

**BOROUGH OF MIDLAND PARK  
280 GODWIN AVENUE  
MIDLAND PARK, NJ 07432  
AUGUST 11, 2022**

**7:00 P.M. WORK SESSION MINUTES**

On August 11, 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.

**Council President Peet** called the Meeting to Order at 7:00 P.M.

**Council President Peet 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.

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

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

**Council President Peet** took a roll call of the public.  
No one from the Public was currently on the line.

**DISCUSSION ITEM:**

- 1. Oppose NJ Transit's Gas Plant in Kearny – Midland Park passed Resolution #043-19, January 24, 2019 – Received a request to participate in Sign-On Letter** (see attached)  
**Council President Peet** and **Councilman Kruis** recapped Resolution #043-19 was adopted in 2019. The Governing Body all agreed to support Mayor Shortway signing the letter.
- 2. Permit Fee Refund Request – 157 Prospect Street – Walker Property**  
Borough Administrator/Clerk Wendy Martin briefly gave an overview regarding the request for a refund. The former owner paid fee previously, but the work was not done. However, the second contractor will do the work. Angel's Landscaping paid for the permit again. The Borough is honoring the original fee. Ms. Martin requested the Governing Body to approve the refund to Angel's Landscaping. Council agreed.

**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 #139-2022 Closed Session 08-11-2022**

**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;

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: 5G Small Cell 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 – 1) NJLM Attendance 2) Person in Authority During Absence).

\_\_\_\_\_ 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 Kruis	Seconded by:	Councilman Iannone
Roll Call:	Councilman De Blasio	Absent	
	Councilman Damiano	Absent	
	Councilman Iannone	Aye	
	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 **Councilwoman DeLuca**, Seconded by **Councilman Iannone**, and carried, **Council President Peet** adjourned the Work Session meeting and **Council** convened into the Closed Session at 7:09 P.M.

Respectfully submitted,



Wendy Martin, RMC  
Borough Administrator/Clerk