

**BOROUGH OF MIDLAND PARK**  
**45 Witte Drive**  
**Midland Park NJ 07432**  
**April 22, 2021**  
**7:00 P.M. –Work Session Minutes**

**On April 22, 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 was also an option for the public to access the meeting electronically by dialing this Toll-Free Dial in number 1 866 899 4679 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 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>Present</b>
	<b>Councilman Damiano</b>	<b>Present</b>
	<b>Councilman Kruis</b>	<b>Present</b>
	<b>Councilman Sansone</b>	<b>Present</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 were present or on the line at this time.

**DISCUSSION ITEMS:**

- 1. Revised Sample Ordinance – Zoning of Cabanas – Mark Berninger Sr. to attend to discuss, see attached.**  
He spoke of having revised the cabana ordinance to fit with Midland Park's zoning codes and explained what changes were made and answered questions from the Council members. Borough Clerk Martin noted she and Attorney Regan will make a few minor changes and asked the Council if they approved of it being introduced at the May 13<sup>th</sup> meeting. The consensus was yes.

**OPEN TO THE PUBLIC:**

Members of the Public were asked to speak individually

There being no response from the public, at 7:25 P.M., Attorney Regan read the Closed Session Resolution:

**Resolution #085-21 Closed Session 4-22-21**

**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;

\_\_\_\_\_ 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 – Acting Administrator & Administrator's Position.**

\_\_\_\_\_ 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 DeLuca**

**Seconded by: Council President Iannone**

<b>Roll Call:</b>	<b>Councilman Damiano</b>	<b>Aye</b>
	<b>Councilman Kruis</b>	<b>Aye</b>
	<b>Councilman Sansone</b>	<b>Aye</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 would be going into Closed Session. 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 DeLuca**, Seconded by **Council President Iannone**, and carried, the **Mayor** adjourned the Work Session meeting and Council convened into the Closed Session at 7:23 P.M.

Respectfully submitted,

Wendy Martin, R.M.C.  
Borough Clerk