

MINUTES OF A SPECIAL SESSION OF THE EDGEWATER MAYOR AND COUNCIL HELD IN THE NANCY MERSE COUNCIL CHAMBERS, LOCATED AT 55 RIVER ROAD, EDGEWATER, COUNTY OF BERGEN, STATE OF NEW JERSEY ON MARCH 26, 2014

PRESIDING: Mayor James F. Delaney

PRESENT ON ROLL CALL: Councilman Henwood, Councilman Vidal and Councilman Bartolomeo

ALSO PRESENT: Administrator Gregory S. Franz and Borough Attorney Philip Boggia

ABSENT: Councilman Doran, Councilman Monte, Councilman Jordan and Borough Clerk Barbara Rae

OPEN PUBLIC MEETING ACT

Mayor Delaney read the Open Public Meetings Act Statement into the Record.

SALUTE TO THE FLAG

Councilman Henwood led the Pledge of Allegiance.

OPEN MEETING TO THE PUBLIC

Mayor Delaney opened the meeting to the public and the following were heard:

Valory Bardinas, 16 Hudson Terrace:

- Inquired about Bond and purpose of attorney.
- Asked about Councilman Jordan. Noted people's right to representation.
- Had questions about the closing of Undercliff Avenue for the school. Believes it could be reopened prior to 8:45. Governing Body to review.

At this time, Borough Attorney Boggia said that they have been advised that Councilman Jordan is undergoing physical therapy and is expected back. Referenced excused absences.

March 26, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Vidal

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Borough of Edgewater desires to meet in private and/or Executive Session to discuss matters that are permitted by the exceptions to the Open Public Meetings Act as indicated herein:

- _____1. Any matter which, by express provision of Federal law or State statute or court rule shall be rendered confidential or excluded from discussion in public;
- _____2. Any matter in which the release of information would impair a right to receive funds from the federal government;
- _____3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy;

- _____ 4. Any collective bargaining agreement, or the terms and conditions 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.
- _____ 5. Any matter involving the purchase, lease, or acquisition of real estate with public funds, the setting of a banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed;
- _____ 6. 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;
- _____ 7. 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;
- _____ ~~XX~~ 8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, 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 the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.
- _____ 9. 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 or commission for which the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council shall recess into private and/or Executive and Closed Session to discuss the aforementioned subject matter and the minutes of same may be disclosed at such time in the future as the GOVERNING BODY in it discretion may determine according to law.

On roll call the vote was as follows:

Councilman Henwood	Yes
Councilman Doran	Absent
Councilman Monte	Absent
Councilman Vidal	Yes
Councilman Jordan	Absent
Councilman Bartolomeo	Yes

The governing body returned from Closed Session.

PRESENT ON ROLL CALL: Councilman Henwood, Councilman Vidal and Councilman Bartolomeo

ALSO PRESENT: Mayor Delaney, Administrator Gregory S. Franz and Borough Attorney Philip Boggia.

ABSENT: Councilman Doran, Councilman Monte, Councilman Jordan and Borough Clerk Barbara Rae.

Borough Attorney Boggia spoke about the interviews conducted in Closed Session regarding the completion of the Veterans Field project and pursuing claims against those entities that may be responsible for the difficulties the Borough is now experiencing, which is a very substantial

remediation. Mayor had appointed a Committee and four (4) four firms were interviewed. The Governing Body has reached a consensus that they have selected a law firm in New Jersey that specialize in environmental and contract law. Further comments.

Administrator Franz then read the following in its entirety:

**RESOLUTION
2014-085**

March 26, 2014

INTRODUCED: Councilman Vidal

SECOND: Councilman Bartolomeo

Resolution Awarding Contract to Connell Foley for Professional Legal Services as Special Counsel to Assist the Borough with the Veteran’s Field Improvement Project

WHEREAS, the Borough of Edgewater has a need for and requires professional legal services in connection with the Veteran’s Field Improvement Project; and

WHEREAS, pursuant to *N.J.S.A. 40A:11-5*, said professional services are exempt from public bidding under the *Local Public Contracts Law*; and

WHEREAS, Connell Foley (“Attorney”), located at 85 Livingston Avenue, Roseland, NJ 07068 has submitted a proposal for this work dated March 13, 2014, a copy of which is attached hereto; and

WHEREAS, the Borough is desirous of awarding this contract to Attorney in accordance with the terms set forth in said proposal, subject to approval and execution of a formal contract acceptable to the Borough; and

WHEREAS, because the value of this contract is anticipated to be in excess of \$17,500, this contract has been awarded under the “alternative process” pursuant to *N.J.S.A. 19:44A-20.4 et seq.* (the “Pay-to-Play Law”), and has been awarded to the contractor based upon the merits and abilities of the contractor to provide the services necessary; and

WHEREAS, because this contract has been awarded under the “alternative process,” Attorney has completed and submitted a Business Entity Disclosure Certification which certifies that Attorney has not made any reportable contributions (\$300 or more) to a political or candidate committee in the Borough of Edgewater with the elected officials in the previous one year, and that the contract will prohibit Attorney from making any reportable contributions (\$300 or more) through the term of the contract; and

WHEREAS, the *Local Public Contracts Law, N.J.S.A. 40A:11-5*, requires the resolution authorizing the award of contracts for professional services without competitive bids and the contract itself to be made available for public inspection; and

WHEREAS, pursuant to *N.J.S.A. 40A:11-5*, public notice of this contract award shall be published in the official newspaper of the Borough in accordance with applicable law; and

WHEREAS, I, Joseph Iannaconi, Jr., Chief Financial Officer, has certified that funds have been appropriated and are available for this purpose through Capital Ordinance 1474-2012:

JOSEPH IANNACONI, JR., C.F.O.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Edgewater that a professional services contract for legal services in connection with the Veteran’s Field Improvement Project, in an amount not to exceed \$25,000 without prior Council approval, is hereby awarded as follows:

Attorney:

Timothy E. Corrison_

Rates:

Partner : \$275/hour

Associate: \$225/hour

Paralegal: \$95/hour

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and empowered to execute a contract consistent with the provisions and intent of this Resolution

.BE IT FURTHER RESOLVED that the Borough Clerk shall publish notice of this contract award in the official newspaper of the Borough, in accordance with *N.J.S.A. 40A:11-5*.

Discussion: Comments by Councilman Henwood.

On roll call the vote was as follows:

Councilman Henwood	Yes
Councilman Doran	Absent
Councilman Monte	Absent
Councilman Vidal	Yes
Councilman Jordan	Absent
Councilman Bartolomeo	Yes

MOTION

March 26, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Vidal

Motion to adjourn.

On roll call the vote was as follows:

Councilman Henwood	Yes
Councilman Doran	Absent
Councilman Monte	Absent
Councilman Vidal	Yes
Councilman Jordan	Absent
Councilman Bartolomeo	Yes

Gregory Franz, Administrator for
Barbara Rae, RMC, CMC
Borough Clerk

APPROVED: April 21, 2014

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