

**BOROUGH OF MIDLAND PARK  
280 GODWIN AVENUE  
MIDLAND PARK NJ 07432  
DECEMBER 8, 2022**

**8:00 P.M. OPEN PUBLIC MEETING MINUTES**

On December 8, 2022 at 8:00 P.M., the Mayor and Council of the Borough of Midland Park conducted a meeting at Borough Hall in the Council Chambers located at 280 Godwin Avenue as previously advertised. Agenda items for the meeting were also 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: 766-030-917.

Mayor Shortway called the meeting to order, noting the date as December 8, 2022, and that there will be a 3-minute limit to each individual addressing the Governing Body during the Open Public portions of the meeting.

**SUNSHINE LAW STATEMENT:** This meeting was 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 DeBlasio</b>	<b>Present</b>
	<b>Councilman Damiano</b>	<b>Absent</b>
	<b>Councilman Iannone</b>	<b>Present</b>
	<b>Councilman Kruis</b>	<b>Absent</b>
	<b>Councilwoman DeLuca</b>	<b>Present</b>
	<b>Council President Peet</b>	<b>Present</b>

**ALSO PRESENT:** Borough Attorney Robert Regan, Borough Administrator/Clerk Wendy Martin, and Records Clerk Eileen Malestein

**APPROVAL OF MINUTES:**

A Motion to approve the Minutes of Work Session, Closed Session, and Open Public Meeting from the date of September 22, 2022 as all Governing Body members have previously received copies of the Minutes and copies are available to the Public at the Borough Clerk's Office.

**Introduced by: Councilman DeBlasio      Seconded by: Council President Peet**

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

**OPEN TO THE PUBLIC:**

Mayor Shortway opened the meeting to the public for general questions, concerns, and comments.

Mari J. Margiotta, 122 Warbler Drive, Wayne – the Deputy Clerk was calling in. Ms. Margiotta was absent due to illness.

There being no one else from the Public and/or no callers were on the telephone, the Public Hearing was closed.

**LIAISON REPORTS:**

**Mayor Shortway** reported the New Jersey League of Municipalities Conference was insightful and educational. At the Exhibitors Showcase, there were several companies displaying their heavy equipment including police and public works vehicles. On November 29, 2022, the Mayor and Borough Administrator/Clerk Wendy Martin attended a Bergen County meeting. County Executive James Tedesco was the guest speaker and spoke about shared services with the County.

**Council President Peet** **Board of Health/Board of Education/Ridgewood Water**  
**Council President Peet** stated the **Board of Health** will meet in the month of January 2023. The NorthWest Regional Health Commission has reported there is a possibility of three (3) more municipalities that will contract with them. The meeting of the **Board of Education** was to be held on November 15, 2022. The Governing Body received an invitation for a ribbon cutting, on December 17, 2022, for the new **Ridgewood Water** facility.

**Councilman DeBlasio** **Recreation/Information Technology/Municipal Alliance**  
**Councilman DeBlasio** stated the **Municipal Alliance** meeting will be in the next week. The **Recreation** Department's football and soccer seasons have ended. The Borough's fields have been winterized and sprinkler systems flushed and turned off. The Tree Lightening event was on December 2, 2022, was well attended. The Travel Basketball's coaches background checks are being requested by Director Kathy LaMonte. The Councilman will periodically be monitoring the games to make sure coaches are wearing the proper credentials. Baseball and softball registration will be opening shortly. Phil Scaglione, Director of **Information Technology** and the Councilman attended several security and technology classes at the New Jersey League of Municipalities Conference last month.

**Councilman Damiano** **Finance/Public Works/Chamber of Commerce/Economic Development**  
**Councilman Damiano** was absent. **Councilman Iannone** reported on his behalf. The **Department of Public Works** is nearing completion and 3,400 yards of leaves has been collected. The Bergen County Road Resurfacing project consisting of curbs and paving of Goffle Road and has been completed. assignments that have been accomplished are the curb and paving and the Goffle Road. The striping of Goffle Road will be finished in the next week. The generators for the Library and Borough Hall have been installed and will be functioning when needed. All Public Works snow equipment has been serviced and they are ready for any snow.

**Councilman Iannone** **Public Safety – Police/Property Maintenance/Personnel**  
**Councilman Iannone** reported there was progress for **Personnel** and **Property Maintenance**. The **Police Department's** report consisted of data from December 1 to 7, 2022, there were 52 public service details of community service, assisting citizens and other similar assignments and requests. There were 3 criminal and 8 noncriminal investigations. The Officers conducted 58 traffic and road jobs as well.

**Councilman Kruis** **Planning Board/Building Dept/Fire Prevention/OEM**  
**Councilman Kruis** is absent. No report was given.

**Councilwoman DeLuca** **Public Safety – Fire/Ambulance/Library**  
**Councilwoman DeLuca** stated the **Ambulance Corps** had their meeting on December 5, 2022. The total number of calls for November 2022 were 76 with 577 miles driven. There were 10 cancellations and 6 calls to the Kentshire. The Fire Department's popular events of Breakfast with Santa, Toys for Tots and Project Santa are occurring this month. For more information, please check the Borough's website. The

**Library Board's** meeting was conducted on November 21, 2022. Library Director Catherine Dileo reported the monthly statistics. When comparing the data from October 2021, usage of the Library's books and digital items have increased 48%. Also from October 2021, the Library patronage is up 68%. The summer concerts, story time, and movies had 1,300 people in attendance. The staff has regular meetings to discuss improvements and new events being available to the public. The Girl Scouts have presented the Library Board with a gold award project "Library of Things". If approved, the Girl Scouts will have space at the Library to conduct this project. The annual class trip from Godwin School's 1<sup>st</sup> graders was facilitated and the students obtained their Library cards. More events and information can be viewed on the Library's website.

**ADMINISTRATOR'S REPORT:**

Borough Administrator/Clerk Wendy Martin stated the 2022 Tree Lighting ceremony was a well-attended. A few improvements will be made for the following year. Ms. Martin attended the New Jersey League of Municipalities Conference where she gained insightful information. A reminder to RSVP to the invitation from Ridgewood Water's ribbon cutting ceremony. The Mayor and Council received a letter from a resident conveying her gratitude to the Mayor, Council, Administrator, Chief and the Police Department for their care and thoughtfulness for her deceased husband. An on-line seminar is being offered to newly elected and re-elected officials on the budgeting process. Please reply if there is interest in attending.

**CONSENT AGENDA:**

All matters listed below are considered by the Borough Council to be routine in nature. There will be no separate discussion of these items. If any discussion is desired by the Borough Council, that item will be removed from the consent agenda and considered separately.

**Resolution #187-2022 Budget Transfer 2022 #2**

**WHEREAS**, transfers are permitted between budget appropriations during the last two months of the fiscal year; except for out-of-cap expenses;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Midland Park, in the County of Bergen, New Jersey, that transfers between 2022 Budget Appropriations be made as follows:

<b><u>Department</u></b>	<b><u>Account Name</u></b>	<b><u>Account #</u></b>	<b><u>To</u></b>	<b><u>From</u></b>
Tech Support	Salaries	2-01--057-101	\$ 3,500.00	
Tech Support	Supplies	2-01--057-203	\$ 3,000.00	
Legal	Litigation	2-01--005-223		\$ 6,500.00
Recreation	Town Wide Events	2-01--025-283	\$ 2,500.00	
Municipal Clerk	Advertising	2-01--052-205		\$ 2,500.00
Recycling	Vegetative	2-01--021-281	\$ 5,000.00	
Recycling	Salary	2-01--021-101	\$ 500.00	
Utilities	Gasoline	2-01--031-201	\$ 5,000.00	
Dept Public Works	Salary-Seasonal	2-01--019-109		\$ 10,500.00
Library	Books-Children	2-01--205-203	\$ 1,000.00	
Library	Social Security	2-01--205-442		\$ 1,000.00

**Resolution #188-2022 Zoning Board Escrow Refund**

**WHEREAS**, at the Zoning Board of Adjustment meeting of November 9, 2022 it was approved by Motion and recommended by the Zoning Board, to return the unused escrow to the following party:

Payee	Address Mailing Address	Block	Lot	Account #	Amount
Bryan & Kathleen Feuilly	75 Highwood Avenue Midland Park, NJ 07432	10.02	7	T-20-256-143	\$ 35.85

**WHEREAS**, the Building Dept has verified all permits have been closed, and to return the unused escrow for a Plot Plan only to the following party:

Payee	Address Mailing Address	Block	Lot	Account #	Amount
Kathleen Donnelly	75 Highwood Avenue Midland Park, NJ 07432	10.02	7	T-20-256-124	\$ 450.00

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Midland Park that the Chief Financial Officer issue checks for the funds in the above stated amount, to the above stated parties.

**Resolution #190-2022 Release of Performance Bond – Verizon Wireless Project: Midland Park Department of Public Works, 20 Greenwood Avenue**

**WHEREAS**, at the Planning Board meeting of November 21, 2022, the Board voted to approve the release of the performance bond for Verizon Wireless Project – Midland Park Department of Public Works Facility, 20 Greenwood Avenue, Midland Park, N. J. 07432, subject to the submission of the required maintenance bond, which has been fulfilled.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Midland Park that the Borough Administrator release said Performance Bond to Verizon Wireless Project – Midland Park Department of Public Works Facility at the above address.

**Resolution #191-2022 Zoning Board Escrow Refund**

**WHEREAS**, at the Zoning Board of Adjustment meeting of November 21, 2022 it was approved by Motion and recommended by the Zoning Board, to return the unused escrow to the following party:

Payee	Address	Block	Lot	Amount
Barrister Land Development Corp	Vreeland & Franklin	18	9.01	\$ 1,325.11
Barrister Land Development Corp	Vreeland & Franklin	18	9.01	\$ 48.00

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Midland Park that the Chief Financial Officer issue checks for the funds in the above stated amounts, to Barrister Construction & Dev Corp/Milanese, Robert A c/o Asset Management Consultants, 12841 Fitzwater Drive, Nokesville, VA 20181.

**Resolution #192-2022 Authorizing the Execution of the Agreement of Sale of Fire Apparatus from the Borough of Glen Rock**

**WHEREAS**, the Borough of Midland Park is in need of additional fire apparatus; and

**WHEREAS**, the Borough of Glen Rock has offered to sell to the Borough a certain fire apparatus for the sum of \$5,000.00 pursuant to the terms of the attached Agreement of Sale; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Midland Park, in the County of Bergen, State of New Jersey, the Mayor and Council are authorizing the attached executed Agreement with the Borough of Glen Rock.

**Resolution #193-2022 Tyco Animal Control Contract**

**WHEREAS**, there is a need to provide adequate control of animals in accordance with the Borough of Midland Park Health Codes; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Midland Park, that the Mayor and Clerk be authorized to enter into a contract with Tyco Animal Control Service for such service, in the amount of \$9,900.00 for the calendar year 2023 to be paid in twelve monthly installments, effective January 1, 2023 and expiring December 31, 2023.

**Resolution #194-2022 Authorizing the Execution of the Agreement of Sale for Fire Apparatus from the Borough of Glen Rock**

**WHEREAS**, the Borough of Midland Park has received a Stipulation of Settlement from the Tax Court of New Jersey, reducing the assessed value from \$550,000 to \$500,000 for the 2021 tax year and \$550,000 to \$475,000 for the property know as 686 Godwin Ave., Block 55 Lot 7.01, a refund to be issued to:

Saiber LLC Trust  
18 Columbia Turnpike, Suite 200  
Florham Park, NJ 07932

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Midland Park, that the amount of \$1,598.00 for overpayment in taxes of 2021 and \$2,439.00 for overpayment in taxes of 2022, be refunded.

**Resolution #197-2022 Shared Service Agreement with Borough of Ho-Ho-Kus Construction Department 2023-2026**

**WHEREAS**, the Boroughs of Midland Park and Ho-Ho-Kus are in full agreement to continue their current shared service agreement of Construction Code Services as outline in our shared service agreement: and **BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk be and are hereby authorized and directed to execute a contract in connection with the aforesaid Agreement.

**BE IT FURTHER RESOLVED** that a copy of the shared service agreement shall be open to the public inspection at the offices of the Municipal Clerk of the Borough of Midland Park immediately following this resolution.

**Resolution #198-2022 Redevelopment Area – 90 Midland Avenue**

**WHEREAS**, *N.J.S.A. 40A:12A-6* (“the statute”) provides that no area of a municipality shall be deemed to be a redevelopment area unless the governing body shall by resolution authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in *N.J.S.A. 40A:12A-5*; and

**WHEREAS**, the statute provides that the governing body shall assign the conduct of the investigation and hearing to the planning board of the municipality; and

**WHEREAS**, the statute further requires that the resolution state whether the redevelopment area determination shall authorize the municipality to use those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (“Non-Condensation Redevelopment Area”) or whether the power of eminent domain may be used.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Midland Park as follows:

1. The Planning Board is authorized, in accordance with the statute, to undertake a preliminary investigation to determine whether certain property known as Block 45, Lot 9.01, 90 Midland Avenue is a redevelopment area in accordance with the criteria set forth in *N.J.S.A. 40A:12A-5*.



2. Such determination shall be made after public notice and public hearing as provided in paragraph b of the statute.

3. Before proceeding to a public hearing, the Planning Board shall prepare a map showing the boundaries of the proposed redevelopment area. There shall be appended to the map a statement setting forth the basis for the investigation.

4. The Planning Board shall specify the date and give notice of a hearing to persons who are interested or who would be affected by a determination that the property is a redevelopment area.

5. The redevelopment determination shall be for a Non-Condemnation Redevelopment Area and the Borough shall not be authorized to exercise the power of eminent domain to acquire any property in the delineated area.

6. Notice of the hearing shall be published in a newspaper of general circulation once each week for two consecutive weeks, with the last publication not less than ten days prior to the date set for the hearing.

7. The Planning Board shall conduct the hearing in accordance with the provisions of the statute and upon completion of the hearing shall recommend that the property, or any part thereof, be determined, or not be determined, by the Governing Body to be a redevelopment area.

**BE IT FURTHER RESOLVED** that a copy of the within resolution shall be provided by the Borough Clerk to the Planning Board.

<b>Introduced by: Councilman Iannone</b>	<b>Seconded by: Council President Peet</b>
<b>Roll Call: Councilman DeBlasio</b>	<b>Aye</b>
<b>Councilman Damiano</b>	<b>Absent</b>
<b>Councilman Iannone</b>	<b>Aye</b>
<b>Councilman Kruis</b>	<b>Absent</b>
<b>Councilwoman DeLuca</b>	<b>Aye</b>
<b>Council President Peet</b>	<b>Aye</b>

## **RESOLUTIONS:**

### **1. Resolution #186-2022 Bills List**

**WHEREAS**, claims have been submitted to the Borough of Midland Park in the following amounts:

Current Fund	\$ 107,526.28
Capital Fund	\$ 107,210.72
Dog Fund	\$ 587.25
Trust Fund	\$ 8,263.32
<b>TOTAL:</b>	<b>\$ 223,587.57</b>

**WHEREAS**, such claims have been listed according to Department and account number with corresponding vouchers to be reviewed and approved by the Finance Committee; and

**WHEREAS**, the CFO has determined that the funds have been properly appropriated for such purposes and are available, in the Borough of Midland Park and that the claims specified on the schedule attached hereto, following examination and approval by the Finance Committee, be paid and checks issued accordingly; and

**WHEREAS**, claims have already been paid in the following accounts:

Current	November 15th Payroll	\$ 219,925.97
Current	November 30 <sup>th</sup> Payroll	\$ 254,818.32
Current	Verizon Wireless-mnl ck	\$ 90.64
Current	PSE&G – mnl ck	\$ 7,927.74
Current	Purchase Power – mnl ck	\$ 500.00

**NOW, THEREFORE, BE IT RESOLVED**, by the Council President and Council of the Borough of Midland Park that the claims totaling **\$706,850.24** approved and ratified respectively.

**Introduced by: Councilman DeBlasio      Seconded by: Councilwoman DeLuca**

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

**2. Resolution #195-2022 Appoint Department of Public Works Seasonal Laborer – Kevin Monigue**

**WHEREAS**, there is a need for Seasonal Laborer to be hired for the Department of Public Works; and **WHEREAS**, it is the recommendation of the Department Superintendent, Matthew Tauber, that Kevin Minogue is qualified to fill this temporary position, on an as needed basis, for Snow Plowing Services, at the rate of \$37.00 per hour.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Midland Park, that Kevin Minogue be confirmed as Seasonal Laborer effective December 1, 2022.

**Introduced by: Councilwoman DeLuca      Seconded by: Councilman Iannone**

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

**3. Resolution #196-2022 Appoint Department of Public Works Seasonal Laborer – Matthew Papapietro**

**WHEREAS**, there is a need for Seasonal Laborer to be hired for the Department of Public Works; and **WHEREAS**, it is the recommendation of the Department Superintendent, Matthew Tauber, that Matthew Papapietro is qualified to fill this temporary position, on an as needed basis, for Snow Plowing Services, at the rate of \$35.00 per hour.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Midland Park, that Kevin Minogue be confirmed as Seasonal Laborer effective December 1, 2022.

**Introduced by: Councilman Iannone      Seconded by: Council President Peet**

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

**MOTION:**

**A Motion to Table Ordinance #22-2022 “AN ORDINANCE TO AMEND CHAPTER 34 OF THE CODE OF THE BOROUGH OF MIDLAND PARK ENTITLED” “ZONING”. (Oversized Vehicles)**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Midland Park, in the County of Bergen, and State of New Jersey as follows:

**Section 1.**

Chapter 34 of the Code of the Borough of Midland Park, Zoning, Section 34-13, Certain Uses In All Zones, Subsection 34-13.5, Trailers, Mobile Homes, Boats, Campers and Wheel-Based Vehicles, be and is hereby amended to read as follows:

**§34-13.5 Trailers, Mobile Homes, Boats, Campers, Wheel-Based Vehicles and Trucks**

In all districts, noncommercial trailers, mobile homes, boats, campers, aircraft, trucks, and similar portable or wheel-based objects must be completely garaged or otherwise stored within a building at all times, except that one such vehicle or object may be stored outside the confines of a building subject to all of the following conditions:

- a. Said vehicle or object is registered to or leased by the occupant of the premises.
- b. The area devoted to storage of the vehicle or object is located in the side or rear yard only.
- c. The length of said vehicle or object does not exceed 32 feet.
- d. Said object is not located closer to the property line than the greater of five feet or the height of the vehicle or object.
- e. Said object is screened from view from any adjoining property.
- f. No trailer, mobile home, boat, camper or other vehicle shall be used as a residence or signage.
- g. Only a non-commercial truck may be stored outside the confines of the building, provided that the weight limitation of the truck shall be under 4 tons.

**Section 2. Severability.**

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

**Section 3. Inconsistent Ordinances Repealed.**

All ordinances or parts or ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

**Introduced by: Council President Peet      Seconded by: Councilwoman DeLuca**

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

**OLD BUSINESS:**

No Old Business at this time.

**NEW BUSINESS:**

Borough Administrator/Clerk Wendy Martin announced the Mayor and Council received an invitation from County Executive James Tedesco inviting the Governing Body to his swearing in.

An Eagle Scout requested to have permission to digitize the Borough's historical records. The Council agreed that the Eagle Scout should attend the next **Mayor and Council Meeting**.



**PUBLIC COMMENT:**

Mayor Shortway opened the meeting to the public for general questions, concerns, and comments. There being no one from the Public and/or no callers were on the telephone, the Public Hearing was closed.

**ATTORNEY REGAN READ THE RESOLUTION**

**Resolution #199-2022 After Closed Session 12-8-2022**

**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: contract negotiations the nature of the contract and interested party is Nouvelle LLC 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 .

\_\_\_\_\_ 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: Council President Peet      Seconded by: Councilwoman DeLuca**

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

**At this time the public was notified Mayor and Council will be going into an After Closed Session and no further action will be taken.**

**ADJOURNMENT:**

There being no further business to discuss, on a Motion by **Councilman DeBlasio**, Seconded by **Councilman Iannone** and carried, **Mayor Shortway** adjourned the Open Public meeting at 8:48 P.M. and convened immediately into the After Closed Session.

Respectfully submitted,



Wendy Martin, RMC  
Borough Administrator/Clerk