

**BOROUGH OF MIDLAND PARK
280 GODWIN AVENUE
MIDLAND PARK, NJ 07432
OCTOBER 12, 2023**

7:00 P.M. WORK SESSION MINUTES

On October 12, 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 7:00 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
	Councilman Braunius	Present
	Councilman DeBlasio	Present
	Councilman Kruis	Absent
	Councilwoman Peet	Present
	Council President DeLuca	Present

Also Present: Borough Attorney Robert Regan, Borough Administrator/Clerk Wendy Martin (via GoTo Meetings), Superintendent of Department of Public Works Matthew Tauber, and Deputy Clerk Mari J. Margiotta

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

DISCUSSION ITEM:

1. Historic Sites Committee

Borough Administrator/Clerk Wendy Martin requested approval from the Governing Body to advertise to obtain a seated committee. Ms. Martin has received a written request from Robert Mulder and two (2) other inquiries and has provided documentation from Chapter 18 and its pertaining sections to those interested in establishment, powers, and duties. The Governing Body will also need to appropriate funds for the operation of the committee. The members will need to apply to Federal, State, and private sources for financial assistance. There are three (3) remaining historical homes left: The **Mayor and Council** agreed.

Borough Attorney Robert Regan questioned the validity of the Committee that is within the Borough's Code. The panel was created in 1973. Case law states that New Jersey Municipal Land Use Law (MLUL) was adopted in 1976 and it states that a Committee may be the only one to form by the MLUL. Ms. Martin stated in speaking with the representative of the Historic Sites Committee for historic sites preservation for Bergen County, the Borough must have the Committee seated in order to assist in preserving remaining homes. The **Mayor and Council** approved the Borough Administrator to move forward in advertising the open seats for the Historic Sites Committee.

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.

Benjamin Ruffin – Midland Park resident and Eagle Scout, asked the Governing Body if they had any questions or concerns about his project at the Vietnam Veterans Memorial. **Mayor Shortway** thanked Mr. Ruffin for his volunteering and hard work. Superintendent of the Department of Public Works Matthew Tauber reported the irrigation lines have been relocated for the area. Mr. Tauber suggested positioning the benches facing outwards on the patio or placing the benches at the park. The **Mayor** and **Council** agreed.

Kevin Van Dyk – retired Midland Park Police Officer, asked to clarify Ordinance/Resolution #170-2023. Borough Administrator/Clerk Wendy Martin stated it is a Resolution. Borough Attorney Robert Regan explained it is a resolution to go into Closed Session and that he reads them every meeting.

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

ATTORNEY REGAN READ THE RESOLUTION

Resolution #170-2023 Closed Session 10-12-2023

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): Sale of Vehicle.

_____ 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 – DPW Seasonal Employment .

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.

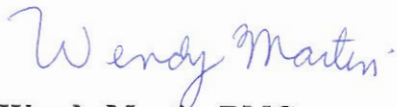
Introduced by:	Councilman Braunius	Seconded by:	Council President DeLuca
Roll Call:	Councilman Sansone		Aye
	Councilman Braunius		Aye
	Councilman DeBlasio		Aye
	Councilman Kruis		Absent
	Councilwoman Peet		Aye
	Council President DeLuca		Aye

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.

Borough Administrator/Clerk Wendy Martin stated that Ordinance #22-2023 which was sent by Borough Labor Attorney Raymond Wiss was the incorrect version. The corrected copy was posted before the Meeting and the Deputy Clerk handed out the revised copy to anyone who wished. Officer Kresnik Mahmudi wanted to put on record and clarify Section 1, Number 4, "...the terms of any Collective Bargaining Agreement..." applies to the Police Department and that they are not ruled by the proposed Ordinance. Borough Attorney Robert Regan and Ms. Martin stated they would defer to Labor Council (not in attendance) to answer and advise the Governing Body on the meaning. At the future Public Hearing on Ordinance #22-2023, this will be discussed.

There being no further business to discuss on a Motion made by **Councilman Braunius**, Seconded by **Councilwoman Peet**, and carried, **Mayor Shortway** adjourned the Work Session meeting and Council convened into the Closed Session at 7:20 P.M.

Respectfully submitted,



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