

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK, NJ 07432
MAY 12, 2022**

7:00 P.M. WORK SESSION MINUTES

On May 12, 2022 at 7:00 P.M., the Mayor and Council of the Borough of Midland Park conducted a meeting at Borough Hall located at 280 Godwin Avenue as previously advertised. Agenda items for the meeting were listed on the Borough website. There was also an option for the public to access the meeting electronically by dialing this Toll-Free number 1-866-899-4679, Access Code: 335-352-949.

Mayor Shortway called the Meeting to Order at 7:00 P.M.

The Mayor reads the 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 Shortway	Present
	Councilman DeBlasio	Absent
	Councilman Damiano	Present
	Councilman Iannone	Absent
	Councilman Kruis	Present
	Councilwoman DeLuca	Present
	Council President Peet	Present

Also Present: Borough Attorney Robert Regan and Borough Administrator/Clerk Wendy Martin.

Borough Administrator/Clerk Martin took a roll call of the public.
No one from the public was present or currently on the line.

DISCUSSION ITEM:

1. Small Cell Wireless Ordinance (sample attached)

Borough Administrator/Clerk Wendy Martin gave a brief overview of the Ordinance which will be introduced at the meeting of May 26, 2022. **Mayor** and **Council** agreed to propose the Ordinance for the next meeting.

2. OPRA Resolution (sample attached)

Borough Administrator/Clerk Wendy Martin discussed the sample resolution from the Bergen County League of Municipalities supporting mandatory changes to be made to current OPRA laws. **Mayor** and **Council** supported introducing a resolution at the following meeting.

PUBLIC COMMENTS:

Members of the Public were asked to speak individually.
No one from the Public was present in person or on the line.

ATTORNEY REGAN READ THE RESOLUTION

Resolution #090-2022 Closed Session 05-12-2022

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 matter is: _____, 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 the 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 discussions is: **Personnel – Fire Department** .

_____ 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:	Councilwoman DeLuca	Seconded by:	Councilman Kruis
Roll Call:	Councilman De Blasio	Absent	
	Councilman Damiano	Aye	
	Councilman Iannone	Absent	
	Councilman Kruis	Aye	
	Councilwoman DeLuca	Aye	
	Council President Peet	Aye	

At this time the public was notified Council will be going into Closed Session. They were invited to attend the 8:00 P.M. Open Public Meeting in person or by dialing the Toll-Free number: 1-866-899-4679, Access Code: 766-030-917.

There being no further business to discuss on a Motion made by **Councilman Kruis**, Seconded by **Councilman DeBlasio**, and carried, the **Mayor** adjourned the Work Session meeting and Council convened into the Closed Session at 7:07 P.M.

Respectfully submitted,

Wendy Martin, RMC
Borough Administrator/Clerk