

**BOROUGH OF MIDLAND PARK  
280 GODWIN AVENUE  
MIDLAND PARK, NJ 07432  
7:00 P.M. Open Public Meeting Minutes  
March 26, 2009**

**Mayor Monahan** called the meeting to order at 7:00 P.M.

**Mayor Monahan** called upon **Mrs. Cindy VerHage** 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.

<b>Roll Call:</b>	<b>Mayor Monahan</b>	<b>Present</b>
	<b>Councilman Papapietro</b>	<b>Present</b>
	<b>Councilman Junta</b>	<b>Present</b>
	<b>Councilman Pruiksma</b>	<b>Absent</b>
	<b>Councilman Holst</b>	<b>Present</b>
	<b>Councilman O'Hagan</b>	<b>Present</b>
	<b>Council President Peet</b>	<b>Present</b>

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

**APPROVAL OF MINUTES:**

A Motion to approve the Minutes of the February 26, 2009 Meeting and March 12, 2009, 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. **Councilman Holst** Abstained from the vote on the March 12, 2009 Minutes, as he was absent from that meeting.

**OPEN TO THE PUBLIC:**

**Mayor Monahan** opened the meeting to the public for any comments, concerns or questions. There being no response, the Mayor closed the meeting to the public.

**OLD BUSINESS FOR DISCUSSION:**

**1. Budget Review**

**Administrator Dugan** gave an overview of the additions/deletions previously discussed during budget sessions. She addressed such issues as the Capital list, the future reserves, the Library funding, paying the PERS and PERF 100 %, having the DePhillips Center open summer evening hours, and the padding on the Center's gym walls. Council discussed and approved using old capital funds to purchase the wall padding for \$7,000.00. The **Administrator** explained the municipal budget process is unique, since

we have to deal with two artificial restrictions: the 2½% appropriation cap and the 4% tax cap levy, both which do not permit normal responses to economic conditions. She stated we have to look beyond this year to insure that in 2010 our tax base will allow us to deliver the services that the tax payer has come to rely on. **Councilman Papapietro** questioned the possibility of putting half the state pension payment into an interest bearing account and only paying half, as is allowed this year. He stated: this is a precaution in the event that the State “changes the rules” by allowing those towns that deferred their contributions have the deferred amount waived, thus penalizing Midland Park for paying on time. This would insure that we are on a level field with the other towns/cities within the State. The **Administrator** will look into this action. She then spoke of the 6% reserve for uncollected funds. **Mayor Monahan** noted items he would like addressed: \$50,000 reduction in the Capital, extra coverage to keep the Center open all year, defer on street lights, merit increases, and council pay and benefits. Council will meet for an additional budget session on Thursday, April 2<sup>nd</sup>, at 7:00 P.M.

## **2. Website – Economic Assistance to Residents**

**Mayor Monahan** gave an overview of the program, stating this information will be accessible to the public through the Borough web site. **Councilman O’Hagan** listed the following information that will be available: Economic Recovery Website, American Recovery and Reinvestment Act, P.S.E.&G. NJ Shares and LIHEAP, State Public Advocate, Senior Nutrition, Financial Public Assistance and West Bergen Mental Health. These documents will also be available at the Borough Hall for those who do not have access to the web site. Council approved all of the documents that were presented in their meeting package.

## **3. Blueline Architecture Award Resolution**

This appointment will be addressed during this meeting by the adoption of Resolution #62-09. **Councilman O’Hagan** wanted assurance that the architects will be meeting with the employees of the departments involved in the renovation. **Administrator Dugan** stated she stressed that, as well as confirming their costs, in her latest letter to Blueline.

### **NEW BUSINESS FOR DISCUSSION:**

**Mayor Monahan** opened the meeting to the public for any comments, concerns or questions. There being no response, the **Mayor** closed the meeting to the public.

### **LIAISON REPORTS:**

#### **Mayor Monahan**

**Mayor Monahan** stated he has been trying to coordinate having Chris Rossi, a member of the Chamber of Commerce, attend one of our Council meetings, however, he has not been successful. He said perhaps a member of our Governing Body would be able to attend one of the Chamber’s meetings. It was noted that the Chamber no longer has official meetings.

#### **Councilman Holst                      Public Works**

**Councilman Holst** reported everything in the **Public Works Department** is going well. The Department has re-stoned Veteran’s Park parking lot, painted the library director’s

office, begun cleaning up the sport fields, and handled a sewer back up on Cross Avenue.

**Councilman Papapietro Finance/Personnel**

**Councilman Papapietro** reported progress in the **Finance** Department, noting the budget preparation is in the final stages, almost ready to be presented. The **Councilman** stated he and **Administrator Dugan** are working on a formal proposal for banking services, which will be sent out shortly.

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

**Council President Peet** noted progress in the **Fire Department** and the **Ambulance Corps**, and the **Board of Education** is working on their 2009/2010 budget, and has an uncontested race for the vacant Board member seat.

**Councilman Junta Buildings & Grounds/Board of Health**

**Councilman Junta** noted progress in both **Building & Grounds** and the **Board of Health**.

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

**Councilman O'Hagan** reported the **Joint Insurance Fund** held a meeting last week relative to their bylaws and the change requested by Wyckoff regarding the payment to the Risk Managers. He stated the Minutes of the meeting will be sent to all member municipalities. The **Councilman** explained that 6% is an automatic payment for services from the Risk Managers to the municipality, which is paid through the J.I.F. The change proposed reads that those communities that do not want to agree to this commission, will get a check from the J.I.F. for the 6% the J.I.F. would have paid their Risk Manager, and they can negotiate and pay any insurance representative to do the work, but they must follow all requirements/mandates of the J.I.F., in order for the municipality to be covered under the J.I.F. insurance. He said each municipal Council will vote on this bylaws change, which will only be approved if 29 member municipalities vote yes.

**Councilman Pruiksmas Recreation**

**Council President Peet**, liaison seconded to **Recreation**, reported there was no Board of Recreation meeting this week.

**ADMINISTRATOR'S REPORT:**

**Administrator Dugan** reported the Borough Clerk held the First Quarterly Safety Meeting yesterday, and afterwards Jeff Allyn, OEM Coordinator, held the Local Emergency Planning Committee meeting (LEPC). She also reported the NWBRHC is holding a meeting on Wednesday, April 29<sup>th</sup>, from 7 - 9 P.M. in Waldwick, regarding planning for a pandemic flu. Jeff Allyn and Bill VanDyke will be speakers. The **Mayor** reported attending the N.I.M.S. class, where they discussed protocol in an emergency, and asked the **Administrator** to obtain, from Mr. Allyn, the key contact information for the Governing Body. The Council discussed obtaining ID cards to carry, so they may be identified during an emergency. The **Administrator** will follow up on this with Jeff Allyn. **Administrator Dugan** asked Council when they felt the Spring Newsletter should be distributed to the residents, before the budget was passed telling them of the process,

or after the budget passes, with a final budget message to the residents. Council made the decision to send the Newsletter out after the final passage of the budget.

At this time, **Councilman O'Hagan** stated he has invited David Grub, Executive Director of the J.I.F., to attend the April 9<sup>th</sup> meeting, at 6 P.M., for the Governing Body's annual J.I.F. training. **Council President Peet** noted she will be out of town on business and will be unable to attend.

**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 #057-09 – Closed Session 3-26-09**

**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 \_\_\_\_\_

\_\_\_\_\_ PBA and Allendale Interlocal Agreement.

*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: time sheets 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.

**Resolution #058-09 – Bills List**

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

Current Fund (08)	\$ 15,306.01
Current Fund	\$ 64,079.05
Capital Fund	\$ 23,053.75
Trust Fund	<u>\$ 8,574.84</u>
<b>TOTAL:</b>	<b>\$ 111,013.65</b>

**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 13 <sup>th</sup> Payroll	<u>\$ 121,866.22</u>
		\$ 121,866.22

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Midland Park that the claims totaling **\$232,879.87** be approved and ratified respectively.

**Resolution #059-09 –Temporary Budget**

**WHEREAS**, N.J.S.A. 40A:4-19 provides that where contracts, commitments, or payments are to be made prior to the final adoption of the 2009 budget, temporary appropriations should be made for the purpose and amount required in the manner and time therein provided; and,

**WHEREAS**, the date of this resolution is March 26, 2009; and,

**WHEREAS**, said temporary appropriations are limited to 8.75% of the total appropriations in the 2008 budget (\$9,227,360.01), exclusive of any appropriations made for Debt Service (\$50,000), and Capital Improvement Funds (\$525,000.00) in the said 2008 budget; that amount is \$757,081.50.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Midland Park, County of Bergen, State of New Jersey, that the following temporary appropriations are made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his or her records:

<b>General Administration</b>	
Salaries and Wages	\$ 17,000.00
<b>Tax Collector</b>	
Salaries and Wages	\$ 3,000.00
<b>Legal Services</b>	
Other Expenses	\$ 4,000.00
<b>Insurance</b>	
Other Expenses	\$ 45,000.00
<b>Other Insurance</b>	
Other Expenses	\$ 45,500.00
<b>Police Department</b>	
Salaries and Wages	\$219,500.00
Other Expenses	\$ 4,200.00

<b>Uniformed Fire</b>	
Salaries and Wages	\$ 2,500.00
<b>Department of Public Works</b>	
Salaries and Wages	\$ 35,000.00
Other Expenses	\$ 2,000.00
<b>Recycling</b>	
Salaries and Wages	\$ 5,000.00
Other Expenses	\$ 15,000.00
<b>Bd of Health</b>	
Other Expenses	\$ 3,500.00
<b>Recreation</b>	
Salaries and Wages	\$ 10,000.00
<b>Utilities</b>	
Other Expenses	\$ 40,000.00
Solid Waste	\$ 10,000.00
<b>Statutory Expenditures:</b>	
Other Expenses	\$265,000.00
<b>Prosecutor</b>	
Salaries and Wages	\$ 500.00
<b>Free Public Library</b>	
Salaries and Wages	\$ 17,381.50
<b>Sewer Authority</b>	
Other Expenses	\$ 5,000.00
<b>Allendale-Interlocal</b>	\$ 8,000.00
<b>TOTAL</b>	<b>\$ 757,081.50</b>

**Resolution #060-09 – MPHS PTA Basket Raffle**

**WHEREAS**, N.J.S.A. 5:28-7, provides for Governing Body approval of applications for license for legalized games of chance; and,

**WHEREAS**, Midland Park High School PTA., located at 250 Prospect Street, Midland Park, New Jersey, has applied for such license to conduct a Merchandise Draw Raffle on June 20, 2009.

**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 Midland Park High School PTA, 250 Prospect Avenue, Midland Park, N. J. 07432.

**Resolution #061-09 – MPHS PTA 50/50 Raffle**

**WHEREAS**, N.J.S.A. 5:28-7, provides for Governing Body approval of applications for license for legalized games of chance; and,

**WHEREAS**, Midland Park High School PTA., located at 250 Prospect Street, Midland Park, New Jersey, has applied for such license to conduct a 50/50 Cash Raffle on June 20, 2009.

**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 Midland Park High School PTA, 250 Prospect Avenue, Midland Park, N. J. 07432.

**The Consent Agenda was:**

<b>Introduced by: Councilman O'Hagan</b>	<b>Seconded by: Councilman Holst</b>
<b>Roll Call: Councilman Papapietro</b>	<b>Aye</b>
<b>Councilman Junta</b>	<b>Aye</b>
<b>Councilman Pruiksma</b>	<b>Absent</b>
<b>Councilman Holst</b>	<b>Aye</b>
<b>Councilman O'Hagan</b>	<b>Aye</b>
<b>Council President Peet</b>	<b>Aye</b>

**RESOLUTION:**

**Resolution #062-09 – Blueline Architecture Award – Building Dept.**

**WHEREAS**, the Borough of Midland Park has a need to acquire Professional Architectural Services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44a-20.4 or 20.5, as appropriate; and

**WHEREAS**, the Finance Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is one year; and

**WHEREAS**, Blueline Architecture L.L.C.. has completed and submitted a Business Entity Disclosure Certification which certifies that Blueline Architecture has not made any reportable contributions to a political or candidate committee in the Borough of Midland Park in the previous one year, and that the contract will prohibit Blueline Architecture from making any reportable contributions through the term of the contract, and

**WHEREAS**, Michele F. Dugan, Chief Financial Officer of the Borough of Midland Park, certifies that adequate funds have been appropriated in the goods or services named within.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Borough of Midland Park authorizes the Mayor to enter into a contract with Blueline Architecture, L.L.C. as described herein, for proposal amount of \$18,850, and reimbursable expenses not to exceed \$500.00; and

**BE IT FURTHER RESOLVED**, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

**BE IT FURTHER RESOLVED**, that this Resolution will be published as the law requires.

<b>Introduced by: Councilman O'Hagan</b>	<b>Seconded by: Councilman Holst</b>
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Roll Call:	Councilman Papapietro	Aye
	Councilman Junta	Aye
	Councilman Pruiksmas	Absent
	Councilman Holst	Aye
	Councilman O’Hagan	Aye
	Council President Peet	Aye

**ORDINANCE ON INTRODUCTION:**

**ORDINANCE #03-09**

**“AN ORDINANCE TO AMEND CHAPTER XC OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED “FEES AND CHARGES”.**

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

**90-2 FEES FOR CHAPTER II, ADMINISTRATION**

**2-33.1 Municipal Fees Established.**

**(CHANGES IN BOLD)**

**a. Documents.** The fees and charges for the provisions of copies of documents shall be as follows:

- |    |                  |  |
|----|------------------|--|
| 2. | Zoning booklet   | <b>\$30.00</b>                                     |
| 3. | Master plan book | <b>as per current Open Public Records Act fees</b> |

**b. Miscellaneous Services.** The fees and charges for the temporary use of Borough facilities and for services of Borough employee shall be as follows:

- |    |   |               |
|----|---|---------------|
| 1. | Police  |               |
|    | (g) Mailing of video/audio tapes (per tape) <b>or DVD (per DVD)</b> | \$5.00        |
|    | <b>(i) Copies of DVD (per DVD)</b>                                  | <b>\$2.65</b> |

- |    |                                 |  |
|----|---------------------------------|--|
| 2. | Recreational Programs.          |  |
|    | <b>(REPLACE ENTIRE SECTION)</b> |  |

- |     |  |                 |
|-----|--|-----------------|
| (a) | <b>Summer Recreation Camp</b>            |                 |
|     | First child                              | <b>\$ 65.00</b> |
|     | Second child                             | <b>\$ 50.00</b> |
|     | Third child                              | <b>\$ 40.00</b> |
|     | Maximum per week per family              | <b>\$150.00</b> |
| (b) | <b>Summer Camp Tennis</b>                |                 |
|     | Per child, per week                      | <b>\$ 10.00</b> |
|     | Maximum per week, per family             | <b>\$ 20.00</b> |
| (c) | <b>Spring/Fall Tennis</b>                |                 |
|     | <b>Participant fees (4 week program)</b> |                 |
|     | (i) Per child                            | <b>\$ 40.00</b> |
|     | (ii) Maximum per family                  | <b>\$ 70.00</b> |
|     | <b>Participant fees (5 week program)</b> |                 |
|     | (i) Per child                            | <b>\$ 50.00</b> |
|     | (ii) Maximum per family                  | <b>\$ 80.00</b> |
|     | <b>Participant fees (6 week program)</b> |                 |
|     | (i) Per child                            | <b>\$ 60.00</b> |

(ii) Maximum per family	\$ 90.00
(d) Pre School Club	
Per child	\$ 20.00
Maximum per family	\$ 25.00
(e) Games Galore	
Per child	\$ 20.00
Maximum per family	\$ 25.00
(f) Cooking Class	
Class registration fee	\$ 35.00
(g) Me & My Shadow	
Per child	\$ 20.00
(h) Self Defense Program	
Per child	\$ 40.00
(i) School Break Program	
Material fee range	\$5.00 - \$10.00
(j) Bowling Club	
Per child	\$ 5.00
(k) Theater Program	
Per child	\$ 35.00
Maximum per family	\$ 50.00

3. Use of Municipal Social Hall at Firehouse Complex.

**(REPLACE ENTIRE SECTION)**

(a) Resident/Business Resident/Non Profit	\$250.00
Security/Clean up fee (refundable)	\$100.00
(b) Non Resident	\$600.00
Security/Clean up fee (refundable)	\$100.00
(c) Employee/Volunteer/Quasi Organization	\$100.00
Security/Clean up fee (refundable)	\$100.00
(d) Official Borough function	N/C

The fee for an approved list of groups may be waived up to once each calendar year upon application to the Mayor and Council in accordance with a policy set by resolution of the Council which can be amended from time to time.

**VENDING MACHINES**

**(CHANGES IN BOLD)**

**3-12.4 Registration.** Each newspaper vending machine, shall be registered through the office of the Borough Clerk **on an annual basis.** The registration shall be in writing and on an approved form to be provided by the Borough Clerk. The following information shall be given, **along with a check in the amount of \$120.00. (annual fee)**

**ANIMAL LICENSE**

**90-5 FEES FOR CHAPTER V, ANIMAL CONTROL.**

**(CHANGES IN BOLD)**

**5-1.2f Fees and Charges.** The fees and charges required under the Code of the Borough of Midland Park entitled Dogs shall be as follows:

- a. Persons applying for a neutered dog license and registration tag shall pay a fee of **\$10.00**

(for each spayed or neutered dog license and for each annual renewal thereof and, in addition.)

- b. Persons applying for a non-neutered dog license and registration tag shall pay a fee of **\$13.00**

**5-3.4g Licensing of Cats.**

License and registration tag fee shall be as follows:

- a. Neutered cat **\$10.00**  
b. Non-neutered cat **\$13.00**

**90-11 FEES FOR CHAPTER XI, FIRE PREVENTION**

**11-1.7 Additional Required Inspections and Fees  
(CHANGES IN BOLD)**

1. Use Group  
    Assembly **\$150.00**

2. Business: Group B

Gross floor area of the building or part of the building used for business

- Up to 4,000 Sq. Ft. **\$ 50.00**  
4,001 to 8,000 Sq. Ft. **\$ 75.00**  
8,001 to 11,999 Sq. Ft. **\$100.00**  
12,000 to 17,999 Sq. Ft. **\$200.00**  
18,000 Sq. Ft. and up **\$250.00**
3. Factory and Industrial **& Storage** **\$150.00**
4. Mercantile:
- (a) Up to 4,000 Sq. Ft. **\$ 50.00**  
(b) 4,001 to 8,000 Sq. Ft. **\$ 75.00**  
(c) 8,001 to 11,999 Sq. Ft. **\$100.00**  
(d) Mercantile establishments in excess of 12,000 Sq. Ft. are regulated by the Life Hazard Use fees payable to the State of New Jersey

**90-10 (REPLACE ENTIRE SECTION WITH THIS)**

**10. Elevator devices:**

- (a) (1) **Traction and winding drum elevators:**
- (i) **one (1) to ten (10) floors** **\$151.00**  
    (ii) **Over ten (10) floors** **\$194.00**
- (2) **Hydraulic elevators** **\$100.00**  
    (3) **Roped hydraulic elevators** **\$140.00**  
    (4) **Escalators, moving walks** **\$151.00**  
    (5) **Dumbwaiters** **\$100.00**  
    (6) **Stairway chair lifts, inclined and vertical  
Wheelchair lifts and man lifts** **\$120.00**  
    (7) **Oil buffers, each** **\$ 50.00**  
    (8) **Counterweight governor and safeties** **\$100.00**  
    (9) **Auxiliary power generator** **\$100.00**
- (b) **The fee for the one (1) year period of inspection and witnessing of tests of elevator devices, which shall include a six (6) month routine inspection shall be:**
- (1) **Traction and winding drum elevators**
- (i) **One (1) to ten (10) floors** **\$216.00**

- (ii) Over ten (10) floors \$259.00
- (2) Hydraulic elevators \$150.00
- (3) Roped hydraulic elevators \$200.00
- (4) Escalators, moving walks \$346.00
- (5) Dumbwaiters \$100.00
- (6) Stairway chair lifts, inclined and vertical wheelchair lifts and man lifts \$120.00
- (c) Additional yearly periodic inspection charges for elevator devices equipped with the following features shall be as follows:
  - (1) Oil buffers, each \$ 50.00
  - (2) Counterweight governor and safeties \$100.00
  - (3) Auxiliary power generator \$100.00
- (d) The fee for the three (3) year or five (5) year inspection for elevator devices shall be as follows:
  - (1) Traction and winding drum elevators:
    - (i) One (1) to ten (10) floors \$367.00
    - (ii) Over ten (10) floors \$410.00
  - (2) Hydraulic and roped hydraulic elevators:
    - (i) Three (3) year inspection \$250.00
    - (ii) Five (5) year inspection \$150.00
- (e) As per N.J.A.C. 5:2304.20 (c) Plan Review:  
 The fee for plan review for elevator devices in structures in all Use Groups \$260.00

**90-14 CHAPTER XIV, STREETS AND SIDEWALKS.  
 (CHANGES IN BOLD)**

**14-1.5 Permit Fees – Street Openings.**

The fees and charges required shall be.

- a. Application fee, permit fee and inspection fees \$175.00
- c. **Application fee, permit fee and inspection fees for Utility companies** \$ 35.00

**CHAPTER XL  
 FEES AND CHARGES:  
 LAND DEVELOPMENT REGULATIONS**

**40-1 FEES REQUIRED BY THE LAND DEVELOPMENT CHAPTERS.\*  
 (CHANGES IN BOLD)**

The fees and charge required in the Land Development Volume of the Revised General Ordinances of the Borough of Midland Park shall be as follows:

- a. In addition to those established elsewhere by Ordinance, all applicants or appellants to the Planning Board or Zoning Board of Adjustment and/or Governing Body shall pay the following applicable fees:
  - 1. For approval of minor subdivision \$300.00
  - 2. For approval of major subdivision \$500.00  
 plus \$100.00 per lot
  - 3. (a) Site Plan Application \$300.00  
 plus \$100 per additional acre
  - (b) For approval of an amended site

	Plan application	\$100.00
4.	For approval on a conditional use permit	<b>\$300.00</b>
5.	For a use variance application pursuant to N.J.S.A. 40:55d-70(D)	<b>\$500 residential \$1,000 non residential</b>
6.	Variance application other than Use Variances by Board of Adjustment	\$200.00
10.	Zoning Chapter Interpretation	<b>\$100.00</b>
	For any application for interpretations of the Zoning Chapter or Regulations By the Board of Adjustment.	
19.	Special Meeting fee	<b>\$1,000.00</b>

**Section 5. Severability.**

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

**Section 6. Inconsistent Ordinances Repealed.**

All 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.

**Section 7. Effective Date.**

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

**Introduced by Councilman Papapietro      Seconded by: Councilman Junta**

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

**MOTIONS:**

**1.** A Motion to declare the week of March 28<sup>th</sup> through April 4<sup>th</sup>, 2009 “Scouting for Food Week”, and to give permission to Cub Scout Pack 157 and Boy Scout Troop 157 the use of the Borough garage to sort and box the donated goods and for the use of a truck to deliver the donations to the Center for Food Action in Mahwah on Saturday April 4, 2009

**Introduced by: Councilman O’Hagan      Seconded by: Councilman Papapietro**

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

2. A Motion to approve the waiving of the Building Department fees for the Church of the Nativity roof replacement project they are undertaking.

**Introduced by: Councilman Papapietro    Seconded by: Councilman Holst**

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

**PUBLIC COMMENT:**

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

**Gary Bardzell, 189 Franklin Ave.** – came before Council to follow up on the issues he spoke of at the last meeting regarding the setback requirements between the commercial and residential districts, obtaining a copy of blueprints of applications before the Planning Board, and requiring the installation of a certain drainage tank system to remove toxins from runoff water. **Mayor Monahan** responded the drainage tank system is being reviewed by the Planning Board engineer, and the Planning Board Attorney is opining on the 25 foot setback rule. Mr. Bardzell stated he feels the project before the Planning Board presently located at Maltbie and Godwin Avenues does not fit the 25 foot setback requirement, and he feels this will effect the next Baseline application to the Planning Board. **Councilman O’Hagan** noted that the Zoning Ordinance setbacks and buffer rules are written into the Codes, but that does not preclude an applicant from requesting a variance on this issue, which can be granted with proper justification. He further stated that an applicant has the right to request a variance, and the decision of the Board can be appealed. Regarding the access to blueprints of applications before the Boards, **Attorney Regan** stated these are public records which can be viewed at any time. You can make a request to have a reproduction of the blueprints made, but this will be done at the requestor expense.

**Norma Bardzell, 189 Franklin Ave.** - said she was never told about an OPRA request form, and that the Construction Department secretary told her she could not have any copies. **Administrator Dugan** stated she had spoken with the secretary the day after Mr. Bardzell had appeared before Council expressing his concerns, and confirmed that she follows the Open Public Meeting laws as required by the Land Use Laws, and she goes further to give copies of documents and allows people to take photos of any document they need, as long as they fill out an Open Public Records Act request.

There being no further response from the public, and no further business to discuss, at 8:26 P.M., on a Motion made by **Councilman Holst**, Seconded by **Council President Peet**, and carried, Council convened into the Closed Session on issues regarding Personnel time sheets and compensatory time, the Allendale Interlocal Agreement and the PBA negotiations

At 11:21 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