

BOROUGH OF MIDLAND PARK
280 Godwin Ave
Midland Park NJ 07432
September 9, 2021
7:00 P.M. –Work Session Minutes

On September 9, 2021 at 7:00 p.m., the Mayor and Council of Midland Park conducted an in person meeting the location has changed to 280 Godwin Avenue, 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 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 Damiano	Present
	Councilman Kruis	Present
	Councilman Sansone	Absent
	Councilwoman DeLuca	Present
	Councilwoman Peet	Present
	Council President Iannone	Absent

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

Borough Administrator/Clerk Martin took a roll call of the public
No members of the public were present in person or on the line

DISCUSSION ITEMS:

1. **Draft Ordinance - An Ordinance to Amend Ordinance #08-21 Entitled, “An Ordinance To Amend and Replace In Its Entirety Chapter 34 of The Code of The Borough” – relative to Fast Food Restaurants – Zoning Official Mark Berninger to attend and discuss.** Zoning Official Berninger addressed rumors that have been circulating regarding various fast food/chain restaurants coming into the Borough. He gave a brief history of fast food restaurants currently in town and encouraged the Council to consider forming a small committee to address this topic and discuss the benefits and concerns. The consensus was to table this topic until the work session for September 23rd giving the Zoning Official and the Borough Attorney time to collaborate on the definitions and wording.

2. **QPA Services Proposal – The Canning Group LLC.**
It was the consensus of the Council to continue using this company.
3. **November 2021 Meeting Dates – Change November 4, 2021 meeting to November 11, 2021 or have both two weeks in a row?** It was decided to change the November meeting date to November 11, 2021.
4. **November 2022 Meeting Dates – Set the meeting date for November 3, 2022 or November 10, 2022 or have both two weeks in a row?** It was decided to hold the 2022 November meeting on November 10.
5. **Northwest Bergen Regional Health Commission – Demographic Information presented to the Health Commission. Councilwoman Peet to discuss.** The Health Commission is in the process of comparing the fifteen municipalities it serves to better tailor the types of assistance they offer.

OPEN TO THE PUBLIC:

Members of the Public were asked to speak individually

No members of the public were present in person or on the line

ATTORNEY REGAN READ THE RESOLUTION

Resolution #146-21 Closed Session 9-9-21

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;

_____ 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);
- _____ 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 _____.
- _____ 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

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

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 Council ccc, Seconded by Council BBB, and carried, the Mayor adjourned the Work Session meeting and Council convened into the Closed

Session at TIME P.M.

CLOSED SESSION AGENDA

Mayor Shortway called the Meeting to Order

DISCUSSION ITEMS:

NO ITEMS SCHEDULED

ADJOURNMENT: