

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

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

Mayor Monahan 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	Absent
	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 February 12, 2009 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: Councilman O'Hagan Seconded by: Council President Peet, and carried.

OPEN TO THE PUBLIC:

Gary Bardzell, 189 Franklin Avenue – addressed the Council questioning how a resident can find out how their recommendations to the Council were handled. **Mayor Monahan** explained that Mr. Bardzell can call the **Borough Administrator** or come to the following Council meeting and inquire as to the outcome. Mr. Bardzell then distributed a flyer on a drainage tank system for storm water management control which would remove toxins from runoff, and spoke of the percentage of impervious area developed on property with regard to the Planning Board Baseline application. He suggested this system be considered for each future Planning Board application. **Attorney Regan** spoke of the compliance of residential storm water regulations, and noted, if mandated, would have to be changes in the site plan ordinance. **Administrator Dugan** will distribute the flyer from Mr. Bardzell to the Planning Board and Borough Engineers.

Chris DuFlocq, 140 Paterson Ave. – complimented the D.P.W. work force for the excellent job they performed on the roads during leaf season and the snow storms this winter. He also compliments the Police Department and the Fire Department on their great work, noting they are always visible within the town and here for the residents. Mr. DuFlocq stated the Council does a good job in providing the departments with the needs and equipment to perform their duties well and efficiently, which in today's economy is a hard task to do. He then stated the Town Hall departments have also been great and efficient, and Council has done a good job and he hopes they can continue to do so.

OLD BUSINESS FOR DISCUSSION:

There was no Old Business to discuss this evening.

NEW BUSINESS FOR DISCUSSION:

There was no New Business to discuss this evening.

LIAISON REPORTS:

Mayor Monahan

Mayor Monahan reported the Governing Body has been reviewing the Capital and expense items of the 2009 budget, and have also spoke of providing a location on the Borough web site for residents to access help programs, during these hard times, that the Governing Body has the privilege of hearing first hand, whether it be Federal, County, State or utility. The **Mayor** stated he feels we should also open up a dialog with the local businesses to promote their shops and facilitate a strong environment for them, as they are and important part of the economic backbone, ratable and tax base of our town. He noted the Chamber of Commerce has been invited to the Council Meetings, however, scheduling is making this difficult.

Councilman Papapietro Finance/Personnel

Councilman Papapietro reported the Bills are current and being paid, and the Borough is awaiting the State figures for the budget process. He stated, once the budget is complete, we will be issuing RFPs to local banks for their services.

Council President Peet Public Safety - Fire & Ambulance/Board of Education

Council President Peet stated the **Fire Department** is getting ready for their 100th anniversary celebration and selling tickets for their Beefsteak dinner. They have responded to out of town fires and the man hours last month totaled 357. The **Council President** reported the **Board of Education** will be holding their budget hearing during their regular meetings, and the **Ambulance Corps** reports progress.

Councilman Junta Buildings & Grounds/Board of Health

Councilman Junta reported under **Buildings and Grounds**, Field Manager Dave Lancaster has begun his Spring cleanup work on the sports fields in town. The **Board of Health** has reported for January and February, a total of 3 births and 6 deaths, all food handling permits have been issued and paid in full, and 2 summons were issued for the underage tobacco sales.

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

Councilman O'Hagan noted the **Municipal Alliance** has not had there meeting yet this month, therefore, there is no report this evening. He then stated each Council member has received the monthly activity report for the Police Chief, and noted the most prevalent traffic stops are between 1:00 and 2:00 A.M., and there is much activity between 8:00 A.M. and 6:00 P.M. The **Joint Insurance Fund** public meeting on the Bylaws will be held on March 19th, at 6:30 P.M., in the Westwood Borough Hall.

Councilman Pruiksma Recreation

Councilman Pruiksma deferred to **Council President Peet** for this report, as he was unable to attend the recent **Board of Recreation** meeting. **Council President Peet** stated registration for the summer camp is actively being planned. The registration will be by letter, and the residents will be notified as to what weeks are available for the children to participate in the camp. She also noted the

Resolution #054-09 –Authorize Mayor’s Signature–Basketball Court Reconstruction

BE IT RESOLVED, that the Mayor and Council of the Borough of Midland Park wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$92,000.00 in 2008 Open Space Trust Funds for the Reconstruction of Basketball Courts, in the Borough of Midland Park; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Mayor Joseph Monahan to be signatory to the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Borough Administrator Michele Dugan to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that Midland Park is liable for a dollar for dollar match for any funds awarded in accordance with the Trust requirements;

This resolution was adopted by the Midland Park Borough Council at a meeting on March 12, 2009.

Resolution #055-09 Minimum Parole for McGowan

WHEREAS, on April 19, 1973, Joan Angela D’Alessandro, a resident of Hillsdale, Bergen County, then 7 years old, was brutally assaulted and murdered by her neighbor Joseph McGowan, while delivering Girl Scout cookies; and

WHEREAS, Joseph McGowan, a former high school chemistry teacher, is currently incarcerated for the killing of Joan Angela D’Alessandro; and

WHEREAS, Joan Angela D’Alessandro’s mother, Rosemarie D’Alessandro has work effortlessly for 15 years to persuade the New Jersey Parole Board to keep Joseph McGowan behind bars; and

WHEREAS, Joseph McGowan has gone before the Parole Board of East Jersey State Prison many times already. His release was denied in 1993, 1998, 2002 and 2008, the parole hearing found that Joseph McGowan was unwilling to take responsibility for murdering his neighbor; and

WHEREAS, Joseph McGowan has never shown any remorse for his crime and has made no substantial progress in addressing the issues that led him to murder Joan Angela D’Alessandro and has demonstrated a substantial risk for recidivism. Joseph McGowan has even been characterized as having the personality of a mass murderer; and

WHEREAS, Joan’s family should not be made to relive this horrible crime every few years when there is a parole hearing. They continue to suffer unnecessarily on Joseph McGowan’s account; and

WHEREAS, in addition to the efforts of Rosemarie D’Alessandro, the Borough of Midland Park hereby supports the position that Joseph McGowan should not be granted another parole hearing for a minimum of thirty five years. The rape and murder of an innocent child is a serious crime that demands justice; and the family of Joan Angela D’Alessandro should be given the peace of mind of knowing that their child’s murderer will remain behind bars for another thirty five years before he can be eligible for parole.

NOW THEREFORE BE IT RESOLVED that the Council of the Borough of Midland Park, County of Bergen, State of New Jersey, hereby abides by the conclusion that the next eligible parole date of Joseph McGowan should not be for a minimum of 35 years from now, otherwise this

creates a grave injustice to the family of Joan Angela D’Alessandro as well as to society.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the New Jersey State Assembly, the Northwest Bergen County municipalities, the Bergen County Police

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Chief’s Association, the New Jersey PBA, the New Jersey State Senate, the office of the Bergen County Prosecutor, and to Chairman Peter J. Barnes Jr. of the New Jersey State Parole Board.

The Consent Agenda was:

Introduced by: Councilman Pruiksmas

Seconded by: Councilman O’Hagan

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

ORDINANCES ON INTRODUCTION:

ORDINANCE No. 02-09

“AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE BOROUGH OF MIDLAND PARK, NEW JERSEY TO CABLEVISION OF OAKLAND, LLC.”

WHEREAS, the governing body of the Borough of Midland Park (hereinafter referred to as the “Borough”) determined that Cablevision of Oakland, LLC, (hereinafter referred to as “the Company” or “Cablevision”) had the technical competence and general fitness to operate a cable television system in the Borough, and by prior ordinance granted its municipal consent for Cablevision to obtain a non-exclusive franchise for the placement of facilities and the establishment of a cable television system in the Borough; and

WHEREAS, by application for renewal consent filed with the Borough and the Office of Cable Television on or about August 12, 2008, Cablevision has sought a renewal of the franchise; and

WHEREAS, the Borough having held public hearings has made due inquiry to review Cablevision’s performance under the Franchise, and to identify the Borough’s future cable-related needs and interests and has concluded that Cablevision has substantially complied with its obligations under the Franchise and applicable law and has committed to certain undertakings responsive to the Borough’s future cable-related needs and interests;

WHEREAS, the governing body of the Borough has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided Cablevision’s proposal for renewal embodies the commitments set forth below, the Borough’s municipal consent to the renewal of the Franchise should be given; and

WHEREAS, imposition of the same burdens and costs on other competitors franchised by Borough is a basic assumption of the parties;

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

SECTION 1. DEFINITIONS

For the purpose of this Ordinance the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

- (a) “Act” or “Cable Television Act” shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq.

- (b) “Application” shall mean Cablevision’s application for Renewal of Municipal Consent, which application is on file in the Borough Clerk’s office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.
- (c) “Board” shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.
- (d) “Borough” shall mean the governing body of the Borough of Midland Park in the County of Bergen, and the State of New Jersey.
- (e) “Company” shall mean Cablevision of Oakland, LLC. (“Cablevision”) the grantee of rights under this Ordinance.
- (f) “FCC” shall mean the Federal Communications Commission.
- (g) “Federal Act” shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. and the Telecommunications Act of 1996, or as those statutes may be amended.
- (h) “Federal Regulations” shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 et seq. (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.
- (i) “Standard installation” shall mean the installation of drop cable to a customer’s premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.
- (j) “State” shall mean the State of New Jersey.
- (k) “State Regulations” shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.

SECTION 2. STATEMENT OF FINDINGS

A public hearing concerning the consent herein granted to Cablevision was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the municipality having received all comments regarding the qualifications of Cablevision to receive this consent, the Borough hereby finds Cablevision possesses the necessary legal, technical, character, financial and other qualifications to support municipal consent, and that Cablevision’s operating and construction arrangements are adequate and feasible.

SECTION 3. GRANT OF AUTHORITY

The Borough hereby grants to Cablevision its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Borough of a cable television system or other communications facility, and for the provision of any communication service over such facilities as may be authorized by federal or State regulatory agencies. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

SECTION 4. DURATION OF FRANCHISE

This consent granted herein shall be non-exclusive and shall be for a term of ten (10) years from the date of issuance of a Certificate of Approval by the Board.

SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL

If Cablevision seeks successive consent, it shall, prior to the expiration of this consent, apply for a municipal consent and certificate of approval in accordance with N.J.S.A 48:5A-16, and applicable state and federal rules and regulations. The Company shall also petition the Board for approval authorizing continued

operation during the period following expiration of the consent granted herein, and until such a time that a decision is made by the Borough and the Board relative to the renewal of said consent.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to Cablevision shall apply to the entirety of the Borough and any property hereafter annexed.

SECTION 7. SERVICE AREA

Cablevision shall be required to proffer video programming service along any public right-of-way to any person's residence located in the franchise territory at tariffed rates for standard and nonstandard installation.

SECTION 8. FRANCHISE FEE

Pursuant to the terms and conditions of the Cable Television Act, Cablevision shall pay to the Borough, as an annual franchise fee, a sum equal to two (2%) percent of the actual gross revenues received from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception services in the Borough. In the event applicable law hereinafter permits a larger franchise fee to be collected, but does not fix the amount thereof, the Borough and Cablevision shall negotiate in good faith with respect to the amount thereof; provided, however, that nothing herein shall be construed to permit the Borough to require payment of a franchise fee by Cablevision that is higher than the fee paid by all other cable television service providers offering service in the Municipality.

SECTION 9. FREE SERVICE

Cablevision shall, upon written request, provide free of charge, one (1) standard installation and monthly cable television reception service to all State or locally accredited public schools and all municipal public libraries, as well as municipal and emergency services buildings located within the Borough.

Upon written request from the Borough, the Company shall provide to state and locally accredited elementary and secondary schools and municipal public libraries in the Borough, without charge, the following: (1) one standard installation per school or library; (2) one cable modem per installation; and, (3) basic cable modem service for the term of this Ordinance for each installation. This offer shall be subject to the terms, conditions and use policies of the Company, as those policies may exist from time to time.

Upon written request from the Borough, the Company shall provide to (1) one municipally owned or emergency services facility, without charge, the following: (1) one standard installation; (2) one cable modem per installation; and (3) basic cable modem service for the term of this Ordinance for each installation. This offer shall be subject to the terms, conditions and use policies of the Company as those policies may exist from time to time; provided, however, that these changes in policy affect only changes in use, and not the elimination of the free service provided for herein.

SECTION 10. CONSTRUCTION/SYSTEM REQUIREMENTS

Cablevision shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. The Company shall be subject to the following additional construction requirements with respect to the installation of its cable plant and facilities in the Borough:

(a) In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces, the Company shall at its sole expense restore and replace such disturbances in as good a condition as existed prior to the commencement of said work.

(b) If at any time during the period of this consent, the municipality shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Borough shall remove or relocate its equipment, at its own expense.

(c) Upon request of a person holding a building or moving permit issued by the Borough, the

Company shall temporarily move or remove appropriate parts of its facilities so as to permit the moving or erection of buildings or for the performance of other work. The expense of any such temporary removal or relocation shall be paid in advance to the Company by the person requesting the same. In such cases, the Company shall be given not less than fourteen (14) days prior written notice in order to arrange for the changes required.

(d) During the exercise of its rights and privileges under this consent, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires, cables, conduits and fixtures of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

SECTION 11. TECHNICAL AND CUSTOMER SERVICE STANDARDS

Cablevision shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

SECTION 12. LOCAL OFFICE OR AGENT

Cablevision shall establish and maintain during the entire term of this consent a local area business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

SECTION 13. DESIGNATION OF COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the complaint officer for the Borough pursuant to the provisions of N.J.S.A. 48:5A-26 and any complaints by local subscribers to cable television reception or service shall be filed directly with the said office. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

SECTION 14. LIABILITY INSURANCE

Cablevision agrees to maintain and keep in force and effect at its sole cost at all times during the term of this consent, sufficient liability insurance naming the Borough as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of five-hundred thousand dollars (\$500,000) for bodily injury or death to one person, and one million dollars (\$1,000,000) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of the Company's exercise of its rights hereunder.

SECTION 15. PERFORMANCE BOND

Cablevision shall obtain and maintain, at its sole cost and expense, during the entire term of this Agreement, a bond to the municipality in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this Franchise.

SECTION 16. RATES

A. The rates of the Company for cable television services shall be subject to regulation to the extent permitted by federal and State law.

SECTION 17. EMERGENCY USES

Cablevision shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Borough pursuant to state and federal requirements. The Company shall in no way be held liable for any injury suffered by the

Borough or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein. The Borough shall utilize the state-approved procedures for such emergency uses.

SECTION 18. EQUITABLE TERMS

In the event that the service of another multi-channel video program provider not subject to the Borough's regulatory authority within the Borough creates a significant competitive disadvantage to Cablevision, the Company shall have the right to request from the Borough lawful amendments to its franchise that relieve it of burdens which create the unfair competitive situation. Should the Company seek such amendments to its franchise, the parties agree to negotiate in good-faith appropriate changes to the franchise in order to relieve the Company of such competitive disadvantages. If the parties can reach an agreement on such terms, the Borough agrees to support the Company's petition to the Board for modification of the consent in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7.

If the parties are unable to reach an agreement on appropriate amendments to the franchise, the Borough acknowledges that the Company shall have the right to petition the Board directly for such amendments in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7; provided, however, the Borough shall be under no obligation to support Cablevision's request for such relief from the Board. In any subsequent municipal consent, Borough shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Town's regulatory authority as those contained in the instant consent. In the event such subsequent consent does not contain the same terms and conditions as the instant consent, Borough agrees to support the Company's petition to the Board for modification of the consent in accordance with NJSA 48:5A-47 and NJAC 14:17-6.7 to relieve the Company of competitive disadvantages identified in the Company's petition.

SECTION 19. REMOVAL OF FACILITIES

Upon expiration, termination or revocation of this Ordinance, Cablevision at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices constructed or maintained in connection with the cable services authorized herein, unless Cablevision, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

SECTION 20. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS

A. Cablevision shall continue to make available non-commercial public, educational and governmental (PEG) access services available to the residents of the Borough as described in the Application for municipal consent. All Cablevision support for PEG access shall be for the exclusive benefit of Cablevision's subscribers.

B. The Borough agrees that Cablevision shall retain the right to use the PEG access channel, or portion thereof, for non-PEG access programming, during times when the Borough is not utilizing the channel for purposes of providing PEG access programming. In the event that the Company uses said PEG access channel for the presentation of such other programming, the PEG programming shall remain the priority use and the Company's rights with respect to using the channel for non-PEG programming shall be subordinate to the Borough's provision of PEG access programming on such channel.

C. Cablevision shall have discretion to determine the format and method of transmission of the PEG access programming provided for in this Section 21.

D. In consideration for the rights granted in this Ordinance, the Company shall provide the Borough with a grant in the amount of nine thousand and four hundred dollars (\$9,400.00).

Cablevision shall provide an initial grant payment of four thousand dollars (\$4,000.00) within 90 days of the issuance of the Certificate of Approval by the Board of Public Utilities. The remaining grant of five thousand and four hundred dollars (\$5,400.00) shall be provided in annual installments of six hundred dollars (\$600.00), upon written request by the Borough (the "Annual Grant). The

Annual Grant may be used by the Borough for any cable and/or other telecommunications related purpose as the Borough, in its discretion, might deem appropriate. Cablevision shall not be obligated to make any additional payments beyond year ten of the franchise. The Annual Grant shall be payable to the Borough within sixty (60) days from receipt of the Borough's written request. Notwithstanding the foregoing, should Cablevision apply for a system-wide certification or otherwise convert its municipal consent to a system-wide certification in accordance with applicable law, it shall be relieved of any payments due and owing after the date of such conversion or award of a system-wide franchise.

The Borough agrees that all amounts provided pursuant to Paragraph D, shall be used for the exclusive support of PEG access programming, such as the purchase and/or rental of PEG access equipment and facilities. On request, the Borough shall provide Cablevision with a certification of compliance with this Section 20(D).

E. Upon written request by the Borough, Cablevision shall install a fiber access return feed at the Borough municipal building, provided it is a standard installation, solely for the benefit of the Company's cable television subscribers in the municipality.

F. The Company shall have no further obligation to provide any PEG grant payments due and payable after the date upon which (a) the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. :5A-25.1.

G. Upon request of the Borough, the Cablevision company shall provide free public access training at their Cable studio currently in Oakland.

SECTION 21. INCORPORATION OF APPLICATION

All of the commitments contained in the Application and any amendment thereto submitted in writing to the Borough by the Company except as modified herein, are binding upon Cablevision as terms and conditions of this consent. The Application and any other written amendments thereto submitted by Cablevision in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

SECTION 22. CONSISTENCY WITH APPLICABLE LAWS

This consent shall be construed in a manner consistent with all applicable Federal, State and local Laws, as such laws, rules and regulations may be amended from time to time.

SECTION 23. SEPARABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 24: NOTICE

Notices required under this Ordinance shall in writing and shall be mailed, first class, postage prepaid, to the addresses below. Either party may change the place where notice is to be given by providing such change in writing at least thirty (30) days prior to the time such change becomes effective. The time to respond to notices under this Ordinance shall run from receipt of such written notice.

Notices to the Franchisee shall be mailed to:
Cablevision Systems Corporation
638 Route 10

Randolph, NJ 07869
Attention: Vice President for Government/Public Affairs, New Jersey

With a copy to:

Cablevision of Oakland, LLC
1111 Stewart Avenue
Bethpage, NY 11714
Attention: Legal Department

Notices to the Borough shall be mailed to:
Borough of Midland Park
280 Godwin Avenue
Midland Park, New Jersey 07432
Attention: Borough Clerk

SECTION 25. EFFECTIVE DATE

This Ordinance shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon the passage, and publication as required by law.

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

MOTIONS:

1. A Motion to approve the application and acceptance of Daniel J. Fischer as a member of the Citizens Emergency Response Team (C.E.R.T.), as of March 1, 2009.

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

2. A Motion to approve Stantec Engineering to go forward with a proposal for the Reconstruction of the Basket Ball Courts.

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

3. A Motion to approve Stantec Consulting’s Proposal for Professional Engineering Services for the Cyphers Lane and Hill Street Drainage Study Project in the Borough of Midland Park, Bergen County, N. J.

Introduced by: Councilman O’Hagan	Seconded Councilman Pruikisma
Roll Call: Councilman Papapietro	Aye

Councilman Junta	Aye
Councilman Pruiksma	Aye
Councilman Holst	Absent
Councilman O’Hagan	Aye
Council President Peet	Aye

PUBLIC COMMENT:

Nancy Bargmann, 183 Franklin –questioned if the origin of the McGowan resolution was correct as River Edge, since the occurrence was in Hillsdale. **Councilman O’Hagan** explained that there are many towns passing this Resolution, however, the example before the Governing Body is the one from River Edge. They are all related to the occurrence in Hillsdale, New Jersey.

At 8:32 P.M. there being no further response from the public and no further business to discuss, the following Resolution was adopted by the Council

Resolution #056-09 – 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);

XX 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 Hours and Compensatory Time**

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

At 10:16 P.M. Council reconvened into the Open Public Meeting. There being no further business to discuss and no further action to be taken, on a Motion made by **Councilman O’Hagan**, Seconded by **Councilman Papapietro** and carried, **Mayor Monahan** adjourned the Open Public Meeting.

Respectfully submitted,

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