

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK, NJ 07432
November 19, 2020**

7:00 P.M. –Special Open Public Meeting Minutes

On November 19, 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 meetings. 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: 594-156-965

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.

The **Mayor** called upon **Council President DeLuca** to give the evening's Invocation, and then the **Mayor** lead all present in the Pledge of Allegiance.

Mayor Shortway called the meeting to order at 7:00 P.M. noting the date as November 19, 2020, and that there will be a 3-minute limit to each individual addressing the Governing Body during the Open Public portions of the meeting.

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	Present
	Councilman Sansone	Absent
	Councilwoman Peet	Present
	Council President DeLuca	Present

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

Administrator Seemon took a roll call of the public in attendance.

Michael Rau – 45 Fourth Street

DISCUSSION ITEMS:

No items scheduled

OPEN TO THE PUBLIC:

At this time questions, concerns or comments emailed in advance to the Borough Clerk were addressed.

There were no emails to the Clerk to address.

Administrator Seemon asked individual members of the Public to speak at this time.

There being no response from the public, at 7:04 P.M., Attorney Regan read the Closed Session Resolution:

Resolution #177-20 Special Closed Session 11-19-20

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 **Personnel – M. Rau, A. Kalata, K. LaMonte, Shared Service Agreement Glen Rock, and Council Liaisons .**

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: Council President DeLuca

Roll Call:	Councilman Kamp	Aye
	Councilman Iannone	Aye
	Councilman Kruis	Aye
	Councilman Sansone	Absent
	Councilwoman Peet	Aye
	Council President DeLuca	Aye

At this time the public was notified Council will be going into Closed Session and there may be further action taken.

Attorney Regan noted that Michael Rau would be attending the Closed Session.

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At 8:23 the Mayor and Council reconvened into the November 19, 2020 Special Open Public Meeting.

MOTION:

A Motion to give permission to the Borough Administrator to send correspondence to Michael Rau stating he will not be reappointed on January 1, 2021 to the position of Property Maintenance Official, however medical benefits will continue to be retained.

Introduced by: Councilman Kruis

Seconded by: Councilman Kamp

Roll Call:	Councilman Kamp	Aye
	Councilman Iannone	Aye
	Councilman Kruis	Aye
	Councilman Sansone	Absent
	Councilwoman Peet	Aye
	Council President DeLuca	Aye

There no further business to address, at 8:27 P.M., on a Motion by **Councilman Kruis**, Seconded by **Councilman Peet** and carried, **Mayor Shortway** adjourned the meeting.

Respectfully submitted,

Wendy Martin, R.M.C.
Borough Clerk