

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK, NJ 07432
APRIL 27, 2023**

7:00 P.M. WORK SESSION MINUTES

On April 27, 2023 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. Agenda items for the meeting were listed on the Borough website.

Mayor Shortway called the Meeting to Order at 7:04 P.M.

The Mayor read the Sunshine Law Statement: The meeting was held in accordance with the Sunshine Law, notice has 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 Braunius	Absent
	Councilman DeBlasio	Absent
	Councilman Damiano	Absent
	Councilman Kruis	Present
	Councilwoman Peet	Present
	Council President DeLuca	Present

Also Present: Borough Attorney Robert Regan, Borough Administrator/Clerk Wendy Martin, and Deputy Clerk Mari J. Margiotta

Borough Administrator/Clerk Martin took a roll call of the public.
Caleb Zuidema and Bruce Rosenberg were present.

DISCUSSION ITEM:

1. Boards, Committees, and Council – Agendas & Minutes Posted on Website

Borough Administrator/Clerk Wendy Martin requested that only the last three (3) years of Minutes be posted on the Borough's website for all committees, boards, and **Mayor** and **Council** meetings. The inception of Daniel's Law has created a voluminous amount of work for the Clerk's Office. Also, going forward, during the Public Comments if the **Mayor** and **Council** would ask for the speaker to state their name only, if they are residents in the Borough, and not their address. This will ensure compliance with Daniel's Law. The Governing Body agreed.

2. Offshore Wind Activity – Whale and Dolphin Deaths

Borough Administrator/Clerk Wendy Martin reported the **Mayor** received an email requesting support for a moratorium on all offshore wind activity. At this time, the Governing Body would table their support.

3. 90 Midland Avenue – Zuidema Property

Borough Attorney Robert Regan reported the **Governing Body** received a copy of the Planning Board's Resolution dated April 17, 2023 recommending the area of 90 Midland Avenue, identified as Block 45, Lot 9.01, as an "Area in Need of Redevelopment". Borough Administrator/Clerk Wendy Martin added that the application of the Department of Environmental Protection was also included in the meeting packets for reference. **Councilwoman Peet** would like to carry the discussion until more or all members of the Council are present. The **Governing Body** concurred.

PUBLIC COMMENTS:

Members of the Public were asked to speak individually.
No one from the Public spoke.

ATTORNEY REGAN READ THE RESOLUTION

Resolution #082-2023 Closed Session 4-27-2023

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 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**);

_____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 DeLuca

Seconded by: Councilman Kruis

Roll Call:	Councilman Braunius	Absent
	Councilman De Blasio	Absent
	Councilman Damiano	Absent
	Councilman Kruis	Aye
	Councilwoman Peet	Aye
	Council President DeLuca	Aye

At this time the public was notified that the Mayor and Council will be going into Closed Session. They were invited to attend the 8:00 P.M. Open Public Meeting in person.

There being no further business to discuss on a Motion made by **Councilman Kruis**, Seconded by **Councilwoman Peet**, and carried, the **Mayor** adjourned the Work Session meeting and **Council** convened into the Closed Session at 7:11 P.M.

Respectfully submitted,

Wendy Martin

**Wendy Martin, RMC
Borough Administrator/Clerk**