

**BOROUGH OF MIDLAND PARK  
280 GODWIN AVENUE  
MIDLAND PARK NJ 07432  
DECEMBER 14, 2023**

**8:00 P.M. OPEN PUBLIC MEETING MINUTES**

On December 14, 2023 at 8:05 P.M., the Mayor and Council of the Borough of Midland Park conducted a meeting at Borough Hall in the Council Chambers located at 280 Godwin Avenue as previously advertised. Agenda items for the meeting were also listed on the Borough website.

Mayor Shortway called upon Council President DeLuca to give this evening's Invocation, and then led all present in the Pledge of Allegiance.

Mayor Shortway called the meeting to order, noting the date as December 14, 2023, and that there will be a 3-minute limit to each individual addressing the Governing Body during the Open Public portions of the meeting.

**SUNSHINE LAW STATEMENT:** This meeting was 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 Shortway</b>	<b>Present</b>
	<b>Councilman Sansone</b>	<b>Present</b>
	<b>Councilman Braunius</b>	<b>Present</b>
	<b>Councilman DeBlasio</b>	<b>Present</b>
	<b>Councilman Kruis</b>	<b>Present</b>
	<b>Councilwoman Peet</b>	<b>Present (via GoTo Meeting)</b>
	<b>Council President DeLuca</b>	<b>Present</b>

**ALSO PRESENT:** Borough Attorney Robert Regan, Borough Administrator/Clerk Wendy Martin, and Deputy Clerk Mari J. Margiotta

**ABSENT:** None

**APPROVAL OF MINUTES:**

A Motion to approve the Minutes of the Work Session, Before and After Closed Sessions, and Open Public Meetings from the dates of October 12, 2023 and October 26, 2023 as all Governing Body members have previously received copies of the Minutes and copies are available to the Public at the Borough Clerk's Office.

<b>Introduced by:</b>	<b>Councilwoman Peet</b>	<b>Seconded by:</b>	<b>Councilman Braunius</b>
<b>Roll Call:</b>	<b>Councilman Sansone</b>		<b>Aye</b>
	<b>Councilman Braunius</b>		<b>Aye</b>
	<b>Councilman DeBlasio</b>		<b>Aye</b>
	<b>Councilman Kruis</b>		<b>Aye (Abstained from October 12, 2023 Minutes)</b>
	<b>Councilwoman Peet</b>		<b>Aye (via GoTo Meeting)</b>
	<b>Council President DeLuca</b>		<b>Aye</b>

**OPEN TO THE PUBLIC:**

Mayor Shortway opened the meeting to the public for general questions, concerns, and comments.

Due to the adoption of Daniel's Law, P.L.2021, c.371 the Borough only requires the Public to state their name and if they reside in the Borough of Midland Park for the Record.

There being no one wishing to speak from the Public, the Public Portion was closed.

**LIAISON REPORTS:**

**Mayor Shortway**

**Mayor Shortway** attended the New Jersey League of Municipalities in Atlantic City on the days of November 13<sup>th</sup> through 16<sup>th</sup>. The **Mayor** also attended the Ridgewood Water meeting on November 28, 2023. Police Chief Michael Powderley and the **Mayor** received an award from AAA for outstanding accident investigations for Midland Park at a meeting on October 30, 2023. **Mayor Shortway** was busy in December: on the 2<sup>nd</sup>, he went to the Borough's holiday tree lighting, on December 8<sup>th</sup>, he attended the Employee/Volunteer Appreciation Dinner, on the 12<sup>th</sup>, he attended the mayors meeting in Hackensack where the guest speaker was from the Attorney General's office and the topic was the scams against the elderly, there was a Bergen County economic committee meeting with the County Executive regarding allowing filming in municipalities and on the 13<sup>th</sup>, he and the Borough Administrator went to Mill Gardens to present proclamations to five residents who were 100+ years old.

**Council President DeLuca**

**Public Safety – Fire/Personnel/Library**

**Council President DeLuca** reported progress for the **Personnel Department**.

**The Council President** reported she attended the **Fire Department** meeting on December 13<sup>th</sup>: for the month of November 2023, the Fire Department received a total of 20 calls with six mutual aid calls: one to North Haledon, one to Mahwah, 2 to Waldwick and 2 to Wyckoff; on December 9<sup>th</sup>, she attended the Department's annual Breakfast with Santa which was enjoyed by many of the Borough's younger residents and their parents; in addition, the Department participated in Toys for Tots and received a large supply of toys; Project Santa is set to kick-off December 16<sup>th</sup> and Chief Matthew Tauber reports the number of stops has increased from last year.

**Council President DeLuca** reported the **Library Board's** meeting was held on November 21, 2024, and Library Director Catherine Dileo's report is as follows: there has been a 1.5% increase in circulation since October of 2022 and foot traffic has also increased 33% from 2022. The **Council President** noted the Library staff completed a training course from the MEL JIF Safety website and Meghan Cummings attended the New Jersey State Library Talking Book and Braille Center's BARD Library Pilot Program training as this could be something that would be beneficial to the Borough's senior population. She stated the Library is in the final round of the seven most nominated "Best in Bergen" libraries and encouraged people to vote. Please visit the Borough and Library's websites for more upcoming events and activities.

**Councilman Braunius      Office of Emergency Management/ Recreation/Chambers of Commerce**

**Councilman Braunius** reported progress for the **Office Of Emergency Management**.

**The Councilman** reported progress for the **Chamber of Commerce**.

**Councilman Braunius** reported the newcomers meeting, hosted by **Recreation**, was attended by twenty-five people. He reported the tree lighting was a huge success and thanked **Councilman Sansone** for the donation of the hot dogs.

**Councilman DeBlasio**

**Information Technology/Building Department/Municipal Alliance**

**Councilman DeBlasio** reported the **Building Department** conducted 167 inspections, issued 58 permits, and collected \$13,194.00 for the month of November 2023; two zoning permits were also issued. The Construction Official informed the **Councilman** that new plans and permits were dropped off for the building next to the CVS and both will be following up with that over the next week.

**The Councilman** reported that the **Information Technology** Director noted the splicing by the College Road pump station by Ridgewood Water has been completed and came under the amount originally

anticipated. The router for the Police Department cars is working; some relocation for the router is planned. The I.T. Director, Philip Scaglione, is dealing with a large number of Microsoft updates for scam protection for the end of the year. The **Councilman** reported the Mr. Scaglione is also working on the office phone system, trying very hard to keep them as much as possible the same. There are some software products that Mr. Scaglione is looking into to provide a higher level of protection for the Borough's system.

**Councilman DeBlasio** reported progress for the **Municipal Alliance**.

**Councilman Sansone**

**Finance/Public Safety – Ambulance/Fire Prevention**

**Councilman Sansone** stated there has been progress for the Borough's **Finance Department**.

The **Councilman** noted there was no report for **Fire Prevention** for this meeting.

**Councilman Sansone** reported he attended the **Ambulance Corps** meeting on December 4<sup>th</sup>; they answered 44 calls for service with three mutual aid calls out and five mutual aid calls in. He noted the members of the Corps are asking if the JIF still gives CCU credits? Administrator/Clerk Martin stated she would look into that; she did note there are two required courses that must be taken by every employee and volunteer but wasn't sure about CCU's; there was discussion about the amount of funding the Borough gives to the Ambulance Corps.

**Councilman Kruis**

**Property Maintenance/ Public Works/Planning Board**

**Councilman Kruis** noted there was no report for **Property Maintenance**.

The **Councilman** stated the **Department of Public Works** has completed the fall leaf collection with 3152 yards of compacted leaves. He reported the concrete work on Franklin Avenue has been completed and resurfacing will be done in the Spring of 2024; the 2023 Midland Park road resurfacing project has been completed and included adding curbing to Chamberlain Place and resurfacing Rea Avenue, Bank Street and Chamberlain Place. The **Councilman** informed the Council that the D.P.W. all equipment has been installed and tested and ready for winter; the transfer switch for the Habben building has come in and will be installed by the end of the year.

**Councilman Kruis** reported the **Planning Board** will meet on December 18<sup>th</sup>.

**Councilwoman Peet**

**Public Safety – Police/Board of Health/Bd of Education/Ridgewood Water**

**Councilwoman Peet** reported she attended the **Board of Education** meeting on December 12<sup>th</sup>; a stipend will be given to the school's Business Administrator for her participation in selecting the Superintendent of the Schools; she spoke of several budget items and the continuance of the cooperative program between Midland Park and Waldwick for football, wrestling and cheerleading, from December 23, 2023 until December of 2026. For more details, please visit the Board of Education website.

The **Councilwoman** reported she attended the November 28<sup>th</sup> Ridgewood Water meeting with **Mayor Shortway**, the D.P.W. Superintendent, Matt Tauber, and the Borough Administrator, Wendy Martin.

**Councilwoman Peet** noted she attended the **Board of Health** meeting on December 11<sup>th</sup> and while there was not a quorum, they were able to speak to a member not in attendance and scheduled the 2024 rabies clinic for May 13<sup>th</sup> and decided the 2024 meeting dates which will be held on the second Monday of the month. She also attended the Regional Health Commission meeting on November 29<sup>th</sup> as well as one today: the Commission continues to run strong and they are considering a change in the compensation for the services they provide and evaluating the best way to approach that.

For her report regarding the **Police Department**, the **Councilwoman** referred the other members of the Governing Body to the Police Chief's report they were given.

**ADMINISTRATOR'S REPORT:**

Borough Administrator/Clerk Wendy Martin reported the tree lighting went well and was well attended. She thanked everyone that contributed to its success. The Employee/Volunteer dinner was also well



attended, and everyone had a nice time. She especially thanked Anna and Jessica for all their hard work in planning and preparation. She spoke of having all employees and volunteers set up with the MEL system to take the mandatory training courses.

**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 #196-2023 Authorizing the Appointment of Metropolitan Life Insurance Company as the Borough's Administrator of Section 125 – Flexible Spending Accounts**

**WHEREAS**, the Borough of Midland Park (hereinafter, the Municipality) provides an Employee Health Benefits Program for eligible employees and their eligible dependents; and

**WHEREAS**, Chapter 78 of the laws of the State of New Jersey requires public entities to implement a Section 125 - Flexible Spending Accounts (FSA's) Program in accordance with the rules promulgated by the United States Internal Revenue Service (IRS); and

**WHEREAS**, the Municipality's Benefits Consultant has performed due diligence and researched the marketplace for firms specializing in the administration of FSA's and has recommended Metropolitan Life Insurance Company (hereinafter, MetLife), based upon a performance matrix, which includes service platform, ease of usage, usage enhancements and price point;

**WHEREAS**, this authorization is awarded without competitive bid pursuant to N.J.S.A. 40A:11-5(1)(m) as it involves the supplying of an insurance service and is exempted service under the local public contract law.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Midland Park, County of Bergen, State of New Jersey, in accordance with the due diligence performed by the Municipal Administrative Team and the Municipal Benefits Consultant, the firm of Metropolitan Life Insurance Company, (MetLife) is hereby appointed as Administrator for the Municipality's Section 125 - Flexible Spending Account; which also includes Dependent Care Flexible Spending Account, effective upon passage of this Resolution for a January 1, 2024 effective date; allowing the maximum annual employee contribution permitted by law; and any unused funds after the grace period to be refunded back to the employee; and

**BE IT FURTHER RESOLVED**, the Borough Administrator/Clerk is hereby authorized to execute all documents necessary for the implementation; and

**BE IT FURTHER RESOLVED**, a certified copy of this Resolution shall be provided to the Chief Finance Officer, Auditor and PIA Security Programs, a division of World Insurance Associates, LLC, 429 Hackensack Street, Carlstadt, NJ 07072, Benefits Consultant to the Municipality.

**Resolution #197-2023 Authorize Use of Bond Funds**

**WHEREAS**, the Borough of Midland Park has a need to use funds from Bond Ordinance #13-21 for Various road improvements; and

**WHEREAS**, the Community Development Block Grant agreement (Resolution #064-2022) for West and Birch Streets was awarded \$110,990.00 and the bid was awarded to D&L Paving Contractors Inc., 675 Franklin Avenue, Nutley, NJ 07110; and

**WHEREAS**, all necessary backup documents were submitted to the county to receive reimbursement of the total \$110,990.00 spent on this project. Due to an accounting error on the County, the full amount of the grant will not be received; and

**WHEREAS**, the Chief Financial Officer hereby certifies that funds are available for this shortage in the amount of \$1,491.71 from:

*ORD #13-21 VARIOUS ROAD IMPROVEMENTS (X-10- -390-105) \$1,491.71*

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Midland Park authorizes the CFO to do the necessary entry to cover the accounts receivable shortage not received from the Community Development Block Grant agreement in the amount of \$1,491.71.

**Resolution #198-2023 Tax Lien Redemption – 43 Franklin Avenue**

**WHEREAS**, the Tax Collector has been paid \$23,373.81 the necessary amount to redeem Tax Sale Certificate #22-00001 held by BB 316 Investment LLC, P.O. Box 953, Lakewood, NJ 08701, on the property known as Block 5, Lot 12, assessed to LIGHTENBERG, CHRISTOPHER, 43 Franklin Ave, Midland Park, NJ 07432; and

**WHEREAS**, a premium of \$40,100.00 is to be returned to BB 316 Investment LLC; and

**WHEREAS**, an overpayment of \$1.30 is to be returned to BB 316 Investment LLC; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Tax Collector, upon receipt of the Tax Sale Certificate properly endorsed for cancellation, be authorized to draw a check totaling \$23,373.81 plus 40,100.00 and in an additional \$1.30, to BB 316 Investment LLC, P.O. Box 953, Lakewood, NJ 08701, from the Trust Account and forward said check to the lien holder.

**BE IT FURTHER RESOLVED** that the Tax Collector be authorized to cancel lien #22-0001 from the municipal records.

**Resolution #199-2023 All Points Towing License – 2024**

**WHEREAS**, All Points 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 Towing, Inc. to tow within the Borough of Midland Park for the year 2024.

**Resolution #200-2023 City Wide Towing License – 2024**

**WHEREAS**, City Wide 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 City Wide Towing, Inc. to tow within the Borough of Midland Park for the year 2024.

**Resolution #201-2023 Credit/Debit Cancellations**

**WHEREAS**, there are odd and small credit and debit balances in taxes on various parcels of property in the Borough of Midland Park which are equal to or less than \$10.00 each; and

**WHEREAS**, by statute (N.J.S.A. 40A:5-17) such taxes may be canceled; and

**WHEREAS**, the Tax Collector has requested the cancellation of the attached listing of credit/debit balances for the year 2023; and

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Borough of Midland Park hereby authorize the Tax Collector to cancel the listed credit/debit balances on the attached pages.

**Resolution #202-2023 Tyco Animal Control Contract – 2024**

**WHEREAS**, there is a need to provide adequate control of animals in accordance with the Borough of Midland Park Health Codes; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Midland Park,

that the Mayor and Clerk be authorized to enter into a contract with Tyco Animal Control Service for such service, in the amount of \$10,200.00 for the calendar year 2024 to be paid in twelve monthly installments, effective January 1, 2024 and expiring December 31, 2024.

**Resolution #203-2023 Release Performance Bond – CVS 80 Godwin Avenue**

**WHEREAS**, at the Planning Board meeting of November 20, 2023, the Board voted to approve the release of the performance bond for CVS Pharmacy and Building Addition, 80 Godwin Avenue, Midland Park, N. J. 07432, Blk 6 Lt 17.02, subject to the submission of the required 2-year maintenance bond.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Midland Park authorize the Borough Administrator to release said Performance Bond to First Hartford Realty Corporation, 149 Colonial Road Manchester, CT 06042, to the attention of Antimo A. Del Vecchio, Esq., at the following address, BEATTIE PADOVANO, LLC, 200 Market Street, Suite 401, Montvale, New Jersey 07645.

**Resolution #204-2023 Budget Transfer 2023 #2**

**WHEREAS**, transfers are permitted between budget appropriations during the last two months of the fiscal year; except for out-of-cap expenses;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Midland Park, in the County of Bergen, New Jersey, that transfers between 2023 Budget Appropriations be made as follows:

<u>Department</u>	<u>Account Name</u>	<u>Account #</u>	<u>To</u>	<u>From</u>
Library	Contribution	3-01--205-261	\$ 800.00	
Library	Social Security	3-01--205-442		\$ 800.00
Insurance	Health-Active	3-01--011-401	\$10,000.00	
Utilities	Solid Waste	3-01--031-301		\$10,000.00
DPW	Equipment Maint.	3-01--019-242	\$ 2,000.00	
DPW	Road Maint.	3-01--019-274	\$ 2,000.00	
Tax Assessor	Appeal Costs	3-01--003-221		\$ 4,000.00
Utilities	Street Lighting	3-01--031-206	\$ 2,500.00	
Legal	Settlements	3-01--005-217		\$ 2,500.00
Recycling	Paper Mkt Cost	3-01--021-282	\$ 3,000.00	
Other Insurance	JIF Property	3-01--012-406		\$ 3,000.00

**Resolution #205-2023 Shared Service Agreement Between Midland Park Board of Education and the Borough of Midland Park for Upper and Lower Sunset Fields**

**WHEREAS**, the Borough of Midland Park Board desires to contract with the Midland Park for the renovation, maintenance, and use of the Borough to groom the Upper and Lower Sunset Fields; and

**WHEREAS**, municipalities are permitted to enter into such agreements pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.

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

1. That the Mayor and Borough Clerk are hereby authorized to execute the Shared Serviced Agreement between the Borough of Midland Park and Midland Park Board of Education, for the renovation, maintenance, and use of the Upper and Lower Sunset Fields during the terms of the Agreement.
2. A copy of the Agreement is on file in the office of the Borough Clerk for inspection by the public.
3. A copy of this Agreement shall be filed, for informational purposes, with the Department of Community Affairs, Division of Local Government Services, pursuant to rules and relations promulgated by the Division.



4. This Resolution shall take effect immediately.

**Resolution #206-2023 Opposing of Assembly Bill 5659 – Increase in Insurance Premiums ~~PULLED~~**

**WHEREAS**, Local Government is facing the largest budget increase for property/casualty insurance since the mid-1980s; and

**WHEREAS**, the property/casualty budget for the typical municipality has already experienced a 20% to 25% increase since 2021 and will experience another 12% to 20% increase in 2024; and

**WHEREAS**, New Jersey now has the highest workers' compensation premium rates in the country based on data from the U.S. Bureau of Labor Statistics; and

**WHEREAS**, Workers' Compensation escalated because New Jersey judges are now reopening cases up to four and five times, whereas in the past they rarely reopened a case more than once; and

**WHEREAS**, Workers' Compensation also escalated because of a 2021 Department of Labor decision that directed workers' compensation to pay many accidental disability claims that previously were paid by the pension plans; and

**WHEREAS**, another recent law created a presumption that firefighters diagnosed with cancer are eligible for workers' compensation; and

**WHEREAS**, during the COVID 19 Pandemic, the Legislature approved a law that made COVID contracted by first responders and essential employees compensable under New Jersey's workers' statute resulting in the COVID cost per employee being the second highest in the country; and

**WHEREAS**, liability has increased because of the erosion of Title 59 protections in New Jersey's courts. Judges are now reluctant to grant summary judgement dismissing even frivolous claims because of the 2021 New Jersey Supreme Court decision in Gonzalez v. Jersey City; and

**WHEREAS**, the recent amendment in the sexual molestation statute of limitations also increased Title 59 liability costs. In some cases, towns are being sued based on allegations going back to the 1970s; and

**WHEREAS**, property premiums are increasing rapidly because the world-wide frequency of large natural disasters has almost tripled since 2000. New Jersey alone was hit with Hurricane Irene in 2011, Superstorm Sandy in 2012 and Tropical Storm Ida in 2021; and

**WHEREAS**, property insurance premiums are also indexed to replacement values that have jumped because of supply chain issues and the labor shortage; and

**WHEREAS**, cyber liability premiums have more than doubled in recent years. Organizations without strong cyber risk controls are finding it difficult to purchase any coverage.

**NOW THEREFORE BE IT RESOLVED**, by the New Jersey League of Municipalities that:

1. The Legislature is urged to adopt budget and levy cap exemptions for property/casualty insurance and claims; and
2. The Administration and the Legislature should not adopt additional legislation or regulations that will increase municipal claims without a thorough and complete analysis of the cost; and
3. The New Jersey Department of Labor, the New Jersey Department of Banking and Insurance and the New Jersey Department of Community Affairs should meet with representatives of municipal government to discuss ways to reduce property/casualty costs.

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution shall be forwarded to Governor Philip D. Murphy, Senate President Nicholas P. Scutari, Speaker of the General Assembly Craig J. Coughlin, Senator Holly Schepisi, Assemblyman Robert Auth, and Assemblywoman DeAnne DeFuccio, the New Jersey League of Municipalities, and all Municipalities in the County of Bergen.

**Introduced by: Councilman DeBlasio**  
**Roll Call: Councilman Sansone**  
**Councilman Braunius**  
**Councilman DeBlasio**

**Seconded by: Councilwoman DeLuca**  
**Aye**  
**Aye**  
**Aye**

Councilman Kruis	Aye
Councilwoman Peet	Aye
Council President DeLuca	Aye

**RESOLUTIONS:**

**1. Resolution #195–2023 Bills List**

**WHEREAS**, claims have been submitted to the Borough of Midland Park which were paid before a scheduled council meeting on November 23, 2023 in the following amounts:

Current Fund	\$ 26,623.76
Capital Fund	\$ 4,700.00
Trust Fund	\$ 763.02
<b>TOTAL:</b>	<b>\$ 32,086.78</b>

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

Current Fund	\$ 159,405.33
Capital Fund	\$ 9,486.90
Trust Fund	\$ 71,602.28
<b>TOTAL:</b>	<b>\$ 240,494.51</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	November Payrolls (2)	\$ 532,443.28
Current	December Health Payments	\$ 105,210.82
Current	December School Taxes	\$1,782,403.20
Trust	P-Card payment	\$ 14.00
Current	Metropolitan Life Ins-mnl ck	\$ 2,391.86
Current	Verizon Wireless – mnl ck	\$ 305.39
Current	Verizon – mnl ck	\$ 119.00

**NOW, THEREFORE, BE IT RESOLVED**, by the Council President and Council of the Borough of Midland Park that the claims totaling **\$2,695,468.84** approved and ratified respectively.

**Introduced by: Councilman Sansone**

**Seconded by: Councilman Braunius**

**Roll Call:**

Councilman Sansone	Aye
Councilman Braunius	Aye
Councilman DeBlasio	Aye
Councilman Kruis	Aye
Councilwoman Peet	Aye
Council President DeLuca	Aye

**ORDINANCES ON INTRODUCTION:**

**1. ORDINANCE #22-2023**

**AN ORDINANCE CLARIFYING RETIREE HEALTH BENEFITS FOR EMPLOYEES HIRED PRIOR TO JANUARY 1, 2024 AND ELIMINATING RETIREE HEALTH BENEFITS AND MEDICARE PREMIUM REIMBURSEMENT FOR EMPLOYEES HIRED FROM AND AFTER JANUARY 1, 2024**

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



**WHEREAS**, the Borough of MIDLAND PARK has heretofore had a practice of providing retiree health benefits and Medicare premium reimbursement to employees who retire from employment with the Borough with 25 or more years of service, or who have met the terms of a **Collective Negotiations Agreement** or personal services contract; and

**WHEREAS**, the Borough of MIDLAND PARK has determined that due to the significant cost of providing retiree health benefits and Medicare premium reimbursement to retired employees, there exists a need to clarify and specify this practice as to current employees by adoption of a written statement with respect to the same, and to eliminate this practice as to employees hired from and after January 1, 2024, so that both the Borough and its employees know precisely who is eligible for such benefit and what standards and procedures are applicable to the same; and

**WHEREAS**, subject to the terms of a **Collective Negotiations Agreement** or personal services contract, the terms of which shall be controlling, this ordinance is intended to provide such clarification and specification.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of MIDLAND PARK that the following terms be used as the guide for the purpose of clarifying and specifying the standards and procedures applicable to health care benefits and Medicare premium reimbursement for those Borough employees who retire from the Borough.

**Section I**                      **Eligibility**

To receive retiree health benefits and Medicare premium reimbursement paid for by the Borough, an employee must meet **all of** the following criteria (unless otherwise provided by a **Collective Negotiations Agreements**, personal service contracts, or by law):

1. The employee commenced his or her employment prior to January 1, 2024. Employees hired on or after January 1, 2024 shall not be entitled to retiree health benefits or Medicare premium reimbursement paid for by the Borough.
2. The employee worked on a full-time basis (35 hour minimum) for the Borough of MIDLAND PARK in a position that qualified such employee for the Borough's health insurance program.
3. The employee worked for the Borough in a position or positions that met the above criteria for a period of at least 25 years.
4. The employee retired from a full-time employment position with the Borough of MIDLAND PARK on the terms recited herein or through a Disability Retirement, as defined by the Public Employee's Retirement System ("PERS") or under the terms of any Collective Bargaining Agreement or personal services agreement.
5. The employee shall make such contribution toward payment of his/her health benefit premiums as required under Chapter 78 of the laws of the State of New Jersey, or any successor legislation.

**Section II**                      **Health Plan Provided**

1. The Retired Employee will be enrolled in the same plan with the appropriate status (employee only, employee and spouse, employee and family, etc.) as the plan in which he/she was enrolled during the one-year period immediately preceding the date of retirement, unless a change is agreed to by the Borough.
2. The Borough shall have the right, in the future, to change health insurance plans as it deems necessary. If this occurs, the Retired employee receiving such retiree benefits shall be covered by the health insurance plan selected by the Borough and a retired employee will be enrolled in that program of the new health insurance plan most similar to the program (in the health insurance plan in effect prior to the change) in which said retired employee was enrolled.

**Section III**                      **Medicare Enrollment**

1. If an eligible employee is eligible for enrollment in Medicare, he/she must enroll in and purchase Medicare Part B. The employee shall submit the bill for **full reimbursement of the Medicare**

**Premium** by the Borough. By law, upon retirement, Medicare is the primary carrier and the Borough's health insurance carrier is secondary.

2. If an employee who is eligible to purchase Medicare Part B coverage fails to do so, the Borough's insurance carrier shall be released from paying any and all medical bills incurred while Part B was not in effect.

**Section IV**

**Conflicts**

To the extent the terms and provisions of this ordinance differ or conflict with any practice or custom of the Borough of MIDLAND PARK with respect to retiree health benefits for employees hired prior to January 1, 2024, the terms and provisions of this ordinance shall supplant and supersede any such practice or custom.

**Introduced by: Council President DeLuca**

**Seconded by: Councilman Braunius**

**Roll Call:**

**Councilman Sansone**

**Aye**

**Councilman Braunius**

**Aye**

**Councilman DeBlasio**

**Aye**

**Councilman Kruis**

**Aye**

**Councilwoman Peet**

**Aye**

**Council President DeLuca**

**Aye**

**Final Adoption and Open Public Hearing on Ordinance #22-2023 will be held on December 28, 2023.**

**MOTION:**

A Motion was made by **Council President DeLuca** to appoint **Mayor Shortway's** selection of Stan Usherenko to serve on the Library Board for the unexpired term until December 31, 2027.

**Introduced by: Council President DeLuca**

**Seconded by: Councilman Braunius**

**Roll Call:**

**Councilman Sansone**

**Aye**

**Councilman Braunius**

**Aye**

**Councilman DeBlasio**

**Aye**

**Councilman Kruis**

**Aye**

**Councilwoman Peet**

**Aye**

**Council President DeLuca**

**Aye**

**OLD BUSINESS:**

There was no Old Business to discuss.

**NEW BUSINESS:**

There was no New Business to discuss.

**PUBLIC COMMENT:**

**Mayor Shortway** opened the meeting to the public for general questions, concerns, and comments.

**Due to the adoption of Daniel's Law, P.L.2021, c.371, the Borough only requires the Public to state their name and if they reside in the Borough of Midland Park for the Record.**

There being no one from the Public wishing to speak, the Public Session was closed.

**ATTORNEY REGAN READ THE RESOLUTION**

**Resolution #207-2023 2<sup>nd</sup> Closed Session 12-14-2023**

**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;

X 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 matters are: contract negotiations the nature of the contract and interested party is *in circumstances, if public disclosure of the matter would have a potentially negative impact on the Borough's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded, or the circumstances no longer present a potential impact*);

X Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting (Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing, 124 N.J. 478, the employee(s) and nature of discussion is Mayor & Council By Laws, PBA, 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 Sansone	Seconded by: Council President DeLuca
Roll Call: Councilman Sansone	Aye
Councilman Braunius	Aye
Councilman DeBlasio	Aye
Councilman Kruis	Aye
Councilwoman Peet	Aye
Council President DeLuca	Aye

At this time, the public was notified that the Mayor and Council will be going into Closed Session. No further action will take place during or after the Closed Session.

**ADJOURNMENT:**

There being no further business to discuss, on a Motion by Councilman Braunius, Seconded by Council President DeLuca and carried, Mayor Shortway adjourned the Open Public meeting at 8:32 P.M.

Respectfully submitted,



Wendy Martin, RMC  
Borough Administrator/Clerk