

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK, NJ 07432
8:00 P.M. Open Public Meeting Minutes
March 24, 2011**

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

The Mayor called upon **Councilman 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
	Councilman Papapietro	Present
	Councilman Junta	Present
	Councilman Pruiksmas	Present
	Councilman Holst	Present
	Councilman O'Hagan	Present
	Council Present Peet	Present

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

OPEN TO THE PUBLIC:

Before **Mayor Monahan** opened the meeting to the public, he introduced **Mark Bednarz**, Borough Auditor from Donohue, Gironda & Doria Certified Public Accountants, who came before Council to explain recent changes in the budget law. He explained the dollar amount of the Library funds are no longer included in the budget statutory appropriations. It will be a separate line item and a separate line on the tax bill. This will illustrate where your tax dollars are going. **Councilman O'Hagan** expressed concern about pulling it out of the budget; as he is worried about the 2% increase allowable each year and its effects going forward. Mr. Bednarz stated "looking around at the Municipalities I have worked with, it would be hard pressed to find a Municipality in better shape than Midland Park".

At this time, **Mayor Monahan** stated there will be no attention given to the issue of the former Recreation Director during the Open Public segment of this meeting. The **Mayor** then opened the meeting to the public for any comments, questions and concerns. There being no response, the **Mayor** closed the meeting to the public.

RESOLUTION #071-11 - Budget by Title

WHEREAS, the provisions of N.J.S.A. 40A:4-8 and N.J.S.A. 40A:4-9 have been followed.

NOW, THEREFORE, BE IT RESOLVED, that a majority of the full authorized membership of Borough Council of the Borough of Midland Park, affirmatively concurs that the 2011 Municipal Budget may be read by title only.

Introduced by:	Councilman Junta	Seconded by:	Councilman Holst
Roll Call:	Councilman Papapietro	Aye	
	Councilman Junta	Aye	
	Councilman Pruiksmas	Aye	

Councilman Holst	Aye
Councilman O’Hagan	Aye
Council President Peet	Aye

INTRODUCTION OF THE 2011 BUDGET

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

Councilman Papapietro spoke as **Finance Liaison**, and explained the impact on a \$300,000 assessed home in town will be \$48.00, which is a \$21.00 decrease from last year. All services are being maintained: snow, garbage, DPW and Police. There have been no layoffs or furloughs of Borough employees, and the Borough has had an increase in benefit/insurance/PBA cost. We spent many hours with department heads going over all budgets and maintaining all services as is.

OLD BUSINESS FOR DISCUSSION:

Work session agenda items:

1. Sample Letter and Resolution

A. Community Development Block Grant Funding - Letter

Mayor Monahan fully supports pressing our representative in Washington not to abolish this meaningful program. Consensus of Council agreed to support.

**B. Market Competition and Consumer Choice Act
Resolution - Telephone/Cablevision**

After an explanation from **Attorney Regan** as to the intent of this resolution, the following action was taken.

Resolution # 078-11 – Cablevision Market Competition

WHEREAS, this act would fundamentally alter the regulation of telephone and cable television service in New Jersey; and

WHEREAS, A3766/S2664 changes are so sweeping it deserves deliberate review and analysis, and must not be fast-tracked; and

WHEREAS, among other things, A3766/S2664 limits the obligation of a cable company to provide cable and internet connections to municipal buildings. Currently all municipal buildings are eligible for this benefit but the bill would limit the obligation to just one municipal building; and

WHEREAS, A3766/S2664 would eliminate the requirement that cable companies provide basic service and internet to municipal buildings and schools at no charge; and

WHEREAS, A3766/S2664 does not required the cable companies to provide a return feed to allow cable-casting of live municipal events and meetings; and

WHEREAS, A3766/S2664 would reduce the franchise fee payable by certain cable companies that have converted from a traditional franchise to a system-wide franchise; and

Finance/Ambulance Corps

Councilman Papapietro reported progress in **Finance**, and noted the Introduction of the budget and the bills are getting paid.

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

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

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

Councilman Junta noted May 7th will be the Fireman's Field Day and reported the **Fire Departments** roof is starting to leak. Chief Berninger will speak to the D.P.W. Foreman about what the options are. Also, there could be a possible communication problem in the Fire Chief's truck, which is being investigated. The **Councilman** then reported, for 2010, the **Board of Health** inspected 54 retail food establishments, investigated 21 complaints, 16 individuals participated in the food handlers course, which is required, and there were 12 animal bites reported and investigated.

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

Councilman O'Hagan noted the **Police Department** is patrolling the streets, the **J.I.F.** still has us covered with insurance, and the **Alliance** is continuing there work for educating on drug and alcohol abuse.

ADMINISTRATOR'S REPORT:

Clerk/Administrator Hanna reported an email was received from Franklin Lakes regarding the County street sweeper, stating the total cost of the final repairs will be \$22,504.89, each town will contribute \$4,500.95. Franklin Lakes will supply much of the labor for the required repairs. The proposed engineering projects will be addressed by Motion this evening. She also publically thanked Mr. Bolger for highlighting the windmill and flag outside of Borough Hall, by having spotlights installed. The Clerk/Administrator reported the Deputy Tax Collector, Liz Rutkowski, informed her that of the 31 properties on the tax sale, 17 are remaining, and that she also successfully formulated, updated, printed and mailed the 714 Homestead Tax Credits which are now coming through the Borough tax department.

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 #073-10 – Cancel Balances-Capital Improvement Authorizations & Receivables

WHEREAS, certain General Capital Improvement Authorizations and Grant Receivable balances remain dedicated to projects no longer being done; and

WHEREAS, it is necessary to formally cancel said balances in the amount of \$190,650 (funded), so that the unexpended balances may be returned to respective funding sources: Capital Improvements Fund authorized but not issued.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, that the following unexpended and dedicated balances of General Capital Appropriations be canceled:

GENERAL CAPITAL APPROPRIATIONS:

ORD. #	DATE	PROJECT	AMOUNT	SOURCE
05-07	04/12/07	2007 Improvement: Bldg Dept 2 nd Fl Renovations	\$190,650.00	C.I.F

Resolution #074-10 - Merchandise Draw Raffle License – M.P. High School P.T.A.

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 P.T.A., located at 250 Prospect St., Midland Park, has applied for such license to conduct an On-Site Merchandise Draw Raffle, to be held on June 18, 2011.

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 250 Prospect St, Midland Park, N. J. 07432.

Resolution #075-11 – Raffle – M.P.H.S. – P.T.A. – 50/50

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 P.T.A., located at 250 Prospect St., Midland Park, has applied for such license to conduct an On-Site 50/50 Raffle, to be held on June 18, 2011.

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 250 Prospect St, Midland Park, N. J. 07432.

Resolution #076-11 – Tax Overpayment – 61 Demund La.

WHEREAS, the Assessor has granted a Veteran’s deduction to Myron and Debra Dziubinsky, 61 Demund Lane (Block 25, Lot 49), for the 2010 tax year and this credit created an overpayment for the 4th quarter 2010 taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, that the amount of \$250.00 be refunded to: Myron and Debra Dziubinsky, 61 Demund Lane, Midland Park, N. J. 07432.

Resolution #077-11 – Tax Overpayment – 35 Cedar St.

WHEREAS, the Assessor has granted a Disabled deduction to Cheryl Wulfers, 35 Cedar St. (Block 10.10, Lot 18), for the 2010 tax year and this credit created an overpayment for the 4th quarter 2010 taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, that the amount of \$250.00 be refunded to: Cheryl Wulfers, 35 Cedar Street, Midland Park, N. J. 07432.

The Consent Agenda was:

Introduced by: Council President Peet

Seconded by: Councilman Holst

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

RESOLUTIONS:

1. Resolution #072-10 – Bills List

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

Current Fund (2010)	\$ 2,494.07
Current Fund (2011)	\$ 46,257.77
Trust Fund	\$ 1,150.00
Capital Fund	\$ 1,498.88
TOTAL:	\$ 51,400.72

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	March 15th Payroll	\$ 124,542.71
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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Midland Park that the claims totaling **\$175,943.43** be approved and ratified respectively.

Introduced by: Councilman Papapietro

Seconded by: Councilman Holst

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

ORDINANCES ON INTRODUCTION:

1. ORDINANCE #02-11

AN ORDINANCE TO AUTHORIZE A MUNICIPAL IMPROVEMENT, ACQUISITION AND PROJECT IN THE BOROUGH OF MIDLAND PARK, TO APPROPRIATE THE SUM OF \$190,650 TO PAY THE COST THEREOF, 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:

The following is to be funded from the Capital Improvement Fund and is hereby authorized for:

- 3. Drainage Project \$150,000
- 4. Building Dept. Renovation \$40,650

Section 2.

The sum of \$190,650 is hereby appropriated to the payment of the cost of such acquisition and improvement authorized and described in Section 1 hereof. Said sum so appropriated shall be met from the Capital Improvement Fund of the Borough.

Section 3.

Said improvement is a lawful capital improvement of the Borough having a period of usefulness of at least five (5) years. Said improvement 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 Papapietro

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

MOTION:

1. A Motion to give permission to the Friends of the Midland Park Library to use the Midland Park Postal Permit for the mailing of their Annual Fund Drive literature.

Introduced by: Councilman O'Hagan

Seconded by: Councilman Holst

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

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2. A Motion to approve the Borough Clerk to advertise for acceptance of bids for the following projects in the Borough of Midland Park:

- a. Rehabilitation of the Existing Wall at the Dairy Street Baseball Field
- b. The Rehabilitation of the Dairy Street Bleachers
- c. The Installation of ADA ramps in various locations in the Borough
- d. The Installation of an ADA ramp at the DePhillips Center projects.

Introduced by: Councilman Pruiksmas

Seconded by: Council President Peet

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

PUBLIC COMMENT:

Once again **Mayor Monahan** opened the meeting to the public for any questions, comments or concerns. There being no response from the public and no further business to discuss, the following Resolution was adopted at 8:23 P.M. and Council convened into a Second Closed Session.

Resolution #079-11 - 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: _____)

(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: **Summer Camp Positions and Part Time/Full Time**

Administrative Position.

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 Papapietro

Roll Call: Councilman Papapietro

Aye

Councilman Junta

Aye

Councilman Pruiksma

Aye

Councilman Holst

Aye

Councilman O'Hagan

Aye

Council President Peet

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 10:15: P.M.

Respectfully submitted,

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