

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK, NJ 07432
October 22, 2020**

7:00 P.M. –Work Session Minutes

On October 22, 2020 at 7:00 p.m., the Mayor and Council of Midland Park conducted an Electronic Public Meeting in lieu of its in-person regular Public Meeting previously advertised. Members of the public had access to the meeting by dialing this Toll-Free Dial in number (United States): [1 866 899 4679](tel:18668994679) Access Code: 233-833-573

Agenda items for the meeting were listed on the Borough website. The foregoing Electronic Public Meeting was 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	Absent
	Councilman Iannone	Present
	Councilman Kruis	Present
	Councilman Sansone	Present
	Councilwoman Peet	Present
	Council President DeLuca	Present

Also Present: Borough Attorney Regan, Borough Administrator Seemon, Borough Clerk Martin, Construction/Building Code Official Berninger and Fire Prevention Official Rau

Administrator Seemon will took the roll call of the public

No members of the public are present at this time.

DISCUSSION ITEMS:

- 1. Temporary Outdoor Seating Permits – Tents, Heater requirements-** Administrator Seemon explained the need to extend the Out-door Seating Permits good through November 20, 2020. Anything further than November 30, 2020 would require the tents to have a winter grade and would most likely be a large cost to the businesses. Propane heaters have never been permitted under the tents and this has been enforced. The consensus of the Governing Body was to extend the permit to November 30, 2020. **Building Code Official, Berninger** stated the code allows tents for 180 days up until December 1st thereafter new permits are required for different types of tents which would have snow and wind restrictions. Heat and

electricity would require additional permits. Also, if the business owner is looking to close up the sides of the tent the Board of health would have to be involved. He suggested the Governing Body meet again to discuss should a business owner want to continue outdoor seating through December and January. **Councilman Kruis** asked what would be the liability for the Borough if there was a storm in October or November like in previous years? **Building Code Official Berninger** stated the Borough is covered through the code for November 30th, the liability would be on the business owner as the Borough is following the code.

OPEN TO THE PUBLIC:

Members of the Public will be asked to speak individually

There being no response from the public, at 7:05 P.M., Attorney Regan read the Closed Session Resolution:

Resolution #159-20 Closed Session 10-22-20

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;

_____ 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 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 **2020 Board Term Expirations & Meeting Dates** .

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

Absent

Councilman Iannone

Aye

Councilman Kruis

Aye

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 this Toll-Free Dial in number (United States): [1 866 899 4679](tel:18668994679) Access Code: 552-969-677.

There being no further business to discuss, on a Motion made by **Councilman Sansone**, Seconded by **Council President DeLuca**, and carried, the **Mayor** adjourned the Work Session Meeting and Council convened into the Closed Session at 7:20 P.M.

Respectfully submitted,

Wendy Martin, R.M.C., Borough Clerk