

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK, NJ 07432
July 23, 2020**

7:00 P.M. –Work Session Minutes

On July 23, 2020 at 7:00 p.m., the Mayor and Council of Midland Park will conduct an Electronic Public Meeting in lieu of its in-person regular Public Meeting previously advertised. Members of the public may access the meeting by dialing this Toll-Free Dial in number (United States): [1 877 309 2073](tel:18773092073) Access Code: 845-632-061

Agenda items for the meeting will be listed on the Borough website. The foregoing Electronic Public Meeting is recommended due to the current situation involving the COVID-19 Virus and directives of State and County governments.

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

The Mayor read 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 Kamp	Present
	Councilman Iannone	Present
	Councilman Kruis	Absent
	Councilman Sansone	Present
	Councilwoman Peet	Present
	Council President DeLuca	Present

Also Present: Borough Attorney Regan, Borough Administrator Seemon, and Borough Clerk Martin

Administrator Seemon will take a roll call of the public

Caller #1 Ester Vierheilig 333 Godwin Avenue

DISCUSSION ITEMS:

1. Economic Development Committee –

Administrator Seemon stated the ultimate goal of putting this committee together is to help our businesses. The general breakdown of what we are looking to do would begin with developing a mission statement, membership, types of members, terms of appointment, meeting schedule, the Administrator suggested quarterly meetings as it would fall in line with the seasons and possible events. **Councilman Sansone** stated he spoke with the Chamber of Commerce president and she is speaking with the members to gauge interest and to what extent they would like to participate. The Administrator stated through those discussions we could determine members, obviously the Mayor and/or his representative would be on the committee along with different Municipal employees and he would also make himself available to attend meetings. The Borough Planner, Council members, business owners representing each section of town and types of businesses would all be considered. **Councilman Kamp** suggested having citizens at

large in addition to business owners. Attorney Regan stated there are no statutory requirements for putting together this type of committee unlike other Boards. The attorney suggests capping the number of members, 5, 7 or 9, as larger committees are more difficult to manage. **Councilman Kamp** stated this committee is not just focusing on events but a vision of where we see the business community evolving to and how the community can support the businesses. Again, it comes down to where do we see this community in 10, 20 30 years. It is bringing in realtors, developers, its brining in people that would help evolve this community to what we expect or want it to be. It would have been great to have Central Avenue closed and the business participate in the event, this was very disappointing not to get the support of the businesses in that area. The Governing Body now has the opportunity to draft something meaningful, Councilman Kamp is disappointed he will be leaving the Council however at some point he would love to be a fly on the wall as a community member or possibly be involved is some way. **Councilman Sansone** stated he also was disappointed in the Central Avenue event not moving forward, he felt it would have been much bigger than just the Central Avenue businesses. **Councilman Kamp** stated the community is disappointed that this Borough has not done something like shutting down an area to have a street dedicated to pedestrians and businesses as done in Westwood, Ridgewood and other towns, however we did try,

Councilman Kamp inquired if committee members would be appointed and the terms of the membership? **Administrator Seemon** suggested a two-year term. **Attorney Regan** suggested if you have 9 members initial terms should be 3 members for 1-year terms and 3 members for 2-year terms and 3members for 3-year terms, then as the terms expire, they are three-year terms.

Mayor Shortway inquired as to how many businesses are participating with the Chamber of Commerce? **Councilman Sansone** stated there are not as many as they would like, and he believes there are 39. Lisa of From The Top Music Studio is the president of the Chamber and is doing a fantastic job keeping all the businesses abreast of what is available from the State and Federal Government. **Councilman Kamp** agreed and advised the Governing Body of a very informative email she recently sent out. The business owners in town need to know the more they work together and leverage their time and energy the better it will be for all of them. The Chamber will only be as dynamic at they are, and they need to find ways to support each other. **Administrator Seemon** stated it will also help the Borough have the ability to help them when it comes to street closures, fairs, farmers market's all types of events. Our team has learned how quickly we can put something together to help them. **Councilman Kamp** feels there should be a way to leverage purchasing of supplies or equipment, if there was a co-op among the business it might be beneficial.

OPEN TO THE PUBLIC:

Ester Vierheilig 333 Godwin Avenue – stated the Economic Development Committee sounds like a very good idea, she also stated the President of the Chamber has had a very difficult time getting people involved. Ester would be happy to volunteer for this committee either as a member of the Planning Board or a citizen at large. Ester also questioned the items on the agenda for Closed Session and wanted to know why they were considered Closed topics. The Referendum Question and Borough Hall Building Opening under Tactics & Techniques do not qualify as Closed items.

Administrator Seemon and **Attorney Regan** explained the referendum question is being

discussed for the “advice of counsel: and a possible “interlocal agreement” with another entity and the Borough Hall Building Opening is relative to public safety and employee safety, there may be some health issues of employees that may implicate privacy concerns.

There being no further response from the public, at 7:17 P.M., Attorney Regan read the Closed Session Resolution:

Resolution #121-20 Closed Session 7-23-20

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;

 X 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: Tax Appeal 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 Borough Hall Opening & Recreation Issue).

_____ 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 Kamp	Aye
	Councilman Iannone	Aye
	Councilman Kruis	Absent
	Councilman Sansone	Aye
	Councilwoman Peet	Aye
	Council President DeLuca	Aye

At this time the public is notified Council will be going into Closed Session and no further action will be taken. They are invited to attend the 8:00 pm Open Public Meeting by dialing : [1 877 309 2073](tel:18773092073) Access Code: 152-892-445

There being no further business to discuss, on a Motion made by **Councilman Kamp**, Seconded by **Councilwoman Peet**, and carried, the **Mayor** adjourned the Work Session Meeting and Council convened into the Closed Session at 7:19 P.M.

Respectfully submitted,

Wendy Martin, R.M.C.
Borough Clerk