

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK, NJ 07432
8:00 P.M. Open Public Meeting Minutes
March 10, 2011**

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

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

APPROVAL OF MINUTES:

A Motion to approve the Minutes of the Open Public Meeting, Work Session Meeting and Closed Session Meeting Minutes of February 24, 2011, 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: Councilman Papapietro **Seconded by: Councilman Holst, and carried**

OPEN TO THE PUBLIC:

Mayor Monahan read his statement relative to the voluntary resignation of the Recreation Director. He then opened the meeting to the public for any comments, questions and concerns.

The following persons expressed their disappointment in the Governing Body's acceptance of the written resignation of Recreation Director Lori Dent:

Mary Bradley - 135 Millington Drive	Kristen Peterson – 9 Pleasant Avenue
Vinny Criscenzo - 100 Highwood Avenue	Katie Reynaldo-31 Franklin Avenue
Dominic Samone – 159 Vreeland Avenue	Chris Carione - 74 Colonial Road
Betty Anne Agresta - 300 Prospect Street	Debra Cirino - 129 Spruce Street
Patricia Allen - 19 Pine Street	Samantha Fairless - 79 Pine Street
Doug Hildebrandt - 51 Highland Avenue	Kim Lowry - 92 Irving Street
Molly Simone - 159 Vreeland Avenue	Danny Avelis- Madison Avenue
Barbara Reynaldo – 31 Franklin Avenue	Patricia Allen- 19 Pine Street

Mayor Monahan asked the public to submit questions and concerns in writing to the Borough Clerk/Administrator and closed the meeting to the public.

OLD BUSINESS FOR DISCUSSION:

Work Session Issue:

1. Zoning Board Request for Escrow Fee – Residential Applications.

After some discussion, Council directed the Clerk/Administrator to request specific details from the Board as to the reasons and the criteria for charging this fee.

funding to connect with Ridgewood sewer lines on Erie Avenue, or apply for a loan to go forward earlier, the Clerk/Administrator explained the loan would be from the D.E.P. and interest free, allowing the project to be accomplished 6 – 8 months earlier, if taken. She stated this loan would be paid back when the funding from N.J.E.I.T. came through in February 2012.

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 #063-11 – Social Hall Refund – Roni Farfalla

WHEREAS, Mrs. Roni Farfalla has cancelled her June 11, 2011 reservation for the Midland Park Fire House Social Hall, and

WHEREAS, the Mrs. Farfalla has requested a refund of the deposit of \$150.00 that had been deposited on December 17, 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 Mrs. Farfalla at the address of 433 Sheffield Rd, Ridgewood, NJ 07450.

Resolution #064-11 – Tax Overpayment – 6 Meadow Ct

WHEREAS, the Borough of Midland Park received a duplicate tax payment in the amount of \$2,556.00 for the 1st Quarter 2011 taxes for property located at 6 Meadow Court (Block 25.17, Lot 24), which was due to a refinance and both the old and new mortgage companies paid the taxes.

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 \$2,556.00 to Therese Anne and John E. III Connors, 6 Meadow Ct., Midland Park, N. J. 07432.

Resolution #065-11 – Recycling Enhancement

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Midland Park hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, chapter 311, in 2010 in the amount of \$8,309.22. Documentation supporting this submission is attached and available at the Borough Hall, 280 Godwin Avenue, Midland Park, N. J. 07432, and shall be maintained for no less than five years from this date.

Resolution #066-11 – Autism Awareness Month

WHEREAS, autism is a pervasive developmental disorder affecting the social,

communication and behavioral skills of those affected by it; and

WHEREAS, autism once thought to be a rare disorder, affecting 1 in 1000 people; and

WHEREAS, as more health professionals become proficient in diagnosing autism, more children are being diagnosed on the autism spectrum, resulting in rates as high as 1 in 110 children nationally and 1 in 94 in New Jersey; and

WHEREAS, while there is no cure for autism, it is well-documented that if individuals with autism receive treatment early in their lives, it often is possible for those individuals to lead significantly improved lives; and

WHEREAS, Autism New Jersey is spearheading an awareness effort in order to educate parents, professionals and the general public about autism and its effects.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Midland Park hereby proclaim April 2011 as **AUTISM AWARENESS MONTH** in the Borough of Midland Park, New Jersey, and urge all employees and residents to participate in our municipality's Autism Awareness Month activities, in order to become better educated on the subject of autism spectrum disorders

Resolution #067-11 – Zoning Board Escrow Return – 65 & 85 Maltbie

WHEREAS, at the meeting of February 9, 2011, it was unanimously approved and recommended by the Zoning Board, to return the unused escrows to the following party:

Tudor Park LLC (Blk 4, Lots 19 & 20) – (#T-20-300-264) \$620.00

65 Maltbie Avenue and 85 Maltbie Avenue

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that the Financial Assistant issue a check for the funds in the above stated amount, for said property owner at the above address.

The Consent Agenda was:

Introduced by: Council President Peet

Seconded by: Councilman Holst

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

RESOLUTIONS:

1. Resolution #061-11 – Bills List

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

Current Fund (2010)	\$ 12,182.43
Unemployment Fund (2010)	\$ 4,402.44
Current Fund (2011)	\$ 74,490.64
Trust Fund	\$ 4,376.77
Dog Fund	\$ 3.60
Capital Fund	<u>\$ 10,412.00</u>
TOTAL:	\$ 105,867.88

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

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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	February 28th Payroll	\$ 142,183.18
Current	March Health Payments	\$ 64,163.90
Current	March School Tax	\$1,439,120.75
Current	Wyckoff Dispatch-mnl ck	\$ 132,583.00
Current	Saddle River Tours-mnl ck	\$ 600.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Midland Park that the claims totaling **\$1,884,518.71** be approved and ratified respectively.

Introduced by: Councilman Papapietro

Seconded by: Councilman Holst

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

1. Resolution #068-11 – Appt. Legal Services – Sokol, Behot & Fiorenzo – Ridgewood Water Issue

WHEREAS, a need exists for additional professional legal services for the Borough of Midland Park in connection with Village of Ridgewood, Ridgewood Water; and

WHEREAS, funds are available for such services and have been properly appropriated in the Local Municipal Budget in an amount not to exceed \$3,000.00; and

WHEREAS, N.J.S.A. 40A:11-1, (Local Public Contracts Law) allows municipalities to contract for such professional services without the drawing of specifications for the receipt of competitive bids,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park that the following appointment for professional services be and is hereby approved for the purpose of the legal services for litigation to:

Sokol, Behot & Fiorenzo
Counselors at Law
Continental Plaza
433 Hackensack Avenue
Hackensack, New Jersey 07601

BE IT FURTHER RESOLVED, by the Council of the Borough of Midland Park that aforementioned appointment for professional services be published in accordance with the Local Public Contracts Law.

Introduced by: Councilman Papapietro

Seconded by: Councilman Holst

Roll Call:	Councilman Papapietro	Aye
	Councilman Junta	Absent
	Councilman Pruiksma	Aye
	Councilman Holst	Aye

PUBLIC COMMENT:

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

Dominic Samone, Vreeland Ave – spoke of the traffic problem at the high school. He expressed that he feels there should be a police officer posted at the high school during the morning drop off and afternoon pick up times. Mr. Samone also spoke of the PSEG solar panels being installed through out Borough. **Attorney Regan** explained the B.P.U. granted approval for this project in 2009, and it is a State mandate through former Governor Corzine. Mr. Samone also suggested televising the Council meetings, noting there is technology through the High School. **Council President Peet** suggested the Board of Education meetings should also be considered for broadcast.

Patricia Allen, 19 Pine St. – inquired whether or not she has to be fingerprinted in order to be a coach, as she has been fingerprinted as a teacher. **Councilman Pruiksmas** stated you must get re-fingerprinted, it does not cross reference.

There being no other comment from the public and no further business to discuss, the following Resolution was adopted at 10:26 P.M. and Council convened into a Second Closed Session.

Resolution #060A-11 - After Closed Session

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: Tax Appeals)

(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);

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: 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: Council President Peet

Seconded by: Councilman Pruiksmas

**Roll Call: Councilman Papapietro
Councilman Junta
Councilman Pruiksmas
Councilman Holst
Councilman O'Hagan
Council President Peet**

**Aye
Absent
Aye
Aye
Absent
Aye**

There being no further business to discuss, on a Motion made by **Councilman O'Hagan**, Seconded by **Councilman Papapietro** and carried, **Mayor Monahan** adjourned the Open Public Meeting at 11:11: P.M.

Respectfully submitted,

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