

**MINUTES OF A WORK 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
OCTOBER 6, 2014**

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

PRESIDING: Mayor James F. Delaney

ALSO PRESENT: Administrator Gregory S. Franz, Borough Clerk Barbara Rae and Bill Betesh sitting in for Borough Attorney Philip Boggia.

ABSENT: Councilman Doran and Councilman Jordan

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

Councilman Vidal led the Pledge of Allegiance.

CONFERENCE

Mike Neglia and Dan Kaufman – Neglia Engineering Associates

Present to give update on Veterans Field since awarding the contract to Enterprise. – Preconstruction meeting held last week and contracts signed. – Progress moving forward and early this week will see work beginning. First Environment controlling that project with Neglia monitoring. the Schedule was established at the preconstruction meeting – Clean-up will begin this week. Schedule established at the preconstruction meeting. Mayor Delaney asked about the Little League Field. Mr. Neglia responded. Turf would be sooner. Comments by Councilman Henwood.

Grass in the big field will be longer.
Will be weekly conference calls.

OPEN MEETING TO PUBLIC

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

Mary Hogan, 606 Undercliff Avenue:

- Asked about the area around the American Legion and the Community Center.
- In her neighborhood, another car mirror was hit. Continues to be a problem as a two way street. Cars are bigger now.

Tom Tansey, 611 Undercliff Avenue:

- Little League Section of the Field was not contaminated nor was the Community Center area.
- Agrees that the Little League Field must be a priority. Explained why not in favor of Astro turf. Spoke about erosion.
- Spoke about cost of maintaining the field and why he is not in favor of Astro turf.

Denis Gallagher, 18 Arlington Terrace:

- Believes there is a junk yard in town.
- Mr. Daibes has a huge collection of junk and the Borough should look into it.

Councilman Henwood asked for clarification of Mr. Gallagher’s remarks about a junk yard.

Mike pjc , 1228 River Road:

- Believes Governing Body has a large undertaking.
- Listening to both sides re: artificial turf vs real
- Seeding is a long process.
- Asked about a timeline and Mr. Neglia responded.

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

MOTION

October 6, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

Motion to go out of the regular order of business

On roll call the vote was as follows:

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

ITEMS FOR CONSIDERATION AT NEXT REGULAR SESSION (10-20-14)

MINUTES:

1. September 15, 2014 Regular & Closed
2. September 24, 2014 Special

No questions or comments.

ORDINANCES:

Introduction: None

Adoption: None

RESOLUTIONS

1. **2014-233** Salaries & Wages
2. **2014-234** Salaries & Wages
3. **2014-235** Salaries & Wages
4. **2014-236** Services & Supplies
5. **2014-237** Authorize Solicitation for RFQ’s 2015
- 6.2014-238** Tax Lien Redemption – 100 Thompson Lane #4D

No questions or comments.

REQUESTS / MATTERS FOR DISCUSSION:

Mayor:

1. Remediation of Veterans Field

Spoke about fence line work.

Council President Henwood:

1. Edgewater Cemetery

- Referenced report and asked Mayor to appoint Committee to review condition, etc and report to Council.
- Administrator spoke about headstones, records, etc.
- Discussion about costs, funding, etc.

2. Dog Run

- Other towns have dog runs
- Cost is minimal.
- Liabilities, costs, funding, etc.

Mayor Delaney asked about supporting a resolution prohibiting tourist helicopters from Flying over the Hudson River. Councilman Henwood had spoken about this previously. Resolution will be on next Agenda.

Administrator Reports

1. Revised Mills & Schoerning Proposal – VFAS Headquarters

- Received revised proposal. Modified scope and costs.
- Lumps sum fee adjusted to \$94,840.00.
- Have no funding for this project.
- Probably looking at 1.5 million additional.
- Need to address in budget.
- Answered questions from Council.
- Discussion.

2. Leonia Shared Services

- Mechanic Service for Motor Pool.
- Referenced newspaper article, memo and misunderstanding.
- Asking if Governing Body would be interested in pursuing with Leonia.
- We could repair some of their motor vehicles and generate some revenue.
- Administrator spoke about current shared services that people are not familiar with.
- Get Best Practice credit.
- Council members think it is worth pursuing.

3. Towne Center

- Paul Kaufman dropped off information regarding Center.
- Have rendition.
- No application filed yet.
- Discussion.
- Could formulate an opinion.

4. Web Site

- Borough Clerk, Administrator and Purchasing Agent met with 3 companies.
- Spoke about the companies.
- Borough Clerk spoke on the issue. Believes it would be between E Gov and Civic Plus.
- Councilman Vidal spoke about the Yikes company and its ability to expand and create.
- Discussion.
- Further comments by Administrator.
- Resolution to be prepared for the next meeting.

5. Police Video Cameras

- State considering mandatory cameras in police vehicles and/or on person.
- To outfit all police officers is \$34,984.
- Explained why Chief is requesting on person cameras.
- Major issue is the storage of the videos. \$20,000 to 30,000 a year in video storage.
- Councilman Henwood spoke about Court Order in New York City. Could get the readings on that.
- Councilman Vidal suggested looking for grant for cameras. Ask Millennium.

6. Adopt a Park

- Borough Clerk spoke about person interested in adopting the Park on State Highway #5.
- Discussion included funding.
- Council approved.

7. First Environmental Proposal

- Next meeting will be presenting 3 Proposals.
- 1 proposal for work ongoing from previous month to now; a proposal for litigation support and a proposal for construction management for the remediation.
- Reviewed proposals.
- Councilman Henwood asked about costs and recovering money.

8. Best Practices

- Distributed Best Practices Worksheet and asked Governing Body to review prior to submission.
- Discussion about changes from last year.
- Administrator noted that the Borough had a very successful year.
- Referenced Municipal Audit and repeat issues and other municipalities.
- Will review some of the past Best Practices and see if corrections can be made.

9. Letter about deck issue on Veterans Way

- Deck is in compliance.
- It is really a “neighbor” issue.

10. Old River Road Parking Ordinance

- Met with Mr. Messeri.
- Borough Attorney made excellent points during meeting.
- Mr. Messeri’s Attorney had input.
- Asked Governing Body to review prior to next meeting.
- Hope to introduce Ordinance at next meeting and adopt at November meeting.
- Referenced costs for parking meters, etc.

11. Sidewalks at Marina

- Tom Quinton had vendor down to Marina.
- Sidewalks settling and sinking.
- Tom got quote of \$15,000 from vendor.
- Want to eliminate the trip hazards and liability.
- Tenafly doing asphalt.

ATTORNEY:

1. Creamer Environmental, Inc. and Evan Johnson vs. Borough of Edgewater Lawsuit

- Bill Betsch sitting in for Borough Attorney Boggia.
- Reported on Lawsuits.
- Items 1 and 2 are essentially the same.
- Lawsuits were disposed of in the Courts in the Borough’s favor.
- Creamer Litigation – selection of bids for remediation process. September 29th, 2014 lawsuit filed with Edgewater resident participating. Suit sought to block the award to Enterprise and to get an injunction against the remediation going forward. Noted that Creamer was the 4th

lowest bidder. 1.4 million higher than Enterprise. No explanation why an Edgewater resident would want to block the remediation process and have the contract awarded to a company that is going to cost the Borough 1.4 million collars more. Appeared before Judge Friscia. Request for injunction was denied. Found that arguments raised by parties were not material. However, before completing withdrawing the case the Judge asked that the Borough provide copies of the bid documents for review. Before Borough had a chance to comply, the very next day, the Borough received a letter from attorney informing the Borough that the law suit was being withdrawn. Councilman Henwood commended the Borough Attorney's response to the Judge.

- Krickovich Law suit – stems from Planning Board action in 2012 amending the Master Plan. Made recommendation to Governing Body to revise Zoning Ordinance to meet the language in the Master Plan. Purpose was to add some additional development zones to southern portion of the Borough. Krickovich, resident of North Bergen challenged application. Court ruled Borough properly amended the Ordinance. Appellate Division upheld the lower Court's decision. No further challenges.

ADMINISTRATOR

Millennium sent over late today memo today in regard to Trust Fund in regard to drainage project on River Road. Distributing memo. Responded to questions from Councilman Henwood. Discussion. Circulating memo also to Engineer.

Phil Boggia and I received correspondence from Paul Kaufman re: iPark. They want to transfer the affordable housing component to another developer, 45 River Road Associates. Have to amend the Agreement along with resolution. Expect that resolution at some point at future Council meeting.

MOTION

October 6, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

Motion to go back to the regular order of business

On roll call the vote was as follows:

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

CLOSED SESSION ITEMS:

Litigation:

1. Tim Corrison, Esq. - Veterans Field Litigation **pjc**

Personnel:

6. Tax Office
7. A & E - White Collar
8. A & E – Borough Clerk's Office
9. Police Department

Contract Negotiations

1. P.B.A. Negotiations
2. D.P.W. Negotiations

RESOLUTION AUTHORIZING EXECUTIVE SESSION

October 6, 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:

- _____ 1. Any matter which, by express provision of Federal law or State statute or court rule shall be rendered confidential or excluded from discussion in public;
- _____ 2. Any matter in which the release of information would impair a right to receive funds from the federal government;
- _____ 3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy;
- _____ 4. Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.
- _____ 5. Any matter involving the purchase, lease, or acquisition of real estate with public funds, the setting of a banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed;
- _____ 6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law;
- 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;
- XX 8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.
- _____ 9. Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or commission for which the responding party bears responsibility.

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

On roll call the vote was as follows:

Councilman Henwood	Yes
Councilman Doran	Absent

Councilman Monte	Yes
Councilman Vidal	Yes
Councilman Jordan	Absent
Councilman Bartolomeo	Yes

The governing body returned from Closed Session.

MOTION

October 6, 2014

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SECOND: Councilman Monte

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

Barbara Rae, RMC, CMC
Borough Clerk

APPROVED: November 10, 2014