

**BOROUGH OF MIDLAND PARK**  
**45 Witte Drive**  
**Midland Park NJ 07432**  
**April 8, 2021**  
**7:00 P.M. –Work Session Minutes**

**On April 8, 2021 at 7:00 p.m., the Mayor and Council of Midland Park conducted an in person meeting as previously advertised, location changed to 45 Witte Drive, there is also an option for the public to access the meeting electronically by dialing this Toll-Free Dial in number [1 866 899 4679](tel:18668994679) Access Code: 335-352-949**

**Agenda items for the meeting were listed on the Borough website. The foregoing electronic option 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.

<b>Roll Call:</b>	<b>Mayor Shortway</b>	<b>Present</b>
	<b>Councilman Damiano</b>	<b>Present</b>
	<b>Councilman Kruis</b>	<b>Present</b>
	<b>Councilman Sansone</b>	<b>Absent</b>
	<b>Councilwoman DeLuca</b>	<b>Present</b>
	<b>Councilwoman Peet</b>	<b>Present</b>
	<b>Council President Iannone</b>	<b>Present</b>

**Also Present: Borough Attorney Regan, Acting Borough Administrator/Clerk Martin and Construction Official Berninger**

Acting Borough Administrator/Clerk Martin took a roll call of the public

No members of the public are on the line at this time

**DISCUSSION ITEMS:**

- a. Sample Ordinance** – Zoning of Cabanas – Mark Berninger Sr. to attend to discuss, see attached

The Construction Official spoke of the sample ordinance regarding cabanas. He noted that they are becoming a problem in other towns because people are using them as a second residence, he would like to address this in Midland Park prior to it becoming a problem. After some discussion and questions of clarification by the Council, it was decided he will go over this sample and make changes as appropriate to Midland Park and resubmit it to the Council for their approval.

- b. Sample Resolution** – Supporting S-3522 Creating Local Part of the Public

Employees' Retirement System (PERS)- Recommended by the NJLM, see attached Borough Clerk Martin presented the resolution, asking if all are in agreement to move forward with voting on it tonight as it is on the Consent Agenda. The consensus was to move forward with it.

**c. Sample Resolution** – Solidarity with the Asian and Asian-American Community, see attached

Borough Clerk Martin spoke of the resolution being passed in other towns in the area in light of the current situation and asked the Council if she should move forward with it. The consensus was to move forward with it.

**OPEN TO THE PUBLIC:**

Members of the Public in person were asked to speak individually

**Pat Haydinger - 42 Erie Avenue** – Expressed concerns regarding the way the Erie Avenue exit driveway curbing was angled and asked the Council if the “no right turn” sign could be reinstalled by the new CVS. Acting Administrator Martin said she would contact the Superintendent of the Department of Public Works and Traffic Official Van Vliet. Construction Official Berninger invited Mr. Haydinger to meet with him at Borough Hall to go over the site plan and explained the process of what the next step would be.

**Jill Mulder – 30 Hiawatha Court** – Asked about the process for overseeing the finances of the sports organizations. Attorney Regan gave some history of the Board of Recreation. He then explained the oversight process: the sports organizations are to submit their financials to the Recreation Director who will advise the Council should something be amiss. Acting Administrator Martin stressed that the organizations are required to file their own paperwork with the Internal Revenue Service and the Council would not know the 501 status unless the organization told them. Attorney Regan reiterated the organizations are responsible for maintaining their 501 status and explained about the past situation when an organization lost their 501 status and the consequences of having done that.

Borough Clerk Martin took a roll call of the callers on the line:

Caller 1 – no comment

Caller 2 – no comment

Caller 3 – no comment

**Councilwoman Peet** asked for clarification regarding what the Borough does for the sports organization. Acting Administrator Martin explained the Borough provides the insurance and the opportunity to use the fields but does not provide any funding.

There being no further response from the public, at 7:24 P.M., Attorney Regan read the Closed Session Resolution:

**Resolution #076-21 Closed Session 4-8-21**

**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: **Recreation-Marcus** 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 **Personnel – Library Board & Recreation Board Positions.**

\_\_\_\_\_ 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 Peet**

**Seconded by: Councilwoman DeLuca**

<b>Roll Call:</b>	<b>Councilman Damiano</b>	<b>Aye</b>
	<b>Councilman Kruis</b>	<b>Aye</b>
	<b>Councilman Sansone</b>	<b>Absent</b>
	<b>Councilwoman DeLuca</b>	<b>Aye</b>
	<b>Councilwoman Peet</b>	<b>Aye</b>
	<b>Council President Iannone</b>	<b>Aye</b>

**At this time the public was notified Council will be going into Closed Session and no further action will be taken. They were invited to attend the 8:00 pm Open Public Meeting in person or by dialing this Toll-Free number** United States: [1 866 899 4679](tel:18668994679) **Access Code:** 766-030-917

There being no further business to discuss, on a Motion made by **Councilwoman Peet**, Seconded by **Councilwoman DeLuca**, and carried, the **Mayor** adjourned the Work Session meeting and Council convened into the Closed Session at 7:27 P.M.

Respectfully submitted,

Wendy Martin, R.M.C.  
Borough Clerk