

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 APRIL 21, 2014

PRESIDING: Mayor James F. Delaney

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

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

ABSENT: Councilman Jordan and Councilman Doran

OPEN PUBLIC MEETING ACT

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

MOMENT OF SILENCE

Mayor Delaney remembered Rusty Stewart, Lorraine Criscuolo Wright and Mrs. Rolands.

SALUTE TO THE FLAG

Councilman Monte led the Pledge of Allegiance.

OPEN MEETING TO THE PUBLIC

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

Peggy Wong, 8550 Boulevard East, North Bergen, New Jersey:

- Here regarding the resolution supporting the River Road Hudson Waterfront Study.
- Referenced action taken by Borough last year regarding the Bergen County Recirculation Study of River Road. Borough had rejected. Appears Borough is reversing itself.
- Read a statement about the Reexamination Plan. Referenced Safe Street Program and motor vehicle accidents and fatality rate in New Jersey.

Valory Bardinas, 16 Hudson Terrace:

- Questioned the motion made at the February 18th meeting regarding the St. Moritz and the transfer of three COAH units.
- Spoke about her request for information/documents regarding the issue.
- Spoke about the sale of the St. Moritz.
- Asked about the status of Waterside Construction. Mayor Delaney responded.

Mary Hogan, 606 Undercliff Avenue:

- Referenced email from Mr. Henderson of COAH to Mr. Franz, that she received under OPRA, indicating 41 units in COAH 38. Borough documents indicate 39 units, not 41.
- Asked how to request what units have been transferred to 38 COAH for affordable housing from other projects within the Borough.
- Questioned other COAH transfers and funds. Spoke about the 914 Undercliff LLC, Project.
- COAH 38 appears on 2nd and 3rd COAH Rounds.
- Referenced Resolution 2012-168 – Winterburn Project and asked about the \$500,000 funding.
- Questioned the hiring of a separate attorney for Veterans Field.

Peter DePaul, 606 Undercliff Avenue:

- Asked when they will begin to rehabilitate the ballfield.
- Requested Governing Body to put in budget funding to replace older Senior Buses with ones with safety features.
- Complained about pornographic like advertisements visible to children.

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

Mayor Delaney responded to Ms. Wong and Ms. Bardinas. Borough Attorney Boggia commented on the February 2014 motion and noted that the State did not approve the request. Stated that Special Counsel will be reporting on Waterside Construction later on. Administrator Franz spoke about disagreements between COAH and professionals. Stated that \$500,000 was transferred to Winterburn pending HMFA. Responding to Mr. DePaul, Mayor Delaney said that it is hoped that some activity will begin on the field within the next 30 days. Will look into the bus for seniors.

CONFERENCE

1. Steve Wielkotz, RMA and Joe Iannaconi, Jr., C.F.O – re: Budget

-Ord. 1505-2014 Calendar Year 2014 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank

-Resolution 2014-086 Budget Introduction

-Resolution 2014-087 Increase in Reserve Uncollected Taxes

-Resolution 2014-088 Self Review Resolution

Mr. Wielkotz reviewed Budget Resolutions and Ordinance. Spoke about CAP Bank. Budget represents a million dollar under the 2% levy cap legislation. Spoke about salaries, pensions, sewer treatment, etc. Introduction of budget is on for tonight. Public hearing will be held May 19th. Responded to questions from the Governing Body. Comments by Borough Administrator. Councilman Vidal commented about the creation of sub-accounts.

1. Ord. 1505-2014 Calendar Year 2014 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank

The Clerk read Ordinance 1505-2014 by title only as follows:

**CALENDAR YEAR 2014
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

The Clerk then read the following:

RESOLUTION

April 21, 2014

INTRODUCED: Councilman Vidal

SECONDED: Councilman Henwood

WHEREAS A CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40A:4-45.14) introduced on April 21, 2014, and passes its first reading and will be considered for final passage and public hearing on May 19, 2014 at 7:00 pm at the Edgewater Municipal Building, 55 River Road, Edgewater, New Jersey.

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 Clerk then read the following in its entirety:

**RESOLUTION
2014-086**

April 21, 2014

INTRODUCED: Councilman Bartolomeo

SECOND: Councilman Vidal

BE IT RESOLVED that the Budget Statements and Revenues and Appropriations shall constitute the Municipal Budget for the Year 2014 and the amount of \$20,379,931.00 is to be raised by taxation.

BE IT FURTHER RESOLVED that a hearing on the budget and tax resolution will be held at the Edgewater Borough Hall, 55 River Road, on May 19, 2014 at 7:00 p.m.; and

BE IT FURTHER RESOLVED that said budget be published in the Record in the April 28, 2014 edition of the Record.

Discussion:

None.

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 Council next considered:

**RESOLUTION
2014-087**

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

**BOROUGH OF EDGEWATER
RESOLUTION PROVIDING FOR INCREASE IN
RESERVE FOR UNCOLLECTED TAXES PERCENTAGE**

WHEREAS, the Borough of Edgewater collected only 96.83% of the 2013 taxes due to higher uncollected taxes being delinquent for 2013, and

WHEREAS, the Borough of Edgewater =s average collection percentage for the prior 3 years is 97.31%, as calculated below, and

	<u>Collection Percentage</u>
2013	96.83
2012	97.37

2011	<u>97.74</u>
Total	<u>291.94</u>
3-Year Average	97.31

WHEREAS, the lower percentage collected in 2013 has an effect on the "Reserve for Uncollected Taxes" in 2014, and

WHEREAS, the Governing Body desires to anticipate 97.31% collection for 2014, to help reduce the "Reserve for Uncollected Taxes", with prior written consent of the Director of Local Government Services,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Edgewater, County of Bergen, State of New Jersey, that the prior written consent of the Director of Local Government Services be requested to anticipate 97.31% collection of taxes in 2014 in figuring the "Reserve for Uncollected Taxes".

BE IT FURTHER RESOLVED that three certified copies of this resolution be forwarded to the Office of the Director of Local Government Services.

Discussion:

None.

Adopted this 21st day of April, 2014 and certified as a true copy of an original.

Clerk

APPROVED: _____, 2014

Director, Division of Local Government Services

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

**RESOLUTION
2014-088**

April 21, 2014

INTRODUCED: Councilman Bartolomeo

SECOND: Councilman Monte

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Edgewater has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2014 budget year, so now therefore

BE IT RESOLVED, by the Borough Council of the Borough of Edgewater that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (Complies with the "CAP" law.)

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate, and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced, publicly advertised, and in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED TO THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES.

Discussion:

Mr. Wielkotz responded to Councilman Vidal's question about the term self review.

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

Mayor Delaney then provided the following update regarding Veterans Field.

"As you already know, the Borough has hired special counsel to file claims against the responsible parties for the cost of the clean-up to Veteran's Field and the completion of the renovations. The Borough, through counsel, has been in contact with the bond company which will most likely be the quickest way to obtain monetary damages for the contractor's breach of contract for the placement of contaminated fill onto Veteran's Field. However, this will take time. In the meantime, the Borough will seek to use the balance of the contract amount, approximately 4 million dollars, to immediately start the clean-up of Veteran's Field. The removal of the contaminated fill will be done by a licensed contractor approved by the Department of Environmental Protection. We hope clean-up will commence within the next 30 days. I want to assure the public that I will

do everything possible to make sure Veteran's Field is safe for our children and residents. After the improper fill is removed, I anticipate that the Borough will next seek to complete all the renovations at Veteran's Field. This will be funded by a Performance Bond if possible, or if necessary, by a new bond ordinance that will be repaid by the responsible parties who breached the contract with the Borough. I would also like to inform the public, the NJDEP has been asked to take over jurisdiction of this project in order to assist the Borough with the prompt clean-up and completion of the field. I would also like to provide you with an update on the Alcoa site. The NJDEP was notified on April 4, 2014, that the Alcoa site, which is believed to be the source of the contaminated material placed in Veteran's Field, recently underwent additional soil testing. The recent testing revealed that additional contamination was present on the site including PCB's. As a result, all construction activity on the Alcoa site has been stopped. No further activity will take place on the Alcoa site until the Governing Body is provided with proof from the NJDEP that the health, safety, and welfare of the public is protected. No further activity will take place until the Governing Body approves a Developer's Agreement that insures that Performance Bonds have been posted, all insurance policies are in place, and the safety of our residents is protected. I hope to provide you periodic updates over the next several months on the progress of the Veteran's Field project. Thank you for your understanding and cooperation during this unfortunate situation."

2. Attorney Tim Corrison – Veteran's Field (Closed Session-Litigation)

RESOLUTION AUTHORIZING EXECUTIVE SESSION

April 21, 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	Absent
Councilman Monte	Yes
Councilman Vidal	Yes
Councilman Jordan	Absent
Councilman Bartolomeo	Yes

The governing body returned from Closed Session.

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

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

ABSENT: Councilman Doran and Councilman Jordan

APPROVAL OF MINUTES

The following minutes were listed for approval: March 18, 2014 Regular, March 18, 2014 Closed, March 26, 2014 Special and March 26, 2014 Closed.

MOTION

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

A motion to approve the minutes of the March 18, 2014 Regular Meeting, March 18, 2014 Closed Meeting, March 26, 2014 Special Meeting and March 26, 2014 Closed Meeting.

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

RECEIPT OF BIDS

None.

ADOPTION/PUBLIC HEARING OF ORDINANCES

1503-2014 An Ordinance of the Borough of Edgewater, County of Bergen, State of New Jersey, Amending, Supplementing and Reaffirming the Development Project Redevelopment Plan for the iPark Property

The Clerk read the Notice of Ordinance and Ordinance No. 1503-2014.

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 18th day of February, 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 18th day of March, 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. 1503-2014

AN ORDINANCE OF THE BOROUGH OF EDGEWATER, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING, SUPPLEMENTING AND REAFFIRMING THE DEVELOPMENT PROJECT REDEVELOPMENT PLAN FOR THE i PARK PROPERTY

WHEREAS, pursuant to *N.J.S.A. 40A:12A-1, et seq.* (the “Local Redevelopment and Housing Law” or “LRHL”), a municipal Governing Body may undertake the redevelopment of a portion of the municipality and designate a property or properties as being “in need of redevelopment” and otherwise exercise the powers set forth in the LRHL; and

WHEREAS, in 2005, pursuant to *N.J.S.A. 40A:12A-4b*, the Planning Board conducted the appropriate studies, prepared the boundaries of an “area in need of redevelopment,” held public hearings, and made recommendations that certain properties within the Borough consisting of approximately 23.1 acres of uplands areas fall within an area in need of redevelopment; and

WHEREAS, the Governing Body accepted said recommendations; and

WHEREAS, the Governing Body authorized the preparation of a Redevelopment Plan, and charged the Planning Board with undertaking the preparation of said Plan and assuring that same is consistent with the municipal Master Plan; and

WHEREAS, the Planning Board recommended that the Governing Body adopt the Redevelopment Plan and any Ordinances necessary to implement said Plan; and

WHEREAS, the Governing Body, by and through the adoption of Ordinance No.1349-2006, adopted and implemented the Redevelopment Plan; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-7e* and *-7f*, the Governing Body is authorized to request that the Planning Board prepare revisions or amendments to an existing Redevelopment Plan; and

WHEREAS, the Planning Board engaged the services of Kathryn Gregory, P.P., (hereinafter “Planner”) to assist the Borough in amending the Redevelopment Plan; and

WHEREAS, pursuant to the requests of the Governing Body and the Planning Board, the Planner has reviewed the existing Redevelopment Plan and has proposed modifications to the Redevelopment Plan; and

WHEREAS, after passage on first reading, this Ordinance shall be referred to the Planning Board for its recommendations concerning the Redevelopment Plan modifications, to be submitted within 45 days hereof.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Edgewater, that modifications to the Redevelopment Plan attached hereto and made a part hereof are hereby expressly adopted and approved for the Redevelopment Area.

JAMES DELANEY, Mayor

ATTEST:

BARBARA RAE, RMC, CMC
Borough Clerk

INTRODUCED: February 18, 2014

ADOPTED: April 21, 2014

APPROVED: April 21, 2014

The Clerk confirmed receipt of the certification of publication of Ordinance 1503-2014 published in the February 21st, 2014 edition of the Record.

The Mayor opened the meeting to the public to comment on Ordinance 1503-2014 and the following were heard:

Mary Hogan, 606 Undercliff Avenue:

- Asked about the number of affordable units and if they were going to be on site.

No one else wished to be heard therefore the Mayor closed the meeting to the public to comment on Ordinance 1503-2014.

The Clerk then read the following:

MOTION

April 21, 2014

INTRODUCED: Councilman Bartolomeo

SECOND: Councilman Monte

WHEREAS AN ORDINANCE OF THE BOROUGH OF EDGEWATER, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING, SUPPLEMENTING AND REAFFIRMING THE DEVELOPMENT PROJECT REDEVELOPMENT PLAN FOR THE I PARK PROPERTY is hereby adopted.

Discussion:

Councilman Henwood asked about the terms and conditions of the Agreement.

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

COMMUNICATIONS/PETITIONS

Clerk informed the Governing Body of the following communications:

1. Thank you letter from seniors regarding borough's generosity in helping to subsidize many trips the Recreation sponsors and commending Sharon Carroll for her imaginative trips and capabilities.
2. Letter from NJABC re: Additional Retail Privilege to be sited at Rebecca's Fine Cuban & Caribbean Cuisine at 236 Old River Road. Discussion about similar situations.
3. Notice of Bergen County Caregiver Conference on April 24th.
4. Notice of Bergen County Public Hearing on the Needs of Senior Citizens in Bergen County on Thursday, May 1, 2014.

INTRODUCTION OF ORDINANCES

1. (See Ordinance 1505-2014 above)

COMMITTEE/COUNCIL LIAISON REPORTS

Councilman Henwood – None.

Councilman Doran - Absent

Councilman Monte – Submitted Police Breakdown Report for 3/1/2014 – 3/31/2014 and letter from Police Chief Skidmore with attached breakdown of service calls.

Councilman Vidal – No report.

Councilman Jordan - Absent

Councilman Bartolomeo – No report.

RESOLUTIONS

MOTION

April 21, 2014

Introduced: Councilman Henwood
Second: Councilman Bartolomeo

A motion to table Resolution 2014-108.
On roll call the vote was as follows:

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

Motion passes.

A motion to approve Resolutions 2014-089 through 2014-107 and Resolutions 2014-109 through Resolutions 2014-119 was made by Councilman Henwood and second by Councilman Bartolomeo

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.

**RESOLUTION
2014-089**

April 21, 2014

INTRODUCED: Councilman Henwood
SECOND: Councilman Bartolomeo

Resolution 2014-089, Salaries & Wages, is attached to the end of these minutes.

All council members voted yes. None abstained. None opposed.

**RESOLUTION
2014-090**

April 21, 2014

INTRODUCED: Councilman Henwood
SECOND: Councilman Bartolomeo

Resolution 2014-090, Salaries & Wages, is attached to the end of these minutes.

All council members voted yes. None abstained. None opposed.

**RESOLUTION
2014-091**

April 21, 2014

INTRODUCED: Councilman Henwood
SECOND: Councilman Bartolomeo

Resolution 2014-091, Salaries & Wages, is attached to the end of these minutes.

All council members voted yes. None abstained. None opposed.

**RESOLUTION
2014-092**

April 21, 2014

INTRODUCED: Councilman Henwood
SECOND: Councilman Bartolomeo

Resolution 2014-092, Services & Supplies, is attached to the end of these minutes.

All council members voted yes. None abstained. None opposed.

**RESOLUTION
2014-093**

April 21, 2014

INTRODUCED: Councilman Henwood
SECOND: Councilman Bartolomeo

WHEREAS the Mayor and Council have received a request from Sharon Carroll, requesting use of the Senior Citizen Bus and driver for transportation to the off-site class – Cre8Art School; and
WHEREAS said trip will be held on Friday, May 30, 2014, and
WHEREAS participants will depart from the Edgewater Community Center at 6:00 p.m. for direct drop off at 210 Main Street, Ft. Lee and returning to the Edgewater Community Center at 8:45 p.m.; and
NOW THEREFORE BE IT RESOLVED by the Mayor and Council that permission is hereby

granted to Sharon Carroll's request for use of the Senior Citizen Bus and driver upon availability on the above listed date; 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 voted yes. None abstained. None opposed.

**RESOLUTION
2014-094**

April 21, 2014

INTRODUCED: Councilman Henwood
SECOND: Councilman Bartolomeo

Summer Activities at Edgewater Marina Park

WHEREAS the Borough of Edgewater, once again, will conduct weekly activities at the Edgewater Marina Park which will include Movies in the Marina, Volleyball in the Grass, Drums on the Hudson and Music in the Marina; and

WHEREAS the selected activities and dates will be as follows:

Monday nights, July 14 th – August 4 th	Movies in the Marina
Tuesday nights, June 24 th – August 26 th	Volleyball in the Grass
Wednesday nights, July 2 nd – August 20 th	Drums on the Hudson
Thursday nights, June 26 th – August 28 th	Music in the Marina

WHEREAS the activities will be financed through donations by local organizations and businesses in addition to the Recreation budget to cover any short falls; and

WHEREAS the DPW will be responsible for setting up for the activities in coordination with the Edgewater Recreation Department; and

WHEREAS at the request of the Edgewater Recreation, transportation will be limited to the two senior buildings and Waterford Towers to transport interested seniors to the activities; and

NOW THEREFORE BE IT RESOLVED by the Edgewater Mayor and Council that authorization is hereby granted to hold the above listed summer activities at Edgewater Marina Park.

All council members voted yes. None abstained. None opposed.

**RESOLUTION
2014-095**

April 21, 2014

INTRODUCED: Councilman Henwood
SECOND: Councilman Bartolomeo

Resolution Releasing Performance Bond for Arilex Infinity Associates, LLC, located at 340-342 Old River Road, Edgewater, New Jersey

WHEREAS, pursuant to the terms of a Developer's Agreement, Arilex Infinity Associates, LLC, posted a Performance Bond with the Borough of Edgewater; and

WHEREAS, Neglia Engineering has reviewed the construction costs prepared by Costa Engineering for the outstanding items to complete the project and Neglia Engineering by letter dated March 17, 2014 has stated they have no objection to the Release of the Performance Bond on the condition that Arilex Infinity Associates, posts a cash deposit in the amount of Fifty Two Thousand Four Hundred Forty Eight Dollars and forty cents (\$52,448.40) to cover the costs of completing the remaining site improvements. Arilex has deposited said amount with the Construction Code Department of Edgewater; and

WHEREAS, the Construction Code Official has advised the Borough that the remaining site improvements have now been completed; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Edgewater that the Performance Bond posted by Arilex Infinity Associates, LLC in connection with this project be released and the Developer shall post a Maintenance Bond as required by the Developer's Agreement.

All council members voted yes. None abstained. None opposed.

**RESOLUTION
2014-096**

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

BE IT RESOLVED by the Mayor and Council of the Borough of Edgewater that the following organization be granted permission to conduct a Raffle in accordance with the application on file in the office of the Borough Clerk.

RA: 007 Church of the Holy Rosary on premise 50/50 raffle

RA: 008 Church of the Holy Rosary on premise prize raffle

All council members voted yes. None abstained. None opposed.

**RESOLUTION
2014-097**

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

BE IT RESOLVED that Deborah Reilly is hereby authorized to assist Borough Clerk Barbara Rae in registering voters and serving as an Election Assistant during any election in the Year 2014 on an as needed basis pursuant to the provisions of Revised State Statutes Section 19:31-7.

All council members voted yes. None abstained. None opposed.

**RESOLUTION
2014-098**

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

WHEREAS due to the retirement of one of the employees of the Edgewater Marina, it is the recommendation of the Borough Administrator to appoint the following individual to serve in the temporary-seasonal, full-time position as marina staff not to exceed 40 hours per week and a maximum cap of \$15,000 per year; and

Jack Rambone

Marina

WHEREAS the hourly rate of pay for this position is set at \$12.48 per hour; and

WHEREAS said positions does not include any paid benefits; and

NOW, THEREFORE BE IT RESOLVED by the Governing Body that the above named applicant is hereby appointed to the position of temporary – seasonal, full-time position as marina staff effective April 22, 2014 through November 14, 2014.

All council members voted yes. None abstained. None opposed.

**RESOLUTION
2014-099**

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

RESOLUTION IN SUPPORT OF THE COUNTY OF BERGEN RIVER ROAD/HUDSON WATERFRONT STUDY

WHEREAS the County of Bergen has initiated a study to develop improvement strategies to better accommodate pedestrians, bicyclist, and transit riders within the River Road corridor, and

WHEREAS the County of Bergen has received a grant from the North Jersey Transportation Planning Authority to develop transportation recommendations for improvements to the River Road corridor in Edgewater, and

WHEREAS the County of Bergen has made several presentations to the community as well as provided information on the county web site at www.co.bergen.nj.us/planning/RiverRoad2, and

WHEREAS the County of Bergen provided a presentation to the Edgewater Mayor and Council on Monday April 1, 2013, and

WHEREAS the Edgewater Mayor and Council referenced several municipal concerns of the recommendations on April 15, 2013 in Resolution 2013-111 listing concerns about lane narrowing, lane shifting, lane closures, private property taking, and River Road north of New Jersey Route 5, and

WHEREAS after careful consideration by both the Edgewater Planning Board, Edgewater Mayor and Council, and the Edgewater Planner, some recommendations such as the creation of cut outs for bus stops to bring buses out of the lane of traffic when making a stop are highly desirable as well as other recommendations to improve traffic flow

NOW THEREFORE BE IT RESOLVED by the Edgewater Mayor and Council that it supports the County of Bergen River Road/Hudson Waterfront Corridor Study to develop improvement strategies to better accommodate pedestrians, bicyclist, and transit riders within the River Road corridor.

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

**RESOLUTION
2014-100**

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

WHEREAS the Mayor and Council have received a request from Sharon Carroll, requesting use of the Senior Citizen Bus and driver for transportation two mornings a week to Overpeck, Interstate and/or Van Saun Parks two mornings per week; and

WHEREAS said trips will be begin on April 24, 2014 ; and

WHEREAS participants will depart from the Edgewater Community Center at 10:a.m. for direct drop off at one of our local parks and returning to the Edgewater Community Center at 12:30 p.m.; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that permission is hereby granted to Sharon Carroll's request 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

2014-101

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

WHEREAS the Mayor and Council have received a request from Jillian Sullivan, requesting use of the Senior Citizen Bus and driver for transportation of the participants to the Ice House, located in Hackensack, NJ to participate in ice skating lessons; and

WHEREAS said trips will be held on May 9th, May 13th, May 16th, June 6th, June 13th and June 20th ; and

WHEREAS participants will depart from the Edgewater Community Center at 3:30 p.m. for direct drop off at the Ice House and returning to the Edgewater Community Center at 5:45 p.m.; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that permission is hereby granted to Jillian Sullivan's request 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

2014-102

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

RESOLVED that Zelia Ruperti, 1121 Anderson Avenue, Ft. Lee, NJ,, owner of Norm's Ice Cream be Granted a license to sell ice cream products from her Ice Cream Truck during the hours of 11:00 a.m. to 7:00 p.m. when school is in session, and from 11:00 a.m. to 9:00 p.m., for the rest of the year subject to the following conditions:

1. The Vendor must obtain all necessary Board of Health permits before any sales begin.
2. All New Jersey requirements for signalization of ice cream trucks shall be complied with before operating within this Borough.
3. The vehicle operator shall not park her vehicle for the purpose of selling merchandise within 250 feet of any store selling ice cream products.
4. The vehicle shall not at any time double park to vend products.
5. No products shall be sold from the vehicle within 250 feet of a church when the church is in service.
6. The operator of the vehicle shall pick up all discarded wrappers before starting up the vehicle after sales.
7. This license is only for the sale of ices, ice cream, soda, and candy.
8. Ice Cream truck is not to be parked on Borough streets.

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

**RESOLUTION
2014-103**

April 21, 2014

INTRODUCED: Councilman Henwood
SECOND: Councilman Bartolomeo

Resolution Authorizing the Competitive Bidding and Purchase of a New Bucket Loader

WHEREAS the Borough of Edgewater Department of Public Works utilizes various heavy duty mechanical equipment to care for and maintain its public infrastructure and,

WHEREAS the current bucket loader used for loading and moving 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 bucket loader utilized for loading and moving material and,

NOW THEREFORE BE IT RESOLVED by the Edgewater Mayor and Council that it hereby authorizes the Borough of Edgewater to prepare specifications to be competitively bid by heavy equipment vendors supplying bucket loaders

BE IT FURTHER RESOLVED that I, Joseph Iannaconi, Jr., Chief Financial Officer of the Borough of Edgewater do hereby certify that funding has been allocated for 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
2014-104**

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

Resolution Authorizing the Competitive Bidding and Purchase of a New Mechanical Street Sweeper

WHEREAS the Borough of Edgewater is responsible for the maintenance and repair of over 7 miles of public roads and,

WHEREAS the maintenance and repair includes regularly sweeping the roads utilizing a mechanical sweeper and,

WHEREAS the Borough of Edgewater is in need of a new mechanical sweeper to replace the prior mechanical sweeper that has been determined to be inoperable and not repairable

NOW THEREFORE BE IT RESOLVED by the Edgewater Mayor and Council that it hereby authorizes the Borough of Edgewater to prepare specifications to be competitively bid by mechanical sweeper vendors

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

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

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

**RESOLUTION
2014-105**

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

EDGEWATER MARINA WAVE SCREEN REPAIRS CONSTRUCTION MANAGEMENT SERVICES

WHEREAS the Edgewater Marina suffered damage as a result of Hurricane Irene and Hurricane Sandy and applied for federal aid for disaster recovery; and

WHEREAS the Federal Emergency Management Agency awarded the Borough of Edgewater \$414,060.50 in disaster recovery for the repair of the marina wave screen; and

WHEREAS on November 8, 2013 sealed bids were accepted for the repair of the wind screen and on December 16, 2013 an award was made to Reicon Group LLC, 1983 Richmond Terrace, Staten Island New York 10302 in the amount of \$274,250.00; and

WHEREAS, Neglia Engineering Associates, 34 Park Avenue, PO Box 426, Lyndhurst, NJ 07071 has submitted a proposal dated April 15, 2014 for the Construction Management services for said project outlining a Scope of Services in the amount not to exceed Seventeen Thousand Eight Hundred Fifty Zero Cents (\$17,850.00); and

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

I, Joseph Iannaconi, Jr. has certified that funds are available for this project through Ordinance No. 1484 and 1499

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 \$17,850.00 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
2014-106**

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

Resolution Authorizing the Competitive Bidding of the Removal of the Existing Roof and Installation of a New Three (3) Tab Roof at the Community Center

WHEREAS the Borough of Edgewater Community Center located at 1167 River Road has a three (3) tab asphalt shingle roof and,

WHEREAS the current roof is in excess of 16 years old for the exception of sections that have been repaired as a result of storm damage and,

WHEREAS the current three (3) tab asphalt shingle roof has developed several major leaks recently causing flooding and property damage within he building and,

NOW THEREFORE BE IT RESOLVED by the Edgewater Mayor and Council that it hereby authorizes the Borough of Edgewater to prepare specifications to be competitively bid for the removal of the existing roof and replacement of the three (3) tab asphalt shingle roof at the Community Center, 1167 River Road

BE IT FURTHER RESOLVED, I, Joseph Iannaconi, Jr., Chief Financial Officer, hereby certify that the Borough of Edgewater has allocated the necessary funds for this purchase in capital bond ordinance 1502-2013 section 006 :

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

**RESOLUTION
2014-107**

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

RESOLUTION OF THE BOROUGH OF EDGEWATER, IN THE COUNTY OF BERGEN, NEW JERSEY, WITH RESPECT TO THE ISSUANCE AND SALE BY THE EDGEWATER HOUSING AUTHORITY OF ONE OR MORE SERIES OF PUBLICLY ASSISTED HOUSING REVENUE REFUNDING BONDS (NEIGHBORHOOD AFFORDABLE HOUSING FRIENDS, INC. PROJECT), SERIES 2014 AND AUTHORIZING AND APPROVING CERTAIN MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Edgewater Housing Authority (the "Authority") is a public body corporate and politic, constituting an instrumentality of the State of New Jersey (the "State"), created by the Borough of Edgewater (the "Borough") pursuant to the provisions of the Housing Authorities Law, Chapter 67 of the Pamphlet Laws of 1950, codified at N.J.S.A. 55:14A-1 *et seq.*, repealed and replaced by the Local Redevelopment and Housing Law, under Chapter 79 of the Pamphlet Laws of 1992, as amended and supplemented, and codified at N.J.S.A. 40A:12A-1 *et seq.* (the "Act");

WHEREAS, Neighborhood Affordable Housing Friends, Inc. (the “Borrower”) is a nonprofit corporation organized under the laws of the State;

WHEREAS, the Borrower financed the acquisition and/or renovation of existing publicly assisted affordable housing units located at 75-79 and 85 Edgewater Place, and 377 Undercliff Avenue, in the Borough by issuing its mortgage note(s) (the “Original Mortgage Notes”);

WHEREAS, the Act authorizes the Authority to issue bonds (N.J.S.A. 40A:12A-16(5) and -29) and to cooperate with a private person to provide funds to a nonprofit developer to acquire, construct, rehabilitate or operate publicly assisted housing (N.J.S.A. 40A:12A-16(6));

WHEREAS, in furtherance of the purposes of the Act, the Authority proposes to issue one or more series of bonds in an aggregate principal amount not to exceed \$1,115,000 (the “Bonds”) and to apply the proceeds of the Bonds to make a loan to the Borrower to refinance the Original Mortgage Note in accordance with a Bond Agreement to be entered into by and among the Authority, Bank of New Jersey as escrow agent/purchaser, and the Borrower (the “Bond Agreement”), which provides, in part, for payments by the Borrower sufficient to meet installments of interest and principal on the Bonds;

WHEREAS, the Bonds will constitute a special, limited obligation of the Authority payable solely from the revenues and other monies derived by the Authority under the Bond Agreement, and nothing in the Bonds or the Bond Agreement will assign or pledge therefor any other funds or assets of the Authority or the Borough;

WHEREAS, the Bonds will be issued pursuant to the terms of the Act, the Bond Agreement, other applicable law and a resolution to be adopted by the Authority prior to the issuance of the Bonds (together with any amendments thereof or supplements, the “Bond Resolution”);

WHEREAS, the Authority will conduct a public hearing with respect to the Bonds pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), following public notice published in the Jersey Journal;

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF EDGEWATER as follows:

Section 1. The Authority proposes to issue one or more series of Bonds in accordance with the Bond Resolution in an aggregate principal amount not to exceed \$1,115,000 to refinance the Original Mortgage Note and pay costs in connection therewith. The Bonds shall be dated, shall bear interest at such rate of interest, and shall be payable as to principal, interest and premium, if any, all as is approved by the Authority and specified in the Bond Agreement; provided, however, that the Bonds shall bear interest at an initial coupon rate not to exceed 5.75%, which interest rate may be reset from time-to-time at the prevailing rates then in effect but in no event greater than 11.50%, shall mature no later than thirty (30) years from the date of issuance of the Bonds and shall be dated and be subject to redemption prior to maturity (provided that any redemption premium shall not exceed one hundred and five percent (105%)). The Borough hereby finds and determines, in accordance with N.J.S.A. 40A:12A-29d, that such rate of interest is in the best interest of the Borough.

Section 2. The Mayor of the Borough is hereby authorized, as the applicable elected representative, as such term is defined in Section 147(f) of the Code, to approve of the issuance of the Bonds after a public hearing in satisfaction of the requirements of Section 147(f)(2) of the Code, and this resolution shall be evidence of such authorization.

Section 3. The Mayor, Borough Administrator and Borough Chief Financial Officer are each hereby authorized and directed to execute and deliver such documents, and to take such other action as may be necessary or appropriate in order to consummate the transactions contemplated hereby.

Section 4. A copy of this Resolution shall be filed with the Clerk of the Borough of Edgewater. This resolution shall take effect upon the adoption hereof.

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

**RESOLUTION
2014-109**

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

Resolution Authorizing the Competitive Bidding and Purchase of a New Roll Off Container Truck

WHEREAS the Borough of Edgewater Department of Public Works utilizes various heavy equipment such as roll off container trucks to move material such as trash and recycling from Edgewater to various trash and recycling processors and,

WHEREAS the current roll off container truck used for moving material such as trash and recycling is in need of replacing due to wear and age and,

WHEREAS the Borough of Edgewater Department of Public Works has recommended replacing its roll off container truck and,

NOW THEREFORE BE IT RESOLVED by the Edgewater Mayor and Council that it hereby authorizes the Borough of Edgewater to prepare specifications to be competitively bid by suppliers of roll off container trucks

BE IT FURTHER RESOLVED that I, Joseph Iannaconi, Jr., Chief Financial Officer, do hereby certify that that 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
2014-110**

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

RESOLUTION ENDORSING INTERLOCAL AGREEMENT WITH THE BOROUGH OF PALISADES PARK

WHEREAS the Borough of Edgewater attempts to become more efficient and effective in its delivery of services to the public and;

WHEREAS part of this efficiency and effectiveness is to identify a service gap and attempt to improve on this deficiency and;

WHEREAS the Borough of Edgewater has no municipal swimming pool for the exception of a children's pool used by children 14 and under and;

WHEREAS the Borough of Edgewater has benefited and appreciated it's existing swimming pool options with the Borough of Leonia for many years and look forward to the continued relationship and;

WHEREAS Edgewater residents can now utilize the Palisades Park Pool or the Leonia Pool depending on personal preferences

NOW THEREFORE BE IT RESOLVED by the Edgewater Mayor and Council that it hereby authorize the Mayor and Borough Clerk to enter into an inter local service agreement with the Borough of Palisades Park for the use of the Palisades Park Swimming Pool by Edgewater residents

BE IT FURTHER RESOLVED that Edgewater residents will be charged a user fee for the use of the Palisades Park pool according to the Palisades Park adopted fee schedule.

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

**RESOLUTION
2014-111**

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

RESOLUTION TO APPOINT SEASONAL MARINA STAFF

WHEREAS it is the recommendation of the Borough Administrator to appoint the following individual to serve in the temporary seasonal, full time position as marina staff not to exceed 40 hours per week; and

Saeed Tarabichi – 435 Undercliff Avenue – Edgewater, New Jersey 07020

WHEREAS the hourly rate of pay for this position is set at \$10.00 per hour; and

WHEREAS said position does not include any paid benefits; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council that the above named individual is hereby appointed to the position of temporary – seasonal, full-time marina staff at the Edgewater Marina effective March 24, 2014.

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

**RESOLUTION
2014-112**

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

Authorization Change Order # 1 Edgewater Marina Wave Screen

BE IT RESOLVED by the Edgewater Mayor and Council of the Borough of Edgewater, Bergen County New Jersey upon recommendation of the Borough Engineer Neglia Engineering Associates, that change order # 1 be and is hereby approved;

CHANGE ORDER NUMBER 1

JOB – Edgewater Marina Wave Screen

CONTRACTOR – Reicon Group LLC, 1983 Richmond Terrace, Staten Island New York 10302.

SCOPE OF CHANGE ORDER – Time Extension for Completion of Work from February 10, 2014 to May 2, 2014.

CONTRACT ALLOWANCE - \$0

TOTAL OF ADDITIONAL REPAIRS - \$0

AMOUNT OF CHANGE ORDER - \$0

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute change order #1 for the Edgewater Marina Wave Screen.

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

**RESOLUTION
2014-113**

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

**RESOLUTION TO AMEND POLICIES AND PROCEDURES MANUAL OF THE
BOROUGH OF EDGEWATER**

WHEREAS the Borough of Edgewater adopted the employee policies and procedures manual in section 77-1 of the borough code of Borough Ordinance 1120-98 and;

WHEREAS the policies and procedures manual from time to time will need to be amended based on recommendations by the South Bergen Municipal Joint Insurance Fund along with the Borough Attorney and Borough Administrator and;

WHEREAS Section B, entitled Workplace Policies, Sub-Section 7 entitled Use of Vehicle Policy, Page 16, Sub-Section 9, shall insert the following sentence; "At no time shall children be in the Borough Vehicle when responding to an emergency and;

WHEREAS Section B, entitled Workplace Polices Sub-Section 10, Page 17 entitled Communications Media Policy, is to be amended by adding "smart phones, electronic tablets", Section A entitled Management's Right to Access Information shall include "fax Machines" and "all data stored and/or transmitted through communication media is the property of the Borough of Edgewater. For purposes of this policy, "data" includes "electronically stored files, programs, tables, data bases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a Borough business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the Borough's mainframe, midrange or workstations, servers, routers, gateways, bridges, hubs, switches and other hardware components of the Borough's local or wide area networks and;

WHEREAS Section B, entitled Workplace Polices Sub-Section 10, Page 17 entitled Communications Media Policy, is to be amended by adding, Section B entitled Care in Use of Email, Voicemail, Internet and Computer Network Systems shall include "The Borough respects the individual privacy of its employees; however, employee communication transmitted through the Borough's Communication Media is not private to the individual." "All communication and stored information transmitted, received, or contained in or through such media may be monitored by the Borough of Edgewater. The Borough reserves the right to access, review, audit and disclose all matters entered into, sent over or placed in storage in the Borough's Communication Media." "The existence of passwords does not restrict or eliminate the Borough's ability or right to access electronic communications; however, the Borough cannot require the employee to provide passwords to his/her personal accounts."

WHEREAS Section B, entitled Workplace Policies Sub-Section 10 Page 17 entitled Communications and Media Policy, Sub Section D Forbidden Content of Email, Voicemail, Internet and Computer Network Systems Communications shall include; "Each employee is responsible for all activity that occurs in connection with their passwords." Sub Section E Social Media shall include; "The Borough encourages employees to share information with co-workers and with those outside the Borough for the purpose of gathering information, generating new ideas and learning from the work of others to the extent such sharing is permitted by the Borough. Social Media provides inexpensive, informal and timely ways to participate in an exchange of ideas and information. However, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. Employees may engage in social media

activity during work time through the use of the Borough's Communication Media, provided that it is directly related to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential Borough information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

No media advertisement, electronic bulletin posting, or any other posting accessible via the Internet about the Borough or on behalf of the Borough, whether through the use of the Borough's Communication Media or otherwise, may be issued unless it has first been approved by the Borough Administrator. Under no circumstances may information of a confidential, sensitive or other otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the Borough.

Because postings placed on the Internet through the use of the Borough's Communication Media will display the Borough's return address, any information posted on the Internet must reflect and adhere to all the Borough's standards and policies.

All users are personally accountable for messages they originate or forward using the Borough's Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else) is prohibited.

Employees must respect the laws regarding copyrights, trademarks, rights of public Borough and other third party rights. Any use of the Borough's name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the Borough is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

To the extent that employees use social media outside of their employment and in so doing employees identify themselves as Borough of Edgewater employees, or if they discuss matters related to the Borough on a social media site, employees must add a disclaimer on the front page, stating that it does not express the views of the Borough of Edgewater, and the employee is expressing their own personal views. For example: "The views expressed on this website/blog are mine alone and do not necessarily reflect the views of my employer". Place the disclaimer in a prominent position and repeat it for each posting that is expressing an opinion related to the Borough of Edgewater. Employees must keep in mind that, if they post information on a social media site that is in violation of the Borough policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

Nothing in these policies is designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment. Borough employees have the right to engage in or refrain from such activities."

WHEREAS Section C, entitled Paid and Unpaid Time-Off Policies Sub-Section 5 Page 24 entitled Bereavement Leave Policy shall include; "brother-in-law and sister-in-law".

Sub-Section 10 shall be added entitled "Domestic Violence Leave" "The New Jersey Security and Financial Empowerment Act, also known as the "NJ SAFE Act" provides protection for employees and their family members who have been the victim of domestic violence or sexual assault. Employees are entitled to twenty (20) days of unpaid protected leave from work to:

- Seek medical attention for, or recover from, physical or psychological injuries caused by the domestic or sexual violence;
- Obtain services from a victim services organization or pursue psychological or other counseling;
- Participate in safety planning, temporary or permanent relocation, or take other actions to increase the safety of the employee or the employee's relative or to ensure economic security;

- Seek legal assistance to ensure health and safety of the employee or the employee's relative; or Attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence. To be eligible for the leave, an employee must meet the following criteria:
- The employee or their child, parent, spouse or domestic partner must be a victim of domestic violence or a sexually violent offense;
- The employee must have worked for the employee for at least twelve months and for at least 1,000 hours during the twelve (12) month period immediately preceding the requested leave; and
- The twenty (20) day leave must be taken within one (1) year of the qualifying event.

Employees may take leave on an intermittent basis but such leave cannot be shorter than one (1) full day. To the extent the leave is foreseeable, employees must provide advance notice. In addition, employee seeking leave must provide proof that they qualify for the leave. Such proof may include restraining order, letter from a prosecutor, proof of conviction, medical documentation or a certification from an agency or professional involved in assisting the employee.

In certain circumstances, the basis for the leave may also qualify under the Federal Family and Medical Leave Act and/or the New Jersey Family Leave act. If so the Borough will treat the leave concurrently with the leave under those statutes. Employees may be required to use accrued paid vacation leave, personal time or sick leave concurrently.

The Borough shall protect the privacy of employees who seek leave holding the request for leave, the leave itself or the failure to return to work "in the strictest confidence."

The Borough shall not retaliate, harass or discriminate against any employee exercising his/her right to take the leave provided by this policy.

WHEREAS Section D, entitled Compensation & Employee Benefits Policies Sub-Section 4 Section A Page 29 shall include; "Employees who suffer job related injuries and illnesses may be entitled to medical expenses, lost income and other compensation under the New Jersey Workers Compensation Act. The Borough of Edgewater covers workers compensation benefits through its membership in a joint insurance fund (with a self-insurance plan)." "All required medical treatment must be performed by a Workers Compensation Physician appointed by Bergen Risk Managers and payment for unauthorized medical treatment may not be covered pursuant to the act." Section B shall include; "Unless explicitly provided for in a bargaining agreement, the Borough will only pay either directly or through its workers compensation insurer, those benefits that are specifically provided for under the Workers Compensation Act and will not supplement these benefits with additional benefits pursuant to N.J.S.A. 11A:6-8."

NOW THEREFORE BE IT RESOLVED by the Edgewater Mayor and Council that the policies and procedures manual of the Borough of Edgewater above referenced sections be and is hereby amended and adopted

BE IT FURTHER RESOLVED that the amended sections will become part of the permanent policies and procedures manual and said amendments will be distributed to all staff and personnel accordingly.

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

**RESOLUTION
2014-114**

April 21, 2014

INTRODUCED: Councilman Henwood
SECOND: Councilman Bartolomeo

WHEREAS the Mayor and Council have received a request from Sharon Carroll, requesting use of the Senior Citizen Bus and driver for transportation to the Paterson Museum and Great Falls and Yankee Stadium on three separate dates; and

WHEREAS said trips will be held on June 29, 2014, July 27, 2014 and September 21, 2014; and

WHEREAS participants will depart from the Edgewater Community Center on June 29th at (time to be determined), returning at _____, July 27th at 11:45, returning at 3:30 ;p.m. and September 21st at 5:15 pm. returning at 8:30 p.m. for direct drop off at Yankee Stadium; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that permission is hereby granted to Sharon Carroll's request 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
2014-115**

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

WHEREAS the Mayor and Council of the Borough of Edgewater have been advised of the proposed settlement of a property tax appeal filed by Elvira and Jon Spivak (herein the "Tax Appeal under Docket Number 016296-2012; and

WHEREAS the subject property consists of one parcel located at Block 73.01 Lot 1, C0009 and is more known as 9 Oakdene Terrace on the tax assessment map of the Borough; and

WHEREAS the 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; and

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 the enclosed 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.

SCHEDULE "A"

A. The terms of the aforesaid tax appeal settlement shall consist of the following:

2012 Appeal: \$825,000.00

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

**RESOLUTION
2014-116**

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

WHEREAS the Mayor and Council of the Borough of Edgewater have been advised of the proposed settlement of a property tax appeal filed by Ruth and Frank Khoury (herein the "Tax Appeal") under Docket Number 015055-2013 and

WHEREAS the subject property consists of one parcel located at Block 72 Lot 35, and is more known as 198 Undercliff Avenue on the tax assessment map of the Borough; and

WHEREAS the 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; and

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 the enclosed 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.

SCHEDULE "A"

A. The terms of the aforesaid tax appeal settlement shall consist of the following:

2013 Appeal: \$1,034,600.00

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

**RESOLUTION
2014-117**

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

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. Jonathan Yu – From Youth to Senior Squad
Edgewater, NJ
2. Kimberly Santiago De Souza
Fairview, NJ
3. Francisco Acosta
Fairview, NJ

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

**RESOLUTION
2014-118**

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

2014 SAFETY OFFICERS

WHEREAS, the Mayor and Council of the Borough of Edgewater supports the efforts made by the Department Heads to promote safety within their Departments, and

WHEREAS, the Governing Body recognizes the important work done by the Safety Committee members in addressing safety issues and concerns in the Borough, and

WHEREAS, the Department Heads have identified employees to represent their Departments as Safety Officers on the Safety Committee, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the attached list of employees from the various Departments be accepted as members of the Safety Committee representing their Departments.

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

**RESOLUTION
2014-119**

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Bartolomeo

Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the 2014 Transportation Alternative Program for Borough of Edgewater Bus Stop and Pedestrian Improvement Project.

WHEREAS, the Borough of Edgewater continues to develop projects that will improve transportation, traffic, and pedestrian safety; and

WHEREAS, the Borough of Edgewater Engineer has provided plans specifically designed to improve transportation, traffic, and pedestrian safety; and

WHEREAS, any improvements made along River Road are in support of and in collaboration with the County of Bergen River Road/Hudson Waterfront Study to improve transportation, traffic, and pedestrian safety; and

WHEREAS, the Borough of Edgewater has designated River Road and Thompson Lane for a Bus Stop and Pedestrian Improvement Project; and

WHEREAS, the Borough of Edgewater will assume all responsibility with regard to maintenance and upkeep of this project; and

WHEREAS, the Borough of Edgewater will assign both Neglia Engineering Associates, Edgewater's consulting engineer along with its Borough Administrator as the project coordinators **for this project; and**

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Edgewater, in the County of Bergen, State of New Jersey formally approves the grant application for the Bus Stop and Pedestrian Improvement Project at Thompson Lane and River Road.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to submit an electronic grant application identified as *TA-2014-Bus Stop and Pedestrian Improvement-00061* to the New Jersey Department of Transportation.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Edgewater and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

OLD BUSINESS

None.

NEW BUSINESS

None.

MOTION

April 21, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Monte

Motion to adjourn.

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

Barbara Rae, RMC, CMC
Borough Clerk

APPROVED: May 19, 2014