

MINUTES OF A REGULAR 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 SEPTEMBER 15, 2014

PRESENT: Councilman Henwood, Councilman Doran, Councilman Monte, Councilman Vidal and Councilman Bartolomeo

PRESIDING: Mayor James F. Delaney

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

ABSENT: Councilman Jordan and Borough Clerk Barbara Rae

OPEN PUBLIC MEETING ACT

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

MOMENT OF SILENCE

Mayor Delaney asked for a moment of silence.

SALUTE TO FLAG

Mayor Delaney led the Pledge of Allegiance.

CONFERENCE

1. Police Sergeant Appointment – William Wallach

Administrator Franz read the following resolution in its entirety:

**RESOLUTION
2014-204**

September 15, 2014

INTRODUCED: Councilman Henwood

SECONDED: Councilman Vidal

WHEREAS Chapter 66 of the Code of the Borough of Edgewater establishes the Organization Table of the Edgewater Police Department; and

WHEREAS a vacancy exists in the position of Police Sergeant; and

WHEREAS as a result of the New Jersey Department of Personnel competitive examination for the position of Police Sergeant, the following candidate is placed No. 1 and is eligible for appointment:

William Wallach
Hamburg, NJ

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Edgewater that William Wallach is hereby appointed to the position of Police Sergeant in the Edgewater Police Department effective immediately with a salary in accordance with the present salary ordinance.

On roll call the vote was as follows:

Councilman Henwood	Yes
Councilman Doran	Yes
Councilman Monte	Yes

Councilman Vidal	Yes
Councilman Jordan	Absent
Councilman Bartolomeo	Yes

Mayor Delaney then administered the Oath of Office to Sergeant Wallach and presented him with his badge.

Members of the Governing Body congratulated Sergeant Wallach.

Sue Scavone, Alixon Collazos and Bernadette McPherson from Millennium Strategies:

- Reviewed grant resources that they have obtained for the Borough.
- Reviewed grant applications that they are waiting for decisions.
- Councilman Henwood asked about meetings with Emergency Services.
- Believes that Borough has a great likelihood of being successful with the Bergen County Historic Preservation Trust Grant.
- Referenced monthly reports.
- Council members expressed concern about results and asked about their success rate for grants they submit for the Borough. .
- Discussion about River Road flooding and issues. Councilman Henwood commented that this must be a priority.
- Further discussion.

Tim Corrison, Special Counsel – Open/Closed

The Borough instituted suit against Waterside Construction, Alcoa and TERMS. The suit is pending in Federal Court. Parties are in the process of answering the suit. We are also continuing our contractual obligation to mediate with Waterside. The Borough has several sessions with Judge Mecca. Presently continuing settlement discussions. Do not know if we will have a settlement.

On parrell track with the law suit, the Borough has prepared a new bid specification to address the contamination at the park. Numerous contractors are bidding on it. Bids will be opened Wednesday. If the matter is not resolved to the satisfaction of the Mayor and Council with Waterside Construction, then the Mayor and Council will award the bid and proceed with the remediation of the field. Mr. Corrison reviewed the matter and the process. He gave a timeline and responded to questions. Councilman Vidal commented.

Mike Neglia, Neglia Engineering with Perry Dipiazza, Vice President of Fieldturf.

Mr. Dipiazza noted that they have 530 fields in New Jersey, many of which are in Bergen County. He gave a brief introduction to the turf system/industry. He spoke about the makeup of the turf, composition of field and problems encountered with past turf. He identified municipal fields located in Fort Lee, Rochelle Park and other areas that have FieldTurf. Discussion regarding the safety issues/studies. He believes it is safer to play on than natural grass. No pesticides or fertilizers. Spoke about maintenance and that there should be no down time.

Mr. Dipiazza responded to questions posed from Council members. Councilman Doran noted that the Council is educating itself on the differences re: turf versus grass and that no decision has been made.

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

Linda Farrell, Myrtle Avenue:

- Spoke about construction activities on Myrtle Avenue.
- Said area is messy, unsafe and unfair to residents.
- Would like response from Building Department.
- Construction area at 45-47 Undercliff Avenue is also unsafe.
- Construction areas need to be inspected.
- Councilman Vidal commented. Councilman Bartolomeo also commented and said he will speak with the Construction Official.

Pam Byrnes, 39 Myrtle Avenue:

- Added to Ms. Farrell’s comments/complaints.

- Problem is on both sides of the street.
- Spoke about accident she had and the liability issue.
- Asked for the Council's help.

Harvey Weiss, 1111 River Road::

- President of 1111 River Plaza Condo Association.
- Spoke about flooding problem in parking lot and drainage issues.
- Hired Engineer and they located a boulder in the park. Boulder needs to be removed. Disagreement as to who owns that property. Mayor Delaney said he will speak with Mr. Quinton.

Wanda Selba, 39 Myrtle Avenue:

- Spoke about lack of Code Enforcement and residents safety.
- Spoke about Park and is against Waterside coming back to the job.

Resident from 22 Legends Hill:

- Asked about bidding process and lessons learned.
- Also asked about Performance Bond.

Nancy Raff, 1203 River Road:

- Spoke about Park's appearance and asked if something can be done prior to work beginning.

Dan Rackow, 10 Annett Avenue:

- On Recreation Advisory Committee.
- Committee had discussed AstroTurf and consensus was that they are interested in it but need questions answered.
- Asked questions about the AstroTurf and the Little League Field.

Judith, 1203 River Road:

- Against Waterside "finishing" the job.
- Also concerned about the conditions in the Park.
- Believes walkway should be closed because of dangers in the Park.
- Concerned about the possible mowing of the grass and the possible cleanup of the conditions in the park. People cleaning would be exposed.
- Cautious about the bids.

Saul Wein, 21 Legend Hills:

- Is against the developer and the Zoning Ordinance.
- Believes there will be a lot more traffic and no real tax benefit.
- Asked how it will improve conditions for current residents.

Tom Tansey, 611 Undercliff Avenue:

- Spoke about Green Acres Funding and the ROSI List.
- When applied for, surprised about the lack of discussion about the ramifications of accepting Green Acres money. Property would then fall under the jurisdiction of the State.
- No one protected the American Legion, the Recreation Center and the Little League Field.
- Said residents are not aware that Veterans Field and 36 other properties are now under the jurisdiction of the State. Concerned about the effects on the American Legion, Recreation Center, Walkway, etc.

Maxine Viola, 541 Undercliff Avenue:

- Green Acres was 14 years ago must deal with today's problems.
- Thanked Mayor Delaney for his sincere intentions and determination to restore the ballfield.
- Edgewater children had to be driven to other parks/fields during the summer.

- Neighbors, residents want the field back.
- Concerned that children should have a place to go.
- Get it done!

Denis Gallagher, 18 Arlington Terrace:

- Against present system of not responding to speakers until the end.
- Again asking about the televising of the meetings. Asked about details.

David Chang, 1 Hudson Park:

- Has two little children and are forced to go to Fort Lee, North Bergen, etc for a park.
- Sees no work being done on the field.
- Tragedy that you would still be considering Waterside.
- Believes Council should move forward without Waterside.

Mary Hogan, 606 Undercliff Avenue:

- She referenced the Agenda Amendment 2014-210. Questioned increase.
- Had spoke about Tel-a-page contract putting tower on the new Borough Hall and putting Verizon, etc. on who would then pay us. Asked for status.
- Spoke about TERMS assessment of the field.
- Spoke about bid package.
- Spoke about former Engineer Schoor DePalma comments about the field and expressed concern for the river.
- Asked about the removal of the RICOH Clause from the Borough's complaint.

Valory Bardinas, 16 Hudson Terrace:

- Upset about how the Governing Body responds to questions.
- Explained how she now puts her questions in writing. But they do not get answered.
- Asked about First Environment's presentation.
- Asked what the Governing Body intentions are for the Field.
- Spoke about problems with Astro turf. .
- Spoke against Waterside returning.
- Park is needed for children to go and play on real grass.
- Believes Daibes contaminated the field and then covered it up.
- Green Acres is how the Borough found out the field was contaminated.
- Spoke about contract laws.

Katie Jones, 359 Undercliff Avenue:

- Asked what Council would be getting from Waterside that they would be considering taking him back.
- Field should be cleaned to the higher standard.
- Spoke against astro turf. Concerned about children with asthma.
- Veterans Park is a park, not a Sports Complex.
- There are more serious injuries with Astro turf.
- Would like answers to questions.
- Believes Park by the Library is contaminated.
- Asked about Park by EVG.
- Must take a new bid.

Terri Beck, 1322 River Road:

- Asked if plans for the Park include a dog park. If not are there plans for a dog park somewhere else in the Town.

No one else wished to be heard therefore the Mayor closed the meeting to the public.

Mayor Delaney and Borough Attorney Boggia responded to questions. Councilman Henwood spoke against turf. Mayor Delaney spoke about the benefits of the five (5) minute rule. Borough Attorney Boggia also spoke about the five (5) minute rule. Borough Attorney Boggia spoke about Veterans Field

noting that the Borough is pursuing a solution and people must take into consideration all of the ramifications involved. . He referenced the Bond on Agenda.

Mayor Delaney responded to Ms. Selby about the Code Enforcement issue.

Regarding Veterans Field, Borough Attorney Boggia spoke about the contract law, the bid and the remediation process.

Councilman Henwood asked about the additional Bond monies and what the Borough is going to do to finance the remediation. People must be made accountable. He referenced legal options. Councilman Vidal spoke about Waterside, the clean-up and what the Borough has learned. Also spoke about Astro turf.

Administrator Franz responded to Mr. Gallagher's question about televising the meetings. Explained the issues involved including the bid threshold. Also spoke about the Tel-a-page Contract that Ms. Hogan had asked about. Authorizing Resolution was on this evening's agenda.

Mayor Delaney, for the record, said that he is against Waterside returning and that they should keep the original standard that was in the original contract.

CLOSED SESSION:

1. Veterans Field Litigation

Administrator Franz read the following in its entirety:

RESOLUTION AUTHORIZING EXECUTIVE SESSION

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Vidal

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:

- _____ L 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;
- XX 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;

- _____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 its discretion may determine according to law.

On roll call the vote was as follows:

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

The governing body returned from Closed Session.

MOTION

September 15, 2014

INTRODUCED: Councilman Vidal
SECOND: Councilman Bartolomeo

Motion to return to open.

On roll call the vote was as follows:

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

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

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

ABSENT: Councilman Jordan and Borough Clerk Barbara Rae

APPROVAL OF MINUTES

The following minutes were listed for approval: July 23, 2014 Regular and Closed and the August 11, 2014 Regular and Closed Meetings.

MOTION

September 15 2014

INTRODUCED: Councilman Doran

SECOND: Councilman Bartolomeo

A motion to approve the minutes of the July 23, 2014 Regular Meeting, July 23, 2014 Closed Meeting, August 11, 2014 Regular Meeting and the August 11, 2014 Closed Meeting.

On roll call the vote was as follows:

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

ADOPTION/PUBLIC HEARING OF ORDINANCES

1512-2014 An Ordinance of the Borough of Edgewater, County of Bergen, State of New Jersey, Amending and Supplementing Chapter 240 of the Borough Code to Implement and Reaffirm the Recommendations Contained in the April 2014 Master Plan Reexamination as Approved by the Planning Board

The Administrator read the Notice of Ordinance and Ordinance No. 1512-2014.

Notice is hereby given that the following proposed Ordinance was introduced at a meeting of the Mayor and Council of the Borough of Edgewater, State of New Jersey held on the 14th day of July, 2014 and given its first reading, and the same was then ordered to be published according to law, and that said Ordinance will be further considered for final reading and adoption at a meeting of the said Mayor and Council to be held in the Nancy Merse Council Chambers, 55 River Road, Borough of Edgewater, New Jersey on the 15th day of September, 2014 at 7:00 pm or as soon thereafter that the matter can be reached, at which time and place all persons interested will have an opportunity to be heard concerning said Ordinance.

The said Ordinance is as follows:

BOROUGH OF EDGEWATER

ORDINANCE 1512-2014

AN ORDINANCE OF THE BOROUGH OF EDGEWATER, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 240 OF THE BOROUGH CODE TO IMPLEMENT AND REAFFIRM THE RECOMMENDATIONS CONTAINED IN THE APRIL 2014 MASTER PLAN REEXAMINATION AS APPROVED BY THE PLANNING BOARD

WHEREAS, pursuant to *N.J.S.A. 40:55D-62b*, the Mayor and Council of the Borough of Edgewater are authorized and empowered to adopt and amend the zoning ordinance of the Borough of Edgewater; and

WHEREAS, pursuant to *N.J.S.A. 40:55D-62*, amendments to the zoning ordinance must be either substantially consistent with the land use and housing elements of the Master Plan, or designed to effectuate such elements; and

WHEREAS, in 2012, the Planning Board of the Borough of Edgewater adopted and approved a periodic Reexamination Report concerning the Borough of Edgewater Master Plan Land Use Element; and

WHEREAS, as a result of the recommendations set forth in the 2012 Reexamination Report, the Borough of Edgewater adopted Ordinance No. 1485-2012, which established three new mixed-use (MXD) zones in the Borough of Edgewater, set forth appropriate zoning

regulations for these districts, and rezoned a number of parcels consistent with the 2012 Reexamination Report; and

WHEREAS, the Planning Board of the Borough of Edgewater adopted and approved a periodic Reexamination Report concerning the Borough of Edgewater Master Plan Land Use Element on April 28, 2014, in accordance with N.J.S.A. 40:55D-89; and

WHEREAS, the April 2014 Reexamination Report is intended in large part to reaffirm that 2012 Reexamination Report and the zoning changes made by Ordinance No. 1485-2012 and to further update the Borough of Edgewater Master Plan to reflect changed circumstances and a further analysis of the present conditions and recent development activity and approvals granted in the intervening period; and

WHEREAS, the 2014 Reexamination Report set forth the goals to bring current land use and zoning patterns into conformity with approved developments, to ensure future developments surrounding these approved developments are compatible and to amend current zoning in areas that have not been successful in attracting development in order to provide land uses that the Borough anticipates will attract development; and

WHEREAS, the Land Use Element contained specific zoning recommendations regarding changes to the Borough's Zoning Ordinance; and

WHEREAS, the Council finds the recommendations contained in the 2014 Reexamination Report to be appropriate in the effort to ensure future development and redevelopment is compatible with existing development; and

WHEREAS, the Borough further recognizes the continuing need for and its responsibility to maintain its efforts in creating affordable housing within the Borough; and

WHEREAS, the zone classification changes set forth herein are the result of the recommendations contained in the Borough of Edgewater's periodic Reexamination Report and amended Land Use Element dated April 2014, and adopted on April 28, 2014, obviating the need for individualized notices to property owners pursuant to *N.J.S.A. 40:55D-89*; are consistent with the New Jersey Fair Housing Act as set forth in *N.J.S.A. 52:27D-301 et seq.*; and are consistent with the rules for zoning for inclusionary development as set forth in *N.J.A.C. 5:97-6.4* "Zoning for inclusionary development" as follows:

- (a) Affordable housing units proposed through inclusionary development shall be provided through zoning for development that includes a financial incentive to produce the affordable housing, including but not limited to increased densities and reduced costs to the developer. Inclusionary zoning may apply to all or some zones or sites within the municipality. Financial incentives may provide for a range of opportunities to induce affordable housing production at varying levels provided the compensatory benefits minimally meet the criteria set forth in this section; and

WHEREAS, said changes are also consistent with the Housing Element and Fair Share Plan of the Borough of Edgewater Master Plan; and

WHEREAS, the Mayor and Council have deemed it in the best interests of the Borough to amend the zoning ordinance and adopt the regulations set forth herein; and

WHEREAS, upon passage of this Ordinance upon first reading, it shall be referred to the Planning Board for review and confirmation that the proposed amendments to the zoning ordinance and zoning map, as set forth in this Ordinance, are consistent with the Land Use and Housing Elements of the Borough of Edgewater Master Plan or designed to effectuate such elements.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Edgewater, as follows:

Section 1. Section 240-92 of the Borough Code is hereby deleted in its entirety and replaced as follows:

§ 240-92. Zoning districts.

For the purpose of this chapter, the Borough of Edgewater is hereby divided into 18 zone districts as follows:

R-1	Single-Family Residential District
R-2	Single- and Two-Family Residential District
R-3	Multifamily Residential District
R-4	Multifamily Residential District
R-5	Multifamily Residential District
R-40	Single-Family Residential District
SRH	Senior Housing District
MCRD	Mixed-Use Commercial/Residential Development District
CBD	Central Business District
B-1	Neighborhood Business District
B-2	Shadyside Mixed-Use District
B-3	Waterfront Commercial District
B-4	Tradesman Commercial District
MXD-1	Mixed Use District
MXD-2	Mixed Use District
MXD-3	Mixed Use District
OR-1	Office and Research District
P	Public District

Section 2. Chapter 240, Section 240-117.1 of the Borough Code is hereby deleted in its entirety and replaced as follows:

§ 240-117.1. MXD-1 Zone regulations.

A. Objectives.

- (1) To allow for an expansion of the types of uses permitted in the area to encourage redevelopment
- (2) To promote a vibrant, pedestrian-friendly walkable environment, complete with retail and restaurant uses at ground level
- (3) To potentially allow for pedestrian-only access on nights and weekends
- (4) To create a cohesive development plan and community in conjunction with the current B-2 Shadyside District
- (5) To establish a district with a coordinated and aesthetically attractive composition of building façades.
- (6) To establish economic anchors to draw steady crowds, create an active street life and encourage spin-off businesses
- (7) Elements to be considered:
 - (a) Dense/compact form
 - (b) Pedestrian-oriented
 - (c) Connected street network
 - (d) Well-defined edge
 - (e) Municipal anchors
 - (f) Economic anchors
 - (g) Mixed-use development
 - (h) Quality urban spaces
- (8) Develop contextual design standards that ensure that the new development responds to the traditional architectural styles of the community:
 - (a) Adopt illustrative design standards
 - (b) Illustrate both building design and site design

- (c) Address building type and architectural elements
 - (d) Address streetscape (proportions, roof types, pitches and materials)
 - (e) Review setback and height restrictions
 - (f) Create a height-to-width standards
- B. Zone designations. This zone shall be designated as the Mixed Use District – 1 (MXD-1) zone.
- C. Definitions. For purposes of this section only, the following definitions shall apply:

FLOOR AREA RATIO (F.A.R.)

The gross floor area of building or structures on a lot divided by the gross total lot area.

GROSS ACREAGE

The total land area of tax lots(s), including water bodies.

GROSS FLOOR AREA

The sum of the gross horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of the exterior walls or from the centerline of a common wall separating two buildings, but excluding any space with floor-to-ceiling height of less than six (6) feet six (6) inches. This does not include balconies, terraces or roofs.

In determining the gross floor area, any floor space that is constructed or intended to be used solely for parking motor vehicles, loading or unloading of motor vehicles, or for refuse storage chambers, refuse storage and material recovery chambers, material recovery chambers, refuse storage and material recovery rooms, refuse chutes, other types of facilities provided for the separation of refuse, or for access facilities for telecommunications and broadcasting services, or occupied solely by machinery or equipment for any lift, air-conditioning or heating system or any similar service, shall be excluded from the gross floor area of a building.

IMPERVIOUS SURFACE

A surface that has a coefficient of run-off of 0.75 or greater. No more than 50% of graveled areas shall be permitted to be applied as a pervious surface.

LOT COVERAGE

The portion of a lot that is covered by impervious surface. A green roof on any building or garage structure that provides adequate vegetation and passive recreation use for the occupants may be counted as pervious coverage at 75% (i.e. 100 SF of a “green” roof would count as 75 SF of pervious ground surface).

NET ACREAGE

The total land area of a tax lot, excluding water bodies.

PERVIOUS COVERAGE

The percentage of a lot covered by pervious surface(s).

PERVIOUS SURFACE

Any surface that does not meet the definition of an impervious surface.

D. Uses.

(1) Permitted uses.

- (a) Hotels (above 1st floor)
- (b) Office (above 1st floor)
- (c) Multi-family residential (above 1st floor)
- (d) Retail and service establishments, excluding automobile sales

- (e) Restaurants
- (f) Financial institutions (no drive-thru)
- (g) Workshops for craftsmen (artists, carpenters, etc.) *with a retail component only*
- (h) Child care centers
- (i) Real estate offices
- (2) Conditional uses.
 - (a) Essential Services, subject to §240-142
 - (b) Veterans, Civic, and community Clubs, subject to §240-146
- (3) Accessory uses.
 - (a) Off-street parking and loading facilities, including parking decks
 - (b) Signs
 - (c) Fences
 - (d) Child-Care Centers, subject to §240-140
- E. Lot, height and yard restrictions. See Chapter 240, Schedule X-2.
- F. Desired design standards. The same design standards set forth in §240-130C are applicable to the MXD-1 zone.
- G. Signs. Signage shall be subject to the requirements of Article XVIII of this Chapter.
- H. Other provisions superseded. In the event of any inconsistency between the provisions of this section and any other section of Chapter 240, the provisions of this section shall prevail.

Section 3. Chapter 240, Section 240-117.2 of the Borough Code is hereby deleted in its entirety and replaced as follows:

§ 240-117.2. MXD-2 Zone regulations.

- A. Objectives.
 - (1) To create high-end mixed-use buildings and structures
 - (2) To attract larger businesses than were permitted under prior B-4 zoning regulations
- B. Zone designations. This zone shall be designated as the Mixed Use District – 2 (MXD-2) zone.
- C. Definitions. For purposes of this section only, the following definitions shall apply:

FLOOR AREA RATIO (F.A.R.)

The gross floor area of building or structures on a lot divided by the gross total lot area.

GROSS ACREAGE

The total land area of tax lots(s), including water bodies.

GROSS FLOOR AREA

The sum of the gross horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of the exterior walls or from the centerline of a common wall separating two buildings, but excluding any space with floor-to-ceiling height of less than six (6) feet six (6) inches. This does not include balconies, terraces or roofs.

In determining the gross floor area, any floor space that is constructed or intended to be used solely for parking motor vehicles, loading or unloading of motor vehicles, or for refuse storage chambers, refuse storage and material recovery chambers, material recovery chambers, refuse storage and material recovery rooms, refuse chutes, other types of facilities provided for the separation of refuse, or for access facilities for telecommunications and broadcasting services, or occupied solely by machinery or equipment for any lift, air-conditioning or heating system or

any similar service, shall be excluded from the gross floor area of a building.

IMPERVIOUS SURFACE

A surface that has a coefficient of run-off of 0.75 or greater. No more than 50% of graveled areas shall be permitted to be applied as a pervious surface.

LOT COVERAGE

The portion of a lot that is covered by impervious surface. A green roof on any building or garage structure that provides adequate vegetation and passive recreation use for the occupants may be counted as pervious coverage at 75% (i.e. 100 SF of a “green” roof would count as 75 SF of pervious ground surface).

NET ACREAGE

The total land area of a tax lot, excluding water bodies.

PERVIOUS COVERAGE

The percentage of a lot covered by pervious surface(s).

PERVIOUS SURFACE

Any surface that does not meet the definition of an impervious surface.

D. Uses.

(1) Permitted uses.

- (a) Hotels
- (b) Office
- (c) Multi-family residential (above 1st floor)
- (d) Retail and service establishments, excluding automobile sales
- (e) Restaurants
- (f) Financial institutions (no drive-thru)
- (g) Workshops for craftsmen (artists, carpenters, etc.) *with a retail component only*
- (h) Child care centers

(2) Conditional uses.

- (a) Essential Services, subject to §240-142
- (b) Veterans, Civic, and community Clubs, subject to §240-146

(3) Accessory uses.

- (a) Off-street parking and loading facilities, including parking decks
- (b) Signs
- (c) Fences
- (d) Child-Care Centers, subject to §240-140

E. Lot, height and yard restrictions. See Chapter 240, Schedule X-2.

F. Desired design standards. The same design standards set forth in §240-130C are applicable to the MXD-1 zone.

G. Signs. Signage shall be subject to the requirements of Article XVIII of this Chapter.

H. Other provisions superseded. In the event of any inconsistency between the provisions of this section and any other section of Chapter 240, the provisions of this section shall prevail.

Section 4. Chapter 240, Section 240-117.3 of the Borough Code is hereby deleted in its entirety and replaced as follows:

§ 240-117.3. MXD-3 Zone regulations.

A. Objectives.

- (1) To allow for an expansion of the types of uses permitted in the area to encourage redevelopment
 - (2) To promote a vibrant, pedestrian-friendly walkable environment, complete with retail and restaurant uses at ground level
 - (3) To potentially allow for pedestrian-only access on nights and weekends
 - (4) To create a cohesive development plan and community in conjunction with the current B-2 Shadyside District
 - (5) To establish a district with a coordinated and aesthetically attractive composition of building façades.
 - (6) To establish economic anchors to draw steady crowds, create an active street life and encourage spin-off businesses
 - (7) Elements to be considered:
 - (a) Dense/compact form
 - (b) Pedestrian-oriented
 - (c) Connected street network
 - (d) Well-defined edge
 - (e) Municipal anchors
 - (f) Economic anchors
 - (g) Mixed-use development
 - (h) Quality urban spaces
 - (8) Develop contextual design standards that ensure that the new development responds to the traditional architectural styles of the community:
 - (a) Adopt illustrative design standards
 - (b) Illustrate both building design and site design
 - (c) Address building type and architectural elements
 - (d) Address streetscape (proportions, roof types, pitches and materials)
 - (e) Review setback and height restrictions
 - (f) Create a height-to-width standards
- B. Zone designations. This zone shall be designated as the Mixed Use District – 3 (MXD-3) zone.
- C. Definitions. For purposes of this section only, the following definitions shall apply:

FLOOR AREA RATIO (F.A.R.)

The gross floor area of building or structures on a lot divided by the gross total lot area.

GROSS ACREAGE

The total land area of tax lots(s), including water bodies.

GROSS FLOOR AREA

The sum of the gross horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of the exterior walls or from the centerline of a common wall separating two buildings, but excluding any space with floor-to-ceiling height of less than six (6) feet six (6) inches. This does not include balconies, terraces or roofs.

In determining the gross floor area, any floor space that is constructed or intended to be used solely for parking motor vehicles, loading or unloading of motor vehicles, or for refuse storage chambers, refuse storage and material recovery chambers, material recovery chambers, refuse storage and material recovery rooms, refuse chutes, other types of facilities provided for the separation of refuse, or for access facilities for telecommunications and broadcasting services, or occupied solely by machinery or equipment for any lift, air-conditioning or heating system or any similar service, shall be excluded from the gross floor area of a building.

IMPERVIOUS SURFACE

A surface that has a coefficient of run-off of 0.75 or greater. No more than 50% of graveled areas shall be permitted to be applied as a pervious surface.

LOT COVERAGE

The portion of a lot that is covered by impervious surface. A green roof on any building or garage structure that provides adequate vegetation and passive recreation use for the occupants may be counted as pervious coverage at 75% (i.e. 100 SF of a “green” roof would count as 75 SF of pervious ground surface).

NET ACREAGE

The total land area of a tax lot, excluding water bodies.

PERVIOUS COVERAGE

The percentage of a lot covered by pervious surface(s).

PERVIOUS SURFACE

Any surface that does not meet the definition of an impervious surface.

D. Uses.

(1) Permitted uses.

- (a) Hotels (above 1st floor)
- (b) Office (above 1st floor)
- (c) Multi-family residential (above 1st floor)
- (d) Retail and service establishments, excluding automobile sales
- (e) Restaurants
- (f) Financial institutions (no drive-thru)
- (g) Workshops for craftsmen (artists, carpenters, etc.) *with a retail component only*
- (h) Child care centers
- (i) Real estate offices

(2) Conditional uses.

- (a) Essential Services, subject to §240-142
- (b) Veterans, Civic, and community Clubs, subject to §240-146

(3) Accessory uses.

- (a) Off-street parking and loading facilities, including parking decks
- (b) Signs
- (c) Fences
- (d) Child-Care Centers, subject to §240-140

E. Lot, height and yard restrictions. See Chapter 240, Schedule X-2.

F. Desired design standards. The same design standards set forth in §240-130C are applicable to the MXD-3 zone.

G. Signs. Signage shall be subject to the requirements of Article XVIII of this Chapter.

H. Other provisions superseded. In the event of any inconsistency between the provisions of this section and any other section of Chapter 240, the provisions of this section shall prevail.

Section 5. Chapter 240, Schedule X-1 is hereby deleted in its entirety and replaced as follows:

Zone	Permitted Uses	Conditional Uses	Accessory Uses
MXD -1	1. Hotels (above 1 st floor) 2. Office (above 1 st floor) 3. Multi-family Residential (above 1 st floor) 4. Retail and service establishments,	1. Essential Services, subject to 240-142 2. Veterans, Civic, and community	1. Off-street parking and loading facilities, including parking decks 2. Signs 3. Fences

	excluding automobile sales 5. Restaurants 6. Financial Institutions (no drive-thrus) 7. Workshops for craftsmen (artists, carpenters, etc.) <i>with a retail component</i> 8. Child Care Centers 9. Real Estate Offices	Clubs, subject to §240-146	4. Child-Care Centers, subject to §240-140
MXD -2	1. Hotels 2. Office 3. Multi-family Residential (above 1 st floor) 4. Retail and service establishments, excluding automobile sales 5. Restaurants 6. Financial Institutions (no drive-thrus) 7. Workshops for craftsmen (artists, carpenters, etc.) <i>with a retail component</i> 8. Child Care Centers	1. Essential Services, subject to 240-142 2. Veterans, Civic, and community Clubs, subject to §240-146	1. Off-street parking and loading facilities, including parking decks 2. Signs 3. Fences 4. Child-Care Centers, subject to §240-140
MXD -3	1. Hotels (above 1 st floor) 2. Office (above 1 st floor) 3. Multi-family Residential (above 1 st floor) 4. Retail and service establishments, excluding automobile sales 5. Restaurants 6. Financial Institutions (no drive-thrus) 7. Workshops for craftsmen (artists, carpenters, etc.) <i>with a retail component</i> 8. Child Care Centers 9. Real Estate Offices	1. Essential Services, subject to 240-142 2. Veterans, Civic, and community Clubs, subject to §240-146	1. Off-street parking and loading facilities, including parking decks 2. Signs 3. Fences 4. Child-Care Centers, subject to §240-140
R-5	1. Any R-3 Zone permitted principal use under the same conditions prescribed within 2. High-rise multi-family developments subject to §240-126	Any R-1 Conditional Use as prescribed within	1. Any R-4 Accessory use under the same conditions as prescribed therein 2. As part of high-rise or senior development on the first floor or mezzanine only: <ol style="list-style-type: none"> Restaurants/cafes Salons (hair, nail, spa) Professional and medical offices

Section 6. Chapter 240 of the Borough of Edgewater Code shall be amended and supplemented by deleting any and all references to the B-2A zone in the following code sections:

§ 240-103. **Number of buildings restricted.**

§ 240-105. **Limitation on number of uses on each lot.**

Section 7. Chapter 240 of the Borough of Edgewater Code shall be amended and supplemented by deleting any and all references to the B-2A zone in the following code sections and replacing same with reference to the MXD-1, MXD-2 and MXD-3 zones:

§ 240-125. **Child-care facilities.**

§ 240-161. **Regulations governing nonresidential zone districts.**

§ 240-171. Permitted uses.

§ 240-187. Permissible locations.

Section 8. Chapter 240, § 240-115 is hereby deleted in its entirety and replaced as follows:

§ 240-115. Landscaped and buffer areas.

A landscape buffer area shall be provided along all external property lines, except for properties with frontage along the Hudson River where the applicant shall be required to install a riverfront walkway pursuant to this chapter. The following landscaping requirements shall apply:

	Buffer From Adjacent Nonresidential Use (feet)	Buffer From Residential Use (feet)
R-3	10*	10*
R-4	15	20
R-5	15	25
MCRD	15	25
CBD	10	15
B-1	0	10
B-3	15	25
B-4	0	10
OR-1	15	25
MXD-1	10	10
MXD-2	10	10
MXD-3	10	10

NOTES:

* Except for permitted one- and two-family residences in an R-3 Zone, where no buffer is required.

- A. The landscape area shall provide a year-round visual screen to minimize adverse impacts from the site on adjacent properties.
- B. If the landscape area is less than 10 feet wide, the applicant may be required to erect and landscape a six-foot-high stockade fence within the buffer area parallel to the lot line of the abutting residential lot.
- C. The landscape areas shall be maintained and kept clean of all debris, rubbish, weeds and tall grass. Any screen planting shall be maintained permanently, and any plant material which does not live shall be replaced within one year or one growing season.
- D. No structure, activity, storage of materials, driveways or parking of vehicles shall be permitted in the landscape area, except permitted signs as specified in the district regulations. Driveways may be permitted to bisect the landscape area only to provide direct vehicular access from the street into the lot.
- E. Requirements for planting in landscape area.
 - (1) A solid and continuous landscaped screen shall be planted and maintained to conceal the parking and loading areas, eliminate the glare of vehicle lights throughout the year and camouflage the building from the abutting residential areas. The landscaped screen shall consist of evergreen trees, such as hemlock, Douglas fir, Norway spruce, etc. Evergreen trees shall not be less than eight feet high when planted, and the lowest branches shall be not more than one floor above the ground. In the event that the existing evergreen trees do not cover the required area from the ground, said landscaping screen shall be supplemented with evergreen shrubbery.
 - (2) In addition to the landscaped screen, shade trees shall be planted by the applicant at a distance of not more than 40 feet from each other.

(3) If the landscape area includes existing growth of evergreen and deciduous trees and shrubbery, but not enough to provide a suitable screen as required above, existing trees and shrubbery may remain and shall be supplemented by additional evergreen plantings to provide the required landscaped screen. In the event that the approving authority finds that additional plantings of evergreens will not grow satisfactorily in said buffer areas, a stockade fence(s) six feet high shall be erected in the buffer area.

F. The approving authority shall have the power to waive any of the requirements or details specified above if it determines an adequate buffer can be provided in less than the required width while maintaining the purposes of this section. The approving authority, when considering waiving any of the buffer requirements, shall review the proposed plat and the standards and purposes of this chapter and, to these ends, shall consider the location of buildings, parking areas, outdoor illumination and topographic features of the area, and existing features, such as trees and streams; the efficiency, adequacy and safety of the proposed layout of driveways, streets, sidewalks and paths; the adequacy and location of screening and parking areas, structures and uses; and such other matters as may be found to have a material bearing on the above standards and objectives.

Section 9. The following parcels, identified by block and lot, shall be zoned as indicated, and the Borough of Edgewater Zoning Map authorized by §240-93 shall be amended as necessary in accordance therewith:

Property Address	Block	Lot(s)	Zone Designation
556-96 RIVER ROAD	80	1	R-5
410 RIVER ROAD	85.02	3	MXD-1
440 RIVER ROAD	85.02	4	MXD-2
458 RIVER ROAD	85.02	5.01	MXD-2
OLD RIVER ROAD	86	19	PD
MOUNTAINSIDE OLD RR TUNNEL	86	20.01*	MXD-1
OLD RIVER ROAD	86	20.02	MXD-1
MOUNTAINSIDE OLD RR TUNNEL	86	20.04	MXD-1
388 OLD RIVER ROAD	86	20.06	MXD-1
330 OLD RIVER ROAD	86	22	MXD-1
340-A OLD RIVER ROAD	86	24	MXD-1
342 OLD RIVER ROAD	86	25	MXD-1
352 OLD RIVER ROAD	86	27	MXD-1
360 OLD RIVER ROAD	86	28	MXD-1
360 OLD RIVER ROAD	86	29.01	MXD-1
360 OLD RIVER ROAD	86	29.02	MXD-1
364 OLD RIVER ROAD	86	30	MXD-1
366 OLD RIVER ROAD	86	31	MXD-1
370 OLD RIVER ROAD	86	32	MXD-1
368 OLD RIVER ROAD	86	33	MXD-1
99 GORGE ROAD	88	1	R-5
100 THOMPSON LANE	88	11.02	R-5
180 OLD RIVER ROAD	89	4	MXD-1
65 GORGE ROAD	90	41.01	R-5
225 RIVER ROAD	91	1**	R-5
235 OLD RIVER ROAD	91.01	1.01	R-5
190 OLD RIVER ROAD	92.01	1.01	R-5
163 OLD RIVER ROAD	93	1	MXD-3
143 OLD RIVER ROAD	93	1.01	MXD-3
OLD RIVER ROAD	93	1.02	MXD-3
OLD RIVER ROAD	93	2.02	MXD-3
114 RIVER ROAD	93	3	MXD-3
137 OLD RIVER ROAD	93	3.03	MXD-3
108 RIVER ROAD	93	3.04	MXD-3
125 OLD RIVER ROAD	93	4	MXD-3
178 OLD RIVER ROAD	94	1	MXD-1
178 OLD RIVER ROAD	94	2	MXD-1
145 RIVER ROAD	95	1	R-5
115 RIVER ROAD	96	3.03	R-5
115 RIVER ROAD-PIER	96	3.04	MXD-1

RIPARIAN	96	4.01	R-5
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* from easternmost boundary of parcel to a line 120' west thereof

** southern portion of property known as Development Unit B, having an area of 135,959 sq. ft. or 3.12 acres

A map indicating the new proposed zoning boundaries is attached hereto for illustrative purposes only. In the event of a conflict between the boundary lines indicated on the map and the zone designation for specific parcels set forth in the above chart, the provisions of the chart shall prevail.

Section 10. The following parcels, identified by block and lot, shall be zoned as indicated, and the Borough of Edgewater Zoning Map authorized by §240-93 shall be amended as necessary in accordance therewith:

Property Address	Block	Lot(s)	Zone Designation
510 OLD RIVER ROAD	86	3	R-3
OLD RIVER ROAD	86	4.01	R-3
OLD RIVER ROAD	86	4.02	R-3
OLD RIVER ROAD	86	5.01	R-3
436 OLD RIVER ROAD	86	6	R-3
414 OLD RIVER ROAD	86	10	R-3
340 OLD RIVER ROAD	86	23	MXD-1
135 OLD RIVER ROAD	93	2.01	MXD-1

The above parcels were re-zoned pursuant to Ordinance No. 1485-2012, which Ordinance was upheld on appeal by the Superior Court, Bergen County Vicinage. Although not specifically addressed in the recent Master Plan Reexamination, it is the intent of the Master Plan Reexamination, as confirmed by the Planning Board, that these parcels retain their zoning designations as indicated above.

A map indicating the new proposed zoning boundaries is attached hereto for illustrative purposes only. In the event of a conflict between the boundary lines indicated on the map and the zone designation for specific parcels set forth in the above chart, the provisions of the chart shall prevail.

Section 11. The following parcels, identified by block and lot, shall be zoned as indicated, and the Borough of Edgewater Zoning Map authorized by §240-93 shall be amended as necessary in accordance therewith:

Property Address	Block	Lot(s)	Zone Designation
280 OLD RIVER ROAD	88	11.01	B-2

Previously, Lot 11.02 - identified as "Lot 11 (west of Thompson Lane)" - was rezoned pursuant to Ordinance No. 1485-2012, which Ordinance was upheld on appeal by the Superior Court, Bergen County Vicinage. Lot 11.01 was not rezoned pursuant thereto. For purposes of clarification, although not specifically addressed in the recent Master Plan Reexamination, it is the intent of the Master Plan Reexamination, as confirmed by the Planning Board, that the above-referenced parcel retain its prior zoning designation as indicated above, due to the fact that it is already developed for a commercial use and is appropriately zoned B-2.

Section 12. Chapter 240, Schedule X-2 is amended and supplemented by revising the standards for the R-5 zone, adding standards for the MXD-1, MXD-2 and MXD-3 zones, and deleting all references to the B-2A zone, as follows:

Zone	Minimum Lot Area (sq. feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Maximum Building Coverage	Maximum Impervious Coverage	Maximum Building Height (stories/feet)	Floor Area Ratio	Bonus F.A.R.*	Density (du/ac)
R-5												
Mid-Rise	80,000	200	200	50	25	40	35%	75%	6/70	1.25	0.25	30
High-Rise	80,000	200	200	50	25	40	55%	75%	20/220**	2.75	0.25	100
Senior	100,000	300	100	25	25	25	55%	80%	14/150	2.75	0.25	110
MXD-1	20,000	100	N/A	0/10***	None	20	75%	90%	5/60	3.0	0.25	50
MXD-2	40,000	200	N/A	15	20	35	70%	85%	14/150	3.25	0.25	100

MXD-3	20,000	100	N/A	15	20	20	75%	90%	9/110	3.0	0.25	50
NOTES: * Allowable increase in F.A.R. if 15% of residential units are affordable housing units. Units may be provided off-site in the Borough of Edgewater. ** Sliding scale of building coverage and building height: building height may be increased by 1 story/10' for each percentage decrease in building coverage *** Maximum front yard of 10' if on-street dining is provided												

Section 13. Section 240-131 of the Borough of Edgewater Code shall be renamed “Supplemental regulations for R-5 zone parcels adjacent to Shadyside District and River Road.” The existing text of section 240-131 shall be deleted in its entirety and replaced as follows:

§ 240-131. Supplemental regulations for R-5 zone parcels adjacent to Shadyside District and River Road.

All parcels zoned R-5 adjacent to the B-2 Shadyside District and River Road, defined as Block 91.01, Lot 1.01 and Block 92.01, Lot 1.01, are and shall be subject to the following requirements:

A. Distribution of uses.

- (1) Public open space. The area extending southward from Thompson Lane, for a distance of minimally 125 feet measured along Old River Road, and minimally 150 feet along River Road, shall be retained as an open space element. Such area shall be designed as a public gathering area or gazebo, incorporating landscaping and water amenities.
- (2) The area south of the public open space shall be devoted to parking. This, in conjunction with the aforementioned open space feature, will serve to ensure the retention of a view shed to the Hudson River and New York City skyline. The parking area may consist of deck parking, provided that the maximum height of a parking deck shall be four feet above the finished grade along Old River Road.
- (3) A minimum setback of 350 feet from the southerly right-of-way line of Thompson Lane to the proposed mixed-use building.
- (4) Mixed commercial and residential use buildings shall be permitted, provided that multifamily residential units be located above the first story of any structure in which the first floor is devoted to retail and/or service commercial use.
- (5) Building setbacks to property lines and internal driveways.
 - (a) All buildings shall be set back a minimum of 20 feet from Old River Road.
 - (b) All buildings shall be set back a minimum of 35 feet from River Road.
 - (c) The minimum setback distance between the senior citizen residence and all other buildings shall be 200 feet.
 - (d) Buildings shall be set back a minimum distance of 10 feet from all internal driveways.

B. Maximum building length and orientation.

- (1) Buildings shall have an east/west orientation, with the longest dimension perpendicular to Old and New River Roads. The maximum length shall be 210 feet. All buildings exceeding a linear dimension of 100 feet shall be required to have building offsets every 50 feet with each offset consisting in a break in the linear plan of the building of a minimum of 2 1/2 feet.
- (2) Related architectural elements which preclude a continuous uninterrupted facade building length may also be utilized to achieve a break in the linear dimension of the building walls. All building foundations shall be appropriately landscaped.

Section 14. Planning Board review.

Upon approval of this Ordinance upon First Reading by the Mayor and Council of the Borough of Edgewater, this Ordinance shall be transmitted to the Planning Board for its review and recommendation.

Section 15. Severability.

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

Section 16. Effective date.

This Ordinance shall take effect immediately upon final publication as required by law.

Section 17. Repeal of inconsistent ordinances.

All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

JAMES DELANEY, Mayor

ATTEST:

BARBARA RAE, RMC, CMC
Borough Clerk

INTRODUCED: July 14, 2014
ADOPTED: September 15, 2014
APPROVED: September 15, 2014

The Administrator confirmed receipt of the certification of publication of Ordinance 1512-2014 in the July 28th, 2014 edition of the Record.

The Mayor opened the meeting to the public to comment on Ordinance 1512-2014 and the following were heard:

Valory Bardinas, 16 Hudson Terrace:

- Explained why she does not agree with changing the Code.
- Believes it's bad planning and that the Council should reject the Plan.

Kathy Krickovich, North Bergen:

- Asked about the 2012 Ordinance.
- Asked if Notices about today's meeting were sent. Borough Attorney Boggia responded.
- Distributed demographic study for the Edgewater Public Schools.
- Borough Attorney Boggia responded to question about whether or not the study was considered.
- References page 12 of Study. Asked about number of iPark units. Borough Attorney Boggia responded.
- Questioned Section 9 of the Ordinance. Borough Attorney Boggia responded.
- Asked the differences between the 2012 Ordinance and the 2014 Ordinance. Borough Attorney Boggia responded.

Mary Hogan, 606 Undercliff Avenue:

- Believes review of Master Plan is bogus.
- Said Plan being amended to benefit Mr. Daibes not for the betterment of the Borough.

Borough Attorney Boggia commented about the affects of the 2012 Reexamination of the Master Plan, the 2013 Ordinance and the litigation brought by Ms. Krickovich. Noted that the validity of the 2013 Ordinance was upheld. This Ordinance reaffirms the recommendations contained in the April 2014 Master Plan Reexamination.

No one else wished to be heard therefore the Mayor closed the meeting to the public to comment on Ordinance 1512-2014.

The Administrator then read the following:

MOTION

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

AN ORDINANCE OF THE BOROUGH OF EDGEWATER, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 240 OF THE BOROUGH CODE TO IMPLEMENT AND REAFFIRM THE RECOMMENDATIONS CONTAINED IN THE APRIL 2014 MASTER PLAN REEXAMINATION AS APPROVED BY THE PLANNING BOARD is hereby adopted.

On roll call the vote was as follows:

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

2.1514-2014 An Ordinance of the Borough of Edgewater, in the County of Bergen, New Jersey, Amending Ordinance No. 1474-2012 of the Borough Finally Adopted on May 24, 2014 Providing for Various Improvements to Veteran’s Field in and For the Borough of Edgewater and Appropriating \$13,700,000 Therefor, and Providing for the Issuance of \$13,015,000 In bonds or Notes of the Borough of Edgewater to Finance the Same

The Administrator read the Notice of Ordinance and Ordinance No. 1514-2014.

Notice is hereby given that the following proposed Ordinance was introduced at a meeting of the Mayor and Council of the Borough of Edgewater, State of New Jersey held on the 11th day of August, 2014 and given its first reading, and the same was then ordered to be published according to law, and that said Ordinance will be further considered for final reading and adoption at a meeting of the said Mayor and Council to be held in the Nancy Merse Council Chambers, 55 River Road, Borough of Edgewater, New Jersey on the 15th day of September, 2014 at 7:00 pm or as soon thereafter that the matter can be reached, at which time and place all persons interested will have an opportunity to be heard concerning said Ordinance.

The said Ordinance is as follows:

ORDINANCE NO 1514-2014

AN ORDINANCE OF THE BOROUGH OF EDGEWATER, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING ORDINANCE NO. 1474-2012 OF THE BOROUGH FINALLY ADOPTED ON MAY 24, 2012, PROVIDING FOR VARIOUS IMPROVEMENTS TO VETERAN’S FIELD IN AND FOR THE BOROUGH OF EDGEWATER AND APPROPRIATING \$13,700,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$13,015,000 IN BONDS OR NOTES OF THE BOROUGH OF EDGEWATER TO FINANCE THE SAME

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF EDGEWATER, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Ordinance No. 1474-2012 of the Borough of Edgewater, in the County of Bergen, New Jersey, finally adopted on May 24, 2012 (the "Prior Ordinance"), is hereby amended in full to read as follows:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Edgewater, in the County of Bergen, New Jersey (the "Borough"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$13,700,000 (representing an increase of \$4,000,000 from the Prior Ordinance) including the sum of \$685,000 (representing an increase of \$200,000 from the Prior Ordinance) as the down payment for the improvement or purpose pursuant to the Local Bond Law. The down payment has been made available by virtue of the provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$13,015,000 (representing an increase of \$3,800,000 from the Prior Ordinance) pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is for various improvements to Veteran's Field, including, but not limited to, re-aligning the baseball and softball fields, reconstructing the little league field, constructing a new parking lot, playground area and picnic area, re-constructing a portion of the north parking lot area, landscaping, lighting, and internal pathway improvements, constructing a Hudson River Waterfront Walkway including bank stabilization, decorative lighting, fencing, retaining walls, benches and trash receptacles, and environmental remediation, and including all other work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$13,015,000 (representing an increase of \$3,800,000 from the Prior Ordinance), and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$650,000 (representing an increase of \$100,000 from the Prior Ordinance) for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing bond ordinance is approved.

JAMES F. DELANEY, Mayor

ATTEST:

BARBARA RAE, RMC, CMC
Borough Clerk

INTRODUCED: August 11, 2014
ADOPTED: September 15, 2014
APPROVED: September 15, 2014

Discussion:

Mayor Delaney reviewed the Ordinance.

The Administrator confirmed receipt of the certification of publication of Ordinance 1514-2014 in the August 14th, 2014 edition of the Record.

The Mayor opened the meeting to the public to comment on Ordinance 1514-2014 and the following were heard:

Valory Bardinas, 16 Hudson Terrace:

- Objects to Ordinance.
- Mayor Delaney responded to questions.

Mary Hogan, 606 Undercliff Avenue:

- Asked about need to increase. Mayor Delaney and Administrator Franz responded.
- Discussion with Mayor Delaney, Administrator Franz and Borough Attorney Boggia.
- Believes the bidding is only for the remediation .and will have no money to upgrade.

Katie Jones, 359 Undercliff Avenue:

- Asked about keeping track of the Bond money. Administrator Franz responded.
- Asked about Waterside. Borough Attorney Boggia responded.
- Asked about putting Veteran's Field Budget on Borough's Website.

Valory Bardinas, 16 Hudson Terrace:

- Inquired about money and payments.
- Administrator Franz and Councilman Vidal responded.
- Spoke about difficulty in following Bond money.
- Administrator Franz to check website.
- Said Mr. Daibes wants to come back and wants to be paid for the work he does.
- Councilman Vidal disagreed that the Council would pay Waterside for the cleanup.

Comments by Councilman Henwood.

No one else wished to be heard therefore the Mayor closed the meeting to the public to comment on Ordinance 1514-2014.

The Administrator then read the following:

MOTION

September 15, 2014

INTRODUCED: Councilman Bartolomeo

SECOND: Councilman Vidal

AN ORDINANCE OF THE BOROUGH OF EDGEWATER, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING ORDINANCE NO. 1474-2012 OF THE BOROUGH FINALLY ADOPTED ON MAY 24, 2012, PROVIDING FOR VARIOUS IMPROVEMENTS TO VETERAN'S FIELD IN AND FOR THE BOROUGH OF EDGEWATER AND APPROPRIATING \$13,700,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$13,015,000 IN BONDS OR NOTES OF THE BOROUGH OF EDGEWATER TO FINANCE THE SAME is hereby adopted.

On roll call the vote was as follows:

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

COMMUNICATIONS/PETITIONS

None.

COMMITTEE/COUNCIL LIASON REPORTS

No reports at this time.

INTRODUCTION OF ORDINANCES

None.

RESOLUTIONS

Administrator Franz requested that Resolution 2014-218 on the Agenda be pulled.

A motion to approve Resolutions 2014-205 to 2014-217 and Resolutions 2014-219 to 2014-228 was made by Councilman Henwood and seconded by Councilman Monte.

On roll call the vote was as follows:

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

**RESOLUTION
2014-205**

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

WHEREAS the Mayor and Council have received two (2) requests from Sharon Carroll, requesting use of the Senior Citizen Bus and driver for transportation for a day trip to Demarest Farms, Hillsdale, NJ on Tuesday, September 30, 2014 (rain date Wednesday, October 1st) and the Ho-Ho-Kus Inn, departing from the Community Center at 9:15 a.m. and returning at 3:p.m.; and

WHEREAS the second trip will be a day trip to the Christmas Tree Shop in Paramus and lunch at Magiannos Restaurant in Hackensack, N.J. departing from the Community Center on Thursday, December 4, 2014 at 9:45 a.m. and returning at 2:00 p.m.; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that permission is hereby granted to Sharon Carroll's requests for use of the Senior Citizen Bus and driver upon availability on the above listed dates; and

BE IT FURTHER RESOLVED by the Mayor and Council that if for some reason the trip needs to be rescheduled, permission is hereby granted for the use of the bus based on availability.

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-206**

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

**A RESOLUTION AUTHORIZING THE BOROUGH OF EDGEWATER TO
EXECUTE AN AGREEMENT WITH THE COUNTY OF BERGEN TO
SUPERCEDE THE COOPERATIVE AGREEMENT DATED JULY 1, 2000 AND
AMENDMENTS THERETO ESTABLISHING THE COMMUNITY
DEVELOPMENT PROGRAM.**

WHEREAS certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended and HOME Investment Partnership Act of 1990, as amended; and Emergency Solutions Grant Act of 2012, and

WHEREAS it is necessary to supersede an existing interlocal services cooperative agreement for the County and its people to benefit from this program; and

WHEREAS, an agreement has been proposed under which the Borough of Edgewater and the County of Bergen in cooperation with other municipalities, will modify an Interlocal Services Program pursuant to N.J.S.A. 40:8A-1 et.seq.; and

WHEREAS, it is in the best interest of the Borough of Edgewater to enter into such an agreement,

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Edgewater that the agreement entitled "Three Year Cooperative Agreement": An Agreement Superseding the Cooperative Agreement dated July 1, 2000 – June 30, 2003, to clarify the planning and implementation procedures, and to enable the Municipality to make a Three Year irrevocable commitment to participate in the Community Development Program, the HOME Investment Partnership Act Program and the Emergency Solutions Grant program for the Program Years: 2015, 2016, 2017 (July 1, 2015 – June 30, 2018) to be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately in accordance with law.

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-207**

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

WHEREAS there is a need for a Permanent, Part-time School Crossing Guard; and

WHEREAS the following applicant has been serving in the position of Provisional, Part-time School Crossing Guard and has been recommended for appointment as Permanent, Part-time School Crossing Guard by the Police Department:

Nancy K. Vereen, Edgewater, NJ

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council that the applicants listed above is hereby appointed as a Permanent, Part-time School Crossing Guard; and

BE IT FURTHER RESOLVED that said appointment does not provide any benefits and the hours worked shall not exceed 19 hours per week; and

BE IT FURTHER RESOLVED that the applicant shall be paid an hourly rate as established by the current salary ordinance.

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-208**

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

WHEREAS, there exists in the Borough of Edgewater a Volunteer Fire Department and an application has been submitted for membership and approved by the Volunteer Fire Department Membership Committee, and

WHEREAS, the Bylaws of the Edgewater Volunteer Fire Department require approval of all applicants by the Mayor and Council, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the applicant listed below is hereby appointed as a member of the Edgewater Volunteer Fire Department effective immediately.

Hector M. Andujar
Edgewater, New Jersey

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-209**

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

WHEREAS, by resolution dated April 7, 1997, the Mayor and Council approved an agreement for payment in lieu of taxes relating to premises known as Block 91.01, Lot 1.01 and Block 92.01, Lot 1.01; and

WHEREAS said resolution provided that the terms of an agreement dated November 18, 1996 (the "PILOT Agreement") would be applicable to said premises; and

WHEREAS, the PILOT Agreement provided for the payment in lieu of taxes for a period of time until the date on which a mortgage loan with NJHMFA ("NJHMFA Mortgage") was paid in full, but in no event for a period in excess of fifty (50) years; and

WHEREAS, by resolution dated September 8, 1997, the Mayor and Council authorized the execution of the agreement in lieu of taxes with Edgewater Residential Communities, L.L.C. III ("Sponsor"); and

WHEREAS the NJHMFA Mortgage was partially paid off by Sponsor in December 2013 by a combination of new funds from U.S. Bank National Association and a ten (10) year mortgage loan balance promissory note from Sponsor's principals to NJHMFA, dated December 27, 2013, in the amount of \$7,000,000.00, which promissory note matures on December 27, 2023; and

WHEREAS, simultaneously with the execution of the \$7,000,000.00 loan, Sponsor and the NJHMFA executed a Deed Restriction, dated December 27, 2013, whereby certain regulatory restrictions required by the NJHMFA were continued in effect; and

WHEREAS Sponsor has contracted to sell the premises to a qualified purchaser, GMH Capital Partners, L.P. or its assigns ("GMH").

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council that the remaining provisions of the April 7, 1997 resolution and the September 8, 1997 resolution shall continue in force and effect.

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-210**

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

WHEREAS the Borough of Edgewater (Licensee) has a License Agreement with Tele-A-Page Communications, Inc., (Licensor) located at 188 Broadway, Suite 4, Woodcliff Lake, New Jersey 07677; and

WHEREAS the Licensor operates a radio transmission and receiving facility at 1530 Palisades Avenue, Fort Lee, New Jersey; and

WHEREAS the Licensor and Licensee executed a certain Tele-A-Page License Agreement on March 15, 1999 regarding the use of a portion of the facility located at said address; and

WHEREAS the Licensor and Licensee executed a renewal letter to extend the License Agreement from March 15, 2005 to March 14, 2012 (the "First Amendment"); and

WHEREAS the Licensor and Licensee executed an Amendment to extend the License Agreement from March 15, 2012 to March 14, 2017 (the "Second Amendment"); and

WHEREAS the Licensor and Licensee desire to amend the License Agreement under the terms as set forth in the Third Amendment to Tele-A-Page Communications License Agreement; and

WHEREAS the term of the License Agreement shall be from March 15, 2012 to March 14, 2017; and

WHEREAS the new monthly payment will increase the monthly rent from \$385.14 per month to \$785.14 per month, a \$400.00 increase due to the installation of the new antenna; and

WHEREAS the Chief Financial Officer has certified that funds are available for this purpose under the Budget Line Item 2602-054

JOSEPH IANNAONI, JR., C.F.O.

NOW, THEREFORE BE IT RESOLVED by the Governing Body that the Third Amendment to Tele-A-Page Communications License Agreement is hereby accepted; and

BE IT FURTHER RESOLVED by the Governing Body that the Mayor and Borough Clerk are hereby authorized to sign said amendment documents.

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-211**

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

WHEREAS, there exists in the Borough of Edgewater a Volunteer First Aid Squad and applications have been submitted for membership and approved by the Volunteer First Aid Squad, and

WHEREAS, the Bylaws of the Edgewater Volunteer First Aid Squad requires approval of all applicants by the Mayor and Council, and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that the applicants listed below are hereby appointed as members of the Edgewater Volunteer First Aid Squad:

1. Kainan (Sally) Wang
Edgewater, NJ 07020
2. Tiffany Villagran
Cliffside Park, NJ 07010
3. Stephanie Hernandez
Fairview, NJ 07022
4. Mercedes Longmore
Edgewater, NJ 07020

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-212**

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

A Resolution Awarding a Professional Services Contract to Phoenix Advisors, LLC to Conduct the Continuing Disclosure Survey and Perform Continuing Disclosure Compliance Services for the Borough

WHEREAS, the Borough of Edgewater requires the services of a professional financial consultant as a result of the United States Securities and Exchange Commission’s Municipalities Continuing Disclosure Cooperation (“MCDC”) Initiative; and

WHEREAS, the *Local Public Contracts Law, N.J.S.A. 40A:11-1*, et seq. permits the award of this professional services contract without the need for full public bidding procedures; and

WHEREAS, the Borough has reviewed a proposal dated August 22, 2014, for certain professional services in connection with the Borough’s continuing disclosure requirements from Phoenix Advisors, LLC (“Phoenix”) with offices at 4 West Park Street, Bordentown, New Jersey 08505, a copy of which proposal is attached hereto, and is desirous of awarding a Contract pursuant to the terms thereof; and

WHEREAS, the initial estimated cost of the services to be provided is \$950 for up to three researched issues and \$150 for each additional issue, plus \$650 and \$100 for each additional issue for services as a continuing disclosure agent, the final amount to be determined based on the specific services requested and rendered, but which shall not exceed the applicable bid or pay-to-play threshold, and the term of which Contract shall not exceed one (1) year; and

WHEREAS, WHEREAS the Chief Financial Officer has certified that funds are available for this purpose under the current budget – Finance Department line item:

JOSEPH IANNAONI, JR., C.F.O.

NOW, THEREOF, BE IT RESOLVED by the Mayor and Council of the Borough of Edgewater that a professional services contract is hereby awarded to Phoenix Advisors, LLC to provide Continuing Disclosure Compliance Services in compliance with the SEC’s MCDC Initiative, as more particularly set forth in the attached proposal dated August 22, 2014;

BE IT FURTHER RESOLVED that this contract is awarded without competitive bids as a “professional services” contract in accordance with *N.J.S.A. 40A:11-5(1)(a)(i)* of the *Local Public Contracts Law* because the subject matter of the contract is for professional services by a firm or professional authorized to practice within the State of New Jersey.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute a Contract for the above-referenced professional services, consistent with this Resolution.

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-213**

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

Resolution 2014-213, Salaries & Wages, is attached to the end of these minutes.

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-214**

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

Resolution 2014-214, Salaries & Wages, is attached to the end of these minutes.

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-215**

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

Resolution 2014-215, Services & Supplies, is attached to the end of these minutes.

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-216**

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

WHEREAS, the Borough of Edgewater has received a request from Detective Sergeant Brian Van Wattering to be paid for eighty (80) hours of compensation time that he has accumulated in his comp time bank; and

WHEREAS, the hourly rate to be paid to Detective Sergeant Van Wattering shall be \$66.94 for a total amount of Five Thousand Three Hundred Fifty Five and twenty cents (\$5,355.20); and

WHEREAS, I, Joseph Iannaconi, Jr., the Chief Financial Officer, hereby certify that funds shall be made available for this purpose; under line item for Salaries & Wages:

JOSEPH IANNACONI, Jr.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council that Detective Sergeant Van Wattering's request to be paid for eighty (80) hours of his banked compensatory time is hereby granted at the total amount not to exceed \$5,355.20 reducing his comp bank to 20 hours as per the Police Chief's memo dated September 4, 2014.

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-217**

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

WHEREAS, the Mayor and Council of the Borough of Edgewater have been advised of the proposed settlement of a property tax appeal filed by WMGK, LLC (hereinafter the "Tax Appeal"), under Docket Numbers 010416-2010; 008747-2011; 004692-2012; 003505-2013 and 003074-2014, and;

WHEREAS, the subject property is located at Block 75 Lot 8, and is more commonly known as 725 River Road on the tax assessment map of the Borough, and;

WHEREAS, the said Governing Body has been advised as to the merits of the subject tax appeal settlement by legal counsel and the Borough tax assessor, and;

WHEREAS, the proposed Tax Appeal settlement components are set forth in the Schedule "A" attached hereto and made a part hereof, and;

WHEREAS, it is in the best interest of the Borough to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Edgewater, that the settlement of the aforesaid Tax Appeal be finalized in accordance with provisions set forth the attached Schedule "A", and;

BE IT FURTHER RESOLVED that with respect to same, the Mayor, Borough Administrator, Borough Attorney and/or any other appropriate Borough official is hereby authorized to perform any act necessary to effectuate the purpose set forth in this Resolution.

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-219**

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

WHEREAS the Borough of Edgewater is in the beginning process of hiring candidates to be appointed to the position of Police Communications Clerk; and

WHEREAS successful candidates shall be assigned to work in the Edgewater Police Department under the direction of the Police Chief and ranking shift commanders; and

WHEREAS by supplementing the various shifts with Police Communications Clerks, this will allow additional Police Officers to patrol the streets of the Borough; and

WHEREAS, Debbie Yuan Shirinian has made application for this position and was successfully interviewed and recommended by the Police Chief to serve in the position of Police Communications Clerk; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that Debbie Yuan Shirinian is hereby appointed to serve in the position of Police Communications Clerks effective September 8, 2014 pending a successful completion of a background investigation, training, a physical, drug and alcohol test and proof of a valid driver's license:

BE IT FURTHER RESOLVED this position is a full-time position that consists of a 35 hour work week schedule which shall be assigned by the Police Chief; and

BE IT FURTHER RESOLVED that the salary for this position shall be \$28,000 with full medical benefits with an employee contribution towards the health plan premium.

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-220**

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

WHEREAS there is a need for a Part-time School Crossing Guards; and

WHEREAS the following applicant have made application for the position of Provisional, Part-time School Crossing Guards and have been recommended for appointment as Provisional, Part-time School Crossing Guards:

Laura A. Peluso, Edgewater, NJ
Melina Kyres, Edgewater, NJ

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council that the applicants listed above are hereby appointed as Provisional, Part-time School Crossing Guards effective September 4, 2014; and

BE IT FURTHER RESOLVED that said appointments do not provide any benefits and the hours worked shall not exceed 19 hours per week; and

BE IT FURTHER RESOLVED that the applicants shall be paid an hourly rate as established by the current salary ordinance.

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-221**

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

A Resolution Awarding a Professional Services Contract to McNerney & Associates, Inc. to Prepare an Appraisal Report for 905 River Road (Towne Center)

WHEREAS, the Borough of Edgewater requires the services of a professional Real Estate Appraisal Services; and

WHEREAS, the *Local Public Contracts Law, N.J.S.A. 40A:11-1*, et seq. permits the award of this professional services contract without the need for full public bidding procedures; and

WHEREAS, the Borough has reviewed a proposal dated August 15, 2014, submitted by Robert McNerney, of McNerney & Associates, Inc., 266 Harristown Rd., PO Box 67, Glen Rock, NJ 07452-0067 to prepare an appraisal report tax appeal that covers the 2011-2014 tax years and involves the property owned by DDR Southeast Edgewater, LLC, which is located at 905 River Road (i.e. the Edgewater Towne Center); and

WHEREAS, the initial proposed cost of the services to be provided is Nine Thousand Five Hundred Dollars and zero cents (\$9,500.00) and will include out of pocket expenses and in addition to said professional fee, McNerney & Associates, Inc. shall be compensated at a rate of \$100.00 per hour for any time expended by them should they become involved in any litigation or legal proceeding in this matter; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose under the

JOSEPH IANNAONI, JR., C.F.O.

WHEREAS said fees shall not exceed the applicable bid or pay-to-play threshold and the term of the contract shall end when the appeal for said property has been finalized; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Edgewater that a professional services agreement is hereby awarded to McNerney & Associates, Inc. to prepare an appraisal report regarding the above captioned matter in an amount not to exceed \$9,500.00); and

BE IT FURTHER RESOLVED that this contract is awarded without competitive bids as a “professional services” contract in accordance with *N.J.S.A. 40A:11-5(1)(a)(i)* of the *Local Public Contracts Law* because the subject matter of the contract is for professional services by a firm or professional authorized to practice within the State of New Jersey.

BE IT FURTHER RESOLVED that the Borough Attorney is hereby authorized to prepare an agreement between the Borough of Edgewater and McNerney & Associates, Inc. for the professional services as outlined above; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute said Agreement consistent with this Resolution.

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-222**

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

WHEREAS, the Mayor and Council of the Borough of Edgewater have been advised of the proposed settlement of a property tax appeal filed by MMGK, LLC (hereinafter the “Tax Appeal”), under Docket Numbers 010418-2010; 008749-2011; 004689-2012; 003503-2013 and 003076-2014, and;

WHEREAS, the subject property is located at Block 46 Lot 3.02, and is more commonly known as 935 River Road on the tax assessment map of the Borough, and;

WHEREAS, the said Governing Body has been advised as to the merits of the subject tax appeal settlement by legal counsel and the Borough tax assessor, and;

WHEREAS, the proposed Tax Appeal settlement components are set forth in the Schedule “A” attached hereto and made a part hereof, and;

WHEREAS, it is in the best interest of the Borough to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Edgewater, that the settlement of the aforesaid Tax Appeal be finalized in accordance with provisions set forth the attached Schedule “A”, and;

BE IT FURTHER RESOLVED that with respect to same, the Mayor, Borough Administrator, Borough Attorney and/or any other appropriate Borough official is hereby authorized to perform any act necessary to effectuate the purpose set forth in this Resolution.

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-223**

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

**OLD RIVER ROAD STREETSCAPE
CONSTRUCTION MANAGEMENT SERVICES**

WHEREAS the Borough of Edgewater has received bids for the Streetscape Improvements to Old River Road at Thompson Lane which is funded through a New Jersey Department of Transportation Grant; and

WHEREAS, Neglia Engineering Associates, 34 Park Avenue, PO Box 426, Lyndhurst, NJ

07071 has submitted a proposal dated September 2, 2014 for the Construction Management services for said project outlining a Scope of Services in the amount not to exceed Twelve Thousand Five Hundred Dollars and Zero Cents (\$12,500.00); and

WHEREAS the Chief Financial Officer Joseph Iannaconi, Jr. has certified that funds are available as follows:

I, Joseph Iannaconi, Jr. have certified that funds are available for this project through Ordinance No. 1482:

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that the proposal for Professional Services submitted by Borough Engineer Neglia Engineering Associates in the amount not to exceed \$12,500.00 is hereby accepted; and

BE IT FURTHER RESOLVED by the Governing Body that the Mayor and Borough Clerk are hereby authorized to sign said proposal.

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-224**

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

Resolution Authorizing the Purchase of a New 2014 4WD Front End Loader

WHEREAS the Borough of Edgewater Department of Public Works utilizes various heavy equipment such as a front end loader to move material such as trash, recycling, snow, mulch and other forms of bulky heavy material throughout Edgewater and,

WHEREAS the current front end loader used for moving material such as trash, recycling, snow, mulch and other bulky heavy material is in need of replacing due to wear and age and,

WHEREAS the Borough of Edgewater Department of Public Works has recommended replacing its current front end loader and,

NOW THEREFORE BE IT RESOLVED by the Edgewater Mayor and Council that it hereby authorizes the Borough of Edgewater to purchase said equipment from the Middlesex Regional Educational Services Commission, a cooperative purchasing network which Edgewater is a member

BE IT FURTHER RESOLVED that said purchase of a 2014 John Deere 524K 4WD Loader be purchased from JESCO Equipment, 118 St. Nicholas Avenue, South Plainfield, New Jersey 07080 for a total amount of \$168,300.00

BE IT FURTHER RESOLVED that I, Joseph Iannaconi, Jr., Chief Financial Officer of the Borough of Edgewater has allocated the necessary funds for this purchase in capital bond ordinance 1502-2013 section 005:

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

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-225**

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

WHEREAS, the Mayor and Council of the Borough of Edgewater had adopted Resolution #2012-137 on April 16, 2012, which approved the settlement of a property tax appeal filed by Windsor at Mariner's Tower, under Docket Numbers 010398-2009; 001720-2010; 003704-2011, and;

WHEREAS, the aforesaid Resolution had settled the subject properties' tax assessment for the 2009, 2010, 2011 and 2012 tax years, and;

WHEREAS, per the provisions of N.J.S.A. 54:51A-8 (hereinafter the "Freeze Act"), the reduction authorized in the aforementioned Resolution for the 2012 tax year is deemed conclusive and binding upon the Borough for the two assessment years succeeding that tax year, provided that no Borough-wide revaluation or reassessment took place in the year in which Freeze Act relief is sought, and;

WHEREAS, the taxpayer has requested that Judgment be entered carrying forward the 2012 assessment reduction agreed upon in Resolution #2012-137 into the 2013 tax year, which is permitted per the provisions of the Freeze Act, and;

WHEREAS, a copy of the taxpayer's request is attached hereto as Exhibit "A", and;

WHEREAS, the aforesaid request has been deemed to be in accordance with the provisions of N.J.S.A. 54:51A-8, and therefore should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Edgewater, that the stipulated assessment for the 2012 tax year for the property located at Block 46 Lot 3.01 shall be carried forward into the 2013 tax year, per the provisions of N.J.S.A. 54:51A-8, and;

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Borough Administrator, Borough Attorney and/or any other appropriate Borough official is hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution.

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-226**

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

**A RESOLUTION AUTHORIZING THE BOROUGH OF EDGEWATER
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT with the MIDDELESEX
REGIONAL EDUCATIONAL SERVICES COMMISSION**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Middlesex Regional Educational Services Commission, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on September 15, 2014 the governing body of the Borough of Edgewater, County of Bergen, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Edgewater

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, Mayor James F. Delaney is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

CERTIFICATION

I, Barbara Rae, Municipal Clerk of the Borough of Edgewater do hereby certify that the above resolution was adopted by the Mayor and Council of the Borough of Edgewater at a meeting of said governing body held on September 15, 2014.

BARBARA RAE, RMC, CMC
Borough Clerk

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-227**

September 15, 2014

INTRODUCED: Councilman Henwood
SECOND: Councilman Monte

Authorize Auction of Surplus Motor Vehicles

WHEREAS the Borough of Edgewater is in possession of Surplus motor vehicles no longer needed for the efficient operation of municipal government and,

WHEREAS the following items listed will be offered for sale to the highest bidder on a date yet to be determined and,

WHEREAS it items cannot be sold at the starting bid, the auctioneer will have the discretion to amend said starting bid before declaring no sale and items are trashed and or recycled.

One (1) 2000 GMC 4X4 mason dump truck VIN # 1GDJK34R8YF496341 color green, mileage unknown, includes plow.

One (1) 1997 Ford Ambulance VIN # 1FDLE40F3VHB70304, color red and white, mileage unknown.

One (1) 2008 Tennant Sentinel Street Sweeper, SERIAL # Sentinel-7719, color white, mileage unknown.

One (1) 1997 Ford Crown Victoria VIN # 2FALP71W4VX213701, color white, mileage unknown.

NOW THEREFORE BE IT RESLOVED that the above referenced equipment will be sold as is with no warranties expressed or implied

BE IT FURTHER RESOLVED that the Borough of Edgewater is hereby authorized to auction the surplus motor vehicles no longer needed as described within.

All council members present voted aye. None opposed. None abstained.

**RESOLUTION
2014-228**

September 15, 2014

INTRODUCED: Councilman Henwood
SECOND: Councilman Monte

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 the need for and requires professional legal services in connection with the Veteran’s Field Improvement Project and therefore on March 26, 2014, adopted Resolution 2014-085 appointing Connell Foley, located at 85 Livingston Avenue, Roseland, NJ 07068

WHEREAS the Borough has an outstanding balance from Connell Foley with a balance due in in the amount of \$12,574.50; and

NOW, THEREFORE BE ADVISED that the Mayor and Council hereby approve the outstanding balance of \$12,574.50 to Connell Foley; and

BE IT FURTHER RESOLVED by the Mayor and Council hereby approve an additional fee not to exceed \$50,000 without prior council approval effective immediately; and

BE IT FURTHER RESOLVED that, I, Joseph Iannaconi, the Borough’s Chief Financial Officer hereby certifies that funds have been appropriated and are available for this purpose through Ordinance No. 1474-2012

All council members present voted aye. None opposed. None abstained.

At this time, Borough Attorney Boggia advised the Governing Body about a settled litigation involving property damage sustained by Oakdene Estates Condominium Association (“OECA”) during Tropical Storm Irene in August, 2009.

Administrator Franz then read the following in its entirety:

**RESOLUTION
2014-229**

September 15, 2014

INTRODUCED: Councilman Monte

SECOND: Councilman Doran

WHEREAS, the Borough of Edgewater commenced a lawsuit against First Indemnity of America, et al., in connection with property damage sustained by Oakdene Estates Condominium Association (“OECA”) during Tropical Storm Irene in August, 2009, which caused a retaining wall to fail resulting in damage to several units; and

WHEREAS, the Borough of Edgewater was named in a lawsuit filed by OECA seeking to have the Performance Bond posted by First Indemnity of America released to OEAC to cover the damages sustained by the condominium during the same tropical storm, and the Borough having been defended in said lawsuit by the Bergen County Joint Insurance Fund; and

WHEREAS, the parties to said lawsuits have reached a global settlement to resolve all claims between all respective parties, and

WHEREAS, the Borough of Edgewater wishes to conclude this matter and enter into said Settlement Agreement which has been negotiated by counsel for the Bergen County Joint Insurance Fund on behalf of the Borough, and

NOW THEREFORE, be it resolved by the Mayor and Council of the Borough of Edgewater that the Borough hereby approves the Global Settlement Agreement and Release prepared in this matter and authorizes the Borough representatives to execute said Settlement Agreement.

Discussion:

No discussion.

On roll call the vote was as follows:

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

Administrator Franz then spoke about the demolition of the Hess Oil Tanks at 615 River Road and read the following resolution in its entirety:.

**RESOLUTION
2014-230**

September 15, 2014

INTRODUCED: Councilman Monte

SECOND: Councilman Doran

WHEREAS Hess Oil located at 615 River Road Edgewater New Jersey 07020 is in the process of the demolition of all tanks and buildings within the site and,

WHEREAS Hess Oil has hired New Fields LLC of 22 West Street, Red Bank New Jersey 07701 as a site engineer responsible for waste water from the site and,

WHEREAS a New Jersey Department of Environmental Protection Treatment Works Approval application is necessitated as a result of remedial actions requiring excavation, offsite disposal of impacted soil and backfilling necessitating dewatering and,

WHEREAS pursuant to N.J.A.C. 7:14A-22.6(a)5, written consent of the governing body is required to certify that this project conforms with the requirements of all municipal ordinances

NOW THEREFORE BE IT RESOLVED that the Borough's appointed site engineer, Neglia Engineering Associates has reviewed the above request and supports the authorization of the State of New Jersey Department of Environmental Protection Division of Water Quality WQM-003 form

BE IT FURTHER RESOLVED that the Edgewater Mayor and Council authorize the mayor and appropriate municipal designee to sign the Hess Treatment Works Approval Application.

Discussion:

No discussion.

On roll call the vote was as follows:

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

NEW BUSINESS:

Councilman Henwood

Housing Authority Appointment

MOTION

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Vidal

Motion to appoint Dolores Lawlor to the Edgewater Housing Authority.

On roll call the vote was as follows:

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

NEW BUSINESS

Councilman Henwood spoke about a memo he had submitted about creating a dog run. Volunteers would clean it up. Liability could be an issue.

Councilman Bartolomeo spoke about the importance of speed bumps between Park and Orchard. Administrator Franz spoke about a request he received from a resident for a speed bump by Duck-Duck Park. All will be referred to the Borough Engineer.

ATTORNEY

Spoke about the Old River Road Parking Ordinance will be reviewed and discussed at the next meeting.

All other matters were deferred to the next meeting.

Binghamton

Spoke with Roger Gross today. He has entered into new lease with new operator who is seeking permits to remove ferry but also wants to seek approval to bring in a new boat facility to replace the old one. The matter will be discussed further at next meeting.

Closed Session Discussion:

Litigation:

Waterside Construction

Personnel:

A & E
Police Personnel
Police Department Negotiations
DPW Contract Negotiations

RESOLUTION AUTHORIZING EXECUTIVE SESSION

September 15, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Vidal

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:

_____L 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;
- XX 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;
- XX 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;
- _____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.
- XX 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	Yes
Councilman Monte	Yes
Councilman Vidal	Yes
Councilman Jordan	Absent
Councilman Bartolomeo	Yes

The governing body returned from Closed Session.

MOTION

September 15, 2014

INTRODUCED: Councilman Monte

SECOND: Councilman Doran

Motion to return to open.

On roll call the vote was as follows:

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

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

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

Administrator Franz then read the following:

**RESOLUTION
2014-218**

September 15, 2014

INTRODUCED: Councilman Henwood
SECOND: Councilman Doran

WHEREAS the Borough of Edgewater had created the position of Special Law Enforcement Officer as authorized by Borough Ordinance No. 1317-2005; and

WHEREAS, Ivan Cecilio, Edgewater, New Jersey, has been serving in the part-time position of Special Law Enforcement Officer since 2007 and has been recommended to be promoted to a full-time position of Special Law Enforcement Officer; and

NOW THEREFORE BE IT RESOLVED by the Governing Body that Ivan Cecilio, Edgewater, New Jersey is hereby appointed to the full-time position of Special Law Enforcement Officer effective September 3, 2014 and shall be paid a salary of \$28,000 which includes health benefits whereby he shall make medical premium contributions.

On roll call the vote was as follows:

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

MOTION

September 15, 2014

INTRODUCED: Councilman Monte
SECOND: Councilman Bartolomeo

Motion to adjourn.

On roll call the vote was as follows:

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

Gregory S. Franz for

Barbara Rae, RMC, CMC
Borough Clerk

APPROVED: October 20, 2014