

MINUTES OF A REGULAR SESSION OF THE EDGEWATER MAYOR AND COUNCIL HELD IN THE NANCY MERSE COUNCIL CHAMBERS IN THE MUNICIPAL BUILDING, LOCATED AT 55 RIVER ROAD, EDGEWATER, COUNTY OF BERGEN, STATE OF NEW JERSEY ON OCTOBER 17, 2016

SALUTE TO THE FLAG:

Mayor McPartland led the Pledge of Allegiance.

OPEN PUBLIC MEETINGS ACT

Mayor McPartland read the following:

“In compliance with New Jersey’s Open Public Meetings Act, Chapter 231 of P.L. 1975, I hereby declare that adequate notice of this meeting has been provided specifying that this meeting would be held on this date, October 17, 2016, in the Municipal Building, 55 River Road, Edgewater, New Jersey at 7:00 p.m. This notice was published in the Record and Jersey Journal, posted on the bulletin board in the lobby of the Borough Hall and posted on the Borough’s website.”

PRESIDING: Mayor Michael McPartland

PRESENT ON ROLL CALL: Councilwoman Lawlor, Councilman Monte, Councilwoman Fischetti and Councilman Bartolomeo

ALSO PRESENT: Borough Clerk Annamarie O’Connor, Administrator Gregory S. Franz and Borough Attorney Joseph R. Mariniello, Jr.

ABSENT: Councilman Henwood and Councilman Vidal

COMMENDATIONS:

Mayor’s Presentation of Life Save Awards:

Recognize Police Officers and EMTs. Mayor McPartland said that it is comforting knowing that Edgewater has one of the finest EMTs and Police Departments, not only in Bergen County but in the State of New Jersey. Mayor McPartland then read the following into the record.

“To: Mayor and Council
From: Chief William Skidmore
Date: 10/13/2016

Mr. Mayor and Council Members:

On August 26th 2016 at approximately 3:51 in the afternoon the Edgewater Emergency Medical Service and Police Department were dispatched to a call of an unresponsive party.

Upon arrival Ptl. Dalton found the patient on the floor and EMT Lewie assessed the patient and found no pulse or breathing was present. CPR was administered by EMTs Blay and Lewie. Ptl. Dalton and Massuda assisted in movement and transport of the patient allowing CPR to continue. While enroute to the Hospital with Medics the patients pulse was restored.

As a result of the combined efforts of the Medical service and Police Department a 91 year old man who had no pulse and was not breathing left the hospital two days later and is home.

Because of their actions and professionalism I am recommending EMT David Lewie, EMT Lee Blay, Ptl. Jim Dalton and Ptl. Dan Massuda be awarded the Life Saving Medal. Respectfully, s/Chief William Skidmore”

At this time, Mayor McPartland presented Ptl. Dalton, Ptl. Massuda, EMT Blay and EMT Lewie with the Life Saving Medals.

OPEN MEETING TO THE PUBLIC

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

Brian, Elbaum, 112 Undercliff Avenue:

- Received notice about the proposed Zoning Ordinance. Has some questions and comments.
- Borough Attorney Mariniello explained that the Ordinance is going to be tabled tonight because the Planning Board did not have the enough time to review and comment.
- Asked about the affordable housing issue.
- Borough Attorney Mariniello suggested he call his office and he would be happy to discuss the affordable housing issue with him.

Gary and Cody Gecht, 256 Old River Road:

- Complained about the metered parking in front of his house.
- Asked about the revenue from the meters.
- Mayor McPartland said that they are reviewing the metered parking.

Mr. Corbescello:

- Former Mayor of Fort Lee and is familiar with Edgewater.
- Complimented the Council on the Borough and the new Borough Hall.

Po, 264 Old River Road, business at 266 Old River Road:

- Decrease in recent sales because of the meters.
- People have difficult time understanding the meter system.

Owner of Tai Restaurant at 264 River Road:

- Has same concerns about the meters.

Owner of Rebecca’s Restaurant, 236 Old River Road::

- Same concerns about the meters.
- Confusing for the customers.

Mike speaking for the owners of business at 258 Old River Road:

- Problems with handicapped parking spaces.
- Have 60 signatures from customers protesting the meters.

Valory Bardinas

- Commended the Governing Body on the “puppy mill” Ordinance.
- Had a question about the Ordinance that was tabled. Asked if it included the Hess Property.
- Asked about the Pilot for the Waterford and the age restriction.
- Asked about personnel being hired.
- Thanked Councilman Henwood for having the Route 5 stairs fixed. Area along Route 5 (little Park Area) still needs attention.

Sal Mordino, owner of Franks Pizza:

- Also complained about the metered parking.
- Creating hardship on businesses.

Damian , owner of New York Puppy Club:

- Will speak when Ordinance is introduced.

Owner, Frozen Yogart, 342 Old River Road:

- Also complained about the metered parking.

Tom Tansey, 1111 River Road:

- Spoke about Veterans Field.
- Complimented Mayor and Governing Body.
- Design of the field is very impressive.

Salon Owner, 254 Old River Road:

- Also complained about the metered parking.
- Senior residents have problems with it.

Mayor McPartland spoke about the metered parking issue and said that the Governing Body will take all their comments under consideration.

Administrator Franz commented on the parking meter issue.

APPROVAL OF MINUTES

The following minutes were listed for approval: September 13, 2016 Regular Meeting and October 3, 2016 Work Session.

MOTION

October 17, 2016

INTRODUCED: Councilwoman Lawlor

SECOND: Councilwoman Fischetti

A motion to approve the minutes of the September 13, 2016 Regular Meeting and the October 3, 2016 Work Session.

On roll call the vote was as follows:

Councilman Henwood	Absent
Councilwoman Lawlor	Yes
Councilman Monte	Yes
Councilman Vidal	Absent
Councilwoman Fischetti	Yes
Councilman Bartolomeo	Yes

ORDINANCE FOR ADOPTION

1. ORDINANCE #2016-1537

AN ORDINANCE OF THE BOROUGH OF EDGEWATER, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 240 OF THE BOROUGH CODE TO IMPLEMENT AFFORDABLE HOUSING

MOTION

October 17, 2016

INTRODUCED: Councilman Monte

SECOND: Councilwoman Lawlor

A motion to table Ordinance #2016-1537 until the November 14, 2016 meeting.

On roll call the vote was as follows:

Councilman Henwood	Absent
Councilwoman Lawlor	Yes
Councilman Monte	Yes
Councilman Vidal	Absent
Councilwoman Fischetti	Yes
Councilman Bartolomeo	Yes

2. ORDINANCE 2016-1538

AN ORDINANCE OF THE BOROUGH OF EDGEWATER IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE HISTORIC BOROUGH HALL PHASE III IMPROVEMENTS IN AND FOR THE BOROUGH OF EDGEWATER AND APPROPRIATING \$1,500,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$1,425,000 IN BONDS OR NOTES OF THE BOROUGH OF EDGEWATER TO FINANCE THE SAME.

The Mayor read the Notice of Ordinance and Ordinance No. 2016-1538

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 13th day of September, 2016 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 17th day of October,

2016 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:

ORDINANCE NO. 2016-1538

AN ORDINANCE OF THE BOROUGH OF EDGEWATER IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE HISTORIC BOROUGH HALL PHASE III IMPROVEMENTS IN AND FOR THE BOROUGH OF EDGEWATER AND APPROPRIATING \$1,500,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$1,425,000 IN BONDS OR NOTES OF THE BOROUGH OF EDGEWATER TO FINANCE THE SAME

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF EDGEWATER, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Edgewater, in the County of Bergen, New Jersey (the “Borough”), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of money therein stated as the appropriation made for the improvement or purpose, such sum amounting to \$1,500,000, including the sum of \$75,000 from the capital improvement fund as the down payment for the improvement or purpose required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$1,425,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is for the Phase III Improvements to Historic Borough Hall, including, but not limited to, the reconstruction of the ground floor to house the

headquarters of the Edgewater Volunteer First Aid Squad, and including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,425,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

(e) The Borough reasonably expects to commence acquisition and/or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be

obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Borough Council of the Borough hereby covenants on behalf of the Borough to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the “Code”), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 11. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Introduced: September 13, 2016

Adopted: October 17, 2016

Attest:

MOTION

October 17, 2016

INTRODUCED: Councilman Monte

SECOND: Councilwoman Lawlor

A motion to open the meeting to the public to comment on Ordinance 2016-1538.

On roll call the vote was as follows:

Councilman Henwood	Absent
Councilwoman Lawlor	Yes
Councilman Monte	Yes
Councilman Vidal	Absent
Councilwoman Fischetti	Yes
Councilman Bartolomeo	Yes

Mayor McPartland then opened the meeting to the public to comment on Ordinance 2016-1538 and the following were heard:

Valory Bardinias, 16 Hudson Terrace:

- Asked about a plan for Old Borough Hall.
- Mayor McPartland said that at this time they are only dealing with the First Floor.

No one else wished to speak. Mayor McPartland then closed the meeting to the public to comment on Ordinance 2016-1538.

MOTION

October 17, 2016

INTRODUCED: Councilman Monte

SECOND: Councilman Bartolomeo

A motion to adopt Ordinance 2016-1538.

On roll call the vote was as follows:

Councilman Henwood	Absent
Councilwoman Lawlor	Yes
Councilman Monte	Yes
Councilman Vidal	Absent
Councilwoman Fischetti	Yes
Councilman Bartolomeo	Yes

ORDINANCE #2016-1539

AN ORDINANCE OF THE BOROUGH OF EDGEWATER, COUNTY OF BERGEN, STATE OF NEW JERSEY, ORDINANCE ADDING AN ORDINANCE ENTITLED “RESTRICTING THE SALE OF DOGS AND CATS FROM PET SHOPS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF EDGEWATER, COUNTY OF BERGEN AND STATE OF NEW JERSEY”

The Ordinance is as follows:

BOROUGH OF EDGEWATER

ORDINANCE #2016-1539

AN ORDINANCE OF THE BOROUGH OF EDGEWATER, COUNTY OF BERGEN, STATE OF NEW JERSEY, ORDINANCE ADDING AN ORDINANCE ENTITLED “RESTRICTING THE SALE OF DOGS AND CATS FROM PET SHOPS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF EDGEWATER, COUNTY OF BERGEN AND STATE OF NEW JERSEY”

WHEREAS, a significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for (“puppy mills” and “kitten mills,” respectively). Accordingly, to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills; and

WHEREAS, the documented abuses endemic to puppy and kitten mills include overbreeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise; and

WHEREAS, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, current Federal and State regulations do not adequately address the sale of puppy and kitten mill dogs and cats in pet shops; and

WHEREAS, restricting the retail sale of puppies and kittens to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for

puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations; and

WHEREAS, according to the New Jersey Department of Health 2015 Animal Intake and Disposition Surveys, due in large part to pet overpopulation, more than 37,000 dogs and cats are euthanized in New Jersey animal shelters and rescue organizations will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers; and

WHEREAS, across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets their premises; and

WHEREAS, this Ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions; and

WHEREAS, the Borough Council believes it is in the best interests of this Municipality to adopt reasonable regulations to reduce costs to the Municipality and its residents, protect the citizens of the Municipality who may purchase cats or dogs from a pet shop or other business animal welfare, and foster a more humane environment in the Municipality.

Section 1. Definitions

Animal care facility means an animal control center or an animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

Animal rescue organization means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

Cat means a member of the species of domestic cat, Felis catus.

Dog means a member of the species of domestic dog, Canis familiaris.

Offer for sale means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

Pet shop means a retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

Section 2. Restrictions on the Sale of Animals

- (1) A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with:
- a. An animal care facility; or
 - b. An animal rescue organization.
- (2) A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This ordinance shall take effect 90 days after passage.

Michael J. McPartland, Mayor

ATTEST:

Annamarie O'Connor, RMC,
Borough Clerk

INTRODUCED: September 13, 2016

ADOPTED: October 17, 2016

APPROVED: October 17, 2016

MOTION

October 17, 2016

INTRODUCED: Councilman Monte

SECOND: Councilwoman Fischetti

A motion to open the meeting to the public to comment on Ordinance 2016-1539.

On roll call the vote was as follows:

Councilman Henwood	Absent
Councilwoman Lawlor	Yes
Councilman Monte	Yes
Councilman Vidal	Absent
Councilwoman Fischetti	Yes
Councilman Bartolomeo	Yes

Mayor McPartland then opened the meeting to the public to comment on Ordinance 2016-1539.and the following were heard:

Damien Yoon, Owner of Woofy Pet at 982 River Road

- His business is a full service shop.
- They do doggy day care, boarding, grooming.
- Explained how and why they would get puppies.
- Had believed that the Ordinance would not affect the Pet Stores in town.
- Borough Attorney spoke on the issue.

MOTION

October 17, 2016

INTRODUCED: Councilman Bartolomeo

SECOND: Councilman Monte

A motion to adopt Ordinance 2016-1539.

On roll call the vote was as follows:

Councilman Henwood	Absent
Councilwoman Lawlor	Yes
Councilman Monte	Yes
Councilman Vidal	Absent
Councilwoman Fischetti	Yes
Councilman Bartolomeo	Yes

RESOLUTIONS: Consent Agenda

MOTION

October 17, 2016

INTRODUCED: Councilman Bartolomeo

SECOND: Councilwoman Fischetti

A motion to table Resolutions 2016-253 and 2016-254.

On roll call the vote was as follows:

Councilman Henwood	Absent
Councilwoman Lawlor	Yes
Councilman Monte	Yes
Councilman Vidal	Absent
Councilwoman Fischetti	Yes
Councilman Bartolomeo	Yes

A motion to approve Resolutions 2016-242 and 2016-243, 2016-246 and 2016-247, 2016-249 to 2016-252 and Resolutions 2016-255 to 2016-265 was made by Councilman Bartolomeo and second by Councilwoman Fischetti.

On roll call the vote was as follows:

Councilman Henwood	Absent
Councilwoman Lawlor	Yes
Councilman Monte	Yes
Councilman Vidal	Absent
Councilwoman Fischetti	Yes
Councilman Bartolomeo	Yes

RESOLUTION

2016-242

October 17, 2016

Introduced: Councilman Bartolomeo

Second: Councilwoman Fischetti

WHEREAS, there exists in the Borough of Edgewater a Volunteer First Aid Squad and an applications has 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:

Casey Kammerman
Edgewater, NJ

Ivy Sung
Edgewater, NJ

Hanna Jurek
Edgewater, NJ

Steve Pyun
Palisades Park, NJ

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

**RESOLUTION
2016-243**

October 17, 2016

Introduced: Councilman Bartolomeo
Second: Councilwoman Fischetti

WHEREAS, by the Mayor and Council that the Qualified Purchasing Agent and Borough Clerk are hereby authorized to advertise and solicit for RFQ's for Borough Professionals for the Year 2017 who earn more than \$17,500 annually; and

BE IT RESOLVED by the Governing Body that the following individuals serve on the Evaluation Committee:

Mayor Michael McPartland
Councilman Vincent Monte
Deborah Reilly, Qualified Purchasing Agent
Gregory Franz, Borough Administrator

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

**RESOLUTION
2016-246**

October 17, 2016

Introduced: Councilman Bartolomeo
Second: Councilwoman Fischetti

Adopt a Policy Requiring the Borough of Edgewater Tax Assessor to Notify the Governing Body and Chief Financial Officer of all Tax Appeals upon filing.

WHEREAS, the active monitoring and management of a municipality's ratable base is fundamental to help to insure financial stability; and

WHEREAS, the refunding of tax appeals can affect the cash flow of a municipality, the calculation for the reserve for uncollected taxes which is necessary to the preparations of a budget and fund balance; and

WHEREAS, every taxpayer has a right to appeal a tax assessment, first through administrative channels and if not satisfied with the results there, ultimately through the County Board of Taxation and the courts; and

WHEREAS, reporting of this information is essential to operations of the municipality; and

WHEREAS, is in the best interest of the Borough of Edgewater that it's Governing Body have this information on a timely basis.

NOW, THEREFORE, BE IT RESOLVED that the Tax Assessor is requested to follow the policy requiring that the Tax Assessor of the Borough of Edgewater notify the Governing Body and Chief Financial Officer of all tax appeals upon filing not later than June 1st of each year.

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

RESOLUTION
2016-247

October 17, 2016

Introduced: Councilman Bartolomeo

Second: Councilwoman Fischetti

Short Term Shared Services Agreement: Bergen County – Street Sweeper

WHEREAS, the County of Bergen owns certain equipment, including a 2006 Elgin/Pelican 3 wheel broom sweeper(“street sweeper”): and

WHEREAS, in furtherance of the County Executive’s shared service initiative, subject to the operational needs of the County, the County seeks to make the street sweeper available to the municipalities within Bergen County for short term use; and

WHEREAS, the county had determined that by entering into a shared service agreement governing the terms for borrowing the county’s street sweeper in advance of a municipality’s need to utilize the street sweeper, the parties will be able to facilitate the prompt availability of the street sweeper at such times as a municipality has a need to utilize it;

WHEREAS, the Borough of Edgewater is authorized to enter into shared service agreement in accordance with the Uniform Shared Services and Consolidation Act, P.L. 2007, c.63(C.40a:65-1, *et seq.*).

WHEREAS, County Counsel has prepared a form of Shared Service Agreement entitle “SHARED SERVICE AGREEMENT FOR SHORT RENTAL OF COUNTY OWNED STREET SWEEPER BETWEEN THE COUNTY OF BERGEN AND MUNICIPALITY WITHIN THE COUNTY OF BERGEN” (“Shared Service Agreement”, a copy of which is annex to the Resolution, as exhibit A; and

WHEREAS, the Shared Service Agreement set forth the terms under which the county will, subject to availability, loan street sweeper to municipalities on an short-term, temporary basis, and

WHEREAS, The County agrees to accept and the Municipality agrees to pay one thousand, five hundred dollars (\$1,500) per week for rental of the Street Sweeper for up to two weeks. The rental fee shall not be prorated for partial weeks (i.e. if the Municipality rents the Street Sweeper for 1 day, the amount due shall be \$1,500; if the Municipality rents the Street Sweeper for 8 days, the amount due shall be \$3,000.

NOW, THERFORE, BE IT RESOLVED BY THE BOROUGH OF EDGEWATER, upon the recommendation of the Borough Administrator and Superintendent of the Department of Works:

1. The recitals set forth above are incorporated into the body of this resolution as if set forth at length herein.
2. The Borough of Edgewater hereby endorses the County Executive's proposed shared service initiative, and approves the terms thereof, as set forth in the Shared Services Agreement annexed to the Resolution as Exhibit A
3. The Borough of Edgewater Mayor and Borough Clerk are hereby authorized to sign the Shared Service Agreement in the form annexed as Exhibit A, together with any other documents necessary to implement the rental of the street sweeper, as set forth therein, The Agreement and all other documents to be in forms approved by the Borough Council.

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

**RESOLUTION
2016-249**

October 17, 2016

Introduced: Councilman Bartolomeo
Second: Councilwoman Fischetti

RESOLUTION ESTABLISHING A COMPLIANCE COMMITTEE for PAYMENT IN LIEU OF TAX AGREEMENTS

WHEREAS, N.J.S.A, 40A:20-1 et seq. permits municipalities to grant Payment in Lieu of Tax (PILOT) Agreements to certain properties meeting the statutory requirements and,

WHEREAS, the Borough of Edgewater has approved several PILOT agreements it has deemed in the best interest of the Borough of Edgewater

WHEREAS, it is a best practice to establish a monitoring system whereby the Borough of Edgewater is ensured the proper payments in a timely manner from a formally accepted PILOT agreement and,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Edgewater that a formal review process is hereby authorized and approved establishing a yearly PILOT review committee

BE IT FURTHER RESOLVED said committee shall consist of the tax assessor, tax collector, and borough administrator, and a review of each existing PILOT agreement shall be completed by September 30 of each year and a report provided to the Mayor and Council.

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

**RESOLUTION
2016-250**

October 17, 2016

Introduced: Councilman Bartolomeo
Second: Councilwoman Fischetti

Resolution 2016-250, Salary & Wages, is attached to the end of these minutes.

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

**RESOLUTION
2016-251**

October 17, 2016

Introduced: Councilman Bartolomeo

Second: Councilwoman Fischetti

Resolution 2016-251, Salary & Wages, is attached to the end of these minutes.

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

**RESOLUTION
2016-252**

October 17, 2016

Introduced: Councilman Bartolomeo

Second: Councilwoman Fischetti

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of Division of Local Government Services May approve

the insertion of any special item of revenue in the Budget of any Municipality when such item shall have been made

available by law and the amount thereof was not determined at the time of adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Edgewater was awarded \$61,002 from the United States Department of Homeland Security, Port Security Grant Program in fiscal year 2016;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Edgewater, that the Mayor

and Council hereby requests the Director of Local Government Services to approve the insertion of an item of revenue

in the Budget year 2016 CY, in the sum of \$61,002

Which is now available as a revenue item from:

Port Security Grant Program

BE IT FURTHER RESOLVED that a like sum of\$61,002

Be and the same is hereby appropriated under the caption:

Marina Appropriation;

Port Security Grant Program

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to forward two (2) copies of this Resolution to the Director of Local Government Services.

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

**RESOLUTION
2016-255**

October 17, 2016

Introduced: Councilman Bartolomeo

Second: Councilwoman Fischetti

WHEREAS, a vacancy will exist in the Finance Department due to an impending transfer; and

WHEREAS, the Borough of Edgewater has solicited by way of advertisement for qualified individuals to fill this position; and

WHEREAS, after review of applications received that it is the recommendation of the Chief Financial Officer and Borough Administrator that Nancy Zavodsky of Edgewater New Jersey, be appointed to fill the position within the Edgewater Finance Department; and

NOW THEREFORE BE IT RESOLVED, by the Edgewater Mayor and Council that Nancy Zavodsky of Edgewater New Jersey be and is hereby appointed as a full time clerk 1 within the Finance Department effective November 1, 2016.

BE IT FURTHER RESOLVED, that the Mayor and Council authorize a salary of \$31,000 with benefits as prescribed by the policies and procedures manual of the Borough.

BE IT FURTHER RESOLVED, that the Chief Financial Officer, Sercan Zoklu, hereby certify that funds are available for this purpose.

Sercan Zoklu
Chief Financial Officer

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

**RESOLUTION
2016-256**

October 17, 2016

Introduced: Councilman Bartolomeo

Second: Councilwoman Fischetti

WHEREAS, a laborer's position within the Department of Public Works exists due to retirements creating a need for an appointment; and

WHEREAS, John Merse has been serving as a temporary-seasonal full time laborer by Resolution 2016-100 since April 18, 2016 effective May 2, 2016; and

WHEREAS, it is the recommendation of the Superintendent of Public Works as well as the Borough Administrator that John Merse be appointed a regular full time laborer's position within the Department of Public Works

NOW THEREFORE BE IT RESOLVED, by the Edgewater Mayor and Council that it hereby appoint John Merse of Edgewater New Jersey to the Department of Public Works as a full time laborer with benefits according to the current Public Works Bargaining Unit Agreement.

BE IT FURTHER RESOLVED, that John Merse starting salary will be \$24,500 according to the current Public Works Bargaining Unit Agreement upon completion of one (1) year of service John Merse will advance to laborer II and will remain until successfully completing Labor II training and that said employment is conditional on a successful pre-employment physical and fit for duty test as well as a pre-employment substance abuse test and continued periodic testing.

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

**RESOLUTION
2016-257**

October 17, 2016

Introduced: Councilman Bartolomeo

Second: Councilwoman Fischetti

WHEREAS, the Borough of Edgewater has the need for and requires professional legal services in connection with the Veteran's Field Improvement Project Litigation and therefore on March 26, 2014, adopted Resolution 2014-085 appointing Connell Foley as special legal counsel, located at 85 Livingston Avenue, Roseland, NJ 07068, and

WHEREAS, the Borough of Edgewater has an outstanding balance with Connell Foley in the amount of \$112,625, and

WHEREAS, the ongoing litigation will require additional invoicing and payment

NOW, THEREFORE BE ADVISED that the Mayor and Council hereby approve payment for Connell Foley in the amount of the existing invoicing of \$112,625 and authorize an additional \$100,000 for continued future representation;

BE IT FURTHER RESOLVED that, I, Sercan Zoklu, the Borough's Chief Financial Officer hereby certifies that funds have been appropriated and are available for this purpose through Ordinance No. 1474-2012

Sercan Zoklu., C.F.O.

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

**RESOLUTION
2016-258**

October 17, 2016

Introduced: Councilman Bartolomeo

Second: Councilwoman Fischetti

Amendment to Professional Services Contract of First Environment, Inc. for Remediation Testing and Monitoring Services at Veterans Field and for Litigation Support Services

WHEREAS, on May 19, 2014, by Resolution 2014-136, the Borough accepted and awarded a contract for Professional Services for Remediation Testing and Monitoring at Veterans Field to First Environment Inc., with offices located at 91 Fulton Street, Boonton, New Jersey, 07005; and

WHEREAS, First Environment, Inc. has submitted the attached proposals dated September 17, 2014 - \$69,100.00 for Environmental Technical Support and October 6, 2014 - \$183,725.00; and

WHEREAS, First Environment, Inc. has continued to monitor the project as the Licensed Site Remediation Professional and provided environmental guidance and monitoring to the Borough's Professional Engineer CME and project contractor, TOMCO Construction as well as litigation services; and

WHEREAS, First Environment has outstanding invoices in the amount of \$43,320 for the aforementioned work and will present additional invoices as the work progresses.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Edgewater that it hereby authorize the payment of all outstanding invoices totaling \$43,320 and further authorizes any additional invoices up to but not exceeding \$75,000.

BE IT FURTHER RESOLVED, I, Sercan Zoklu, the Borough's Chief Financial Officer hereby certifies that funds have been appropriated and are available for said purposes through Ordinance No. 1474:

Sercan Zoklu., C.F.O.

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

**RESOLUTION
2016-259**

October 17, 2016

Introduced: Councilman Bartolomeo

Second: Councilwoman Fischetti

WHEREAS, a need exists for the installation of a fire hydrant at the Veteran's Field project, 1167 River Road, Edgewater New Jersey 07020, and

WHEREAS, Suez Water will install the needed fire hydrant at cost to the Borough of Edgewater along with a yearly service fee not to exceed \$15,000 for said installation, and

WHEREAS, the Fire Official and Fire Chief recommend the installation of a fire hydrant to provide a water source in the event of fire.

NOW THEREFORE BE IT RESOLVED, that the Edgewater Mayor and Council hereby authorize Suez Water to install a fire hydrant at Veterans Field at a cost not to exceed \$15,000.

BE IT FURTHER RESOLVED, that the Chief Financial Officer, Sercan Zoklu, hereby certifies that funds are available for this purpose in ordinance 1474-2012.

Sercan Zoklu, CFO

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

**RESOLUTION
2016-260**

October 17, 2016

Introduced: Councilman Bartolomeo

Second: Councilwoman Fischetti

**A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE
NEW JERSEY DEPARTMENT OF TRANSPORTATION'S
TRANSPORTATION ALTERNATIVES PROGRAM**

WHEREAS, the Borough of Edgewater, Bergen County, State of New Jersey desires to apply to the New Jersey Department of Transportation for funding under the Transportation Alternatives Program (TAP); and,

WHEREAS, the Borough of Edgewater has designed the River Road Pedestrian Safety Improvement Project to meet all criteria necessary to receive funding under TAP and maximize pedestrian safety at the entryway of Veteran's Field (an approximately 0.6-acre area at the intersection of River Road and Glenwood Avenue, to be known as the Project Area); and,

WHEREAS, the Scope of Work to be completed in this Project Area will include development of a sidewalk and retaining wall to connect current sidewalks and public transportation hubs to the entryway of Veteran's Field (approximately 200 feet of sidewalk along River Road and 100 feet along Glenwood Avenue); and,

WHEREAS, this Scope of Work implicates land that is owned by both the Borough of Edgewater and the County of Bergen, wherein the County of Bergen owns the "edge of pavement to edge of pavement" along River Road, and Borough of Edgewater owns and maintains public sidewalks, public right of way, and curbing of River Road, as well as all aspects of Glenwood Avenue; and,

WHEREAS, the Borough of Edgewater hereby commits to maintain this section of Glenwood Avenue as it always has, as well as to maintain newly constructed sidewalks and curbing along River Road; and,

WHEREAS, the County of Bergen will document the following via Resolution: a clear commitment to maintain its owned area of River Road by way of existing maintenance procedures and agreements; clear distinction of boundaries of ownership between the Borough of Edgewater and the County of Bergen along River Road; and, support for the Borough of Edgewater's TAP application; and,

WHEREAS, responsibilities for administering the proposed project in accord with federal and state guidelines (to be known as the Responsible Charge) will be Gregory S. Franz, full-time Borough Administrator for the Borough of Edgewater; and,

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Edgewater, County of Bergen, State of New Jersey formally authorize the Mayor to submit an electronic grant application identified as **TA-2016-Edgewater Borough-00042** to the New Jersey Department of Transportation for funding under the Transportation Alternatives Program on behalf of the Borough of Edgewater.

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

RESOLUTION

October 17, 2016

Introduced: Councilman Bartolomeo
Second: Councilwoman Fischetti

**Resolution Authorizing the Acquisition and Installation of New Fencing
For the South Side of Veterans Field**

WHEREAS the Borough of Edgewater needs to acquire and install new fencing on the South Side of Veterans Field as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and

WHEREAS quotes were sent to different vendors for this service; and 3 quotes were received

All Guard Fence Company, Inc.	\$39,700.00
Anchor Fence Contractors, Inc.	\$28,500.00
Bergen Fence	\$24,900.00

WHEREAS, the Purchasing Agent recommends the award to Bergen Fence; located at 279 Bergen Turnpike, Ridgefield Park, NJ 07660; and

WHEREAS, the Purchasing Agent has determined the value of this service will exceed the total of \$17,500; and

WHEREAS, the quotes were not solicited through receipt of sealed quotes, therefore the requirements of N.J.S.A. 19:44A-20-5 (Anti Pay-to-Play Legislation) apply; and

WHEREAS, Bergen Fence has completed and submitted a Business Entity Disclosure Certification, which certified that Bergen Fence has not made any reportable contributions to a political or candidate committee in the Borough of Edgewater in the previous one year, and that the contract will prohibit Bergen Fence from making any reportable contributions through the term of the contact, and

Now Therefore Be it Resolved by the Edgewater Mayor and Council hereby authorizes Bergen Fence to supply and install new fencing on the South Side of Veterans Field for a sum not to exceed Twenty four thousand, nine hundred dollars and zero cents (\$24,900.00); and

Be It Further Resolved that, I Sercan Zoklu, the Chief Financial Officer, hereby certifies that funds are available for this purchase in the Capital Ordinance #1474.

Sercan Zoklu

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

**RESOLUTION
2016-262**

October 17, 2016

Introduced: Councilman Bartolomeo
Second: Councilwoman Fischetti

WHEREAS, the State of New Jersey Uniform Fire Code N.J.S.A. 4:18 requires the passage of a governing body resolution to authorize a commercial fireworks display within the municipality, and

WHEREAS, an application for said display has been made to the Edgewater Fire Prevention Bureau by Virtudes Codignotto of Randolph New Jersey to be held on November 6, 2016 at 45 River Road, premises of the Haven Restaurant, and

WHEREAS, the property manager and developer of Edgewater Harbor, National Resources, i Park have approved the use of the pier at 45 River Road to be used as a launch site for said display of fireworks, and

WHEREAS, all of the necessary applications and insurance requirements have been supplied by the fireworks company, International Fireworks, of 189 Berdan Avenue, Suite 456, Wayne New Jersey 07470-3233, and

WHEREAS, all of the necessary fire safety, fire protection, and fire watch details will be supplied by the Edgewater Fire Department with the cost being paid for by the applicant, Virtudes Codignotto

NOW THEREFORE BE IT RESOLVED, by the Edgewater Mayor and Council that the above referenced fireworks display is hereby approved and authorized as per the New Jersey Uniform Fire Code N.J.S.A. 4:18.

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

**RESOLUTION
2016-263**

October 17, 2016

Introduced: Councilman Bartolomeo

Second: Councilwoman Fischetti

WHEREAS, a vacancy exists in the Borough Clerk's Office due to a transfer of staff; and

WHEREAS, the Borough of Edgewater has solicited by way of advertisement for qualified individuals to fill this position; and

WHEREAS, after review of applications received that it is the recommendation of the Borough Clerk and Borough Administrator that Jo-Ann lafelice of Cliffside Park New Jersey, be appointed to fill the position within the Edgewater Borough Clerk's Office; and

NOW THEREFORE BE IT RESOLVED, by the Edgewater Mayor and Council that Jo-Ann lafelice of Cliffside Park New Jersey be and is hereby appointed as a full time clerk 1 within the Borough Clerk's Office assigned as the receptionist effective upon the adoption of this resolution and an amicable start date.

BE IT FURTHER RESOLVED, that the Mayor and Council authorize a salary of \$31,000 with benefits as prescribed by the policies and procedures manual of the Borough.

BE IT FURTHER RESOLVED, that the Chief Financial Officer, Sercan Zoklu, hereby certify that funds are available for this purpose.

Sercan Zoklu, CFO

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

**RESOLUTION
2016-264**

October 17, 2016

Introduced: Councilman Bartolomeo

Second: Councilwoman Fischetti

Resolution Authorizing an Amendment to the Contract for Tomco Construction Inc. as a result of change order #2 resulting in a decrease

WHEREAS, a contract was awarded by the Mayor and Council to Tomco Construction of 22 Howard Boulevard, Mount Arlington, New Jersey 07856 on May 16, 2016 by resolution 2016-134 in the amount of \$7,471,110.89 and,

WHEREAS, it has been determined by the borough's municipal engineer Mr. Louis J. Ploskonka, P.E. of CME Associates in correspondence and certification dated October 7, 2016 that a change order is required and,

WHEREAS, by way of this correspondence to the borough by the municipal engineer various decreases within the project specifications namely screening, reuse and disposal of historic fill material and the installation of a flared end section of rip rap for an existing 48" HDPE outfall pipe to the Hudson River have been adjusted and,

WHEREAS, all of the work set forth in Change Order No. 2 is part of the above identified project already under construction and was not due to faulty work or negligence; and

WHEREAS, the work set forth in Change Order No. 2 could not be separately bid and had to be performed by the same Contractor in order to preserve continuity of job progress and to complete the project with dispatch; and

WHEREAS, Change Order No. 2 will not materially expand upon the size, nature of scope of the project as it was described in the original bid specifications and Contract but reflects a change of work required to complete the project described in those bid specifications and Contract; and

WHEREAS, this change has been negotiated with the Contractor; and

WHEREAS, there are sufficient funds appropriated and available to cover the total cost of this project;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Edgewater as follows:

1. That Change Order No. 2 in which there is a net decrease of the Contract price of \$.40 representing an amended contract price of Change Order No. 2 of \$7,566,405.49, which this change order is made a part of this resolution.
2. The items set forth in Change Order No. 2 could not be separately bid due to an emergency need to continue and advance the existing construction of the project presently in process.
3. Change Order No. 2 is authorized and approved as an Amendment to the Contract of Tomco Construction Inc.
4. The extra work set forth in Change Order No. 2 shall be paid by the Chief Financial Officer upon presentation of voucher approved and certified by the Project Manager for this project, and satisfaction by Contractor of all other requirements for receipt of payment as set forth in the Contract Documents.
5. The cost of this change order shall be paid from the appropriation for this project in the Capital account as certified by the financial officer in the attached report, which line item or ordinance is to be changed.

The following documents are attached to this Resolution:

1. Report of Engineer justifying this Change Order;
2. Certification of Chief Financial Officer;
3. Copy of Change Orders.

Required Signatures:

_____ : Project Engineer – Louis Ploskonka PE
CME Engineering

_____ : Chief Financial Officer - Sercan Zoklu

_____ : Law Department - Joseph R. Mariniello,
Esq., Borough Attorney

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

**RESOLUTION
2016-265**

October 17, 2016

Introduced: Councilman Bartolomeo

Second: Councilwoman Fischetti

Resolution 2016-265, Services & Supplies, is attached to the end of these minutes.

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

REQUESTS/MATTERS FOR DISCUSSION

Councilman Monte said that the Recreation Department would be doing their trick or treating at the Marina this year. Invited all.

Mayor McPartland spoke about Veterans Field and suggested that the Council appoint a Committee to plan the Grand Opening.

MOTION

October 17, 2016

INTRODUCED: Councilman Bartolomeo

SECOND: Councilwoman Lawlor

RESOLUTION AUTHORIZING EXECUTIVE SESSION

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;

_____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___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 it discretion may determine according to law.

On roll call the vote was as follows:

Councilman Henwood	Absent
Councilwoman Lawlor	Yes
Councilman Monte	Yes
Councilman Vidal	Absent
Councilwoman Fischetti	Yes
Councilman Bartolomeo	Yes

The governing body returned from Closed Session.

PRESENT ON ROLL CALL: Councilwoman Lawlor, Councilman Monte, Councilwoman Fischetti and Councilman Bartolomeo

ALSO PRESENT: Mayor McPartland, Administrator Gregory S. Franz, Borough Clerk Annamarie O'Connor and Borough Attorney Joseph R. Mariniello, Jr.

ABSENT: Councilman Henwood and Councilman Vidal.

MOTION

October 17, 2016

Introduced: Councilwoman Lawlor
Second: Councilwoman Fischetti

Motion to adjourn.

On roll call the vote was as follows:

Councilman Henwood	Absent
Councilman Lawlor	Yes
Councilman Monte	Yes
Councilman Vidal	Absent
Councilwoman Fischetti	Yes
Councilman Bartolomeo	Yes

Annamarie O'Connor, RMC
Borough Clerk

APPROVED: November 14, 2016

