

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK, NJ 07432
8:00 P.M. Open Public Meeting Minutes
June 11, 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 he 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 Closed Session, Work Session and Open Public Meetings of May 28, 2009, and the Closed Session Meeting Minutes of May 14, 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: Council President Peet **Seconded by Councilman Pruiksmas**

Mayor Monahan referring to the Work Session Minutes of May 28th, requested the word "insufficient" replace "insignificant" in the sentence referring to the Hill St./Cyphers La. drainage problem. Under the topic of "Board of Education Employment Policies" in the Open Public Meeting Minutes of the 28th, **Mayor Monahan** requested the wording "especially" be added to the last sentence in that paragraph, having it read "especially if the cost of the checks....."

Councilman Papapietro noted in the Open Public Meeting Minutes, the last line in issue #3 under "Old Business for Discussion" should be the last line on issue #2. The Clerk will make these changes.

Introduced as Amended by: Council President Peet **Seconded by: Councilman Pruiksmas**

Roll Call:	Councilman Papapietro	Aye
	Councilman Junta	Aye
	Councilman Pruiksmas	Aye
	Councilman Holst	Absent
	Councilman O'Hagan	Abstain (absent from meeting)
	Council President Peet	Aye

OPEN TO THE PUBLIC:

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

Elizabeth Bosland, 45 Woodside Avenue – addressed Council speaking of the proposed improvements to the basketball courts and parking lot, and the impact these improvements would have, causing drainage onto the properties of the Woodside residents as a result of severe weather conditions. Ms. Bosland then spoke of the problem she has been having with children and adults hopping the Borough fence and then her fence to reclaim balls/frisbees, etc., that landed on her property and her pool cover, and of the liability and safety issues the town may face. She noted that unsupervised pickup games have given cause for the neighbors to make multiple calls to the police department because of disturbances, and she feels the quality of life of the adjacent homeowners is affected by these occurrences. Ms. Bosland then listed suggestions to change these circumstances. **Mayor Monahan** requested a copy of Ms. Bosland’s notes, so the Borough may follow up accordingly, and then stated the Engineer is still in the process of engineering the project, and as part of the scope of work will be looking at drainage, and **Administrator Dugan** will make sure he is aware of her concerns. He also said we can look at improving the signage, perhaps we can look at adding a camera to overlook the courts and we will encourage those using the courts to behave accordingly. Ms. Bosland also asked the Borough to reevaluate the height of the fences, as even though they are high, they are climbed over onto her property. **Council President Peet** suggested considering restricting the time the courts can be used.

Mrs. Bardman, 183 Franklin Avenue – just wanted to report back to the Council, that after speaking to them regarding the procedure she was told to follow for filing a police complaint about a barking dog, she received a phone call from the Police Chief the following morning and he reviewed the necessary steps to take in this process. **Administrator Dugan** also noted she spoke with the Chief and the Court Administrator, and both submitted written reports to the Governing Body relative to this process.

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 he had a good meeting with the Chamber of Commerce representatives, at which they discussed needs of the local businesses and the need for volunteers. The Mayor then spoke of a bulletin from the League of Municipalities entitled “Where New Jersey Tax Payer Dollars Go.” He also mentioned the ongoing search for a replacement for the Zoning Board vacancy.

Councilman Papapietro

Finance/Personnel

Councilman Papapietro noted for the **Finance Department**, the Bills are being paid, and **Administrator Dugan** has issued banking Requests for Proposals (RFPs) to local banks, which are due back to the Borough by July 7th. The **Councilman** then stated the process continues to update the **Personnel Policy**. **Council President Peet** questioned when the Council is going to perform personnel evaluations of the key principle staff, noting this has not been done in two years. **Councilman Papapietro** stated the **Administrator** has been working on this. **Mayor Monahan** noted the **Clerk** has forwarded the evaluation form to him for his review.

Council President Peet reported progress in the **Fire Department, Ambulance Corps** and the **Board of Education**. She then announced, with great pride, that last evening Jeff Allyn was recognized with The Community Service Award by the Knights of Columbus and **Councilman Pruiksm**a represented the Borough at the event.

Councilman Junta **Buildings & Grounds/Board of Health**
Councilman Junta reported progress in the **Board of Health** and **Building and Grounds**

Councilman O’Hagan **Public Safety - Police/JIF/Alliance**
Councilman O’Hagan reported Chief Casson’s surgery went well and he is recuperating, there will be a **J.I.F.** meeting next week, and the **Alliance** may not have a meeting other than a Board Meeting at the end of the month. The Councilman then requested a second Closed Session this evening so he may update Council on the P.B.A. contract negotiations.

Councilman Pruiksma **Recreation**
Councilman Pruiksma noted Saturday is Olympic Day for the **Recreation Department**, and volunteers from Council are needed to hand out awards around 11:00 A.M. The event will be held rain or shine, unless the fields are too wet, in which case the information will be on the Recreation Department phone message. Publishing notices on “e-notices” was briefly discussed. The **Councilman** stated the Recreation Director has requested looking into installing interior lights in the DePhillips Center, on a motion sensor. **Administrator Dugan** explained that if someone comes into the building at night, the camera can not identify who it is and what they are doing, as there are no lights on in the building. She stated Chief Casson toured the building suggesting where to place the lights. **Councilman Papapietro** requested **Councilman Pruiksm**a look into a timer or a photo sensor to turn off the exterior lights at the Center, as he had noticed them on during the day on Sundays. **Councilman Pruiksm**a stated he and Jeff Allyn will be taking a County P.O.D. class next Thursday in Paramus.

Councilman Holst **Public Works**
As **Councilman Holst** was absent, there was no report on **Public Works**.

ADMINISTRATOR’S REPORT:

Administrator Dugan reported on her meeting with Tom Murphy relative to the County bus services for shopping for our senior citizens. She stated this will start on Thursday, June 25th, with a bus that accommodates 8 Midland Park residents to be picked up at 9:30 A.M., dropped off at the A&P and returned home at approximately 11:30 A.M. The seniors will call Borough hall and we will forward the list of names, addresses and phone numbers to the County by Tuesday. First time users will be called by the County to register for the bus. If a second trip is needed, this will be addressed. The **Administrator** stated the liability for this service falls to the County. She said this information will be put on e-notices and as the press is here, perhaps they can put the information in the newspapers. The **Mayor** suggested an information flyer be given to the Senior Center.

CONSENT AGENDA:

Mayor Monahan requested Resolution #101-09 be removed from the Consent Agenda pending further review of the audit. This was removed on a Motion made by **Councilman Pruiksm**a, Seconded by **Councilman Papapietro** and carried. It will be addressed at the next Council Meeting.

**Midland Park Borough Council
Minutes – Open Public Meeting
Resolution #100-09 – Bills List**

**June 11, 2009
Page 4**

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

Current Fund	\$ 137,912.40
Capital Fund	\$ 35,956.75
Dog Fund	\$ 342.00
Alliance Fund	\$ 270.79
Trust Fund	\$ 12,848.84

TOTAL: \$ 187,330.78

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	May 29 th Payroll	\$ 123,864.96
Current	June Health Payments	\$ 49,955.40
Current	June School Taxes	<u>\$1,332,479.00</u>
		\$1,506,299.36

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Midland Park that the claims totaling **\$1,693,630.14** be approved and ratified respectively.

Resolution #102-09 – Appoint Community Development Reps

WHEREAS, in accordance with the Three Year Community Development Cooperative Agreement, the Borough of Midland Park must appoint two representatives to the Community Development Committee; and

WHEREAS, this appointment will be for one year - July 1, 2009 through June 30, 2010.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council hereby appoints Joseph Monahan, Mayor, and Scott Pruiksma, Councilman, to serve as the Borough of Midland Park's representatives to the aforementioned Committee.

Resolution #103-09 – Tax Court Judgment – A&P

WHEREAS, the Borough of Midland Park has received judgment from the Tax Court of New Jersey, reducing taxes for 2008.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Midland Park, that the Chief Financial Officer be authorized to issue a refund check as follows:

<u>Name</u>	<u>Block/Lot</u>	<u>Location</u>	<u>Amount</u>
Lasser Hochman Trust Acct., L.L.C/ Great Atlantic & Pacific Tea Co., Inc. 75 Eisenhower Parkway Suite No. 120 Roseland, New Jersey 07068-1694	3 / 4.02	136 Lake Ave.	\$42,825.00

Resolution #104-09 – Chapter 159 – Clean Communities

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an

equal amount; and

WHEREAS, the Borough of Midland Park has received an additional \$2,296.60 from the State of New Jersey Clean Communities Fund and wishes to amend its 2009 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Midland Park hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget of the Year 2009 in the sum of \$2,296.60, which is now available as a revenue for:

Miscellaneous Revenue

Special Items of General Revenue Anticipated with Prior Written Consent
of the Director of the Division of Local Government Services:

Revenues Off-Set with Appropriations:

Clean Communities - O & E Expenses for 2009

BE IT FURTHER RESOLVED, that a like sum of \$2,296.23 be and the same is hereby appropriated under the caption of:

General Appropriation

Programs Off-Set by Revenues:

Clean Communities - O & E Expenses for 2009

BE IT FURTHER RESOLVED, that the Borough Clerk forward two copies of this resolution to the Director of the Division of Local Government Services along with attachment.

The Consent Agenda was:

Introduced by: Councilman Pruiksmas Seconded by: Council President Peet

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

PUBLIC COMMENT:

Mayor Monahan once again opened the meeting to the public for any comment, concern or questions.

Richard Kunz, 45 Payne Ave – spoke of the one-way communication on the Borough web site.

There being no further comment from the public, and no further business to discuss, at 8:50 P.M. the following Resolution was passed and Council convened into a second Closed Session.

Resolution #105-09 - After Closed Session

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of Midland Park has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of Midland Park will go into closed session for the following reason (s) as outlined in N.J.S.A. 10:4-12:

_____ Any matter which, by express provision of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public (Provision relied upon): _____

_____ Any matter in which the release of information would impair a right to receive funds from the federal government;

_____ Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy;

_____ Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body (Specify contract): _____.

_____ Any matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____ Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Any investigations of violations or possible violations of the law;

XX 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 Contract.**

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.**

_____ 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 by Council President Peet

**Midland Park Borough Council
Minutes – Open Public Meeting**

**June 11, 2009
Page 7**

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

At 10:36 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