

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 JUNE 2, 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.

MOMENT OF SILENCE

SALUTE TO THE FLAG

Councilman Bartolomeo led the Pledge of Allegiance.

OPEN MEETING TO THE PUBLIC

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

Mary Hogan, 606 Undercliff Avenue:

- Asked about the recent COAH meeting.
- Believes there may be a misunderstanding about the Edgewater Sports Teams using the Leonia Field.
- Asked about the Field and the scheduled Closed Session meeting tonight with the Attorney.

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

CLOSED SESSION ITEMS:

-Litigation – Veterans Field – Tim Corrison, Esq.

Personnel

-Police Department

-Department of Public Works

RESOLUTION AUTHORIZING EXECUTIVE SESSION

June 2, 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;
 - X X 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

ITEMS FOR CONSIDERATION AT NEXT REGULAR SESSION (06-16-2014)

MINUTES:

1. May 5, 2014 Work Session & 2 Closed Sessions

No questions or comments.

ORDINANCES:

Introduction:

Adoption:

1. Ordinance No. 1506-2014 An Ordinance Amending and Supplementing Chapter 432, "Vehicles and Traffic," to Revise the Parking Restrictions on Certain Sections of Old River Road in the Borough of Edgewater

Councilman Henwood commented on the issue. Discussion included Borough Attorney Boggia.

RESOLUTIONS

1. **2014-144** Police Department Appointments
2. **2014-145** ABC Liquor License
3. **2014-146** Police Department Clothing Allowance – 1st
4. **2014-147** School Crossing Guards Cloth Allowance – 1st
5. **2014-148** DPW Clothing Allowance – 1st
6. **2014-149** Salaries & Wages
7. **2014-150** Salaries & Wages
8. **2014-151** Services & Supplies
9. **2014-152** Authorize Neglia Engineer Prepare Survey/Prelim. Design for River Road Realignment (Massa Lane)
10. **2014-153** Tax Appeal Settlement – Metro IV, LLC – 1086 River Road
11. **2014-154** Payout Request for Compensatory Time– Lt. Ring 50 hrs.

Borough Clerk Barbara Rae responded to Councilman Henwood's request for clarification of Resolution 2014-152. Discussion about funding. Councilman Henwood spoke about eminent domain.

REQUESTS/MATTERS FOR DISCUSSION:

Borough Clerk:

- Life Save Awards to 3 EMT' – will be presented at the next meeting.

Borough Administrator:

- Strategic Recovery Planning Professionals – Recommendation will be made at the next meeting. Believes it will be Clarke Caton Hintz. Discussion.
- COAH – Revised Round 3 Rules – Referenced memo from Planner. New Rules eliminate the two for one bonus. Further review and discussion.
- Riverview at City Place – Referenced correspondence from attorney representing Riverview involving a nuisance complaint about odors from a restaurant. Borough Health Official and Borough Attorney have addressed issue. Facility has passed building, fire and health regulations. Restaurant has fulfilled its obligation regarding safety, health, construction and fire. It's a private dispute.
- Proposed Third Amendment to Settlement Agreement (Shady Side Parking Lot) – Received proposed amendment which addresses the snow pile. Borough Attorney has reviewed. Working through some of the issues. Need to speak about permits, etc. Discussion.
- 915 River Road meters will be installed shortly.
- Spoke about proposals for website. There are 5 new proposals. Noted that website proposal already contains the meeting management system which the Borough Clerk has been interested in. Asking Borough Clerk to review. Discussion.
- Spoke about correspondence received concerning deck issues on Veterans Way. Spoke to Borough Attorney. Administrator recommends that the Planning Board

attorney, who is sitting in for the Board of Adjustment attorney, speak to the resident and interpret the zoning at these locations.

CLOSED SESSION DISCUSSION

1. Veterans Field Pending Litigation
2. Police Department and DPW Personnel

RESOLUTION AUTHORIZING EXECUTIVE SESSION

June 2, 2014

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SECOND: Councilman Vidal

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- 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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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

BOROUGH ATTORNEY

Commented on 38 COAH and questions rose earlier about the site. He stated that the LSRP has indicated to the Borough there is no evidence that the site is contaminated.

Spoke about Veterans Field and conversation with Special Counsel Corrison. Said there are a number of parallel tasks taking place at the same time. LSRP will be at the field tomorrow and will commence soil samplings so that a Remediation Action Workplan can be prepared and submitted to the EPA. Also simultaneously continuing mediation with responsible party. In conversation with Liberty Mutual, who posted performance bond. If those things are not successful than a law suit will be commenced. However, continuing to take steps to remediate the site so as to not delay the cleanup. Confident that everything possible is being done. Would hope to see activity in about six weeks.

MOTION

June 2, 2014

INTRODUCED: Councilman Henwood

SECOND: Councilman Vidal

A 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: July 14, 2014