman Pruiksma	Aye
	Councilman Holst	Aye
	Councilman O’Hagan	Aye
	Council President Peet	Aye

ADMINISTRATOR’S REPORT:

Clerk/Administrator Hanna noted progress throughout the Borough Departments.

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 #142-11 – Tax Lien Redemption – 129 Millington Dr.

WHEREAS, the Tax Collector was paid \$8,579.29 by Paul Tur, the necessary amount to redeem Tax Sale certificate #10-0001 held by Onnik Kaznjian, 376 Spring Valley Road, Paramus, N. J. 07652, on the property known as Block 10.14, Lot 17, assessed to Everet (Etals) c/o Paul Tur, 127 Millington Dr., Midland Park, N. J. 07432

WHEREAS, a premium received of \$8,900.00 is to be returned to Onnik Kaznjian.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector, upon receipt of the Tax Sale Certificate properly endorsed for cancellation, be authorized to draw a check totaling \$17,479.29 to Onnik Kaznjian, 376 Spring Valley Road, Paramus, N.J. 07452; and

BE IT FURTHER RESOLVED, that the Tax Collector be authorized to cancel lien #10-00001 from the municipal records.

Resolution #143-11 – Social Hall Refund – Dan Bardzell

WHEREAS, Mr. Dan Bardzell has cancelled his June 25, 2011 reservation for the Midland Park Fire House Social Hall, and

WHEREAS, the Mr. Bardzell has requested a refund of the deposit of \$200.00 that had been deposited on November 23, 2010.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that the Financial Assistant issue a check for the funds, equal to the above stated amount, for said Mr. Dan Bardzell at the address of 189 Franklin Ave. Midland Park, N.J. 07432.

Resolution #144-11 – Summer Camp Registration Refund – Joe Catanese

WHEREAS, the Board of Recreation Chairman, Dave Lancaster, has approved the following Summer Camp Registration refund due to the family's personal obligations, and

WHEREAS, refund check is requested to be made out to the following:

Joe Catanese - 105 Karen Place, Wyckoff, N. J. 07450
in the amount of \$235.00.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that the Financial Assistant will issue a check for the above refund amount.

The consent Agenda was:

Introduced by: Councilman Holst

Seconded by: Councilman Pruiksmas

Roll Call: Councilman Papapietro

Aye

Councilman Junta

Aye

Councilman Pruiksmas

Aye

Councilman Holst

Aye

Councilman O'Hagan

Aye

Council President Peet

Aye

RESOLUTIONS:

1. Resolution #141-11 – Bills List

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

Current Fund \$155,583.98

Trust Fund \$ 22,880.12

Capital Fund \$ 23,851.11

Dog Fund \$ 225.00

TOTAL: \$202,540.21

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 30th Payroll	\$ 124,511.07
Current	July Health Payments	\$ 61,637.88
Current	July School Tax Pymt	\$1,760,488.70
Capital	Treasurer, State of NJ-mnl	\$ 4,576.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Midland Park that the claims totaling **\$2,153,753.86** be approved and ratified respectively.

Introduced by: Councilman Papapietro

Seconded by: Councilman Junta

Roll Call:

Councilman Papapietro	Aye
Councilman Junta	Aye
Councilman Pruiksmas	Aye
Councilman Holst	Aye
Councilman O’Hagan	Aye
Council President Peet	Aye

2. Resolution #145-11 – John Wittekind – Attendance at Zoning Board Meetings with addendum for flat fee of \$100 per meeting.

WHEREAS, there is a request from the Zoning Board of Adjustment to have the Zoning Official attend the Zoning Board Meetings; and

WHEREAS, the Borough of Midland Park needs to make arrangements for additional compensation for the Official’s attendance at these meetings, and

WHEREAS, an agreement with Mr. John Wittekind has been made by the Zoning Board Chairperson, Linda Herligy; and

WHEREAS, Mr. John Wittekind will attend such meetings for the rate of \$100.00 per meeting, outside of regular scheduled employment, and

WHEREAS, the Chief Financial Officer has certified that funds for this agreement are available.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Midland Park, does approve the agreement with John Wittekind and the Zoning Board of Adjustment of the Borough of Midland Park.

Introduced by: Councilman O’Hagan

Seconded by: Councilman Pruiksmas

Attorney Robert Regan explained to the Council and residents the reason for having the Construction Official, John Wittekind attend the Zoning Board meetings is it would save the residential applicants the cost of a professional for minor issues and this would allow for a more user friendly Zoning Board Meeting.

Roll Call:

Councilman Papapietro	Aye
Councilman Junta	Aye
Councilman Pruiksmas	Aye
Councilman Holst	Aye
Councilman O’Hagan	Aye

This ordinance hereby incorporates the provisions of N.J.S.A. 40A:2-20 with a dollar amount not to exceed \$44,375.00.

Section 5. Severability

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment will not affect, impair, or invalidate the remainder of this Ordinance but will be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment will be rendered.

Section 6.

This ordinance will take effect at the time and in the manner provided by law.

Introduced by: Councilman Pruikisma	Seconded by: Councilman Holst
Roll Call: Councilman Papapietro	Aye
Councilman Junta	Aye
Councilman Pruikisma	Aye
Councilman Holst	Aye
Councilman O’Hagan	Aye
Council President Peet	Aye

RESOLUTION #147-11 – Bid Award – Additional Curbing on Hill St.

WHEREAS, bids were received by Stantec Engineering on July 6, 2011, for the Additional Curbing on Hill Street Project in the Borough of Midland Park; and

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

WHEREAS, it is recommended by Stantec Engineering to award the contract to Marini Brothers, Construction Co., with the base bid price of \$15,395.00, making Marini Brothers Construction Co. the lowest responsible bidder; and

WHEREAS, the Chief Financial Officer has certified that the bid funds of \$15,395.00 are available.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, County of Bergen, State of New Jersey, that Marini Brothers Construction Co., 9 Lafayette St., Hackensack, N.J. 07601, be awarded the contract, contingent upon the Borough Attorney’s approval.

Introduced by: Councilman O’Hagan	Seconded by: Councilman Holst
Roll Call: Councilman Papapietro	Aye
Councilman Junta	Abstain
Councilman Pruikisma	Aye
Councilman Holst	Aye
Councilman O’Hagan	Aye
Council President Peet	Abstain

PUBLIC COMMENT:

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

Beth Szydlik, 167 Madison Avenue – inquired about the status of an ordinance related to front house stairs encroaching on the 25 foot setback. **Attorney Robert Regan** stated the ordinance will not be adopted for a few months. **Attorney Regan** explained the process of the ordinance going before the Planning Board. Mrs. Szydlik also inquired if the Police/Borough is tracking the number of police reports for fraudulent use of credit cards. Both Mr. & Mrs. Szydlik have been victims, and feel they may have an idea of where this could be occurring from. They inquired if the Council has any concern regarding this issue? **Councilman O’Hagan** stated if the Szydlik’s have some

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information that may be helpful, please call the Police Department and speak with Detective Gibbons.

Ester Vierheilig, 333 Godwin – Inquired about the fees for Mr. Wittekind attending the Zoning Board meetings. Council stated the numbers on the agenda were amended; the amount is a flat fee of \$100.00 per meeting. Mrs. Vierheilig also inquired about assigning a port o john to Wortendyke Park now that there will be lighting at the pavilion. Council thought this would be a good idea and will address it in the future.

Beth Syblic – noted the recent use of the Wortendyke Park/pavilion for Girl Scout functions and stated the park use will most likely increase.

There being no further response from the public and no other issues to discuss, on a Motion by **Councilman Holst**, Seconded by **Councilman Papapietro**, and carried, **Council President Peet** adjourned the Open Public Meeting at 8:33.

Respectfully submitted,

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