

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK, NJ 07432
8:00 P.M. Open Public Meeting Minutes
February 12, 2009**

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

Mayor Monahan called upon **Councilman Pruiksm**a to give this evening's Invocation, and thened 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 Pruiksm a	Present
	Councilman Holst	Present
	Councilman O'Hagan	Present
	Council President Peet	Present

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

APPROVAL OF MINUTES:

A Motion to approve the Minutes of the January 8, 2009 Reorganization Meeting and Sine Die Meeting, 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 Peet Seconded by: Councilman O'Hagan, and carried

Mayor Monahan swore in the new Police **Sergeant Michael Powderly**.

Mayor Monahan swore in the new Police **Officer Kenneth Minassian**.

CONTINUATION OF THE OPEN PUBLIC HEARING FOR CABLEVISION

Mayor Monahan opened the Public Hearing for Cablevision, asking if there were any members of the public that wish to express concerns, questions or comments. There being no response, Gary Shaw, Cablevision representative, addressed the Council and reviewed the letter of benefits Cablevision is offering to the Borough for the renewal of a 10 year contract. Mr. Shaw also noted there is a work shop available to give children of all ages technical training. A discussion took place relative to the benefits of a 5 year agreement v. a 10 year agreement. **Administrator Dugan** mentioned the senior discount and Mr. Shaw noted there is a senior discount in Midland Park now which is governed by the Dept of Treasury, and when approved by that Department, they apply the discount. The **Mayor** spoke of Library paying now paying for their service and question if this r should be free. Mr. Shaw will check into this and convert it to a free account if it should be. There being no further discussion, **Mayor Monahan** closed the Open Public Hearing on Cablevision.

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

Patricia McCarthy – 36 Hill St. – addressed Council as an employee of Ethos fitness Center, questioning why businesses in Midland Park are not required to recycle. **Administrator Dugan** informed her that all businesses are required to recycle since 1987, when the law became effective. She informed Ms. McCarthy that private businesses have to hire a hauler for something as large as the shopping center, and if she called tomorrow, she will give her names of dumpster haulers. This must be worked out with the landlord or other store owners. **Councilman O’Hagan** noted since these businesses are in leased buildings, it would have to be worked out with the landlord. Ms. McCarthy then asked if there was a way to get the businesses together to support each other. **Mayor Monahan** gave Ms. McCarthy the phone number of Chris Rossi of the Chamber of Commerce.

OLD BUSINESS FOR DISCUSSION:

1. **Council President Peet** inquired as to the status of the lighting situation on Sicomac Avenue by the Kentshire. She noted this safety issue came to the Council’s attention last September. **Administrator Dugan** will follow up on this with P.S.E. & G. **Mayor Monahan** questioned the length of the 2 hour parking on Van Blarcom Avenue. It was noted it is the entire length of the road.

2. **Attorney Regan** reported he and Tax Assessor Marie Merolla appeared before the County Tax Board to appeal for an additional one year extension on the revaluation, and it was granted for 2011.

NEW BUSINESS FOR DISCUSSION:

Work session

1. **Baseball Assoc. to Present Work Proposed at the Field’s Snack bar**

John Artuso, 170 Spruce Street - President of M.P. Baseball Association and Board members - gave Council a presentation on the proposed renovations to the Baseball Snack Bar, giving the reasons for the improvements and uses of the rooms. Mr. Artuso also spoke of the history of the snack bar and the function of the building, He noted the Association will be obtaining material costs and material lists, and discussing what can be donated and what needs to be purchased, which will help to figure the actual cost of the renovation. Mr. Artuso then talked about the need to repair the Board of Education field, noting the Board has approved the Association’s proposed repairs. **Mayor Monahan** questioned the timing of the project, as the Borough has been talking about repairing the roof on the building and has created a line item in the 2009 budget. **The Mayor** stated that when the plans are final, the cost is figured, and the Planning Board and Building Department requirements have been fulfilled, the Council will speak of their part in the project

Dana Weistbrot, 148 Chamberlain Place – addressed the Council stating the field work has been put in to the Board of Education and this will start moving ahead to be ready for the Spring. He said the Association is looking to start the renovations of the snack bar in August, with completion by the Fall. **Attorney Regan** informed the gentlemen that the plans must be reviewed by the Planning Board, as an informal review, and no notice within 200 feet is necessary. **Mr. Regan** stated the Planning Board must review the plans to determine it is consistent with the Master Plan, and Council has to accept it as a plan and a donation, as it is municipal property. **Councilman O’Hagan** mentioned the necessity of making the

addition ADA compliant. Mr. Artuso said he will speak with the Construction Official.

2. Solid Foundation Skate Park Annual Run/Walk/Skate - September 26, 2009

Council discussed this event and gave approval, subject to all requirements and format of the event of last year.

3. Lori Dent's Memo – Hours of Operation & Procedure Update

Councilman Papapietro, noting the Center's office hours are set for Monday through Thursday, questioned the Friday and Saturday hours for the DePhillips Center. Ms. Dent explained the Center is closed on Friday due to the varying Saturday/Sunday programs, which change by the month January through June. As of right now, there are no Saturday programs September through December, except for tennis. **Council President Peet**, referring to the January 29th correspondence from Ms. Dent, questioned Ms. Dent's comments that it is very difficult to talk on the phone, do interviews and work with volunteers, if there are walk-ins using the Center for activities after school. **The Council President** asked that Ms. Dent's work be performed during the 9:00 A.M. to 3:00 P.M. period of the work day, when no one is in the Center, so young people could have the time after school between 3:00 P.M. to 6:00 P.M. to use the Center, as this Center is for the entire community. Ms Dent stated this is a growth time schedule for interviewing the volunteers after school, so she can get new programs in place. It is the goal of her Department to have the Center used during the day. **Mayor Monahan** asked what funding it would take to have the Center available to the community Monday through Saturday, and would the Borough want the Center open 6 days a week. **Council President Peet** also asked if the Council wants the Center closed in the evenings between June 15th and August 15th. Ms. Dent stated the Board of Recreation has unanimously agreed, and wanted her to bring forward to the Council, their recommendation to have the Center open 6 – 9 P.M. throughout the Summer months. **The Council President** spoke of Minutes of the 2006 Recreation Board Meetings, in which the Board had then recommended the hours of operation of the Barn at a number of meetings, and Ms. Dent was to speak with Administrator Dugan on the issue. She noted this issue did not come before Council for discussion, and contrary to the statement of Lorraine DeLuca at the last Recreation Meeting, the Council did not make any decision as to the hours of operation of the Barn during Summer months. **Councilman Holst** agreed with the **Council President**, stating the issue was never discussed in Council and the Summer months are when you want the Center open for the children to have somewhere to go. Staffing the Center 6 evenings a week was discussed. The **Mayor** stated a staffing plan for 6 days a week is needed and when this is developed by Ms. Dent, the Council will readdress the issue.

4. 2009 Budget Documents

Administrator Dugan reviewed the 4 scenarios she calculated on the Balance Sheet, noting appropriations and revenues and State Aid, giving the possibilities the Borough could function with. She stated the State has extended the Budget Introduction date to March 17th. **Council President Peet** suggested revisiting the Department budgets line by line, as had been done in the past. Council will readdress the budget at a meeting on Tuesday, February 24th, at 6:30 P.M. Surplus and transfers were briefly discussed.

LIAISON REPORTS:

Mayor Monahan

Mayor Monahan noted, with respect to Cablevision and its subsidiary Light Path, the Board of

“AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COST OF LIVING ADJUSTMENT (COLA) IS EQUAL TO OR LESS THAN 2.5 PERCENT (N.J.S.A.40A:4-45.14).”

Introduced by: Councilman Papapietro

Seconded by: Council President Peet

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

WHEREAS, the Local Government Cap Law, N.J.S.A 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% or the Cost-of-Living Adjustment (COLA), whichever is less, over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:45.14 provides that a municipality may, in any year in which the COLA is equal to or less than 2.5% increase its final appropriations by a percentage greater than the COLA, but not to exceed the 3.5% rate as specified in the law, when authorized by ordinance; and,

WHEREAS, the COLA for CY 2009 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 2.5%; and,

WHEREAS, N.J.S.A 40A:4-45.15a provides that a municipality may, in any year in which the COLA is equal to or less than 2.5% may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Midland Park, in the County of Bergen, finds it advisable and necessary to increase its CY 2008 Budget by more than 2.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$196,854.66 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Midland Park, in the County of Bergen, a majority of the full authorized membership of this governing Body affirmatively concurring, that, in the CY 2009 budget year, the final appropriations of the Borough of Midland Park shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$196,854.66, and that the CY 2009 municipal budget for the Borough of Midland Park, be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as Introduced be filed with the Director of the Division of Local Government Services within 5 days of Introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon Adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such Adoption.

BE IT FURTHER ORDAINED, that any ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance, are hereby repealed, but only to the extent of such inconsistencies.

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

The **Mayor** opened the meeting to the public for any questions, comments or discussions on Ordinance No. 01-09. There being no response, the **Mayor** closed the meeting to the public and called for a Roll Call Vote of Council.

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

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 #032-09 – Bills List

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

Current Fund (08)	\$ 28,841.59
Current Fund	\$ 998,873.19
Dog Fund	\$ 1.20
Capital Fund	\$ 8,075.00
Trust Fund	\$ 7,828.04
TOTAL:	\$1,043,619.02

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	January 30 th Payroll	\$ 116,625.31
		\$ 116,625.31

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Midland Park that the claims totaling **\$1,160,244.33** be approved and ratified respectively.

Resolution #033-09 – Voided Checks

WHEREAS, the following checks were issued, however, not cashed by the payee. A stop payment was issued with Commerce Bank and replacement checks will be issued.

<u>Issue Date</u>	<u>Check #</u>	<u>Issued To</u>	<u>Amount</u>	<u>New</u>
12-17-08	17203	Liz Claiborne, Inc	\$863.00	17295

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland

Park that the above items be voided.

Resolution #034-09 – All Points Auto and Towing License

WHEREAS, All Points Auto and Towing, Inc. has applied to the Borough Clerk for a license to tow within the Borough of Midland Park; and

WHEREAS, a review by the Midland Park Police Department into the qualifications and merit of the applicant and its drivers was conducted and has uncovered no reason to disqualify the applicant.

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 license to All Points Auto and Towing, Inc. to tow within the Borough of Midland Park for the year 2009.

Resolution #035-09 – Bid Award – DePhillips Center Elevator Installation Project

WHEREAS, one bid was received by Stantec Engineering and the Borough Clerk on January 29, 2009 for the Installation of an Elevator at the DePhillips Center Recreation Building; and

WHEREAS, the bid was reviewed by Stantec Engineering Consultants, and by the Borough Attorney; and

WHEREAS, it is recommended by Stantec Engineering to award the contract to William VanDerEems, Inc., with the base bid price of \$89,000.00, making this company the lowest responsible bidder; and

WHEREAS, the Chief Financial Officer has certified that the bid funds of \$89,000.00 are available through a Community Development Grant.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, County of Bergen, State of New Jersey, that William VanDerEems, Inc., 524 Hopper Avenue, Wyckoff, N. J. 07481 be awarded the contract.

Resolution #036-09 – P.A.R.I.S. Grant Participation

BE IT RESOLVED, by the Council of the Borough of Midland Park, that:

WHEREAS, the Governing Body of the Borough of Midland Park received notice from the New Jersey Department of State, Division of Archives and Records Management and the State Records Committee of its eligibility to receive a PARIS Grant not to exceed \$40,000.

WHEREAS, New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Midland Park, that Midland Park does hereby apply for a PARIS grant totaling \$40,000.00 for a grant program to meet the strategic records management, preservation and storage need of Midland Park.

BE IT FURTHER RESOLVED, that the designated PARIS Grant Project Manager be, and hereby is, authorized to execute a Grant Agreement with the New Jersey Department of State Division of Archives and Records Management and the State Records Committee on behalf of Midland Park, and upon execution of said Agreement, Midland Park does accept the Terms and Conditions specified in the Agreement in connection with this grant.

Resolution #037-09 – Mayor Signature – Well Child Care Agreement – Waldwick

BE IT RESOLVED, by the Council of the Borough of Midland Park, that the Mayor is hereby authorized to execute an Interlocal Agreement with the Borough of Waldwick, pertaining to the provisions of Well Child Care services by the Borough of Waldwick.

2009 - \$100.00	One time Administrative Charge
\$ 35.00	Charge per child
\$ 15.00	Charge per child for immunization only

Resolution #038-09 – CD Grant – Children’s Aid and Eldercare Services

WHEREAS, a Bergen County Community Development Grant of \$23,670.00 has been proposed by the Children’s Aid and Family Services for Eldercare Services at the Northwest Bergen Regional Senior Center in the Borough of Midland Park, New Jersey; and

WHEREAS, pursuant to the State Inter Local Services Act, Community Development funds may not be spent in a municipality without authorization by the Mayor and Council; and

WHEREAS, the aforesaid project is in the best interest of the people of Midland Park and Northwest Bergen County; and

WHEREAS, this Resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the Council of Midland Park, New Jersey hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be sent to the Director of the Bergen County Community Development Program, so that implementation of the aforesaid project may be expedited.

Resolution #039-09 – Emergency Appropriation – Snow Plowing/Salt

WHEREAS, an emergent condition has arisen in that the Borough of Midland Park is expected to enter in contracts, commitments or payments prior to the 2009 CY budget, and no adequate provision has been made in the 2009 CY temporary budget for the aforesaid purposes and

WHEREAS, N. J. S. A. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose; and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2009 CY pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40a:4-20) including this resolution total \$20,000.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Midland Park, in the County of Bergen, State of New Jersey (not les than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations be and the same is hereby made in the amount of \$20,000.00 as follows:

DEPARTMENT OF PUBLIC WORKS	
O. E.	\$20,000.00

2. Said emergency temporary appropriations will be provided for in the 2009 CY budget.
3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

The Consent Agenda was:

Introduced by: Councilman Pruiksmas

Seconded by: Councilman Holst

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

RESOLUTION:

Resolution #040-09 – Appoint Crossing Guard – Barbara Anne Stevens

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

WHEREAS, the Chief of Police feels this candidate is suitable to the duties.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Midland Park, that Barbara Stevens, be appointed as School Crossing Guards at a rate of \$11.70 per hour, effective February 12, 2009.

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

MOTION

A Motion to appoint Stantec Engineering as the Borough Engineer from this date to December 31, 2009.

Introduced by: Council President Peet

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

PUBLIC COMMENT:

Once again **Mayor Monahan** opened the meeting to the public for any questions, comments or concerns. There being no response the **Mayor** closed the meeting to the public, and at 10:27 P.M. adjourned the Open Public Meeting on a Motion made by Councilman O’Hagan, Seconded by Councilman Holst, and carried.

Respectfully submitted,

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