

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK, NJ 07432
SEPTEMBER 28, 2023**

7:00 P.M. WORK SESSION MINUTES

On September 28, 2023 at 7:01 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 7:02 P.M.

Mayor Shortway 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 Sansone	Present (via FaceTime)
	Councilman Braunius	Present
	Councilman DeBlasio	Present
	Councilman Kruis	Present
	Councilwoman Peet	Present
	Council President DeLuca	Present

Also Present: Borough Attorney Robert Regan, Borough Administrator/Clerk Wendy Martin, Chief Finance Officer Laurie O'Hanlon, Borough Labor Raymond Wiss and Deputy Clerk Mari J. Margiotta

Borough Administrator/Clerk Wendy Martin took a roll call of the Public.

DISCUSSION ITEM:

1. Draft Ordinances – Lifetime Benefits/Medicare Premium Reimbursements

Borough Administrator/Clerk Wendy Martin stated the draft ordinance was revised as directed at the previous Mayor and Council Meeting. The newly drafted ordinance eliminates the lifetime health benefits option and Medicare premium reimbursements at retirement eligibility age for newly fired employees effective January 1, 2024. Ms. Martin asked Borough Labor Attorney Raymond Wiss to give his presentation regarding this proposed ordinance. Mr. Wiss gave the history of the statutes, Chapters 10 and 78, that the draft ordinance is based on. The eligibility of current employees and retired workers was also discussed.

OPEN TO THE PUBLIC:

Members of the Public were asked to speak individually.

Due to the adoption of Daniel's Law, P.L.2021, c371, the Borough only requires the Public to state their name and if they reside in Midland Park for the Record.

Gregory Kasbarian, Midland Park Police Officer, asked if the retired employee experiences a life change such as: remarriage, divorce or the birth of new child. How are these life changes covered under the Lifetime Benefits? Borough Labor Attorney Raymond Wiss stated if there are changes to the retired employee's status to health insurance plan, they will need to buy up and pay the difference.

Kresnik Mahmudi, Midland Park Police Officer, referred to Section 1, Number 3, the proposed Ordinance states “worked for the Borough in a position or positions that met the above criteria for a period of at least 25 years.” Are the employees that have worked in a different pensionable position outside of Midland Park, grandfathered in?

Borough Attorney Robert Regan stated the 25 years must be within the Borough of Midland Park. Borough Labor Attorney Robert Wiss clarified this ruling is for the employees hire up until January 1, 2024. This is not measured by PERS or PFRS employees or pension time. The Health Benefits are separate from the pension system.

Since no one else from the Public wished to speak, the Public Portion was closed.

ATTORNEY REGAN READ THE RESOLUTION

Resolution #165-2023 Closed Session 09-28-2023

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;

☒ **X** 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);

_____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:	Councilman Braunius	Seconded by:	Council President DeLuca
Roll Call:	Councilman Sansone		Aye (via FaceTime)
	Councilman Braunius		Aye
	Councilman DeBlasio		Aye
	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 Braunius**, Seconded by **Councilwoman Peet**, and carried, **Council President DeLuca** adjourned the Work Session meeting and Council convened into the Closed Session at 7:22 P.M.

Respectfully submitted,



Wendy Martin, RMC
Borough Administrator/Clerk