

**MINUTES OF A WORK SESSION OF THE EDGEWATER MAYOR AND COUNCIL
HELD IN THE NANCY MERSE COUNCIL CHAMBERS, LOCATED AT 55 RIVER
ROAD, EDGEWATER, COUNTY OF BERGEN, STATE OF NEW JERSEY ON MAY 5,
2014**

PRESIDING: Mayor James F. Delaney

PRESENT ON ROLL CALL: Councilman Henwood, Councilman Doran, 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

OPEN PUBLIC MEETING ACT

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

SALUTE TO THE FLAG

Mayor Delaney led the Pledge of Allegiance.

OPEN MEETING TO THE PUBLIC

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

Michael Messeri, 364-365 Old River Road:

- Asked status of metered parking in Shadyside. Administrator and Borough Attorney Boggia commented on issues involved.
- Spoke about Mr. Messeri suggestion for amendment to the Settlement Agreement. .
- Borough Attorney Boggia spoke about other party to the agreement who wanted input.
- Discussion about other parking issues and differences of opinions as to how they should be addressed. Discussion about dumping snow in the lot.
- Need to meet with all parties. Governing Body needs to instruct Borough Attorney how to proceed.
- Need continuing dialogue.

Mary Hogan, 606 Undercliff Avenue:

- Spoke about contamination on the Alcoa property and concern about the affordable housing building.
- Spoke about what developer received. Concerned about the Borough if the COAH property is contaminated.
- Attended Planning Board meeting about the Master Plan revision. Report Ms. Gregory referred to in attachment was not attached.
- Referenced report by Lou Berger and pointed out errors.
- Spoke about the 158 Bus, the consolidation and elimination of bus stops and the creation of a super bus stop.
- Spoke about traffic studies.
- Final River Road Hudson Water Stragedy .

Valory Bardinas, 16 Hudson Terrace:

- Explained frustration at meetings.
- Referenced prior concerns presented about possible contamination.
- Spoke about motion to transfer units from St. Moritz.
- Referenced article in the Record about possible contamination under the Affordable Housing building. Asked what happens to people who already live there. Borough Attorney Boggia responded.

- Asked about the Borough's COAH units.
- Provided a copy of the River Road/Hudson Waterfront Circulation Study – Final Report.
- Spoke about increased traffic.
- Commented about remarks made by Cliffside Attorney at Planning Board meeting.

Denis Gallagher, 18 Arlington Terrace:

- Asked about proposal to televise Council meetings. Administrator Franz responded.
- Asked about dumping snow in the River.

Kathy Krickovic,

- Had question for Borough Planner.
- Borough Attorney Boggia noted that Ms. Krickovic has a lawsuit currently pending against the Borough and explained why he is instructing the Planner and others not to answer Ms. Krickovic's questions.
- Ms. Krickovic explained why she disagreed with the Borough Attorney's comments and instructions.
- Borough Attorney Boggia further explained his statement/reasons.
- Ms. Krickovic put on record that at the next public hearing she will ask for the calculations that the Planner has. Borough Attorney Boggia explained that the hearing would be before the Planning Board.

Peter DePaul, 606 Undercliff Avenue:

- Asked when work would again begin on the ballfield. Mayor Delaney responded.
- Explained why he believes the Plan the Planning Board sent to Governing Body is not complete.

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

CLOSED SESSION ITEMS

Litigation

-Veterans Field

RESOLUTION AUTHORIZING EXECUTIVE SESSION

May 5, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Vidal

WHEREAS, the Borough of Edgewater desires to meet in private and/or Executive Session to discuss matters that are permitted by the exceptions to the Open Public Meetings Act as indicated herein:

- _____ 1. Any matter which, by express provision of Federal law or State statute or court rule shall be rendered confidential or excluded from discussion in public;
- _____ 2. Any matter in which the release of information would impair a right to receive funds from the federal government;
- _____ 3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy;
- _____ 4. Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public

body.

- _____ 5. Any matter involving the purchase, lease, or acquisition of real estate with public funds, the setting of a banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed;
- _____ 6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law;
- ___XX___ 7. Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer;
- _____ 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 Henwood, Councilman Doran, 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 Jordan

CONFERENCE (continued)

2. Kathryn Gregory, Planner & Dan Kaufman, Engineer – driveway aprons

- Mayor Delaney explained that multiple duplexes being built, mostly on Underciff Avenue, take away curb space.
- Borough Planner Gregory spoke about lot sizes, the problem and the issue. Spoke about setback requirement.
- Presented alternatives and how they would work and problems created.
- Answered questions from Governing Body.
- Discussion between Governing Body, Borough Planner Gregory and Mr. Kaufman.

- Borough Planner to prepare a sample ordinance.

CLOSED SESSION

Personnel:

- A & E
- PBA Contract Negotiations
- Police Department

RESOLUTION AUTHORIZING EXECUTIVE SESSION

May 5, 2014

INTRODUCED: Councilman Monte

SECOND: Councilman Doran

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- _____ 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;

- _____ 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;

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

ABSENT: Councilman Jordan

ITEMS FOR CONSIDERATION AT NEXT MEETING

MINUTES:

1. April 7, 2014 Work & Closed

No comments or questions.

ORDINANCES:

Introduction:

Adoption:

1. Ordinance No. 1505-2014 CAP Ordinance

No questions or comments.

RESOLUTIONS:

1. 2014-120 Stazi Tax Appeal Amendment to Schedule A
2. 2014-121 Summer Camp Employee Wages
3. 2014-122 Authorize Execution of Right of Way Agreement Fiber Technologies Networks
4. 2014-123 Summer Camp/DPW workers
5. 2014-124 Summer Camp Supervisors
6. 2014-125 Salaries & Wages
7. 2014-126 Services & Supplies
8. 2014-127 Arts Festival

No questions or comments.

REQUESTS/MATTERS FOR DISCUSSION:

Mayor:

BOROUGH ADMINISTRATOR:

1. Letter from Art Student League of New York asking for permission to display a sculptor in Edgewater. Letter, with a picture of the sculptor, had been forwarded to Governing Body. Governing Body approved acceptance of the sculptor.
2. Route 5 & Undercliff Parking – State got back to Neglia with parking concept of using State property. They are willing to discuss. Neglia to research titles.

Shadyside Parking – Need to meet in near future with Mr. Demetrakis and Mr. Messeri. Noted current Borough Ordinance that restricts sale of parking in some of the newer developments. Needs to be addressed.

Street Lighting – Shadyside - Referenced Aventine and Infinity Developments. They installed street lighting along the curb. Lamps were not obtained through PSE&G. The lamps were installed by the builder. Power comes from building they are in front of. Spoke about light bulbs that needed to be replaced. In future, need to stress to Engineer and Planner curb side lighting must be from PSE&G similar to the iPark Development. Then, Public Service will replace bulbs and fix the light fixtures. Decorative fixtures should be uniform throughout the town. Moving forward to resolve.

Strategic Recovery Planning Report – In regard to \$30,000 Grant we went out for an RFP. Received no responses. Notified State. State instructed how it would be possible for the Governing Body to make an award. Would be a Professional Service Contract and would be by resolution. Noted two proposals 1) Heyer, Gruel & Associates and 2) Clarke Caton Hintz. RFP Committee will be reviewing and will make a recommendation.

New LSRP – Proposals received. Recommending First Environment. Will be on for next meeting.

ATTORNEY:

Binghamton:

- Attorneys representing the Binghamton have successfully sued the former owner. Lease agreement has been reached with new operator and new operator is ready to remove the boat. However, former owner has filed an appeal. New owners have asked that the Borough submit a certification to Appellate Division asking the Appellate Division to expedite the hearing due to health and safety concerns. Would be helpful. Borough Attorney Boggia also spoke about money being held for reimbursement.

At this time, Councilman Henwood asked that a resolution for Undercliff Avenue continuing to be a one-way south from Orchard Street to the intersection of Route 5 be between the hours of 7:30 a.m. – 8:30 a.m. be on the next Agenda.

BOROUGH CLERK:

1. A & E – under closed session.
2. Government Meeting Management Software

Has reviewed meeting management software program. Likes IQ M2 - \$928 a month but gives a lot of options. Had trouble viewing a second program. Program would be available for all Boards. Need to speak to General Code again.

MOTION

May 5, 2014

INTRODUCED: Councilman Henwood
SECOND: Councilman Bartolomeo

Motion to adjourn.

On roll call the vote was as follows:

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

Barbara Rae, RMC, CMC
Borough Clerk

APPROVED: June 16, 2014