

**BOROUGH OF MIDLAND PARK**  
**280 Godwin Avenue**  
**Midland Park, NJ 07432**  
**November 11, 2021**  
**7:00 P.M. Work Session Minutes**

**On November 11, 2021 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, 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.**

**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, and Borough Administrator/Clerk Martin**

**Borough Administrator/Clerk Martin** took a roll call of the public.  
No one from the public was present or on the line.

**DISCUSSION ITEMS:**

- 1. The Volunteer/Employee Appreciation Dinner – Mayor Shortway, Jr.,** opened the subject to the Council Members. **Borough Administrator/Clerk Martin** suggested changing from a winter to a spring social. **Councilwoman DeLuca** and **Council President Iannone** conversed about a springtime scheduling for the dinner. Consensus of the Council was to have the dinner in the springtime. **Borough Administrator/Clerk Martin** agreed and will proceed with the arrangements.
- 2. Borough Roads: Paterson Avenue and 2021 Road Resurfacing Project Awards – Borough Administrator/Clerk Martin** introduced Gary Callahan, the Borough Engineer firm from Schwanewede/Hals Engineering. Mr. Callahan recapped the history relating to this project. On September 1, 2021, a bid was awarded to D.L.S. Contracting and D&L

Paving Contractors, Inc., for the road resurfacing of Paterson Avenue, Colonial Road, Fairview Avenue, Miedema Place, Englishman Drive, Witte Drive, and Butternut Avenue. The resurfacing was scheduled to begin in the following weeks. After speaking with representatives from the two contractors, Borough Engineer David Hals, and Superintendent of D.P.W. Matt Tauber agreed that the project should start in 2022. Due to the size of the job and the impending cold weather, it would be more beneficially to the residents to begin and complete the project next year. Both contractors stated Midland Park would be first on their calendars for 2022. Their plan is to start at the end of March 2022 or the beginning of April 2022. **Ms. Martin** asked if the Godwin Avenue project by the County, will have any effect on Paterson Avenue and 2021 Road Resurfacing. Mr. Callahan believes the County will complete their project before Midland Park begins theirs. **Councilman Damiano** and Borough Attorney Regan questioned if the rising costs of petrol would influence the price of the resurfacing project. Mr. Callahan explained there is a \$8,000.00 to \$10,000.00 allowance already in place within the contract. **Councilwoman Peet** enquired if there was an increase in price, would it be done through a Change Order resolution? Mr. Callahan answered if there was a modification in cost it would not be done through a change order but through the stated allowance.

7:07 P.M. Borough Engineer Gary Callahan left Council Chambers.

Members of the Public will be asking to speak individually.  
No one from the Public was present in person on the line.

**ATTORNEY REGAN WILL READ THE RESOLUTION**  
**Resolution #181-21 Closed Session 11-11-2021**

**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;
- 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 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 DeLuca**  
**Roll Call: Councilman Damiano**  
**Councilman Kruis**  
**Councilman Sansone**  
**Councilwoman DeLuca**  
**Councilwoman Peet**  
**Council President Iannone**

**Seconded by: Councilman Sansone**  
**Aye**  
**Aye**  
**Aye**  
**Aye**  
**Aye**  
**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 **Councilman Sansone**, Seconded by **Councilman Kruis**, and carried, the **Mayor** adjourned the Work Session meeting and Council convened into the Closed Session at 7:09 P.M.

Respectfully submitted by,

Wendy Martin, R.M.C.  
Borough Clerk