

**BOROUGH OF EDGEWATER
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 2024-003**

**AN ORDINANCE CREATING A SPECIAL IMPROVEMENT DISTRICT WITHIN
THE BOROUGH OF EDGEWATER, COUNTY OF BERGEN, NEW JERSEY.**

BE IT ORDAINED by the Mayor and Council of the Borough of Edgewater, Bergen County, New Jersey as follows:

SECTION 1. FINDINGS

- a. The area within the Borough of Edgewater designated by the properties listed in the subsection 2 hereof would benefit from being designated as a Special Waterfront Walkway Improvement District;
- b. The creation of the Special Waterfront Improvement District (hereinafter "SID") would assist the Borough in promoting and planning development within such area designated by subsection 2 hereof by providing administrative, planning and other services to benefit the properties contained within the Special Improvement District;
- c. An assessment may be imposed on properties within the Special Improvement District and collected by the Borough of Edgewater with the regular property tax payment or payment in lieu of taxes and that such assessment shall be transferred to the SID to exercise the powers given to it by this Ordinance and to effectuate the purposes of N.J.S.A. 40:56-65, et seq.;
- d. It is in the best interests of the Borough of Edgewater and the public to create such Special Improvement District and to designate such SID, which corporation shall have a Board of Trustees chosen as provided in subsection 3 (a) hereof; and
- e. Public policy of the State of New Jersey permits the Borough Council to protect the public, its welfare and health and the interests of the public in the safe and effective movement of persons and to preserve and enhance the function and appearance of the properties designated in subsection 2 hereof by adoption of Special Improvement Ordinance.
- f. The legislature of the State of New Jersey created the Hudson River Waterfront Walkway and required the owners of property along the Hudson River to provide a waterfront walkway for the benefit of all of the public, so that the public could enjoy the spectacular views and natural surrounding along the river.

- g. That requirement has led to the costly construction and maintenance of the walkway by many property owners, many of whom have developed at their expense well maintained, safe and well-engineered walkways.
- h. The SID will provide for the continued preservation of those walkways, the creation of additional walkway areas, and the more consistent, efficient and effective maintenance of the walkway, along with encouraging proper safety is adhered to, and that proper funds are available to provide for the future of the walkway.

SECTION 2. DEFINITIONS

As used in this Section:

- a. Special Improvement District (hereinafter called "SID") shall mean an area within the Borough of Edgewater as designated by this section as an area in which an assessment on all property within the SID shall be imposed for the purpose of planning and promoting the economic and general welfare of the SID, the maintenance and preservation of the SID and the Borough of Edgewater.
- b. SID shall mean an entity created by municipal ordinance or incorporated pursuant to N.J.S.A. 5A:1-1, et seq. and designated by municipal ordinance as the then current entity to receive funds collected by an assessment within the SID by this section.
- c. Special Improvement District Description.

- 1. The following properties are hereby designated as included in the District:

BLOCK	LOT QUALIFIER	Location
1	1	1445 RIVER ROAD
1	4	441 RIVER ROAD
1	5	1439 RIVER ROAD
1	6	INTERSTATE PK ENTR
2	1	RIVER ROAD NORTH END
2	3	1551 RIVER ROAD
2	4	1541 RIVER ROAD
2	5	1531 RIVER ROAD
2	6	RIVER ROAD
2	7	RIVER ROAD NORTH END
2	8	1511 RIVER ROAD
2	9	RIVER ROAD NORTH END

12	4	RIVER ROAD NORTH
12	5	1375 RIVER ROAD
12	6.01	1375 RIVER ROAD
13	1	1-29 VELA WAY
17	1	1339 RIVER RD
17	2	1339 RIVER RD
17	3.02	1339 RIVER RD
18	1.03	1323 RIVER ROAD
18	1.04	1321 RIVER ROAD
18	1.20	MOORINGS LANE
18	2.01	27 MOORINGS LANE
21	2	1275 RIVER ROAD RIPARIAN LAND
22	1	1275 RIVER ROAD
22	2	1275 RIVER ROAD RIPARIAN LAND
22	4	1257 RIVER ROAD
25	1	1255 RIVER ROAD
25	2	HUDSON COVE
25	3	1225 RIVER ROAD
25	8	1203 RIVER ROAD
30	1	1167 RIVER ROAD
30	1.02 BLDG	1165 RIVER ROAD
30	1.03	RIVER RD.-REC AREA
33	1.01	1033-1077 RIVER ROAD
33	1.02	1111 RIVER ROAD
33	1.03	1111 RIVER ROAD
38	1	989 RIVER ROAD
38	1.01	955 RIVER ROAD
46	3.01	945 RIVER ROAD

46	3.02	935 RIVER ROAD
46	3 03	939 RIVER ROAD
46	3.04	941 RIVER ROAD
53	1	DPW RIVER ROAD
53	2.02	915 RIVER ROAD RIVER FRONT
58	1	905 RIVER ROAD
59	2.01	100 GRAND COVE WAY
59	2.02	200 GRAND COVE WAY
59	2.03	825 RIVER ROAD
67	1.01	799 RIVER ROAD-M LANDING
67	1.02	1000 PORTSIDE DRIVE
70	3	737 RIVER ROAD
70	4.01	725 RIVER ROAD
70	4.02	725 RIVER ROAD
75	2.02	725 RIVER ROAD
75	2.03	725 RIVER ROAD
75	8	725 RIVER ROAD
76	2.01	725 RIVER ROAD
76	5	615 RIVER ROAD
81	1	595 RIVER ROAD
82	1	575 RIVER ROAD
84.01	1.01	455 RIVER ROAD
84.01	1.02	541 RIVER ROAD
85.01	1.01	435 RIVER ROAD
85.01	2	361 RIVER ROAD
85.01	3.02	351 RIVER ROAD
85.01	3.03	357 RIVER ROAD
91	1	CITY PLACE AT THE PROMENADE

91	2	339 RIVER ROAD
91	3	195 RIVER ROAD
95	1	145 RIVER ROAD
96	3.03	115 RIVER ROAD
96	3.04	115 RIVER ROAD-PIER
99	1.01	45 RIVER ROAD-PR.STREETS
99	1.02	45 RIVER ROAD-HOME GOODS
99	1.03	45 RIVER ROAD-BLDG D
99	1.04	45 RIVER ROAD BLDG B-OYSTER
99	1.05	2 MAIN STREET C-1
99	1.06	45 RIVER ROAD - PR.STREETS
99	1.07	45 RIVER ROAD-BLDG F
99	1.08	65 RIVER ROAD-CVS
99	1.09	55 RIVER ROAD-BORO HALL
99	1.11	45 RIVER ROAD-GARAGE 1
99	1.12 7	5 RIVER ROAD
99	1.14	9 SOMERSET LANE
99	1.15	3 SOMERSET LANE
99	1.16	2 PEMBROKE PLACE
99	1.17	45 RIVER ROAD
99	1.18	3 PEMBROKE PLACE-MARRIOTT
99	1.19	8 SOMERSET LANE
99	1.24	PART OF 115 RIVER ROAD

2. Properties may be added or deleted from the SID only through adoption of an ordinance by the Borough Council of the Borough of Edgewater.

SECTION 3. ASSESSMENTS

The Special Improvement District as hereinabove described, shall be an area in which all of the property included therein, except as hereinafter stated, shall have imposed an

assessment for the purposes of planning and promoting the economic and general welfare of the SID and the Borough of Edgewater; provided that in any year no assessment shall be levied or imposed for any property within the SID which exceeds ten (10%) of the regular tax payment for such property. No assessment shall be levied on any property designated as tax exempt. In the event any entity makes a payment in lieu of taxes to the Borough of Edgewater, said entity shall be subject to the imposition of the assessment.

All property listed hereinabove and which is incorporated within the SID, shall be subject to payment of such assessment whether it is used for commercial or residential purposes.

The improvements and supplemental services in the SID will involve annual costs peculiar only to the SID and will be distinguished from improvements and services normally provided by the Borough. While improvements and supplemental services shall be maintained and operated pursuant to the provisions of this ordinance and to N.J.S.A. 40:56-65, et seq. and the costs thereof assessed or taxed to the properties pursuant to this section, such improvements and supplemental services shall not be substituted by the Borough for improvements and services now supplied to the proposed SID nor be grounds for curtailment of future improvements and services planned.

For the purposes of this section, the Board of Trustees shall hereby appoint an Executive Direction who shall assist the Borough of Edgewater in planning and promoting development and improvement within the SID. Said SID shall be incorporated pursuant to the provisions of Title 15A of the New Jersey Statutes and is hereby designated as eligible to receive the funds collected as assessment within the SID. The designation of the SID may be changed at any time or from time to time by ordinance ad Mayor and Council. In addition, the SID shall:

The allocation of assessments among the property owners, and the levying of any special assessments on any individual property owners, shall be as set forth in the Articles of Incorporation and/or By Laws of the SID and ratified by the Borough Council of the Borough of Edgewater.

- a. Have a Board of Trustees consisting of no more than seven (7) members, who shall be chosen as follows:
 1. Elected Trustees. There shall be seven (7) elected trustees all of whom must be of legal voting age, who shall be elected as hereinafter provided, who shall be voting members separated in to the following classifications:
 - (a) Property owners (five (5) seats).
 - (b) Retail establishment owners that are part of the SID (at least one (1) seat(s)).
 - (c) Residential property owners that are part of the SID (at least one (1)).

- (d) Resident-at-large of the Borough of Edgewater (one (1) seat) who shall hold a non-voting status.

The allocation of votes among the property owners shall be as set forth in the Articles of Incorporation and/or By Laws of the SID and ratified by the Borough Council of the Borough of Edgewater.

- 2. Appointed Ex-Officio Trustees. The appointed ex-officio trustees shall be: Mayor, or Mayor's designee, of the Borough of Edgewater, who shall be a voting member (one (1) seat), provided that:

- (a) If the Mayor's designee shall be ex-officio trustee said designee shall be appointed with advice and consent of Mayor and Council.
- (b) The Mayor shall not eligible to be Chairman.

3. Qualifications of Elected Trustees. All elected trustees, with the exception of the resident-at-large trustees, shall be persons who are responsible for payment of any special assessments created under the Special Improvement District, whether they are directly responsible to the Borough or by "pass through" from their landlord.

b. Exercise the Following powers:

- 1. Adopt bylaws for the regulation of its affairs and the conduct of its business and to prescribe the rules, regulations and policies in connection with performance of its functions and duties;
- 2. Employ such persons as may be required, and fix and pay their compensation from funds available to the SID;
- 3. Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money;
- 4. Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the SID, including contracts with any person, firm, corporation, governmental agency or other entity;
- 5. Administer and manage its own funds and accounts and pay its obligations;
- 6. Borrow money from private lenders for periods not to exceed one hundred (180) days and from governmental entities for that or longer periods;
- 7. Fund the improvement of the appearance of the walkway in the SID through grants or loans;

8. Fund the rehabilitation of the walkway property within SID;
9. Accept, purchase, rehabilitate, sell, lease or manage property in the SID;
10. Enforce the conditions of any loan, grant, sales or lease made by the SID;
11. Provide security, sanitation and other services to the SID supplemental to those provided normally by the Borough;
12. Undertake improvements designed to increase the safety or attractiveness of the SID to businesses and residents and visitors to the SID, including, but not limited to, litter cleanup and control, landscaping, parking operations and facilities, recreational and rest areas and facilities and those generally permitted for pedestrian walkway malls under Section Two of P.L. 1972 Chapter 13 (C. 40:56-66), pursuant to pertinent regulations of the Mayor and Council;
13. Publicize the SID and businesses included within the SID boundaries;
14. Organize special events in the SID;
15. Provide temporary decorative lighting in the SID.

Section 4. BUDGET

- a. The SID shall submit a detailed annual budget for approval by resolution of the Borough Council of the Borough of Edgewater, which annual budget shall be approved and adopted by a majority of the voting members of the Board of Trustees. The budget shall be submitted with a report which explains how the budget contributes to goals and objectives for the Special Improvement District.
- b. The budget shall be introduced, approved, amended and adopted by resolution passed by not less than a majority of the full membership of the Borough Council of the Borough of Edgewater. The procedure shall be as follows:
 1. Introduction and approval;
 2. Public advertising;
 3. Public hearing;
 4. Amendments and public hearing, if required; and
 5. Adoption.
- c. The budget shall be introduced in writing at a meeting of the Borough Council of the Borough of Edgewater. Approval thereof shall constitute a first reading which may be by title. Upon approval of the budget by the governing body, it shall fix the time and place for the holding of a public hearing upon the budget.

- d. The Budget shall be advertised after approval. The advertisement shall contain a copy of the budget and shall set forth the date, time and place of the hearing. It shall be published at least ten (10) days prior to the date fixed therefor in the publication or publications designated by the Borough Council for the publication of such notices.
- e. No budget shall be adopted until a public hearing has been held thereon and all taxpayers and persons having an interest therein shall have been given an opportunity to present objections. The hearing shall be held no less than twenty-eight (28) days after approval of the budget.
- f. The public hearing shall be held at the time and place specified in the advertisement therefor, but may be adjourned from time to time until the hearing is closed. The budget, as advertised, shall be read at the public hearing in full, or it may be read by its title, if:
 - 1. At least one (1) week prior to the date of the hearing a complete copy of the approved budget as advertised:
 - (a) Shall be posted in a public place where public notices are customarily posted in the Borough Hall of the Borough of Edgewater, and
 - (b) Is made available to each person requesting the same, during that week and during the public hearing, and
 - 2. The Borough Council shall, by resolution passed by not less than a majority of the full membership, determine that the budget shall be read by its title, and declare that the conditions set forth in Section 4 of this Ordinance have been met. After closing the hearing, the Borough Council may adopt the budget, by title without amendment, or may approve subsection before adoption.
- g. The Borough Council may amend the budget during or after the public hearing. No amendment by the Borough Council shall be effective until taxpayers and all persons having an interest therein shall have been granted a public hearing hereon, if the amendment shall:
 - 1. Add a new item in an amount in excess of one (1%) percent of the total amount stated in the approved budget; or
 - 2. Increase or decrease any item by more than ten (10%) percent; or
 - 3. Increase the amount to be raised pursuant to Section 16 of P.L. 192 Chapter 134 (C. 40:56-80) by more than five (5%) percent unless the same is made pursuant to an emergency temporary appropriation only. Notice of hearing on an amendment shall be advertised at least three (3) days before the date set therefor. The amendment shall be published in

full in the same manner as an original publication and shall be read in full at the hearing and before adoption.

- h. Final adoption shall be by resolution adopted by a majority of the full membership of the Borough Council, and may be by title.

The IDMC shall cause an annual audit of its books, accounts and financial transaction to be made and filed with the Borough Council of the Borough of Edgewater, and for that purpose, the Corporation shall employ a certified public accountant of the State of New Jersey. The annual audit shall be completed and filed with the governing body within four (4) months after the close of the fiscal year of the corporation, and a certified duplicate copy of the audit shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs within five (5) days of the filing of the audit with the Borough Council of the Borough of Edgewater.

SECTION 5 ANNUAL REPORT

The SID shall, within thirty (30) days of the close of each fiscal year; make an annual report of its activities of the preceding fiscal year to the Borough Council of the Borough of Edgewater.

SECTION 6 COSTS AND ASSESSMENTS.

The annual costs of operating, maintaining and improving the Special Improvement District shall be reported to the Borough Council of the Borough of Edgewater, assessed, collected and appropriated as provided in N.J.S.A. 40:56-80.

SECTION 7. SEVERABILITY

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 8 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

SECTION 9. REPEAL OF INCONSISTENT ORDINANCES.

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

Introduced:

Adopted:

ATTEST:

ANNAMARIE O'CONNOR, RMC

MICHAEL MCPARTLAND, MAYOR