

**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 NOVEMBER 10, 2014**

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

**PRESIDING:** Mayor James F. Delaney

**ALSO PRESENT:** Administrator Gregory S. Franz, Borough Clerk Barbara Rae and Borough Attorney Philip Boggia.

**ABSENT:** Councilman Henwood 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 and remembered Barbara Quinton.

**SALUTE TO FLAG**

Councilman Doran led the Pledge of Allegiance.

**CONFERENCE**

1. **Tim Corrison – Connell Foley, Special Counsel** – gave update on legal issues with TERMS. Noted State Court Action is over. Updated Federal action. Reviewed TERMS counterclaim. Borough's position is that TERMS did not live up to its obligations under the contract. Will aggressively pursue TERMS for being responsible as the gate keeper of the field. Spoke about Alcoa and automatic extension. Agreement between Waterside and Alcoa. Waterside- extensive testing as necessary to prove that material came from Alcoa. Hopeful that once investigation is finished can sit with Waterside and resolve issue.
2. **Tom Bambricck – First Environment, Environmental Consultants** – Present to give status report. Almost completed remediation in north of park – 95% done. Making recommendations. To date, some 8,000 tons have been remediated.
3. **Mike Neglia – Neglia Engineering Associates, Site Engineer** –Administrator referenced Resolutions 2014-267 and 269 and Little League proposal. To keep the project moving forward Governing Body has to make decisions. First decision is putting grass or turf on the Little League field. No work can begin on amenities until field is remediated. Spoke about anticipated goals. Anticipated goal schedule for 1<sup>st</sup> Phase of the remediation project is the end of January. Governing Body has to begin thinking about amenities. Spoke about bids. Responded to questions from Governing Body. included the playground, the basketball courts and tennis courts. Spoke about drainage. Explained why he recommended not opening up sections of the big park. Should wait for the big park to be completed. Responded to questions.

**OPEN TO THE PUBLIC**

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

**Mary Hogan, 606 Undercliff Avenue:**

- Distributed pictures of what the Little League Field looked like in 2013.
- Noted that on October 13, 2013 field appears to be done. Asked why we are doing it again.
- Commented on artificial turf and asked about additional costs.
- Spoke about bid for the Little League Field.
- Wants reassurance about the clean-up.

- Spoke about Resolution 2014-268 Plans for First Aid Squad. Noted that plans costs \$94,000.

Shelby Thompson, 385 Thompson Avenue:

- Spoke against putting artificial turf on the park
- Does not believe that most people prefer artificial turf.

Fred Heck, 1111 River Plaza:

- Asked about remediation of the materials.

Peter DePaul, 606 Undercliff Avenue:

- Congratulated Councilman Henwood and Vidal on their re-election.
- Asked about the soil and where it is being taken.
- Prefers real grass in the Little League Field.

Denis Gallagher, 18 Arlington Avenue:

- Have same concerns as Mr. DePaul.
- Against AstroTurf.
- Comments by Councilman Doran.

Tom Tansey, 611 Undercliff Avenue:

- Commented about sections of the field.
- If you split the field in three (3) sections, they could be addressed separately.
- Explained how, in his opinion, sod with underground sprinklers could be put in certain sections.
- Explained changes because of Green Acres funding.

Sheldon Gellman, 37 Hooks Lane:

- Referenced the language in one of the paragraphs of the Resolution for the Little League Field.

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

At this time, Mayor Delaney asked Mr. Neglia and other professionals to answer the public's questions regarding the Field. Mr. Neglia, Mr. Bambrick and Borough Attorney Boggia responded.

Councilman Vidal and Councilman Doran also commented on the issue.

#### **APPROVAL OF MINUTES**

The following minutes were listed for approval: October 6, 2014 Work Session/Closed Session and October 20, 2014 Regular Session.

#### **MOTION**

November 10, 2014

**INTRODUCED:** Councilman Henwood

**SECOND:** Councilman Monte

A motion to approve the minutes of the October 6, 2014 Work Session, the October 6, 2014 Closed Session and the October 20, 2014 Regular Session.

On roll call the vote was as follows:

Councilman Henwood	Absent
Councilman Doran	Yes
Councilman Monte	Yes

Councilman Vidal	Yes
Councilman Jordan	Absent
Councilman Bartolomeo	Yes

## RECEIPT OF BIDS

None.

## ADOPTION/PUBLIC HEARING ORDINANCE

**1515-2014** An Ordinance Amending and Supplementing chapter 282, “Parking Lots,” Article II, “Shadyside,” to Regulate the Issuance of Employee and Resident Parking Permits for Certain Municipal Lots in the Borough of Edgewater

The Clerk read the Notice of Ordinance and Ordinance No. 1515-2014.

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 20th day of October, 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 10th day of November, 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 NO. 1515-2014**

#### **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 282, “PARKING LOTS,” ARTICLE II, “SHADYSIDE,” TO REGULATE THE ISSUANCE OF EMPLOYEE AND RESIDENT PARKING PERMITS FOR CERTAIN MUNICIPAL LOTS IN THE BOROUGH OF EDGEWATER**

**WHEREAS**, the Borough of Edgewater currently owns and maintains two parking lots in the Shadyside district along Old River Road, known colloquially as the “North Lot” and the “South Lot,” which are comprised of certain real property located in Block 85.01, being portions of Lots 2 or 2.01, and a portion of Lot 1.01 in Block 91, along with certain property in Block 91, portions of Lots 1.01 and 1.02 used for landscaping purposes, the specifics of which are set forth in and subject to the provisions of an agreement dated April 21, 1995 (the “Agreement”) between the Borough of Edgewater and various other parties thereto; and

**WHEREAS**, the parking provided in the North Lot and the South Lot is intended to be used exclusively for residents of the Shadyside district, along with owners, employees and customers of businesses in the Shadyside district, and commuter parking is prohibited in accordance with the Agreement and is otherwise limited to a period of no longer than four (4) hours; and

**WHEREAS**, it has come to the attention of the Mayor and Council that parking spaces in the North Lot and the South Lot are frequently being used by commuters for periods in excess of four (4) hours, which significantly and detrimentally limits the parking available for the intended beneficiaries of the parking facilities provided by the North Lot and the South Lot; and

**WHEREAS**, the Mayor and Council, in consultation with the Police Department of the Borough of Edgewater and residents and businesses in the Shadyside district, are desirous of amending the parking regulations for the North Lot and the South Lot to:

- 1) provide dedicated employee parking at the northern end of the North Lot for use by the employees of businesses located in Shadyside;

- 2) provide for the issuance of separate resident and employee stickers to assist the Police Department in enforcing parking regulations in the North Lot and the South Lot; and
- 3) change the regulations concerning metered parking in the South Lot to reduce the permitted maximum parking time from four (4) hours to two (2) hours.

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

**Section 1.** Chapter 282, “Parking Lots,” Article II, “Shadyside,” Section 282-9 of the Code of the Borough of Edgewater is hereby amended and supplemented by adding the underlined text and deleting the [bracketed] text, as follows:

**§ 282-9. Obligations of Borough.**

The Borough shall be obligated to undertake, maintain and keep in good repair the parking facilities described in § 282-8 [285-8], and to remove therefrom snow and ice, to periodically provide stripping, to maintain, repair and replace when necessary the curbing and macadam, to maintain and replace when necessary landscaping, to remove trash and debris and to maintain and replace when necessary the lighting fixtures and light bulbs.

**Section 2.** Chapter 282, “Parking Lots,” Article II, “Shadyside,” Section 282-11 of the Code of the Borough of Edgewater is hereby amended and supplemented by adding the underlined text and deleting the [bracketed] text, as follows:

**§ 282-11. Regulations governing use.**

A. Lots defined.

1. North Lot. Located on Block 85.01, portions of Lots 2 and 2.01; situated north of Thompson Lane between River Road and Old River Road (ORR), and includes the angled parking on the east side of ORR, between the northerly and southerly driveways into the lot. A portion of the North Lot shall be reserved for “designated employee parking” as defined and regulated herein.
2. South Lot. Located on Block 91, a portion of Lot 1.01; situated south of Thompson Lane, along the east side of ORR, consisting of 39 perpendicular parking spaces, said spaces divided 28 to the north of the driveway into the project known as One Hudson Park, and 11 south of said driveway along the Westerly Wall of One Hudson Park.

B. Time limits.

1. North Lot. No vehicle shall be parked in the North Lot for a period of more than four (4) consecutive hours, except as otherwise permitted by this Article.
2. South Lot. No vehicle shall be parked in the South Lot for a period of more than two (2) consecutive hours, except as otherwise permitted by this Article.

C. Special parking stickers.

1. Residential stickers. Any person residing within Block 90, along the west side of ORR, beginning on the north with Lots 38 - 42, street addresses 272-276 ORR, and ending on the south with and including Lot 17, street address 236 ORR who does not have access to on-site parking may obtain a special residential parking sticker from the Borough, which will permit such person to park the vehicle for which it has been issued without

fee and for a period longer than the time limitations set forth in this section in either the South Lot or in the North Lot, excluding the area reserved for designated employee parking.

2. Employee stickers. Individuals employed by businesses located along the west side of ORR, beginning on the north with Block 88, Lot 9, street address 300 ORR and ending on the south with and including Block 90, Lot 17, street address 236 ORR, may obtain a special employee parking sticker from the Borough, which will permit such person to park the vehicle for which the sticker has been issued for a period longer than the time limitations set forth in this section in the North Lot designated employee parking area only. An employee sticker shall not permit parking in either the North Lot or the South Lot in an area not marked as designated employee parking without complying with the meter and time restrictions generally applicable to all vehicles.
  3. Regulations applicable to all stickers. There shall be no fee for issuance of a parking sticker. A sticker shall be utilized only on the vehicle for which it was issued and shall contain the registered license plate number for the vehicle. The sticker shall be conspicuously displayed on either a window or the rear bumper of the vehicle. A sticker shall not be transferable to another individual or vehicle, except as permitted herein. It is the obligation of a sticker holder to notify the Borough Clerk should the resident change vehicles or the license plate of said vehicle. Failure to notify the Borough Clerk may result in a ticket being issued for violation of this Ordinance.
- D. Designated employee parking. Spaces designated in the northernmost portion of the North Lot shall be reserved for designated employee parking for vehicles bearing employee stickers issued pursuant to this Article. The number of spaces designated as set forth above shall be adjusted from time-to-time as determined by the authorized municipal agency, as may be designated by resolution of the Governing Body, after taking into account demand for employee parking. The spaces so designated shall be painted and appropriate signage shall be provided. There shall be a fee of one dollar (\$1.00) per day to park in the designated employee parking area.
- E. Street parking. Neither a residential sticker nor an employee sticker shall permit any on-street parking without complying with the meter and time restrictions generally applicable to all vehicles.
- F. Meters. Meters are hereby authorized to be placed in the North Lot and the South Lot reflecting the time limitations set forth herein.
- G. Applicability. The time limitations and other regulations set forth in this Article shall be in effect daily from 7:00 a.m. to 9:00 p.m.

[The parking of vehicles within the parking areas set forth in this article shall be limited to a period of no more than four consecutive hours. Notwithstanding this limitation, any person residing within Block 90 or on Lots 9 and 11 in Block 88, any person owning a business within said area or any employee of a business within said area may park within such parking facilities for a period longer than four hours, provided that such person has obtained a parking permit from the Police Department of the Borough of Edgewater.]

### **Section 3. 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 4. Effective date.**

This Ordinance shall become effective immediately upon final passage and publication as required by law.

**Section 5. 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: October 20, 2014

ADOPTED: November 10, 2014

APPROVED: November 10, 2014

The Administrator confirmed receipt of the certification of publication of Ordinance 1515-2014 in the October 23, 2014 edition of the Record.

The Mayor opened the meeting to the public to comment on Ordinance 1515-2014. No one wished to be heard therefore the Mayor closed the meeting to the public to comment on Ordinance 1515-2014.

The Clerk then read the following:

**MOTION**

November 10, 2014

**INTRODUCED:** Councilman Doran

**SECOND:** Councilman Bartolomeo

**WHEREAS AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 282, "PARKING LOTS," ARTICLE II, "SHADYSIDE," TO REGULATE THE ISSUANCE OF EMPLOYEE AND RESIDENT PARKING PERMITS FOR CERTAIN MUNICIPAL LOTS IN THE BOROUGH OF EDGEWATER** is hereby adopted.

On roll call the vote was as follows:

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

**COMMUNICATIONS/PETITIONS**

None.

**INTRODUCTION OF ORDINANCES**

None.

**COMMITTEE/COUNCIL LIAISON REPORTS**

Councilman Henwood - Absent  
Councilman Doran - None

Councilman Monte - Submitted Police Chief Report dated November 10, 2014.  
Councilman Vidal - None  
Councilman Bartolomeo – Spoke about successful Halloween event at the Marina.

**RESOLUTIONS**

Council pulled Resolutions 2014-267 and 2014-269 from the Consent Agenda.

A motion to approve Resolutions 2014-251 to 2014-266, Resolution 2014-268 and Resolution 2014-270 was made by Councilman Doran and seconded by Councilman Vidal.

On roll call the vote was as follows:

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

**RESOLUTION  
2014-251**

November 10, 2014

**INTRODUCED:** Councilman Doran  
**SECOND:** Councilman Vidal

**2nd Half Clothing Allowance – School Crossing Guards**

**WHEREAS** the second half of the clothing allowance is due to the eligible School Crossing Guards; and

**NOW, THEREFORE BE IT RESOLVED** that the aforementioned clothing allowance payments will be made when the Police Chief submits the signed vouchers of the eligible members.

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

**RESOLUTION  
2014-252**

November 10, 2014

**INTRODUCED:** Councilman Doran  
**SECOND:** Councilman Vidal

**2nd Half Clothing Allowance – Police Department**

**WHEREAS** the second half of the clothing allowance is due to the eligible members of the Police Department; and

**NOW, THEREFORE BE IT RESOLVED** that the aforementioned clothing allowance payments will be made when the Police Chief submits the signed vouchers of the eligible members.

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

**RESOLUTION  
2014-253**

November 10, 2014

**INTRODUCED:** Councilman Doran  
**SECOND:** Councilman Vidal

**2nd Half Clothing Allowance – Volunteer First Aid Squad**

**WHEREAS** the second half of the clothing allowance is due to the eligible members of the Volunteer First Aid Squad Members; and

**NOW, THEREFORE BE IT RESOLVED** that the aforementioned clothing allowance payments will be made when the Squad Captain submits the signed vouchers of the eligible members.

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

**RESOLUTION  
2014-254**

November 10, 2014

**INTRODUCED:** Councilman Doran

**SECOND:** Councilman Vidal

**2nd Half Clothing Allowance – Department of Public Works**

**WHEREAS** the second half of the clothing allowance is due to the eligible members of the Department of Public Works; and

**NOW, THEREFORE BE IT RESOLVED** that the aforementioned clothing allowance payments will be made when the DPW Superintendent submits the signed vouchers of the eligible members.

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

**RESOLUTION  
2014-255**

November 10, 2014

**INTRODUCED:** Councilman Doran

**SECOND:** Councilman Vidal

**2nd Half Clothing Allowance – Volunteer Fire Department**

**WHEREAS** the second half of the clothing allowance is due to the eligible members of the Volunteer Fire Department; and

**NOW, THEREFORE BE IT RESOLVED** that the aforementioned clothing allowance payments will be made when the Volunteer Fire Chief submits the signed vouchers of the eligible members.

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

**RESOLUTION  
2014-256**

November 10, 2014

**INTRODUCED:** Councilman Doran

**SECOND:** Councilman Vidal

**WHEREAS** the Edgewater Police Emergency Medical Services Unit will be provided holiday pay for the year 2014; and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council that payments be made to the members of the Emergency Medical Technicians upon payroll certification by the Chief of Police.



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

**RESOLUTION  
2014-257**

November 10, 2014

**INTRODUCED:** Councilman Doran  
**SECOND:** Councilman Vidal

**WHEREAS**, the Mayor and Council of the Borough of Edgewater have been advised of the proposed settlement of a property tax appeal filed on behalf of ENU Corp. c/o Edgewater Golf (hereinafter the "Tax Appeal"), under Docket Number 004434-2013, and;

**WHEREAS**, the subject property is located at Block 82 Lot 1, as set forth on the tax assessment maps of the Borough, and is more commonly known as 575 River Road, and;

**WHEREAS**, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel and the Borough Tax Assessor, and;

**WHEREAS**, the proposed Tax Appeal settlement would reduce the subject properties' 2013 tax assessment from \$11,500,000 to \$10,500,000, and;

**WHEREAS**, the provisions of N.J.S.A. 54:51A-8 (hereinafter the "Freeze Act") shall be applicable to the terms of this settlement, 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 hereby approved, in accordance with the terms set forth herein, 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  
2014-258**

November 10, 2014

**INTRODUCED:** Councilman Doran  
**SECOND:** Councilman Vidal

Resolution 2014-258, Salaries & Wages, is attached to the end of these minutes.

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

**RESOLUTION  
2014-259**

November 10, 2014

**INTRODUCED:** Councilman Doran  
**SECOND:** Councilman Vidal

Resolution 2014-259, Salaries & Wages, is attached to the end of these minutes.

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

**RESOLUTION  
2014-260**

November 10, 2014

**INTRODUCED:** Councilman Doran

**SECOND:** Councilman Vidal

Resolution 2014-260, Services & Supplies, is attached to the end of these minutes.

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

**RESOLUTION  
2014-261**

November 10, 2014

**INTRODUCED:** Councilman Doran

**SECOND:** Councilman Vidal

**WHEREAS**, the Borough of Edgewater has received a request from Detective Sergeant Tibus 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 Tibus shall be \$68.91 for a total amount of

Five Thousand Five Hundred Twelve and eighty cents (\$5,512.80); 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:

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JOSEPH IANNACONI, Jr.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council that Detective Sergeant Tibus' request to be paid for eighty (80) hours of his banked compensatory time is hereby granted at the total amount not to exceed \$5,512.80 reducing his comp bank to 12.5 hours as per the Police Chief's memo dated November 5, 2014.

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

**RESOLUTION  
2014-262**

November 10, 2014

**INTRODUCED:** Councilman Doran

**SECOND:** Councilman Vidal

**WHEREAS**, the Borough of Edgewater has received a request from Lieutenant Dennis Ring 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 Lieutenant Ring shall be \$76.39 for a total amount of Six thousand One hundred eleven and twenty cents (\$6,111.20); 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:

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JOSEPH IANNACONI, Jr.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council that Lieutenant Ring's request to be paid for eighty (80) hours of his banked compensatory time is hereby granted at the total amount not to exceed \$6,111.20 reducing his comp bank to 88 hours as per the Police Chief's memo dated November 5, 2014.

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

**RESOLUTION  
2014-263**

November 10, 2014

**INTRODUCED:** Councilman Doran

**SECOND:** Councilman Vidal

**WHEREAS** Sunshine State Certificates IV had purchased tax sale certificate # 12-017 2011 on November 28, 2012 for property known as 100 Thompson Lane #6G, Block Lot Qualifier 0008800011 02C006G; and

**WHEREAS**, the tax sale certificate to be redeemed for \$39,008.43 is effective through November 13, 2014; and

**WHEREAS**, the premium amount paid is \$12,900.00; and

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council that the Tax Collector/ Treasurer is authorized to issue a refund check drawn to the current account at T.D. Bank in the amount of Fifty One Thousand Nine Hundred Eight Dollars and forty three cents (\$51,908.43) payable to:

SUNSHINE STATE CERTIFICATES IV  
7900 Miami Lakes Drive West  
Miami Lakes, FL 33016

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

**RESOLUTION  
2014-264**

November 10, 2014

**INTRODUCED:** Councilman Doran

**SECOND:** Councilman Vidal

**WHEREAS** the Mayor and Council adopted Resolution 2012-184 on June 18, 2012 approving a Pilot Agreement for the project known as Winterburn Gardens, which is an Affordable Housing Project located at 774 River Road, Edgewater, New Jersey; and

**WHEREAS** said Resolution incorrectly identifies the property as containing a portion of Lot 27, Block 71. This error was identified in a letter dated July 18, 2013 from Robert Montecallo, Esq., Attorney for the Edgewater Board of Adjustment; and

**WHEREAS** in order to correct this error it is necessary to amend the prior resolution to reflect the correct Lot and Block, which is Block 71, Lot 2.02; and

**NOW, THEREFORE BE IT RESOLVED** by the Council of Edgewater:

- (1) The Council hereby adopts the within resolution to eliminate the prior reference to "a portion of Lot 27, Block 71" in Resolution 2012-184.

**WHEREAS** the remainder of the Resolution Number 2012-184 passed on June 18, 2012 shall remain in full force and effect.

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

**RESOLUTION  
2014-265**

November 10, 2014

**INTRODUCED:** Councilman Doran

**SECOND:** Councilman Vidal

**WHEREAS**, on September 18, 2006, the Borough of Edgewater adopted an ordinance delineating an area-in-need of redevelopment the property then comprised of Lots 1, 3, 4, and 5 in Block 99 (the "Redevelopment Area") and adopted the redevelopment plan dated August 19, 2006 (the "Redevelopment Plan") creating the SWR (Southern Waterfront Redevelopment) Zone; and

**WHEREAS**, i. Park Edgewater L.L.C. (“i.Park”) was designated as the redeveloper with respect to the Redevelopment Area; and

**WHEREAS**, in furtherance of the Redevelopment Area and pursuant to the Redevelopment Plan, i. Park obtained from time to time, numerous site plan and subdivision approvals; and

**WHEREAS**, on April 21, 2014, the Borough of Edgewater adopted an ordinance approving the Amended and Restated Redevelopment Plan dated August 2013 (the “Amended Redevelopment Plan”) with respect to the Redevelopment Area; and

**WHEREAS**, on June 23, 2014, i. Park received site plan and subdivision approval with respect to a modified plan pursuant to the Amended Redevelopment Plan; including providing for 75 Affordable Housing units to be built in Building M situate on Lot 1.19; and

**WHEREAS**, i. Park has represented to the Borough that they entered into an agreement to convey Lot 1.19 to 45 River Road Associates LLC (“45 River Road”) for the construction of the 75 units of Affordable Housing that are required as part of this Redevelopment Plan; and

**WHEREAS**, i.Park has further represented that 45 River Road is an experienced developer of affordable housing projects and is willing to construct the affordable housing obligation pursuant to the Amended Redevelopment Plan on behalf of i. Park; and

**WHEREAS**, i. Park has represented to the Borough of Edgewater that it is their desire to have a developer experienced in the construction and operation of affordable housing projects and therefore have contracted their obligation to built the affordable housing component of the Amended Redevelopment Plan to 45 River Road.

**NOW, THEREFORE BE IT RESOLVED** that the Governing Body of the Borough of Edgewater hereby consents to i. Park’s request to enter into an Agreement with 45 River Road Associates LLC as developer with respect to the portion of the Redevelopment Area comprised of Lot 1.19 in Block 99 for the construction of the 75 units of Affordable Housing between the Borough and 45 River Road Associates LLC with respect to same; provided that 45 River Road complies with all COAH regulations which shall be subject to the approval of COAH. The Borough shall continue to act as the Administrative Agent for the marketing, rental and/or sale of the 75 Affordable Housing units so designated in this resolution.

**BE IT FURTHER RESOLVED** i. Park shall comply with the disclosure requirements set forth in N.J.S.A. 40:55D-48.1 and 48.2 concerning the entity known as 45 River Road Associates, LLC, prior to the commencement of the construction of Affordable Housing units set forth herein; and i. Park Edgewater, LLC, upon the construction, completion, and issuance of Certificates of Occupancy for all of the Affordable housing units as per the Redevelopment Plan on Lot 1.19 in Block 99 to 45 River Road Associates LLC, then i. Park shall have no further obligation, duty or liability with respect to the affordable housing component of the Amended Redevelopment Plan.

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

**RESOLUTION  
2014-266**

November 10, 2014

**INTRODUCED:** Councilman Doran  
**SECOND:** Councilman Vidal

**WHEREAS** the Borough of Edgewater wishes to enter into a Professional Services Agreement for 2014-2015 with the County of Bergen for the purposes of participating in the flu and pneumococcal vaccine program as outlined in the attached agreement; and

**WHEREAS** the Borough will be billed \$175.00 per 10-dose vial and for those individuals denied Medicare reimbursement, the municipality will be billed \$21.00 per person for the flu vaccine; and

**WHEREAS** the Borough will also be billed \$370.00 per five dose vial one unit-dose vials for the pneumococcal vaccine and for those individuals denied Medicare reimbursement, the municipality will be billed \$36.00 per person for the pneumococcal vaccine; and

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body that the Mayor and Borough Clerk are hereby authorized to sign the Professional Services Agreement for the 2014-2015 between the Borough of Edgewater and County of Bergen; and

**BE IT FURTHER RESOLVED** that a copy of this resolution will be published within ten (10) days of passage.

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

**RESOLUTION  
2014-268**

November 10, 2014

**INTRODUCED:** Councilman Doran  
**SECOND:** Councilman Vidal

**RESOLUTION AUTHORIZING MILLS & SCHNOERING ARCHITECTS TO PREPARE  
PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF A NEW VOLUNTEER FIRST AID  
SQUAD HEADQUARTERS**

**WHEREAS** the Edgewater Volunteer First Aid Squad has been without a permanent home since its inception close to 35 years ago and,

**WHEREAS** the Edgewater Volunteer First Aid Squad currently operates out of the abandoned Department of Public Works garage at 915 River Road and,

**WHEREAS** the Edgewater First Aid Squad was temporarily relocated to the Historic Edgewater Borough Hall at 916 River Road after floodwaters from Hurricane Sandy inundated its garage with over three feet of tidal surge from the Hudson River and have since moved back after repairs were made and,

**WHEREAS** the Edgewater Mayor and Council have committed to finding a suitable location for the Edgewater Volunteer First Aid Squad's 35 members and three ambulances to safely operate and provide emergency medical care to the Borough of Edgewater

**NOW THEREFORE BE IT RESOLVED** by the Edgewater Mayor and Council that it hereby accepts, approves, and authorizes Mills & Schnoering Architects of 200 Forrestal Road, Suite 3A, Princeton New Jersey 08540 to prepare plans and specifications for the new Edgewater Volunteer First Aid Squad in the ground floor of the Historic Borough Hall at 916 River Road

**BE IT FURTHER RESOLVED** that said project is to cost \$94,840 as per the M&S proposal dated September 5, 2014 and

**BE IT FURTHER RESOLVED** that I, Joseph Iannaconi, Jr., C.F.O. do hereby certify that funds are available in Ordinance's 1381-2009 and 1450-2011.

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

**BE IT FURTHER RESOLVED** that this resolution is adopted through the non-fair and open process.

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

**RESOLUTION  
2014-270**

November 10, 2014

**INTRODUCED:** Councilman Doran

**SECOND:** Councilman Vidal

**RESOLUTION TO APPOINT A 60 DAY TEMPORARY PART TIME TECHNICAL ASSISTANT(S) IN THE BUILDING DEPARTMENT**

**WHEREAS** the regular full time Technical Assistant within the Edgewater Building Department is on medical leave and,

**WHEREAS** a need for a technical assistant exists to input building permit applications into the State of New Jersey permitting computer system and,

**WHEREAS** the Borough of Fort Lee has agreed to provide experienced technical assistants trained in using the State of New Jersey permitting system and,

**WHEREAS** Alisa Ellsworth and Lisa Waxman are technical Assistants within the Fort Lee Building Department and have agreed to provide assistance to the Borough of Edgewater Building Department

**NOW THEREFORE BE IT RESOLVED** that the Borough of Edgewater appoints Alisa Ellsworth and Lisa Waxman as temporary part time Technical Assistants within the Edgewater Building Department for a period not to exceed 60 days thanks to the cooperation of the Borough of Fort Lee

**BE IT FURTHER RESOLVED** that said appointment is not to exceed 60 days or exceed 19 hours per person in a given work week at a rate of pay of \$25.00/hour and the Edgewater Construction Official will supervise and certify all work performed

**BE IT FURTHER RESOLVED** that the chief financial officer has certified funds available for this purpose.

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

**OLD BUSINESS**

None.

**NEW BUSINESS**

Councilman Vidal thanked the voters for the privilege of serving the residents of Edgewater for another three years.

**ATTORNEY**

Borough Attorney Boggia explained why Resolutions 2014-267 and 2014-269 were pulled from the Consent Agenda.

**ADMINISTRATOR REPORTS**

1. Police Cameras – Body cameras to be discussed during budget preparation.
2. Police Accreditation – Receiving grant from the South Bergen Joint Insurance Fund for \$25,000 to offset cost.
3. Edgewater Colony – Met with consultant from Colony along with Boswell Engineering in regard to diversion process. Scheduling a meeting with the Commissioner of DEP. Meeting will be held in Trenton.
4. Hess – Demolition moving nicely. Most tanks have been removed and there is a big change in scenery.

5. Binghamton – Deferred to Borough Attorney Boggia.

Regarding the Binghamton Ferry, Borough Attorney Boggia noted that he had contacted Robert Gross. They have a new prospective tenant who wants to occupy the space. They have applied to the DEP for permits to remove the ferry. Referenced email. Army Engineers on board with plan. Timeframe – removal could take place before the onset of winter. Might want to invite Mr. Gross to a Closed Session. Responded to questions.

Regarding Hess - Borough Administrator announced River Road closings on November 17<sup>th</sup> through November 21<sup>st</sup> and November 23<sup>rd</sup>.

6. Tax Collector and Chief Financial Officer Positions (Closed)
7. DPW Contract Negotiation (Closed).
8. A & E Salaries (Closed).
9. Police Personnel (Closed).
10. PBA Contract Negotiation (Closed).
11. Building Department Inspectors (Closed)
12. Fire Prevention Inspectors (Closed)

#### **MAYOR/COUNCIL REQUESTS**

Reminded everyone of Borough's Veterans Day Ceremony at 11 a.m. at Monument Park. Will be issuing a Proclamation for Edgewater resident.

#### **BOROUGH CLERK**

1. **Reorganization Date.**

**Reorganization Meeting to be held on Friday, January 2<sup>nd</sup>, 2015 at 6 P.M.**

On roll call the vote was as follows:

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

#### **CLOSED SESSION DISCUSSION**

#### **LITIGATION**

1. **Waterside Construction, LLC.**

#### **CONTRACT**

1. **Enterprise Network Resolutions Contracting LLC (ENRC)**

#### **PERSONNEL:**

1. **Tax Collector and Chief Financial Officer Positions (Closed)**
2. **A & E Salaries (Closed)**
3. **Building Department Inspectors (Closed)**
4. **Fire Prevention Inspectors (Closed)**
5. **Police Personnel (Closed).**

#### **CONTRACT NEGOTIATIONS**

1. **DPW Contract Negotiation (Closed)**
2. **PBA Contract Negotiation (Closed)**

### **RESOLUTION AUTHORIZING EXECUTIVE SESSION**

November 10, 2014

**INTRODUCED:** Councilman Monte

**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;
- 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;
- 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 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.

**PRESENT ON ROLL CALL:** Councilman Doran, Councilman Vidal, and Councilman Bartolomeo

**ALSO PRESENT:** Mayor Delaney, Borough Clerk Barbara Rae, Administrator Gregory Franz and Borough Attorney Philip Boggia.

**ABSENT:** Councilman Henwood and Councilman Jordan.

**RESOLUTION  
2014-267**

November 10, 2014

**INTRODUCED:** Councilman Monte

**SECOND:** Councilman Vidal

**RESOLUTION AUTHORIZING NEGLIA ENGINEERING ASSOCIATES TO PROCEED WITH DESIGN SERVICES FOR THE PREPARATION OF DESIGN, SPECIFICATIONS, AND BIDDING DOCUMENTS FOR THE LITTLE LEAGUE FIELD AT VETERANS FIELD**

**WHEREAS** Neglia Engineering Associates is the designated municipal engineer for the Borough of Edgewater and,

**WHEREAS** the Borough of Edgewater is in the process of remediating Veteran's Field which will include the final replacement and re-construction of amenities such as the little league field which was one of the main features of the Veteran's Field facility and,

**WHEREAS** the little league field was responsible for providing countless hours and days of recreational baseball for generations of Edgewater youth and,

**WHEREAS** in order to expedite the overall replacement and re-construction of Veteran's Field primarily the little league field, it is in the best interest of our community to provide a long lasting durable playing surface that will not be effected by weather and rain and,

**NOW THEREFORE BE IT RESOLVED** by the Edgewater Mayor and Council, that it hereby authorize Neglia Engineering Associates of 34 Park Avenue, Lyndhurst New Jersey 07071 to prepare a design, specifications, and bidding documents for the reconstruction of the little league field at Veteran's Field based on a proposal dated October 6, 2014 in the amount of \$17,500.00

**BE IT FURTHER RESOLVED that I, Joseph Iannaconi, Jr.,** Chief Financial Officer, hereby certified funds are available for this purpose in funding ordinance 1474-2012.

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

**RESOLUTION  
2014-269**

November 10, 2014

**INTRODUCED:** Councilman Monte

**SECOND:** Councilman Vidal

**RESOLUTION AUTHORIZING COMPETITIVE BIDDING FOR THE RECONSTRUCTION OF THE LITTLE LEAGUE FIELD AT VETERANS FIELD**

**WHEREAS** the Borough of Edgewater is desirous of reconstructing the Little League Field at Veterans Field; and

**WHEREAS** Neglia Engineering Associates, the borough's appointed engineer has prepared and presented a plan to prepare bid specifications and,

**WHEREAS** the Edgewater Mayor and Council are desirous of providing a little league field in the most expeditious manner possible

**NOW THEREFORE BE IT RESOLVED** by the Edgewater Mayor and Council that it hereby authorize Neglia Engineering Associates and the Borough of Edgewater to authorize the competitive bidding of the Veteran's Field Little League reconstruction project

**BE IT FURTHER RESOLVED that I, Joseph Iannaconi, Jr., Chief Financial Officer, hereby certify** that the funding for this project has been allocated in ordinance 1474-2012

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

Discussion:

Review of the resolutions.

On roll call the vote for Resolutions 2014-267 and 2014-269 was as follows:

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

Administrator presented the following:

**RESOLUTION  
2014-271**

November 10, 2014

**INTRODUCED:** Councilman Monte

**SECOND:** Councilman Bartolomeo

**RESOLUTION AUTHORIZING CHANGE ORDER #1 TO ENRC FOR VETERANS  
FIELD REMEDIATION**

**WHEREAS** the Borough of Edgewater has awarded the site remediation of Veterans Field to Environmental Network Resolutions Contracting LLC, PO Box 70, Winslow, New Jersey 08095 on September 24, 2014 authorized by resolution 2014-232 in the amount of \$4,979,450.00 and,

**WHEREAS** there is a need to place a demarcation barrier between layers of fill and place clean quarry process stone on the barrier to hold it in place and,

**WHEREAS** Environmental Network Resolutions Contracting has presented a proposal dated October 29, 2014 in the amount of \$469,462.50 representing a 9.43% increase in the awarded contract and,

**WHEREAS** both First Environment and Neglia Engineering Associates, the borough's environmental and site engineer respectively, concur that the unit prices provided of \$19.95 a ton for stone and \$0.24 a square foot for demarcation barrier are most desirable

**NOW THEREFORE BE IT RESOLVED** by the Edgewater Mayor and Council that it hereby authorizes Environmental Network Resolutions Contracting to proceed with change order #1 in the amount of \$469,462.50 representing a 9.43% changed increase

**BE IT FURTHER RESOLVED I, Joseph Iannaconi, Jr., Chief Financial Officer, has certified** that funds are available for this purpose in Bond Ordinance No. 1474.

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

**Discussion:**

Borough Attorney Boggia commented on the resolution.

On roll call the vote was as follows:

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

Administrator summarized the following:

**RESOLUTION  
2014-272**

November 10, 2014

**INTRODUCED:** Councilman Vidal  
**SECOND:** Councilman Monte

**AUTHORIZE TO BID FOR CERTIFIED CLEAN QUARRY PROCESS STONE FOR  
VETERANS FIELD REMEDIATION AND RESTORATION**

**WHEREAS** on September 24, 2014 in authorizing resolution 2014-232, the Edgewater Mayor and Council appointed Environmental Network Resolutions Contracting to remove all contaminated fill from Veterans Field by way of competitive bid and,

**WHEREAS** a need exists to replace contaminated fill with certified clean quarry process stone as well as install a demarcation barrier between remaining clean fill and newly placed certified clean quarry process stone and,

**WHEREAS** newly released flood mapping from the Federal Emergency Management Agency place Veterans Field within a newly designated flood plain area recommending increased elevation of the field and,

**WHEREAS** First Environment, the Borough’s Environmental Consultant along with the Borough Engineer Neglia Engineering Associates has recommended going to bid for certified clean quarry stone for the Veterans Field Remediation and Restoration and,

**NOW THEREFORE BE IT RESOLVED** by the Edgewater Mayor and Council that it hereby authorize both First Environment and Neglia Engineering Associates to prepare plans and specifications for the installation of certified clean quarry process stone on Veterans Field as part of the Veterans Field Remediation and Restoration Project

**BE IT FURTHER RESOLVED I, Joseph Iannaconi, Jr.,** Chief Financial Officer, has certified that funds are available for this purpose in Bond Ordinance No. 1474.

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

On roll call the vote was as follows:

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

Administrator then reviewed the following:

**RESOLUTION  
2014-273**

November 10, 2014

**INTRODUCED:** Councilman Monte  
**SECOND:** Councilman Doran

**RESOLUTION APPROVING EARLY START TIME FOR VETERAN’S  
FIELD REMEDIATION AND RESTORATION PROJECT**

**WHEREAS** the Borough of Edgewater has approved and authorized the remediation and restoration of Veteran’s Field located in Block 30 lot 1.01 and Block 31 lot 1 & 2 commonly known as 1167 River Road and,

**WHEREAS** Veteran’s Field is the primary and only recreational facility within the Borough of Edgewater providing a host of activities such as playgrounds, walking, running, bicycling, exercising, baseball, softball, basketball, tennis, picnics, carnivals, circus, fireworks, and a whole host of various outdoor activities for the enjoyment of our residents and,

**WHEREAS** the closure of Veteran’s Field has had a significant impact to all residents both young and old and,

**WHEREAS** the Edgewater Mayor and Council are committed to re-opening Veteran’s Field as expeditiously as possible so that it can again be enjoyed by Edgewater residents

**NOW THEREFORE BE IT RESOLVED** by the Edgewater Mayor and Council that it hereby commits to its residents to re-open Veteran’s Field as expeditiously as possible and permit minor inconveniences such as noise in order that the Veteran’s Field Remediation and Restoration Project re-open by Spring of 2015,

**BE IT FURTHER RESOLVED** that the Edgewater Mayor and Council hereby make an exception to Borough Ordinance 858-1987, Ch. 176 of the 1975 Code in Chapter 271 of the Borough Code entitled Noise citing section 271-9 section B entitled exceptions and 271-10 section A – G entitled conditions for variances providing the ability to commence work prior to 7:30am,

**BE IT FURTHER RESOLVED** that the Edgewater Mayor and Council hereby grant permission to all approved and authorized contractors, vendors, and their agents to commence work at the Veterans Field Remediation and Restoration Project located in Block 30 lot 1.01 and Block 31 lot 1 & 2 commonly known as 1167 River Road earlier than 7:30am.

On roll call the vote was as follows:

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

**MOTION**

November 10, 2014

**INTRODUCED:** Councilman Vidal  
**SECOND:** Councilman Doran

Motion to schedule a Special Meeting to review and award bid for certified clean quarry processed stone and demarcation material for Veterans Field. Probably will be the week of December 8<sup>th</sup> at 6 p.m. When scheduled, will be published in the newspaper.

On roll call the vote was as follows:

Councilman Henwood	Absent
Councilman Doran	Yes
Councilman Monte	Yes

Councilman Vidal	Yes
Councilman Jordan	Absent
Councilman Bartolomeo	Yes

Borough Attorney Boggia spoke about consultants and Engineer needing input regarding the fields. At the request of the Little League Program the Council agreed to Astroturf on the Little League Field. Large field should be grass.

**MOTION**

November 10, 2014

**INTRODUCED:** Councilman Monte

**SECOND:** Councilman Vidal

Motion to adjourn.

On roll call the vote was as follows:

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

Annamarie O'Connor  
Deputy Borough Clerk

APPROVED: December 15, 2014