

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, December 19, 2013 @8:00 p.m.

The Regular Meeting of the Mayor and Council of the Borough of Fort Lee was held on the above date in the Council Chambers, Memorial Municipal Building, 309 Main Street, Fort Lee, New Jersey.

PRESENT: Mayor Sokolich, Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

ALSO PRESENT: Peggy Thomas, Borough Administrator
Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney

MAYOR'S STATEMENT

Let the minutes reflect that adequate notice of this meeting has been provided in the following manner:

1. On January 3, 2013, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2013, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2013 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Sokolich stated that he just left the Fort Lee High School annual concert and he praised the music department for the great job that they do with the kids as well the kids who are fantastic.

He stated that Alfred Buzzetti, Chairman of the Bank of New Jersey, passed way. He was a local businessman in the borough for many, many years. He created hundreds of jobs over the years. He was originally from New York City. Any bank that he was involved in, he always made sure that they became part of the community. He never refused the town, whether it was for expensive benches for the dog park and so many other sponsorships. He added that he was a good man and he was a good friend as well as a mentor. Fort Lee has lost a very important person. On behalf of himself and the community, he offered his condolences to Mr. Buzzetti's family.

He stated that tonight is Ms. Thomas' last public meeting as she is retiring at the end of the year. He wasn't sure if Ms. Thomas could be replaced after more than twenty years of service to the borough, but Ms. Thomas always fulfilled the Mayor and Council's wishes in implementing the many ideas/programs that they collectively came up with. The success the borough has had particularly over the last four years is in large part to Ms. Thomas. He added that on behalf of everyone that she will be sorely missed and he wished her well in retirement.

Ms. Thomas thanked everyone for their kind words.

Mayor Sokolich stated that everyone is looking forward to working with Alfred Restaino the new administrator, Ms. Thomas's successor.

He wished everyone a happy, healthy and safe holiday season.

PRESENTATIONS

PR-1 - Richard B. Thompson Tennis Court

Mayor Sokolich asked Joan Thompson, wife and Doug, son, of the late Richard B. Thompson to step up to the podium.

Mayor Sokolich stated that for all the attention the borough has been getting for all the wrong reasons the last few months, it makes him proud on behalf himself and the entire governing body to make the following presentation to the Thompson family. These type of events are the reason he wanted to get into government in the first place and that Mr. Thompson inspired him to do the right thing. He was an incredibly sincere and decent man. He added that the borough is in the midst of refurbishing its tennis courts in William T. Birch Park at the bottom of Stillwell Avenue and everyone thought it would be wonderful idea to name the courts after Richard B. Thompson and therefore a sign will be installed bearing the name of Richard B. Thompson. He presented to Joan and Doug a smaller version of the actual sign that is going to be installed once the tennis court refurbishment has been completed. He mentioned that he just found out tonight that Mr. Thompson sometime ago had a cable television show that was called "Tennis with Thompson".

Mrs. Thompson thanked everyone for the honor that was bestowed on her husband. He would have been so proud and happy to be remembered in this way in a sport that he loved so much.

PR-2 Fort Lee Fire Department - 125th Anniversary

Mayor Sokolich stated that the Volunteer Fort Lee Fire Department members are loyal, hard-working and as a group one of the most dedicated volunteer fire departments in the State of New Jersey.

Mayor Sokolich presented the following proclamation to Fire Chief Mark Sulcov, Deputy Chief William Chiappane and Battalion Chief Christopher Ipek.

WHEREAS, the Fort Lee Volunteer Fire Department is being honored upon the occasion of celebrating its 125th Anniversary of meritorious service to the residents of the Borough of Fort Lee, Bergen County; and

WHEREAS, the Fort Lee Volunteer Fire Department has, throughout its long and distinguished history, faithfully and courageously served the citizens of its community, preserving and protecting both lives and property through the dedication and skill of its many volunteers; and

WHEREAS, since its founding, the Fort Lee Volunteer Fire Department has, with generous support from the citizenry of the community, grown in personnel, resources and equipment, while steadfastly maintaining an exemplary esprit de corps; and

WHEREAS, for 125 years the Department has been guided by a succession of wise and able leaders, whose tireless efforts and demonstrated concern for the safety of Fort Lee have set an example for the firefighters under their command and have inspired a sense of well-being and security with the community; and

WHEREAS, the annals of the Borough of Fort Lee include its historic role in the infant industry of movie-making during the early years of this century, and the key role of the Volunteer Fire Department in helping to control the frequent fires associated with that industry's highly flammable paraphernalia; and

WHEREAS, recognized for its enthusiasm, efficiency, courage and devotion to duty, the Fort Lee Volunteer Fire Department has celebrated its 125th Anniversary on July 17, 2013,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee; that the Mayor and Governing Body of the Borough of Fort Lee hereby honors and congratulates the Fort Lee Volunteer Fire Department upon the occasion of its 125th Anniversary, and pays tribute to its brave and dedicated volunteers, both past and present, who have sacrificed personal safety in response to the needs of their community; and

BE IT FURTHER RESOLVED that a duly authenticated copy of this resolution be signed by the Mayor of Fort Lee and attested by the Borough Clerk, and be transmitted to the Fort Lee Volunteer Fire Department.

PR-3 - Fort Lee Fire Protective Agency No. 1 - 125th Anniversary

Mayor Sokolich presented the following plaque to the aforementioned Fire Chiefs as well as Terry Hotljje, President of Fire Company #1.

WHEREAS, the Fort Lee Fire Protective Agency No. 1 is being honored upon the occasion of celebrating its 125th Anniversary of meritorious service to the residents of the Borough of Fort Lee, Bergen County; and

WHEREAS, the Fort Lee Fire Protective Agency No. 1 has, throughout its long and distinguished history, faithfully and courageously served the citizens of its community, preserving and protecting both lives and property through the dedication and skill of its many volunteers; and

WHEREAS, since its founding, the Fort Lee Fire Protective Agency No. 1 has, with generous support from the citizenry of the community, grown in personnel, resources and equipment, while steadfastly maintaining an exemplary esprit de corps; and

WHEREAS, for 125 years the Department has been guided by a succession of wise and able leaders, whose tireless efforts and demonstrated concern for the safety of Fort Lee have set an example for the firefighters under their command and have inspired a sense of well-being and security with the community; and

WHEREAS, the annals of the Borough of Fort Lee include its historic role in the infant industry of movie-making during the early years of this century, and the key role of the Volunteer Fire Department in helping to control the frequent fires associated with that industry's highly flammable paraphernalia; and

WHEREAS, recognized for its enthusiasm, efficiency, courage and devotion to duty, the Fort Lee Fire Protective Agency No. 1 has celebrated its 125th Anniversary on July 17, 2013,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee; that the Mayor and Governing Body of the Borough of Fort Lee hereby honors and congratulates the Fort Lee Fire Protective Agency No. 1 upon the occasion of its 125th Anniversary, and pays tribute to its brave and dedicated volunteers, both past and present, who have sacrificed personal safety in response to the needs of their community; and

BE IT FURTHER RESOLVED that a duly authenticated copy of this resolution be signed by the Mayor of Fort Lee and attested by the Borough Clerk, and be transmitted to the Fort Lee Fire Protective Agency No. 1.

Mr. Holtje, thanked the Mayor and Council for the proclamation and the community for letting Fire Company #1 serve them for the past 125 years and he's looking forward for himself to serve the community for the next 25 years.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilman Sargenti, and carried unanimously, the minutes of the December 12, 2013 Executive Session were approved.

PUBLIC HEARINGS

Ordinance #2013-30 - Amending Chapter 388, Sections 14 and 69, Schedule XXIII - Handicapped Parking Space at 1560 West Street

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky and carried, the public hearing was opened relative to Ord. #2013-30 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "HANDICAPPED PARKING SPACES."

There being no public discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilman Sohmer.

On motion by Councilman Cervieri, seconded by Councilman Pohan, the Ordinance was adopted unanimously.

Ordinance #2013-31 - Amending Chapter 193, Construction Codes, Uniform - Schedule C: Plumbing Sub-Code Fees - Water Service/Gas Service Fee Reduced From \$100.00 to \$25.00

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2013-31 entitled, "AN ORDINANCE AMENDING CHAPTER 193, UNIFORM CONSTRUCTION CODES, SECTION 2, FEES, OF THE CODE OF THE BOROUGH OF FORT LEE."

There being no public discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilman Pohan.

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the Ordinance was adopted unanimously.

Ordinance #2013-32 - Amending Chapter 289, Section 34, Regulations Concerning Municipal Parking Lot - Add Subsection (K) - Portion of Parking Lot Reserved for Borough Employees Monday Through Friday From 8:00 a.m. to 4:30 p.m.

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2013-32 "AN ORDINANCE AMENDING CHAPTER 289 PARKING, ARTICLE IV PARKING METERS, MUNICIPAL PARKING LOTS AND PERMIT PARKING, SECTION 34 REGULATIONS CONCERNING MUNICIPAL PARKING LOT, OF THE CODE OF THE BOROUGH OF FORT LEE."

There being no public discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilman Pohan.

On motion by Councilman Cervieri, seconded by Councilman Pohan, the Ordinance was adopted unanimously.

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-18.

CA-1 - Payment of Claims

BE IT RESOLVED that the following claims, the details for which are attached hereto and made a part hereof, are hereby authorized to be paid, having been audited and found correct by the Borough Administrator and Chief Financial Officer.

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$6,315,621.80
Capital	421,355.77
Road Improvement Plan	n/a
Multiple Dwelling	n/a
Construction Fees	n/a
COAH Fees	n/a
Trust Account (Old)	n/a
Senior Citizen Advisory Council	3,480.35
Trip Admissions	n/a
Wedding Fees	n/a
Trust Account (Accutrack)	25,755.66
Special Dog Account	383.00
Centennial Fund	n/a
Disability Insurance Trust	n/a
Public Assistance Trust Fund	n/a
Police Activity Trust	n/a
Fort Lee Film Commission	1,172.00
Community Development	n/a
Redemption Account	n/a
School Resource Account	n/a
Dedicated Penalties	n/a
POAA	n/a
Cop Card Donation	n/a
Police Treasury	29,771.59
Police Justice	46,014.23
Flexible Spending	<u>n/a</u>

Total: **\$6,843,554.40**
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CA-2 - Ch. 159 Requesting Approval From Director of Local

Government Services to Approve Special Item of Revenue, K-9 Ben Roethlisberger Foundation - \$6,500.00

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the 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 Fort Lee received \$6,500.00 from the Giving Back Fund FBO Ben Roethlisberger Foundation and wishes to amend its 2013 Budget to include a portion of this amount as an item of revenue,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough Of Fort Lee, 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 of 2013, in the sum of.....**\$6,500.00**

which is now available as a revenue item from:

- Miscellaneous Revenues
- Special Items Of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
- Revenues Offset with Appropriations:
- Giving Back Fund Grant

BE IT FURTHER RESOLVED, that a like sum of.....**\$6,500.00** be and the same is hereby appropriated under the caption:

- General Appropriations:
- (a) Operations excluded from CAPS
- State Programs Offset by Revenues:
- Police - Other Expenses
- Giving Back Fund Grant

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.

CA-3 - Approving Jr. Auxiliary Firefighter Application for David Smith for Fire Company #3 and Firefighter Application for Christopher Szabo for Fire Company #1

The applications for Jr. Auxiliary Firefighter David Smith for Fire Company #3 and Firefighter application for Christopher Szabo for Fire Company #1 were approved.

CA-4 - Accepting Resignation Notice of Manuela Feliz, Clerk Typist in the Municipal Court - Effective Immediately

BE IT RESOLVED that Manuela Feliz, Keyboarding Clerk 1 with the Municipal Court has submitted a resignation notice dated December 4, 2013 and the Mayor and Council have accepted same; and

BE IT RESOLVED that Ms. Feliz' resignation will be effective, retroactive to December 18, 2013 with the Borough of Fort Lee.

CA-5 - Authorizing the Hiring of Part-Time Fall Seasonal Employees

**for the Recreation Department/Community Center - Termination Date
March 31, 2014**

WHEREAS, part-time seasonal positions exist with the Department of Recreation and the Mayor and Council have determined that these positions must be filled,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the attached list of personnel (available in the office of the Borough Clerk) be appointed to the positions and rates of compensation indicated with the Department of Recreation; and

BE IT FURTHER RESOLVED that the attached list of appointments are part-time seasonal positions with an effective date of January 1, 2014 and a termination date of March 31, 2014.

**CA-6 - Accepting Retirement Notice of Peggy Thomas, Borough
Administrator - Effective December 31st**

BE IT RESOLVED that Peggy E. Thomas, Borough Administrator with the Administrative Offices, has submitted a retirement notice dated December 9, 2013 and the Mayor and Council have accepted same; and

BE IT RESOLVED that Administrator Thomas' retirement will be effective December 31, 2013 with the Borough of Fort Lee.

**CA-7 - Authorizing Hiring of Alfred R. Restaino, Jr. as Borough
Administrator, Effective January 1, 2014 - \$150,000.00 Annually**

BE IT RESOLVED that the Mayor and Council appointed a Search Committee to interview applicants to fill Peggy E. Thomas' position as Borough Administrator due to her retirement at the end of this year,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council have appointed Alfred R. Restaino, Jr. as Borough Administrator for an initial one year term, with a salary of \$150,000.00, with an effective date retroactive to December 18, 2013.

**CA-8 - Authorizing Hiring of Lisa Waxman as a Full Time Clerk
Typist in the Building Department - \$39,000.00 Annually**

WHEREAS, Lisa Waxman has been a part-time employee with the Building Department since September 6, 2011 and the Mayor and Council have authorized Ms. Waxman to be appointed as a full-time employee in light of the work load in our Building Department,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that Lisa Waxman be appointed to a full time position of Clerk Typist a/k/a Keyboarding Clerk 1 in the Building Department, with an effective date of January 1, 2014; and

BE IT FURTHER RESOLVED that this appointment shall be provisional pending certification from the New Jersey Civil Service Commission and shall be at an annual salary of \$39,000.00 in compliance with the Salary Ordinance of the White Collar Contract.

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**CA-9 - Authorizing Title Change and Salary Increase for Jason
Yocovelli in the DPW - From Laborer to Truck Driver, Grade 10,**

Step G - \$893.00 Salary Increase

WHEREAS, Jason Yocovelli, Laborer, Grade 9-G, with the Department of Public Works has obtained his CDL License; and,

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, have authorized that Jason Yocovelli be promoted to Truck Driver, Grade 10, Step G; and

BE IT FURTHER RESOLVED that this appointment shall be provisional pending certification from the New Jersey Civil Service Commission and shall be at an annual salary of **\$72,033.00**, with an effective date of December 23, 2013.

CA-10 - Appointing Michael Maresca to Supervise the Borough's Force Main Project - \$2,500.00 Monthly Stipend for the Term of the Project

WHEREAS, due to the Redevelopment 5 projects, the Borough has sought to make certain improvements to reduce both the volume of flows being discharged into the BCUA owned interceptors while also increasing the reliability of the municipal collection system; and,

WHEREAS, said Force Main Project is a very involved project and needs to be overseen by an in-house representative; and

BE IT FURTHER RESOLVED that the Mayor and Council have appointed Michael Maresca to supervise the project and attend meetings, commensurate with a monthly stipend of **\$2,500.00** for the term of the project, effective January 1, 2014.

CA-11 - Authorizing Settlement of Tax Appeal Litigation for Jason & Adrianna Kim vs. Borough at 1355 15th Street, Block 2251, Lot 3, for Tax Years 2010-2013

WHEREAS, Jason & Arianna Kim are the owners of property located at 1355 15th Street, also known as Block 2251, Lot 3; and

WHEREAS, the property owners filed tax appeals against the Borough of Fort Lee for tax years 2010-2013 in matters entitled Jason & Adrianna Kim vs. Borough of Fort Lee; and

WHEREAS, it has been recommended by the Tax Appeal Attorney that the matters be settled at this time, and that such settlements are in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Jason & Arianna Kim vs. Borough of Fort Lee, under Docket Number 020475-2010, so that the tax appeal for that year will be withdrawn, the assessment for the year 2011 under docket no. 010666-2011 will be reduced from \$5,098,200 to \$4,600,000; and the assessment for the year 2012 under docket no. 010070-2012 will be reduced from \$5,098,200 to \$4,350,000; the assessment for the year 2013 under docket no. 006296-2013 will be reduced from \$5,098,200 to \$4,100,000;

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BE IT FURTHER RESOLVED that the aforesaid settlement is predicated upon a waiver of any and all pre-judgment interest by the taxpayer.

CA-12 - Approving Change Order #1 for Classic Turf Company LLC, Woodbury, Connecticut for Rehabilitation of the William T. Birch Park Basketball and Tennis Courts - \$8,500.00

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the following Change Order be approved:

GENERAL CONSTRUCTION: Tennis and Basketball Court Construction
in William T. Birch Park

ENGINEER: Civil 1, Inc.

CONTRACTOR: Classic Turf Company LLC
437 Sherman Hill Road
Woodbury, Connecticut 06798

CHANGE ORDER #: 1

ORIGINAL CONTRACT COST: \$300,000.00

COST OF CHANGE ORDER: \$ 8,500.00

NEW CONTRACT SUM: \$308,500.00

NATURE OF CHANGES: Due to Winter Temperatures and
Conditions Additional Chemicals had to
Be Added to the Concrete in Order for
the Concrete to Set Up. Additional
Labor Was Also Involved in Finishing
the Concrete in These Types of
Conditions

CAPITAL ACCOUNT # 04-2150-55-1306-002

CA-13 - Authorizing Purchasing Consultant to Prepare Specifications and Advertise for Bids for a Pickup Truck, SUV and Hotbox for Potholes for DPW/General Services

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the Purchasing Consultant is hereby authorized and directed to obtain specifications and advertise for bids for:

- . Pickup Truck and SUV and Hotbox for Potholes for General Services/DPW

CA-14 - Authorizing the Mayor to Execute the Memorandum of Understanding (MOU) Between the Bergen County Utilities Authority and the Borough of Fort Lee and Allowing the Borough Attorney to Conclude Litigation on Terms Set Forth in the MOU

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE
MEMORANDUM OF UNDERSTANDING BETWEEN THE BERGEN
COUNTY UTILITIES AUTHORITY AND THE BOROUGH OF FORT LEE
AND ALLOWING THE BOROUGH ATTORNEY TO CONCLUDE
LITIGATION ON TERMS SET FORTH IN AGREEMENT

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BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the Mayor is hereby authorized to execute the Memorandum of Understanding, a copy of which is available for review in the office of the Borough Clerk, between the Borough of

Fort Lee and the Bergen county Utilities Authority; and the Borough Attorney may conclude the litigation before the Superior Court of New Jersey, Bergen County, on terms set forth in the Memorandum of Understanding.

CA-15 - Accepting Boswell's McClave's Engineering Proposal, South Hackensack, New Jersey, for a Supplemental Topographic Survey for Main Street - Limits Between Center Avenue and Lemoine Avenue - Fee Not Exceed \$2,800.00

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES

WHEREAS, there exists a need for the Borough of Fort Lee ("Borough") to retain the services of a licensed engineer to perform a supplemental topographic study for Main Street between Center Avenue and Lemoine Avenue ("Topographic Study"); and

WHEREAS, the Topographic Study is necessary to confirm the centerline of Main Street and curb line elevations, and locate the building fronts and access doorways, trees and utilities along the sidewalk portion of Main Street between Center Avenue and Lemoine Avenue; and

WHEREAS, said services are recognized as "professional services" as same shall be rendered by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instruction and study, pursuant to and in accordance with N.J.S.A. 40A:11-2(6); and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, the Borough wishes to retain the services of Boswell McClave Engineering ("Boswell") to perform such professional engineer services in accordance with its proposal, dated November 22, 2013, attached hereto; and

WHEREAS, Boswell possesses the requisite expertise and skilled personnel required to provide professional engineering services related to the preparation of the Topographic Study; and

WHEREAS, the Mayor and Council of the Borough are desirous of awarding a contract for professional engineering services to Boswell in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the professional engineering services for this phase of the project will be performed by Boswell at a cost not-

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to-exceed \$2,800, and the contract for such professional engineering services is awarded pursuant to a "fair and open" process in accordance with the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Mayor and Council have determined that funds are available for this purpose, and

WHEREAS, the award of a contract for the provision of professional engineering services to perform a Topographic Study is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. That Boswell shall be and is hereby appointed to provide professional engineering services related to the performance of a Topographic Study, in accordance with its proposal, dated November 22, 2013, attached hereto and made a part hereof, for a cost not-to-exceed \$2,800, and the terms and provisions of the agreement by and between Boswell and the Borough, dated as of January 1, 2013, for services as the Borough Engineer.

2. That upon 80% completion of the engineering work pursuant to this resolution, Boswell shall provide written notice to the Borough Clerk as to whether the services will be completed within the budget established for the services. If the services are expected to exceed the budget, Boswell shall submit a detailed cost overrun schedule for review and consideration by the Borough.

3. That Boswell is specifically placed on notice that it will be required to comply with the Affirmative Action regulations of P.L. 1975 c. 127.

4. That a notice of the contract award shall be published as may be required by law, and this resolution must be available for public inspection, in accordance with the requirements of N.J.S.A. 40A:11-1 et seq.

5. That the Chief Financial Officer has certified that funds are available for this purpose.

6. That no further action of the Borough shall be required.

CA-16 - Authorizing Amendments to the Ambulance Corps Stipend Program

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AMENDING THE GUIDELINES OF THE FORT LEE VOLUNTEER AMBULANCE CORPS STIPEND PROGRAM

WHEREAS, on prior occasion, pursuant to duly adopted resolution, the Mayor and Council of the Borough of Fort Lee instituted a stipend program for members of the Fort Lee Volunteer Ambulance Corps ("Stipend Program") to encourage active recruitment, retention and participation by members of the Fort Lee Volunteer Ambulance Corps; and

WHEREAS, having been established by a resolution duly adopted by the Mayor and Council of the Borough of Fort Lee, the terms, conditions and governing rules applicable to the Stipend

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Program may be amended by the Mayor and Council of the Borough, in their sole discretion; and

WHEREAS, the Chief of Fort Lee Volunteer Ambulance Corps has recommended to the Mayor and Council of the Borough that the Stipend Program be amended to include the following provisions for

participation in the Stipend Program:

1. Members who join the Fort Lee Volunteer Ambulance Corps as a probationary Youth Corps or Regular Corps member will not be eligible for the Stipend Program until such time as they have been voted into the Fort Lee Volunteer Ambulance Corps as a Regular member or Regular Youth Corps Member. Members will begin accumulating shift credits at the beginning of a new calendar quarter (for example, if the member is voted in as a Regular Member on August 31, xxxx, he or she will not begin accumulating shift credits until the fourth quarter beginning on October 1, xxxx). Current probationary members who have taken shifts prior to August 1, 2013 will be grandfathered and will continue to receive shift credits toward their stipend.
2. Past members of the Fort Lee Volunteer Ambulance Corps, who rejoined the Corps within three years of their resignation, will qualify for the stipend immediately.

WHEREAS, the amendment of the Stipend Program recommended by the Chief of the Fort Lee Volunteer Ambulance Corps is in the best interests of the Borough and is necessary for its efficient operation,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. The above amendments to the Fort Lee Volunteer Ambulance Corps Stipend Program are hereby approved by the Mayor and Council of the Borough.
2. Any term, condition or governing rule applicable to the Fort Lee Volunteer Ambulance Corps Stipend Program or part thereof inconsistent with this Resolution is repealed to the extent of such inconsistency.

CA-17 - Approving Employment Agreement with Keith Bendul, Chief of Police for 2013-2019

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE EMPLOYMENT AGREEMENT BETWEEN THE BOROUGH OF FORT LEE AND THE CHIEF OF POLICE OF THE FORT LEE POLICE DEPARTMENT

WHEREAS, the Borough of Fort Lee ("Borough") and the Chief of Police have negotiated, at arm's length the terms and conditions of the "Employment Agreement Between the Borough of Fort Lee and Keith M. Bendul to serve as Chief of Police of the Fort Lee Police Department" (the "Employment Agreement") for the terms of January 1, 2013 through December 31, 2019, nunc pro tunc; and

WHEREAS, the Mayor and Council of the Borough hereby designate the Mayor to execute the mutually agreeable Employment Agreement on behalf of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the Mayor is hereby authorized to

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execute the Employment Agreement, between the Borough of Fort Lee and Chief of Police Keith M. Bendul.

CA-18 - Approving Employment Agreement with Tim Ford, Deputy Chief of Police for 2013-2015

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE
EMPLOYMENT AGREEMENT BETWEEN THE BOROUGH OF FORT LEE
AND THE DEPUTY CHIEF OF POLICE OF THE FORT LEE POLICE
DEPARTMENT**

WHEREAS, the Borough of Fort Lee ("Borough") and the Deputy Chief of Police have negotiated, at arm's length the terms and conditions of the "Employment Agreement Between the Borough of Fort Lee and Timothy Ford to serve as Deputy Police Chief of the Fort Lee Police Department" (the "Employment Agreement") for the terms of January 1, 2013 through December 31, 2015, nunc pro tunc; and

WHEREAS, the Mayor and Council of the Borough hereby designate the Mayor to execute the mutually agreeable Employment Agreement on behalf of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the Mayor is hereby authorized to execute the Employment Agreement, between the Borough of Fort Lee and Deputy Police Chief Timothy Ford.

Nina Levinson, 1560 West Street, had questions regarding CA-10, CA-11, CA-14 and CA-16.

She also wished Ms. Thomas good luck upon her retirement.

Mayor Sokolich responded to CA-10. Ms. Thomas replied to CA-11. Mayor Sokolich spoke to CA-14 and Messrs. Goldberg and Pohan explained CA-16 in further detail.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilwoman Kasofsky**, and the Consent Agenda (items CA-1 through CA-18) was **approved unanimously**.

COUNCIL REPORTS

Councilman Pohan - expressed his condolences to the Buzzetti family.

He offered his best wishes to Ms. Thomas on her retirement.

He also wished everyone happy holidays.

Councilman Sohmer - also expressed his condolences to the Buzzetti family. He knew Al for a long time and he was a great person. He will be sorely missed.

He also congratulated Ms. Thomas on her retirement and mentioned that many of the good things that occurred over the past twenty years in the borough were directly related to Ms. Thomas.

He stated that the fire department responded to over 1,200 calls this year. He said anyone interested in becoming a

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volunteer fire fighter should call 201-592-3500 ext 1013.

He wished everyone a merry Christmas and a happy New Year.

Councilman Goldberg - also offered his condolences to the Buzzetti family. He also knew Al for a very long time.

He wished Ms. Thomas a great retirement.

He wished the people of Fort Lee and his colleagues a merry Christmas and a happy and healthy New Year.

Councilman Sargenti - wished Ms. Thomas a happy retirement.

He wished everyone a merry Christmas and a safe and happy New Year.

Councilwoman Kasofsky - wished Ms. Thomas good health and wonderful things upon her retirement.

She stated that the health department still has flu shots available as the flu season is peaking. Call 201-592-3500 ext. 1510 for further details.

She wished everyone a happy and healthy New Year.

Councilman Cervieri - also expressed his condolences to the Buzzetti family. Al left his mark on this town, all in a good way.

He said that for the past sixteen years he has had the pleasure to work with Ms. Thomas and stated that she was a jewel. Ms. Thomas made the borough a much better place then before her arrival. She will be sorely missed and he wished her good luck upon her retirement.

He wished everyone a merry Christmas and a happy and prosperous New Year.

Mr. Cohen - wished Ms. Thomas the best of luck on her retirement. He added that there will be a void in his work life in not speaking to her pretty much every day. He added that she's one of the best administrators that he ever dealt with in the last thirty years.

PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the meeting was opened to the public for discussion.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Praised DPW for Having Fort Lee Streets in Good Shape After Recent Snowstorms	

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Mayor Sokolich again wished everyone a safe, happy and healthy holiday.

There being no further public discussion, **on motion by Councilman Sargenti, seconded by Councilman Sohmer,** and there being no further discussion, the meeting was recessed until January 2, 2014 at 6:00 p.m. with no objections at 8:35 p.m.

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, November 14, 2013 @7:00 p.m.

The Regular Meeting of the Mayor and Council of the Borough of Fort Lee was held on the above date in the Council Chambers, Memorial Municipal Building, 309 Main Street, Fort Lee, New Jersey.

PRESENT: Mayor Sokolich, Council Members Pohan, Sohmer,

Goldberg, Sargenti, Kasofsky, Cervieri

ALSO PRESENT: Peggy Thomas, Borough Administrator
Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney

MAYOR'S STATEMENT

Let the minutes reflect that adequate notice of this meeting has been provided in the following manner:

1. On January 3, 2013, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2013, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2013 to cover the cost of providing notice.

3. On October 25, 2013 a copy of said change in scheduled time was posted at 309 Main Street, Fort Lee, New Jersey. On the same date, copies of the change in meeting time were also mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2013 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Sokolich gave the following report:

"We have a wonderful ceremony here tonight which has become tradition in the Borough of Fort Lee. I just wanted to pay some respect and some attention to an event that occurred here in Fort Lee this past Sunday, which was the Field of Heroes sponsored by the Board of Education and the VFW, in particular Superintendent Paul Saxton.

It was an event that many of you attended. It was an event, a ceremony, which was designed to salute and to pay respect to victims of 9/11 but to also our emergency service agencies, especially those here in Fort Lee; our veterans, present veterans, past veterans and our wounded veterans. It was just an incredible gesture.

It was attended by hundreds and hundreds of people. Many dignitaries were in attendance. It really, in my mind, established and put Fort Lee at its very best and it was a great event.

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So on behalf of the Mayor and Council, we are so very grateful to the Board of Education, but in particular Paul Saxton. who was instrumental in bringing it about, it was a great day.

Just by way of review, in case anybody hasn't noticed, we have a fifty-story building in town, which is going very, very well. I'm very proud to tell you without fanfare or controversy. I shouldn't jinx myself. Redevelopment Area 5 is in full swing.

Since the last meeting Tucker Development has taken out its

building permits to construct its retail facility, its retail part of the development on the west portion. The east portion will contain predominantly housing.

As you know between the two buildings, a two or three acre park with a pond, free-standing restaurant. Attached to the second building is our community theater, retail we're very excited about. That's now underway. The best contractors in the country are responsible and in charge of this project. We're very, very excited about it.

The first tenant has already signed up, iPic Movie Theaters. For those of you that are familiar with iPic, it's a great movie theater showing first-run movies. You can go and just watch the movie and/or have dinner in the movie or eat in the restaurant in the lobby.

So, things are changing in Fort Lee. They're changing for the better and we're very proud of it. I just ask for everyone's patience because as life does at times everything is occurring at the same time.

Having said that, glad I brought up the Field of Heroes because I think that's the perfect segue to this evening's awards ceremony sponsored by the Fort Lee Police Department.

I'm going to turn this over to Chief Bendul in a second.

But this gives us an opportunity to allow the Police Department to recognize those that not only have performed but have performed above and beyond the call. You do it all the time. You make us very proud.

I said this during my few words at the Field of Heroes ceremony. I said, look, we're not developing Redevelopment Area 5 if there's concern about crime around here. Our property values aren't going to be where they are if there are problems with crime around here. People aren't going to want to come to Fort Lee, live, work and raise their families if our Police Department isn't the absolute very best.

Yes, we have our bumps in the road. But I will tell you one of the best benefits that we have to offer here are our emergency service agencies. And that's from the Police, to our Volunteer Fire Department, to our Ambulance Corps and to our Office of Emergency Management.

This is your night tonight. We're very, very proud and with that as an introduction, Chief Bendul, the podium is yours."

PRESENTATIONS

PR-1 - Police Department Accreditation Ceremony

Chief Bendul read the following statement:
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Good evening, everybody. And welcome to the 2013 Fort Lee Police Department Merit Board Ceremony.

This ceremony is an opportunity to recognize the professionalism, dedication, bravery and efforts made by the officers of the Fort Lee Police Department during the preceding year.

I would especially like to thank the Mayor and Council for giving us this time to conduct this ceremony and for their never

ending support throughout the year.

I'm honored to serve our community as Fort Lee Police Chief. So far this year we've answered almost 70,000 calls for service. Most of those the community doesn't recognize, doesn't see every day but tonight we're going to highlight some of the more important and heroic acts the Department has taken.

We work hard every day and night to make Fort Lee as safe as possible. The achievements made by the Department during this year would not be possible if not for the support of my Command Staff, consisting of Deputy Chief Timothy Ford, Captain Stan Zon, Captain Robert Zevits and Captain Thomas Ottina.

I think of ideas and then we meet in the morning and then I turn it over to them and they take my vision and put it into reality through the efforts of the officers under their command in their divisions.

Gentlemen, I thank you for your support.

We would not be here tonight if wasn't for the efforts of the Merit Board. The individual officer's names are in your program and Captain Ottina will speak more about the Merit Board itself.

We would not be here, as the Mayor said, making the community safe if it weren't for our partners in emergency services; the Fire Department, the Ambulance Corps and OEM. We depend on their assistance throughout the year also.

Tonight is a little unique in that while we're going to recognize officers, the Department is going to be recognized. We will be receiving our accreditation from the New Jersey State Chiefs of Police, Law Enforcement Accreditation Commission.

At this time I would ask Mr. Harry Delgado, the State Accreditation Program Manager, to step forward.

And I would also like our Accreditation Manager, Detective Morgenstern to please step forward.

Mr. Delgado read the following:

I guess tonight is actually the perfect night for me to recognize the entire Police Department. And I will echo the words of our Mayor telling you that if you thought he had the best Police Department in the State, I am here to tell you that in fact you do and I'm ringing proof.

So you actually have one of the best Police Departments in the State of New Jersey.

Before I share some brief comments about what accreditation is, I should put it in context.

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There are over 470 law enforcement agencies in the State of New Jersey, that would be eligible to be accredited. But less than one-third are yet accredited. And it's not because they're trying, they're trying, it's because it's such a rigorous process. And tonight I'm here to celebrate the fact that your Police Department has successfully completed the accreditation process.

We all know the police agencies seek accreditation as a way of ensuring the public that the agency meets the highest standards of professionalism, training and discipline. Exactly what you and

I would like from our law enforcement officers.

Accreditation is the certification by an independent reviewing authority, the New Jersey State Association Chiefs of Police and the New Jersey Law Enforcement Accreditation Commission, that the agency, your agency, the Fort Lee Police Department, has met specific requirements and prescribed standards.

It is not a one-time event. They have to continue to prove to the community and the Board every year for the next two years that they actually meet the standards.

Accreditation reflects that the accredited agency was carefully measured against an established set of state and national standards and has met or exceeded, as in the case of the Fort Lee Police Department, accepted practices in law enforcement.

Briefly I'll share with you that an accredited agency is better able to defend themselves against falsehoods and citizen complaints because they adhere to best practices.

Accreditation provides objective evidence of an agency's commitment to excellence in leadership, resource management and service delivery. Government officials can be more confident in the agency's ability to operate efficiently and meet community needs.

Accreditation embodies the precepts of community-oriented policing. It creates a forum in which police and citizens work together to prevent and control challenges confronting law enforcement and provides clear direction about community expectations.

Accreditation standards give the Chief a proven management system of written directives, training and various lines of authority and routine reports that support decision making and resource allocation.

And finally, as I see many of you are here tonight, officers in accredited agencies are able to take pride that they have been objectively recognized for their professionalism and adherence to the highest standards.

So, it is without further to do that on behalf of the New Jersey State Association Chiefs of Police and the New Jersey Law Enforcement Commission, we congratulate Chief Keith Bendul, the Accreditation Manager Detective Michelle Morgenstern, the staff of the Fort Lee Police Department, the Mayor and Council, and the community that they so proudly serve for receiving accreditation joining a very exclusive group of law enforcement agencies that make this important commitment to excellence in policing.

Congratulations, Chief.

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I'd like to present the Chief with the actual framed Certificate of Accreditation, which states that the Fort Lee Police Department, having fulfilled all of the accreditation standards as established by the New Jersey State Association of Chiefs of Police, is hereby awarded his three-year Certificate of Accreditation, which they obtained actually on May 9th of 2013."

Chief Bendul continued his speech with the following:

"We accept the Accreditation award; I accept it on behalf of the proud men and women of Fort Lee Police Department.

I would also like to take an opportunity to publicly thank Detective Morgenstern for her persistence displayed through the rigorous process.

Law enforcement is often referred to as a brotherhood. Agencies come together during a time of need.

Unfortunately, ten days ago we witnessed just an occasion. One person drew together officers from across northern New Jersey in a massive response to an active shooter at the Garden State Plaza.

The sad truth is that an active shooter could occur in any one of our communities. New Jersey law enforcement is trained to respond to such emergencies. That night Fort Lee Police Department immediately responded out to Paramus.

On-duty personnel responded, in addition to our K9 unit. Our highly trained Emergency Services Unit responded. A team of twenty officers, including ESU Sergeants Hintze and Peppard, and ESU Liaison Captain Ottina were at the mall while Deputy Chief Ford and I respond to headquarters as command.

As I was in the parking lot I witnessed the caravan driving up the road. And I must say it was with mixed emotions. I was very proud of the resources that were able to send out to Paramus, to help Paramus Police Department and also to help make a mall in our area safe. But I have to admit that I was a little afraid of what they were potentially going to face. This wasn't a potential call; this was the real deal.

And they wound up going out to the mall; they worked with thirteen other SWAT teams clearing the entire mall.

We've learned a lot. We've been critiquing. The response falls at the municipal level, the town, and at the County. And it was with great pleasure that I was able to join them in their debriefing at 6:00 a.m. the next morning.

This was not the first time that I had concern for officer safety while under my command.

On August 23rd, Deputy Chief Ford and I were in the office. We were working and a Captain came in and told us we had an officer involved shooting at the Skyview Motel.

We quickly became aware that a uniformed officer and her rookie trainee were investigating suspicious activity at the Skyview Motel. They were assisted by a narcotics detective.

During the field interview the subject entered the Detective's car, striking three of the officers and fled at a high rate of speed into New York City where he later abandoned the car.

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This resulted in a massive response, a massive manhunt in two states. Numerous agencies assisted us. Leonia Police Department responded immediately, Port Authority, and the NYPD had officers all over Manhattan.

The Bergen County Prosecutor's Office and the Sheriff's Department responded to investigate the shooting scene.

I would ask that Officers Debbie Siracuse, Officer John Gallo and Detective TJ Cullen please step up and join me.

We are all very thankful that these officers were not

seriously injured during the deadly force encounter; each of them quickly returned to work.

And I would at this point ask that Lieutenant Robert Anzolotti from the Bergen County Prosecutor's Office please come up and join me.

Also present in the audience was one of the sergeants that was working the investigation; Sergeant James McMorrow. James, thank you for being here.

There's a saying that law enforcement's called 'The Thin Blue Line'. It separates the community from anarchy and it is very true.

At this point I would ask that Police Chief Paul Kenny from the Lower Gwynedd Township, Pennsylvania, Police Department please step forward.

Also in the audience I'd like to recognize Sergeant Mike Rogge.

The suspect in this incident was charged with multiple crimes, including three counts of attempted murder on a police officer.

Our detectives in the Bergen County Prosecutor's Office Major Crime Squad conducted a manhunt that stretched from New York City out to Pennsylvania, specifically Lower Gwynedd Township.

Over the course of four weeks countless hours were spent by federal, state, county and local municipal police officers in an attempt to locate this dangerous fugitive.

Police Chief Paul Kenny and the sixteen members of his Department provided tremendous amount of support around the clock for days on end as attempts were made to locate the subject.

On Thursday, September 26th, as a result of a lengthy criminal investigation by, as I said federal, state and county, local officers, they converged on an apartment complex where Lazaro had been hiding.

The subject was subsequently located and apprehended without further incident. He was charged with numerous additional crimes and complaints in Pennsylvania and I believe he's currently being held on \$5,000,000 bail.

If it were not for Police Chief Paul Kenny's tremendous amount of help and assistance in this case Lazaro may not have been apprehended.

On behalf of the Fort Lee Police Department I would like to honor you, Chief and your Department, and thank you for your

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support.

And I'd like to have the plaque that reads as follow:

Presented to Chief Paul Kenny, Lower Gwynedd Township Police Department, Pennsylvania, in recognition for your grateful appreciation for your Department's assistance with the apprehension of fugitive Juan Lazaro, your efforts and support to the Fort Lee Police Department, as well as your unwavering commitment has been second to none.

Presented November 14th, 2013."

SCHOOL CROSSING GUARD PLAQUE

"Chief Bendul: At this time I would ask School Crossing Guard Liaison Police Officer Darren Baumgardt to please step forward.

Every day during the school year, regardless of weather conditions, school crossing guards stand on a post and step out into the roadway to stop cars at the intersection where our school children are going to be passing.

Their dedicated to making the school children in our community safe as they make their way to and from school each day.

In society we're always looking for ways to improve school security. They play a vital role in that effort as an extra set of eyes and ears at the school.

They're present every day. They see everything. And when they when they see something out of place they immediately let us know and we appreciate that.

It gives me great pleasure to implement a new aspect of our current recognition program. Each year in May the Middle School hosts a Breakfast Appreciation for the school crossing guards. They're presented with some gifts from the school and then they're also presented with a plaque upon reaching 15, 20 or even 25 years of service.

I've attended a number of these ceremonies over the past few years and at the last one I was speaking with Officer Baumgardt and I felt that there was something a little lacking. And what we're going to implement this year is we're going to have a plaque in headquarters that is going to list the names of the school crossing guards that have achieved twenty (20) years of service with us.

At this time I would like to read this:

It says Lifetime Service Award presented to the following crossing guards in grateful appreciation for your many years of faithful and dedicated service to the school children of the Borough of Fort Lee.

On this and we do have some of the members here present; I would ask that you please stand to be recognized also.

Mary Cerchio, 33 years; George "Skippy" Ruby, 30 years; Daniel Boccia, 29 years; Barbara Silvia, 23 years; Yolanda Cabrera, 22 years; Hyman Oliver, 22 years; Vito DiPerna, 22 years; and Lucia D'Ambrosio, 21 years.

We very much thank you for your service.

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Officer Baumgargdt, I'd like to present this to you.

Officer Baumgargdt: Thank you.

Mayor Sokolich: Darren does a great job with the crossing guards.

Chief Bendul: The school crossing guards now will forever be remembered inside of Headquarters.

Before I turn the microphone over to the Merit Board's presiding officer, Captain Ottina, I have one last presentation.

I would ask that Deputy Chief Ford please step forward.

Bear with me for one minute.

Captain Ottina, would you please step forward?

He hates when I pull a surprise on him.

We would like to present Captain Thomas Ottina, in grateful recognition and grateful appreciation for your many years of loyalty and dedication to the Fort Lee Police Department Merit Board.

This is Captain Ottina's tenth year serving on the Merit Board. He's been the driving force for the past decade for this ceremony and the awards that many of us wear.

Captain Ottina, thank you.

On behalf of the Fort Lee Police Department I appreciate your attention. Now it gives me great pleasure to turn the ceremony over to Captain Thomas Ottina."

PR-2 - Police Department Merit Board Award Ceremony

MERIT BOARD CEREMONY CONTINUED

"First off, I'd like to thank a few people. One is to the Mayor and Council for allowing us to have this every year.

To Chief Bendul and Deputy Chief Ford, for allowing us to go through with our vision every year with this and awarding these officers and honoring them.

Normally I would thank the Command Staff but I'm part of it now. But my other two Captains that work with me are Captain Zevits and my comedienne partner across the hall, Captain Zon.

My Merit Board members, Lieutenant Zusi, Lieutenant Cottrell, Sergeant Boylan, Sergeant Provenzano, Detective Ross, Officer Miskovitz, Officer Kellett, Officer Howard, Officer Gherghetta, and of course Detective Ginsburg.

I always start off with a little speech before I get going.

The Merit Board started shortly after Chief Ripoli had taken over. He had asked me about the Merit Board and we hadn't had a meeting in over four years. And during the course of those four years nothing had gotten done. This had started back in the 1970s.

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From an easy Merit Board system that they had, it worked up to some very creative award process that was almost impossible to achieve an award.

After the move to the new building in 2000, somewhere along the line, paperwork gets lost, things fall through the cracks, and we didn't have one.

While he was complaining to me about it, I agreed with him and there was some thoughts out of what I thought should be done and he said, congratulations, you're now the presiding officer. And that's how I got granted this position.

But I took with honor and respect; I got Howie Ginsburg onboard right away as my secretary and then we were able to pick the officers between the Chief of Police and the Merit Board.

With Detective Ginsburg we were able to put together a different set of standards for the Merit Board and I think it's worked well so far. And that's how this Merit Board has started.

In light of recent events we can see just how quickly lives change. From a simple motel check to a CPR call to a shooting at the Garden State Plaza. Officers involved in these incidents will never forget them and they have a great impact on the rest of their careers.

What should I have done differently or what did I do right? We're always going to second guess ourselves and maybe even pat ourselves on the back for a job well done.

This past Monday was Veteran's Day. We honor the men and women of our Armed Forces who help keep this country safe from terrorism and the wrongs of others. Tonight we honor some of our citizens, dispatchers and officers for their bravery, heroism and life-saving actions.

These officers have showed courage and committed service by not only answering the call to duty but going above and beyond that call.

Officers who respond to these calls do it second nature, without a thought or a reservation. And being the supervisor, we have the responsibility to make sure that these officers complete these jobs and get them done right. It's our responsibility to recognize them when they've done a job well done.

General MacArthur once spoke about duty, honor and country. And I quote:

To build courage, when courage seems to fail, to regain faith when there seems to be little cause for faith, to create hope when hope becomes forlorn.

And like him, I have to agree. Unhappily I possess neither the eloquence of diction, nor poetry of imagination, nor the brilliance of a metaphor to tell you what they all mean. But I do know that when a call comes for service that requires all cars or our infamous three beepers, I wouldn't want any department to respond other than the Fort Lee Police Department.

People say we're one of the best departments in the State and after twenty five years of experience here, I agree with them.

I thought about three words that MacArthur wrote; courage, faith and hope. I guess it means courage has to be found even

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when we feel we can't do our job; but these officers find it.

Faith is what we have to rely on knowing your brother or sister has your back. These officers know that.

And hope is what we bring to people in extreme crisis. It's what these officers do even though they don't know they brought it.

This will be my last Merit Board Ceremony, as presiding officer. I want to take a moment to thank each and every one of you for having my back and now having the weight of the Fort Lee Police Department on your shoulders.

You take the task with honor, dignity and integrity and I have been proud to have worked with all of you in the blink of 25 years.

May God keep you safe, God bless you and God bless the Fort Lee Police Department."

Civilian Award

Lt. Ottina presented the **Civilian Appreciation Award** to Michael Fugnitti, David Gamble and Frank McCoy, Jr. for their decisive actions on October 15, 2013 with regard to a robbery while working their construction jobs.

Civilian Award

Lt. Ottina announced the next **Civilian Appreciation Award** to Emir Shehu for his decisive actions on October 15, 2013 with regard to a theft of a package.

Mr. Shehu was unable to attend tonight's ceremony

Civilian Employee Award

Lt. Ottina presented the **Civilian Employee Award** to Borough of Fort Lee Dispatchers Gary Krautmann and Stephen Mackenzie for their efforts on August 23, 2013. This dealt with a deadly force incident involving three Fort Lee Police Officers.

Hurricane Sandy Event

Lt. Ottina presented Valor Awards to multiple Fort Lee Police Officers (Available as part of the Official Transcript of this Meeting) for their actions during the October 29, 2013 to October 30, 2013 period when Hurricane Sandy was at full force.

Letter of Service Award

Lt. Ottina presented a **Letter of Meritorious Service** to Police Officer Dennis Pothos for his efforts on March 1, 2013 in arresting a male suspect with regard to a motor vehicle stop.

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Letter of Service Award

Lt. Ottina presented a **Letter of Meritorious Service** to Police Officer Marc Miskovitz for his efforts on May 2, 2013 in arresting a male suspect with regard to a motor vehicle stop.

Letter of Service Award

Lt. Ottina presented a **Letter of Meritorious Service** to Police Officer Ralph Liquori for his efforts on May 7, 2013 in arresting a male suspect with regard to a motor vehicle stop.

Letter of Service Award

Lt. Ottina presented a **Letter of Meritorious Service** to Police Officers Jay Makroulakis and Laki Pothos for their efforts on October 13, 2013 in arresting a male suspect with regard to a burglary that originally occurred in Paramus.

Meritorious Service Medal

Lt. Ottina and presented the **Meritorious Service Medal** to Police Officer Brett Howard for his efforts on February 15, 2013 in assisting a women give birth.

Life Saving Award

Lt. Ottina presented the **Life Saving Award** to Police Officers Nicholas Mircovich and Laki Pothos for their efforts on September 20, 2013 in reviving a victim who has no pulse.

Life Saving Award

Lt. Ottina presented the **Life Saving Award** to Police Officers George Koutroubinis, John Reuter, Christina Blue and Andres Kim for their efforts on July 31, 2013 in revving off-duty Borough of Cliffside Park Sergeant James Garramone who was having a seizure and needed three CPR cycles and two AED shocks to be revived.

Investigation Award

Lt. Ottina presented the **Investigation Award** to Detectives Timothy Cullen and Cory Horton for their efforts on October 14, 2013 which dealt with an incident at the Skyview Motel with regard to a male actor who was a registered Megan's Law offender and who had a juvenile in his room.

Unit Service Medal for Valor

Lt. Ottina presented the **Unit Service Medal for Valor** to Sergeant James Lee and Police Officers Dennis Pothos and Jay Makroulakis for their efforts on September 3, 2013 with regard to actors in a vehicle who were wanted for a possible abduction. The actors fled in their vehicle and one of the actors was apprehend. The second actor was later apprehended by the Bergen County Police Department and the third actor was arrested days later.

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Meritorious Service Medal

Lt. Ottina presented the **Meritorious Service Medal** to Police Officers Richard Hernandez for his efforts on May 8, 2013 which began when checking someone for a flat tire and ultimately led to the arrest of three actors which uncovered two handguns and over three and a half pounds of heroin and close to 50,000 bags of packaging materials.

Captain Ottina stated that this concludes the Merit Board Ceremony for 2013.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, the meeting was recessed for a short break at 8:06 p.m.

On motion by Councilman Cervieri, seconded by Councilman

Pohan, the meeting was reconvened at 8:20 p.m.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the September 19, 2013 Regular Meeting were approved with Councilman Sargenti abstaining.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the October 10, 2013 Regular Meeting were approved.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the October 23, 2013 Especial Meeting were approved with Mayor Sokolich and Councilman Pohan abstaining.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the November 7, 2013 Executive Session were approved with Councilman Sargenti abstaining.

INTRODUCTION OF ORDINANCES

Ordinance #2013-30 - Amending Chapter 388, Sections 14 and 69, Schedule XXIII - Handicapped Parking Space at 1560 West Street

On motion by Councilwoman Kasofsky, seconded by Councilman Pohan, and carried, Ord. #2013-30 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "HANDICAPPED PARKING SPACES," was introduced and passed on first reading.

The Ordinance was approved unanimously, and the public hearing relative to this ordinance was scheduled for December 19, 2013.

Ordinance #2013-31 - Amending Chapter 193, Construction Codes, Uniform - Schedule C: Plumbing Sub-Code Fees - Water Service/Gas Service Fee Reduced From \$100.00 to \$25.00

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried, Ord. #2013-31 entitled, "AN ORDINANCE AMENDING Regular Meeting
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CHAPTER 193, UNIFORM CONSTRUCTION CODES, SECTION 2, FEES, OF THE CODE OF THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was approved unanimously, and the public hearing relative to this ordinance was scheduled for December 19, 2013.

Ordinance #2013-32 - Amending Chapter 289, Section 34, Regulations Concerning Municipal Parking Lot - Add Subsection (L) - Portion of Parking Lot Reserved for Borough Employees Monday Through Friday From 8:00 a.m. Until 4:30 p.m.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried, Ord. #2013-32 entitled, "AN ORDINANCE AMENDING CHAPTER 289 PARKING, ARTICLE IV PARKING METERS, MUNICIPAL

PARKING LOTS AND PERMIT PARKING, SECTION 34 REGULATIONS CONCERNING MUNICIPAL PARKING LOT, OF THE CODE OF THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the public hearing relative to this ordinance was scheduled for **December 19, 2013**.

PUBLIC HEARINGS

Ordinance #2013-26 - Amending Chapter 261, Land Use Procedures, Article VII, Affordable Housing Development Fees

On motion by Councilman Cervieri, seconded by Councilman Sohmer and carried, the public hearing was opened relative to Ord. #2013-26 entitled, "AN ORDINANCE AMENDING CHAPTER 261, LAND USE PROCEDURES, ARTICLE VII, AFFORDABLE HOUSING DEVELOPMENT FEES."

There being no public discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilman Sohmer.

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the Ordinance was adopted unanimously.

Ordinance #2013-27 - Amending Chapter 289, Parking, Article IV, Parking Meters - Linwood Avenue and Lewis Street Metered Parking

On motion by Councilman Cervieri, seconded by Councilman Sohmer and carried, the public hearing was opened relative to Ord. #2013-27 entitled, "AN ORDINANCE AMENDING CHAPTER 289, PARKING, ARTICLE IV PARKING METERS, MUNICIPAL PARKING LOTS AND PERMIT PARKING, SECTION 15 PARKING METER ZONES ESTABLISHED; VIOLATIONS AND PENALTIES, OF THE CODE OF THE BOROUGH OF FORT LEE."

There being no public discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilman Sohmer.

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the Ordinance was adopted unanimously.

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Ordinance #2013-28 - Amending Chapter 42 Advisory Committee for the Disabled - Changing Name of Committee to "Advisory Committee for Individuals With Disabilities"

On motion by Councilman Cervieri, seconded by Councilman Sohmer and carried, the public hearing was opened relative to Ord. #2013-28 "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 42, ADVISORY COMMITTEE FOR THE DISABLED - CHANGING COMMITTEE NAME TO ADVISORY COMMITTEE FOR INDIVIDUALS WITH DISABILITIES" OF THE CODE OF THE BOROUGH OF FORT LEE."

There being no public discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilman Sargenti.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, the Ordinance was adopted unanimously.

Ordinance #2013-29 - Establishing a Fort Lee Improvement District Within the Borough of Fort Lee and Designating a District Management Corporation

Mayor Sokolich stated some of the greatest initiatives that will have an ultimate impact on the residents of the Borough are initiatives that begin as baby steps and once they get rolling will have an incredible impact. He believes that the Special Improvement District falls into this category. This will be a very big challenge, but is part of a Borough wide calling for improvements to Main Street and the retail business district.

He said there is a core group of individuals and volunteers who are present tonight who will make up the District Management Corporation. The time and effort needed to make this come to fruition has been immense. He thanked everyone on the committee for their efforts with this undertaking. This coincides with Redevelopment Area 5.

On motion by Councilman Cervieri, seconded by Councilman Sohmer and carried, the public hearing was opened relative to **Ord. #2013-29** - entitled, "AN ORDINANCE ESTABLISHING CHAPTER 356A THE FORT LEE IMPROVEMENT DISTRICT WITHIN THE BOROUGH OF FORT LEE AND DESIGNATING A DISTRICT MANAGEMENT CORPORATION."

Nina Levinson, 1560 West Street, asked where are the taxes for the business district going. She also wanted to know the tax percentage. She also spoke to \$100,000 that is going to the business district and asked if there will be an annual payment made by the Borough to the Business District. She also asked if any private homes are being taxed.

Mayor Sokolich replied that a small portion will go back exclusively to the business district for their use. The percentage which has not yet been determined should be in the 3% to 5% range. He stated that the \$100,000 is needed so the business district can get started and it's the smallest amount possible to get the Business District underway. The \$100,000 is an initial payment and is not expected to be done on an annual basis. There are no private one and two-family homes within the district being taxed.

Samuel Brauner, 2077 Center Avenue, asked if his building at 2077 Center Avenue is included within the Business District.

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Mayor Sokolich replied that his building is not included.

Mr. Brauner spoke to the ordinance and asked about the rules with regard to liability.

Mayor Sokolich stated that there is liability coverage for the Business District which would come under the Borough's umbrella policy

Mr. Brauner also asked if the Borough has ever tried to implement a Business District previously.

Mayor Sokolich stated that about twenty years ago there were preliminary discussions, but it was before his time.

Mr. Cervieri stated that there was a committee formed about eighteen years ago which he served on, but the timing was not good. Times have changed and Main Street has not come back as quickly as hoped.

Mayor Sokolich added that this has been discussed for the past six years ago, but the economy made it difficult until now. Having Redevelopment Area 5 started and a reality has gone a long way in getting this initiative started.

Mr. Brauner asked who determined section 10 of the ordinance.

Mayor Sokolich stated that it was done collectively. This initiative is being done as non-partisan as possible.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Pohan.**

On motion by Councilman Cervieri, seconded by Councilman Sohmer, the Ordinance was **adopted** on the following roll call:

AYES: Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

PROPOSED CONSENT AGENDA

On motion by Councilman Sohmer, seconded by Councilman Pohan, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-17.

CA-1 - Payment of Claims

BE IT RESOLVED that the following claims, the details for which are attached hereto and made a part hereof, are hereby authorized to be paid, having been audited and found correct by the Borough Administrator and Chief Financial Officer.

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$12,980,968.02
Capital	350,425.64
Road Improvement Plan	n/a
Multiple Dwelling	n/a
Construction Fees	n/a
COAH Fees	n/a
Trust Account (Old)	n/a
Senior Citizen Advisory Council	4,697.25
Trip Admissions	n/a
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Wedding Fees	n/a
Trust Account (Accutrack)	31,265.26
Special Dog Account	343.00
Centennial Fund	n/a
Disability Insurance Trust	n/a
Public Assistance Trust Fund	n/a
Police Activity Trust	n/a
Fort Lee Film Commission	153.72
Community Development	n/a
Redemption Account	30,365.32
School Resource Account	1,400.00
Dedicated Penalties	n/a
POAA	n/a
Cop Card Donation	n/a
Police Treasury	77,866.57
Police Justice	5,924.37
Flexible Spending	<u>n/a</u>
Total:	\$13,483,409.15

CA-2 - Ch. 159 Requesting Approval From Director of Local Government Services to Approve Special Item of Revenue, Sustainable Jersey Small Grant - \$5,000.00

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the 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 Fort Lee received **\$5,000.00** from the New Jersey League of Municipalities Educational Foundation, Inc. and wishes to amend its 2013 Budget to include a portion of this amount as an item of revenue,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough Of Fort Lee, 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 of 2013, in the sum of**\$5,000.00** which is now available as a revenue item from:

- Miscellaneous Revenues
- Special Items Of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
- Revenues Offset with Appropriations:
 - Administration - Sustainable Jersey Small Grant

BE IT FURTHER RESOLVED, that a like sum of**\$5,000.00** be and the same is hereby appropriated under the caption:
General Appropriations:
(a) Operations excluded from CAPS
Programs Offset by Revenues:
Administration - Administration Other Expenses

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.

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CA-3 - Accepting Retirement Notice of Rosalie Ludolph, Principal Clerk Typist for the Police Department - Effective December 1, 2013

BE IT RESOLVED that **Rosalie Ludolph, Principal Clerk Typist** with the Police Department has submitted a retirement notice dated September 27, 2013 and the Mayor and Council have accepted same,

NOW, THEREFORE, BE IT RESOLVED that Ms. Ludolph's retirement will be effective **December 1, 2013** with the Borough of Fort Lee.

CA-4 - Accepting Retirement Notice of Jan Beye, Environmental Health Specialist - Retroactive to October 1st

BE IT RESOLVED that **Jan Beye, Environmental Health Specialist** with the Health Department has submitted a resignation notice dated September 24, 2013 and the Mayor and Council have accepted same; and

BE IT FURTHER RESOLVED that Mr. Beye's retirement will be

effective retroactive to **October 1, 2013** with the Borough of Fort Lee.

CA-5 - Authorizing Settlement of Tax Appeal Litigation Entitled Alkis & Helen Meimaris vs. Borough at 1160 Crescent Way, Block 1452, Lot 2.01, for Tax Years 2011-2013

WHEREAS, Alkis & Helen Meimaris are the owners and taxpayers of property located at 1160 Crescent Way, also known as Block 1452, Lot 2.01; and

WHEREAS, the taxpayers filed tax appeals for the years 2011, 2012 and 2013 against the Borough of Fort Lee in matters entitled Meimaris vs Fort Lee, which are presently pending in the Tax Court; and

WHEREAS, it is has been recommended by the Tax Appeal Attorney, the Borough Appraiser and the Borough Assessor that the matters be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Meimaris vs Fort Lee, so that for tax year 2011, the complaint will be withdrawn and the assessment of \$1,760,000 will remain intact; for tax year 2012, the complaint will be withdrawn and the assessment of \$1,760,000 will remain intact; and for tax year 2013, the assessment of \$1,760,000 will be reduced to \$1,700,000, resulting in a refund of \$1,270; and

BE IT FURTHER RESOLVED that the aforesaid settlement is predicated upon a waiver of any and all pre-judgment interest by the taxpayer.

CA-6 - Approving Re-Location of Bus Stop on Palisade Avenue, Northbound, from Far Side of Bridle Way to Near Side of Bridle Way (Previously Adopted by Ordinance #2013-4)

**A RESOLUTION RELOCATING A BUS STOP WHICH WAS PREVIOUSLY
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**ADOPTED BY ORDINANCE #2013-4 ON APRIL 11, 2013 WHICH
DELETES A CURRENT BUS STOP ON PALISADE AVENUE, FAR SIDE
OF BRIDLE WAY AND ADDS A NEW BUS STOP ON PALISADE AVENUE,
NEAR SIDE OF BRIDLE WAY**

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, County of Bergen, State of New Jersey, that the following is an amendment to the existing bus stop by creating a new location as well as to delete the existing location.

Added Stop

1. STATE ROADWAY - Along Route 5 (Palisade Avenue), northbound on the easterly side thereof at:

a. Bridle Way (near side)

Beginning at the southerly curb line of Bridle Way and extending
105 feet southerly therefrom.

Deleted Stop

2. Along Route 5 (Palisade Avenue), northbound on the easterly side thereof at:

a. Bridle Way (far side)

Beginning at the northerly curb line of Bridle Way and extending **164** feet northerly therefrom.

BE IT FURTHER RESOLVED that this resolution shall take effect upon approval as provided by law.

CA-7 - Authorizing Submission of a Grant Extension for the Fort Lee Municipal Alliance Committee

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and,

WHEREAS, the Borough Council of the Borough of Fort Lee, County of Bergen, State of New Jersey, recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages, and therefore has an established Municipal Alliance Committee; and,

WHEREAS, Borough Council was approved for a Municipal Alliance grant for the January 1, 2013 through December 31, 2013 grant term; and,

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse has extended the 2013 grant term until June 30, 2014, in order to transition the grant to a fiscal rather than calendar year cycle; and,

WHEREAS, funding has been made available to Fort Lee Municipal Alliance in the amount of 50% of its approved 2013 grant total for the six-month extension period of January 1, 2014 to June 30, 2014, contingent upon meeting the 25% Cash Match and 75%
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In-Kind grant requirement for the extension funding,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council does hereby authorize the submission of the grant extension for the Fort Lee Municipal Alliance grant in the amount of:

DEDR	\$22,919.00
Cash Match	\$ 5,729.00
In Kind	\$17,189.00

The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance audit requirements.

CA-8 - Accepting Boswell's McClave's Engineering Proposal, South Hackensack, New Jersey, for Construction Inspection Services for Roadway Improvements for Gerome Avenue and Beverly Hills Road - Fee Not Exceed \$8,000.00

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF FORT LEE AUTHORIZING THE AWARD OF A
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES**

WHEREAS, the Borough has been approved for a Community Development Block Grant in the amount of \$100,000 for the 2013 CDBG Road Resurfacing Program for certain streets in the Borough; and

WHEREAS, on prior occasion pursuant to duly adopted resolution, the Borough of Fort Lee ("Borough") awarded a contract to D. S. Meyer Enterprises, LLC in the amount of \$97,820.32 to perform services for the 2013 CDBG Road Resurfacing Program for certain streets in the Borough; and

WHEREAS, there exists a need for the Borough to retain the services of a licensed engineer to provide construction inspection services for the 2013 CDBG Road Resurfacing Program for certain streets in the Borough; and

WHEREAS, said services are recognized as "professional services" as same shall be rendered by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instruction and study, pursuant to and in accordance with N.J.S.A. 40A:11-2(6); and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, the Borough wishes to retain the services of Boswell to perform such professional engineer services in accordance with its proposal, dated October 28, 2013, a copy of which is attached hereto; and

WHEREAS, Boswell possesses the requisite expertise and skilled personnel required to provide construction inspection services for the 2013 CDBG Road Resurfacing Program for certain streets in the Borough; and

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WHEREAS, the Mayor and Council of the Borough are desirous of awarding a contract for professional engineering services to Boswell in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the contract for professional engineering services to be performed by Boswell is awarded pursuant to a "fair and open" process in accordance with the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Mayor and Council have determined that funds are available for this purpose, and

WHEREAS, the award of a contract for the provision of construction inspection services for the 2013 CDBG Road Resurfacing Program for certain streets in the Borough is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. That Boswell shall be and is hereby appointed to perform professional engineering services for the provision of construction inspection services for the for the 2013 CDBG Road Resurfacing Program for certain streets in the Borough, in accordance with its proposal, dated October 28, 2013, attached hereto and made a part hereof, (Available in the Office of the Borough Clerk) in an amount not to exceed **\$8,000.00** on a time and materials basis.

2. That upon 80% completion of the engineering work pursuant to this Resolution, Boswell shall provide written notice to the Borough Clerk as to whether the services will be completed within the budget established for the services. If the services are expected to exceed the budget, Boswell shall submit a detailed cost overrun schedule for review and consideration by the Borough.

3. That Boswell is specifically placed on notice that it will be required to comply with the Affirmative Action regulations of P.L. 1975 c. 127.

4. That a notice of the contract award shall be published, and this resolution must be available for public inspection, in accordance with the requirements of N.J.S.A. 40A:11-1 et seq.

5. That the Chief Financial Officer has certified as to the availability of funds for this purpose.

6. That no further action of the Borough shall be required.

CA-9 - Accepting Boswell's McClave's Engineering Proposal, South Hackensack, New Jersey, for Design, Bid and Construction Phase for Installation of Emergency Generators for Firehouses #2 and #4 - Fee Not Exceed \$7,920.00

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH
OF FORT LEE AUTHORIZING THE AWARD OF A CONTRACT FOR**

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PROFESSIONAL ENGINEERING SERVICES

WHEREAS, there exists a need for the Mayor and Council of the Borough of Fort Lee ("Borough") to retain the services of a licensed engineer to perform design, bidding and construction phase services with regard to the procurement and installation of emergency generators at Firehouses #2 and #4 in the Borough; and

WHEREAS, said services are recognized as "professional services" as same shall be rendered by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instruction and study, pursuant to and in accordance with N.J.S.A. 40A:11-2(6); and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, the Borough wishes to retain the services of Boswell McClave Engineering ("Boswell") to perform such professional engineer services in accordance with its proposal, dated November 4, 2013, attached hereto; and

WHEREAS, Boswell possesses the requisite expertise and skilled personnel required to provide professional engineering services related to the procurement and installation of emergency generators at Firehouses #2 and #4 in the Borough; and

WHEREAS, the Mayor and Council of the Borough are desirous of awarding a contract for professional engineering services to Boswell in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the contract for professional engineering services to be performed by Boswell is awarded pursuant to a "fair and open" process in accordance with the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Mayor and Council have determined that funds are available for this purpose, and

WHEREAS, the award of a contract for the provision of professional engineering services related to the procurement and installation of emergency generators at Firehouses #2 and #4 in the Borough is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. That Boswell shall be and is hereby appointed to perform professional engineering services related to the procurement and installation of emergency generators at Firehouses #2 and #4 in the Borough, in accordance with its proposal, dated November 4, 2013, attached hereto and made a part hereof (Available in the Office of the Borough Clerk), in the amount of **\$7,920.00.**

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2. That upon 80% completion of the engineering work pursuant to this Resolution, Boswell shall provide written notice to the Borough Clerk as to whether the services will be completed within the budget established for the services. If the services are expected to exceed the budget, Boswell shall submit a detailed cost overrun schedule for review and consideration by the Borough.

3. That Boswell is specifically placed on notice that it will be required to comply with the Affirmative Action regulations of P.L. 1975 c. 127.

4. That a notice of the contract award shall be published, and this resolution must be available for public inspection, in accordance with the requirements of N.J.S.A. 40A:11-1 et seq.

5. That the Chief Financial Officer has certified as to the availability of funds for this purpose.

6. That no further action of the Borough shall be required.

CA-10 - Awarding Contract to Civil 1, Woodbury, Connecticut for Construction Inspection Services Related to the Installation of the Post-Tension Concrete for the Tennis Courts at William T. Birch Park - Fee Not to Exceed \$7,950.00

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF FORT LEE AUTHORIZING THE AWARD OF A
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES**

WHEREAS, on prior occasion pursuant to duly adopted resolution, the Borough of Fort Lee ("Borough") awarded a contract to Classic Turf Company, LLC, for the resurfacing of tennis and basketball courts in William Birch Park in the Borough, in accordance with the applicable bid documents and specifications; and

WHEREAS, there exists a need for the Borough to retain the services of a licensed engineer to provide construction inspection services for the resurfacing of tennis and basketball courts in William Birch Park in the Borough; and

WHEREAS, said services are recognized as "professional services" as same shall be rendered by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instruction and study, pursuant to and in accordance with N.J.S.A. 40A:11-2(6); and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, the Borough wishes to retain the services of Civil 1 to perform such professional engineer services in accordance with its proposal, dated November 1, 2013, a copy of which is attached hereto (Available in the Office of the Borough Clerk; and

WHEREAS, Civil 1 possesses the requisite expertise and skilled personnel required to provide construction inspection services for the resurfacing of tennis and basketball courts in William Birch Park in the Borough; and

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WHEREAS, the Mayor and Council of the Borough are desirous of awarding a contract for professional engineering services to Civil 1 in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the inspection services for the resurfacing of tennis and basketball courts in William Birch Park in the Borough will be performed by Civil 1, 3 Sherman Hill Road, Woodbury, Connecticut 06798 at a cost not to exceed **\$7,950.00**, which amount is less than the threshold of \$17,500.00 under the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq., and, therefore, the contract is not subject to the provisions of the New Jersey Local Unit Pay-To-Play Law; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose, and

WHEREAS, the award of a contract for the provision of construction inspection services for the resurfacing of tennis and basketball courts in William Birch Park in the Borough is in the

best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. That Civil 1 shall be and is hereby appointed to perform professional engineering services for the provision of construction inspection services for the resurfacing of tennis and basketball courts in William Birch Park in the Borough, in accordance with its proposal, dated November 1, 2013, attached hereto and made a part hereof, in an amount not to exceed **\$7,950.00** based upon the Schedule of Fees and Charges attached to Civil 1's proposal (Available in the Office of the Borough Clerk).

2. That upon 80% completion of the engineering work pursuant to this Resolution, Civil 1 shall provide written notice to the Borough Clerk as to whether the services will be completed within the budget established for the services. If the services are expected to exceed the budget, Civil 1 shall submit a detailed cost overrun schedule for review and consideration by the Borough.

3. That Civil 1 is specifically placed on notice that it will be required to comply with the Affirmative Action regulations of P.L. 1975 c. 127.

4. That a notice of the contract award shall be published, and this resolution must be available for public inspection, in accordance with the requirements of N.J.S.A. 40A:11-1 et seq.

5. That the Chief Financial Officer shall certify as to the availability of funds for this purpose.

6. That no further action of the Borough shall be required.

CA-11 - Endorsing Bergen County Community Development Block Grant Application for a New Emergency Generator for the Richard A. Nest Senior Citizens' Center - \$100,000.00

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WHEREAS, a Bergen County Community Development grant of **\$100,000.00** has been proposed by the Borough of Fort Lee for the installation of a new emergency generator set to service the Richard A. Nest Senior Center for FY 2014; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Mayor and Council; and

WHEREAS, the aforesaid project is in the best interest of the people of Fort Lee; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD Funds,

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council of the Borough of Fort Lee, hereby confirms endorsement of the foresaid project; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be sent to the Director of Bergen Community Development Program so that implementation of the aforesaid project may be expedited.

CA-12- Authorizing Purchasing Consultant to Prepare Specifications and Advertise for Bids for a New Roof and Windows for Borough Hall and a Prefabricated Garage in the Rear of the Police Department and Two (2) Diesel Generators and Uninterruptable Battery System for the Police Department

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the Purchasing Consultant is hereby authorized and directed to obtain specifications and advertise for bids for:

- . New Roof and Windows for Borough Hall at 309 Main Street
- . Prefabricated Garage in the Rear of the Current Police Facility on 16th Street
- . Two (2) Diesel Generators for the Police Department
- . Uninterruptable Battery System (UPS) for the Police Department

CA-13 - Authorizing Purchase of Four (4) 2014 Ford Interceptors for the Police Department Through Winner Ford, Cherry Hill, New Jersey, Through State Contract #82895 & #81335 - \$124,244.00 Which Includes Emergency Equipment and Three-Year Warranty for All Four Vehicles

WHEREAS, the Police Department has requested the purchase of two (2) 2014 Police Interceptors Utility Base SUV with emergency equipment (\$30,460.00 Each) and two (2) 2014 Police Sedan Interceptors AWD with emergency equipment (\$31,662.00 Each); and

WHEREAS, the cost of the four vehicles are over the bid threshold amount of \$36,000.00 and the expenditure must be authorized by resolution of the governing body; and

WHEREAS, the vehicles are available through Winner Ford, via New Jersey State Contract #82925 for the vehicles and #81335 for the emergency equipment; and

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WHEREAS, this contract may be awarded without competitive bidding as a recognized exception under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., since the goods and/or services are to be provided as a result of a contract to be entered into with the State of New Jersey, pursuant to and in accordance with N.J.S.A. 40A:11-5(2); and

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Fort Lee authorizes the Police Department to purchase the aforementioned 2014 Police Interceptor and 2014 Police Sedan Interceptor by purchase order from Winner Ford, 250 Haddonfield - Berlin Road, Cherry Hill, New Jersey, 08034 in the amount of **\$124,244.00** for all four vehicles which includes a three-year 36,000 mile, with 100,000 mile power train warranty for each vehicle; and

WHEREAS, the Local Public Contracts Law requires that the resolution awarding a contract without competitive bidding must be available for public inspection; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for this purchase.

CA-15 - Approving Person-to-Person/Place-to-Place Liquor License

Transfer From Phi Enterprises LLC (Pocket License) at a Mailing Address of 210 Whiteman Street to Sobia LLC at 1671 Bergen Boulevard

WHEREAS, an application has been filed for a person to person and place to place transfer of plenary retail distribution license **0219-44-015-005**, heretofore issued to **PHI Enterprises LLC, (Pocket License)** a limited liability company for premises located at a mailing address of **210 Whiteman Street, Fort Lee, New Jersey**; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the applicant has received a tax clearance certificate for the person-to-person portion of the liquor license transfer from the State of New Jersey, Department of the Treasury, Division of Taxation, Trenton, New Jersey; and

WHEREAS, said application for the place-to-place portion of the transfer has been reviewed and approved by the Construction Code Official and the Fire Sub-Code Official,

NOW, THEREFORE, BE IT RESOLVED that the Fort Lee Governing Body does hereby approve the person-to-person/place-to-place transfer of the aforesaid plenary retail consumption license to **Sobia LLC at 1671 Bergen Boulevard, Fort Lee, New Jersey 07024** effective **November 14, 2013** and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership.

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CA-16 - Ch. 159 Requesting Approval From Director of Local Government Services to Approve Special Item of Revenue, Clean Communities Grant - \$58,206.14

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the 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 Fort Lee received **\$58,206.14** from the New Jersey League of Municipalities Educational Foundation, Inc. and wishes to amend its 2013 Budget to include a portion of this amount as an item of revenue,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough Of Fort Lee, 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 of 2013, in the sum of**\$58,206.14** which is now available as a revenue item from:

Miscellaneous Revenues

Special Items Of General Revenue Anticipated with Prior
Written Consent of the Director of Local Government Services:
Revenues Offset with Appropriations:
Clean Communities - Other Expenses
Solid Waste Administration

BE IT FURTHER RESOLVED, that a like sum of**\$58,206.14**
be and the same is hereby appropriated under the caption:

General Appropriations:

(a) Operations excluded from CAPS
State Programs Offset by Revenues:
Clean Communities - Other Expenses
Solid Waste Administration

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.

**CA-17 - Approving Person-to-Person Liquor License Transfer From
Baden Fort Lee Inc. to B-Story USA Inc. at 799 Abbott Boulevard,
Unit 1**

WHEREAS, an application has been filed for a person to person
transfer of plenary retail consumption license **0219-33-022-005**,
heretofore issued to **Baden Fort Lee Inc.** a New Jersey corporation
for premises located at **799 Abbott Boulevard, Unit 1, Fort Lee,
New Jersey**; and

WHEREAS, the submitted application form is complete in all
respects, the transfer fees have been paid, and the license has
been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according
to all standards established by Title 33 of the New Jersey
Statutes, regulations promulgated thereunder, as well as pertinent
local ordinances and conditions consistent with Title 33; and

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WHEREAS, the applicant has disclosed and the issuing
authority reviewed the source of all funds used in the purchase
of the license and the licensed business and all additional
financing obtained in connection with the licensed business; and

WHEREAS, the applicant has received a tax clearance
certificate for the person-to-person portion of the liquor license
transfer from the State of New Jersey, Department of the Treasury,
Division of Taxation, Trenton, New Jersey; and

NOW, THEREFORE, BE IT RESOLVED that the Fort Lee Governing
Body does hereby approve the person-to-person transfer of the
aforesaid plenary retail consumption license to **B Story USA, Inc.
t/a Bada Story** at **799 Abbott Boulevard, Unit 1, Fort Lee, New
Jersey 07024** effective **November 14, 2013** and does hereby direct
the Municipal Clerk to endorse the license certificate to the new
ownership.

Nina, Levinson, 1560 West Street, questioned CA-12 and CA-13.

Ms. Thomas responded to both CA-12 and CA-13.

There being no further discussion, the public hearing was
closed **on motion by Councilman Sargenti, seconded by Councilman
Pohan**, and the Consent Agenda (**items CA-1 through CA-17, except
for CA-14 which was removed for separate vote by Councilman**

Cervieri) was approved unanimously.

RESOLUTIONS

R/A CA-14 - Approving Liquor License Renewal for Fort Lee Athletic Club, Inc. for 2013-2014

Mr. Cervieri recused himself on this matter.

Councilman Sargenti introduced, and Councilman Pohan seconded, the following Resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the following club liquor license for the year **2013/2014** be issued to the applicant listed below.

STATE LICENSE # LICENSEE

0219-31-054-001 Fort Lee Athletic Club Inc.
(One Year Special Ruling Received from the State of NJ, ABC dated October 21, 2013 for 2013-2014)

BE IT FURTHER RESOLVED that the Borough Clerk be and hereby is authorized and directed to sign said licenses and affix the corporate seal of the Borough of Fort Lee thereto.

The Resolution was **approved** on the following roll call:

AYES: Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky

ABSENT: Councilman Cervieri

R-1 - Authorizing the Issuance of Requests for Qualifications for 2014 for Professional Services for the Borough of Fort Lee Through the Fair and Open Process
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Councilman Cervieri introduced, and Councilman Pohan seconded, the following Resolution:

A RESOLUTION AUTHORIZING THE ISSUANCE OF REQUESTS FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES TO THE BOROUGH OF FORT LEE

WHEREAS, as of January 1, 2006, N.J.S.A 19:44A-20.1 et seq., commonly known as the "State Pay to Play" law, enacted by the New Jersey State Legislature shall become effective; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.3, a municipality may not award contracts with a value in excess of \$17,500.00 to a business entity which has made reportable contributions in excess of \$300.00, in the aggregate, to the said municipality's political parties or to any candidate's committee of any person serving in an elective public office of the said municipality when such a contract was awarded, unless said business entity is awarded a contract under a "fair and open process" pursuant to N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, a "fair and open process" constitutes the following: (1) public advertisement of a Request for Qualifications (hereinafter the "RFQ") issued a minimum ten (10) calendar days notice prior to the receipt of responses to the RFQ; (2) award of contract under a process that provides for public solicitation of qualifications; (3) award of contract under

publicly disclosed criteria established, in writing, by the municipality prior to the solicitation of qualifications; and (4) the municipality shall publicly announce the weightings for the evaluation criteria and open the Qualifications Statements; and

WHEREAS, it has become necessary for the Borough of Fort Lee (hereinafter the "Borough") to engage professionals and the Borough desires to appoint such professionals by a "fair and open process" pursuant to N.J.S.A. 19:44A-20.1 et seq.,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Fort Lee, County of Bergen and State of New Jersey that requests for RFQs for professional services for the following professional services for the Borough and its agencies are hereby authorized:

1. Borough Attorney
2. Labor Attorney
3. Borough Auditor
4. Bond Counsel
5. Borough Engineer
6. Building Department/Fire Prevention Bureau Accountant
7. Municipal Court/Police Department Accountant
8. Tax Counsel
9. Borough Risk Manager
10. Health Benefits
11. Traffic Engineer
12. Purchasing Consultant
13. Special/Conflict Counsel
14. Borough Planner
15. Rent Leveling Board Attorney

BE IT FURTHER RESOLVED, that all of the RFQs for the professional services as set forth hereinabove shall be prepared and published in accordance with N.J.S.A. 19:44A-20.1 et seq. and all such RFQs shall be evaluated on the basis of the most advantageous RFQ, all factors considered, including, but not limited to: (1) experience and reputation in the profession; (2) knowledge of the subject matter to be addressed under contract; (3) availability to accommodate any required meetings of the

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Borough or Borough Agency; (4) and cost proposal.

The Resolution was **approved unanimously.**

R-2 - Authorizing First Amendment to the Redevelopment Agreement Between the Borough and TDC Fort Lee LLC and Tucker Development and Acquisition Fund, LLP for the Redevelopment of the West Parcel in Redevelopment Area 5

Councilman Cervieri recused himself and left the podium on this matter and R-3.

Councilman Pohan introduced, and Councilman Sargenti seconded, the following Resolution:

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE APPROVING AND AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO THE REDEVELOPMENT AGREEMENT BY AND BETWEEN THE BOROUGH OF FORT LEE AND TDC FORT LEE, LLC AND TUCKER DEVELOPMENT AND ACQUISITION FUND, LLP, FOR THE REDEVELOPMENT OF THE WEST PARCEL, LOCATED IN REDEVELOPMENT AREA 5, IN THE BOROUGH OF FORT LEE, NEW JERSEY

WHEREAS, on March 15, 2012, the Borough and the Redeveloper entered into a Redevelopment Agreement for the redevelopment of the Property for a mixed use project (the "Agreement"); and

WHEREAS, on or about January 15, 2013, the Borough acquired property shown on the Borough tax maps as Block 4851, Lot 5, located at 183 Main Street and identified as the "Rosenberg Property"; and

WHEREAS, the Rosenberg Property was occupied by Woori Bank pursuant to a Use and Occupancy Agreement with the Borough, which Use and Occupancy Agreement terminated on September 30, 2013 at which time Woori Bank vacated the Rosenberg Property; and

WHEREAS, pursuant to the Agreement, the Rosenberg Property was to be owned by the Redeveloper and the Redeveloper was to provide the Borough with a perpetual easement for use as a public park, which public park is to be constructed by the Redeveloper; and

WHEREAS, as the result of subsequent discussion with and consent of Redeveloper, the Borough retained ownership of the Rosenberg Property, which shall still be redeveloped for a public park by the Redeveloper and the Borough shall provide access to the Redeveloper to undertake the necessary actions to accomplish the construction of the public park; and

WHEREAS, in order for the Redeveloper to construct the public park on the Rosenberg Property, it will require access to demolish and clear the buildings and construct the park improvements, along with the possible interim use as a construction staging area for the development of Phase I on adjacent properties by the Redeveloper; and

WHEREAS, the Borough and Redeveloper have agreed to the terms and conditions of a First Amendment to the Redevelopment Agreement which address access to the Rosenberg Property for various purposes as set forth therein,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council, that it hereby approves and authorizes the execution of a First Amendment to the Redevelopment Agreement between the Borough
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and TDC Fort Lee, LLC and Tucker Development Acquisition Fund, LLP for the redevelopment of the West Parcel located in Redevelopment Area 5 in the Borough of Fort Lee, County of Bergen, State of New Jersey; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute any and all documents, including the First Amendment to the Redevelopment Agreement attached hereto in substantially similar form, to facilitate the implementation of the redevelopment of the West Parcel, subject to final review and approval by the Borough Attorney as to legal form and content; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

The resolution was approved on the following roll call:

AYES: Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky

ABSENT: Councilman Cervieri

R-3 - Authorizing United Water to Place One Fire Hydrant for Tucker Development Corp. (TDC, LLC) - East Side of Lemoine Avenue, 425 Feet North of Main Street

Councilman Pohan introduced, and Councilman Sohmer seconded,

the following Resolution:

BE IT RESOLVED that United Water New Jersey, Inc. is hereby requested to erect one (1) fire hydrant at the following designated place, to be used for fire purposes only, in accordance with the Rules and Regulations of the Company, and its rates as set forth in its Schedule of Rates filed with the New Jersey Board of Public Utilities in Newark, New Jersey."

LOCATION OF HYDRANT

- . Proposed Hydrant - East Side of Lemoine Avenue, 425' North From the Center Line of Main Street
- . See Attached Drawings for Additional Details (Available in the Office of the Borough Clerk)

Fort Lee, New Jersey
Invest. No 53337

The Resolution was **approved** on the following roll call:

AYES: Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky

ABSENT: Councilman Cervieri

Councilman Cervieri returned to the podium at this point in the meeting.

COUNCIL REPORTS

Councilman Pohan - congratulated the police officers who received awards this evening. Sometimes it's forgotten the many times the police have to put themselves in harm's way to protect the public and that they save lives. He's very appreciative of the work that the police department does in Fort Lee.

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Councilman Sohmer - also congratulated the police officers who received awards earlier this evening.

He wished Jan Beye and Rosalie Ludolph well on their retirements.

He stated that the Borough's annual Retreat to Victory will be held on Saturday, November 23rd beginning at 11:15 a.m. The march begins in Fort Lee Historic Park and continues onto Hudson Terrace and then finishes in Monument Park. It's a reenactment of the Revolutionary War Retreat. Four historic signs will be unveiled on the parade route this year.

He congratulated Jan Goldberg and Ila Kasofsky on their Election Day victory.

He wished everyone a happy Thanksgiving as well as a Happy Hanukkah.

Councilman Goldberg - stated that the Fort Lee Film Commission named the Annual Jersey Filmmakers of Tomorrow High School Student Film Festival "Best of the Fest Award" after acclaimed Bergen County born Actor James Gandolfini.

He added that the 2013 Jersey Filmmakers of Tomorrow James Gandolfini Best of the Fest Award winner is Emma Taubner of Bergenfield High School for her film "Just Come Home". The award was presented by Johanna Antonacci, sister of the late James

Gandolfini. Also present for the awards program were actors and friends of James Gandolfini, Tony Sirico and Bergen County native Vince Curatola.

He further added that The Best of the Fest Award was named after James Gandolfini with the cooperation of the entire Gandolfini family.

Two of the top ten finalists in the 2013 Jersey Filmmakers of Tomorrow were Fort Lee High School students:

Jiho Kim and Yasaman Asgari

He thanked the residents of the Borough for coming out and supporting him and Ila at last week's election. He also thanked his colleagues on the governing body for their support as well as the Democratic Party. He assured the residents he will continue to work hard on their behalf.

Councilman Sargenti - also offered his congratulations to Jan and Ila on their Election Day victory.

He wished Rosalie Ludolph all the best on her retirement.

He offered his condolences to Deputy Fire Chief William Chiappane on the loss of his brother.

Councilwoman Kasofsky - stated that the Fort Lee Public Library will be holding a holiday concert this Sunday commencing at 2:00 p.m. It's entitled "Ships and Roses".

She thanked everyone who came out and voted last Tuesday. She also thanked the Democratic Party for their support as well as her colleagues on the governing body. The voters by their actions basically are stating that they endorse the policies that have and

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continue to be set by the Mayor and governing body. She's very proud to be part of the team as the Borough continues to undertake so many new and exciting projects.

Councilman Cervieri - also offered his congratulations to Jan and Ila on their Election Day victory. He thanked the voters for re-electing Jan and Ila. He also offered his congratulations to Republican candidates Gary Schwartz and Merion Bar-Nadav for running a very clean campaign.

He stated that the Greater Fort Lee Chamber of Commerce will be holding their annual "Persons of the Year" dinner this Saturday at the Fort Lee Doubletree. The recipients this year are Randy Kotive from Oppler Kotive Realtors and Borough of Englewood Cliffs Mayor Joseph Parisi.

Mayor Sokolich - also offered his congratulations to Councilman Goldberg and Councilwoman Kasofsky. He said not nearly as much would get done without the collective efforts of this governing body.

He announced that the Holiday Tree Lighting will be held on Thursday, December 5th at the Jack Alter Fort Lee Community Center.

PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilman Sargenti, and carried unanimously, the meeting was opened to the public for discussion.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Samuel Brauner 2077 Center Avenue	.Wrong Way Traffic on Center Avenue	Mayor Sokolich

There being no further public discussion, on motion by Councilman Cervieri, seconded by Councilman Pohan, and there being no further discussion, the meeting was adjourned with no objections at 9:05 p.m.

Neil Grant, RMC
Municipal Clerk

SPECIAL MEETING

MAYOR AND COUNCIL

Wednesday, October 23, 2013 @12:05 p.m.

A Special Meeting of the Mayor and Council of the Borough of Fort Lee was held on the above date in Executive Conference Room #201, Memorial Municipal Building, 309 Main Street, Fort Lee, New Jersey.

PRESENT: Council Members Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

ABSENT: Mayor Sokolich and Councilman Pohan

ALSO PRESENT: Peggy Thomas, Borough Administrator
Neil Grant, Borough Clerk
Kevin Conti, Esq. for Borough Attorney

MAYOR'S STATEMENT

All members of this body have been advised both orally and in writing at least 48 hours prior to this meeting of the time, place and proposed agenda hereof.

On October 17, 2013 a written notice of the time, place and proposed agenda of this meeting was posted at the Municipal Building, 309 Main Street, Fort Lee, New Jersey.

On the same date a copy of said written notice was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE filed with the Borough Clerk, and copies were mailed to all persons who have

requested same, and have prepaid the fee fixed for the year 2013.

MAYOR'S STATEMENT AND ANNOUNCEMENTS

Mr. Grant read the operative portion of the special meeting.

The discussion of this meeting will be limited to:

1. Awarding Bid for Roadway Improvements to Gerome Avenue and Beverly Hills Road
2. Public Participation

It is expected that **action will be taken** at this meeting.

Council President Kasofsky, chaired the meeting in the Mayor's absence.

RESOLUTION

R-1 - Awarding Bid for Roadway Improvements to Gerome Avenue and Beverly Hills Road

Ed Mignone, Assistant Engineer for the Borough, explained that this resolution had to be approved before November's regular meeting as a representative of Bergen County indicated to him that the borough could lose its community development block grant for the project if action isn't taken before then. The original situation changed as a result of the death a few months ago of Victor Graziano, Bergen County Community Development representative, who had originally told the borough the project could be put on hold until the spring of 2014.

Mr. Mignone added that the Borough will be awarding the bid to make repairs to Gerome Avenue and Beverly Hills Road which is
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for the base bid and alternate (a). Whiteman Street was also included as alternate (b), but the bids received for the base bid and both alternates was more than the borough will be receiving in grant money. Fortunately, the borough had already applied for and has received a New Jersey Transportation grant for roadway improvements to Whiteman Street.

On questioning from Mr. Cervieri, Mr. Conti indicated that the low bidder which includes the base bid and alternate (a) D.S. Meyer Enterprises, LLC has a compliant bid.

Mr. Mignone also indicated that the work should not take more than two days which work is expected to be done on November 7th and 8th which coincides with the New Jersey Education Association teacher's convention; therefore, the work being done on Gerome Avenue and Beverly Hills Road will not affect the children attending Fort Lee Public School #1.

Councilman Cervieri introduced, and Councilwoman Kasofsky seconded, the following Resolution:

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE AWARD OF A CONTRACT FOR THE PROVISION OF SERVICES FOR THE 2013 CDBG ROAD RESURFACING PROGRAM

WHEREAS, there exists a need for the Borough to retain a licensed contractor to perform services for the 2013 CDBG Road Resurfacing Program for certain streets in the Borough of Fort Lee ("Borough"); and

WHEREAS, on prior occasion, in accordance with the Local

Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough solicited bids for the provision of services for the 2013 CDBG Road Resurfacing Program for certain streets in the Borough; and

WHEREAS, on October 11, 2013, bids were received in response to the Borough's public solicitation from the following bidders (base bid only):

D. S. Meyer Enterprises, LLC Waldwick, NJ	\$68,804.31
DLS Contracting, Inc. Nutley, NJ	\$70,625.00
A.J.M. Contractors, Inc. Clifton, NJ	\$75,115.00
D&L Paving Contractors, Inc. Nutley, NJ	\$78,648.06
JJ Sinisi, Inc. Fairview, NJ	\$92,197.00

; and

WHEREAS, the Borough also solicited bids for two alternates and has determined that it is in the best interests of the Borough to award a contract for the base bid and Alternate "A" for this particular contract; and

WHEREAS, after a review of the bids, the Borough has determined that the bid submitted by the ostensible low bidder for the base bid - D. S. Meyer Enterprises, LLC - is also the ostensible low bid for the award of a contract based upon the base bid and alternate "A" and the bid from D. S. Meyer Enterprises, LLC is in compliance with the requirements of the bid

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specifications; and

WHEREAS, it has been further determined that D. S. Meyer Enterprises, LLC constitutes the lowest responsible and complying bidder for the provision of services for the 2013 CDBG Road Resurfacing Program for certain streets in the Borough; and

WHEREAS, the Borough has reviewed its available funds and has determined that sufficient funds are available to award a contract for the provision of services for the 2013 CDBG Road Resurfacing Program for certain streets in the Borough; and

WHEREAS, the Borough has determined that the award of this contract is necessary for its efficient operations,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that D. S. Meyer Enterprises, LLC, 63 Longview Drive, Waldwick, New Jersey, 07463, is the lowest, responsible and complying bidder and is awarded the contract for the provision of services for the 2013 CDBG Road Resurfacing Program for certain streets in the Borough in the amount of \$97,820.32, constituting the Base Bid and Alternate "A" in accordance with the applicable bid documents and specifications;

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized to execute a contract with D. S. Meyer Enterprises, LLC for the provision of services for the 2013 CDBG Road Resurfacing Program for certain streets in the Borough;

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available for the provision of services for the 2013 CDBG Road Resurfacing Program for certain streets in

the Borough;

BE IT FURTHER RESOLVED that the bid security of the remaining bidders be returned in accordance with N.J.S.A. 40A:11-1 et seq.; and

BE IT FURTHER RESOLVED that the original bid and contract shall be available in the Borough Clerk's Office for review by the public.

The Resolution was **approved** on the following roll call:

AYES: Council Members Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilman Sohmer and carried unanimously, the meeting was opened to the public for discussion.

No one from the public chose to speak during this portion of the meeting.

There being no further discussion, the special meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, and carried at 12:09 p.m.

Neil Grant
Borough Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, October 10, 2013 @8:00 p.m.

The Regular Meeting of the Mayor and Council of the Borough of Fort Lee was held on the above date in the Council Chambers, Memorial Municipal Building, 309 Main Street, Fort Lee, New Jersey.

PRESENT: Mayor Sokolich, Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

ALSO PRESENT: Peggy Thomas, Borough Administrator
Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney

MAYOR'S STATEMENT

Let the minutes reflect that adequate notice of this meeting has been provided in the following manner:

1. On January 3, 2013, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2013, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2013 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mr. Grant stated that tonight's Mayor and Council meeting as well as all future meetings are closed captioned. Since the last meeting, which was the first meeting with closed captioning, improvements have been made. A multi-directional microphone has been installed for the public which should improve the sound quality. At the last meeting closed captioning with Verizon (FIOS) was not working, but that problem has been resolved. In addition replays of the meeting on Time Warner at this time may not be closed captioned and Time Warner continues to work on that problem. He asked that anyone from the public speaking into the microphone direct their comments to the Mayor and Council and not the audience so that the captioner can translate everything that is being said.

Mayor Sokolich stated that the eastern portion of Redevelopment Area 5 is well underway with the topping off of the first tower expected in the near future. The western portion has now begun construction which consists of the retail component of Redevelopment Area 5 as well as more residential units. He congratulated Tucker Development on getting the western end started.

He stated that Halloween is fast approaching on October 31st. He thanked the police department for handing out to the schools and public merchants orange fluorescent bags so that the kids can be seen easier. This is in conjunction with the Borough's "Be Safe, Be Seen" campaign. Bookmarks will also be given out as well as several other items. In addition the police department has requested that local businesses not sell certain items to kids

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that they might use to cause damage on mischievous night. He thanked Chief Bendul for his foresight and also thanked the businesses that are expected to cooperate with the Chief's request.

PROCLAMATION

PR-1 - National Disabilities Awareness Month

WHEREAS, this Nation's ardent promotion of the Rights of People with Disabilities affirms our commitment to ensure that People with Disabilities have every opportunity to reach their full potential, in every aspect of life; and

WHEREAS, the Americans with Disabilities Act of 1990, which prohibits discrimination in employment, public accommodations, transportation and communication, reaches its twenty third year of implementation in 2013; and

WHEREAS, there is much progress to celebrate, and yet even more progress to strive toward,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Fort Lee, does hereby declare **October 13, 2013** as "**National Disabilities Awareness Month**" in Fort Lee; and

BE IT FURTHER RESOLVED that the Mayor and Council do hereby proclaim that October 13, 2013 provides a special opportunity to actively celebrate the significant contributions of People with Disabilities, and to strengthen, even further, our ongoing dedication to equal opportunity for every individual.

Mr. Sohmer announced as liaison to the Borough's Advisory for

the Disabled Committee, there are a few members present from the Committee tonight. He introduced Bobbi Wailes, ADA Chairperson, as well as board member Dr. Sandra Pinkerton. He noted that Dr. Pinkerton has been appointed to the Volunteer Center of Bergen County, which conducts a program that deals with education, advocacy and service. Each year thirty people in Bergen County are chosen to join the Volunteer Center. There is a year long training program that involves government, health, education, law, environment and safety. Dr. Pinkerton will be part of the graduating class of 2014 and is the first person with a physical disability to be chosen since the program began.

Mayor Sokolich told Ms. Wailes and Ms. Pinkerton that he's very proud of the work the ADA Board does in Fort Lee and believes Fort Lee is at the forefront of ADA advocacy.

Ms. Wailes explained the ADA Board's function and presented a plaque to the Mayor which plaque expresses the ADA's sentiment with regard to the Mayor and Council's support in helping the ADA Board accomplish its mission.

Ms. Wailes further explained such things as improving the Borough's ADA portion of the website, installing text/telephone lines in the Borough Clerk's Office and having the public meetings closed captioned are just a few things the Mayor and Council have done to help the ADA Board accomplish its mission and be at the forefront of ADA advocacy in the State.

Mayor Sokolich stated that Ms. Wailes and the ADA Committee inspire the Mayor and Council and many positive things have been accomplished because of that inspiration.

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Mr. Sohmer also introduced Sharon Scheiner, ADA Board Secretary and Kay Nest, ADA Board representative for the Parking Authority.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the July 18, 2013 Regular Meeting were approved with Councilman Pohan abstaining.

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried unanimously, the minutes of the August 15, 2013 Special Meeting were approved.

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried unanimously, the minutes of the August 22, 2013 Regular Meeting were approved.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the October 3, 2013 Executive Session were approved with Councilman Pohan abstaining.

INTRODUCTION OF ORDINANCES

Ordinance #2013-26 - Amending Chapter 261, Land Use Procedures, Article VII, Affordable Housing Development Fees

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried, Ord. #2013-26 entitled, "AN ORDINANCE AMENDING CHAPTER 261, LAND USE PROCEDURES, ARTICLE VII, AFFORDABLE HOUSING DEVELOPMENT FEES," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the public

hearing relative to this ordinance was scheduled for **November 14, 2013.**

Ordinance #2013-27 - Amending Chapter 289, Parking, Article IV, Parking Meters, Section 15, Parking Meter Zones for Linwood Avenue and Lewis Street and Section 36, Subsection {R} Residential Permit Parking

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried, Ord. #2013-27 entitled, "AN ORDINANCE AMENDING CHAPTER 289, PARKING, ARTICLE IV PARKING METERS, MUNICIPAL PARKING OTS AND PERMIT PARKING, SECTION 15 PARKING METER ZONES ESTABLISHED; VIOLATIONS AND PENALTIES, OF THE CODE OF THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the public hearing relative to this ordinance was scheduled for **November 14, 2013.**

Ordinance #2013-28 - Amending Chapter 42 Advisory Committee for the Disabled - Changing Name of Committee to "Advisory Committee for Individuals With Disabilities"

On motion by Councilman Sohmer, seconded by Councilman Cervieri, and carried, Ord. #2013-28 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 42, ADVISORY COMMITTEE FOR THE DISABLED - CHANGING COMMITTEE NAME TO ADVISORY COMMITTEE FOR Regular Meeting October 10, 2013

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INDIVIDUALS WITH DISABILITIES" OF THE CODE OF THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the public hearing relative to this ordinance was scheduled for **November 14, 2013.**

Ordinance #2013-29 - Establishing a Fort Lee Improvement District Within the Borough of Fort Lee and Designating a District Management Corporation

Mayor Sokolich gave details of the ordinance being introduced tonight.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried, Ord. #2013-29 entitled, "AN ORDINANCE ESTABLISHING CHAPTER 356A THE FORT LEE IMPROVEMENT DISTRICT WITHIN THE BOROUGH OF FORT LEE AND DESIGNATING A DISTRICT MANAGEMENT CORPORATION," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the public hearing relative to this ordinance was scheduled for **November 14, 2013.**

PUBLIC HEARINGS

Ordinance #2013-24 - Authorizing the Acquisition of Property at 1363-1365 Inwood Terrace, Block 2253, Lot 2 - \$1,750,000

On motion by Councilman Cervieri, seconded by Councilman Sohmer and carried, the public hearing was opened relative to Ord. #2013-24 entitled, "AN ORDINANCE AUTHORIZING THE ACQUISITION BY THE BOROUGH OF FORT LEE OF CERTAIN PROPERTY BEING IDENTIFIED ON

THE TAX MAP OF THE BOROUGH OF FORT LEE AS BLOCK 2253, LOT 2, LOCATED AT 1363-1365 INWOOD TERRACE, FORT LEE, NEW JERSEY FOR MUNICIPAL PURPOSES."

George Porto, 450 Central Boulevard, asked what is going to be done with the property.

Mr. Cervieri replied that on a temporary basis it can be used for a number of different functions. It works well in conjunction with the community center. Additional meeting rooms could be added and the property could be used to house a couple of borough departments until such time it gets incorporated into the existing community center.

Mr. Porto spoke about the cost and assessed value of the property.

Mr. Cervieri explained that the appraised value was higher than what the borough paid for it. He added that the assessed value has very little to do with market value.

Mayor Sokolich stated that he believes the assessed value of many properties in the borough is less than what market value may be. Using an assessed value for the purposes of determining valuation is very misleading because the tax ratio, comparable sales and the best use analysis have to be looked at and none of that comes into play with the assessment. The assessment is probably the last place that should be relied upon with regard to assessing valuation. He added that the Borough would not even

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be able to use assessed value even if the borough had condemned the property.

Mr. Porto said the schools have a problem and he's expecting another school referendum in the near future. He asked why the borough did not condemn the building years ago when the community center was built. He believes the timing is not the best to purchase the property.

Mr. Cervieri replied that there were two fully operational tenants in the building that were producing income. The borough would have paid a lot more than \$1,750,000 if the borough had condemned the property years ago. In addition, the borough did not and continues not to want to drive existing businesses out of the borough.

Thomas Lonardo, formerly of 505 North Avenue, asked why the property is being acquired.

Mr. Cervieri reiterated that the main purpose for purchasing the property is to ultimately add to the existing community center property.

Nina Levinson, 1560 West Street, asked if the property was assessed before it was purchased by the borough.

Mr. Cervieri replied that it was appraised by a professional appraiser.

Ms. Levinson asked how much was the property was appraised at.

Mr. Cohen stated that the appraisal price cannot be disclosed.

Mr. Cervieri added that it would work against the town if the number came in substantially higher than what the borough is

paying for it.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Sohmer.**

On motion by Councilman Cervieri, seconded by Councilman Pohan, the Ordinance was **adopted** on the following roll call:

AYES: Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

Ordinance #2013-25 - Bond Ordinance for Purchase of Property at 1363-1365 Inwood Terrace, Block 2253, Lot 2 - Appropriating \$1,850,000 and Authorizing the Issuance of \$1,761,094 Bonds or Notes

On motion by Councilman Cervieri, seconded by Councilman Sohmer and carried, the public hearing was opened relative to **Ord. #2013-25** entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$1,850,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,761,904 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF."

There being no public discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilwoman Kasofsky.**

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On motion by Councilman Cervieri, seconded by Councilman Sohmer, the Ordinance was **adopted** on the following roll call:

AYES: Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilman Pohan, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-7.

CA-1 - Payment of Claims

BE IT RESOLVED that the following claims, the details for which are attached hereto and made a part hereof, are hereby authorized to be paid, having been audited and found correct by the Borough Administrator and Chief Financial Officer.

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$9,543,921.50
Capital	287,974.62
Road Improvement Plan	n/a
Multiple Dwelling	n/a
Construction Fees	n/a
COAH Fees	n/a
Trust Account (Old)	n/a
Senior Citizen Advisory Council	780.00
Trip Admissions	3,070.00
Wedding Fees	n/a
Trust Account (Accutrack)	74,086.04
Special Dog Account	n/a
Centennial Fund	n/a
Disability Insurance Trust	n/a
Unemployment Compensation Trust	n/a
Public Assistance Trust Fund	n/a

Police Activity Trust	n/a
Fort Lee Film Commission	1,107.47
Redemption Account	145,981.55
School Resource Account	n/a
Dedicated Penalties	n/a
POAA	n/a
Cop Card Donation	n/a
Police Treasury	16,497.03
Police Justice	n/a
Flexible Spending	n/a

Total: \$10,073,418.21

CA-2 - Authorizing Hiring of Keith Dalton as a Part-Time Fire Inspector for the Fire Prevention Bureau - \$20.54 Hourly

WHEREAS, the Fire Prevention Bureau has requested the Mayor and Council to appoint an additional part-time temporary position within the department,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that **Keith Dalton** be appointed to the temporary position of Fire Inspector; and

BE IT FURTHER RESOLVED that Inspector Dalton's hourly rate shall be **\$20.54**, effective October 15, 2013.

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CA-3 - Authorizing Payment of Marriage Fees to the State of New Jersey for Period Covering July 1, 2013 Through September 30, 2013 - \$1,375.00

BE IT RESOLVED, that the Tax Collector-Treasurer be authorized to draw a check drawn from the Current Account, Bank of America payable to the Treasurer, State of New Jersey, in the amount of **\$1,375.00** to cover fees collected for marriage licenses for the period covering July 1, 2013 through September 30, 2013. Fees are to be forwarded on a quarterly basis to the Department of Human Services; and

01-2887

BE IT FURTHER RESOLVED that there were no Civil Unions during the aforementioned time period.

CA-4 - Approving Person-to-Person Liquor License Transfer from Joe & Max Inc., to Rodem House Inc., t/a Dora Dora at 1629 Schloseer Street

WHEREAS, an application has been filed for a person-to-person transfer of plenary retail consumption license **0219-33-041-011**, heretofore issued to **Joe & Max, Inc.**; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional

financing obtained in connection with the license business; and

WHEREAS, the applicant has received a tax clearance certificate for the person-to-person transfer from the State of New Jersey, Department of the Treasury, Division of Taxation, Trenton, New Jersey,

NOW, THEREFORE, BE IT RESOLVED that the Fort Lee Governing Body does hereby approve the person-to-person transfer of the aforesaid plenary retail consumption license to **Rodem House Inc., t/a Dora Dora** located at **1629 Schlosser Street, Fort Lee, New Jersey 07024**, effective **October 10, 2013** and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership.

CA-5 - Approving Person-to-Person/Place-to-Place Liquor License Transfer from Gary Jacobson (Chapter 7 Trustee) for Picco Inc. to Angry Chick, LLC, t/a New York Wing Factory at 1642 Schlosser Street

WHEREAS, an application has been filed for a person-to-person and place-to-place transfer of plenary retail consumption license **0219-33-001-010**, heretofore issued to **Gary Jacobson, Chapter 7 Trustee**, for **Picco Inc. (Debtor in Possession)** located at a

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mailing address of **25 Independence Boulevard, Warren, New Jersey**; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the applicant has received a tax clearance certificate for person to person transfer from the State of New Jersey, Department of the Treasury, Division of Taxation, Trenton, New Jersey; and

WHEREAS, said application has been approved by the Police Department, Building Sub-Code Official and the Fire Official/Fire Protection Sub-Code Official,

NOW, THEREFORE, BE IT RESOLVED that the Fort Lee Governing Body does hereby approve the person-to-person/place-to-place transfer of the aforesaid plenary retail consumption license to **Angry Chick, LLC t/a New York Wing Factory** at **1642 Schlosser Street, Fort Lee, New Jersey 07024** effective **October 10, 2013** and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership.

CA-6 - Approving Liquor License Renewal for Ristorante Il Limoncello LLC, (Pocket License)

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the following plenary retail consumption license

for the year **2013/2014** be issued to the applicant listed on the attached page for premises designated opposite their respective names for the distribution or sale of alcoholic beverages.

STATE LICENSE # LICENSEE

0219-33-036-010 Ristorante Il Limoncello LLC

(Two Year Special Ruling Received from the State of New Jersey, ABC

dated September 12, 2013 for 2013-2014 & 2014-2015)

BE IT FURTHER RESOLVED that the Borough Clerk be and hereby is authorized and directed to sign said licenses and affix the corporate seal of the Borough of Fort Lee thereto.

CA-7 - Awarding a Sole Source Contract to FLIR Integrated Systems, Alpharetta, Georgia, for an Elevated Platform Surveillance System for the Police Department - \$145,671.28

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE AWARD OF A CONTRACT FOR THE PURCHASE OF AN ELEVATED PLATFORM SURVEILLANCE SYSTEM FOR USE BY THE FORT LEE POLICE DEPARTMENT

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WHEREAS, the Mayor and Council of the Borough of Fort Lee ("Borough") have determined that it is necessary to procure and purchase an elevated platform surveillance system to be utilized by the Fort Lee Police Department in the performance of its law enforcement duties; and

WHEREAS, the Borough's procurement of the elevated platform surveillance system is in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and its implementing regulations promulgated by the New Jersey Department of Community Affairs; and

WHEREAS, based upon a letter certification from Captain Robert Zevits of the Fort Lee Police Department, the Borough determined that the unique safety characteristics of the elevated platform surveillance system manufactured by FLIR Integrated Systems ("FLIR") are unavailable on the models sold by other companies and these safety features are necessary to protect not only the members of the Fort Lee Police Department in using the equipment, but also the public during special events and emergencies, and meet the specific needs of the Fort Lee Police Department and its officers in carrying out its public safety responsibilities; and

WHEREAS, pursuant to the Local Public Contracts Law, the procurement of equipment that is available from only a single vendor may be obtained without public advertising and bidding, provided a designated governmental official certifies the circumstances justifying the reliance upon sole source as the means for procuring the services and awarding a contract; and

WHEREAS, the letter certification from the Captain Zevits confirmed that the safety features of the elevated platform surveillance system manufactured by FLIR are unique and unavailable on any other model or equipment produced by another manufacturer and that these safety features are directly related to the performance of the Fort Lee Police Department's responsibilities in protecting the public and are necessary for the conduct of its affairs; and

WHEREAS, the Borough has determined that the proposal submitted by FLIR meets the requirements of the Fort Lee Police Departments and can be procured in accordance with the Local Public Contracts Law without public bidding as FLIR is the sole source for the elevated platform surveillance systems with the safety features required by the Fort Lee Police Department; and

WHEREAS, the purchase of the elevated platform surveillance system is being paid through the use of funds from the FLPD's confiscated property account; and

WHEREAS, the Borough has determined that the award of a contract to FLIR for the purchase of an elevated platform surveillance system for use by the Fort Lee Police Department is necessary for its efficient operations,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. That FLIR Integrated Systems, 5940 Cabot Parkway, Suite 100, Alpharetta, Georgia 30005 be awarded a contract for the purchase of an elevated platform surveillance system in accordance with its proposal in the amount of **\$145,671.28**.

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2. That this contract is awarded without competitive bidding, in accordance with the Local Public Contracts Law, because the contract entails the provision of equipment with the specific safety features required by the Fort Lee Police Department that is unavailable from any other manufacturer as detailed in the attached certification.

3. That the Mayor is authorized to execute a contract with FLIR in accordance with its proposal for the purchase of an elevated platform surveillance system for use by the Fort Lee Police Department.

4. That the Chief Financial Officer has certified that funds are available for the purchase of the elevated platform surveillance system through the Fort Lee Police Department's confiscated funds property account.

5. That the original proposal and contract are available for public inspection in the Borough Clerk's office.

Thomas Lonardo, formerly of 505 North Avenue, spoke to CA-2, CA-3, CA-4, CA-5 and CA-7.

Mr. Grant responded to CA-4 and CA-5.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Goldberg**, and the Consent Agenda (items CA-1 through CA-7) was **approved unanimously**.

RESOLUTION

R-1 - Authorizing Submission of a Treatment Works Approval Application to the NJDEP for Sanitary Sewer Improvements Along Main Street/Hudson Terrace and Central Road for Tucker Development Corporation, LLC (TDC)

Mr. Cervieri recused himself on this matter and left the podium for this portion of the meeting.

Councilman Goldberg introduced, and Councilman Sohmer seconded, the following Resolution:

WHEREAS, Tucker Development Corporation, LLC (TDC) received approval for the development of Hudson Lights at Fort Lee, Block 4851, Lots 1.01, and 4 (commonly referred to as the West Parcel of Redevelopment Area 5) and will require certain improvements to the Borough's sanitary sewers along Main Street/Hudson Terrace and Central Road to support this project; and

WHEREAS, in order to install the new sanitary sewers, a New Jersey Department of Environmental Protection (NJDEP) Treatment Works Approval is required; and

WHEREAS, Boswell McClave Engineering has reviewed a Treatment Works Approval (TWA) application prepared on behalf of the Borough of Fort Lee,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Fort Lee, County of Bergen, State of New Jersey, consents to the submission of a Treatment Works Approval application to the NJDEP for sanitary sewer improvements along Main Street/Hudson Terrace and Central Road and authorizes the Mayor or Borough Administrator to execute same.

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The Resolution was **approved** on the following roll call:

AYES: Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky

Mr. Cervieri returned to the podium at this portion of the meeting.

COUNCIL REPORTS

Councilman Pohan - had no report tonight.

Councilman Sohmer - announced that the current Fort Lee Museum exhibit that will run through February 2, 2014 is a night at Bill Miller's Rivera nightclub. The exhibit commemorates the 60th anniversary of the closing of Bill Miller's Rivera nightclub and includes rare archival photographs and artifacts.

He also announced that on New Year's Eve there will be a fundraiser for the Fort Lee Historical Society that will commemorate the 60th anniversary of the last night at the Rivera nightclub. The event will take place at In Napoli Restaurant and the cost is \$100.00. Rivera performer Larry Storch will be present to accept the 2013 Barrymore Award for lifetime achievement and he will be presented by his friend, boxing legend Jake LaMotta. To purchase tickets call the Fort Lee Historical Society at 201-592-3580.

Councilman Goldberg - announced that the Fort Lee Film Commission and the Office of Cultural & Heritage Affairs will be sponsoring their annual Historic Jitney Tour of Fort Lee on Sunday, October 20th from 11:00 a.m. to 3:00 p.m. Tours will commence hourly beginning at 11:00 a.m. from the community center plaza and people can sign up the morning of the event beginning at 9:00 a.m. All tours are free, but seating is limited. For further information visit www.fortleefilm.org or www.fortleenj.org and/or call the film commission at 201-693-2763.

Councilman Sargenti - stated that this Saturday, October 12th the Health Fair will take place at the Jack Alter Fort Lee Community Center.

He announced that the Fort Lee Police Department will be taking back unused expired medications from the public at the police station on Saturday, October 26th from 10:00 a.m. to 2:00 p.m. The police department will properly dispose of any medications that people no longer need.

Councilwoman Kasofsky - announced that the Fort Lee Health Department's 19th Annual Health Fair will be held on Saturday, October 12th at the Jack Alter Fort Lee Community Center from 9:00 a.m. to 12:00 noon. Pre-registration is required for the flu and pneumococcal vaccine as well as for blood work. There are over forty-five health tests being offered. Bagels and coffee will be served. For further information contact the health department at 201-592-3500 ext 1510.

Councilman Cervieri - stated that the senior picnic was held at the high school on Sunday, September 29th and it was a great day.

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He thanked the Senior Citizens' Council, Kay Nest and her volunteers, the Parking Authority and DPW employees who helped make this a spectacular day.

He stated that Wednesday, October 16th there is a special election for an open senate seat. He urged everyone to vote.

He also stated that because the Mayor and Council don't meet on television again until November 14th that Tuesday, November 5th is the general election. He urged everyone to exercise their right to vote.

PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilman Sohmer and carried unanimously, the meeting was opened to the public for discussion.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Thomas Lonardo Formerly of 505 North Avenue	.Redevelopment Area 5 .Board of Education Referendum .Intent to Sue Fort Lee Police Department for Harassment .Fort Lee Patch .Cesspool at 505 North Avenue/ Unjustly Evicted .Municipal Warrants	
Meiron Bar-Nadav 2100 Linwood Ave.	.Asked What the Total Figures Were for the Payment of Claims (CA-1)	Mayor Sokolich

There being no further public discussion, **on motion by Councilman Cervieri, seconded by Councilman Goldberg**, and there being no further discussion, the meeting was adjourned with no objections at 8:42 p.m.

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, September 19, 2013 @8:00 p.m.

The Regular Meeting of the Mayor and Council of the Borough of Fort Lee was held on the above date in the Council Chambers, Memorial Municipal Building, 309 Main Street, Fort Lee, New Jersey.

PRESENT: Mayor Sokolich, Council Members Pohan, Sohmer, Goldberg, Kasofsky, Cervieri

ABSENT: Councilman Sargenti

ALSO PRESENT: Peggy Thomas, Borough Administrator
Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney

MAYOR'S STATEMENT

Let the minutes reflect that adequate notice of this meeting has been provided in the following manner:

1. On January 3, 2013, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2013, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2013 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Sokolich stated that tonight's meeting will be shown on cable television with closed captioning. He believes that Fort Lee is the only town in Bergen County and might just be one of a handful of towns in the State that provides this service for televised Mayor and Council meetings. The borough paid for two

phone lines to be installed at Time Warner Cable and the borough will also pay for the captioning service which service is out of Wisconsin. The expected annual cost for the captioning service based on the number of public meetings and total on-air hours the Mayor and Council meet in a given year is expected to be in the \$3,000 to \$4,000 range. He sees that cost as minimal predicated on the advantages the captioning service affords. Time Warner is providing the encoding equipment. He asked that the governing body members and audience speak clearly into the microphones so that the captioning service can do their job effectively.

He said that he believes that currently there is more going on in the borough than at any other time in the borough's 110 year history. As far as Redevelopment Area 5 the first of two forty-seven story buildings continue to go skyward and about thirty-eight floors of the first structure has been constructed. Construction continues to move quickly. The building is expected to be topped off before Thanksgiving. Completion of the interior and ultimately rental of the building should begin in early 2015.

As part of that development one of the conditions that both developers of Redevelopment Area 5 agreed to pay for was that of

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an adaptive traffic signalization system. It's a traffic light system that few municipalities have throughout the State. The system constantly adapts to on-going traffic and measures usage so that the traffic signals constantly change and adapt on an as needed basis based on current traffic flow. It's a challenge to get approval for this system as the borough deals locally, countywide and statewide with regard to traffic signalization. A coordinated jurisdictional effort is underway so that one agency is in control for monitoring, adapting and maintenance of the system. He along with Mr. Sohmer, Ms. Thomas and Ed Mignone, Assistant Borough Engineer, met earlier today with county representatives and with guarded confidence he said that Bergen County has agreed to become the lead agency. The next step is to deal with the New Jersey Department of Transportation.

He said that with regard to the Special Improvement District (SID) there is a meeting with property owners forthcoming. There is a very dedicated board of volunteers who will ultimately be part of the SID Board of Directors. The SID Board of Directors will effectively run, manage and implement programs to improve and beautify Main Street.

He spoke to the change of a traffic pattern at the George Washington Bridge implemented ten days ago by the Port Authority. The three local traffic toll booths were reduced to one combined EZ Pass/Cash Booth. For three plus days this created total traffic gridlock in town. This caused children to be late for school and created dangerous response times for emergency agencies. He's grateful to the Port Authority for restoring all three local traffic booth. He did not know the rationale for the change in the first place, but it was a negative impact for the borough. During his tenure the borough's relationship with the Port Authority has been very good. It's important that relationship stays good and productive as the borough is the host community to the busiest bridge in the world. He did not want to speculate why the Port Authority authorized the change in the traffic pattern. From his perspective the borough's relationship with the Port Authority and State has been productive and supportive and that he will do everything he can so that the relationship remains as strong as it has in the past.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried unanimously, the minutes of the August 15, 2013 Executive Session were approved.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the September 12, 2013 Executive Session were approved.

INTRODUCTION OF ORDINANCES

Ordinance #2013-24 - Authorizing the Acquisition of Property at 1363-1365 Inwood Terrace, Block 2253, Lot 2 - \$1,750,000

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried, Ord. #2013-24 entitled, "AN ORDINANCE AUTHORIZING THE ACQUISITION BY THE BOROUGH OF FORT LEE OF CERTAIN PROPERTY BEING IDENTIFIED ON THE TAX MAP OF THE BOROUGH OF FORT LEE AS BLOCK 2253, LOT 2, LOCATED AT 1363-1365 INWOOD TERRACE, FORT LEE, NEW JERSEY FOR MUNICIPAL PURPOSES," was introduced and passed on first reading.

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Mayor Sokolich explained that the property is next to the community center and added that the property was not available for purchase when the community center was originally constructed.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for October 10, 2013.

AYES: Council Members Pohan, Sohmer, Goldberg, Kasofsky, Cervieri

Ordinance #2013-25 - Bond Ordinance for Purchase of Property at 1363-1365 Inwood Terrace, Block 2253, Lot 2 - Appropriating \$1,850,000 and Authorizing the Issuance of \$1,761,094 Bonds or Notes

On motion by Councilman Cervieri, seconded by Councilman Goldberg, and carried, Ord. #2013-25 entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$1,850,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,761,904 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF," was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for October 10, 2013.

AYES: Council Members Pohan, Sohmer, Goldberg, Kasofsky, Cervieri

PUBLIC HEARINGS

Ordinance #2013-21 - Amending Chapter 55, Fire Department Section 14, Life Insurance to Amend Policy Amounts

On motion by Councilman Cervieri, seconded by Councilman Sohmer and carried, the public hearing was opened relative to Ord. #2013-21 entitled, "AN ORDINANCE AMENDING CHAPTER 55 FIRE DEPARTMENT, SECTION 14, LIFE INSURANCE OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE."

There being no public discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilwoman Kasofsky.**

On motion by Councilman Cervieri, seconded by Councilman Sohmer, the Ordinance was adopted unanimously.

Ordinance #2013-23 - Amending Chapter 372, Article 2, Limousines, Various Fee and Other Minor Amendments

On motion by Councilman Cervieri, seconded by Councilman Sohmer and carried, the public hearing was opened relative to Ord. #2013-23 entitled, "AN ORDINANCE AMENDING CHAPER 372 TAXICABS AND LIMOUSINES, ARTICLE II, LIMOUSINES, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE."

There being no public discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Goldberg.**

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On motion by Councilman Cervieri, seconded by Councilman Goldberg, the Ordinance was adopted unanimously.

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilman Goldberg, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-18.

CA-1 - Payment of Claims

BE IT RESOLVED that the following claims, the details for which are attached hereto and made a part hereof, are hereby authorized to be paid, having been audited and found correct by the Borough Administrator and Chief Financial Officer.

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$8,522,900.23
Capital	64,161.37
Road Improvement Plan	n/a
Multiple Dwelling	n/a
Construction Fees	n/a
COAH Fees	n/a
Trust Account (Old)	n/a
Senior Citizen Advisory Council	3,100.00
Trip Admissions	6,790.00
Wedding Fees	n/a
Trust Account (Accutrack)	49,906.81
Special Dog Account	935.00
Centennial Fund	n/a
Disability Insurance Trust	n/a
Unemployment Compensation Trust	n/a
Public Assistance Trust Fund	n/a
Police Activity Trust	n/a
Fort Lee Film Commission	1,500.00
Redemption Account	n/a
School Resource Account	n/a
Dedicated Penalties	n/a
POAA	n/a
Cop Card Donation	n/a
Police Treasury	22,256.14
Police Justice	n/a
Flexible Spending	<u>3,827.46</u>

Total:

\$8,675.377.01

CA-2 - Authorizing the Hiring of Part-Time Fall Seasonal Employees for the Recreation Department/Community Center - Termination Date December 31, 2013

WHEREAS, part-time seasonal positions exist with the Department of Recreation and the Mayor and Council have determined that these positions must be filled,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the attached list of personnel (available in the office of the Borough Clerk) be appointed to the positions and rates of compensation indicated with the Department of Recreation; and

BE IT FURTHER RESOLVED that the attached list of appointments are part-time seasonal positions with an effective **Regular Meeting** **September 19, 2013**
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date retroactive to September 1, 2013 and with a termination date of December 31 2013.

CA-3 - Authorizing Hiring of Miriam Hernandez, Carlos Medina, Nellie Han, Nisha Sud, Gail Diekhaus and Youngbin Yoo as School Crossing Guards - \$18.65 Hourly

BE IT RESOLVED by the Governing Body of the Borough of Fort Lee that the following be appointed as **school crossing guards** in the Borough of Fort Lee without authority to carry a firearm effective retroactively to September 13, 2013.

Gail M. Diekhaus

309 Coolidge Avenue
Fort Lee, New Jersey 07024

Nellie Han

9 Virginia Avenue
Fort Lee, New Jersey 07024

Miriam Hernandez

1590 Anderson Avenue - 5K
Fort Lee, New Jersey 07024

Carlos Medina

1530 Palisade Avenue - 1C
Fort Lee, New Jersey 07024

Nisha Sud

275 Plateau Avenue - 2nd Floor
Fort Lee, New Jersey 07024

Youngbin Yoo

332 Coolidge Avenue
Fort Lee, New Jersey 07024

CA-4 - Authorizing Hiring of Fred Massaro as a Part-Time Employee for the Park's Department - \$12.00 Hourly

WHEREAS, due to a resignation in the Parks Department of a weekend part-time employee, the Mayor and Council have determined that the vacancy should be filled,

NOW, THEREFORE, BE IT RESOLVED, that **Fred Massaro** be appointed to a part-time position as a **Parks Worker** on Saturdays and Sundays, to perform clean-up and maintenance of the Borough parks; and

BE IT FUTURE RESOLVED that Fred Massaro's work schedule entails to work on Saturdays and Sundays for eight (8) hours per day at a rate of pay of **\$12.00 hourly** retroactive to September 14th.

CA-5 - Authorizing Hiring of Kenneth Stengel as a Truck Driver, Grade 10, Step A, for the DPW - \$43,608.00 Annually

WHEREAS, due to a transfer in the Department of Public Works, the Mayor and Council have determined that the vacancy should be filled,

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that **Kenneth Stengel** be appointed to a full time position of **Truck Driver** in the Department of Public Works, with an **effective date of September 23, 2013**; and

BE IT FURTHER RESOLVED that this appointment shall be provisional pending certification from the New Jersey Civil Service Commission and shall be at an annual salary of **\$43,608.00**, at Grade 10, Step A in compliance with the Salary Ordinance of the Blue Collar Contract.

CA-6 - Approving Liquor License Renewal for Kerrspo LLC (Pocket License)

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the below listed plenary retail consumption license for the year **2013/2014** be issued to the applicant listed on the attached page for premises designated opposite their respective names for the distribution or sale of alcoholic beverages.

STATE LICENSE # LICENSEE

0219-33-040-010 Kerrspo LLC
(One Year Special Ruling Received from the State of NJ, ABC dated August 19, 2013 for 2013-2014)

BE IT FURTHER RESOLVED that the Borough Clerk be and hereby is authorized and directed to sign said licenses and affix the corporate seal of the Borough of Fort Lee thereto.

CA-7 - Authorizing Place-to-Place Liquor License Transfer of Kerrspo LLC t/a GW Grill from a Mailing Address of 19 Sherbrooke Court, Saddle River, New Jersey to 2139 Hudson Terrace, Fort Lee, New Jersey

WHEREAS, an application has been filed by Kerrspo LLC (Pocket License) for a place-to-place transfer of Plenary Retail Consumption license number **0219-33-040-010**, currently located at a mailing address of 19 Sherbrooke Court, Saddle River, New Jersey 07458; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the applicant has complied with N.J.S.A. Title 33, and the license has been properly renewed for the current license term; and

WHEREAS, said application has been approved by the Building Sub-Code Official and the Fire Official,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee does hereby approve, effective **September 19 2013**, the place-to-place transfer of the aforesaid Plenary Retail Consumption license, to include the premises located at **2139 Hudson Terrace, Fort Lee, New Jersey.**

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CA-8 - Approving Person-to-Person Liquor License Transfer From 9W Wines & Spirits LLC to 2450 Lemoine Avenue LLC at 2450 Lemoine Avenue

WHEREAS, an application has been filed for a person-to-person transfer of plenary retail distribution license **0219-44-009-003**, heretofore issued to **9W Wines & Spirits LLC**; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business; and

WHEREAS, the applicant has received a tax clearance certificate for the person-to-person transfer from the State of New Jersey, Department of the Treasury, Division of Taxation, Trenton, New Jersey,

NOW, THEREFORE, BE IT RESOLVED that the Fort Lee Governing Body does hereby approve the person-to-person transfer of the aforesaid plenary retail distribution license **2450 Lemoine Avenue LLC**. located at **2450 Lemoine Avenue, Fort Lee, New Jersey 07024**, effective **September 19 2013** and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership.

CA-9 - Authorizing Execution of a Traffic Signal Agreement With New Jersey Department of Transportation (NJDOT) for Traffic Signal Improvements at Route 9W & Kelby Street

WHEREAS, a traffic condition exists along Route US 9W & Kelby Street - Ramp "A", in the Borough of Fort Lee, in the County of Bergen, which requires the installation and operation of a semi-actuated traffic control signal with pedestrian push buttons, and areas of presence detection in order to minimize the possibility of accidents; and

WHEREAS, it is necessary to expedite the safe movement and

conduct of pedestrian and vehicular traffic; and

WHEREAS the State of New Jersey has indicated its willingness to install a traffic control signal at said intersection; and

WHEREAS, the State of New Jersey has proposed a form of Agreement pertaining to maintenance of said traffic signal,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk of the said Borough of Fort Lee be and hereby is authorized to enter into an Agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of said agreement being attached hereto and made a part hereof (Available in the Office of the Borough Clerk).

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**CA-10 - Authorizing Submission of a Grant Application for 2014
With the NJDOT for Roadway Improvements to Tom Hunter Road**

Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Tom Hunter Road Improvements Project

NOW, THEREFORE BE IT RESOLVED, that the Council of the Borough of Fort Lee formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2014-Fort Lee Borough-00418 to the New Jersey Department of Transportation on behalf of the Borough of Fort Lee; and.

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

CA-11 - Authorizing Purchasing Consultant to Prepare Specifications and Advertise for Bids for a Electronic Message Board at the Fort Lee Community Center and Roadway Improvements to Whiteman Street, Gerome Avenue & Beverly Hills Road

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the Purchasing Consultant is hereby authorized and directed to obtain specifications and advertise for bids for:

- . Electronic Message Board for the Jack Alter Fort Lee Community Center
- . Roadway Improvements to Whiteman Street, Gerome Avenue & Beverly Hills Road

CA-12 - Authorizing Purchase of a 2013 Ford 350 Sport Utility Vehicle Via New Jersey State Contract #83558 from Winner Ford, Cherry Hill, New Jersey, for the Fire Prevention Bureau - \$38,834.00 Which Includes a Three-Year Warranty

WHEREAS, the Fire Prevention Bureau has requested the purchase of a 2013 Ford 350 Sport Utility Vehicle; and

WHEREAS, the vehicle is available through Winner Ford, via New Jersey State Contract #83558; and

WHEREAS, the cost of the vehicle is over the bid threshold amount of \$36,000.00 and the expenditure must be authorized by resolution of the governing body; and

WHEREAS, this contract may be awarded without competitive bidding as a recognized exception under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., since the goods and/or services are to be provided as a result of a contract to be entered into with the State of New Jersey, pursuant to and in accordance with N.J.S.A. 40A:11-5(2); and

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Fort Lee authorizes the Fire Prevention Bureau to purchase the aforementioned 2013 Ford Sport Utility Vehicle by

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purchase order from Winner Ford, 250 Haddonfield - Berlin Road, Cherry Hill, New Jersey, 08034 in the amount of **\$38,834.00** for the vehicle which includes a three year, 36,000 mile warranty; and

WHEREAS, the Local Public Contracts Law requires that the resolution awarding a contract without competitive bidding must be available for public inspection; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for this purchase under capital ordinance 04-2150-55-2320-010.

CA-13 - Endorsing Bergen County Community Development Block Grant Application as Proposed by the Fort Lee Housing Authority for Improvements to the Harry J. Holtje House - \$60,000.00

WHEREAS, a Bergen County Community Development Block Grant (CDBG) in the amount of **\$60,000.00** has been proposed by the Fort Lee Housing Authority for funds for improvements to the Harry J. Holtje House Public Housing Building, located in the municipality of Fort Lee New Jersey; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development Funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the low income population in the Borough of Fort Lee and the County of Bergen; and

WHEREAS, this Resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development Funds,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Fort Lee hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

CA-14 - Endorsing Bergen County Community Development Block Grant Application as Proposed by the Fort Lee Assistance and Support Housing Corporation (F.L.A.S.H) for the Renovation and Restoration of a Historic Building at 2423 First Street - \$30,000.00

WHEREAS, a Bergen County Community Development Block Grant (CDBG) in the amount of **\$30,000.00** has been proposed by the Fort Lee Assistance and Support Housing Corporation (F.L.A.S.H) for funds for the rehabilitation and restoration of the Historic House known as the Rambo House located at 2423 First Street which will consist of two (2) affordable units for low income families of Veterans; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development Funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the low income population in the Borough of Fort Lee and the County of Bergen; and

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WHEREAS, this Resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development Funds,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Fort Lee hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

CA-15 - Endorsing Bergen County Community Development Block Grant Application for Tuition Assistance for the Cost of Child Care for Children of Family Self-Sufficiency Participants for the Fort Lee Assistance and Support Housing Corporation (F.L.A.S.H) - \$30,000.00

WHEREAS, a Bergen County Community Development Block Grant (CDBG) Grant in the amount of **\$30,000.00** has been proposed by the Fort Lee Assistance & Support Housing (F.L.A.S.H) Corporation for contracted child day care tuition subsidy; a very important support service which is made available to low income parents participating in the Housing Authority's Family Self-Sufficiency Program which is operated by the Fort Lee Housing Authority in the municipality of the Borough of Fort Lee New Jersey; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development Funds may not be spent in a municipality without authorization by the Mayor and Council; and

WHEREAS, the aforesaid project is in the best interest of the people of Fort Lee and the County of Bergen; and

WHEREAS, this Resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development Funds,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of Fort Lee hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

CA-16 - Awarding Bid to Classic Turf Company, LLC, Woodbury,

Connecticut, for the Resurfacing of Tennis Courts and Basketball Courts at Willam T. Birch Park - \$300,000.00

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AWARDING A CONTRACT FOR THE RESURFACING OF TENNIS AND BASKETBALL COURTS AT WILLIAM BIRCH PARK

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("Borough") have determined that it is necessary to contract for the resurfacing of tennis and basketball courts at William Birch Park in the Borough; and

WHEREAS, on prior occasion pursuant to duly adopted resolution, the Borough rejected bids for the services on the basis of non-conformance with the bid specifications and

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unreasonableness as to price, and authorized to reissuance of the bid specifications for the resurfacing of tennis and basketball courts at William Birch Park; and

WHEREAS, on August 13, 2013, pursuant to resolution and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough publicly advertised and solicited bids for the resurfacing of tennis and basketball courts in William Birch Park in the Borough; and

WHEREAS, on August 28, 2013, bids were received from the following bidders in response to the Borough's public solicitation for bids for the resurfacing of tennis and basketball courts in William Birch Park in the Borough:

Classic Turf Company, LLC Woodbury, Connecticut	\$300,000.00
D&S Land Development, LLC Ramsey, New Jersey	\$348,200.00

; and

WHEREAS, D&S Land Development, LLC ("D&L") filed a bid protest on August 29, 2013, maintaining that there were several errors and omissions in the bid from Classic Turf Company, LLC ("Classic") that required the rejection of Classic's bid in accordance with procurement law in New Jersey as incomplete; and

WHEREAS, Classic filed a response on August 30, 2013 to the bid protest; and

WHEREAS, after a review of the bid protest, the response from Classic, and an opinion from Civil 1 - the Borough's consulting engineer for this project, it was determined that the bid protest has no merit as the minor errors raised in the first three objections from D&S do not meet the standard two-prong standard for materiality articulated in the matter of Township of River Vale v. R.J. Longo Construction Co., 127 N.J. Super. 207 (Law Div. 1974) and may be waived by the Borough; and

WHEREAS, the fourth and final objection of D&S was determined to be inapplicable to this project as the Local Public Contracts Law only requires the designation of subcontractors for plumbing, HVAC, electrical and structural steel work where the public entity is soliciting bids for the "construction, alteration or repair of any public building;" and

WHEREAS, after a review of the bids, the Borough has determined that the bid submitted by Classic is in compliance with

the requirements of the bid specifications and that Classic constitutes the lowest responsible and complying bidder for the resurfacing of tennis and basketball courts in William Birch Park in the Borough; and

WHEREAS, it was further determined that the price bid by D&S was unreasonable as the price substantially exceeded the engineering estimate for the project; and

WHEREAS, the Borough has reviewed its available funds and has determined that sufficient funds are available for the resurfacing of tennis and basketball courts in William Birch Park in the Borough; and

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WHEREAS, the Borough has determined that the award of this contract is necessary for its efficient operations,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. That Classic Turf Company, LLC, 437 Sherman Hill Road, Woodbury, Connecticut, 06798-3622 is the lowest responsible and compliant bidder and is awarded the contract for the resurfacing of tennis and basketball courts in William Birch Park in the Borough, in accordance with the applicable bid documents and specifications for the amount of **\$300,000.00**.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for the resurfacing of tennis and basketball courts in William Birch Park in the Borough through Bond Ordinance #2013-6; and

BE IT FURTHER RESOLVED that a copy of this resolution, the bid proposals and contract are available and shall be maintained in the Borough Clerk's Office, and made available for public inspection.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

CA-17 - Endorsing Opposition to United Water New Jersey Petition for Approval of an Increase in Rates for Water Service and Other Tariff Charges

WHEREAS, the Borough of Fort Lee received a notice of filing of petition of United Water New Jersey for approval of an increase in rates for water service and other tariff changes from United Water by fax and dated August 5, 2013; and

WHEREAS, the Company is requesting an increase in base revenues of \$29,994,809 or approximately 14.69% above the annual level of revenues for the post-test year period ending November 30, 2013; and

WHEREAS, the notice further state "If this proposal were to be adopted without modification an average residential customer using 7480 gallons of water per month will see his/her bill increase from \$46.42 to \$54.75, an increase of \$8.33 per month, or approximately 17.94%; and

WHEREAS, these rates, if approved would be an exorbitant increase and burden on our municipal budget and our tax payers far exceeding the 2% mandated Cap of municipal government and would be

particularly onerous on the residential and business community in these most difficult economic environment; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Fort Lee request the Board of Public Utilities (BPU) to consider the hardship and the impact on all government agencies, businesses and residents; and

BE IT FURTHER RESOLVED that the Borough of Fort Lee urges the BPU to reject this rate increase as exorbitant; and

BE IT FURTHER RESOLVED that the Borough of Fort Lee strongly opposes the increases requested in the petition; and

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BE IT FURTHER RESOLVED the Borough of Fort Lee requests all surrounding municipalities in the United Water service area to oppose this rate increase and contact the BPU to register their opposition on behalf of all residents and rate payers; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to Governor Christie, State Legislators, the BPU and surrounding municipalities.

CA-18 - Endorsing and Supporting AARP Opposition to PSE&G Requested Rate Increase With Regard to Utility Infrastructure Upgrades

WHEREAS, New Jerseyans already pay the 7th highest residential electric rates in the nation; and

WHEREAS, Public Service Electric & Gas Company (PSE&G) wants to increase the cost of their utility service by \$3.9 billion, one of the largest proposed rate hikes in the State's history; and

WHEREAS, PSE&G wants New Jerseyans to pay them a corporate profit of more than 10%; and

WHEREAS, PSE&G customers are currently scheduled to receive a rate cut in 2014 and 2016 estimated at 8%. The current proposed rate hike means rates would likely not go down at all, let alone by 8%; and

WHEREAS, the New Jersey Board of Public Utilities, (NJBPU) whose members are appointed, is currently evaluating the costs and benefits of the PSE&G proposal and needs to hear from New Jerseyans; and

WHEREAS, AARP is fighting to keep utility rates fair and affordable, AARP is fighting to lower utility rates; and

WHEREAS, the Mayor and Council of the Borough of Fort Lee are cognizant that New Jersey's utility infrastructure might need to be upgraded; however, New Jerseyans should only pay for projects that are cost-beneficial and actually improve reliability,

NOW, THEREFORE, BE IT RESOLVED that the Borough of Fort Lee Mayor and Council supports AARP fight against PSE&G for fair gas and electric rates for its 1.3 million members in New Jersey and for all New Jerseyans; and

BE IT FURTHER RESOLVED that a certified copy of this resolution should be sent to all Bergen County municipalities, the NJBPU, District 37 Legislators and New Jersey United States Senate representatives.

Nina Levinson, 1560 West Street, spoke to CA-17 and CA-18.

Ms. Thomas responded to her comments.

Thomas Lonardo, formerly of 505 North Avenue, spoke to CA-3, CA-4 CA-12, CA-15 and CA-16.

There being no further discussion, the public hearing was closed **on motion by Councilman Sohmer, seconded by Councilman Goldberg**, and the Consent Agenda (items CA-1 through CA-18) was **approved unanimously**.

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RESOLUTIONS

R-1 - Amending Capital Budget

Mr. Grant summarized the resolution.

Councilman Cervieri introduced, and Councilman Sohmer seconded, the following Resolution:

WHEREAS, the local capital budget for the year 2013 was amended on the 18th day of July, 2013; and

WHEREAS, it is desired to amend said amended capital budget section,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Fort Lee, County of Bergen, that the following amendment(s) to the adopted capital budget section of the 2013 Budget be made:

FROM CAPITAL BUDGET (CURRENT YEAR ACTION 2013)

Project	Estimated Total Cost	Capital Improvement Fund	Grants in Aid and Other Funds	Debt Authorized	To Be Funded In Future Years
Total All Projects	7,114,684	92,624	178,842	1,843,218	5,000,000

**6 YEAR CAPITAL PROGRAM 2013-2018
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENT**

Funding Amounts Per Year

Project #2013-1	Estimated Total Cost	Budget Year 2013	Budget Year 2014	Budget Year 2015	Budget Year 2016	Budget Year 2017	Budget Year 2018
Total All Projects	7,114,684	2,114,684	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000

**6 YEAR CAPITAL PROGRAM 2013-2018
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

Project	Estimated Total Cost	Capital Improvement Fund	Grants in Aid and Other Funds	Bonds and Notes General
Total All Projects	7,114,684	342,624	178,842	6,593,218

TO CAPITAL BUDGET (CURRENT YEAR ACTION 2013)

Project	Project Number	Estimated Total Cost	Capital Improvement Fund	Grants in Aid and Other Funds	Debt Authorized	To Be Funded In Future Years
Acq. of Block 2253, Lot 3	2013-3	1,850,000	88,096		1,761,904	

Total All Projects 8,964,684 180,720 178,842 3,605,122 5,000,000

**6 YEAR CAPITAL PROGRAM 2013-2018
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS**

Project	Project #	Estimated Total Cost	Estimated Completion Time	Funding Amounts Per Year						
				Budget Year 2013	Budget Year 2014	Budget Year 2015	Budget Year 2016	Budget Year 2017	Budget Year 2018	
Acq of Block 2253, Lot 3	2013-3	1,850,000	2013	1,850,000						
Total All Projects		8,964,684		3,964,684	1,000,000	Each Year	for 2014-2018			

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**6 YEAR CAPITAL PROGRAM 2013-2018
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

Project	Estimated Total Cost	Capital Improvement Fund	Grants in Aid and Other Funds	Bonds and Notes General
2013-3	1,850,000	88,096		1,761,904
Total All Projects	8,964,684	430,720	178,842	8,355,122

BE IT FURTHER RESOLVED that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

The Resolution was **approved** on the following roll call:

AYES: Council Members Pohan, Sohmer, Goldberg, Kasofsky, Cervieri

R-2 - Authorizing Emergency Appropriation to Fund a Portion of the Required Down Payment for the Acquisition of Property at 1363-1365 Inwood Terrace and Further Authorizing the Issuance of Emergency Notes to Fund Such Emergency Appropriation

Mayor Sokolich explained the resolution.

Councilman Cervieri introduced, and Councilman Sohmer seconded, the following Resolution:

RESOLUTION OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-48 TO FUND A PORTION OF THE REQUIRED DOWN PAYMENT FOR THE ACQUISITION OF PROPERTY AND FURTHER AUTHORIZING THE ISSUANCE OF EMERGENCY NOTES TO FUND SUCH EMERGENCY APPROPRIATION

WHEREAS, an emergency has arisen requiring the appropriation of funds of the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough"), in the amount of \$34,229 to fund a portion of the required down payment for the acquisition of property located at 1363 Inwood Terrace, as more fully described as Block 2253, Lot 2 on the tax maps of the Borough, including all related costs and expenditures incidental thereto, as more fully described in a bond ordinance of the Borough entitled, "Bond Ordinance Providing for Various Capital Improvements in and by the Borough of Fort Lee, in the County of Bergen, New Jersey, Appropriating \$1,850,000 Therefor and Authorizing the Issuance of \$1,761,904 Bonds or Notes of the Borough to Finance Part of the Cost Thereof" introduced as of the date of adoption of this resolution (the "Down Payment"); and

WHEREAS, the total amount of emergency appropriations created, including the appropriation to be created by this resolution, is \$ 0, and 3% of the total current and utility operating appropriations in the budget for FY 2013 is \$2,151,845.00; and

WHEREAS, the foregoing emergency appropriation, together with prior emergency appropriations, does not exceed 3% of the total operating appropriations in the budget for FY 2013,

NOW THEREFORE BE IT RESOLVED (by not less than two-thirds of the full membership **of the governing body affirmatively concurring**) as follows:

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1. Pursuant to N.J.S.A. 40A:4-48, an emergency appropriation is hereby made in the amount of \$34,229 for the Down Payment. The \$34,229 appropriated herein is sufficient to fund the emergency.
2. The emergency appropriation set forth in Section 1 hereof shall be provided for in full as a deferred charge in the budget of the next succeeding fiscal year, unless provision for paying, funding or refunding the emergency appropriation is made through adoption of a refunding bond ordinance pursuant to N.J.S.A. 40A:2-1 et seq.
3. An emergency note not in excess of \$34,229 is hereby authorized to be issued pursuant to N.J.S.A. 40A:4-51.
4. The emergency note authorized herein, if issued, shall be executed by the Mayor and the Chief Financial Officer of the Borough and attested by the Borough Clerk.
5. The Chief Financial Officer of the Borough is hereby delegated the authority to sell and award the emergency note, if any, and such emergency notes, if issued, may be renewed from time to time by the Chief Financial Officer provided that any such renewals shall be payable on or before December 31, 2014.
6. Two certified copies of this resolution shall be filed with the Director of the Division of Local Government Services.
7. This resolution shall take effect immediately.

The Resolution was **approved** on the following roll call:

AYES: Council Members Pohan, Sohmer, Goldberg, Kasofsky, Cervieri

APPOINTMENT

A-1 - Board of Health

Mayor Sokolich nominated Dr. Gerald J. Lee to serve as a member of the **Board of Health** for an unexpired term through **December 31, 2015**.

On motion by Councilman Goldberg, seconded by Councilman Cervieri the nomination was **confirmed unanimously**.

COUNCIL REPORTS

Councilman Pohan - had no report tonight

Councilman Sohmer - stated that Bobbi Wailes, Advisory Committee for the Disabled Chairperson, along with the entire committee, worked very hard to have the Mayor and Council public meetings be shown with closed captioning. He also thanked Mr. Grant and Time Warner Cable for their efforts.

He stated that the Fort Lee Farmer's Market will continue outside the Jack Alter Fort Lee Community Center every Sunday through November 24th.

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He announced that the Office of Fort Lee Cultural & Heritage Affairs and the Fort Lee Artist's Guild will be sponsoring their annual "Art in the Park" event on Sunday, September 29th on the Plaza of the Jack Alter Community Center from 10:00 a.m. to 3:00 p.m.

He also announced that the Fort Lee Film Commission and the Office of Cultural & Heritage Affairs, will be sponsoring their annual Historic Jitney Tour of Fort Lee on Sunday, October 20th from 11:00 a.m. to 3:00 p.m. Tours commence from the community center and sign-up is available from 9:00 a.m. to 11:00 a.m. on the day of the event. All tours are free, but seating is limited. For further information call 201-693-2763.

Councilman Goldberg - stated that the Fort Lee Film Commission and the Palisades Interstate Parkway Commission are sponsoring the Reel Filmmakers of New Jersey event, for Alice Guy Blache on Thursday, October 10th at the Historic Park Theater. The film festival will celebrate the induction of Ms. Blache, Solax Studio Founder in Fort Lee and first women filmmaker into the New Jersey Hall of Fame. A screening of two of her short films made at Solax Studios will be shown. She was one of the first of three women filmmakers in France in the 1890's. She built Solax Studio in 1912. She directed and produced hundreds of films in the United States before women even had the right to vote. For further information contact the film commission's website at www.fortleefilm.org or call 201-693-2763

Councilwoman Kasofsky - thanked everyone who participated in yesterday's shredding event that was held at the Recreation Center. It was a very well attended and successful event which is now held annually. She's hopeful that the shredding event can be held twice a year. She thanked the DPW employers who helped her organize and run the event.

She announced that the Fort Lee Public Library will be holding their book sale this Saturday and Sunday. Great books can be bought for fifty cents and a dollar.

She announced that the Fort Lee Health Department's 19th Annual Health Fair will be held on Saturday, October 12th at the Jack Alter Fort Lee Community Center from 9:00 a.m. to 12:00 noon. Pre-registration is required for the flu and pneumococcal vaccine as well as for blood work. There are over forty health tests offered. For further information contact the health department at 201-592-3500 ext 1510.

Councilman Cervieri - announced that the United Homeowner's will be sponsoring and conducting candidate's night on September 26th at the Lewis F. Cole Middle School beginning at 7:30 p.m. All

local council candidates will be attending and debating various issues. Refreshments will be served

He thanked all the SID volunteers who have participated on the SID Committee. They are talented people and he expects to see great things occur once the SID is implemented.

PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the meeting was opened to the **Regular Meeting** **September 19, 2013**
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public for discussion.

Mayor Sokolich praised Mr. Sohmer and the people who put together and ran the Tour De Fort Lee on September 8th. It was a phenomenal event. There was a professional bicycle race in the borough and a lot of money was raised for the Fort Lee Education Foundation.

Mr. Sohmer replied that he's appreciative of the Mayor's kind words and he thanked the Fort Lee Police Department, Ambulance Corp members and DPW employees for their efforts.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Norman Greenberg 2100 Linwood Ave.	.Metered Parking Issues on Linwood Avenue	Mayor Sokolich
Doug Sugarman 2100 Linwood Ave.	.Metered Parking on Linwood Avenue .Commuter Buses for Columbia Presbyterian Employees on Lewis Street	Mayor Sokolich
Lillian Oliver 2100 Linwood Ave.	.Academy Buses on Lewis Street .Questioned Nine Hour Metered Parking Zones on Linwood Avenue and Lewis Street	Mayor Sokolich Mr. Cervieri
Anita Greenberg 2100 Linwood Ave.	.Implementation of Changes for Metered Parking Hours for Linwood Avenue and Lewis Street	
Thomas Lonardo Formerly of 505 North Ave.	.Parking Authority .Constitution Park .Fort Lee Board of Education/ Out of Town Students .School Expansion .Whitehall Towers .Mr. Grant Election Petitions .HUD Violations at 505 North Avenue	Mayor Sokolich
Nina Levinson 1560 West St.	.Announcement of Senior Picnic on September 29 th at 1:00 p.m.	Mayor Sokolich Mr. Cervieri

There being no further public discussion, **on motion by Councilman Cervieri, seconded by Councilwoman Kasofsky,** and there being no further discussion, the meeting was adjourned with no objections at 9:10 p.m.

Neil Grant, RMC
Municipal Clerk

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Fort Lee has deemed it necessary to go into closed session to discuss a certain **Regular Meeting** **September 19, 2013**
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matter which is exempted from the Public,

NOW, THEREFORE, BE IT RESOLVED that Governing Body of the Borough of Fort Lee will go into closed session for the following reason as outline in N.J.S.A, 10:4-12:

Any pending or anticipated litigation in which the public body is or may become a party. Any matter 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.

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried unanimously, the meeting was moved into closed session at 9:11 p.m. to discuss the following matter.

Klein Outdoor Advertising Inc. vs. Zoning Board of Adjustment and the Borough of Fort Lee

There being no further discussion, the meeting room door was opened and **on motion by Councilman Cervieri, seconded by Councilman Goldberg,** with no public in attendance, the meeting was adjourned at 9:16 p.m.

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, August 22, 2013 @8:00 p.m.

The Regular Meeting of the Mayor and Council of the Borough of Fort Lee was held on the above date in the Council Chambers, Memorial Municipal Building, 309 Main Street, Fort Lee, New Jersey.

PRESENT: Mayor Sokolich, Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

ALSO PRESENT: Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney
Joseph Iannaconi, Chief Financial Officer

MAYOR'S STATEMENT

Let the minutes reflect that adequate notice of this meeting has been provided in the following manner:

1. On January 3, 2013, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2013, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2013 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Sokolich stated that he believes that there are more good things going on in the Borough than at any time in its history.

He stated that the Borough through the Parking Authority is now providing bus transportation services to the ferry for people who live in the western sections of town. The first building in Redevelopment Area 5 is now thirty-one stories high. Recently, he was able to go up to the twenty second floor during the on-going construction, and he said the view was fantastic and would pit it against any building's views on the eastern seaboard. He added that action is going to be taken tonight that he believes will get the western portion of Redevelopment moving forward. The western side will be pre-dominantly retail with some residential units. He's hopeful that construction on the western side will begin sometime after Labor Day. He spoke about the Special Improvement District (SID) and that it will be an autonomous agency which will have the blessing of the Fort Lee government, once the SID ordinance is introduced and ultimately adopted.

He closed by stating that Fort Lee with all this positive activity will once again become the envy of Bergen County.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried unanimously, the minutes of the April 11, 2013 Regular Meeting were approved.

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INTRODUCTION OF ORDINANCES

Ordinance #2013-23 - Amending Chapter 372, Article 2, Limousines, Various Fee and Other Minor Amendments

On motion by Councilman Cervieri, seconded by Councilman Sargenti, and carried, Ord. #2013-23 entitled, "AN ORDINANCE AMENDING CHAPER 372 TAXICABS AND LIMOUSINES, ARTICLE II, LIMOUSINES, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was approved unanimously, and the public hearing relative to this ordinance was scheduled for September 19, 2013.

PUBLIC HEARINGS

Ordinance #2013-20 - Appropriating \$1,757,000 for Various Capital Improvements and Authorizing the Issuance of \$1,673,318 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2013-20 entitled, ""BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$1,757,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,673,318 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF."

There being no public discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilman Goldberg.

On motion by Councilman Cervieri, seconded by Councilman Goldberg, the Ordinance was adopted on the following roll call:

AYES: Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

Ordinance #2013-21 - Amending Chapter 55, Fire Department Section 14, Life Insurance to Amend Policy Amounts

On motion by Councilman Cervieri, seconded by Councilman Sohmer and carried, the public hearing relative to Ord. #2013-21 entitled, "AN ORDINANCE AMENDING CHAPTER 55 FIRE DEPARTMENT, SECTION 14, LIFE INSURANCE OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE" was postponed unanimously until September 19, 2013.

Ordinance #2013-22 - Authorizing the Acquisition, Rehabilitation and Re-Conveyance to the FLASH Corporation for Property Located at 2423 First Street, Block 6969, Lot 11, for Use as Two or More

Units of Affordable Housing

On motion by Councilman Cervieri, seconded by Councilman Sohmer and carried, the public hearing was opened relative to **Ord. #2013-22** "AN ORDINANCE AUTHORIZING THE ACQUISITION, REHABILITATION AND RE-CONVEYANCE TO THE FORT LEE ASSISTANCE AND SUPPORT HOUSING CORPORATION CERTAIN PROPERTY IDENTIFIED ON THE TAX MAP OF THE BOROUGH OF FORT LEE AS BLOCK 6969, LOT 11, LOCATED AT 2423 FIRST
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STREET, FORT LEE, NEW JERSEY FOR USE AT TWO OR MORE UNITS OF AFFORDABLE HOUSING."

Tom Meyers, 1590 Anderson Avenue, stated he and Nelson Page as well as Donna Brennan of the Fort Lee Film Commission, are present tonight to support the adoption of the acquisition of the property. He said that it's a creative solution in that it provides necessary affordable housing and yet preserves a major part of the Borough's history. He thanked the Mayor and Council and the Fort Lee Housing Authority for their efforts.

Mr. Cervieri expressed his thanks to Mr. Pohan, who initially came up with the idea on how the Borough could buy a private piece of property and be able to figure out a way for it to have an important public use.

Mayor Sokolich stated that this property has no cost for the taxpayers. It's being paid from escrows the Borough has established over the years from developers as a condition of approvals they have obtained. Mr. Cervieri analyzed the affordable housing costs and it was realized that there was not a premium to purchase the property and be able to use it as affordable housing units.

Donna Brennan, 1231 Inwood Terrace, thanked the Mayor and Council and all the people who were involved to save this property commonly known as the "Rambo House". She had only kind words to express her appreciation in saving the property and not turning its back on history.

Mayor Sokolich stated that there are people who purchased the property and sought an obtained an property approvals. At this point the Borough came along and wanted to purchase it. The owner negotiated the selling of the property to the Borough in good faith and didn't overreach. He thanked Joseph Romana for the courtesy and patience he and his family extended the Borough during the negotiations and ultimately the sale of the property to the Borough.

Pat Kinney, 211 Glenwood Avenue, Leonia, New Jersey, stated that she grew up in the Borough and is a member of the Fort Lee Historical Society. She thanked the town for saving the property and is hopeful other communities take note of the action being taken so that other historical properties in other towns can be saved.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Pohan.**

On motion by Councilman Cervieri, seconded by Councilman Pohan, the Ordinance was **adopted** on the following roll call:

AYES: Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

CA-14 - Authorizing Acceptance and Execution of a Contract With Bergen County Through the Bergen County Open Space Trust Fund Program for the Project Entitled Inwood Terrace Park Improvements, Block 1053, Lot 1 for 2012 Funding Round - \$35,000.00

Mr. Grant explained that this item is listed on the proposed
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consent agenda; however, there is a requirement to have a public hearing on the acceptance of Open Space Funds before a vote can be taken which vote will be realized later during the proposed consent agenda.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky and carried, the public hearing was opened related to the above item.

There being no public discussion, the public hearing was closed **on motion by Councilman Pohan, seconded by Councilman Goldberg.**

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilman Sohmer, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-15.

CA-1 - Payment of Claims

BE IT RESOLVED that the following claims, the details for which are attached hereto and made a part hereof, are hereby authorized to be paid, having been audited and found correct by the Borough Administrator and Chief Financial Officer.

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$13,211,908.74
Capital	95,682.51
Road Improvement Plan	n/a
Multiple Dwelling	n/a
Construction Fees	n/a
COAH Fees	n/a
Trust Account (Old)	n/a
Senior Citizen Advisory Council	3,773.50
Trip Admissions	7,822.03
Wedding Fees	n/a
Trust Account (Accutrack)	42,563.39
Special Dog Account	330.00
Centennial Fund	n/a
Disability Insurance Trust	n/a
Unemployment Compensation Trust	n/a
Public Assistance Trust Fund	n/a
Police Activity Trust	n/a
Fort Lee Film Commission	500.00
Redemption Account	76,816.72
School Resource Account	5,159.85
Dedicated Penalties	n/a
POAA	n/a
Cop Card Donation	n/a
Police Treasury	44,754.67
Police Justice	n/a
Flexible Spending	<u>n/a</u>
Total:	\$13,489,311.41

CA-2 - Approving Jr. Auxiliary Firefighter Application for Eric Flaim for Fire Company #3

The Jr. Auxiliary firefighter application for Eric Flaim for Fire Company #3 was approved.

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CA-3 - Accepting Resignation Notice of Marvin Cha, Public Safety Telecommunicator with the Police Department Communications Center - Retroactive to August 18th

BE IT RESOLVED that **Marvin Cha, Public Safety Telecommunicator** with the **Communications Center**, has submitted a resignation notice dated August 12, 2013 and the Mayor and Council have accepted same; and

BE IT RESOLVED that Mr. Cha's resignation will be effective retroactive to **August 18, 2013** with the Borough of Fort Lee.

CA-4 - Authorizing Hiring of Courtney Challener and Jack P. Siccardi as Public Safety Telecommunicators, Grade 9, Step A, in the Communications Center - \$41,765.00 Annually

WHEREAS, due to a vacancy in the Communications Center from a resignation of an employee, the Mayor and Council have determined that this vacancy should be filled due to the emergent nature this absence has created,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that both Courtney Challener and Jack P. Siccardi be appointed to the full-time positions as Public Safety Telecommunicator Trainee in the Communications Center, with an effective date of August 22, 2013; and

BE IT FURTHER RESOLVED that these appointments shall be provisional pending certification from the New Jersey Civil Service Commission and shall be at an annual salary of **\$41,765 - Grade 9, Step A**, pursuant to the Blue Collar Salary Ordinance.

CA-5 - Authorizing Hiring of Marc Rubin as Part-Time Building, Electrical Inspector - \$30.00 Hourly

WHEREAS, due to the increased development in Fort Lee with some new projects, including Redevelopment Area # 5, the Mayor and Council have determined the need to hire part-time inspectors to work under the Building Department; and

WHEREAS, the following individual will be hired on a part-time basis under the respective discipline:

Electrical:
Marc Rubin

NOW, THEREFORE BE IT RESOLVED that this Inspector will be paid **\$30.00 hourly retroactively to July 30, 2013.**

CA-6 - Authorizing Purchase of Two (2) 2014 Ford Police Interceptors Utility Base Vehicles - \$40,995 Each and Three (3) 2014 Police Sedan Interceptor Base Vehicles - \$38,748 Each for the Police Department Through Winner Ford of Cherry Hill, New Jersey, State Contract #A82925 - Total Cost for All Five Vehicles -

\$198,234.00 Which Includes Three-Year Premium Care Warranty For All Vehicles

WHEREAS, the Police Department has requested the purchase of five police vehicles to replace five current police vehicles identified as vehicle numbers 463, 464, 470, 472 and 473; and

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WHEREAS, the vehicles are available through Winner Ford of Cherry Hill, via New Jersey State Contract #A82925; and

WHEREAS, the cost of the vehicles are over the bid threshold amount of \$36,000.00 and the expenditure must be authorized by resolution of the governing body; and

WHEREAS, this contract may be awarded without competitive bidding as a recognized exception under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., since the goods and/or services are to be provided as a result of a contract to be entered into with the State of New Jersey, pursuant to and in accordance with N.J.S.A. 40A:11-5(2); and

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Fort Lee authorizes the Police Department to purchase two (2) 2014 police interceptor utility base vehicles at a cost of \$40,995.00 each and three (3) 2014 police sedan interceptor base vehicles at a cost of \$38,748.00 each by purchase order from Winner Ford of Cherry Hill, 250 Haddonfield - Berlin Road, Cherry Hill, New Jersey, 08034 in the total amount of **\$198,234.00** for all five (5) vehicles which includes the cost of an extended warranty for each vehicle; and

WHEREAS, the Local Public Contracts Law requires that the resolution awarding a contract without competitive bidding must be available for public inspection; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for this purchase through capital account #01-2010-25-2402-226.

CA-7 - Approving Application by GPC Homes LLC to Install an Extension to United Water's Distributing System on Sixteenth Street

**Applicant: GPC Homes LLC
Extension No X-TBD
Investigation No 53087**

WHEREAS, GPC Homes LLC has presented to United Water New Jersey an application for an extension to its distributing system running as above described and consisting of installing approximately 150 feet of 8 inch D.I. Pipe in 16th Street,

NOW, THEREFORE, BE IT RESOLVED that the said extension be made and the same is hereby approved.

I hereby certify that the above is a certified copy of a resolution which was duly passed by the Governing Body of the Borough of Fort Lee, at a meeting thereof duly called and held on the 22nd day of August, 2013.

CA-8 - Approving Liquor License Renewal for Asia Explorers LLC (Pocket License) for 2012-2013 and 2013-2014

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that plenary retail consumption license, for the year **2012/2013 and 2013/2014** be issued to the applicant listed for premises designated opposite their respective names for the distribution or sale of alcoholic beverages.

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STATE LICENSE # LICENSEE

0219-33-047-008 Asia Explorers LLC
(Pocket License)

BE IT FURTHER RESOLVED that the Borough Clerk be and hereby is authorized and directed to sign said licenses and affix the corporate seal of the Borough of Fort Lee thereto.

**CA-9 - Approving Liquor License Renewals for Phi Enterprises LLC
Rana Kiritkuma and Fairview Equities LLC (Pocket Licenses)
for 2013-2014**

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that plenary retail consumption licenses and plenary retail distribution licenses, for the year **2013/2014** be issued to each of the applicants listed on the attached page for premises designated opposite their respective names for the distribution or sale of alcoholic beverages.

STATE LICENSE # LICENSEE

0219-44-015-005 Phi Enterprises LLC
(Two Year Special Ruling Received from the State of NJ, ABC dated August 1, 2013 for 2013-2014 and 2014-2015)

0219-44-035-006 Rana Kiritkuma N
(One Year Special Ruling Received for the State of NJ, ABC dated August 6, 2013 for 2013-2014)

0219-33-044-007 Fairview Equities LLC
(One year Special Ruling Received from the State of NJ, ABC dated August 12, 2013 for 2013-2014)

0219-33-052-008 Brown Wine Bar LLC, t/a JD's Steak Pit

BE IT FURTHER RESOLVED that the Borough Clerk be and hereby is authorized and directed to sign said licenses and affix the corporate seal of the Borough of Fort Lee thereto.

CA-10 - Accepting Boswell's McClave's Engineering Proposal, South Hackensack, New Jersey, for Preparation of Construction Plans, for Improvements to Inwood Terrace Park - Fee Not Exceed \$6,500.00

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH
OF FORT LEE AUTHORIZING THE AWARD OF A CONTRACT FOR
PROFESSIONAL ENGINEERING SERVICES**

WHEREAS, there exists a need for the Borough of Fort Lee ("Borough") to retain the services of a licensed engineer to prepare construction plans and specifications for the performance of improvements to Inwood Terrace Park in the Borough; and

WHEREAS, the Borough has been approved for and has received a grant of \$32,000 from the 2013 Bergen County Open Space Trust Fund Grant for the performance of improvements to Inwood Terrace

Park in the Borough; and

WHEREAS, said services are recognized as "professional services" as same shall be rendered by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge

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of an advance type in a field of learning acquired by a prolonged formal course of specialized instruction and study, pursuant to and in accordance with N.J.S.A. 40A:11-2(6); and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, the Borough wishes to retain the services of Boswell McClave Engineering ("Boswell") to perform such professional engineer services in accordance with its proposal, dated August 7, 2013, attached hereto; and

WHEREAS, Boswell possesses the requisite expertise and skilled personnel required to provide professional engineering services related to the preparation of construction plans and specifications for the performance of improvements to Inwood Terrace Park; and

WHEREAS, the Mayor and Council of the Borough are desirous of awarding a contract for professional engineering services to Boswell in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the professional engineering services for this phase of the project will be performed by Boswell at a cost not-to-exceed \$6,500, and the contract for such professional engineering services is awarded pursuant to a "fair and open" process in accordance with the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Mayor and Council have determined that funds are available for this purpose, and

WHEREAS, the award of a contract for the provision of professional engineering services to prepare construction plans and specifications for the performance of improvements to Inwood Terrace Park is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. That Boswell shall be and is hereby appointed to provide professional engineering services related to the preparation of construction plans and specifications for the performance of improvements to Inwood Terrace Park, in accordance with its proposal, dated August 7, 2013, attached hereto and made a part hereof, for a cost not-to-exceed **\$6,500.00**, and the terms and provisions of the agreement by and between Boswell and the Borough, dated as of January 1, 2013, for services as the Borough Engineer.

2. That upon 80% completion of the engineering work pursuant to this resolution, Boswell shall provide written notice to the Borough Clerk as to whether the services will be completed within the budget established for the services. If the services are expected to exceed the budget, Boswell shall submit a detailed cost overrun schedule for review and consideration by the Borough.

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3. That Boswell is specifically placed on notice that it will be required to comply with the Affirmative Action regulations of P.L. 1975 c. 127.

4. That a notice of the contract award shall be published as may be required by law, and this resolution must be available for public inspection, in accordance with the requirements of N.J.S.A. 40A:11-1 et seq.

5. That the Chief Financial Officer has certified that funds are available for this purpose.

6. That no further action of the Borough shall be required.

CA-11 - Awarding a Non-Fair and Open Contract to HDR Engineering Inc., Mahwah, New Jersey for Support in Borough's Litigation Against the BCUA - Fee Not to Exceed \$45,000.00

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES

WHEREAS, there continues to be a need for the Borough of Fort Lee ("Borough") to retain the services of a licensed engineer to perform an analysis of the Borough's sewer use billing from the Bergen County Utilities Authority ("BCUA") and prepare a report on the fee structure and its impact on the Borough, and to assess a reported increase in sewage flow to determine whether the BCUA's flow data is accurate; and

WHEREAS, on August 19, 2010, the Mayor and Council of the Borough appointed Hydroqual, which has since merged with HDR Engineering, Inc. ("HDR"), by resolution to provide professional engineering services and perform an analysis of the Borough's sewer use billing from the BCUA and prepare a report on the fee structure and its impact on the Borough; and

WHEREAS, since that appointment, the Borough received sewer use billing for 2013 from BCUA that contained a substantial increase in costs, and has received notices from BCUA indicating that the Borough's sewer flow for the first two quarters of 2013 has significantly increased above its 2012 levels, which served as the basis for the 2013 billing; and

WHEREAS, the Borough filed suit against BCUA in early-2013, challenging the sewer use billing for 2013 as arbitrary, capricious and unreasonable as the Borough experienced the largest increase in costs of all of the BCUA's municipal customers; and

WHEREAS, said services are recognized as "professional services" as same shall be rendered by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instruction and study, pursuant to and in accordance with N.J.S.A. 40A:11-2(6); and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the

Borough may determine to be necessary for its efficient operation; and

WHEREAS, the Borough wishes to retain the services of HDR to perform such professional engineer services in accordance with its **Regular Meeting** **August 22, 2013**
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proposal, dated July 11, 2013, attached hereto; and

WHEREAS, HDR possesses the requisite expertise and skilled personnel required to provide professional engineering services related to the analysis of the Borough's sewer use billing from the BCUA and prepare a report on the fee structure and its impact on the Borough; and

WHEREAS, the Mayor and Council of the Borough are desirous of awarding a contract for professional engineering services to HDR in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the retention of HDR to provide professional engineering services is pursuant to a non-fair and open process in accordance with the provisions of New Jersey Local Unit Pay-To-Play Law; and

WHEREAS, pursuant to the New Jersey Local Unit Pay-To-Play Law, HDR is required to complete and submit at least ten (10) days prior to the award of a contract in accordance with N.J.S.A. 19:44A-20.26 a Political Contribution Disclosure Form, a Stockholder Disclosure Certification, and a Business Entity Disclosure Certification, certifying that it has not made any reportable contributions to a political or candidate committee in the prior year, and that the contract will prohibit it from making any reportable contributions through the term of the contract; and

WHEREAS, the Political Contribution Disclosure Form, Stockholder Disclosure Certification, and Business Entity Disclosure Certificate and the certification have previously been submitted by HDR and are maintained on file at the office of the Borough Clerk; and

WHEREAS, the Mayor and Council have determined that funds are available for this purpose, and

WHEREAS, the award of a contract for the provision of professional engineering services to perform an analysis of the Borough's sewer use billing from the BCUA and prepare a report on the fee structure and its impact on the Borough, and to assess a reported increase in sewage flow to determine whether the BCUA's flow data is accurate is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. That HDR shall be and is hereby appointed to perform professional engineering services related to the performance of an analysis of the Borough's sewer system to determine the reasons for excessive flow and prepare a report of its findings the impact on the Borough, in accordance with its proposal, dated July 11, 2013, attached hereto and made a part hereof.

2. That the Mayor shall be and is hereby authorized to execute a contract between the Borough and HDR, providing for compensation in an amount not to exceed \$45,000.00, and further memorializing the scope of work and such other terms and conditions

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as may be necessary.

3. That HDR is specifically placed on notice that it will be required to comply with the Affirmative Action regulations of P.L. 1975 c. 127.

4. That a notice of the contract award shall be published, and this resolution must be available for public inspection, in accordance with the requirements of N.J.S.A. 40A:11-1 et seq.

5. That the Chief Financial Officer shall certify as to the availability of funds for this purpose.

6. That no further action of the Borough shall be required.

CA-12 - Awarding Contract to Orchard Holdings, LLC, Manasquan, New Jersey for the Provision of Pedestrian Safety Improvements at the Main Street/Center Avenue Intersection - \$85,445.00

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AWARDING A CONTRACT TO ORCHARD HOLDINGS, LLC FOR THE PROVISION OF PEDESTRIAN SAFETY IMPROVEMENTS IN THE BOROUGH AFTER PUBLIC BIDDING AND NEGOTIATIONS IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("Borough") have determined that it is necessary to contract for the provision of pedestrian safety improvements to the intersection of Main Street and Center Avenue in the Borough; and

WHEREAS, pursuant to duly adopted resolution and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough solicited bids for the provision of pedestrian safety improvements and, on March 13, 2013, a single bid package was received in response to the Borough's public solicitation for bids; and

WHEREAS, after a review of the bid, it was determined that the price bid by the sole bidder was unreasonable as the price substantially exceeded the engineering estimate for the project, the Borough by duly adopted resolution formally rejected the sole bid and authorized rebidding for the services; and

WHEREAS, on a second occasion pursuant to a duly adopted resolution and the Local Public Contracts Law, the Borough solicited bids for the provision of pedestrian safety improvements and, on May 8, 2013, bids were received from three bidders in response to the Borough's public solicitation; and

WHEREAS, after a review of the bids, it was determined that the prices bid were unreasonable as the prices substantially exceeded the engineering estimate for the project and the Borough by duly adopted resolution formally rejected all bids in accordance with the Local Public Contracts Law as unreasonable as to price on the basis of cost estimates prepared for the Borough prior to the advertising of bid specifications for the project; and

WHEREAS, the Borough further determined in the resolution that the award of a contract for provision of pedestrian safety improvements was necessary for its efficient operations and

directed the Borough Administrator to initiate negotiations for the provision of the pedestrian safety improvements to the intersection of Main Street and Center Avenue in the Borough; and

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WHEREAS, pursuant to the Local Public Contracts Law, and specifically N.J.S.A. 40A:11-5(3), where bids have been publicly advertised on two occasions and no acceptable bids have been received both times, a public body is entitled to negotiate a contract for the work; and

WHEREAS, the Borough formally provided written notice to, and invited all bidders who submitted bids in either of the two rounds of bidding to participate in negotiations for the contract; and

WHEREAS, the following two companies chose to participate in negotiations for the contract and submitted best and final offers after the issuance of a clarification by the Borough of item #15 in the project plans for the installation of a 2" rigid metallic conduit:

Orchard Holdings, LLC Manasquan, New Jersey	\$85,445.00
Zuccaro, Inc. Saddle Brook, New Jersey	\$88,725.00

; and

WHEREAS, the final and best offer from Zuccaro, Inc. failed to include a consent of surety as required by Bid Specifications and the conditions for negotiations; and

WHEREAS, the Borough has determined that the final and best offer submitted Orchard Holdings, LLC is in compliance with the requirements of the Bid Specifications and subsequent negotiations; and

WHEREAS, the Borough has reviewed its available funds and has determined that sufficient funds are available for the provision of pedestrian safety improvements to the intersection of Main Street and Center Avenue in the Borough; and

WHEREAS, the Borough has determined that the award of this contract is necessary for its efficient operations,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey, that Orchard Holdings LLC, 1913 Atlantic Avenue, Suite 193, Manasquan, New Jersey 08736, be awarded a contract in the amount of \$85,445.00 for the provision of pedestrian safety improvements to the intersection of Main Street and Center Avenue in the Borough in accordance with the Local Public Contracts Law;

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for the provision of pedestrian safety improvements to the intersection of Main Street and Center Avenue in the Borough;

BE IT FURTHER RESOLVED that the bid security of the bidders be returned in accordance with N.J.S.A. 40A:11-1 et seq.;

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be maintained in the Office of the Borough Clerk and made

available for public inspection.

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**CA-13 - Approving Change Orders 1 & 2 for Jak Construction Corp.
t/a Diamond Construction for the Construction/Installation of
Various Handicapped Ramps in the Borough - \$13,830.00**

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the following Change Order be approved:

GENERAL CONSTRUCTION: Construction of Various
Handicapped Ramp Installations

ENGINEER: Boswell McClave Engineering

CONTRACTOR: JAK Construction Corp. t/a
Diamond Construction
35 Beaverson Blvd. - Suite 12C
Brick, New Jersey 08723

CHANGE ORDER #'s: 1 & 2

ORIGINAL CONTRACT COST: \$186,766.25

COST OF CHANGE ORDER #1: \$ 14,430.00

COST OF CHANGE ORDER #2: (-\$600.00)
\$ 13,830.00

NEW CONTRACT SUM: \$200,596.25

NATURE OF CHANGES: #1 Reflect on As-Built Materials
\$14,430.00
#2 Traffic Markings, Thermoplastic
(-\$300.00)
#2 Removal of Traffic Markings
(-\$300.00)

ACCOUNT #: 04-2150-55-1121-031

**CA-14 - Endorsing Bergen County Open Space Trust Fund Application
for Installation of Rubberized Playground Surface at Coytesville
Park - \$35,000.00**

**BERGEN COUNTY OPEN SPACE ET AL. TRUST FUND
MUNICIPAL PARK IMPROVEMENT PROGRAM**

WHEREAS, a Bergen County Open Space Trust Fund application in the amount of **\$35,000.00** has been proposed by the Borough of Fort Lee for open space improvements to Coytesville Park in the municipality of Fort Lee at 2300 Sixth Street, Block 6854, Lot 1; and,

WHEREAS, pursuant to the State Interlocal Services Act, such funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of Fort Lee,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of Fort Lee hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that the Governing Body is committed to providing a dollar for dollar cash match for the project; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Division of Community
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Development so that implementation of the aforesaid project may be expedited.

CA-15 - Authorizing Purchase of Fifty-Eight (58) Conducted Energy Devices (Tasers) and Associated Hardware From Taser International Corporation, Scottsdale, Arizona for the Police Department - New Jersey State Contract #A81321 - \$193,370.50 (Police Department Confiscated Funds Account)

WHEREAS, the Police Department has requested the purchase of fifty-eight (58) Conducted Energy Devices (TASERS) and associated hardware; and

WHEREAS, the tasers and hardware are available through Taser International Corporation, via New Jersey State Contract #A81321; and

WHEREAS, the cost of the tasers and hardware are over the bid threshold amount of \$36,000.00 and the expenditure must be authorized by resolution of the governing body; and

WHEREAS, this contract may be awarded without competitive bidding as a recognized exception under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., since the goods and/or services are to be provided as a result of a contract to be entered into with the State of New Jersey, pursuant to and in accordance with N.J.S.A. 40A:11-5(2); and

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Fort Lee authorizes the Police Department to purchase the aforementioned tasers and hardware by purchase order from Taser International Corporation, 17800 North 85th Street, Scottsdale, Arizona 85255 in the amount of **\$193,370.50** for the tasers; and

WHEREAS, the Local Public Contracts Law requires that the resolution awarding a contract without competitive bidding must be available for public inspection; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for this purchase through the Police Department's confiscated funds account.

Tom Lonardo, 505 North Avenue, spoke to CA-15.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, and the Consent Agenda (items CA-1 through CA-15) was **approved unanimously**.

RESOLUTIONS

R-1 - Ch. 159 Requesting Approval From Director of Local Government Services to Approve Special Item of Revenue, Port Authority Bus Grant - \$123,420.00

Messrs. Pohan and Sargenti recused themselves on this matter and left the podium.

Councilman Cervieri introduced, and Councilman Sohmer seconded, the following Resolution:

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 Fort Lee received **\$123,420.00** from the Port Authority of New York and New Jersey and wishes to amend its 2013 Budget to include a portion of this amount as an item of revenue,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough Of Fort Lee, 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 of 2013, in the sum of**\$123,420.00** which is now available as a revenue item from:

- Miscellaneous Revenues
- Special Items Of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
- Revenues Offset with Appropriations:
- Administration - Port Authority Bus Grant

BE IT FURTHER RESOLVED, that a like sum

BE IT FURTHER RESOLVED, that a like sum of **\$123,420.00** be and the same is hereby appropriated under the caption:
General Appropriations:
(a) Operations excluded from CAPS
Programs Offset by Revenues:
Administration - Administration Other Expenses

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.

The Resolution was **approved** on the following roll call:

AYES: Council Members Sohmer, Goldberg, Kasofsky, Cervieri

Council Members Pohan and Sargenti returned to the podium at this point in the meeting.

R-2 - Authorizing the Mayor to Execute Approval of Financing and Other Documents for Redevelopment Area 5 for TDC Fort Lee LLC et al.

Mr. Cervieri recused himself on this matter and left the podium.

Councilman Goldberg introduced, and Councilman Sohmer seconded, the following Resolution:

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE APPROVING AND AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS FOR THE ASSIGNMENT AND ASSUMPTION BY NEW REDEVELOPMENT ENTITIES OF THE REDEVELOPMENT AGREEMENT BY AND BETWEEN THE BOROUGH OF FORT LEE AND TUCKER DEVELOPMENT AND ACQUISITION FUND, L.P. AND TDC FORT LEE, LLC, DATED MARCH 15, 2012, AND FOR THE APPROVAL OF AN INDIVIDUAL RETAIL UNIT OF UP TO 40,000 SQUARE FEET FOR AN ENTERTAINMENT

PARCEL, LOCATED IN REDEVELOPMENT AREA 5, IN THE BOROUGH OF FORT LEE, NEW JERSEY

WHEREAS, the Borough of Fort Lee (hereafter the "Borough"), in accordance with the requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (hereafter the "LRHL"), did designate a certain assemblage of lots within the Borough of Fort Lee, constituting approximately 16 acres, as an area in need of redevelopment, and as such was named Redevelopment Area 5; and

WHEREAS, pursuant to an Ordinance No. 2004-29 adopted by the Borough on August 4, 2004, the Borough adopted a Redevelopment Plan for Redevelopment Area 5 and did further amend the zoning map of the Borough of Fort Lee to so indicate that area, which Redevelopment Plan was last amended on February 9, 2012; and

WHEREAS, on March 15, 2012, the Borough entered into a Redevelopment Agreement and Covenants (the "Redevelopment Agreement") with Tucker Development and Acquisition Fund, L.P. ("Tucker") and TDC Fort Lee, LLC ("TDC Phase One") collectively, the "Original Redeveloper", as redeveloper of the West Parcel of Redevelopment Area 5 (the "West Parcel") located in the Borough of Fort Lee, County of Bergen, State of New Jersey for a mixed use project pursuant to the Redevelopment Plan and Redevelopment Agreement; and

WHEREAS, upon the completion of the transactions contemplated in the hereinafter defined Assignment and Assumption Agreement, the Original Redeveloper will become the "Phase One Redeveloper"; and

WHEREAS, on June 11, 2012, the Original Redeveloper obtained preliminary and final site plan and subdivision approval from the Borough Planning Board for the Project, which includes the subdivision of the West Parcel into three (3) new lots; and

WHEREAS, the Redevelopment Agreement contemplated the Project to be developed in Phases:

- **"Phase One"** will encompass the construction on Lot 1, Block 4851.01 ("Lot 1") and Lot 1, Block 4851.03 ("Lot 3") as authorized by the Redevelopment Plan and the Redevelopment Agreement and any approved modification or amendment thereto for the Southwest Block (Lot 1) and the Southeast Block (Lot 3). In addition, Phase One will include the construction of Central Avenue and Hudson Street, two new streets, along with all related Project Infrastructure and the construction of a public park on Block 4851, Lot 5, known as the Public Park Parcel, all as set forth in the Redevelopment Agreement.
- **"Phase Two"** will encompass the construction on Lot 1, Block 4851.02 ("Lot 2") as authorized by the Redevelopment Plan and the Redevelopment Agreement and any approved modification or amendment thereto for the North Block (Lot 2) along with all related Project Infrastructure as set forth in the Redevelopment Agreement.

and

WHEREAS, certain institutional investors have agreed to participate with Tucker in the West Parcel Project as owners of interests in the Phase One Redeveloper and/or the Phase Two Redeveloper, as such terms are hereinafter defined; and

WHEREAS, the Phase One Redeveloper shall retain title to Lots 1 and 3 and develop the Project Improvements comprising Phase One, while the Phase Two Redeveloper shall take title to Lot 2 and develop the Project Improvements comprising of Phase Two; and

WHEREAS, the Phase One Redeveloper, as the Original Redeveloper, shall retain all of the rights, obligations, covenants, duties and liabilities of the Original Redeveloper under the Redevelopment Agreement corresponding to Phase One (collectively, the "**Phase One Portfolio**") and

WHEREAS, Tucker, the Phase One Redeveloper and the Phase Two Redeveloper, amongst others, have proposed to enter into an Assignment and Assumption of the Redevelopment Agreement and Covenants (the "Assignment and Assumption Agreement"), in order to effectuate the transfer to, and the assumption by,) the Phase Two Redeveloper of all of the respective rights, obligations, covenants, duties and liabilities of the Original Redeveloper under the Redevelopment Agreement corresponding to Phase Two (collectively, the "**Phase Two Portfolio**"); and

WHEREAS, the Original Redeveloper has previously admitted KRE Fort Lee LLC as a member of TDC Fort Lee Member, LLC ("TDC Member"), which TDC Member was, prior to the creation of TDC JV, as defined below, the sole member of TDC Phase One; and

WHEREAS, the TDC Member intends to: (i) create a new entity, known as TDC Fort Lee JV, LLC ("TDC JV"), which entity shall be the sole member of TDC Phase One; and (ii) admit AP Hudson Lights LLC, a subsidiary of Ares Management, LLC as a member of TDC JV, in return for an equity contribution by AP Hudson Lights, LLC of approximately Fifty Four Million Dollars (\$54,000,000.00) to be used for the Phase One Project; and

WHEREAS, the Phase One Redeveloper intends to obtain construction loan financing for Phase One from an institutional lender, Sovereign Bank, in the amount of approximately One Hundred Seventeen Million Dollars (\$117,000,000.00), to be secured by, *inter alia*, a mortgage lien and security interests in Lots 1 and 3 and the Project Improvements comprising Phase One; and

WHEREAS, the TDC Member intends to create a new entity, TDC Fort Lee Phase II, LLC ("TDC Phase Two" and together with Tucker, the "Phase Two Redeveloper") pursuant to which the TDC Member shall be the sole member, at least initially, for the purpose of undertaking the Phase Two Portfolio; and

WHEREAS, the Phase One Redeveloper has requested approval by the Borough of an individual retail unit of up to 40,000 square feet pursuant to Section 3.03(c) of the Redevelopment Agreement, which space is expected to accommodate an Entertainment Retail use, including eight (8) movie screens and a restaurant (the "Retail Unit Size"); and

WHEREAS, the Parties have negotiated and agreed to certain terms and conditions required by various documents for the transactions contemplated herein, which were requested by the Original Redeveloper with respect to the redevelopment of the West Parcel,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council, that it hereby approves and authorizes the execution of the Assignment and Assumption Agreement and other related documents, for the redevelopment of the West Parcel located in Redevelopment Area 5 in the Borough of Fort Lee, County of Bergen,

State of New Jersey, and approval by the Borough Attorney as to legal form and content; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute any and all documents necessary or convenient to the transaction(s) contemplated and authorized hereby, including but not limited to, the Assignment and Assumption Agreement attached hereto in substantially similar forms, to effectuate the completion and implementation of the redevelopment of the West Parcel, subject to final review and approval by the Borough Attorney as to legal form and content; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Council hereby approve of the Retail Unit Size as hereinabove set forth in accordance with Section 3.03(c) of the Redevelopment Agreement; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

The Resolution was **approved** on the following roll call:

AYES: Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky

Mayor Sokolich thanked Mr. Cohen and his firm for his efforts in getting the documents put together and ultimately to be executed. Tonight's action is a big step in getting this portion of the project underway.

COUNCIL REPORTS

Councilman Pohan - stated that after going through months and months of public hearings at the Planning Board level with regard to Redevelopment Area 5 and the developer getting his approvals, the next step is for the developer to get his financing so that he can construct the project. FLRA who is the developer on the east side of Redevelopment Area 5 completed their financing many months ago. Tucker Development as a result of tonight's approval has now put into place the construction financing they will need to build the first phase of their project on the west side of Redevelopment Area 5. To facilitate their financing the Borough had to approve certain documents, and as the Mayor said earlier, it's a major step forward in getting something started on the west side of the property.

Councilman Sohmer - stated that on Sunday, September 8th at approximately 8:00 a.m. rain or shine, the Borough will be holding its eighth annual Tour De Fort Lee. There is a five mile bicycle ride or two mile walk as well as semi-professional bicycle races. Registration begins at 7:30 a.m. at the Jack Alter Fort Lee Community Center. The event benefits the Fort Lee Education Foundation, which foundation gives grants and scholarships to the students in the Fort Lee school system. The Fort Lee Education Foundation which he's president this year has been doing as much as possible for the last ten years to help the students and teachers in the Borough. There is also a 50-50 raffle which top prize based on ticket sales could be as high as \$10,000.

Councilman Goldberg - stated that this Saturday, the Fort Lee Film Commission "Music and Movie" series continues at the Jack Alter Fort Lee Community Center with music by The Nerds followed by the

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movie "Paranorman". On Saturday, August 31st there will be do-wop music from The Royal Teens followed by the movie "Dark Shadows". The last show of the season will be on Saturday, September 7th. The music will be performed by Swingadelic followed by the movie "Oz the Great and Powerful". All the shows begin with the music at 7:00 p.m. followed by the movie at 8:30 p.m.

He stated that tomorrow there will be an emergency services blood drive at the Jack Alter Fort Lee Community Center from 2:00 to 8:00 p.m.

He wished everyone a happy and healthy New Year and an easy Yom Kippur fast.

Councilman Sargenti - stated that Bergen County will be holding a summer job fair on Tuesday, September 10th at Bergen Community College in Paramus from 9:00 a.m. to 3:00 p.m.

He also stated that Congressman Bill Pascrell will be holding a summer hall town meeting on Tuesday, August 27th in the Borough of Cliffside Park Council Chambers commencing at 6:30 p.m.

Councilwoman Kasofsky - stated that Fort Lee will be holding a shredding day for borough residents only on Wednesday, September 18th at the Fort Lee Recreation Center on Stillwell Avenue from 9:00 a.m. to 12:00 noon.

She announced that the Fort Lee Health Department's 19th Annual Health Fair will be held on Saturday, October 12th at the Jack Alter Fort Lee Community Center from 9:00 a.m. to 12:00 noon. Pre-registration is required for the flu and pneumococcal vaccine as well as for blood work. For further information contact the health department at 201-592-3500 ext. 1510

Councilman Cervieri - stated that on behalf of the governing body and the people of Fort Lee, he offered his best wishes to Cliffside Park Mayor Gerald Calabrese on a speedy recovery.

He announced that the annual senior citizen picnic will be held on Sunday, September 29th in the Fort Lee High School parking lot.

He reiterated his thanks to everyone in getting the "Rambo House" saved and that it's being put to a good use by providing affordable housing as well as preserving Fort Lee's film history.

Mayor Sokolich - spoke to the very tragic hit and run incident that occurred last night at approximately 5:45 p.m. on Slocum Way. The lady who was struck was very seriously injured. The incident is under investigation by the Fort Lee Police Department and Bergen County Prosecutor's Office. He and a couple of council members were at the scene last night with Chief Bendul and were getting information about the accident as well as dealing with the media. If anyone has information please contact the police department at 201-592-3700. His thoughts and prayers go out to the resident for a speedy recovery.

PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the meeting was opened to the public for discussion.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Doug Sugarman 2100 Linwood Avenue	.Metered Parking on Linwood Avenue and Lewis Street/Request For Maximum Time Allowed	Mayor Sokolich Mr. Sargenti Mr. Pohan Mr. Sohmer
Paula Friedman 2100 Linwood Avenue	.Metered Parking on Linwood Avenue and Lewis Street - Request For Residents Only Parking .Idling Buses on Lewis Street/Linwood Avenue	
Norman Greenberg 2100 Linwood Avenue	.Metered Parking on Linwood Avenue and Lewis Street .Academy Buses Parking on Lewis Street/Previous Request By Parking Authority to Move Buses to Stop in Municipal Lot	Mayor Sokolich
Judith Turkell 2100 Linwood Avenue	.Request for Lewis Street Police Presence/Fletcher Avenue Intersection	Mayor Sokolich Mr. Sargenti Mr. Sohmer Mr. Goldberg
Edith Kaplan 2100 Linwood Avenue	.Traffic on Lewis Street/ Pedestrians Crossing Street Improperly	Mayor Sokolich

There being no further public discussion, on motion by Councilman Cervieri, seconded by Councilman Sargenti and there being no further discussion, the meeting was adjourned with no objections at 9:05 p.m.

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, July 18, 2013 @8:00 p.m.

The Regular Meeting of the Mayor and Council of the Borough of Fort Lee was held on the above date in the Council Chambers, Memorial Municipal Building, 309 Main Street, Fort Lee, New Jersey.

PRESENT: Mayor Sokolich, Council Members Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

ABSENT: Councilman Pohan

ALSO PRESENT: Peggy Thomas, Borough Administrator
Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney

MAYOR'S STATEMENT

Let the minutes reflect that adequate notice of this meeting has been provided in the following manner:

1. On January 3, 2013, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2013, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2013 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Sokolich requested a moment of silence in memory of former Bergen County Prosecutor John Fahey, who passed away yesterday. It was a tragic loss. He was a decent human being, a incredibly talented lawyer and well-respected Bergen County Prosecutor. He offered his condolences to the Fahey family on behalf of the entire Fort Lee community.

He believes that in Fort Lee's 110 year history there have never been more things going on as there are currently. With the ongoing construction of Redevelopment Area 5, the reconstruction of the Borough's parks, the Special Improvement District, he said it's a very exciting time to be living in the Borough. That is why it's important that the hiring of the four new police officers takes place in a few minutes to continue to make sure the health, safety and welfare of the community remains intact.

He said that another negotiation that recently took place and was completed was with the Port Authority. The Port Authority is giving the Borough two free buses so as to expand the Borough's free shuttle service to the ferry. It serves multiple purposes including, it's a sound environmental initiative; it provides an accommodation to the Borough residents and relieves some congestion in traffic. The buses should be delivered by tomorrow which shuttle service will continue to be administrated by the Fort Lee Parking Authority. The buses are expected to be put into service on Monday, July 29th. There had been a lot of requests from residents from other sections of town who haven't been able

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to take advantage of the existing shuttle buses for ferry service. More resident pickups will be included with the addition of the

two new shuttle buses. There is no charge to the residents for the service.

He said construction is ongoing on the east parcel of Redevelopment Area 5 and the first building is more than halfway finished. There has also been the completion of the parking lot across from In Napoli to deal with the parking burden that exists because the old parking lots used were not borough property. The borough is trying to stay ahead of the development and progress and is dealing with any problems that may occur.

He told everyone to stay safe and to stay inside as much as possible as this area of the country continues to be in the midst of record breaking temperatures.

He welcomed John Mitchell, Bergen County Freeholder, who is in attendance tonight to watch the swearing in of the new police officers.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the March 14, 2013 Regular Meeting were approved.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the June 6, 2013 Executive Session were approved.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the June 13, 2013 Regular Meeting were approved with Council Members Goldberg and Sargenti abstaining.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the June 20, 2013 Executive Session were approved.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the July 11, 2013 Executive Session were approved.

PUBLIC HEARINGS

Ordinance #2013-17 - Amending Chapter 90-2 Police Department Formation and Rank

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky and carried, the public hearing was opened relative to Ord. #2013-17 "AN ORDINANCE AMENDING CHAPTER 90-2, POLICE DEPARTMENT, FORMATION AND RANK."

There being no public discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilwoman Kasofsky.**

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the Ordinance was adopted unanimously.

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Mayor Sokolich explained the action taken on the ordinance which is to accommodate for the new hires, which action is listed next on the agenda.

RESOLUTION

R-1 - Authorizing the Hiring of Four (4) Police Officers

Councilman Cervieri introduced, and Councilman Sohmer seconded, the following Resolution:

WHEREAS, the Mayor and Council of the Borough of Fort Lee have determined the need to authorize the hiring of Police Officers for the Police Department, based on retirements and the current Table of Organization; and

WHEREAS, it has been determined that the following individuals be appointed to the position of Police Officer with an effective hiring date of July 18, 2013; and

**Christopher D. Valacer
John C. Klein
Nicole A. Busanic
Jared T. Zusi**

NOW, THEREFORE, BE IT RESOLVED that these appointments are made in accordance with a New Jersey Civil Service Commission Certification of Eligibles for Appointment List, for the title of Police Officer, and salaries shall be in accordance with the current P.B.A. Contract.

The Resolution was **approved** on the following roll call:

AYES: Council Members Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

OATHS OF OFFICE

Chief Bendul stated that on behalf of the men and women who service the Fort Lee Police Department, he thanked the Mayor and Council for their ongoing support and dedication in keeping the community safe. He introduced his talented and professional command staff, Deputy Chief Tim Ford, Captain Stanley Zon, Captain Robert Zevits and Captain Thomas Ottina. He said that the representation of the police department has been established by the nine police chiefs who preceded him as Chief. He said it's important for the new officers to understand the heritage they inherit when they become part of the police family.

He stated that lastnight he received a call from his staff that a Cliffside Park Police Officer was at the Fort Lee Youth Center and had gone into cardiac arrest. Fort Lee Police Officers George Koutroubinis, Christina Blue, John Reuter and Andres Kim responded and began performing CPR. In addition Fort Lee Ambulance Corp members Glen O'Connor, Steve Ahn and Pamela Flaim, along with Englewood Paramedics, Jordan Parchmant and Tom Bennett also arrived. They along with the Fort Lee Police Officers treated the Cliffside Park officer and saved his life. His thoughts go out to the officer and his family as well as the entire Cliffside Park Police Department as he wished the officer a speedy recovery.

He stated that it's with great pride to come before the Mayor and Council tonight to witness the swearing in of the four new
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officers. The hiring of the officers is occurring because of the retirements of Captain Bortolus, Lt. Milo, Det. Stanley and

Officer Dawson. He offered his best wishes to the retired officers and stated that they will always be part of the Fort Lee Police Department's family.

He spoke about the background checks the officers had to undergo before being hired tonight. He's highly competent of the abilities and character of the four new officers who are about to be sworn in. He believes that they all will uphold the fine standards of the Fort Lee Police Department.

He thanked the officers and the families of the new officers who are present tonight in supporting the new officers.

Chief Bendul read brief biographies of each of the new officers before they were sworn in to office.

Christopher Valacer was sworn in as a Police Officer by Mayor Sokolich. His sister, Lauren, and his brother, Jeffrey, held the Bible and his mother, Therese, pinned on his badge.

John Klein was sworn in as a Police Officer by Mayor Sokolich. His daughter, Harle, held the Bible and his father, retired Fort Lee Police Sergeant, John T. Klein, pinned on his badge.

Nicole Busanic was sworn in as a Police Officer by Mayor Sokolich. Her brother, Kevin held the Bible, and her sister, Dana, pinned on her badge.

Jared Zusi was sworn in as a Police Officer by Mayor Sokolich. His parents, Gail and Gilbert held the Bible, and his brother, Fort Lee Lieutenant Daniel Zusi, pinned on his badge.

Chief Bendul closed by thanking the Mayor and Council for their support of the Fort Lee Police Department.

Mayor Sokolich on behalf of himself and the governing body members, offered his congratulations to the newly sworn in officers.

He told the Chief and his administration staff that Fort Lee is blessed with one of the best police departments in the State.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, the meeting was recessed for a short break at 8:28 p.m.

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the meeting reconvened at 8:42 p.m.

INTRODUCTION OF ORDINANCES

Ordinance #2013-20 - Appropriating \$1,757,000 for Various Capital Improvements and Authorizing the Issuance of \$1,673,318 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

On motion by Councilman Cervieri, seconded by Councilman Sargenti, and carried, Ord. #2013-20 entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$1,757,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,673,318 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF," was introduced and passed on first reading.

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The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **August 22, 2013**.

AYES: Council Members Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

Ordinance #2013-21 - Amending Chapter 55, Fire Department Section 14, Life Insurance to Amend Policy Amounts

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried, Ord. #2013-21 entitled, "AN ORDINANCE AMENDING CHAPTER 55 FIRE DEPARTMENT, SECTION 14, LIFE INSURANCE OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the public hearing relative to this ordinance was scheduled for **August 22, 2013**.

Ordinance #2013-22 - Authorizing the Acquisition, Rehabilitation and Re-Conveyance to the FLASH Corporation for Property Located at 2423 First Street, Block 6969, Lot 11, for Use as Two or More Units of Affordable Housing

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried, Ord. #2013-22 entitled, "AN ORDINANCE AUTHORIZING THE ACQUISITION, REHABILITATION AND RE-CONVEYANCE TO THE FORT LEE ASSISTANCE AND SUPPORT HOUSING CORPORATION CERTAIN PROPERTY IDENTIFIED ON THE TAX MAP OF THE BOROUGH OF FORT LEE AS BLOCK 6969, LOT 11, LOCATED AT 2423 FIRST STREET, FORT LEE, NEW JERSEY FOR USE AT TWO OR MORE UNITS OF AFORDABLE HOUSING," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the public hearing relative to this ordinance was scheduled for **August 22, 2013**.

PUBLIC HEARINGS CONTINUED

Ordinance #2013-15 - Establishing Salary and Wages for White Collar Employees for 2013-2016

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky and carried, the public hearing was opened relative to Ord. #2013-15 entitled, "AN ORDINANCE ESTABLISHING SALARIES AND WAGES FOR WHITE COLLAR EMPLOYEES FOR 2013-2016."

There being no public discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Sargenti**.

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the Ordinance was **adopted** on the following roll call:

AYES: Council Members Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

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Ordinance #2013-16 - Amending Chapter 388, Sections 14 and 69, Schedule XXIII - Handicapped Parking Spaces for Horizon Road and Deletion of Handicapped Parking Space by 1593 Palisade Avenue

On motion by Councilman Cervieri, seconded by Councilman

Sohmer and carried, the public hearing was opened relative to **Ord. #2013-16** entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "HANDICAPPED PARKING SPACES."

There being no public discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Sargenti.**

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the Ordinance was **adopted unanimously.**

Ordinance #2013-18 - Amending Chapter 261, Land Use Procedures, Appendix B, Fees and Escrow Funds

On motion by Councilman Cervieri, seconded by Councilman Sohmer and carried, the public hearing was opened relative to **Ord. #2013-18** - entitled, "AN ORDINANCE AMENDING CHAPTER 261 LAND USE PROCEDURES, APPENDIX B: APPLICATION FEE SCHEDULE," AND APPENDIX B: "FEES AND ESCROW FUNDS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE."

There being no public discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Sohmer.**

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the Ordinance was **adopted unanimously.**

Ordinance #2013-19 - Execution of a Financial Agreement Between the Borough and Assad Y. Daibes Memorial Urban Renewal Foundation for Special Needs, Inc. for Property Located at 69 Main Street, Block 4355 Lots 17,18,19 and a Part of Lot 13

On motion by Councilman Cervieri, seconded by Councilman Sohmer and carried, the public hearing was opened relative to **Ord. #2013-19** entitled, "AN ORDINANCE OF THE BOROUGH OF FORT LEE, BERGEN COUNTY, NEW JERSEY APPROVING AND AUTHORIZING THE MAYOR AND BOROUGH CLERK PURSUANT TO N.J.S.A. 40A:201- ET SEQ. AND/OR N.J.S.A. 55:14K-1 ET SEQ. TO EXECUTE A FINANCIAL AGREEMENT BY AND BETWEEN THE BOROUGH OF FORT LEE AND ASSAD Y. DAIBES MEMORIAL URBAN RENEWAL FOUNDATION FO SPECIAL NEEDS, INC. FOR PROPERTY LOCATED ON MAIN STREET, FORT LEE, ALSO KNOWN AS A PORTION OF LOT 13 AND LOTS 17, 17 & 19 IN BLOCK 4355 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF FORT LEE FOR A MIXED INCOME RESIDENTIAL PROJECT."

Candy Romba, 1059 Anderson Avenue, stated that she's also a Board of Education member and after last week's Mayor and Council meeting she went back to her board to discuss concerns about the potential project. She thanked the Mayor for meeting with board members Jimmy Park, Esther Han and herself today to clarify certain things the Fort Lee Board of Education was concerned about with regard to the payment in lieu of taxes agreement (PILOT). She's in support of the project and appreciated the Mayor taking the time to clarify the PILOT agreement.

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Mayor Sokolich stated that his and the Borough's doors always remain open to the Fort Lee Board of Education.

Ms. Romba also thanked the entire governing body for their support.

Paula Colbath, 1019 Abbott Boulevard, stated that she wasn't at the last meeting and isn't 100% sure how the PILOT program works. Based on some readings she said the PILOT is usually done for distressed areas. She wanted to know with developers constantly building in the Borough and with basically every last inch of property being taken, why the Borough would use a PILOT for this project. She mentioned to the Mayor that with regard to Redevelopment Area 5 he said that there would be no tax abatements and she would like to see the same for this development. She said that she believes the schools do not see any of the PILOT money and that it goes directly to the Borough. She believes that this project could have serious financial consequences to the school system.

Mr. Cervieri replied that building special needs housing is usually not economically feasible without some type of incentive. Most of the affordable housing built in the State is done through a PILOT agreement. He's the one who questioned whether the amount being requested by the developer were fair and reasonable and he's satisfied that the 10% and the 6.28% for the special needs is the appropriate amount. He said even though the money goes to the Borough and the county, the school boards budget is completely funded by the municipality. It's not like the school board receives less money because of the PILOT.

Ms. Colbath spoke to the overall number of units being built plus some three bedroom units and that a special needs child could cost the school system \$100,000 per child.

Mr. Cervieri replied that the special needs portion of this project is for adults to live independently. This project is not for families with special needs children but for adults with special needs. With regard to a few three bedroom units he stated that the school board has done its own surveys that show hi-rises produce less children in the school system than the typical one and two-family home. He said what is now producing \$21,000 annually in taxes in all the lots related to this project for the Borough will be producing in excess of \$150,000 annually once built.

Mayor Sokolich stated that he learned today that the Borough has an obligation to educate people with special needs through the age of twenty one. He doesn't anticipate anyone occupying the special needs housing who is at least not twenty five years or older. There will be priority to Fort Lee residents with this project. There is an unconditional need for this project.

He spoke to the two items that were not negotiable with regard to Redevelopment Area 5. One there would be no PILOT and the other was telling the developer not to ask the Borough to absorb its affordable housing obligation.

Ms. Colbath said she applauded the Mayor and governing body for those two items.

Mayor Sokolich stated affordable housing in the State of New Jersey is in a state of flux. Once the law is settled by the State he did not want to find himself to be in a position where the Borough would have to build numerous affordable housing units all on the taxpayer's tab. The Borough has been collecting money

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from developers all along which is the reason this project is going forward. What facilitated this project is an initial \$3,000,000 of capital from the Borough. The Rutgers study showed that seven school age children would come from this project. He asked Ms. Colbath to look at this project in relationship to the \$1,000,000,000 Redevelopment Area 5 project. The developers are fulfilling their affordable housing obligation at the 69 Main

Street site. There is a PILOT for this project, but it was to facilitate the building of the entire Redevelopment Area 5 site.

Ms. Colbath said she's a parent of a high functioning autistic child and this project may some day benefit him. She's not opposed to the project, just that a PILOT is being given to a very well known developer. She would like to know where she can get such a huge tax break

Mayor Sokolich clarified that PILOT programs can be only done for affordable housing projects or redevelopment projects. The reason PILOT's were created were to facilitate affordable housing and redevelopment projects; otherwise, they would not get built.

Ms. Colbath said the Borough will be getting more than seven school age children from this project.

The Mayor and Council, along with the Borough Attorney totally disagreed with her.

Ms. Colbath said no one is thinking about the schools. She spoke to the Board of Education studies with regard to the number of school children that will come out of the project. She said that the value of resident's property is affected by the quality of the town's schools.

Mayor Sokolich stated that saying "no one is thinking about the kids" is a troubling statement to him. It couldn't be further from the truth. Once the project is built out the Borough will be receiving millions of dollars in taxes which will benefit the schools and provide tax relief for the residents.

Mr. Sargenti said there are 140 total units of which thirty-two (32) are special needs.

Mr. Cervieri stated that out of the 108 remaining units very few are three bedroom units.

On questioning from Ms. Colbath, Mayor Sokolich stated that back in 2009 it was not known at that time there was going to be a PILOT for this project. It all changed once the Redevelopment Area 5 properties which lay dormant for over forty years were approved.

Mayor Sokolich reiterated that the Borough has a constitutional mandate to provide affordable housing. Not only does the Borough satisfy almost all of its affordable housing obligations. He doesn't believe the developer is going to make much money at all on this project, but there is a personal aspect for the developer with regard to this project.

Mr. Cervieri stated that the ownership of this property is under a charitable trust. It's a not-for-profit trust. If there's extra money left over the money will go back to the project itself. This project satisfies a judicial order. The tax generated just for the schools out of Redevelopment Area 5 will take care of 650 school age children based on a cost of \$15,000.00 per child.

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Ms. Colbath stated that she believes the Mayor and Council are inconsistent with regard to no PILOT being given out if Redevelopment Area 5 and this project are intertwined.

Mr. Cervieri explained the Borough's COAH affordable housing obligation and said that project is nothing but a benefit to the Borough based on the cost of building affordable housing units if the Borough had to do it on its own.

Mr. Sohmer told Ms. Colbath if too many students are being brought into the school system then she needs to go to the Planning Board and Zoning Board with regard to one family homes being given variances to be converted into two-family homes.

Ellen LaFurn, 564 Elm Avenue, Ridgefield, New Jersey, stated that she's been working with Tom Toronto, about a special needs housing project in Ridgefield and has visited his completed projects in Allendale as well as other locations. She has a twenty nine year old disabled daughter and is desperately hoping that she will be able to move into the Daibes project. She's proud that the Mayor and Council are approving this project. There are 8,800 people on a waiting list for special needs housing in Bergen County. No one has been placed since Hurricane Sandy. The waiting list is closed at this point.

Mayor Sokolich stated that he hopes the initiative being looked at tonight is viewed as part of a larger picture rather than through tunnel vision. He added that if Ms. LaFurn's daughter ultimately takes occupancy in a unit for special needs housing then it will be the best day he will have had as Mayor of the Borough.

Diane Sicheri, 1525 12th Street, stated that she's a social worker and no one supports affordable and special needs housing as much as she does, but not at the expense of the taxpayers. The developers rent is secure based on how subsidizing housing works. She doesn't think giving the developer the tax break is fair. She said any special needs child coming out of the development could cost the school board \$20,000 to \$250,000 depending on the severity of any one particular child's need. She is speaking against the tax break for the non-special needs units of the project.

Mayor Sokolich replied that there is a preference to the special needs units to Fort Lee residents. He added if the children fall into the school system, it's the Borough's responsibility to take care of them.

Mr. Cervieri stated that no matter when a school-age special needs child lives in the Borough, the Borough is ultimately responsible for paying for their education needs.

Ms. Sicheri added that because the Borough will not be receiving as much in taxes without the tax incentive that the rest of the community has to absorb the costs of educating any special needs children or any child that come out of the project which will ultimately increases the school budget.

Mr. Cervieri stated the Housing Authority lost over thirty-five Section 8 vouchers this year because of federal government cutbacks. Those vouchers are completely gone. He was speaking in particular with regard to landlords having a guaranteed rental income with regard to Section 8 Housing. Affordable housing does not fall under Section 8 Housing. It's the Borough's responsibility to educate all school-age children whether they are special needs or not.

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Mayor Sokolich replied if the Borough is obligated as a community to pay for the housing the taxpayer's are going to pay for the project based on the cost of units. He reiterated the bigger picture has to be looked at. The Borough is able to provide special needs housing, afford and satisfy its constitutional mandate and for the most part do it on someone else's cost and expense. He said that if the Borough didn't have the foresight to see this project through then residents should

call for his job.

Ms. Sicheri replied that giving the developer a tax abatement is tough to swallow in this economy.

Mayor Sokolich replied the Borough always knew with regard to Redevelopment Area 5 that the special needs housing was needed in able to satisfy the borough's affordable housing requirements for Redevelopment Area 5. The Daibes project is part of a much larger picture that the Borough knew from the beginning.

Nina Levinson, 1560 West Street, stated that she is not against affordable housing. She asked how the money is generated from the project broken down between the municipality and the school board.

Mr. Cervieri responded that the municipality gets 95% of it and Bergen County gets the remaining 5%.

Ms. Levinson stated that school share falls on the rest of the community.

Mr. Cervieri stated that the PILOT percentage is 6.28% on the special needs and 10% on the remaining units.

Ms. Levinson asked why isn't the remaining non special-need units taxed regularly and suggested that they be taxed regularly

Mayor Sokolich replied that he will take her suggestion under advisement.

Tom Meyers, 1590 Anderson Avenue, spoke to his family long time roots in the Borough and even though things are difficult, he wants to remain in the Borough. He believes the Mayor and Council should be applauded for trying to make the town affordable to live in. He said if Fort Lee gets too overpriced then blue collar and emergency workers such as ambulance personnel and firemen will leave and then Fort Lee will have to pay for a paid fire department which will push everyone's taxes much higher. Mayor Sokolich like all the Mayors in the Borough that he can remember have supported affordable housing. He supports Redevelopment Area 5, but in the shadow of the towers being built, he's very happy the Mayor and Council are taking care of people who need a little help. He added that for over thirty years he has gone to borough planning board and zoning board meetings and has stated numerous times that he's against one-family homes being knocked down in favor of two-family homes which has been a major cause of the overcrowding within the Fort Lee school system.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Sohmer.**

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, the Ordinance was **adopted** on the following roll call:

AYES: Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri
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PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-25.

CA-1 - Payment of Claims

BE IT RESOLVED that the following claims, the details for

which are attached hereto and made a part hereof, are hereby authorized to be paid, having been audited and found correct by the Borough Administrator and Chief Financial Officer.

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$11,414,129.04
Capital	145,103.84
Road Improvement Plan	n/a
Multiple Dwelling	n/a
Construction Fees	n/a
COAH Fees	n/a
Trust Account (Old)	n/a
Senior Citizen Advisory Council	1,519.00
Trip Admissions	22,921.40
Wedding Fees	n/a
Trust Account (Accutrack)	54,420.73
Special Dog Account	n/a
Centennial Fund	n/a
Disability Insurance Trust	n/a
Unemployment Compensation Trust	n/a
Public Assistance Trust Fund	n/a
Police Activity Trust	n/a
Fort Lee Film Commission	n/a
Redemption Account	7,067.40
School Resource Account	1,261.24
Dedicated Penalties	n/a
POAA	n/a
Cop Card Donation	n/a
Police Treasury	14,924.59
Police Justice	n/a
Flexible Spending	<u>n/a</u>
Total:	\$11,661,347,24

CA-2 - Accepting Auditor's Annual Report for 2012

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the **year 2012** has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit

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entitled: "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt

of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Fort Lee, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

CA-3 - Accepting Six Month Maternity Leave for Kate Denis, Senior Clerk Typist in the Building Department - Retroactive to July 12th

BE IT RESOLVED that **Kate Denis, Senior Clerk Typist** with the **Building Department** has submitted a request dated June 18, 2013, requesting a leave of absence for six months, and the Mayor and Council have accepted same for a period of six months; and

BE IT RESOLVED that Ms. Denis' leave of absence shall be granted for a period of six months, commencing July 12, 2013 through January 13, 2013.

CA-4 - Authorizing Title Change for Jay Scheiner from Senior Clerk Typist to Keyboarding Clerk 3 (Principal Clerk Typist) 7% Salary Increase

BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that **Jay Scheiner, Senior Clerk Typist** with the Finance Department, be promoted to **Keyboarding Clerk 3 (Principal Clerk Typist)**, in commensurate with a 7% salary increase in accordance with the White Collar Contract; and

BE IT FURTHER RESOLVED that this promotion be effective **July 1, 2013**, and this title is provisional pending certification by the New Jersey Civil Service Commission.

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CA-5 - Authorizing Title Change and Salary Increase for James Rumi in the DPW - From Laborer to Truck Driver, Grade 10, Step A, - \$1,843.00 Salary Increase

BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that **James Rumi, Laborer, Grade 9, Step A** with the **Department of Public Works**, has obtained his CDL License and shall be promoted to the position of **Truck Driver, Grade 10, Step A**, at a salary increase of **\$1,843.00**, pursuant to the 2013 Blue Collar Salary Ordinance; and

BE IT FURTHER RESOLVED that this promotion be **effective July 1, 2013**, and this title is provisional pending certification by the New Jersey Civil Service Commission.

CA-6 - Authorizing Title Change and Salary Increase for John Mattessich in the DPW - From Truck Driver to Pumping Station Attendant, Grade 12, Step E - \$3,585.00 Salary Increase

BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that **John Mattessich**, Truck Driver, Grade 10, Step F with the Department of Public Works, has been working under the Sewer Division for some time and shall be promoted to **Pumping Station Attendant**, Grade 12, Step E at a salary increase of **\$3,585.00**, pursuant to the 2013 Blue Collar Salary Ordinance; and

BE IT FURTHER RESOLVED that this promotion be effective **July 1, 2013**, and the title is provisional pending certification by the New Jersey Civil Service Commission.

CA-7 - Authorizing Title Change and Salary Increase for Patrick Ferrara in the DPW - From Truck Driver to Supervisor of Public Works, Grade 17 Step D - \$10,340.00 Salary Increase

WHEREAS, **Patrick Ferrara**, of the **Department of Public Works** has assumed supervisory duties for some time in the department, including overseeing projects and providing a leadership role in supervising the staff of the Department of Public Works/Parks; and

WHEREAS, **Patrick Ferrara**, Truck Driver, Grade 10, Step F, is promoted to the title of **Supervisor of Public Works, Grade 17, Step D** and this title is provisional pending certification by the New Jersey Civil Service Commission,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that **Patrick Ferrara** be given a salary increase of **\$10,340.00**, pursuant to the 2013 Blue Collar Salary Ordinance, with an effective date of **July 1, 2013**.

CA-8 - Authorizing Salary Increase for Alan Batch, Senior Maintenance Repairer/Supervisor With General Service for Additional Duties and Supervisory Responsibilities - \$3,000.00 Salary Increase

BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that **Alan Batch, Senior Maintenance Repairer/Supervisor**, with the **General Services Department**, Grade 17, Step G, be given a salary increase in the amount of **\$3,000.00** for additional duties and supervisory responsibilities that he has assumed for the past year in the department; and

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BE IT FURTHER RESOLVED that this salary increase be **effective July 1, 2013** for Mr. Batch's base salary to be \$101,526.00.

CA-9 - Appointing Stephen Gallagher, Police Lieutenant, (Communications Center Supervisor) as the Borough's 9-1-1 Coordinator

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE APPOINTING A COORDINATOR FOR THE BOROUGH'S EMERGENCY TELEPHONE SYSTEM

WHEREAS, the Borough of Fort Lee ("Borough") is required pursuant to State law and the regulations of the State Department of Treasury to appoint a coordinator for the Borough's emergency telephone system ("9-1-1 System"); and

WHEREAS, the municipal coordinator of the 9-1-1 System is responsible for maintaining a plan for enhanced emergency services throughout the Borough and for developing such revisions to the plan as may be necessary for review by the Mayor and Council of the Borough; and

WHEREAS, the Borough's current municipal coordinator for the 9-1-1 System is retiring, and it is necessary for the Borough to appoint a replacement; and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, the Borough has received a written recommendation from Keith M. Bendul, Chief of Police of the Fort Lee Police Department, requesting the appointment of Lt. Stephen Gallagher, Communications Center Supervisor as the municipal coordinator of the 9-1-1 System; and

WHEREAS, Lt. Gallagher has completed the required training course for 9-1-1 Emergency Communications Operator and New Jersey Emergency Medical Dispatch, and is fully qualified to serve as the Borough's coordinator for the 9-1-1 System; and

WHEREAS, the Mayor and Council of the Borough are desirous of appointing Lt. Gallagher to serve as municipal coordinator for the 9-1-1 System in accordance with the requirements and procedures mandated under N.J.S.A. 52:17C-1 et seq. and N.J.A.C. 17:24-5.1 et seq.,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, as follows:

1. That Lt. Stephen Gallagher of the Fort Lee Police Department is hereby appointed to serve as the municipal coordinator for the Borough's 9-1-1 System.

2. That Lt. Gallagher shall perform all such duties and carry out all of the responsibilities as set forth in the existing plan for enhanced emergency services throughout the Borough and in accordance with the requirements and procedures mandated under N.J.S.A. 52:17C-1 et seq. and N.J.A.C. 17:24-5.1 et seq..

3. That no further action of the Borough shall be required.

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CA-10 - Authorizing Payment of Marriage Fees to the State of New Jersey for Period Covering April 1, 2013 Through June 30, 2013 - \$1,375.00

BE IT RESOLVED, that the Tax Collector-Treasurer be authorized to draw a check drawn from the Current Account, Bank of America payable to the Treasurer, State of New Jersey, in the amount of **\$1,375.00** to cover fees collected for marriage licenses for the period covering April 1, 2013 through June 30, 2013. Fees are to be forwarded on a quarterly basis to the Department of Human Services; and

BE IT FURTHER RESOLVED that there were no Civil Unions during the aforementioned time period.

CA-11 - Accepting Boswell McClave Engineering Proposal for Main Street Corridor Realignment Study - \$1,800.00

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES

WHEREAS, there exists a need for the Borough of Fort Lee ("Borough") to retain the services of a licensed engineer to perform a corridor realignment study for Main Street and the preparation of a conceptual drawing with associated impact and costs ("Realignment Study"); and

WHEREAS, the Realignment Study is necessary to evaluate the potential for narrowing of the Main Street roadway corridor, widening of the pedestrian sidewalks, and beautification of the streetscape; and

WHEREAS, said services are recognized as "professional services" as same shall be rendered by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instruction and study, pursuant to and in accordance with N.J.S.A. 40A:11-2(6); and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, the Borough wishes to retain the services of Boswell McClave Engineering ("Boswell") to perform such professional engineer services in accordance with its proposal, dated June 28, 2013, attached hereto; and

WHEREAS, Boswell possesses the requisite expertise and skilled personnel required to provide professional engineering services related to the preparation of the Realignment Study; and

WHEREAS, the Mayor and Council of the Borough are desirous of awarding a contract for professional engineering services to Boswell in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without

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competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the professional engineering services for this phase of the project will be performed by Boswell at a cost not-to-exceed \$1,800.00, and the contract for such professional engineering services is awarded pursuant to a "fair and open" process in accordance with the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Mayor and Council have determined that funds are available for this purpose, and

WHEREAS, the award of a contract for the provision of professional engineering services to perform a Realignment Study is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. That Boswell shall be and is hereby appointed to provide professional engineering services related to the performance of a Realignment Study, in accordance with its proposal, dated June 28, 2013, attached hereto (Available in the Office of the Borough Clerk) and made a part hereof, for a cost not-to-exceed **\$1,800.00**, and the terms and provisions of the agreement by and between Boswell and the Borough, dated as of January 1, 2013, for services as the Borough Engineer.

2. That upon 80% completion of the engineering work pursuant to this resolution, Boswell shall provide written notice to the Borough Clerk as to whether the services will be completed within the budget established for the services. If the services are expected to exceed the budget, Boswell shall submit a detailed cost overrun schedule for review and consideration by the Borough.

3. That Boswell is specifically placed on notice that it will be required to comply with the Affirmative Action regulations of P.L. 1975 c. 127.

4. That a notice of the contract award shall be published as may be required by law, and this resolution must be available for public inspection, in accordance with the requirements of N.J.S.A. 40A:11-1 et seq.

5. That the Chief Financial Officer has certified that funds are available for this purpose.

6. That no further action of the Borough shall be required.

**CA-12 - Accepting Boswell McClave Engineering Proposal for 2013
New Jersey Department of Transportation Local Aid Project for
Whiteman Street - Fee Not to Exceed \$12,500.00**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH
OF FORT LEE AUTHORIZING THE AWARD OF A CONTRACT FOR
PROFESSIONAL ENGINEERING SERVICES**

WHEREAS, the Borough of Fort Lee ("Borough") has been approved to receive a Municipal Aid Grant in the amount of \$150,000.00 from the New Jersey Department of Transportation for

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the construction of improvements to Whiteman Street in the Borough; and

WHEREAS, there exists a need for the Borough to retain the services of a licensed engineer to prepare construction plans and specifications for improvements to Whiteman Street in the Borough; and

WHEREAS, said services are recognized as "professional services" as same shall be rendered by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instruction and study, pursuant to

and in accordance with N.J.S.A. 40A:11-2(6); and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, the Borough wishes to retain the services of Boswell McClave Engineering ("Boswell") to perform such professional engineer services in accordance with its proposal, dated June 4, 2013, attached hereto; and

WHEREAS, Boswell possesses the requisite expertise and skilled personnel required to provide professional engineering services related to the preparation of construction plans and specifications for improvements to Whiteman Street in the Borough; and

WHEREAS, the Mayor and Council of the Borough are desirous of awarding a contract for professional engineering services to Boswell in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the contract for professional engineering services to be performed by Boswell is awarded pursuant to a "fair and open" process in accordance with the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Mayor and Council have determined that funds are available for this purpose; and

WHEREAS, the award of a contract for the provision of professional engineering services related to the preparation of construction plans and specifications for improvements to Whiteman Street in the Borough is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. That Boswell shall be and is hereby appointed to perform professional engineering services related to the preparation of construction plans and specifications for improvements to Whiteman Street in the Borough, in accordance with its proposal, dated June 4, 2013, in an amount not to exceed **\$12,500.00**. (Available in the

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Office of the Borough Clerk)

2. That upon 80% completion of the engineering work pursuant to this Resolution, Boswell shall provide written notice to the Borough Clerk as to whether the services will be completed within the budget established for the services. If the services are expected to exceed the budget, Boswell shall submit a detailed cost overrun schedule for review and consideration by the Borough.

3. That Boswell is specifically placed on notice that it will be required to comply with the Affirmative Action regulations of P.L. 1975 c. 127.

4. That a notice of the contract award shall be published in accordance with law, and this resolution must be available for

public inspection, in accordance with the requirements of N.J.S.A. 40A:11-1 et seq.

5. That the Chief Financial Officer shall certify as to the availability of funds for this purpose.

6. That no further action of the Borough shall be required.

CA-13 - Awarding Contract to Millenium Strategies, LLC, Caldwell, New Jersey, for Grant Funding Consulting Services - \$3,000.00 Monthly - Effective August 1st Through the End of 2013

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AWARDING A CONTRACT TO MILLENNIUM STRATEGIES, LLC FOR GRANT FUNDING CONSULTING SERVICES

WHEREAS, there exists a need for the Borough to retain the services of a company to investigate the availability of, and obtain, governmental and non-governmental funding opportunities for Borough projects; and

WHEREAS, the Borough has solicited, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and received a quotation for the provision of grant funding consulting services; and

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("Borough") wish to award a contract for the provision of grant funding consulting services; and

WHEREAS, the Local Public Contracts Law, and specifically N.J.S.A. 40A:11-6.1, authorizes, without public advertising for bids and bidding therefor, the purchase of any goods or services whose value does not exceed the bidding threshold of \$36,000.00; and

WHEREAS, Millennium Strategies, LLC ("Millennium") has submitted a proposal, dated April 1, 2013, outlining the grant funding consulting services to be provided to the Borough for projects in order to maximize the Borough's resources for the benefit of the Borough's residents and business community; and

WHEREAS, the services for grant funding consulting services to be performed by Millennium at a cost that is below the threshold of \$17,500.00 under the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq., and, therefore, the contract is exempt from the provisions of the New Jersey Local Unit Pay-To-Play Law; and

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WHEREAS, the Borough has reviewed its available funds and has determined that sufficient funds are available to award a contract for the provision of grant funding consulting services; and

WHEREAS, the award of a contract for the provision of grant funding consulting services is in the best interests of the Borough; and

WHEREAS, the Borough has determined that the award of this contract is necessary for its efficient operations,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. That Millennium Strategies, LLC, 60 Roseland Avenue, Caldwell, New Jersey, shall be and is hereby appointed to provide grant funding consulting services in accordance its proposal, dated April 1, 2013, attached hereto and made a part hereof, expressly subject to and contingent upon the execution of an agreement in form and substance satisfactory to the Borough.

2. That this contract is awarded without competitive bidding, in accordance with the Local Public Contracts Law, specifically N.J.S.A. 40A:11-6.1, because the value of the goods or services does not exceed the bidding threshold and the Borough has obtained competitive quotations for the goods or services.

3. That the Mayor shall be and is hereby authorized to execute a contract between the Borough and Millennium, providing for total compensation for the provision of grant funding and consulting services in accordance with its proposal to the Borough in the amount of **\$15,000.00**, and further memorializing the scope of work and such other terms and conditions as may be necessary.

BE IT FURTHER RESOLVED that the Borough's Chief Financial Officer certifies that funds are available for the contract.

BE IT FURTHER RESOLVED that the original proposal and contract are available for public inspection in the Borough Clerk's office.

BE IT FURTHER RESOLVED that the Borough Clerk shall advertise the award of the contract in a newspaper as required by law.

CA-14 - Approving Various Liquor License Renewals for 2013-2014

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that plenary retail consumption licenses, plenary retail distribution licenses, plenary retail consumption w/broad package privilege, and club licenses for the year **2013/2014** be issued to each of the applicant(s) listed on the attached pages for premises designated opposite their respective names for the distribution or sale of alcoholic beverages.

STATE LICENSE #	LICENSEE	TRADE NAME
0219-33-034-004	SLUMBER INC.	HOLIDAY INN -
GWB		

BE IT FURTHER RESOLVED that the Borough Clerk be and hereby is authorized and directed to sign said licenses and affix the corporate seal of the Borough of Fort Lee thereto.

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CA-15 - Approving Person-to-Person/Place-to-Place Liquor License Transfer From Vin Romane LLC (Pocket License) to YS Beverage LLC at 1651 Bergen Boulevard

WHEREAS, an application has been filed for a person to person and place to place transfer of plenary retail distribution license **0219-44-039-005**, heretofore issued to **Vin Romane LLC, (Pocket License)** a limited liability company for premises located at a mailing address of **1 University Plaza, Suite 404, Hackensack, New Jersey 07601**; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the applicant has received a tax clearance certificate for person to person transfer from the State of New Jersey, Department of the Treasury, Division of Taxation, Trenton, New Jersey; and

WHEREAS, said application for the place-to-place portion of the transfer has been reviewed and approved by the Construction Code Official and the Fire Sub-Code Official,

NOW, THEREFORE, BE IT RESOLVED that the Borough of Fort Lee governing body, does hereby approve the person-to-person/place-to-place transfer of the aforesaid plenary retail distribution license to **YS Beverage LLC, at 1651 Bergen Boulevard, Fort Lee, New Jersey 07024** effective **July 18, 2013** and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership.

CA-16 - Authorizing Submission of Sustainable NJ Grants Funded by Wal-Mart for a Community Garden and a Capacity Building Grant for the Green Team

**A RESOLUTION OF SUPPORT FROM LOCAL GOVERNNG BODY
AUTHORIZING THE SUSTAINABLE JERSEY Grant FUNDED BY
WAL-MART**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Fort Lee strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Borough of Fort Lee is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress
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on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants funded by Wal-Mart; and

WHEREAS, the Borough has prepared an application request in the amount of \$10,000.00 for the construction, operation and maintenance of a Community Garden at the William T. Birch Park; and

WHEREAS, the Borough has prepared an second application request for a Green Team in the amount of \$2,000.00 capacity building grant to support efforts of the Borough's Green Team.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body has determined that the Borough of Fort Lee should apply for the aforementioned Grants; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Fort Lee, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grants funded by Wal-Mart.

CA-17 - Authorizing Purchase of Police Department Communication Consoles from Ergoflex System Inc., d/b/a XYBIX System Inc., Littleton, Colorado through New Jersey State Contract #83922 T-0109 - \$66,467.46

WHEREAS, the Borough of Fort Lee Police Department is desirous of purchasing police department communication consoles; and

WHEREAS, the computer consoles and various equipment associated with the consoles is available via New Jersey State Contract #83922 T-0109; and

WHEREAS, the total cost of the expenditure is over the bid threshold amount of \$36,000.00 and must be authorized by resolution of the governing body; and

WHEREAS, this contract may be awarded without competitive bidding as a recognized exception under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., since the goods and/or services are to be provided as a result of a contract to be entered into with the State of New Jersey, pursuant to and in accordance with N.J.S.A. 40A:11-5(2),

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Fort Lee authorizes the purchase of police department communication consoles and it's associated equipment from Ergoflex System, Inc., d/b/a XYBIX System Inc., 8207 South Park Circle, Littleton, Colorado 80120, in the amount of **\$66,467.46**; and

WHEREAS, the Local Public Contracts Law requires that the resolution awarding a contract without competitive bidding must be available for public inspection; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for this purchase through the Police Department's Capital Account #04-2150-55-1221-009.

CA-18 - Approving Change Orders 1 and 2 for Reggio Construction Inc., Fort Lee, New Jersey for Roadway Improvements to Brinkerhoff Avenue - (-4,344.75)

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BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the following Change Order be approved:

GENERAL CONSTRUCTION: Roadway Improvements to Brinkerhoff Avenue (Section 2 - NJDOT Grant)

ENGINEER: Boswell McClave Engineering

CONTRACTOR: Reggio Construction Inc.
1575 West Street
Fort Lee, New Jersey 07024

CHANGE ORDER #'S: 1 & 2

ORIGINAL CONTRACT COST: \$155,572,426

COST OF CHANGE ORDER \$ -4,344.75

NEW CONTRACT SUM: \$151,227.71

NATURE OF CHANGES: Less Materials Used #1 (-3,043.50)
 Less Materials Used #2 (-1,301.25)

CAPITAL ACCOUNT # 04-2150-55-1024-101

CA-19 - Authorizing Renewal of Membership in the South Bergen Municipal Joint Insurance Fund for Three (3) Years 2014-2016

WHEREAS, the Borough of Fort Lee is a member of the South Bergen Municipal Joint Insurance Fund; and

WHEREAS, said membership terminates as of December 31, 2013 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW, THEREFORE, BE IT RESOVED as follow:

1. The Borough of Fort Lee agrees to renew its membership in the South Bergen Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.

2. The Mayor and Borough Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto (see renewal membership agreement) and to deliver same to the South Bergen Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

CA-20 - Authorizing Rejection of Bids for the Resurfacing of Basketball and Tennis Courts in William Birch Park and Authorizing Rebid of Same

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE REJECTING BIDS FOR THE RESURFACING OF TENNIS AND BASKETBALL COURTS AT WILLIAM BIRCH PARK IN THE BOROUGH

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WHEREAS, the Mayor and Council of the Borough of Fort Lee ("Borough") have determined that it is necessary to contract for the resurfacing of tennis and basketball courts at William Birch Park in the Borough; and

WHEREAS, on June 7, 2013, pursuant to resolution and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough solicited bids for the resurfacing of tennis and basketball courts in William Birch Park in the Borough; and

WHEREAS, on June 21, 2013, bids were received from the following bidders in response to the Borough's public solicitation for bids for the resurfacing of tennis and basketball courts in William Birch Park in the Borough:

Classic Turf Company, LLC	\$315,000.00
Woodbury, Connecticut	

D&S Land Development, LLC
Ramsey, New Jersey

\$554,000.00

; and

WHEREAS, after a review of the bids, it was determined that the bid of the Classic Turf Company, LLC was substantially non-compliant with the technical requirements of the Bid Specifications as it failed to include a consent of surety for performance security and a New Jersey Business Registration Certificate in accordance with the material requirements of the Bid Specifications; and

WHEREAS, the failure to submit a consent of surety and a New Jersey Business Registration Certificate as set forth in the Bid Specifications warrants a rejection of the bid as non-complying and non-responsive under the Local Public Contracts Law; and

WHEREAS, specifically N.J.S.A. 40A:11-23.2, provides that a contractor's failure to provide a consent of surety or a New Jersey Business Registration Certificate in compliance with the requirements of the Bid Specifications is a material and non-waivable defect, rendering the bid to be unresponsive without any possibility of being cured; and

WHEREAS, after a review of the bids, it was determined that the price bid by D&S Land Development, LLC was unreasonable as the price substantially exceeded the engineering estimate for the project; and

WHEREAS, the bid of D&S Land Development, LLC, being deemed unreasonable as the price substantially exceeded the engineering estimate for the project, warrants a rejection of the bid under the Local Public Contracts Law; and

WHEREAS, specifically N.J.S.A. 40A:11-5(3), provides that a bid may be rejected where a price has been determined to be unreasonable on the basis of cost estimates prepared for or by the contracting agent prior to the advertising of bid specifications; and

WHEREAS, the Borough has concluded, on the basis of the foregoing, that the bid of D&S Land Development, LLC should be rejected in accordance with the Local Public Contracts Law as unreasonable as to price on the basis of cost estimates prepared for the Borough prior to the advertising of bid specifications for the project; and

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WHEREAS, the Borough has determined that the award of this contract is necessary for its efficient operations; and

WHEREAS, the Borough wishes to authorize the Borough Administrator to reissue the Bid Specifications for the resurfacing of tennis and basketball courts at William Birch Park in the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey that the bid submitted by D&S Land Development, LLC be and is hereby rejected in accordance with the Local Public Contracts Law as unreasonable as to price on the basis of cost estimates prepared for the Borough prior to the advertising of bid specifications for the project.

BE IT FURTHER RESOLVED that the bid submitted by Classic Turf Company, LLC be and is hereby rejected for failure to provide a binding consent of surety and a New Jersey Business Registration

Certificate as required by the Bid Specifications.

BE IT FURTHER RESOLVED that the bid security of the bidders be returned in accordance with the Local Public Contracts Law.

BE IT FURTHER RESOLVED that the Borough Administrator be and is hereby authorized to reissue the Bid Specifications for the resurfacing of tennis and basketball courts at William Birch Park in the Borough as the award of this contract is necessary for its efficient operations of the Borough.

BE IT FURTHER RESOLVED that a copy of this resolution shall be maintained in the Office of the Borough Clerk and made available for public inspection.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

CA-21 - Authorizing Request, Review and Approval of a Revised Municipal Affordable Housing Trust Fund Spending Plan

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE WITHDRAWING REQUEST FOR REVIEW AND APPROVAL BY THE COUNCIL ON AFFORDABLE HOUSING OF A REVISED MUNICIPAL AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

WHEREAS, the Governing Body of Borough of Fort Lee, County of Bergen, State of New Jersey ("Borough"), petitioned the Council On Affordable Housing ("COAH") for substantive certification of its Third Round Housing Element and Fair Share Plan on December 18, 2010 and submitted an updated Housing Element and Fair Share Plan to COAH for review and approval on February 2, 2010; and

WHEREAS, the Borough submitted a Spending Plan with its Third Round petition; and

WHEREAS, the Borough's Prior Round spending plan was approved by COAH on November 4, 1998; and

WHEREAS, the Borough submitted a revised Third Round Spending Plan to COAH pursuant to a motion for a waiver from N.J.A.C. 5:97-8.1(d); and

WHEREAS, COAH granted approval of the Borough's Third Round Spending Plan on December 15, 2010; and

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WHEREAS, by resolution adopted on November 15, 2012, the Borough submitted proposed revisions to its approved Third Round spending Plan to make potential adjustments to that plan; and

WHEREAS, COAH has not considered the Borough's proposed revisions to its approved Third Round Spending Plan; and

WHEREAS, upon further review of its affordable housing programs and budgets the Borough considers that its spending of municipal affordable housing trust funds is most accurately reflected in the approved Third Round Spending Plan and that it is not necessary to make further adjustments to that plan at this time,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Fort Lee, County of Bergen, hereby withdraws its request, as set forth in its resolution adopted on November 15, 2012 that COAH review and approve revisions to the Borough of Fort Lee's approved Third Round Spending Plan.

CA-22 - Authorizing Execution of a Shared Services Agreement with the Borough of Palisades Park for an Interconnection of a Specific Property in Palisades Park with the Fort Lee Sanitary Sewer System (Fourteenth Street and East Edsall Boulevard in Palisades Park)

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF PALISADES PARK FOR AN INTERCONNECTION OF A SPECIFIC PROPERTY LOCATED WITHIN THE BOROUGH OF PALISADES PARK WITH THE FORT LEE SANITARY SEWER SYSTEM

WHEREAS, the Borough of Fort Lee ("Borough") is a municipal corporation of the State of New Jersey in the County of Bergen, established in accordance with N.J.S.A. 40A:60-1 et seq.; and

WHEREAS, the Borough of Palisades Park ("Palisades Park") is a municipal corporation of the State of New Jersey in the County of Bergen, established in accordance with N.J.S.A. 40A:60-1 et seq.; and

WHEREAS, the Borough and Palisades Park both operate and maintain sanitary sewer systems within their municipal boundaries for the health, safety and welfare of their respective citizens; and

WHEREAS, Berkeley Palisades Park, LLC ("Berkeley"), 250 Pehle Avenue, Suite 200, Saddle Brook, New Jersey, has received all necessary approvals from the Planning Board of Palisades Park to construct a sixteen unit residential development at Fourteenth Street and East Edsall Boulevard in Palisades Park ("Property"); and

WHEREAS, the topography and wetlands associated with the Property make it impractical for sewer lines to be connected to the Palisades Park sewer system; and

WHEREAS, Palisades Park has requested that the Borough accept the connection of the Property into the Borough's sanitary sewer system, subject to reimbursement by Palisades Park to offset the costs associated with the additional flow introduced into the Borough's sanitary sewer system for processing at the Bergen County Utilities Authority ("BCUA") sewerage treatment plant; and

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WHEREAS, it will be necessary in order to connect the Property into the Borough's sanitary sewer system that Berkeley install and maintain a force main; and

WHEREAS, in lieu of installing a meter at the Property, engineers on behalf of Palisades Park have calculated the additional cost from the Property utilizing the number of dwelling units and the expected flow in accordance with regulations of the New Jersey Department of Environmental Protection; and

WHEREAS, the Borough's engineer has review the details of the interconnection and the estimated costs for sewerage treatment services for sanitary sewage generated from the Property and determined that the interconnection will have a de minimus impact on the Borough's sewer line and the Stillwell Avenue Pump Station, and that the fixed rate reimbursement methodology, which was based upon conservative assumptions, is reasonable; and

WHEREAS, Palisades Park has requested that the Borough enter into an shared services agreement whereby the Borough would accept the connection of the Property into the Borough's sanitary sewer

system and Palisades Park would reimburse the Borough for the costs associated with the additional flow introduced into the Borough's sanitary sewer system; and

WHEREAS, all costs for the interconnection to the Borough's sanitary sewer system will be the sole responsibility of Boulevard East; and

WHEREAS, in order to accommodate its neighboring municipality, the Borough wishes to enter into a shared services agreement, substantially similar to the agreement attached hereto, permitting the connection of the Property into the Borough's sanitary sewer system, subject to reimbursement by Palisades Park for the costs associated with the additional flow introduced into the Borough's sanitary sewer system; and

WHEREAS, the entry into a shared services agreement with Palisades Park is in accordance with the Municipal Services Act is in the best interests of the Borough,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. That entry into an shared services agreement with Palisades Park, upon terms substantially similar to the agreement attached hereto, is pursuant to and in accordance with the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., and is hereby authorized.

2. That the Mayor shall be and is hereby authorized to execute an agreement, in substantially the same form as that attached hereto, between the Borough, Palisades Park, and Berkeley, memorializing the terms and conditions for the interconnection of the Property with the Borough's sanitary sewer system.

3. That upon execution of such shared services agreement, this resolution and the agreement between the parties shall be available for public inspection in the Office of the Borough Clerk.

4. That no further action of the Borough shall be required.

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CA-23 - Accepting Retirement Notice From Police Officer Richard Stanley - Effective August 1st

BE IT RESOLVED that Police Officer Richard Stanley with the Police Department has submitted a retirement notice dated June 28, 2013 and the Mayor and Council have accepted same; and

BE IT RESOLVED that Detective Stanley's retirement will be effective August 1, 2013 with the Borough of Fort Lee.

CA-24 - Authorizing Acceptance and Execution of a Contract With Bergen County Through the Bergen County Open Space Trust Fund Program for the Project Entitled Inwood Terrace Park Improvements, Block 1053, Lot 1 for 2012 Funding Round 2012 - \$32,000.00

BE IT RESOLVED, that the Mayor and Council of the Borough of Fort Lee wish to enter into a grant agreement with the County of Bergen for the purpose of using a **\$32,000.00** grant award from the 2012 Funding Round of the Bergen County Open Space, Recreation,

Total All Projects 6,357,684 1,357,684 1,000,000 1,000,000 1,000,000 1,000,000 1,000,000

**6 YEAR CAPITAL PROGRAM 2013-2018
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

Project	Estimated Total Cost	Capital Improvement Fund	Grants in Aid and Other Funds	Bonds and Notes General
2013-1	6,000,000	300,000		5,700,000
Total All Projects	6,357,684	308,942	178,842	5,869,900

TO CAPITAL BUDGET (CURRENT YEAR ACTION 2013)

Project	Project Number	Estimated Total Cost	Capital Improvement Fund	Grants in Aid and Other Funds	Debt Authorized	To Be Funded In Future Years
Various Imp.	2013-1	6,757,000	83,682		1,673,318	5,000,000
Total All Projects		7,114,684	92,624	178,842	1,843,218	5,000,000

**6 YEAR CAPITAL PROGRAM 2013-2018
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS**

Project	Project #	Estimated Total Cost	Estimated Completion Time	Funding Amounts Per Year					
				Budget Year 2013	Budget Year 2014	Budget Year 2015	Budget Year 2016	Budget Year 2017	Budget Year 2018
Various Impr	2013-1	6,757,000	2013	1,757,000	1,000,000	Each Year	for 2013-2018		
Total All Projects		7,114,684		2,114,684	1,000,000	Each Year	for 2013-2018		

**6 YEAR CAPITAL PROGRAM 2013-2018
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

Project	Estimated Total Cost	Capital Improvement Fund	Grants in Aid and Other Funds	Bonds and Notes General
2013-1	6,757,000	333,682		6,424,318
Total All Projects	7,114,684	342,624	178,842	6,593,218

BE IT FURTHER RESOLVED that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

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The Resolution was **approved** on the following roll call:

AYES: Council Members Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

Messrs. Sokolich and Cervieri both noted that Mr. Pohan was in favor of Ordinance #2013-19 (Execution of a Financial Agreement Between the Borough and Assad Y. Daibes Memorial Urban Renewal Foundation) and he would have voted affirmatively earlier, if he was present tonight.

COUNCIL REPORTS

Councilman Sohmer - congratulated the new police officers hired this evening and stated they will be joining a great police force.

He also congratulated Officer Stanley on his retirement. He has served the Borough well.

He said that the additional bus service to the ferry will

begin on Monday, July 29th. For schedule information contact the Parking Authority at 201-592-3500 ext. 1402 or 1518.

Councilman Goldberg - stated that this Saturday, the Fort Lee Film Commission "Music and Movie" series continues at the Jack Alter Fort Lee Community Center with music by Roosevelt Dime followed by the movie "Frankenweenie". On Saturday, July 27th the music is by Double Tap followed by the 50th anniversary edition of "It's a Mad, Mad, Mad, Mad World". On Saturday, August 3rd the music is by the Doughboys followed by the movie "Skyfall". All the shows begin with the music at 7:00 p.m. followed by the movie at 8:30 p.m.

He added that next Wednesday, July 24th the Recreation Center will be sponsoring the Duprees who will also be performing at the Jack Alter Community Center.

He stated that people came up earlier this evening who accused the Mayor and Council of not caring about the school system which couldn't be farther from the truth. There is pending legislation that would have the school boards reimburse tax appeals from their portion of the budget which doesn't currently exist. The Mayor and Council do not agree with the pending legislation. Currently, whenever there is a successful tax appeal that money is paid only out of the municipal side of the budget.

He closed by stating that any affordable housing built by the Borough would be astronomically high. The Borough would never do it and there wouldn't be any development. The Daibes project is paramount to the future of the Borough. Redevelopment Area 5 would have never happen without this project being considered as part of a much larger picture.

Councilman Sargenti - stated that three of the council people have wives who are or were school teachers. For people to say that the governing body doesn't care about the school system is wrong. Decisions by the governing body are based on the impact that they will have for the entire town. Redevelopment Area 5 and the Daibes project are both investments for the town which Daibes project is part of the borough's State required affordable housing obligation.

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He recommended due to the continuing heat wave that people stay inside and cool off and drink fluids such as water and Gatorade to stay hydrated.

Councilwoman Kasofsky - commented that the Governor's Office has called this weather an excessive heat wave. The Borough has an air-conditioning ordinance so if a resident is not being supplied air-conditioning they can contact health department at 201-592-3500 ext. 1510.

She stated that this Sunday, July 21st at 2:00 p.m. the Fort Lee Public Library will welcome back the BALAM Dance Theatre. Their eclectic program, entitled "The Faces of Love" will include Balinese, Spanish, Baroque and original masked dances inspired from different stories of love.

She further stated that on Sunday, July 28, at 2:00 p.m. the library will also welcome back Carlos Colina & Straight Up whose music is of traditional and modern Blues with a jazz flavoring.

Councilman Cervieri - added that the new ferry bus service schedule can be found at www.nywaterway.com. The additional service will take vehicles off the road which is another benefit of the service which service is provided and run by the Parking Authority.

He added that the Parking Authority continues to provide tremendous non-emergency medical and shopping bus services to the seniors in the Borough.

He stated that he is very happy with the outcome of the PILOT program adopted earlier this evening. The Borough is in dire need of affordable housing. He's always been a strong advocate of making the Borough an affordable place to live, work and raise a family.

He closed by stating the Mayor and Council, Borough Administrator and Borough Clerk take their fiduciary responsibilities seriously and he's privileged being a member of the governing body.

Councilman Goldberg - on behalf of the Mayor and Council offered his condolences on the loss of Nelson Page's mother.

Mayor Sokolich - stated that last week he was at a film festival in Zagreb, Croatia. He's hopeful that once the borough theater is built as part of Redevelopment Area 5 that Tom Meyers will be able to put together a film festival for the Borough.

PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the meeting was opened to the public for discussion.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Doug Sugarman 2100 Linwood Ave.	.Daibes PILOT Agreement/ Affordable Housing	Mr. Cervieri

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Bruce Rosenbaum 555 North Ave.	.Commended Frank Patti, Ila Kasofsky and Ambulance Corp Members for an Emergency Medical Incident Involving Himself on June 15 th .
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There being no further public discussion, **on motion by Councilman Cervieri, seconded by Councilman Sargenti,** and there being no further discussion, the meeting was adjourned with no objections at 10:07 p.m.

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, June 13, 2013 @8:00 p.m.

The Regular Meeting of the Mayor and Council of the Borough of Fort Lee was held on the above date in the Council Chambers, Memorial Municipal Building, 309 Main Street, Fort Lee, New Jersey.

PRESENT: Mayor Sokolich, Council Members Pohan, Sohmer, Kasofsky, Cervieri

ABSENT: Council Members Goldberg and Sargenti

ALSO PRESENT: Peggy Thomas, Borough Administrator
Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney

MAYOR'S STATEMENT

Let the minutes reflect that adequate notice of this meeting has been provided in the following manner:

1. On January 3, 2013, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2013, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2013 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Sokolich announced that the fourth grade classes of Fort Lee Public School #2 are present tonight and will be at the podium later to recite Martin Luther King, Jr. "I Have a Dream" speech that he gave in 1963. The fourth grade teachers are Mrs. Kim, Mrs. Arfuso and Mr. Mottershead. Also in the audience tonight is Ms. Martin, School #2 principal.

Mayor Sokolich stated that this past Thursday, the Borough launched its emergency radio station 1630 A.M. A lot of lessons were learned from Hurricane Sandy with regard to how to deal with the public without any power in many locations for upwards to nine days. The radio station was originally setup to deal with traffic issues many years ago, but really never got off the ground. The coverage has since been strengthened to be able to have the entire Borough covered. The Mayor and the governing body and Borough Administrator and any authorized emergency service worker will be able to make announcements to the residents. This would cover items such as road closures, power outages and a myriad of other events that affect the residents. In conjunction with the radio station a private donor gave the Borough \$10,000 which the Borough purchased 250 Red Cross type radios. They run on electric, battery or by a hand crank and with a few quick turns will run for upwards to forty-five minutes and then can be re-cranked for more usage. He believes that are just a few municipalities in New Jersey that have their own radio station. The other towns that may have them would be a lot bigger in size and have a much larger population than the Borough does. He encouraged the public to

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purchase the radios which are available through major outlet stores such as Radio Shack and Target and are relatively inexpensive. The radios donated to the Borough will be given out to major population centers such as hi-rise management personnel and will also be placed in public buildings and will also be given out to people with special needs. The radios donated do not replace the obligation of the residents to take care of themselves and prepare in event of crisis.

PRESENTATION

At this time the fourth grade classes of Ms. Kim, Ms. Arfuso and Mr. Mottershead recited Martin Luther King's "I have a Dream" speech.

On motion by Councilman Pohan, seconded by Councilwoman Kasofsky, the meeting was recessed for a short break at 8:15 p.m.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, the meeting reconvened at 8:19 p.m.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the December 20, 2013 Regular Meeting were approved.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the May 9, 2013 Regular Meeting were approved with Councilman Pohan abstaining.

INTRODUCTION OF ORDINANCES

Ordinance #2013-15 - Establishing Salary and Wages for White Collar Employees for 2013-2016

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried, Ord. #2013-15 entitled, "AN ORDINANCE ESTABLISHING SALARIES AND WAGES FOR WHITE COLLAR EMPLOYEES FOR 2013-2016," was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **July 18, 2013**.

AYES: Council Members Pohan, Sohmer, Kasofsky, Cervieri

Ordinance #2013-16 - Amending Chapter 388, Sections 14 and 69, Schedule XXIII - Handicapped Parking Spaces for Horizon Road and Deletion of Handicapped Parking Space by 1593 Palisade Avenue

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried, Ord. #2013-16 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "HANDICAPPED PARKING SPACES," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the public hearing relative to this ordinance was scheduled for **July 18, 2013**.

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Ordinance #2013-17 - Amending Chapter 90-2 Police Department Formation and Rank

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried, Ord. #2013-17 entitled, "AN ORDINANCE AMENDING CHAPTER 90-2, POLICE DEPARTMENT, FORMATION AND RANK, OF THE CODE OF THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the public hearing relative to this ordinance was scheduled for **July 18, 2013**.

Ordinance #2013-18 - Amending Chapter 261, Land Use Procedures, Appendix B, Fees and Escrow Funds

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried, Ord. #2013-18 entitled, "AN ORDINANCE AMENDING CHAPTER 261 LAND USE PROCEDURES, APPENDIX B: APPLICATION FEE SCHEDULE," AND APPENDIX B: "FEES AND ESCROW FUNDS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the public

hearing relative to this ordinance was scheduled for **July 18, 2013.**

Ordinance #2013-19 - Execution of a Financial Agreement Between the Borough and Assad Y. Daibes Memorial Urban Renewal Foundation for Special Needs, Inc. for Property Located at 69 Main Street, Block 4355 Lots 17,18,19 and a Part of Lot 13

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried, Ord. #2013-19 entitled, "AN ORDINANCE OF THE BOROUGH OF FORT LEE, BERGEN COUNTY, NEW JERSEY APPROVING AND AUTHORIZING THE MAYOR AND BOROUGH CLERK PURSUANT TO N.J.S.A. 40A:201- ET SEQ. AND/OR N.J.S.A. 55:14K-1 ET SEQ. TO EXECUTE A FINANCIAL AGREEMENT BY AND BETWEEN THE BOROUGH OF FORT LEE AND ASSAD Y. DAIBES MEMORIAL URBAN RENEWAL FOUNDATION FO SPECIAL NEEDS, INC. FOR PROPERTY LOCATED ON MAIN STREET, FORT LEE, ALSO KNOWN AS A PORTION OF LOT 13 AND LOTS 17, 17 & 19 IN BLOCK 4355 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF FORT LEE FOR A MIXED INCOME RESIDENTIAL PROJECT," was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **July 18, 2013.**

AYES: Council Members Pohan, Sohmer, Kasofsky, Cervieri

PUBLIC HEARINGS

Ordinance #2013-9 - Adopting a Redevelopment Plan (Chapter 319 Redevelopment) for Redevelopment Area 7, Block 4355, Lots 17-19 and a Portion of Lot 13

On motion by Councilman Cervieri, seconded by Councilman Sohmer and carried, the public hearing was opened relative to **Ord. #2013-9** entitled, "AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE BOROUGH OF FORT LEE ADOPTING THE REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA 7 PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ."

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There being no public discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Sohmer.**

On motion by Councilman Cervieri, seconded by Councilman Sohmer, the Ordinance was **adopted unanimously.**

Ordinance #2013-10 - Amending Chapter 388-36, Schedule XXI, Parking Prohibited Certain Times During Winter Months and Amending Chapter 388-37, Schedule XXII, Parking Prohibited When Road is Snow Covered - Anderson Avenue

On motion by Councilman Cervieri, seconded by Councilman Sohmer and carried, the public hearing was opened relative to **Ord. #2013-10** entitled, "AN ORDINANCE AMENDING CHAPTER 388 VEHICLES AND TRAFFIC, ARTICLE V SCHEDULES, SECTION 67, SCHEDULE XXI, PARKING PROHIBITED CERTAIN TIMES DURING WINTER MONTHS, AND SECTION 68, SCHEDULE XXII, PARKING PROHIBITED WHEN ROAD IS SNOW COVERED, OF THE CODE OF THE BOROUGH OF FORT LEE."

There being no public discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Sohmer.**

On motion by Councilman Cervieri, seconded by Councilman

Sohmer, the Ordinance was adopted unanimously.

Ordinance #2013-11 - Establishing Salaries and Wages for Blue Collar Employees for 2013-2016

On motion by Councilman Cervieri, seconded by Councilman Sohmer and carried, the public hearing was opened relative to Ord. #2013-11 "AN ORDINANCE ESTABLISHING SALARIES AND WAGES FOR BLUE COLLAR EMPLOYEES FOR 2013-2016."

There being no public discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilman Sohmer.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, the Ordinance was adopted on the following roll call:

AYES: Council Members Pohan, Sohmer, Kasofsky, Cervieri

Ordinance #2013-12 - Establishing Salaries and Wages for Department Heads, Borough Administrator, Borough Clerk, Chief Financial Officer, Tax Assessor, Tax Collector and Certain Non-Union Employees for 2013-2016

On motion by Councilman Cervieri, seconded by Councilman Sohmer and carried, the public hearing was opened relative to Ord. #2013-12- entitled, "AN ORDINANCE ESTABLISHING SALARIES AND WAGES FOR DEPARTMENT FOR DEPARTMENT HEADS, BOROUGH ADMINISTRATOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER, TAX COLLECTOR, TREASURER, TAX ASSESSOR AND CERTAIN NON-UNION EMPLOYEES FOR 2013-2016."

There being no public discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilwoman Kasofsky.

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On motion by Councilman Cervieri, seconded by Councilman Sohmer, the Ordinance was adopted on the following roll call:

AYES: Council Members Pohan, Sohmer, Kasofsky, Cervieri

Ordinance #2013-13 - Amending Chapter 388 Vehicles and Traffic, Article V, Schedules, Section 56 Schedule XII Taxi Stands - Penalties for Unauthorized Vehicles in the Taxi Cab Stand

On motion by Councilman Cervieri, seconded by Councilman Sohmer and carried, the public hearing was opened relative to Ord. #2013-13 entitled, "AN ORDINANCE AMENDING CHAPTER 388, VEHICLES AND TRAFFIC, ARTICLE V SCHEDULES. SECTION 56 SCHEDULE XII TAXI STANDS, OF THE CODE OF THE BOROUGH OF FORT LEE."

There being no public discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilman Sohmer.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, the Ordinance was adopted unanimously.

Ordinance #2013-14 - Establishing Chapter 311, Property, Abandoned - Establishment of an Abandoned Property Toolkit

On motion by Councilman Cervieri, seconded by Councilman Sohmer and carried, the public hearing was opened relative to **Ord. #2013-14** entitled, "AN ORDINANCE ESTABLISHING CHAPTER 311 PROPERTY, ABANDONED, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE."

Nina Levinson, 1560 West Street, asked how many properties are considered abandoned based on the ordinance being discussed tonight.

Mayor Sokolich replied about six properties fit the criteria of the ordinance and further explained that to fit the condition they have to be considered in deplorable condition. If the Borough doesn't equip the Building Department with the proper tools then they properties stay in those conditions a lot longer than they will with this ordinance being adopted. After notices are given and a reasonable time has been provided and if the properties haven't been improved then the Borough has the right to demolish the structures and then the Borough imposes a lien on the property with interest.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Sohmer.**

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, the Ordinance was **adopted unanimously.**

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilman Pohan, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-13.

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CA-1 - Payment of Claims

BE IT RESOLVED that the following claims, the details for which are attached hereto and made a part hereof, are hereby authorized to be paid, having been audited and found correct by the Borough Administrator and Chief Financial Officer.

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$13,473,731.09
Capital	98,643.60
Road Improvement Plan	n/a
Multiple Dwelling	n/a
Construction Fees	n/a
COAH Fees	1,500.00
Trust Account (Old)	n/a
Senior Citizen Advisory Council	4,309.50
Trip Admissions	n/a
Wedding Fees	n/a
Trust Account (Accutrack)	333,026.27
Special Dog Account	n/a
Centennial Fund	n/a
Disability Insurance Trust	n/a
Unemployment Compensation Trust	n/a
Public Assistance Trust Fund	n/a
Police Activity Trust	n/a
Fort Lee Film Commission	500.00
Redemption Account	113,148.64
School Resource Account	n/a
Dedicated Penalties	n/a

POAA	n/a
Cop Card Donation	n/a
Police Treasury	72,842.56
Police Justice	893.05
Flexible Spending	<u>n/a</u>

Total: **\$14,098,594.71**

CA-2 - Authorizing Hiring of Two (2) Clean Community Employees for the Spring/Summer - \$7.50 to \$8.00 Hourly

WHEREAS, spring/summer seasonal positions exist within various departments, and the Mayor and Council have determined that the positions should be filled,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the following individuals be hired as spring/summer help through the Clean Communities program, at the hourly rates of compensation listed below:

<u>Name</u>	<u>Department</u>	<u>Hourly Rate</u>
Dylan Villela	DPW	\$7.50
Stephen Paul Wyssenski	General Services	8.00

CA-3 - Authorizing the Hiring of Part-Time Spring Seasonal Employees for the Recreation Department/Community Center - Termination Date August 31, 2013

WHEREAS, part-time seasonal positions exist with the Department of Recreation and the Community Center and the Mayor and Council have determined that these positions must be filled,

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the attached list of personnel (available in the office of the Borough Clerk) be appointed to the positions and rates of compensation indicated with the Department of Recreation and Community Center; and

BE IT FURTHER RESOLVED that the attached list of appointments are part-time seasonal positions with an effective date of July 1, 2013 with a termination date of August 31, 2013.

CA-4 - Authorizing Hiring of Jennifer Perelli as a Clerk Typist for the Police Department Record's Room - \$25,000 Annually

WHEREAS, due to a resignation at the Police Department's Records Bureau, the Mayor and Council have determined that the vacancy should be filled; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that **Jennifer Perelli** be appointed to a full time position of Clerk Typist a/k/a Keyboarding Clerk 1 in the Police Department, with an effective date retroactive to June 10, 2013; and

BE IT FURTHER RESOLVED that this appointment shall be provisional pending certification from the New Jersey Civil Service Commission and shall be at an annual salary of **\$25,000.00**, in compliance with the Salary Ordinance of the White Collar Contract.

**CA-5 - Authorizing the Tax Collector to Prepare and Mail Out
Estimated Tax Bills for the Third Quarter for 2013**

**A RESOLUTION AUTHORIZING THE BOROUGH OF FORT LEE TAX
COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN
ACCORDANCE WITH P.L. 1994 C. 72**

WHEREAS, the Borough of Fort Lee had a public hearing regarding its scheduled budget adoption on April 11, 2013 and the Bergen County Board of Taxation maybe unable to certify Fort Lee's tax rate at this time and the Borough of Fort Lee Tax Collector may be unable to mail the Borough's 2013 tax bills on a timely basis; and

WHEREAS, the Borough of Fort Lee Tax Collector/Fort Lee Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and he has signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Fort Lee, in the County of Bergen, State of New Jersey on this the 13th day of June, 2013 as follows:

1. The Fort Lee Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of Fort Lee for the Third Installment of 2013 taxes. The Tax Collector shall take such actions as are permitted and required by P.L. 1994, c. 72 (N.J.S.A. 54:4-66.2 and 54:4-66.3)

2. The entire estimated tax levy for 2013 is hereby set at **\$128,695,423.00.**

3. In accordance with the law the Third Installment of 2013

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taxes shall not be subject to interest until the later of August 10th or the twenty-fifth day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

CA-6 - Approving Various Liquor License Renewals for 2013-2014

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that plenary retail consumption licenses, plenary retail distribution licenses, plenary retail consumption w/broad package privilege, and club licenses for the year **2013/2014** be issued to each of the applicants listed on the attached pages for premises designated opposite their respective names for the distribution or sale of alcoholic beverages.

STATE LICENSE #	LICENSEE	TRADE NAME
0219-33-001-010	GARY S. JACOBSON CHATPER 7 TURSTEE FOR PICCO INC.	
0219-33-002-003	WEST 99TH ST. CORP.	AIELLO'S HILLTOP MOTEL & LOUNGE
0219-33-004-008	442 Main Street LLC (Two Year Special 12:39 Ruling Received from the State of NJ, ABC on August 3, 2012 for 2012-2013 and 2013-2014)	
0219-33-005-003	PLAZA DINER LIQUOR, LLC	PLAZA DINER
0219-33-007-013	POONG LIM LLC	POONG LIM

0219-33-008-011	JAMES KIM		
0219-33-010-008	SUNBICHON RESTAURANT INC.	MASIL HOUSE	
0219-44-011-004	B.L.W. WORLD INC.	WINE	KING
LIQUORS			
0219-33-012-003	FORT LEE BCD INC.	BCD	TOFU
HOUSE			
0219-33-013-014	YK II INC.	RAKU IZAKAYA	
0219-44-014-004	BELLA ASHTON INC.	BANNER LIQUOR III	
0219-33-016-006	NTN FORT LEE INC.	CHILLERS GRILL	
0219-33-019-008	ZENEX ENTERPRISE, INC.	HANABI JAPANESE	
		CUISINE	
0219-33-020-004	NEW GARDEN WEST CORP.	SILVER POND SEAFOOD	
		RESTAURANT	
0219-44-023-005	GREAT ATLANTIC & PACIFIC	A&P WINES AND	
	TEA CO.	SPIRITS	
0219-33-024-003	STUNI INC.	HIRAM'S ROADSTAND	
0219-33-025-005	ARAXTHOS INC.	SANTORINI TAVERNA	
0219-33-026-004	DCH FORT LEE, INC.	DONG CHUN HONG	
0219-32-027-007	FRANCO B. INC.	FRANCOS METRO	
		RESTAURANT	
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0219-33-030-005	GAM NA MOO, INC.	PHO 32 & SHA BU	
0219-44-031-009	LINWOOD WINES & LIQUORS INC.		
0219-33-033-010	NAMPO LLC.		
0219-33-036-010	RISTORANTE IL LIMONCELLO		
	LLC		
0219-33-037-003	177 NORTH MARGINAL	SIGGY'S	
	ROAD INC.		
0219-44-038-004	K&S DRUG & SURGICAL INC.	JUNCTION DRUGS	
0219-44-039-005	VIN ROMANEE LLC		
	(Two Year Special 12:39 Ruling Received from the State of NJ, ABC		
	on August 20, 2012 for 2012-2013 and 2013-2014)		
0219-33-043-006	MEMRIES INC.	IN NAPOLI	
0219-33-048-017	MUSSO CAFE INC.		
0219-33-049-003	GAM ME OK, INC.		
0219-33-050-005	QUEENS RECIPE, INC.	MAHARANI INDIAN	
		CUISINE	
0219-44-051-006	BK FORT LEE INC.	GOOD NATURE FORT LEE	
		MARKET - HMART FRESH	

0219-31-057-001 HOOK & LADDER CO. #3 INC. HOOK & LADDER CO. #3

0219-44-060-014 THE HUDSON WINE MARKET, INC.

0219-36-062-004 FORT LEE HOTEL DOUBLE TREE FORT LEE
MANAGEMENT INC.

BE IT FURTHER RESOLVED that the Borough Clerk be and hereby is authorized and directed to sign said licenses and affix the corporate seal of the Borough of Fort Lee thereto.

CA-7 - Authorizing Renewal of Liquor License for Jabadou Inc., t/a Soho at 2027 Lemoine Avenue for 2013-2014 With Special Conditions Imposed

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE 0219-33-006-011, JABADOU INC., t/a SOHO, 2027 LEMOINE AVENUE, FOR THE SALE OF ALCOHOLIC BEVERAGES, FOR THE LICENSING YEAR JULY 1, 2013 - JUNE 30, 2014.

WHEREAS, Jabadou, Inc. t/a Soho, ("Soho") is the owner and was the holder of a plenary retail consumption liquor license for property known as Soho Night Club located at 2027 Lemoine Avenue; and

WHEREAS, Soho has applied to the Governing Body of the Borough of Fort Lee ("Fort Lee") for the reissuance of the liquor license for the subject property; and

WHEREAS, Soho has taken appropriate measures to significantly improve their operations and to minimize the negative impacts that

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were previously prevalent; and

WHEREAS, the Borough Attorney ("Attorney") and the Fort Lee Police Department ("FLPD") have reviewed the current operating conditions of Soho and have submitted proposed operating conditions for the premises which would have the effect of significantly improving the use and operation of the Night Club,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that plenary retail consumption license 0219-33-006-011, Jabadou Inc., t/a Soho, 2027 Lemoine Avenue, for the licensing year July 1, 2013 - June 30, 2014 be renewed for the sale of alcoholic beverages with the following Special Conditions imposed on the license:

1. No person(s) under the age of 21 (including employees) are permitted on premises when alcohol is being distributed. "Teen" nights or "Special Events" allowing persons under age 21 access to the establishment shall not be permitted.
2. Security personnel must be clearly identifiable and display their full name and photographic identification on their outer most garments. The word "SECURITY" in large 8" print must be prominently displayed on the back of the outermost garment of each security guard. Furthermore, each security guard must also have the work "SECURITY" in large 3" print prominently displayed on the front of the outermost garment of each security guard.
3. A minimum of (7) seven dedicated security personnel shall be employed and on duty during hours of operation and an

additional (3) three per 100 patrons after the 1st 100. Security is to remain on duty until all patrons have safely left the premises. Personnel shall include both male and female security. Security shall keep and record an accurate and continuous real time count of all persons present in the facility and shall accurately and immediately report that number upon any inquiry of a Fort Lee Police Officer. Licensee must designate with prior written notice to the Fort Lee Police Department, each day of operation, one person responsible, on site, for occupancy load compliance and all safety and security issues.

4. Licensee must immediately contact and report to the Fort Lee Police Department, any and all action taken by security which involves the use of physical force to restrain and/or remove any patron, visitor, or employee.
5. Licensee shall not conduct promotional events on the premises including but not limited to: discount offerings based on dress, social status, race, gender, ethnicity, etc. There shall be no promotional or sponsored events in coordination with media outlets, private disc jockeys, sports or entertainment related events, without (7) seven days prior approval from the Fort Lee Police Department. "For the purposed of these License conditions, all media spokespersons, including radio disc jockeys, acting for themselves or the Licensee AND directly or indirectly effectively promoting the Licensee or the Licensed Premises, shall be deemed to be agents and representatives of the Licensee and they shall be bound by the terms and conditions of this License, for its purposes. Licensee and its agents and representatives, shall obtain the prior written approval of all promotions for or on behalf of the Licensed Premises and/or themselves in connection with the Licensed Premises, at least 7 days prior to the aforesaid scheduled promotion.

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6. The licensee's parking lot and adjacent sidewalks shall be secured and patrolled by licensee's security personnel to assist in the orderly entry and exiting of patrons.
7. Licensee shall provide such security and safety control as requested by the Fort Lee Police Department (FLPD). In the event the licensee fails to provide such control; the borough shall have the right to prohibit operation.
8. Patrons and employees shall be immediately barred from the premises if they are wearing gage related clothing or gesturing in a fashion commonly associated with gang related activity.
9. Management shall assign security personnel to all restrooms to monitor for any unsafe conditions. The "Licensee" must report any criminal activity immediately.
10. Licensee shall provide exterior cleaning every Saturday and Sunday morning prior to 9:00 a.m.
11. Licensee shall provide monthly updates, in writing, to the Fort Lee Police Department, of employee turnover including photographs and contact information of all current and new employees.
12. Licensee shall, prior to operations commencing and at all times thereafter, improve and maintain the video camera system to include (fully operable) digital quality surveillance of the interior and the exterior area of the front, rear and sides of the building, to the satisfaction

of the Fort Lee Police Department. Real Time and Password computer access to all audio/visual systems shall be provided to the Fort Lee Police Department and 90 day retention of video images, shall be provided, prior to commencing operation.

13. Licensee shall provide such additional security controls as may be, from time to time, requested by the Fort Lee Police Department. Licensee is required to make available to the Fort Lee Police Department, upon request, a list and contact information of and for personnel employed by Licensee for the premises.
14. Licensed premise deemed to include adjacent and accessory premises including, but not limited to the parking lot(s), street, sidewalk and alike.
15. No admittance into the establishment after 1:45 a.m. Last call at 2:40 a.m. All patrons off premises by 3:00 a.m.
16. Occupancy shall be limited to 550 persons at any given time. With the exception of up to eight (8) articulated events agreed upon annually under separate amendment, on which occasions, occupancy of 650 persons will be permitted.
17. No valet parking is to be provided/offered.
18. Failure to comply with any portion of the above stated terms and conditions shall subject Licensee to liability for any reasonable cost of enforcement or abatement incurred as a result of such non-compliance, including but not limited to, cost of additional police or other emergency service personnel, and may subject Licensee to

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the revocation of its liquor license.

CA-8 - Authorizing Renewal of Liquor License for Fort Lee Four LLC at 2143 Route 4 East for 2013-2014 With Special Conditions

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE 0219-33-042-009, FORT LEE FOUR LLC., AT 2143 ROUTE 4 EAST, FOR THE SALE OF ALCOHOLIC BEVERAGES, FOR THE LICENSING YEAR JULY 1, 2013 - JUNE 30, 2014.

WHEREAS, Fort Lee Four LLC, ("Studio Four") is the owner and is the holder of a plenary retail consumption liquor license for property located at 2143 Route 4 East; and

WHEREAS, Studio Four has applied to the Governing Body of the Borough of Fort Lee ("Fort Lee") for the reissuance of the liquor license for the subject property; and

WHEREAS, Studio Four has taken appropriate measures to significantly improve their operations and to minimize the negative impacts that were previously prevalent; and

WHEREAS, the Borough Attorney ("Attorney") and the Fort Lee Police Department ("FLPD") have reviewed the current operating conditions of Studio Four and have submitted proposed operating conditions for the premises which would have the effect of significantly improving the use and operation of the Night Club,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that plenary retail consumption license

0219-33-042-009, Fort Lee Four LLC, 2143 Route 4 East, for the licensing year July 1, 2013 - June 30, 2014 be renewed for the sale of alcoholic beverages with the following Special Conditions imposed on the license:

1. No person(s) under the age of 21 (including employees) are permitted on premises when alcohol is being distributed. "Teen" nights or "Special Events" allowing persons under age 21 access to the establishment shall not be permitted.

2. Security personnel must be clearly identifiable and display their full name and photographic identification on their outer most garments. The Word "SECURITY" in large 8" print must be prominently displayed on the back of the outermost garment of each security guard. Furthermore, each security guard must also have the word "SECURITY" in large 3" print prominently displayed on the front of the outermost garment of each security guard.

3. A minimum of (7) seven dedicated security personnel shall be employed and on duty during hours of operation and an additional three (3) per 100 patrons after the 1st 100. Security is to remain on duty until all patrons have safely left the premises. Personnel shall include both male and female security. Security shall keep and record an accurate and continuous real time count of all persons present in the facility and shall accurately and immediately report that number upon any inquiry of a Fort Lee Police Officer. Licensee must designate with prior written notice to the Fort Lee Police Department, each day of operation, one person responsible, on site, for occupancy load compliance and all safety and security issues.

4. Licensee must immediately contact and report to the Fort Lee Police Department, any and all action taken by security which

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involves the use of physical force to restrain and/or remove any patron, visitor, or employee.

5. Licensee shall not conduct promotional events on the premises including but not limited to: discount offerings based on dress, social status, race, gender, ethnicity, etc. There shall be no promotional or sponsored events in coordination with media outlets, private disc jockeys, sports or entertainment related events, without (7) seven days prior approval from the Fort Lee Police Department. "For the purposes of these License conditions, all media spokesperson, including radio disc jockeys, acting for themselves or the Licensee AND directly or indirectly effectively promoting the Licensee or the Licensed Premises, shall be deemed to be agents and representatives of the Licensee and they shall be bound by the terms and conditions of this License, for its purposes. Licensee and its agents and representatives, shall obtain the prior written approval of all promotions for or on behalf of the Licensed Premises and/or themselves in connection with the Licensed Premises, at least 7 days prior to the aforesaid scheduled promotion."

6. The licensee's parking lot and adjacent sidewalks shall be secured and patrolled by licensee's security personnel to assist in the orderly entry and exiting of patrons.

7. Licensee shall provide such security and safety control as requested by the Fort Lee Police Department (FLPD). In the event the licensee fails to provide such control; the borough shall have the right to prohibit operation.

8. Patrons and employees shall be immediately barred from the premises if they are wearing gang related clothing or gesturing in a fashion commonly associated with gang related activity.

9. Management shall assign security personnel to all restrooms to monitor and any unsafe conditions. The "Licensee" must report any criminal activity immediately.

10. Licensee shall provide exterior cleaning every Saturday and Sunday morning prior to 9:00 a.m.

11. Licensee shall provide monthly updates, in writing, to the Fort Lee Police Department, of employee turnover including photographs and contact information of all current and new employees.

12. Licensee shall, prior to operations commencing and at all times thereafter, improve and maintain the video camera system to include (fully operable) digital quality surveillance of the interior and the exterior area of the front, rear and sides of the building, to the satisfaction of the Fort Lee Police Department. Real Time and Password computer access to all audio/visual systems shall be provided to the Fort Lee Police Department and 90 day retention of video images, shall be provided, prior to commencing operations.

13. Licensee shall provide such additional security controls as may be, from time to time, requested by the Fort Lee Police Department. Licensee is required to make available to the Fort Lee Police Department, upon request, a list and contact information of and for personnel employed by Licensee for the premises.

14. Licensed premise deemed to include adjacent and accessory premises including, but not limited to the parking lot(s), street, sidewalk and alike.

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15. No patron shall be admitted or readmitted to the premises after 2:00 a.m. "Last call" for food or beverage service shall be 2:45 a.m.

16. Occupancy shall not exceed five hundred-fifty (550) persons.

17. Licensee shall eliminate the practice of valet parking, which, by design, funnels a large number of people into a confined area for a protracted period of time and creates an unsafe traffic condition on Rt. 4 East.

18. Management and operation of the premises and establishment must be maintained by a majority owner (not less than 51%).

19. Licensee shall maintain adequate noise abatement measures so as to insure that surrounding premises are not unduly inconvenienced.

20. Failure to comply with any portion of the above stated terms and conditions shall subject Licensee to liability for any reasonable cost of enforcement or abatement incurred as a result of such non-compliance, including but not limited to, cost of additional police or other emergency service personnel, and may subject Licensee to the revocation of its liquor license.

CA-9 - Rejecting Bids for Pedestrian Signal Improvements on Main Street/Center Avenue

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE REJECTING BIDS FOR THE PROVISION OF PEDESTRIAN SAFETY IMPROVEMENTS IN THE BOROUGH AND AUTHORIZING NEGOTIATION OF A CONTRACT PURSUANT TO AND IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("Borough") have determined that it is necessary to contract for the provision of pedestrian safety improvements to the intersection of Main Street and Center Avenue in the Borough; and

WHEREAS, on February 22, 2013, pursuant to resolution and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough solicited bids for the provision of pedestrian safety improvements and, on March 13, 2013, a single bid package was received in response to the Borough's public solicitation for bids; and

WHEREAS, after a review of the bid, it was determined that the price bid by the sole bidder was unreasonable as the price substantially exceeded the engineering estimate for the project; and

WHEREAS, on prior occasion pursuant to a duly adopted resolution, the Borough rejected the sole bid after having deemed it was unreasonable as the price substantially exceeded the engineering estimate for the project and authorized rebidding for the services; and

WHEREAS, on May 8, 2013, bids were received from the following bidders in response to the Borough's public solicitation for bids for the provision of pedestrian safety improvements:

Orchard Holdings, LLC Manasquan, New Jersey	\$80,945.00
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Tiffany Electric, Inc. Fairfield, New Jersey	\$98,405.00
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Zuccaro, Inc. Saddle Brook, New Jersey	\$108,450.00
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; and

WHEREAS, after a review of the bids, it was determined that the prices bid were unreasonable as the price substantially exceeded the engineering estimate for the project; and

WHEREAS, the bids, having been deemed unreasonable as the prices substantially exceeded the engineering estimate for the project, warrant a rejection of the bids under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, specifically N.J.S.A. 40A:11-5(3), provides that a bid may be rejected where a price has been determined to be unreasonable on the basis of cost estimates prepared for or by the contracting agent prior to the advertising of bid specifications; and

WHEREAS, the Borough has concluded, on the basis of the foregoing, that all bids should be rejected in accordance with the Local Public Contracts Law as unreasonable as to price on the basis of cost estimates prepared for the Borough prior to the advertising of bid specifications for the project; and

WHEREAS, the Borough has determined that the award of this contract is necessary for its efficient operations; and

WHEREAS, the Mayor and Council of the Borough are desirous of contracting for the for the provision of pedestrian safety improvements to the intersection of Main Street and Center Avenue in the Borough; and

WHEREAS, pursuant to the Local Public Contracts Law, and specifically N.J.S.A. 40A:11-5(3), where bids have been publicly advertised on two occasions and no acceptable bids have been received both times, a public body is entitled to negotiate a contract for the work; and

WHEREAS, the Mayor and Council of the Borough wish to direct the Borough Administrator to initiate negotiations for the provision of pedestrian safety improvements to the intersection of Main Street and Center Avenue in the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey, that all bids for the provision of pedestrian safety improvements to the intersection of Main Street and Center Avenue in the Borough should be and are hereby rejected in accordance with the Local Public Contracts Law as unreasonable as to price on the basis of cost estimates prepared for the Borough prior to the advertising of bid specifications for the project; and

BE IT FURTHER RESOLVED that the bid security of the bidders be returned in accordance with N.J.S.A. 40A:11-1 et seq.; and

BE IT FURTHER RESOLVED that the Borough Administrator be and is hereby authorized to immediately initiate negotiations for the provision of pedestrian safety improvements to the intersection of Main Street and Center Avenue in the Borough, pursuant to and in accordance with the provisions of N.J.S.A. 40A:11-1 et seq.; and

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BE IT FURTHER RESOLVED that this Resolution shall take effect immediately; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be maintained in the Office of the Borough Clerk and made available for public inspection.

**CA-10 - Rejecting Bid for Computer Consoles for the Police
Department Communications Center**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH
OF FORT LEE REJECTING BID FOR THE PROVISION OF
COMMUNICATION CONSOLES FOR THE FORT LEE POLICE
DEPARTMENT**

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("Borough") have determined that it is necessary to contract for the provision of communication consoles for use by the Fort Lee Police Department; and

WHEREAS, on February 13, 2013, pursuant to resolution and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough solicited bids for the provision of communication consoles for use by the Fort Lee Police Department and, on February 27, 2013, bid packages were received from two vendors; and

WHEREAS, after a review of the bids, it was determined that the bid of the ostensible low bidder was substantially non-compliant with the technical requirements of the Bid Specifications, and that the second bidder failed to submit a bid guarantee and a consent of surety for performance security in accordance with the material requirements of the Bid Specifications; and

WHEREAS, on prior occasion pursuant to a duly adopted resolution, the Borough rejected the bids and authorized rebidding for the services; and

WHEREAS, on May 22, 2013, a single bid was received from in response to the Borough's public solicitation for bids for the provision of communication consoles for use by the Fort Lee Police Department; and

Xybix Systems, Inc. Littleton, Colorado	\$66, 308.92
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; and

WHEREAS, after a review of the bid, it was determined that the bid by the sole bidder was substantially non-compliant with the Bid Specifications for failure to submit a binding consent of surety; and

WHEREAS, the failure to submit a consent of surety as set forth in the Bid Specifications warrants a rejection of the bid as non-complying and non-responsive under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, specifically N.J.S.A. 40A:11-23.2, provides that a contractor's failure to provide a consent of surety in compliance with the requirements of the Bid Specifications is a material and non-waivable defect, rendering the bid to be unresponsive without any possibility of being cured; and

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WHEREAS, the Borough has concluded, on the basis of the foregoing, that the bid should be rejected as non-responsive for failure to comply with the requirements of the Bid Specifications and in accordance with the Local Public Contracts Law; and

WHEREAS, the Borough has determined that the award of this contract is necessary for its efficient operations; and

WHEREAS, the Mayor and Council of the Borough are desirous of contracting for the provision of communication consoles for use by the Fort Lee Police Department; and

WHEREAS, pursuant to the Local Public Contracts Law, and specifically N.J.S.A. 40A:11-5(3), where bids have been publicly advertised on two occasions and no acceptable bids have been received both times, a public body is entitled to negotiate a contract for the work; and

WHEREAS, the Mayor and Council of the Borough wish to direct the Borough Administrator to initiate negotiations for the provision of communication consoles for use by the Fort Lee Police Department,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey that the bid submitted by Xybix Systems, Inc. be and is hereby rejected for failure to provide a binding consent of surety as required by the Bid Specifications; and

BE IT FURTHER RESOLVED that the bid security of Xybix, Systems, Inc. be returned in accordance with N.J.S.A. 40A:11-1 et seq.; and

BE IT FURTHER RESOLVED that the Borough Administrator be and is hereby authorized to immediately initiate negotiations for the provision of communication consoles for use by the Fort Lee Police Department, pursuant to and in accordance with the provisions of N.J.S.A. 40A:11-1 et seq., as the award of this contract is

necessary for its efficient operations of the Borough; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be maintained in the Office of the Borough Clerk and made available for public inspection.

CA-11 - Endorsing Support for United States House of Representatives Bill 112 Protecting the Tax Exemption for Municipal Bonds

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE SUPPORTING RESOLUTION 112 OF THE UNITED STATES HOUSE OF REPRESENTATIVES PROTECTING THE TAX EXEMPTION FOR MUNICIPAL BONDS

WHEREAS, the President's national budget proposal provides for a cap on the tax exemption for interest earned on municipal bonds by limiting the tax exemption at 28% of the total interest earned and requiring an investor to pay taxes on 62% of the interest earnings; and

WHEREAS, House Resolution 112 has been introduced in the United State House of Representatives honoring the history of
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municipal bonds, the 100-year precedent of the federal tax exemption for municipal bond interest, and the important contribution municipal bonds have made to economic growth and wellbeing in each state and municipality by providing a low-cost, efficient method for local governments to finance schools, hospitals, roads, water and sewage systems, transit systems and other critical infrastructure,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. That the Borough of Fort Lee supports House Resolution 112, commends Congressman Bill Pascrell as the only New Jersey Representative co-sponsoring this Resolution, and urges the members of the New Jersey Congressional delegation to vote for the passage of this Resolution that reinforces the importance of municipal bonds to municipalities across the country.

2. That the Clerk of the Borough of Fort Lee is hereby directed to file a copy of this Resolution with the members of the New Jersey Congressional delegation.

CA-12 - Authorizing Purchasing Consultant to Prepare Specifications and Advertise for Bids for Roadway Improvements to Lower Main Street/Hudson Terrace

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the Purchasing Consultant is hereby authorized and directed to obtain specifications and advertise for bids for:

- . For Roadway Improvements to Lower Main Street/Hudson Terrace

CA-13 - Authorizing Settlement of Tax Appeal Litigation Entitled Rupen and Lisa Stepanian vs. Borough at 1 Manatauk Avenue, Block 953, Lot 3, for Tax Years 2012-2013

WHEREAS, Rupen and Lisa Stepanian are the owners and taxpayers of property located at 1 Manatauk Avenue, also known as Block 953, Lot 3; and

WHEREAS, the taxpayers filed tax appeals for the years 2012 and 2013 against the Borough of Fort Lee in a matter entitled Stepanian vs Fort Lee, which is presently pending in the Tax Court; and

WHEREAS, it is has been recommended by the Tax Appeal Attorney, the Borough Appraiser and the Borough Assessor that the matter be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Stepanian vs Fort Lee, so that the assessment for tax years 2012 and 2013 will be reduced from \$1,870,900 to \$1,750,000, resulting in a 2012 refund of \$2480.00; and

BE IT FURTHER RESOLVED that the aforesaid settlement is predicated upon a waiver of any and all pre-judgment interest by the taxpayer.

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Nina Levinson, 1560 West Street, had questions pertaining to CA-4, CA-11 and CA-13.

Ms. Thomas replied to CA-4 and CA-13.

Messrs. Sokolich, Cervieri and Sohmer responded to CA-11.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Pohan**, and the Consent Agenda (items CA-1 through CA-13) was **approved unanimously**.

RESOLUTIONS

R-1 - Adopting the Memorandum of Agreement Between the Borough and the United Service Worker's Union for White Collar Employees

Councilman Cervieri introduced, and Councilman Sohmer seconded, the following Resolution:

A RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE THE MEMORANDUM OF AGREEMENT BETWEEN THE BOROUGH OF FORT LEE AND UNITED SERVICE WORKER'S UNION WHITE COLLAR UNIT

WHEREAS, the Borough of Fort Lee ("Borough") and the United Service Worker's Union (White Collar Unit) ("USW") have negotiated the successor terms and conditions of a Collective Negotiations Agreement for the terms of January 1, 2013 through December 31, 2016, nunc pro tunc; and

WHEREAS, the Borough and the USW have additionally negotiated nunc pro tunc specific terms and conditions for a mutually agreeable amendment to the Collective Negotiations Agreement which covered the period from January 1, 2010 through December 31, 2012, in order to correct a typographical error; and

WHEREAS, the Borough hereby designates the Borough Administrator to execute the mutually agreeable Memorandum of

Agreement on behalf of the Borough,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the Borough Administrator is hereby authorized to execute the attached Memorandum of Agreement, between the Borough of Fort Lee and the United Service Worker's Union (White Collar Unit), or with such minor amendments as may be satisfactory to the Borough Attorney.

The Resolution was **approved** on the following roll call:

AYES: Council Members Pohan, Sohmer, Kasofsky, Cervieri

R-2 - Ch.159 Requesting Approval From Director of Local Government Services to Approve Special Item of Revenue, State of New Jersey "Purchase of Two Buses from the Port Authority for the Parking Authority" for 2013 - \$123,420.00

Mr. Pohan recused himself on this matter and left the podium at this point in the meeting.

Councilman Cervieri introduced, and Councilman Sohmer seconded, the following Resolution:
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WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the 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 Fort Lee has received **\$123,420.00** from the Port Authority of New York and New Jersey for the purchase of two buses for the Fort Lee Parking Authority and wishes to amend its 2013 Budget to include a portion of this amount as an item of revenue,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, 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 of 2013, in the sum of.....**\$123,420.00** which is now available as a revenue item from:

- Miscellaneous Revenues
 - Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
 - State Revenues Offset with Appropriations:
 - Administration-Other Expenses

BE IT FURTHER RESOLVED, that a like sum of**\$123,420.00** be and the same is hereby appropriated under the caption:

- General Appropriations:
 - (a) Operations excluded from CAPS
 - State Programs Offset by Revenues
 - Administration-Other Expenses

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.

The Resolution was **approved** on the following roll call:

AYES: Council Members Sohmer, Kasofsky, Cervieri

R-3 - Authorizing Purchasing Consultant to Prepare Specifications and Advertise for Bids for Force Main and Pump Station Upgrades for Redevelopment Area 5

Mr. Cervieri recused himself on this matter and left the podium at this point in the meeting.

Councilman Pohan introduced, and Councilman Sohmer seconded, the following Resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the Purchasing Consultant is hereby authorized and directed to obtain specifications and advertise for bids for:

- . For Force Main and Pump Station Upgrades for Redevelopment Area 5 (Main Street)

The Resolution was **approved** on the following roll call:

AYES: Council Members Pohan, Sohmer, Kasofsky
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Mr. Cervieri returned to the podium at this point in the meeting.

R-4 - Accepting Proposal from Robert McNerney of McNerney Associates Inc., Glen Rock, New Jersey to Provide Professional Appraisal Services for Property Located at 2117 Route 4 East, Block 4952, Lot 10 - \$9,500.00

Mayor Sokolich recused himself on this matter and left the podium at this point in the meeting

Councilman Cervieri introduced, and Councilman Pohan seconded, the following Resolution:

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE AWARD OF A CONTRACT FOR THE PROVISION OF PROFESSIONAL APPRAISAL SERVICES

WHEREAS, the owners of property located at 2117 Route 4 East ("Property") in the Borough of Fort Lee ("Borough") have filed complaints with the Tax Court challenging the Borough's total assessment for the property in 2011, 2012 and 2013; and

WHEREAS, there exists a need for the Borough to retain the services of a licensed appraiser to provide professional appraisal services related to the complaints filed with the Tax Court challenging the Borough's total assessment for the Property; and

WHEREAS, said services are recognized as "professional services" as same shall be rendered by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instruction and study, pursuant to and in accordance with N.J.S.A. 40A:11-2(6); and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, the Borough wishes to retain the services of Robert

McNerney of McNerney Associates ("McNerney") to perform such professional appraisal services; and

WHEREAS, McNerney possesses the requisite expertise and skilled personnel required to provide professional appraisal services related to the preparation of an appraisal with regard to the Property; and

WHEREAS, the Mayor and Council of the Borough are desirous of awarding a contract for professional appraisal services to McNerney in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the retention of McNerney to provide professional appraisal services is pursuant to a non-fair and open process in accordance with the provisions of New Jersey Local Unit Pay-To-Play Law; and

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WHEREAS, pursuant to the New Jersey Local Unit Pay-To-Play Law, McNerney is required to complete and submit at least ten (10) days prior to the award of a contract in accordance with N.J.S.A. 19:44A-20.26 a Political Contribution Disclosure Form, a Stockholder Disclosure Certification, and a Business Entity Disclosure Certification, certifying that it has not made any reportable contributions to a political or candidate committee in the prior year, and that the contract will prohibit it from making any reportable contributions through the term of the contract; and

WHEREAS, the Political Contribution Disclosure Form, Stockholder Disclosure Certification, and Business Entity Disclosure Certificate and the certification have previously been submitted by McNerney and are maintained on file at the office of the Borough Clerk; and

WHEREAS, in order for the Borough to defend the assessment of the Property, also known as Block 4952, Lot 10, on the tax map of the Borough, there exists a need for McNerney to perform such appraisal in accordance with its proposal, dated May 13, 2013, attached hereto; and

WHEREAS, the Borough's Chief Financial Officer has certified that funds are available for these purposes; and

WHEREAS, the award of a contract for preparation of an appraisal with regard to the Property is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. That McNerney, 266 Harristown Road, Glen Rock, New Jersey 07452 shall be and is hereby appointed to perform professional appraisal services related to the preparation of an appraisal with regard to the Property at a cost of \$9,500, in accordance with its proposal, dated May 13, 2013, attached hereto and made a part hereof.

2. That McNerney is specifically placed on notice that it will be required to comply with the Affirmative Action regulations of P.L. 1975 c. 127.

3. That a notice of the contract awards shall be published if necessary, and this resolution must be available for public inspection, in accordance with the requirements of N.J.S.A. 40A:11-1 et seq.

4. That the Chief Financial Officer has certified that current funds are available for this purpose.

5. That no further action of the Borough shall be required.

The Resolution was **approved unanimously.**

Mayor Sokolich returned to the podium at this point in the meeting.

MAYOR'S APPOINTMENT

A-1 - Bergen County Community Development Regional Committee

Mayor Sokolich appointed Ed Mignone, Assistant Borough
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Engineer, as his representative to the Bergen County Community Development Regional Committee.

COUNCIL APPOINTMENTS

A-2 - Bergen County Community Development Regional Committee

Councilman Cervieri introduced and Councilman Sohmer seconded, the following Resolution:

WHEREAS, the Borough of Fort Lee has entered into a three year cooperative agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A:8-1 et seq. and Title I of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that one municipal representative be appointed to the governing body of the community to be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1, 2013 through June 30, 2014,

NOW, THEREFORE, BE IT RESOLVED that the governing body hereby appoints **Neil Grant** its representative to participate on the Community Development Regional Committee.

The Resolution was **approved unanimously.**

A-3 - Bergen County Open Space Trust Municipal Park Improvement and Land Acquisition Program Regional Committee

Councilman Cervieri introduced, and Councilwoman Kasofsky seconded, the following Resolution:

WHEREAS, Fort Lee has entered into a Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A:8A-1 et seq. to participate in the Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund; and

WHEREAS, said Agreement requires that one municipal representative be appointed by the governing body of the community to be part of the Open Space Trust Municipal Park Improvement and Land Acquisition Program Regional Committee for the term of one

year coinciding with the fiscal year July 1, 2013 through June 30, 2014,

NOW, THEREFORE, BE IT RESOLVED, that the governing body hereby appoints **Ed Mignone, Assistant Borough Engineer**, as its representative to participate on the Open Space Trust Municipal Program Regional Committee.

The Resolution was **approved unanimously**.

COUNCIL REPORTS

Councilman Pohan - noted the passing the Senator Frank Lautenberg, who served the residents of New Jersey for close to thirty years. He was a great friend to the Borough and a great friend to the commuter. He was a great advocate of public transportation during his tenure as Senator. He will be missed by everyone.

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Mayor Sokolich requested a moment of silence in the memory of Senator Lautenberg at this point in the meeting.

Councilman Sohmer - praised Tom Meyers, Peggy Thomas and all the employees who pitched in for the great street fair that was held in the Borough on Main Street on June 2nd. There were more vendors than ever and the music was terrific.

He stated that the Borough's annual music and movie series begins on Saturday, July 6th at the Jack Alter Community Center at 7:00 p.m. with music by "Joe Bataan The King of Latin Soul" and the film "West Side Story".

Councilwoman Kasofsky - acknowledged the passing of Dr. Alan Port, long time Board of Health member, who passed away last week after a long battle with lymphoma. She offered her and the governing body's condolences to his family.

She stated that the Borough will be holding a shredding day in September at the Fort Lee Recreation Center. More information about the event including the actual day of the event as well as other details of the event will be forthcoming soon.

She stated that the students of Florence Katz have their artwork being display currently in the Atrium on the lower level of the Fort Lee Public Library.

Councilman Cervieri - announced that on Sunday, June 23rd at the Richard A. Nest Senior Citizens Center the annual senior dinner dance will be held. It's from 5:30 p.m. to 9:30 p.m. with music by Peter Lieberman. The cost is \$15.00 for Fort Lee residents and \$18.00 for everyone else. For ticket information contact the senior center at 201-592-3500 ext 1513.

He echoed Mr. Pohan's sentiments with regard to the passing of Senator Lautenberg.

Mayor Sokolich - added that it's rare to have a Senator living so close in Cliffside Park, but he was also always accessible to speak to when needed. It's one of the best attributes that a

person can have as an elected official.

PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the meeting was opened to the public for discussion.

Ms. Thomas left at this point in the meeting at 8:46 p.m.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Susan Troya 1432 11 th Street	.Request for Suicide Prevention Walk on GWB	Mayor Sokolich

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There being no further public discussion, **on motion by Councilman Cervieri, seconded by Councilman Pohan,** and there being no further discussion, the meeting was adjourned with no objections at 8:49 p.m.

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, May 9, 2013 @8:00 p.m.

The Regular Meeting of the Mayor and Council of the Borough of Fort Lee was held on the above date in the Council Chambers, Memorial Municipal Building, 309 Main Street, Fort Lee, New Jersey.

PRESENT: Council Members Goldberg, Sohmer, Sargenti,
Kasofsky, Cervieri

ABSENT: Mayor Sokolich, Councilman Pohan

ALSO PRESENT: Peggy Thomas, Borough Administrator
Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney

MAYOR'S STATEMENT

Let the minutes reflect that adequate notice of this meeting has been provided in the following manner:

1. On January 3, 2013, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2013, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2013 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Council President Kasofsky chaired the meeting in the Mayor's absence.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the November 15, 2012 Regular Meeting were approved.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the April 4, 2013 Executive Session were approved.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the April 18, 2013 Executive Session were approved.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the May 2, 2013 Executive Session were approved.

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INTRODUCTION OF ORDINANCES

Ordinance #2013-9 - Adopting a Redevelopment Plan (Chapter 319 Redevelopment) for Redevelopment Area 7, Block 4355, Lots 17-19 and a Portion of Lot 13

On motion by Councilman Cervieri, seconded by Councilman Sargenti, and carried, Ord. #2013-9 entitled, "AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE BOROUGH OF FORT LEE ADOPTING THE REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA 7 PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the public hearing relative to this ordinance was scheduled for **June 13, 2013**.

Ordinance #2013-10 - Amending Chapter 388-36, Schedule XXI, Parking Prohibited Certain Times During Winter Months and Amending Chapter 388-37, Schedule XXII, Parking Prohibited When Road is Snow Covered - Anderson Avenue

On motion by Councilman Cervieri, seconded by Councilman Sargenti, and carried, Ord. #2013-10 entitled, "AN ORDINANCE AMENDING CHAPTER 388 VEHICLES AND TRAFFIC, ARTICLE V SCHEDULES, SECTION 67, SCHEDULE XXI, PARKING PROHIBITED CERTAIN TIMES DURING WINTER MONTHS, AND SECTION 68, SCHEDULE XXII, PARKING PROHIBITED WHEN ROAD IS SNOW COVERED, OF THE CODE OF THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the public hearing relative to this ordinance was scheduled for **June 13, 2013**.

Ordinance #2013-11 - Establishing Salaries and Wages for Blue Collar Employees for 2013-2016

On motion by Councilman Sohmer, seconded by Councilman Sargenti, and carried, Ord. #2013-11 entitled, "AN ORDINANCE ESTABLISHING SALARIES AND WAGES FOR BLUE COLLAR EMPLOYEES FOR 2013-2016," was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **June 13, 2013**.

**AYES: Council Members Sohmer, Goldberg, Sargenti, Cervieri,
Kasofsky**

**Ordinance #2013-12 - Establishing Salaries and Wages for
Department Heads, Borough Administrator, Borough Clerk, Chief
Financial Officer, Tax Assessor, Tax Collector and Certain Non-
Union Employees for 2013-2016**

**On motion by Councilman Cervieri, seconded by Councilman
Sargenti, and carried, Ord. #2013-15** entitled, "AN ORDINANCE
ESTABLISHING SALARIES AND WAGES FOR DEPARTMENT FOR DEPARTMENT
HEADS, BOROUGH ADMINISTRATOR, BOROUGH CLERK, CHIEF FINANCIAL
OFFICER, TAX COLLECTOR, TREASURER, TAX ASSESSOR AND CERTAIN
NON-UNION EMPLOYEES FOR 2013-2016," was introduced and passed on
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first reading.

The Ordinance was **approved** on the following roll call, and
the public hearing relative to this ordinance was scheduled for
June 13, 2013.

**AYES: Council Members Sohmer, Goldberg, Sargenti, Cervieri,
Kasofsky**

**Ordinance #2013-13 - Amending Chapter 388 Vehicles and Traffic,
Article V, Schedules, Section 56 Schedule XII Taxi Stands -
Penalties for Unauthorized Vehicles in the Taxi Cab Stand**

**On motion by Councilman Cervieri, seconded by Councilman
Sargenti, and carried, Ord. #2013-13** entitled, "AN ORDINANCE
AMENDING CHAPTER 388, VEHICLES AND TRAFFIC, ARTICLE V SCHEDULES.
SECTION 56 SCHEDULE XII TAXI STANDS, OF THE CODE OF THE BOROUGH OF
FORT LEE," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the public
hearing relative to this ordinance was scheduled for **June 13,**
2013.

**Ordinance #2013-14 - Establishing Chapter 311, Property,
Abandoned - Establishment of an Abandoned Property Toolkit**

**On motion by Councilman Cervieri, seconded by Councilman
Sargenti, and carried, Ord. #2013-14** entitled, "AN ORDINANCE
ESTABLISHING CHAPTER 311 PROPERTY, ABANDONED, OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE," was introduced and
passed on first reading.

The Ordinance was **approved unanimously**, and the public
hearing relative to this ordinance was scheduled for **June 13,**
2013.

PUBLIC HEARING

**Ordinance #2013-8 - Amending Chapter 79, Section 2, Parking
Authority - Increase of the Membership of Commissioners From Five
(5) to Seven (7)**

**On motion by Councilman Sargenti, seconded by Councilman
Cervieri and carried, relative to Ord. #2013-8** entitled, "AN
ORDINANCE INCREASING THE AUTHORIZED MEMBERSHIP OF THE PARKING
AUTHORITY OF THE BOROUGH OF FORT LEE FROM FIVE TO SEVEN

COMMISSIONERS" was **tabled** on the following roll call:"

AYES: Council Members Sohmer, Goldberg, Sargenti, Cervieri, Kasofsky

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-13.

CA-1 - Payment of Claims

BE IT RESOLVED that the following claims, the details for **Regular Meeting** **May 9, 2013**
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which are attached hereto and made a part hereof, are hereby authorized to be paid, having been audited and found correct by the Borough Administrator and Chief Financial Officer.

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$9,690,780.67
Capital	169,355.30
Road Improvement Plan	n/a
Multiple Dwelling	n/a
Construction Fees	n/a
COAH Fees	n/a
Trust Account (Old)	n/a
Senior Citizen Advisory Council	1,252.50
Trip Admissions	n/a
Wedding Fees	n/a
Trust Account (Accutrack)	40,476.22
Special Dog Account	329.00
Centennial Fund	n/a
Disability Insurance Trust	n/a
Unemployment Compensation Trust	n/a
Public Assistance Trust Fund	n/a
Police Activity Trust	n/a
Fort Lee Film Commission	1,735.00
Redemption Account	583,722.45
School Resource Account	n/a
Dedicated Penalties	n/a
POAA	n/a
Cop Card Donation	n/a
Police Treasury	13,768.80
Police Justice	7,970.00
Flexible Spending	<u>4,196.78</u>
Total:	\$10,513,586.72

CA-2 - Approving Firefighter Application for Jonathan McDermott for Fire Company #1

The firefighter application for Jonathan McDermott for Fire Company #1 was approved.

CA-3 - Accepting Retirement Notice From Camille, Milo, Police Lieutenant - Effective June 1st

BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the resignation notice dated May 1, 2013 submitted by **Police Lieutenant Camille Milo**, of the Police Department, is accepted, with an **effective date of resignation on June 1, 2013**.

CA-4 - Accepting Resignation Notice From Elizabeth Scanlon, Clerk Typist, for the Police Department Records Room - Retroactive to April 26th

BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the resignation notice dated April 11, 2013 submitted by **Elizabeth Scanlon**, Keyboarding Clerk 1 of the Police Department, is accepted, with an **effective date of resignation on April 26, 2013.**

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CA-5 - Authorizing Part-Time Hiring of Kathy Patrick for the Police Department Records Room - \$14.00 Hourly - Retroactive to May 7th

WHEREAS, a vacancy exists in the Records Bureau at the Police Department, due to a resignation, and the Mayor and Council have authorized the vacancy to be filled,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that **Kathy Patrick** be hired as a part-time Records Clerk in the Records Bureau at the Police Department and will be paid **\$14.00 hourly** and work 19½ hours per week effective retroactive to May 7th.

CA-6 - Authorizing 3% Salary Increase for Neil Grant, Borough Clerk - \$3,727.00 Annual Increase Retroactive to March 1st

WHEREAS, **Neil W. Grant, Borough Clerk**, has assumed additional duties for some time in his position as our Borough Clerk, including but not limited under State of New Jersey guidelines, OPRA Requests, filing of Financial Disclosure Forms, handling and ensuring that publications from various departments are posted on our website in a timely fashion, serves as liaison in his capacity as Borough Clerk between the Governing Body, etc.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Neil W. Grant, Borough Clerk, be given a salary increase of **3%, effective retroactively to March 1, 2013.**

CA-7 - Authorizing the Cancellation of Various Capital Ordinances

WHEREAS, balances exist in Capital Ordinances and,

WHEREAS, these balances are unencumbered and these projects are completed and,

WHEREAS, the Mayor and Council wishes to cancel said Capital Ordinances,

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Council of the Borough of Fort Lee, that the following Capital Ordinances are hereby cancelled:

<u>Ordinance Number</u>	<u>Description</u>	<u>Amount</u>	<u>Deferred Charges to Future Taxation Unfunded</u>
2008-17	Refunding Bonds	\$1,680,000.00	\$1,680,000.00
2010-28	Refunding Bonds	1,155,000.00	1,155,000.00
2011-18	Refunding Bonds	979,084.71	979,084.71

2012-05	Refunding Bonds	<u>1,500,000.00</u>	<u>1,500,000.00</u>
		\$5,314,084.71	\$5,314,084.71

CA-8 - Authorizing the Cancellation of Various Grants

WHEREAS, balances exist in various grants and,

WHEREAS, it has been determined that these grants are closed out and,

WHEREAS the Mayor and Council wishes to cancel said grants,
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NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Council of the Borough of Fort Lee, that the following grants are hereby cancelled:

	RECEIVABLE	RESERVE
Public Health Priority Funding	\$28,311.00	\$26,249.94
Department of Transportation	1,567.00	0.00
Stationhouse Adjustment Program	16,441.17	13,562.73
Historical Commission	300.00	300.00
Body Armor		16,838.00
Emergency Management		2,405.72
Domestic Violence		66.50
Traffic Safety		2,000.00
JAG		1,036.35
Title III Older Americans		444.68
USDA		11,758.00
COPS MORE		4,014.75
Title III Older Americans		0.50
Body Armor		30,903.40
Infrastructure Preparedness		1,500.00
Pedestrian Safety Grant		23,742.64
Click it or Ticket		0.92
Public Health Priority Funding		12,090.00
Storm Water Grant		11,354.50
Body Armor		8,708.00
Body Armor		9,815.98
Traffic Grant		2,240.00
	RECEIVABLE	RESERVE
Traffic Grant		4,480.00
Pedestrian Safety Grant		5,554.20
Domestic Violence Grant		3,000.00
Public Health Priority Funding		10,854.89
Pedestrian Safety Grant		4,031.61
Alcohol Education Rehabilitation		397.48
Recycling Tonnage		13,313.12
NJ Smoking		2,220.00
BCUA Recycling		8,994.34
Alcohol Education Rehabilitation		3,890.25
Public Health Priority Funding		8,935.86
Storm Water Grant		25,378.00
Emergency Management		3,000.00
Livable Communities		4,251.00
NJ Smoking Prevention		4,860.00
NJ CMB Tobacco		5,820.00
NJ Information Technology		22,952.13
Body Armor		31,621.45
Click it or Ticket		3,200.00
Pedestrian Safety		3,294.36
Department of Transportation		1,657.03
Drunk Driving Enforcement Fund		2,784.65
NJ Aggressive Driver		3,800.00

\$46,619.17

\$357,322.98

CA-9 - Authorizing the Sale of the Borough's Surplus Property No Longer Needed for Public Use on Propertyroom.com an Online Auction Website and Publication of Such Notice of the Auction

**RESOLUTION OF THE BOROUGH OF FORT LEE, COUNTY OF BERGEN,
STATE OF NEW JERSEY, AUTHORIZING THE SALE OF SURPLUS
PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE
AUCTION WEBSITE AND PUBLICATION OF A NOTICE OF THE ONLINE
AUCTION**

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WHEREAS, the Local Unit Electronic Technology Pilot Program and Study Act has been enacted by the New Jersey Legislature to permit local units to purchase bulk commodities and services and sell surplus property through means of the internet and related technologies; and

WHEREAS, the Borough of Fort Lee ("Borough") has surplus equipment that is no longer used and useful in providing municipal services to the citizens of the Borough and wishes to dispose of these goods through an efficient and effective process; and

WHEREAS, on prior occasion pursuant to resolution, the Borough awarded a contract to Propertyroom.com to auction on its website any surplus and unclaimed property ("Property") in the various departments in the Borough; and

WHEREAS, the Borough has determined that the equipment and vehicles listed on Schedule A constitutes Property no longer needed for public use; and

WHEREAS, the Borough desires to sell through an online auction the Property listed in Schedule A, attached to this resolution (Available in the Office of the Borough Clerk); and

WHEREAS, the award of a contract to Propertyroom.com is necessary for the efficient operations of the Borough and the sale of Property no longer used and useful by the Borough for the provision of municipal services is in the best interests of its citizens,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee as follows:

1. That the Borough Clerk is hereby authorized to post an offer to sell the Property listed on schedule A, on an auction website as follows:

Online auction site: www.propertyroom.com
<http://www.propertyroom.com>
Length of Auction: Minimum of three (3) days
Anticipated Starting Date: June 3, 2013
Account #: 1045
Auction fees: revenue sharing
Method of Payment: major credit card
Shipping: common carrier
Possession: Propertyroom.com with exception of in-place auction items
Other terms: Bidders must pre-register with propertyroom.com
Minimum Bid: \$1.00
Equipment: (Schedule A)

2. That the Borough Clerk is hereby authorized to

publish a copy of this Resolution as notice of the on-line auction, including the information shown in Paragraph #1 above.

3. That the Municipal Attorney is hereby authorized to forward to the Department of Community Affairs a copy of the contract with Propertyroom.com and the notice of the on-line auction, as well as any other documentation as may be required to evidence the Borough's participation in the sale of surplus equipment pursuant to the Local Unit Electronic Technology Pilot Program and Study Act; and

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BE IT FURTHER RESOLVED that the proposal of and contract with Propertyroom.com, and a copy of this Resolution as notice of the on-line auction, be made available in the Borough Clerk's Office.

CA-10 - Authorizing The Execution of a Shared Services Agreement With the Borough of Edgewater for the Utilization of an Electrical Engineer With Radio Frequency Experience

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF EDGEWATER FOR THE UTILIZATION OF AN ELECTRICAL ENGINEER WITH RADIO FREQUENCY EXPERIENCE

WHEREAS, the Borough of Fort Lee ("Borough") is a municipal corporation of the State of New Jersey in the County of Bergen, established in accordance with N.J.S.A. 40A:60-1 et seq.; and

WHEREAS, the Borough of Edgewater ("Edgewater") is a municipal corporation of the State of New Jersey in the County of Bergen, established in accordance with N.J.S.A. 40A:60-1 et seq.; and

WHEREAS, the Borough and Edgewater are in need of services of an electrical engineer with radio frequency experience for the health, safety and welfare of their respective citizens; and

WHEREAS, N.J.S.A. 52:27D requires each municipality to have an electrical engineer but that same may be provided by an agreement with another municipality; and

WHEREAS, the New Jersey Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., authorizes local units to enter into an agreement for the performance of any services that a party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, Edgewater has previously solicited Requests for Qualifications to electrical engineering firms with appropriate training, licensing, and expertise to perform such radio frequency amplifications system services; and

WHEREAS, the Borough and Edgewater have discussed and agreed upon a shared services arrangement for the collective use of the services of an electrical engineer for purposes of designing and reviewing radio amplification systems intended to assure that emergency service communications in certain buildings where radio frequencies are unable to penetrate, jeopardizing ability of emergency personnel to communicate with others both inside and outside of the buildings; and

WHEREAS, Edgewater has agreed to furnish to the Borough with the services of its electrical engineer pursuant to N.J.S.A.

52:27D and N.J.S.A. 40A:65-1 et seq.; and

WHEREAS, the entry into a share services agreement for the services of an electrical engineering with radio frequency experience is necessary to address the mutual needs of the Borough and Edgewater to guarantee communication between emergency services personnel throughout the two municipalities; and

WHEREAS, the Borough has determined, that for reasons of efficiency and economy and in view of the limited demand for services experienced by the Borough for the services of electrical

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engineer that it is prudent and fiscally responsible to enter into the shared services agreement; and

WHEREAS, the Borough wishes to enter into a shared services agreement, substantially similar to the agreement attached hereto, for the shared use of services of an electrical engineer for purposes of designing and reviewing radio amplification systems; and

WHEREAS, the entry into a shared services agreement with Edgewater is in accordance with the Uniform Shared Services and Consolidation Act and is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. That entry into a shared services agreement with Edgewater, upon terms substantially similar to the agreement attached hereto, is pursuant to and in accordance with the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., and is hereby authorized.

2. That the Mayor shall be and is hereby authorized to execute an agreement, in substantially the same form as that attached hereto, between the Borough and Edgewater, memorializing the terms and conditions for the shared use of services of an electrical engineer for purposes of designing and reviewing radio amplification systems.

3. That upon execution of such shared services agreement, this resolution and the agreement between the parties shall be available for public inspection in the Office of the Borough Clerk.

4. That no further action of the Borough shall be required.

CA-11 - Authorizing Purchase of One (1) Ford F350 Mason Dump Truck and Two (2) Ford F250 Pick-Up Trucks for the DPW from Winner Ford, Cherry Hill, New Jersey, Through State Contract #'s 83558 & 83576 - \$84,622.38 for All Three Vehicles

WHEREAS, the Department of Public Works (DPW) has requested the purchase of one (1) mason dump truck and two (2) pick-up trucks in order to continue to maintain efficient operations in its department; and

WHEREAS, the vehicles are available through Winner Ford, via New Jersey State Contract #'s 83558 for the dump truck and 83576 for the two pick-up trucks; and

WHEREAS, the overall cost of the vehicles are over the bid threshold amount of \$36,000.00 and the expenditure must be authorized by resolution of the governing body; and

WHEREAS, this contract may be awarded without competitive bidding as a recognized exception under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., since the goods and/or services are to be provided as a result of a contract to be entered into with the State of New Jersey, pursuant to and in accordance with N.J.S.A. 40A:11-5(2),

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Fort Lee authorizes the DPW to purchase one (1) 2013 Ford F350 dump truck and two (2) Ford F250 pick-up trucks by **Regular Meeting** **May 9, 2013**
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purchase order from Winner Ford, 250 Haddonfield - Berlin Road, Cherry Hill, New Jersey, 08034 in the overall amount of **\$84,622.38** for all three vehicles which individual vehicles costs are as follows:

F350 Mason Dump Truck \$34,694.00
F250 Pick-Up Truck \$23,066.69
F250 Pick-Up Truck \$26,861.69 - Includes Theiman Top Lifter
Lift Gate 1500#

WHEREAS, the Local Public Contracts Law requires that the resolution awarding a contract without competitive bidding must be available for public inspection; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for the purchase of all three (3) vehicles.

CA-12 - Approving Person-to-Person Liquor License Transfer From Chrisovalantis Inc. to NTN Fort Lee Inc. d/b/a (Chillers Grill) at 2191 Fletcher Avenue

WHEREAS, an application has been filed for a person-to-person transfer of plenary retail consumption license **0219-33-016-005**, heretofore issued to **Chrisovalantis Inc.** a business corporation for premises located at **2191 Fletcher Avenue, Fort Lee, New Jersey**; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the applicant has received a tax clearance certificate for person-to-person transfer from the State of New Jersey, Department of the Treasury, Division of Taxation, Trenton, New Jersey,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Fort Lee does hereby approve the person-to-person transfer of the aforesaid plenary retail consumption license to **NTN Fort Lee Inc. t/a Chillers Grill at 2191 Fletcher Avenue, Fort Lee, New Jersey 07024** effective **May 9, 2013** and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership.

CA-13 - Accepting Retirement Notice of Police Officer Daniel Dawson - Effective June 1st

BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the retirement notice dated April 18, 2013 submitted by **Police Officer Daniel Dawson**, of the Police Department, is accepted, with an **effective date of retirement on June 1, 2013**.

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Nina Levinson, 1560 West Street, questioned CA-7 and CA-8.

Ms. Thomas explained that the funds for CA-7 and CA-8 have been spent and the cancellation of the balances will close out the accounts and the monies that remained the in accounts will go into surplus.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, and the Consent Agenda (items CA-1 through CA-13) was **approved unanimously**.

RESOLUTIONS

R-1 - Adopting the Memorandum of Agreement Between the Borough and the United Service Worker's Union for Blue Collar Employees and Department Heads

Councilman Cervieri introduced, and Councilman Sargenti seconded, the following Resolution:

A RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE MEMORANDUMS OF AGREEMENT BETWEEN THE BOROUGH OF FORT LEE AND LOCAL 1N, IUJAT UNITED SERVICE WORKER'S UNION, BLUE COLLAR UNIT AND THE FORT LEE DEPARTMENT HEADS

WHEREAS, the Borough of Fort Lee and the Local 1N, IUJAT, United Service Worker's Union, Blue Collar Unit have negotiated specific terms and conditions for mutually agreeable amendments to the Collective Negotiations Agreement which covered the period from January 1, 2010 through December 31, 2012; and

WHEREAS, the Borough of Fort Lee and the Local 1N, IUJAT, United Service Worker's Union, Fort Lee Department Heads have negotiated specific terms and conditions for mutually agreeable amendments to the Collective Negotiations Agreement which covered the period from January 1, 2010 through December 31, 2012; and

WHEREAS, it is expressly understood that the duration of the new Collective Negotiations Agreement and its amended terms shall be from January 1, 2013 through December 31, 2016, *nunc pro tunc*; and

WHEREAS, the Borough of Fort Lee hereby designates the Borough Administrator to execute the mutually agreeable Memorandums of Agreement on behalf of the Borough of Fort Lee,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the Borough Administrator is hereby authorized to execute the attached Memorandums of Agreement, between the Borough of Fort Lee and Local 1N, IUJAT, United Service Worker's Union, Blue Collar Unit and the Fort Lee Department Heads, or with such minor amendments as may be

satisfactory to the Borough Attorney.

The Resolution was **approved** on the following roll call:

AYES: Council Members Sohmer, Sargenti, Cervieri, Kasofsky

NAY: Councilman Goldberg

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R-2 - Approving Developers Agreement for 1026 Morningside Lane, LLC, Block 159, Lot 4

Councilman Cervieri introduced, and Councilman Sargenti seconded, the following Resolution:

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE APPROVING AND AUTHORIZING THE EXECUTION OF THE DEVELOPER'S AGREEMENT BETWEEN THE BOROUGH OF FORT LEE AND 1026 MORNINGSIDE LANE, LLC

WHEREAS, on November 27, 2012, the Fort Lee Zoning Board of Adjustment ("ZBA") granted approvals to 1026 Morningside Lane, LLC (the "Developer") for development of a 6-unit residential building on property known as Block 159, Lot 4, also known as 1018 Morningside Lane (the "Property") pursuant to ZBA Application No. 23-12; and

WHEREAS, on December 11, 2012, the ZBA adopted a resolution memorializing the approval, which was subject to the Developer entering into a Developer's Agreement with the Borough of Fort Lee; and

WHEREAS, a Developer's Agreement has been prepared by the Borough Attorney and is available in the Office of the Borough Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the Mayor and Borough Clerk hereby approved and authorize to the execution of the Developer's Agreement with the Developer.

The Resolution was **approved** on the following roll call:

AYES: Council Members Sohmer, Goldberg, Sargenti, Cervieri, Kasofsky

R-3 - Authorizing Hiring of Clean Community Employees for the Spring/Summer - \$7.50 to \$11.00 Hourly

Councilman Cervieri introduced, and Councilman Sargenti seconded, the following Resolution:

WHEREAS, spring/summer seasonal positions exist within various departments, and the Mayor and Council have determined that the positions should be filled,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the following individuals be hired as spring/summer help, at the hourly rates of compensation listed below:

<u>Name</u>	<u>Department</u>	<u>Hourly Rate</u>
Michael Medaglia	DPW	\$7.50*

Michael Francolino	DPW	\$9.50
Patrick Cillo	DPW	\$11.00
Nicholas Cima	DPW	\$11.00
Alyssa Martinez	Building Maintenance	\$8.50
Christopher McCafferty	DPW	\$7.50*
Jacquis Mayrant	DPW	\$8.50
Darriell Vasquez	DPW	\$7.50*
Crystal O'Conner	Fire Prevention	\$9.00*

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<u>Name</u>	<u>Department</u>	<u>Hourly Rate</u>
Devin Sokolich	DPW	\$8.50
Ross Fasman	DPW	\$7.50*
Hunter McCue	DPW	\$7.50*

*Denotes New Hire (All others are returning from previous years)

The Resolution was **approved** on the following roll call:

AYES: Council Members Sohmer, Goldberg, Sargenti, Cervieri, Kasofsky

APPOINTMENT

A-1 - Parking Authority

Councilman Cervieri introduced, and Councilwoman Kasofsky seconded, the following Resolution:

WHEREAS, Borough Ordinance 79-2 of the codified ordinances of the Borough of Fort Lee provides that the Borough Council shall designate and appoint a member of the Borough Parking Authority, pursuant to such ordinance and pursuant to New Jersey Statutes in such cases made and provided and in particular, RS 40:11A-4 et seq.; and

WHEREAS, the Borough Council does, in its judgment, deem it to be made in the best interest of the Borough that such appointment be made,

NOW, THEREFORE, BE IT RESOLVED, that **Richard Radoian** be and hereby is designated and appointed by the **Borough Council** as a **member of the Parking Authority** pursuant to Borough Ordinance 79-1 et seq. of the codified ordinances of the Borough of Fort Lee and pursuant to New Jersey Statutes in such cases made and provided, the **term** of such appointment to be for an unexpired term through **December 31, 2014** in accordance with the foregoing ordinance and statutes.

The Resolution was **approved unanimously.**

COUNCIL REPORTS

Councilman Sohmer - announced that the Borough's annual Arts & Music Festival will be held on Sunday, June 2nd from 11:00 a.m. to 6:00 p.m. on Main Street between Center Avenue and Lemoine Avenue. The event is sponsored by the Fort Lee Historical & Cultural Committee and the Mayor and Council. There will be live music, food, artists, a farmer's market and a motorcycle show sponsored by Bergen County Harley Davidson. Also there will be a juried art show sponsored by the Fort Lee Artist Guild. In addition there will be a free Palisades Amusement Park photo booth.

He stated that Palisades Amusement Park weekend will take

place the weekend of June 8th and June 9th on the grounds of the Fort Lee Museum at 1588 Palisade Avenue. The cost is \$10.00 for adults and \$5.00 for seniors. All proceeds go to the Fort Lee Historical Society. Food and drink is included in the cost. Alan Brennert will be on hand for the event and will be signing his book "Palisades Park" which is a part fiction, part truthful, account of the people and events that made up the amusement park.

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He also announced that on June 9th there will be a Palisades Park historic jitney tour. Sign up will be from 9:00 a.m. to 11:00 p.m. at the Fort Lee Museum. Buses will leave hourly from 11:00 a.m. through 2:00 p.m. The tour guides will be Tom Meyers of the Office of the Fort Lee Cultural & Heritage Affairs and Palisades Park Historian Vince Gargulio. The tour consists of sites associated with Palisades Amusement Park including its link to film history.

He stated that as liaison to the ADA Board there is a pamphlet available called "Register Ready" for people who have handicaps. This came about because of Hurricane Sandy. People can register at www.registerreadynj.gov or call the Borough's Office of Emergency Management at 201-592-3500 ext. 1512. People can also register through the Borough's website at www.fortleenj.org through the NIXLE component of the website.

Councilman Goldberg - stated that the Fort Lee Film Commission was being presented tonight the 2013 Bergen County Historic Preservation Award in the area of education for their production of the Fort Lee Film History Map.

He announced that the Fort Lee Film Commission's annual Battle of the High School Bands is looking for all high school garage bands. The last day to enter is, Saturday, June 1st. The competition is Friday, June 7th at 7:00 p.m. in the auditorium of the Jack Alter Fort Lee Community Center. Links for music can be sent to ftleefilm@aol.com or call 201-592-3663 for further information

He announced that Borough's annual "Movies & Music Under the Stars" series commences on Saturday, July 6 and runs each Saturday night through September 7th at the outdoor stage of the Jack Alter Fort Lee Community Center. In case of rain events will be held indoors on the second floor of the community center. The first movie to be show this year will be "West Side Story" and music will be provided by Joe Bataan The King of Latin Soul.

Councilman Sargenti - had no report tonight.

Councilman Cervieri - expressed his and the governing bodies condolences on the loss of Lucille Parisi, the mother of Borough of Englewood Cliff's Mayor Joseph Parisi, Jr. who passed away last weekend.

He congratulated and offered his best wishes to retiring Lieutenant Camille Milo and Police Officer Daniel Dawson for their twenty five plus years of dedicated service to the Borough of Fort Lee.

Councilwoman Kasofsky - announced that Palisades 5th Annual Diabetes Foundation walk/run event will take place on Sunday, May 19th from 9:00 a.m. to 12:00 noon. Mayor Sokolich and Cliffside Park Mayor Gerald Calabrese in conjunction with the Diabetes Foundation are the hosts to the event which includes a 5k and 10k

run and health fair at Cliffside Park High School. Further information can be found on the Borough's website.

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PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the meeting was opened to the public for discussion.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Asked About the White Collar Salary Ordinance	Ms. Thomas

There being no further public discussion, **on motion by Councilman Sargenti, seconded by Councilman Cervieri,** and there being no further discussion, the meeting was adjourned with no objections at 8:16 p.m.

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, April 11, 2013 @8:00 p.m.

The Regular Meeting of the Mayor and Council of the Borough of Fort Lee was held on the above date in the Council Chambers, Memorial Municipal Building, 309 Main Street, Fort Lee, New Jersey.

PRESENT: Mayor Sokolich, Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

ALSO PRESENT: Peggy Thomas, Borough Administrator
Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney
Joseph Iannaconi, CFO
Steve Wielkocz, Borough Auditor

MAYOR'S STATEMENT

Let the minutes reflect that adequate notice of this meeting has been provided in the following manner:

1. On January 3, 2013, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2013, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2013 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Sokolich stated that the Borough is continuing its safety pedestrian program. The Borough needs to bring immediate and abrupt closure to the recent number of pedestrian injuries and unfortunately, fatalities. There has been a three prong approach instituted by the Police Department headed up by Chief Bendul and Deputy Chief Ford. There have been instructional courses given by the Police Department to all the residents of the Borough. These courses are to teach the residents to understand pedestrian safety and to give them the tools so that they aren't hit by vehicles. A jaywalking program and crosswalk program have also been implemented. Decoy officers walked at crosswalks and if drivers did not stop summonses were issued. Handouts paid by the Police Department's confiscated funds account have been given to residents at various locations throughout the Borough. The items given out are to make pedestrians more easily visible to drivers. Since the program started there has been an abrupt decline in injuries and he's hopeful the statistics will continue in that direction.

He stated there was another productive meeting today with the Special Improvement District (SID) Committee. Eventually there will be a board of directors implanted in the Borough that will administer the SID. The program is devoted to the commercial area

of Main Street. He added that it's a very complex undertaking and it will be discussed in more detail in the future. It will be the first time a SID will be put in place in the Borough and he's confident that it will have a positive impact on Main Street

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and the entire area eventually incorporated as part of the SID.

He stated that Redevelopment Area 5 is moving forward as people can see that the first building in the northern portion of the eastern parcel is in the midst of being constructed. It's the first time in more than forty-five years that there has been on-going development on the property now commonly known as Redevelopment Area 5. On the western parcel Tucker Development has applied for demolition and site work permits which are now being reviewed by the Building Department.

He stated that since Hurricane Sandy, if the question came up what has the Borough done to make improvements? The answer could not be nothing. In fact, a lot has been done since Hurricane Sandy. Fort Lee now owns and will be operating emergency radio station 1630 A.M. It will be devoted to traffic and emergency announcements. Red Cross radios which can operate via battery or hand crank are also going to be passed out to the residents in Borough who are in the most need of them. They will also be given out the most populated areas of the Borough as well as placed in public buildings. Messages can be adjusted as many times as it needs be to make sure the residents are hearing first-hand what emergency situations may be arising and/or ongoing. A more formal announcement will be done once the radios are in and have been distributed.

PROCLAMATIONS

Mr. Grant read the following proclamations:

PR-1 - National Library Week

WHEREAS, the week of April 14th to April 20, 2013 has been designated NATIONAL LIBRARY WEEK throughout the Nation to honor the important service rendered the public by local libraries; and

WHEREAS, librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in the 21st century; and

WHEREAS, libraries play a vital role in supporting the quality of life in their communities; and

WHEREAS, libraries are a part of the American dream; they are a place for education and self-help and because they offer free access to all, they bring opportunity to all,

NOW, THEREFORE, BE IT RESOLVED, that I, Mark J. Sokolich, Mayor of the Borough of Fort Lee, do hereby declare this week of April 14th to April 20, 2013 as National Library Week in the Borough of Fort Lee, and urge all citizens of the community to enjoy the great array of resources available at their library and to share generously in its support to join me in expressing great appreciation to libraries and librarians for the vital service they provide.

PR-2 - Autism Awareness Month

WHEREAS, autism is a pervasive developmental disorder affecting the social, learning and behavioral skills of those affected by it; and

WHEREAS, autism was once thought to be a relatively rare disorder, affecting only one in 10,000 people; and

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WHEREAS, as more and more health professionals become proficient in diagnosing autism, more children are being diagnosed on the autistic spectrum, resulting in rates as high as one in 150 children; and

WHEREAS, while there is no cure for autism, it is well-documented that if individuals with autism receive treatment early in their lives, it often is possible for those individuals to lead significantly improved lives; and

WHEREAS, The New Jersey Center for Outreach and Services for the Autism Community (COSAC), and Autism Speaks is spearheading an awareness effort in order to educate parents, professionals and the general public about autism and its effects,

NOW, THEREFORE BE IT RESOLVED THAT I, Mark J. Sokolich, Mayor of the Borough Fort Lee do hereby proclaim April as AUTISM AWARENESS MONTH in the Borough of Fort Lee, and urge all employees and residents to become better educated on the subject of autistic spectrum disorders.

Mayor Sokolich mentioned that the Jack Alter Fort Lee Community Center is lit up in blue during the month of April in recognition of Autism Awareness Month.

INTRODUCTION OF ORDINANCES

Ordinance #2013-8 - Amending Chapter 79, Section 2, Parking Authority - Increase of the Membership of Commissioners From Five (5) to Seven (7)

On motion by Councilman Sargenti, seconded by Councilman Sohmer, and carried, Ord. #2013-8 entitled, "AN ORDINANCE INCREASING THE AUTHORIZED MEMBERSHIP OF THE PARKING AUTHORITY OF THE BOROUGH OF FORT LEE FROM FIVE TO SEVEN COMMISSIONERS," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the public hearing relative to this ordinance was scheduled for **May 9, 2013**.

PUBLIC HEARINGS

Ordinance #2013-4 - Amending Chapter 388, Section 57, Schedule XIII, Bus Stops - Relocation of Palisade Avenue/Bridle Way Northbound Bus Stop Far Side of Bridle Way to Near Side of Bridle Way at Traffic Light

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2013-4 entitled, "AN ORDINANCE AMENDING CHAPTER 388, SECTION 57, SCHEDULE XIII, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE ENTITLED 'BUS STOPS' IN THE BOROUGH OF FORT LEE."

There being no public discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Pohan**.

On motion by Councilman Cervieri, seconded by Councilman Pohan, the Ordinance was **adopted unanimously**.

Ordinance #2013-5 - Amending Chapter 388, Sections 14 and 69 to Include an Additional Handicapped Parking Space on William Street

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2013-5 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED HANDICAPPED PARKING SPACES."

There being no public discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilman Sohmer.

On motion by Councilman Cervieri, seconded by Councilman Pohan, the Ordinance was adopted unanimously.

Ordinance #2013-6 - Bond Ordinance for Rehabilitation of Tennis and Basketball Courts at William T. Birch Park (50-50 Open Space Trust Fund Match) - Appropriating \$357,684.00 and Authorizing \$169,900.00 Bonds and/or Notes

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2013-6 "BOND ORDINANCE PROVIDING FOR THE REHABILITATION OF TENNIS AND BASKETBALL COURTS IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$357,684 THEREFOR AND AUTHORIZING THE ISSUANCE \$169,900 OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF."

There being no public discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilman Sohmer.

On motion by Councilman Cervieri, seconded by Councilman Pohan, the Ordinance was adopted on the following roll call:

AYES: Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

Ordinance #2013-7 - Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A.40A:4-45.14)

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2013-7- entitled, "CALENDER YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BAND (N.J.S.A 40A:4-45.14)."

Nina Levinson, 1560 West Street, asked can the appropriation limits be raised from 2% to 3.5% by ordinance of the governing body.

Mr. Wielkocz replied that it can be raised to a maximum of 3.5%.

There being no further discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilman Sargenti.

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the Ordinance was adopted on the following roll call:

AYES: Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

MUNICIPAL BUDGET 2013

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, the public hearing was opened relative to the **2013 Municipal Budget**.

Mr. Wielkocz stated that the municipal tax increase is about 2.7 tax points, which is a \$127.00 increase on the average assessment on a borough property assessed at \$465,000. The biggest issue in this budget was related to Hurricane Sandy and the other big item was the large increase that the municipality has to pay to the Bergen County Utilities Authority which was \$758,000 more than last year. This is an increase of more than 19% when most of the other Bergen County municipalities increase where in the 2% to 3% range. Without these two items the Borough would have looking at no municipal tax increase for 2013.

Martha Cohen, 1530 Palisade Avenue, spoke about the anticipated surplus listed in the paper. She asked if it was \$2,900,000 or \$3,000,000.

Mr. Wielkocz replied that the correct figure is \$2,900,000.

Ms. Cohen asked for an explanation of how the surplus works.

Mr. Wielkocz stated that in 2012 the Borough's surplus was approximately \$3,900,000 of that figure \$2,900,000 is considered cash surplus available for the budget and is being utilized in this year's budget. In 2012 the Borough generated a little more than a million dollars from 2011, most of which came from construction fees for new development. It's anticipated the Borough will replenish the \$2,900,000 that is being used in this year's budget.

Ms. Cohen asked about the Mayor and Council's expense line and why it's being increased from \$46,400 to \$66,275.

Ms. Thomas stated that a portion of the increase is attributed to the SID. The SID is in both the Mayor and Council line as well as the Administration line.

Mr. Wielkocz added that the budget is listed as required by the State in the format that it's presented. Every department has twenty to twenty five sub accounts, one of which is contractual services.

Mayor Sokolich mentioned that Ms. Cohen sent in a series of thirty to forty questions which the Borough is in the midst of answering. The questions just came in this past Tuesday.

Ms. Cohen spoke to the BCUA and the Hurricane Sandy costs within the budget.

Mr. Wielkocz replied that the Borough has a bill from the BCUA and is required to appropriate the entire bill which payments are due quarterly regardless whether the Borough is fighting the bill with the BCUA. The Borough's fight and ultimate result will take time. As far as Sandy is concerned the Borough will be

getting money back from FEMA; however, that is a long and arduous process.

Ms. Cohen asked how much of the \$500,000 related to Hurricane Sandy is the Borough expected to receive back from FEMA.

Ms. Thomas said the Borough is hopeful that it will receive \$800,000 to \$900,000.

Mr. Wielkocz replied that the emergency was for \$500,000 but there was a lot of money spent within the constraints of last year's adopted budget. The Borough is not allowed to anticipate the revenue in this year's budget because that money might not come in until 2014.

Mayor Sokolich clarified Ms. Cohen's comments saying that there was an emergency appropriation of \$500,000 and the balance was paid under general operation funds. He also said that the BCUA increase will be fought very aggressively and that he has guarded confidence that there will be a positive result for the Borough, but responding to Ms. Cohen saying that he said the Borough would win, that she might want to check the previous meeting tape.

Ms. Cohen spoke to previous bonding the Borough had done with regard to retirement payouts.

Mr. Wielkocz replied that what was actually done was a special emergency resolution which the payments are repaid over a five-year period through short-term financing.

Mayor Sokolich stated that Ms. Cohen has vilified him the last several years every time the word "bond" has come up. He said that the Borough has gone through overall record bond reductions in the Borough over the past few years. He asked Ms. Cohen if she's implying the Borough should now bond for the Hurricane Sandy costs.

Mr. Wielkocz and Ms. Thomas both said it's illegal.

Ms. Cohen said that it was done for the retirement payments.

Ms. Pohan responded that there is a state statute that allowed for the retirement payments to be spread out over five years.

Mr. Wielkocz also responded that the New Jersey Legislature in connection with Governor Christie's pension reform four year ago tweaked the special emergency statute to now include accrued vacation and sick time. The belief when this occurred and proven accurate since was that when the pension reform bills were signed that a significant amount of public employees with over twenty five years of service and over fifty-five were going to retire and that is exactly what happened. So instead of absorbing a huge hit in one budget, it was allowed to be spread out over five years which helped the taxpayers. He said that the payment for sewer operating costs is not legally bondable under New Jersey State statute.

On questioning from Ms. Cohen he stated that Hurricane Sandy costs were related to overtime for the Borough's emergency services and not because of any capital structure damage which was a blessing. It's a one year emergency and has to be raised in this year's budget.

Ms. Cohen asked about the new revenue from the construction fees associated with the new development.

Mr. Wielkocz explained the Borough generated surplus last year of \$3,900,000 which the Borough is using \$2,900,000 to off-set expenses. Last year the Borough used \$2,400,000. The additional surplus generated last year is being put back in the budget to help off-set increases in expenditures which has been a practice of the Borough for the past thirty-four years most of which Mr. Wielkocz has been employed by the Borough as the auditor.

Mr. Pohan explained that the less money the Borough has in surplus affects the Borough's bond rating.

Ms. Cohen believes that many of the Borough's budget line items have been overspent.

Mr. Wielkocz responded by stating that there are no over expenditures in the budget. The Borough is not raising any charges for deferred expenditures. The budget adopted last year like the budget on the table tonight is a plan and things happen during the year and that is why the statutes allow municipalities to make transfers in November and December and transfers from the prior year's budget in January, February and March to cover things that happen during the year.

On questioning by the Mayor about the \$500,000 Hurricane Sandy emergency, Mr. Wielkocz stated that there are municipalities who overspent their budgets and who don't have the fiscal controls in place that the Borough has. He said that the Borough through the administrator and the governing body have fiscal controls in place.

Ms. Cohen asked what the \$500,000 was spent on.

Ms. Thomas replied that it was for police overtime.

Ms. Cohen asked about the \$835,000 police salary line increase for this year.

Ms. Thomas replied that six additional police officers have been hired as well as contractual increases and the police overtime.

Mr. Wielkocz added that the \$500,000 was for last year.

Ms. Cohen mentioned the Ambulance Corps salary and wage line and asked why even though the line was overspent by \$25,000 last year why an additional \$50,000 is being placed in this year's budget.

Ms. Thomas stated that they have a significant amount of new volunteers through their community outreach program in order to cover the weekends when the Borough does not have paid EMT's on duty.

Ms. Cohen asked why the social security line has increased so much.

Ms. Thomas replied that because the base salaries increased for all employees and also relates to the hiring of the new officers.

Ms. Cohen stated that the pension numbers went down so she assumed social security costs would also go down.

Mr. Wielkocz replied that the pension numbers are given to the Borough by the State, basically telling the Borough what it has to contribute to PERS and PRFS for the year which fees are due on April 1st.

Ms. Cohen asked why there is a significant increase in the interest on the Borough's notes.

Mr. Wielkocz replied that new notes were issued last year for projects undertaken.

Ms. Cohen asked what is the Borough's overall total for bond indebtedness.

Mr. Pohan replied that there are three numbers that come into play, the total amount authorized, the total amount of bonds and notes and the total amount of bonds issued.

Mr. Wielkocz replied that the authorized, not issued amount is \$7,330,000. The bonds outstanding are \$51,202,000 which is \$5,300,000 less than at the end of last year. The temporary notes are \$8,370,000.

Ms. Cohen asked where she could find the health benefits saving of \$1,080,000.

Ms. Thomas stated that the numbers showing the decrease are on sheets 14 and 20.

Nina Levinson, 1560 West Street, spoke to capital improvements on page 40 and asked what the capital improvements were for.

Mr. Wielkocz explained that the \$6,000,000 listed on page 40 represents the annual improvements multi-purpose bond ordinance that the Borough does annually. It encompasses roads, various equipment and any other infrastructure improvements. It's dedicated on an annual basis to make sure the Borough keeps up with the things it needs to.

Ms. Levinson asked about the \$50,000 that was listed on the one page summary sheet.

Mr. Wielkocz explained that was for the 5% down payment on the \$1,000,000.

Ms. Levinson spoke to last year's \$1,700,000 put aside for uncollected taxes. She asked if all of it was used.

Mr. Wielkocz stated that it's a statutory calculation based on the collection percentage from the year before. At the end of 2012 the Borough had close to \$1,500,000 in delinquent taxes so the reserve of \$1,700,000 was pretty spot on. That money will be virtually collected this year by either the taxpayer paying or through tax sales.

Ms. Levinson asked how much was the Borough's assessment reduced by tax appeals.

Mayor Sokolich asked for the overall assessment of the Borough in taxes.

Mr. Wielkocz replied that it was \$6,077,000,000 for 2013 down by about \$9,000,000.

Mayor Sokolich asked Mr. Wielkocz to categorize the reduction.

Mr. Wielkocz said that his firm represents over fifty municipalities and the numbers related above to the assessment lowered by tax appeal reductions is very good.

Mr. Cervieri stated that he spoke to Steve Muhlstock, Tax Appeal Attorney, earlier today and that without a chance to review all his numbers Mr. Muhlstock said that over \$50,000,000 in tax appeals have been withdrawn and had they been successful that would have cost the Borough a \$1,000,000. The Borough diligently fights tax appeals as needed.

Mayor Sokolich explained how tax appeals work on a general basis and that the numbers can be for upward to five to seven years based on the number of years accumulated. The reputation in the Borough is that people can file tax appeals for residential and commercial property but specifically to attorneys who file for reductions in commercial properties, be prepared that there will be great resistance because the Borough has confidence in the assessments imposed.

Mr. Pohan stated that the money the Borough has spent on certain appraisal reports to fight tax appeals has money been well spent.

Mr. Cervieri stated that the Borough gets reimbursed from Bergen County the following year for the reduction for the county portion; however, the Borough does not recover the school portion.

There being no further discussion, **on motion by Councilman Cervieri, seconded by Councilman Pohan**, the public hearing was closed relative to the **2013 Municipal Budget**.

MUNICIPAL BUDGET ADOPTION FOR THE YEAR 2013

BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee of the County of Bergen that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$58,148,849.76 for municipal purposes, and

(a) \$58,148,849.76 (Item 2 below) for municipal purposes, and

(b) \$0.00 (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation, and

{C} _____ (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18:9-3) and the certification to the County Board of Taxation of the following summary of general revenues and appropriations.

(d) 2,140,694.00 Minimum Library Tax

SUMMARY OF REVENUES

1. General Revenues		
Surplus Anticipated	08-100	\$2,900,000.00
Miscellaneous Revenues Anticipated	13-099	\$7,080,650.33
Receipts from Delinquent Taxes	15-499	\$1,458,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)		
	07-190	\$58,148,849.76
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE 1 SCHOOL DISTRICTS ONLY		
Item 6, Sheet 42	07-195	
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	
Item 6(c), Sheet 11 Minimum Library Tax		\$2,140,694.00
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only		
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:		
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-195	
Total Revenues	40000-10	\$71,728,194.09

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:

Within "CAPS"

(a&b) Operations Including Contingent	\$47,934,526.00
(e) Deferred Charges and Statutory Expenditures - Municipal	\$5,488,523.00

Excluded from "CAPS"

(a) Operations - Total Operations Excluded from "CAPS"	\$7,276,478.09
(c) Capital Improvements	50,000.00
(d) Municipal Debt Service	7,744,885.00
(e) Deferred Charges - Municipal	1,433,782.00
(m) Reserve for Uncollected Taxes (Include Other Reserves if any)	1,800,000.00

Total Appropriations \$71,728,194.09

On motion by Councilman Cervieri, and seconded by Councilman Pohan, the resolution to adopt the 2013 Fort Lee Municipal budget was approved on the following roll call:

AYES: Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 11th Day of April, 2013. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2013 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me on this 11th day of April 2013

Neil Grant, Borough Clerk

Mr. Wielkotch left at this point in the meeting.

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PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-12.

CA-1 - Payment of Claims

BE IT RESOLVED that the following claims, the details for which are attached hereto and made a part hereof, are hereby authorized to be paid, having been audited and found correct by the Borough Administrator and Chief Financial Officer.

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$10,116,618.07
Capital	441,490.22
Road Improvement Plan	n/a
Multiple Dwelling	n/a
Construction Fees	n/a
COAH Fees	n/a
Trust Account (Old)	n/a
Senior Citizen Advisory Council	2,070.70
Trip Admissions	2,277.40
Wedding Fees	n/a
Trust Account (Accutrack)	52,989.79
Special Dog Account	93.50
Centennial Fund	n/a
Disability Insurance Trust	n/a
Unemployment Compensation Trust	n/a
Public Assistance Trust Fund	n/a
Police Activity Trust	1,325.48
Fort Lee Film Commission	650.00
Redemption Account	218,879.24
School Resource Account	1,179.44
Dedicated Penalties	n/a
POAA	n/a
Cop Card Donation	n/a
Police Treasury	12,987.48
Police Justice	n/a
Flexible Spending	<u>5,376.10</u>
Total:	\$10,855,936.72

CA-2 - Approving Auxiliary Firefighter Application for Dana Galasso for Fire Company #1

The auxiliary firefighter application for Dana Galasso for Fire Company #1 was approved.

CA-3 - Authorizing the Hiring of Part-Time Spring Seasonal Employees for the Recreation Department - Termination Date June 30, 2013

WHEREAS, part-time seasonal positions exist with the Department of Recreation and the Mayor and Council have determined that these positions must be filled,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the attached list of personnel

(available in the office of the Borough Clerk) be appointed to the positions and rates of compensation indicated with the Department of Recreation; and

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BE IT FURTHER RESOLVED that the attached list of appointments are part-time seasonal positions with an effective date of April 1, 2013 and a termination date of June 30, 2013.

CA-4 - Authorizing Hiring of John Ford as a School Crossing Guard \$18.28 Hourly

BE IT RESOLVED by the Governing Body of the Borough of Fort Lee that the following be appointed as a **school crossing guard** in the Borough of Fort Lee without authority to carry a firearm effective retroactively from April 8, 2013.

John Ford
2055 Marguerite Street
Fort Lee, New Jersey 07024

CA-5 - Authorizing Payment of Marriage Fees to the State of New Jersey for Period Covering January 1, 2013 Through March 31, 2013 - \$900.00

BE IT RESOLVED, that the Tax Collector-Treasurer be authorized to draw a check drawn from the Current Account, Bank of America payable to the Treasurer, State of New Jersey, in the amount of **\$900.00** to cover fees collected for marriage licenses for the period covering January 1, 2013 through March 31, 2013. Fees are to be forwarded on a quarterly basis to the Department of Human Services; and

01-2887

BE IT FURTHER RESOLVED that there were no Civil Unions during the aforementioned time period.

CA-6 - Authorizing Superintendent of Public Works to File a 2012 Application for a Municipal Recycling Tonnage Grant With The New Jersey Department of Environmental Protection

WHEREAS, the New Jersey Statewide Mandatory Source Separation and Recycling Act, N.J.S.A 13:1 E-99.11 et seq. has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the New Jersey Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the Recycling Act imposes on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Borough of Fort Lee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed

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and timely filed,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee hereby endorses the submission of a 2012 Municipal Recycling Tonnage Grants Application to the New Jersey Department of Environmental Protection and Energy , Office of Recycling and Planning and designates Anthony Lione, Superintendent of Public Works, to ensure that the said application is properly filed.

CA-7 - Authorizing Execution of Fort Lee Municipal Alliance Application for 2013 and Allocating a 25% Match of Said Funding - \$3,819.75

WHEREAS, pursuant to the Municipal Alliance Program, the Borough of Fort Lee obtains state funding with respect to prevention of alcoholism and drug abuse; and

WHEREAS, the Borough has requested to provide a 25% (twenty five percent) match of said funding,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the Mayor be and is hereby authorized and directed to execute the Fort Lee Municipal Alliance application for funding for the year **2013**, and the Borough hereby pledges the sum of **\$3,819.75** towards such purposes.

CA-8 - Authorizing Assignment of a Tax Sale Certificate for Property Located at 2154 Edwin Avenue, Block 5053, Lot 1, From the Borough of Fort Lee to Jack & Misak Torosian

WHEREAS, the Borough of Fort Lee held a tax sale on December 5, 2012 on property located at 2154 Edwin Avenue for delinquent taxes, Block 5053, Lot 1, (Old Block #5003, Lot 1) for Tax Sale Certificate #2012-16 which is being assigned to Jack & Misak Torosian, 492 Main Street, Fort Lee, New Jersey in the amount of \$1,726.19; and

BE IT RESOLVED that the governing body of the Borough of Fort Lee does hereby endorse the tax sale certificate currently held by the Borough of Fort Lee to Jack & Misak Torosian at 492 Main Street.

CA-9 - Authorizing Rejection of Bids/Re-Advertisement of Bid for Computer Consoles for the Police Department Communications Center

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE REJECTING BIDS FOR THE PROVISION OF COMMUNICATION CONSOLES FOR THE FORT LEE POLICE DEPARTMENT

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("Borough") have determined that it is necessary to contract for the provision of communication consoles for use by the Fort Lee Police Department; and

WHEREAS, on February 13, 2013, pursuant to resolution and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough solicited bids for the provision of

and

WHEREAS, on February 27, 2013, bid packages were received from the following vendors in response to the Borough's public solicitation for bids for the provision of communication consoles for use by the Fort Lee Police Department:

Procomm Systems, Inc. Phillipsburg, New Jersey	\$64,252.77
Ergoflex Systems, Inc. Littleton, Colorado	\$65,252.92

; and

WHEREAS, after a review of the bids, it was determined that the bid of Ergoflex Systems, Inc. ("Ergoflex") failed to submit a bid guarantee and a consent of surety for performance security in accordance with the material requirements of the Bid Specifications; and

WHEREAS, the failure to submit a bid guarantee and a consent of surety as set forth in the Bid Specifications warrants a rejection of the bid as non-complying and non-responsive under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, specifically N.J.S.A. 40A:11-23.2, provides that a contractor's failure to provide a bid guarantee and a consent of surety in compliance with the requirements of the Bid Specifications is a material and non-waivable defect, rendering the bid to be unresponsive without any possibility of being cured; and

WHEREAS, the Borough has concluded, on the basis of the foregoing, that the bid of Ergoflex should be rejected as non-responsive for failure to comply with the requirements of the Bid Specifications and in accordance with the Local Public Contracts Law; and

WHEREAS, the Fort Lee Police Department reviewed the bid of Procomm Systems, Inc. ("Procomm") for compliance with the technical requirements of the Bid Specifications and found that the bid to be substantially non-compliant; and

WHEREAS, as reflected in a memorandum from Lieutenant Milo, the Fort Lee Police Department believes that the substantial non-compliance with the technical requirements of the Bid Specifications evidenced in the Procomm bid will be disruptive to and compromise police operations and, therefore, recommends that the bid be rejected; and

WHEREAS, the Borough has concluded, on the basis of the memorandum from Lieutenant Milo of the Fort Lee Police Department, that the bid of Procomm should be rejected as substantially non-compliant with the technical requirements of the Bid Specifications and in accordance with the Local Public Contracts Law; and

WHEREAS, the Borough has determined that the award of this contract is necessary for its efficient operations; and

WHEREAS, the Borough wishes to authorize the Purchasing Consultant to reissue the Bid Specifications for the provision of communication consoles for use by the Fort Lee Police Department,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey that the bid submitted by Ergoflex Systems, Inc. be and is hereby rejected for failure to provide a bid guarantee and a consent of surety as required by the Technical Specifications; and

BE IT FURTHER RESOLVED that that the bid submitted by Procomm Systems, Inc. be and is hereby rejected for substantial non-compliance with the technical requirements of the Bid Specifications; and

BE IT FURTHER RESOLVED that the bid security of Procomm be returned in accordance with N.J.S.A. 40A:11-1 et seq.; and

BE IT FURTHER RESOLVED that the Purchasing Consultant be and is hereby authorized to reissue the Bid Specifications for the provision of communication consoles for use by the Fort Lee Police Department as the award of this contract is necessary for its efficient operations of the Borough.

CA-10 - Authorizing Rejection of Bid/Re-Advertisement of Bid for Pedestrian Safety Improvements for the Intersection of Main Street and Center Avenue

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE REJECTING THE SOLE BID FOR THE PROVISION OF PEDESTRIAN SAFETY IMPROVEMENTS IN THE BOROUGH

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("Borough") have determined that it is necessary to contract for the provision of pedestrian safety improvements to the intersection of Main Street and Center Avenue in the Borough; and

WHEREAS, on February 22, 2013, pursuant to resolution and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough solicited bids for the provision of pedestrian safety improvements to the intersection of Main Street and Center Avenue in the Borough; and

WHEREAS, on March 13, 2013, a single bid package was received from the following bidder in response to the Borough's public solicitation for bids for the provision of pedestrian safety improvements to the intersection of Main Street and Center Avenue in the Borough:

Zuccaro, Inc.	\$97,397.00
Saddle Brook, New Jersey	

; and

WHEREAS, after a review of the bids, it was determined that the price bid by Zuccaro, Inc. was unreasonable as the price substantially exceeded the engineering estimate for the project; and

WHEREAS, the bid of Zuccaro, Inc. being deemed unreasonable as the price substantially exceeded the engineering estimate for the project warrants a rejection of the bid under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, specifically N.J.S.A. 40A:11-5(3), provides that a bid may be rejected where a price has been determined to be unreasonable on the basis of cost estimates prepared for or by the contracting agent prior to the advertising of bid specifications;

and

WHEREAS, the Borough has concluded, on the basis of the foregoing, that the bid of Zuccaro, Inc. should be rejected in accordance with the Local Public Contracts Law as unreasonable as to price on the basis of cost estimates prepared for the Borough prior to the advertising of bid specifications for the project; and

WHEREAS, the Borough has determined that the award of this contract is necessary for its efficient operations; and

WHEREAS, the Borough wishes to authorize the Borough Administrator to reissue the Bid Specifications for the provision of pedestrian safety improvements to the intersection of Main Street and Center Avenue in the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey that the bid submitted by Zuccaro, Inc. be and is hereby rejected in accordance with the Local Public Contracts Law as unreasonable as to price on the basis of cost estimates prepared for the Borough prior to the advertising of bid specifications for the project; and

BE IT FURTHER RESOLVED that the bid security of Zuccaro, Inc. be returned in accordance with N.J.S.A. 40A:11-1 et seq.; and

BE IT FURTHER RESOLVED that the Borough Engineer and/or Purchasing Consultant be and is hereby authorized to reissue the Bid Specifications for the provision of pedestrian safety improvements to the intersection of Main Street and Center Avenue in the Borough as the award of this contract is necessary for its efficient operations of the Borough.

CA-11 - Awarding Bid to Bay Head Investments, Inc., d/b/a VCI, Emergency Vehicle Specialists, Berlin, New Jersey for the Purchase of a New Ambulance - \$293,620.00

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF FORT LEE AWARDING A CONTRACT FOR THE
PURCHASE OF A 2013 AMBULANCE**

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("Borough") are desirous of contracting for the purchase of a 2013 ambulance for use by Fort Lee Ambulance Corps personnel in performing vital municipal services; and

WHEREAS, on December 18, 2012, pursuant to and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough solicited bids for the purchase of a 2013 ambulance; and

WHEREAS, on January 16, 2013, a single bid was received in response to the Borough's public solicitation from the following bidder:

Bay Head Investments, Inc. \$307,747.00
d/b/a VCI Emergency Vehicles Specialists

; and

WHEREAS, the Borough has determined that the bid submitted by Bay Head Investments, Inc. is in compliance with the

requirements of the bid specifications and that Bay Head Investments, Inc. constitutes the lowest responsible and complying bidder for the purchase of a 2013 ambulance; and

WHEREAS, Bay Head Investments, Inc. has offered an alternate in its bid for the deduction of a Stryker MX Pro Cot, which would decrease the bid price by the amount of \$14,127.00; and

WHEREAS, the Borough has recently received from another municipality a cot that can be used with the ambulance bid by Bay Head Investments, Inc. and wishes to take advantage of the alternate offered to reduce the contract price to \$293,620.00; and

WHEREAS, the Borough has reviewed its available funds and has determined that sufficient funds are available to award a contract for the purchase of a 2013 ambulance; and

WHEREAS, the Borough has determined that the award of this contract is necessary for its efficient operations,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, that Bay Head Investments, Inc., d/b/a VCI Emergency Vehicles Specialists, 43 Jefferson Avenue, Berlin, New Jersey, 08009 is the lowest responsible and compliant bidder and is awarded the contract for the purchase of a 2013 ambulance in accordance with the applicable bid documents and specifications, including an alternate for the deduction of the Stryker MX Pro Cot, that results in a decrease in the bid price by the amount of \$14,127.00 for a contract price of **\$293,620.00**; and

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized to execute a contract with Bay Head Investments, Inc., d/b/a VCI Emergency Vehicles Specialists for the purchase of a 2013 ambulance; and

BE IT FURTHER RESOLVED that the Borough Administrator and the Chief Financial Officer certify that funds are available for the purchase of a 2013 ambulance; and

BE IT FURTHER RESOLVED that the original bid proposal and contract are available in the Borough Clerk's Office.

CA-12 - Authorizing Two-Year Contract Execution With D.L.S. Contracting, Inc., Fairfield, New Jersey to Provide Asphalt Milling Services to the Borough on an As-Needed Basis - \$18,000.00 Per Eight (8) Hour Day Estimated at 6,000 Square Yards, Per Street

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AWARDING AN EXTENSION OF THE CONTRACT TO D.L.S. CONTRACTING, INC. FOR THE PROVISION OF ASPHALT MILLING SERVICES

WHEREAS, on prior occasion pursuant to resolution, the Mayor and Council of the Borough of Fort Lee ("Borough") awarded a contract to D.L.S. Contracting, Inc. ("D.L.S.") for asphalt milling services; and

WHEREAS, the bid specifications and contract for asphalt milling services had a term of two years through May 12, 2013, with the right to extend the contract upon the mutual consent of the parties for a period of two years; and

WHEREAS, there exists a need for the Borough to procure asphalt milling services for a period of two years as a necessary

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part of paving streets in the Borough; and

WHEREAS, as a result of the effective and efficient manner in which the asphalt milling services have been performed by D.L.S., the Borough is desirous of extending the contract for asphalt milling services for a period of two years, commencing on May 12, 2013, and D.L.S. has consented to such an extension of the contract; and

WHEREAS, the Borough and D.L.S. have agreed that all terms of the current contract will continued during the period of the extension, including the cost of asphalt milling services; and

WHEREAS, the Borough has reviewed its available funds and has determined that sufficient funds are available for a two-year extension of the contract for asphalt milling services; and

WHEREAS, the extension of the contract for asphalt milling services is necessary for the efficient operations of the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. That the contract for asphalt milling services with D.L.S. Contracting, Inc. be and is hereby renewed for a period of two years through May 12, 2013 upon the same terms and conditions as were contained in the original contract, including the cost of asphalt milling services.

BE IT FURTHER RESOLVED that the Borough Attorney is hereby directed to prepare an amendment to the contract for asphalt milling services providing for a two year extension as authorized herein and the Mayor and Clerk are authorized to execute the contract amendment.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available for an extension of the contract for asphalt milling services.

BE IT FURTHER RESOLVED that the original bid proposal, contract and contract amendment are to be available for public inspection in the Borough Clerk's Office; and

BE IT FURTHER RESOLVED that the Borough Clerk shall advertise the award of the contract extension in a legal newspaper, as same may be required by law.

There being no public discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, and the Consent Agenda (items CA-1 through CA-12) was **approved unanimously**.

COUNCIL REPORTS

Councilman Pohan - had no report tonight.

Councilman Sohmer - noted the passing of John Galdi, a long time resident and former Borough employee. He was the Health Official.

He stated that autism touches everyone in this world in some way or another. He praised the Community Center staff in getting

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the blue lights placed on the Community Center.

He announced that grass clippings will be picked up this Monday. They have to be in recyclable paper bags and/or garbage barrels. They cannot be placed in plastic bags.

Councilman Goldberg - announced that on April 12th a free screening of "Inherit the Wind" will be shown in Fort Lee Borough Hall in the Council Chambers. The starting time for tomorrow's movie is 8:00 p.m. A live performance of "Inherit the Wind" will be done by the Hudson Shakespeare Company on April 13th and April 14th. The starting time is 7:00 p.m. Admission is \$10.00 and half price for seniors and children. All proceeds go to the Fort Lee High School Drama Department for their programs.

He wished Jeff Silver, Fort Lee Volunteer Fire Department member, a speedy recovery.

Councilman Sargenti - stated that the girl's softball season as well as the little league baseball season has begun. He asked residents who are driving by the fields to drive with caution as the kids are on and around the playing fields.

He also offered his best wishes to Jeff Silver.

Councilwoman Kasofsky - announced the Fort Lee Public Library on Sunday, April 14th at 2:00 p.m. will be hosting the play "OMG" as put on by The Enigma Acting Conservatory

She stated that on Sunday, April 21st at 2:00 p.m. the Ridgewood Gilbert and Sullivan Opera Company will be putting on the opera "Princess Ida".

Councilman Cervieri - stated that even though he's the Mayor's representative on the Library Board of Trustees, he praised Ms. Kasofsky's dedication to the library. She makes every meeting and is very involved in the libraries various activities.

He also noted the passing of John Galdi and added that John touched his life and that he will be sorely missed. He offered his condolences to the Galdi family.

PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilman Sargenti, and carried unanimously, the meeting was opened to the public for discussion.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Tom Meyers 1560 Anderson Ave	.Noted the Passing of John Galdi	
	.Book by Alan Brenner	
	.History of Fort Lee	
	.Palisades Amusement Park Exhibit in Fort Lee Museum	Mr. Cervieri
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Mayor Sokolich noted that Monmouth University did a review of

Thursday, March 14, 2013 @8:00 p.m.

The Regular Meeting of the Mayor and Council of the Borough of Fort Lee was held on the above date in the Council Chambers, Memorial Municipal Building, 309 Main Street, Fort Lee, New Jersey.

PRESENT: Mayor Sokolich, Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

ALSO PRESENT: Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney
Joseph Iannaconi, Chief Financial Officer
Steve Wielkocz, Borough Auditor

MAYOR'S STATEMENT

Let the minutes reflect that adequate notice of this meeting has been provided in the following manner:

1. On January 3, 2013, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2013, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2013 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Sokolich stated that Keith Bendul, Police Chief, is at tonight's meeting and he will be speaking about the Borough's new pedestrian safety initiatives. It was kicked off this morning with the Mayor and Chief Bendul meeting with pedestrians at 7:00 a.m. at various locations in the Borough.

He extended his congratulations to Ms. Kasofsky and the Environmental Commission on the plateau the Borough reached in obtaining bronze status with Sustainable New Jersey.

He stated that last night he rode with the Fort Lee Volunteer Ambulance Corps. It was an incredible experience for him. It was one of the proudest feelings he has had as Mayor during his tenure as Mayor in the Borough. The care, attention and dedication of both the volunteers and the paid ambulance members are really incredible. This reaffirmed his commitment that the best valuable resources will be provided to the Borough's emergency services.

He stated that on Saturday, March 23rd at 8:30 p.m. thousands of cities around the world will go dark for one hour during Earth Hour which is a campaign to raise awareness of the environmental challenges that everyone faces such as climate change. The Borough was asked by many residents to make this announcement and to ask that the Borough residents turn off all power for the one hour at 8:30 p.m. The protocol is to turn off all non-essential lights in government buildings and to encourage businesses and the community to also join in.

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He stated that the Fort Lee High School Varsity Cheerleaders received an honorable mention in a national cheerleading

competition. He spoke to the coaches of the team and he's hopeful to be able to bring the cheerleaders to a future meeting to personally offer his and the town's congratulations on a job well done.

He stated that the 2013 municipal budget is being introduced tonight and Steve Wielkottz, Borough Auditor, is present tonight. The Mayor stated that based on average assessment of \$465,000.00 the municipal tax increase will be approximately \$127.00. The Borough continues to strive to have budgets that have no tax increase or even a tax decrease. Hurricane Sandy exhausted funds in the way of surplus that could have been used to get to a flat budget. In addition the Borough received close to a 20% increase from the Bergen County Utilities Authority which increase the Borough is not conceding. He's very hopeful that an appropriate adjustment will be made once the Borough has completed its due diligence.

He briefly mentioned that the Borough will be soon going forward with a Special Improvement District (SID). Certain actions will be taken in the future that are required to establish a SID which location initially will be Main Street. Any monies generated from that program will be devoted dollar-to-dollar back into the program to improve it which could be for marketing and for aesthetics improvements.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried unanimously, the minutes of the February 14, 2013 Regular Meeting were approved with Councilman Goldberg abstaining.

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carries unanimously, the minutes of the February 21, 2013, Executive Session were approved.

On motion by Councilwoman Kasofsky, seconded by Councilman Pohan, and carried unanimously, the minutes of the March 7, 2013 Executive Session were approved.

Mayor Sokolich asked Chief Bendul to speak about the Borough's pedestrian safety improvement program at this time.

Chief Bendul stated that he appreciates the time the Mayor and Council are giving him tonight to be able to address the public and to ask for their support with the pedestrian safety initiatives that are being implemented.

He stated that the Borough launched its "Be Seen, Be Safe" pedestrian campaign this morning. Within the first two months of this year twelve pedestrians have been hit which unfortunately included one fatality. His goal and his department's goal are to ultimately to have no pedestrians struck by vehicles. He said the difference between a pedestrian being struck and a pedestrian being killed could be a matter of inches, a few miles per hour or a few seconds. The Police Department is looking to address both pedestrians and driver behaviors. There are three parts the Police Department is looking to initiate with the program which includes public education, law enforcement and traffic engineering. There have been three education seminars completed so far. Community policing and the traffic bureau are going over

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pedestrian safety tips. Devices such as plastic ice scrapers, red reflectors and safety whistles are being handed out and are available in the Police Department for residents. All of the

purchases which includes yellow see through umbrellas are from the Police Department's confiscated funds account. These purchases are to prevent people from dying and to increase public safety and awareness. There are enforcement details which started with former Police Chief Thomas Ripoli. Deputy Chief Ford is spearheading the pedestrian decoy program. The Police Department is working with the DPW at the feasibility to install reflector posts in crosswalks and on stop signs. Pedestrian safety is a multi-faceted problem that requires a multi-faceted response. There has been a media blitz and a press release with regard to everything Chief Bendul has detailed tonight. In closing he said he's going to work diligently everyday to hopefully get the pedestrians struck by vehicles down to zero.

Mayor Sokolich thanked the Chief for his efforts.

INTRODUCTION OF ORDINANCES

Ordinance #2013-4 - Amending Chapter 388, Section 57, Schedule XIII, Bus Stops - Relocation of Palisade Avenue/Bridle Way Northbound Bus Stop Far Side of Bridle Way to Near Side of Bridle Way at Traffic Light

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried, Ord. #2013-4 entitled, "AN ORDINANCE AMENDING CHAPTER 388, SECTION 57, SCHEDULE XIII, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE ENTITLED 'BUS STOPS' IN THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the public hearing relative to this ordinance was scheduled for **April 11, 2013**.

Ordinance #2013-5 - Amending Chapter 388, Sections 14 and 69 to Include an Additional Handicapped Parking Space on William Street

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried, Ord. #2013-5 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED HANDICAPPED PARKING SPACES," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the public hearing relative to this ordinance was scheduled for **April 11, 2013**.

Ordinance #2013-6 - Bond Ordinance for Rehabilitation of Tennis and Basketball Courts at William T. Birch Park (50-50 Open Space Trust Fund Match) - Appropriating \$357,684.00 and Authorizing \$169,900.00 Bonds and/or Notes

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried, Ord. #2013-6 entitled, "BOND ORDINANCE PROVIDING FOR THE REHABILITATION OF TENNIS AND BASKETBALL COURTS IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$357,684 THEREFOR AND AUTHORIZING THE ISSUANCE \$169,900 OR NOTES OF THE BOROUGH TO FINANCE PART OF THE

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COST THEREOF," was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for

April 11, 2013.

**AYES: Council Members Pohan, Sohmer, Goldberg, Sargenti,
Kasofsky, Cervieri**

**Ordinance #2013-7 - Ordinance to Exceed the Municipal Budget
Appropriation Limits and to Establish a CAP Bank (N.J.S.A.40A:4-
45.14)**

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried, Ord. #2013-7 entitled, "CALENDER YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BAND (N.J.S.A 40A:4-45.14)," was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **April 11, 2013.**

**AYES: Council Members Pohan, Sohmer, Goldberg, Sargenti,
Kasofsky, Cervieri**

INTRODUCTION OF 2013 MUNICIPAL BUDGET

Mr. Wielkocz stated that the Borough was originally very excited about the 2013 budget about the time Hurricane Sandy hit. Between the additional costs of the hurricane which were over \$500,000.00 and the unanticipated significant increase from the BUCA which was over \$700,000.00 took what would have been pretty close to a 0% tax increase to the numbers the Mayor mentioned earlier. The Borough's debt service is down over \$400,000.00 from the previous year based on refunding older bond issues at much lower interest rates. The Borough's health benefits are going down in 2013 because of a change made by the Mayor and Council. The appropriation CAP ordinance was introduced a few minutes ago, but that is only done to preserve the Borough's CAP Bank for future years, if needed. This budget is \$3,800,000.00 under the appropriation CAP and with CAP banks from previous years over \$7,000,000.00 under the 2% tax levy CAP mandated by the State. This budget and previous year's budgets have been very frugal and the thought of taxpayers is everyone's minds in putting the budget and spending plans together. The Borough is under both CAPS by a lot. As the Mayor said the average annual increase on a home assessed at \$465,000.00 is \$127.00.

Mayor Sokolich explained the CAP Bank in that the Borough could have spent more over the years and it hasn't so the extra money goes into the CAP Bank.

Mr. Wielkocz explained the same thing holds true for the tax levy CAP. No ordinance is required for the tax levy CAP as its automatic and carries over for two years. The Borough over the last three years has accumulated over \$7,000,000.00 in the ability to raise taxes which the Borough has not, but could have. On questioning from the Mayor he said that he represents a lot of towns and some towns have a modest CAP on both sides, but no town other than Fort Lee has accumulated over \$7,000,000.00.

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On motion by Councilwoman Kasofsky, seconded by Councilman Pohan, the Mayor as a courtesy let the public be heard on the introduction of the budget.

Nina Levinson, 1560 West Street, asked if auditor would be present at the official public hearing on April 11th.

Mr. Wielkocz replied that he would be present for the public hearing of the budget on April 11th.

Al Norton, 1512 Palisade Avenue, asked about the costs the BCUA has passed on to the Borough during Hurricane Sandy and then further asked what a normal Borough bill from the BCUA would look like.

Mayor Sokolich responded that it's difficult to equate. He gave a brief explanation of how the BCUA bills the Borough. He explained with the exception of a few towns in Bergen County including Fort Lee's which is a combined town everyone else's sewers are separated. There are segregated pipes that deal with sanitary flow and storm water. In order to separate the pipes it would cost the Borough hundreds of millions of dollars. It would not be feasible to do that. The bill is based on two different criteria, which are the amount of gallons and the concentration levels of the gallons. Because the Borough is combined the water sent by the Borough to the BCUA is exceedingly high which includes the Borough's rain water which can't be separated; however, the dilution level is very low. About a year or two ago the BCUA elected not to meter each municipality to see their concentration levels. They decided to impose a countywide average which was probably three or four times higher than the Borough's actual concentration levels. The BCUA is using an average suspended solid methodology and the Borough's bill is astronomical. The Borough sued the BCUA two years ago and entered into a settlement with the BCUA. Then this year's bill arrives and Fort Lee is being raised 19% which is 4 or 5 times higher than any other municipality. It appears that Fort Lee is subsidizing Bergen County. Within moments of seeing the numbers the Borough filed multiple OPRA requests with the BCUA, engaged a specialist with wastewater methodology and the Borough is doing everything possible to make sure there is equity applied on a countywide basis. The BCUA increase this year is more than half of the Borough's increase in its budget.

Mr. Norton stated that whatever pressure the Borough can put on PSE&G to do something about the Borough's power grids has to be addressed so residents and the many high rises the Borough has aren't without power for over a week if another storm like Hurricane Sandy occurs.

Mayor Sokolich stated that related to Hurricane Sandy, PSE&G was responsive, but in so many other ways incredibly disappointing. He said sometimes PSE&G trucks were Fort Lee, but the problems were being fixed for other towns. Horizon House was out eight to nine days because PSE&G couldn't figure out circuit numbers in the basement until someone got into the circuit room. He definitely concurred with Mr. Norton that PSE&G has to get more organized.

Keith Jensen, 2 Drury Lane, stated that he is also President of the Republican Club in Fort Lee. He mentioned that he and a lot of taxpayer's won't even be happy if there is a zero tax increase. He wants to see that the budget actually goes down. He asked to site five examples where cuts were made in the overall budget that is being introduced tonight.

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Mr. Wielkocz replied that three examples of the budget going down are debt service which is \$400,000.00 less from 2012 which was by virtue by going out and refunding some older bond issues. There was also a significant decrease in health benefits. He also

said the pension costs went down about \$80,000.00 from last year.

Mayor Sokolich stated that was three examples and there will be more discussion of the budget when the public hearing is held on April 11th.

On motion by Councilman Cervieri, seconded by Councilman Pohan, the courtesy extended by the Mayor for public comment for the introduction of the budget was closed.

Councilman Cervieri introduced, and Councilwoman Kasofsky seconded, the following Resolution:

BE IT RESOLVED that the following statements of revenues and appropriations (available in the office of the Borough Clerk) shall constitute the Municipal Budget for the year 2013; and

Mr. Grant announced that the total amount to be raised by taxation is anticipated to be **\$60,289,543.76**. The total anticipated general appropriations for 2013 at introduction is **\$71,728,194.00**.

BE IT FURTHER RESOLVED, that said budget be published in The Record in the issue of Thursday, March 21, 2013.

The Governing Body of the Borough of Fort Lee does hereby approve the following as the Budget for year 2013 available in the office of the Borough Clerk):

The introduced budget was **approved** on the following roll call:

AYES: Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of Fort Lee, County of Bergen, on March 14, 2013. A hearing on the Budget and Tax Resolution will be held at Borough Hall, on April 11, 2013 at 8:00 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2013 may be presented by taxpayers or other interested persons.

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilman Pohan, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-7.

CA-1 - Payment of Claims

BE IT RESOLVED that the following claims, the details for which are attached hereto and made a part hereof, are hereby authorized to be paid, having been audited and found correct by the Borough Administrator and Chief Financial Officer.

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$10,373,066.91

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Capital	168,174.21
Road Improvement Plan	n/a
Multiple Dwelling	n/a
Construction Fees	n/a
COAH Fees	n/a

Trust Account (Old)	n/a
Senior Citizen Advisory Council	3,817.85
Trip Admissions	200.00
Wedding Fees	n/a
Trust Account (Accutrack)	39,003.82
Special Dog Account	1,445.00
Centennial Fund	n/a
Disability Insurance Trust	n/a
Unemployment Compensation Trust	n/a
Public Assistance Trust Fund	n/a
Police Activity Trust	n/a
Fort Lee Film Commission	338.76
Redemption Account	369,023.92
School Resource Account	2,043/50
Dedicated Penalties	n/a
POAA	n/a
Cop Card Donation	n/a
Police Treasury	18,857.61
Police Justice	6,010.20
Flexible Spending	6,713.71
Total:	\$10,988,695.49

CA-2 - Approving Budget Appropriation Transfers - \$148,890.00

BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Fort Lee, that the following 2012 budget appropriation reserve transfers are hereby made, pursuant to N.J.S. 40A:4-58, not less than two-thirds of the full membership of the Governing Body concurring:

<u>From</u>	<u>To:</u>	
Group Insurance O/E <u>\$148,890.00</u>	Purchasing O/E	\$ 47.00
	Collection of Taxes O/E	1,028.00
	Mt. Laurel Housing O/E	1,295.00
	Construction Code Official S/W	586.00
	Police O/E	36,000.00
	Emergency Management O/E	173.00
	Garbage O/E	51,501.00
	Public Buildings & Grounds O/E	21,061.00
	Senior Citizens O/E	4,392.00
	Library O/E	15,322.00
	Parks & Playgrounds O/E	250.00
	Special Events O/E	728.00
	Cultural & Heritage Affairs O/E	6,411.00
	Electric O/E	1,865.00
	Sewer System O/E	4,034.00
	Municipal Court O/E	<u>4,197.00</u>
TOTAL: \$148,890.00		\$148,890.00

CA-3 - Approving Transfer of Firefighter Application for Ryan Handschin for Fire Company #3 from Ridgfield to Fort Lee

The transfer of firefighter application for Ryan Handschin from the Borough of Ridgfield Volunteer Fire Department to Fort Lee Fire Company #3 was approved.

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CA-4 - Approving Firefighter Application for Leo Spina for Fire Company #3

The firefighter application for Leo Spina for Fire Company #3 was approved.

CA-5 - Authorizing Hiring of Rosa Tropea and Eun Kyung Chung as Clerk Typists, for the Municipal Court - \$27,000.00 Annually

WHEREAS, due to vacancies in the Municipal Court, the Mayor and Council have determined that the vacancies should be filled,

NOW, THEREFORE, BE IT RESOLVED **by** the Mayor and Council of the Borough of Fort Lee, that **Rosa Tropea** and **Eun Kyung Chung** both be appointed to the full time position of Clerk Typist a/k/a Keyboarding Clerk 1 in the Municipal Court, with an **effective date of March 18, 2013**; and

BE IT FURTHER RESOLVED that these appointments shall be provisional pending certification from the New Jersey Civil Service Commission and shall be at an annual salary of **\$27,000.00**, in compliance with the Salary Ordinance of the White Collar Contract.

CA-6 - Authorizing Purchase of a Playground Rubber Surface for Inwood Terrace Park from Rubbercycle LLC, Lakewood, New Jersey through State Contract #A81417 - \$63,867.00

WHEREAS, the Borough of Fort Lee is desirous of installing a new rubber playground surface at Inwood Terrace Park; and

WHEREAS, the playground surface is available from Rubbercycle LLC, via New Jersey State Contract #A81417;

WHEREAS, the total cost of the expenditure is over the bid threshold amount of \$36,000.00 and must be authorized by resolution of the governing body; and

WHEREAS, this contract may be awarded without competitive bidding as a recognized exception under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., since the goods and/or services are to be provided as a result of a contract to be entered into with the State of New Jersey, pursuant to and in accordance with N.J.S.A. 40A:11-5(2); and

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Fort Lee authorizes the purchase of the playground rubber surface for Inwood Terrace Park to Rubbercycle LLC, 1985 Rutgers University Boulevard, Lakewood, New Jersey 08701, in the amount of **\$63,867.00** which includes disposal of the existing wood ties in Inwood Terrace Park; and

WHEREAS, the Local Public Contracts Law requires that the resolution awarding a contract without competitive bidding must be available for public inspection; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for this purchase through Capital Ordinance #2006-6.

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CA-7 - Awarding Contract to Advanced Data Processing, Inc. d/b/a Intermedix, Mineola, New York, for the Provision of Third-Party Billing Services for the Ambulance Corps - 5% on Net Cash Collections Less Refunds

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AWARDING A CONTRACT TO ADVANCED DATA PROCESSING, INC.

D/B/A INTERMEDIX FOR THE PROVISION OF THIRD-PARTY AMBULANCE BILLING SERVICES FOR THE FORT LEE MUNICIPAL AMBULANCE CORPS

WHEREAS, on prior occasion, pursuant to duly adopted resolution, the Mayor and Council of the Borough of Fort Lee ("Borough") awarded a contract after a public procurement to Ambulance Reimbursement Systems, Inc. for the provision of third-party billing services for the Fort Lee Municipal Ambulance Corps; and

WHEREAS, as the contract with Ambulance Reimbursement Systems, Inc. nears the end of its term, the Mayor and Council of the Borough are desirous of contracting for the provision of third-party ambulance billing services; and

WHEREAS, the Mayor and Council previously authorized the preparation and issuance of a Request for Proposals ("RFP") in order to solicit proposals from experienced firms for the provision of third-party ambulance billing services pursuant to competitive contracting procedures, as set forth the Local Public Contracts Law, N.J.S.A. 40A:11-4.1 et seq., and the authorization of the New Jersey Department of Community Affairs; and

WHEREAS, on December 10, 2012, the Borough issued an RFP for the provision of third-party ambulance billing services; and

WHEREAS, on January 16, 2008, the Borough received four proposals ("Proposals") in response to its RFP, which were thoroughly reviewed and evaluated by the Borough Administrator, Borough attorney, and the Borough's Director of Emergency Medical Services (the "Evaluation Committee"); and

WHEREAS, the Evaluation Committee reviewed the Proposals submitted by Ambulance Reimbursement Systems, Inc. and Life Line Billing Systems, Inc., LLC, and determined that both Proposals failed to include a consent of surety for a performance bond or some other expression of intent to provide performance security, as required by the terms and provisions of the RFP; and

WHEREAS, the failure to submit a consent of surety for a performance bond or some other expression of intent to provide performance security, as required by the terms and provisions of the RFP warrants a rejection of the bid as non-complying and non-responsive under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, specifically N.J.S.A. 40A:11-23.2, provides that a contractor's failure to provide a consent of surety in compliance with the requirements of the specifications is a material and non-waivable defect, rendering the bid to be unresponsive without any possibility of being cured; and

WHEREAS, the Borough has concluded, on the basis of the foregoing, that the Proposals of Ambulance Reimbursement Systems, Inc. and Life Line Billing Systems, Inc., LLC, should be rejected as non-responsive for failure to comply with the requirements of the Bid Specifications and in accordance with the Local Public Contracts Law; and

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WHEREAS, based on a review of the Proposals submitted and independent investigation, the Evaluation Committee has submitted a report to the Mayor and Council and formally recommended that the Borough award a contract for the provision of third-party billing services to Advanced Data Processing, Inc. d/b/a Intermedix, in accordance with the terms of the RFP, which recommendation has been made publicly available pursuant to applicable law; and

WHEREAS, the Borough desires to accept the recommendation of the Evaluation Committee and award a contract for the provision of third-party billing services to Advanced Data Processing, Inc. d/b/a Intermedix,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, as follows:

(1) That the Proposals Ambulance Reimbursement Systems, Inc. and Life Line Billing Systems, Inc., LLC, are hereby rejected as non-responsive for failure to comply with the requirements of the RFP and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.;

(2) That the Proposal submitted by Advanced Data Processing, Inc. d/b/a Intermedix, 200 Old Country Road, Suite 300, Mineola, New York 11501 is hereby determined to be the most advantageous to the Borough, the lowest quoted fees by a responsible provider and other factors considered, and Advanced Data Processing, Inc. d/b/a Intermedix, is hereby awarded a contract for the provision of third-party billing services for the Fort Lee Municipal Ambulance Corps for a period of one year with two one-year renewal options at the Borough's discretion, in accordance with the terms of the RFP; and

(3) That the Mayor is authorized to execute a contract, the terms and conditions of which are, in a form and content, acceptable to the Borough Attorney, with Advanced Data Processing, Inc. d/b/a Intermedix, Inc. on behalf of the Borough; and

BE IT FURTHER RESOLVED that the performance security of the other remaining proposer shall be returned in accordance with the requirements of the Local Public Contracts Law; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be maintained in the Office of the Borough Clerk and made available for public inspection.

BE IT FURTHER RESOLVED that the Borough Clerk shall advertise the award of the contract in a newspaper as required by law.

Keith Jensen, 2 Drury Lane, spoke about Ordinance #2013-6 with regard to asking private entities to pay for some of the costs of the rehabilitation of the tennis and basketball courts.

Messrs. Sokolich and Cervieri both responded to his comments and both mentioned that the Borough has built the dog park and little league baseball dugouts with donations from private individuals and/or companies.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Pohan**, and the Consent Agenda (items CA-1 through CA-7) was **approved unanimously**.

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RESOLUTIONS

R-1 - Amending Temporary Capital Budget

Councilman Cervieri introduced, and Councilman Sohmer seconded, the following Resolution:

WHEREAS, the Borough of Fort Lee desires to establish the

2013 Temporary Capital Budget of said municipality by inserting therein the following project.

NOW, THEREFORE BE IT RESOLVED by the Council of the Borough of Fort Lee as follows:

Section 1. The 2013 Temporary Capital Budget of the Fort Lee is hereby established by the adoption of the schedule to read as follows:

Temporary Capital Budget of the
Borough of Fort Lee
County of Bergen, New Jersey
Projects Scheduled for 2013
Method of Financing

<u>Project</u>	<u>Est. Costs</u>	<u>Grants</u>	<u>Capital Improvement Fund</u>	<u>Bonds</u>
Rehabilitation of Tennis And Basketball Courts	\$357,684	178,842	8,942	169,900

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services Department of Community Affairs, State of New Jersey, within three days after the adoption of this project for 2013 Temporary Capital Budget, to be included in the 2013 Permanent Capital Budget as adopted.

The Resolution was **approved** on the following roll call:

**AYES: Council Members Pohan, Sohmer, Goldberg, Sargenti,
Kasofsky, Cervieri**

**R-2 - Authorizing the Borough to Permit Self-Examination of the
Municipal Budget**

**Councilman Goldberg introduced, and Councilman Cervieri
seconded, the following Resolution:**

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 Fort Lee 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 2013 budget year, so now therefore

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BE IT RESOLVED, by the Borough Council of the Borough of Fort Lee 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.

The Resolution was **approved** on the following roll call:

AYES: Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

R-3 - Authorizing Submission of a Treatment Works Approval Application to the NJDEP for 2100 North Central Road LLC for Sanitary Sewer Improvements Along 2100 North Central Road

Mayor Sokolich recused himself on this matter and left the podium.

Council President Kasofsky chaired this portion of the meeting.

Councilman Pohan introduced, and Councilman Sohmer seconded, the following Resolution:

WHEREAS, 2100 North Central Road, LLC received approval for the conversion of an existing commercial space to residential use
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located at 2100 North Central Road (Block 6155, Lot 1); and

WHEREAS, the project's estimated sewer generation is in excess of 8,000 gallons per day and therefore requires a Treatment Works Approval (TWA) from the New Jersey Department of Environmental Protection (NJDEP) and neither new nor modification to existing public sewers is required to accommodate this project; and

WHEREAS, Edward Mignone, Borough Assistant Engineer, has reviewed a Treatment Works Approval Application prepared by MCB Engineering Associates, LLC, on behalf of 2100 North Central Road LLC; and

WHEREAS, the submission of the TWA requires consent by the governing body,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Fort Lee, County of Bergen, State of New Jersey, consents to the submission of a Treatment Works Approval application to the NJDEP for the subject project and authorizes the Mayor or Borough Administrator to execute same.

The Resolution was **approved** on the following roll call:

AYES: Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

Mayor Sokolich returned to the podium and chaired the remainder of the meeting.

COUNCIL REPORTS

Councilman Pohan - stated that there is no connection between the BCUA increase and the costs incurred from Hurricane Sandy. The only thing he's sure of is that the BCUA increased their fees 2% overall, but Fort Lee's increase was 19%. The next highest town may have been about 12%. Many town fees in the surrounding area stayed the same or were lower than last year.

Councilman Sohmer - offered his condolences to the Tragellis' family on the loss of Judy, who was a long time employee of the Parking Authority. She will be sorely missed.

He noted that the BCUA will be holding a hazardous waste collection day at Bergen Community College at 400 Paramus Road, Paramus, New Jersey on Sunday, April 14th. Only hazardous waste will be accepted. Further details about the event are available on the Borough's website.

He wished everyone a happy Passover, happy Easter and a happy St. Patrick's Day.

Councilman Goldberg - stated that there is a public hearing for the BCUA on Wednesday, April 10th at 10:00 a.m. which deals with their fee schedule with treated water. They are tying in future price increases with the Consumer Price Index (CPI) for New York and the northern New Jersey area as published by the Department of Labor. In addition to the CPI increase they are going to increase fees by a minimum 2.5% up to a maximum 5% annually. The State looked at the Passaic Sewage Utility Authority. They may want to take a look at the BCUA also.

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He offered his and the governing bodies condolences on the loss of Janet Rothenberg, husband of Ethic Board member and long time resident, Marvin Rothenberg.

He wished everyone a happy Passover, happy Easter and a safe St. Patrick's Day.

Councilman Sargenti - reminded everyone with the clocks moved

ahead by an hour to make sure their batteries in their smoke detectors are operating properly.

He wished everyone a happy Passover, happy St. Patrick's Day and a happy Easter.

He also offered his condolences to Marvin Rothenberg, on the loss of his wife, Janet.

Councilwoman Kasofsky - reiterated the Mayor's opening remarks that the Borough has achieved the bronze level status in Sustainable New Jersey for this year. Sustainable New Jersey is a certification program for municipalities that want to go green, save money and to take steps to improve quality of life over the long term. This started in 2009 and only 113 municipalities throughout the entire State have achieved this status. Each action the Borough has taken had a certain amount of points attached to it and finally after numerous initiatives which she described the Borough reached the bronze plateau. The sustainable certification is good for three years. One of the things planned for this year is a community garden which further details will be forthcoming soon.

She wished everyone happy holidays.

Councilman Cervieri - stated that with the additional rainfall during the Hurricane there might have been a small increase expected, but not the amount the BCUA had indicated in the Borough's utility bill. Fortunately, with regard to the power outage the Borough sits on a cliff and therefore there is usually not a lot of flooding' however, with the Borough sitting on top of rocks the Borough's wires cannot be put underground and therefore there are outages that could be prevented if the Borough's wire were underground. When the Borough went to PSE&G a few years ago to try to get certain areas wires put underground the costs to do so were about a million dollars per block which obviously the Borough could not afford to go in that direction. He spoke to the time over ten years ago when the Borough was preparing to bond to separate its sewers in the southern part of the town based on DEP initiatives which eventually fell through. The cost to separate the sewers in the southern section was going to be well over \$150,000,000. He closed by saying that there is no way the Borough is going to let the BCUA walk all over the Borough without a fight.

He stated that the Borough is pro-active in trying to keep taxes down.

He wished everyone a happy Easter, happy Passover and a happy St. Patrick's Day.

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PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the meeting was opened to the public for discussion.

Speaker

Subject

Response

Tom Meyers

.Fundraiser Held for John

1590 Anderson Ave Barrymore's Birthday/
 .Money Used to Update Backdrop
 for Fort Lee High School Drama
 Department
 .Historic Buildings in Fort Lee
 on County Register/Request for
 Change in Zoning Ordinance
 .Rambo Hotel on First Street
 .Read an Excerpt from Book by
 Arthur C. Miller - "One Reel
 a Week"
 .Asked the Mayor and Council to
 Help the Fort Lee Historical
 Society

Donna Brennan .Fort Lee Historic Society Petition
 1231 Inwood Terrace to Save the Rambo House - Film
 Left that Shows How Important
 This Property Is With Regard to
 Fort Lee's Film History

Fenton Turck .Spoke to His New York Roots With
 300 Winston Drive Regard to Saving Rambo House
 Cliffside Park, NJ Particularly Fort Lee's Historical
 and Movie History

Al Norton .Asked Who Currently Owns the Mayor Sokolich
 1512 Palisade Ave. Rambo Property

Tom Meyers .Rambo House - Hardship for Mayor Sokolich
 1560 Anderson Ave. Variance
 .Duplexes - Negative Ratable

Keith Jensen .School Fair Funding Resolution Mayor Sokolich
 2 Drury Way Passing by Numerous Boards of Mr. Cervieri
 Educations/Governing Bodies Mr. Goldberg
 Spoke to 31 Abbott Districts Mr. Sargenti

Julie Otto .Member of Fort Lee Historical
 3041 Edwin Ave. Society - Trying to Save
 Rambo House - Willing to Work
 With Mayor and Council in Any
 Capacity to Save Rambo House

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Mayor Sokolich wished everyone a happy Easter, happy Passover and a safe St. Patrick's Day.

There being no further public discussion, **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, and there being no further discussion, the meeting was adjourned with no objections at 9:20 p.m.

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, February 14, 2013 @8:00 p.m.

The Regular Meeting of the Mayor and Council of the Borough of Fort Lee was held on the above date in the Council Chambers, Memorial Municipal Building, 309 Main Street, Fort Lee, New Jersey.

PRESENT: Council Members Pohan, Sohmer, Sargenti, Kasofsky, Cervieri

ABSENT: Mayor Sokolich, Councilman Goldberg

ALSO PRESENT: Peggy Thomas, Borough Administrator
Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney

MAYOR'S STATEMENT

Let the minutes reflect that adequate notice of this meeting has been provided in the following manner:

1. On January 3, 2013, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2013, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2013 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Council President Kasofsky chaired the meeting in the Mayor's absence and had no report tonight.

FIRE CHIEFS' SWEARING IN CEREMONY (OATHS OF OFFICE)

Ms. Kasofsky administered the Oaths of Office to the newly elected Lieutenants, Captains, Battalion Chief, Deputy Chief and Chief for the Fort Lee Volunteer Fire Department.

2nd Lieutenants: Mary Boujotas, John T. Klein, (Not Present) Eric Jaikissoon and Robert DeVito

1st Lieutenants: Richard Onufrey (Not Present) Don Sauvageot, Bryan Drumgoole (Not Present) and Patrizio Peluso

Captains: Thomas Piper, Gary Krautmann, Lane Goldstein, and Steven Piccinich

Battalion Chief: Chris Ipek - His sister Christine Lewis and his niece, Skye Lewis, held the Bible, and his father, Joseph, pinned on his badge.

Deputy Chief: William Chiappane - His mother, Marie, and his sister, Deborah, held the Bible, and his father, William, pinned on his badge.

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Chief: Mark Sulcov - His daughter, Sara, and his son, Steven held the Bible, and his wife, Lisa, pinned on his badge.

OUTGOING FIRE CHIEF'S SPEECH (Keith Sabatino)

"2012 was a very busy year for the Fire Department. We responded to 1536 calls last year. These calls included seven (7) working fires, two (2) major extrications, along with a few minor ones. In addition to fire calls, we had two Repel calls off the Palisades Cliffs, we were on stand-by for the NY/NJ Ironman Triathlon, and we were also on stand-by for hurricane Sandy, putting in over 5000 hours.

During Sandy we responded to 236 calls in one week alone, working around the clock to ensure the safety of the residents of Fort Lee. During that time of emergency a town with no power, no heat, we left our own families in the cold and dark to keep your families safe, sleeping on floors, couches, chairs, any space that a firefighter could find to grab some much needed sleep before the next call. Our firehouses are not equipped to accommodate sleeping, but you all did it without question, without complaint. It was through the efforts of these volunteers that we pulled through together, averting what really could have been catastrophic events.

I stand here today in Uniform with Pride and honor. With all these incidents that we responded to I am extremely proud of the members of Fort Lee Fire Department. The residents should be very proud to have a department like this. Our volunteers come through time and time again, day or night; answering calls in the blistering heat and the freezing cold to protect and serve the residents of Fort Lee. No matter what call or incident we are asked to respond to whether car fire or house fire, extrication or repel when we arrive we are not just firefighters we're the face of Fort Lee. And no group of volunteers can match the level of service consistently provided by the men and women who serve in the Fort Lee Fire Department.

We are a highly trained department with the best equipment around and I personally want to thank the Mayor, Mark Sokolich, the governing body and our Borough Administrator, Peggy Thomas, for the total support you give to the fire department. Working hand and hand, we give you, the residents of Fort Lee, the best Volunteer Fire Department around.

Brotherhood is the word that we use in the fire service. It's what makes us all family. I want to say thank you to Rescue Co. #2 for putting me up for Chief last year, and the entire fire department for supporting me throughout 2012. Without all of you, I could not be the Chief that I was. I appreciate every one of you for all the support and help throughout the year. I truly love being a firefighter and absolutely loved serving you all as your Chief.

I wish the 2013 Chief Mark Sulcov and all the officers of 2013 the best of luck, There's a saying in the fire service, 'Everyone goes home.' Please let's have a safe year and continue to make the Mayor, Council and the residents proud."

PRESENTATION

Chief Sulcov, Deputy Chief Chiappane and Battalion Chief Ipep, on behalf of the Fort Lee Fire Department presented former
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Chief Sabatino with two gifts. One was a set of photographs from his year as Chief and the second was a collection of his helmet shields and badges.

FIRE CHIEF'S SPEECH (Mark Sulcov)

Chief Sulcov thanked everyone for attending the swearing in for the officers. He thanked the members of Fire Company #3, the entire Fire Department, Mayor and Council, Borough Administrator, Borough Clerk, fellow fire instructors along with friends and family. He said without everyone's help "he cannot be what he is today". He invited everyone back to Fire Company #3 for refreshments.

Council President Kasofsky requested a brief recess at this point in the meeting.

On motion by Councilman Cervieri, seconded by Councilman Sargenti, a short recess was approved and taken at 7:25 p.m.

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the meeting was reconvened at 7:30 p.m.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried unanimously, the minutes of the January 3, 2013 Reorganization Meeting were approved with Councilman Sohmer abstaining.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the January 10, 2013 Executive Session were approved.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the January 17, 2013 Regular Meeting were approved.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the February 7, 2013 Executive Session were approved.

PUBLIC HEARINGS

Ordinance #2013-2 - Amending Bus Stop Ordinance on Main Street by Center Avenue (Mid-Block) Westbound

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2013-2 entitled, "AN ORDINANCE AMENDING CHAPTER 388, SECTION 57, SCHEDULE XIII, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE ENTITLED 'BUS STOPS' IN THE BOROUGH OF FORT LEE."

There being no public discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Sargenti.**

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the Ordinance was adopted unanimously.

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Ordinance #2013-3 - Amending Chapter 388, Sections 14 and 69, Schedule XXIII - Additional Handicapped Parking Spaces on North Central Road

On motion by Councilman Cervieri, seconded by Councilman Sohmer and carried, the public hearing was opened relative to Ord. #2013-3 "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED HANDICAPPED PARKING SPACES."

There being no public discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Sohmer.**

On motion by Councilman Cervieri, seconded by Councilman

Sargenti, the Ordinance was **adopted unanimously**.

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-14.

CA-1 - Payment of Claims

BE IT RESOLVED that the following claims, the details for which are attached hereto and made a part hereof, are hereby authorized to be paid, having been audited and found correct by the Borough Administrator and Chief Financial Officer.

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$12,453,420.88
Capital	125,525.75
Road Improvement Plan	n/a
Multiple Dwelling	n/a
Construction Fees	1,860.00
COAH Fees	n/a
Trust Account (Old)	n/a
Senior Citizen Advisory Council	1,556.50
Trip Admissions	n/a
Wedding Fees	n/a
Trust Account (Accutrack)	45,442.28
Special Dog Account	n/a
Centennial Fund	n/a
Disability Insurance Trust	n/a
Unemployment Compensation Trust	n/a
Public Assistance Trust Fund	n/a
Police Activity Trust	n/a
Fort Lee Film Commission	300.00
Redemption Account	94,868.21
School Resource Account	n/a
Dedicated Penalties	n/a
POAA	n/a
Cop Card Donation	n/a
Police Treasury	7,402.00
Police Justice	n/a
Flexible Spending	<u>n/a</u>
Total:	\$12,730,375.62

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CA-2 - Approving Two-Year Special Bingo License for the Jewish Community Center of Fort Lee at 1449 Anderson Avenue

The two-year special bingo license for the Jewish Community Center for the license period from February 14, 2013 through February 13, 2014 was approved.

CA-3 - Approving Jr. Auxiliary Firefighter Application for Steven Tufaro for Fire Company #1

The Jr. auxiliary firefighter application for Steven Tufaro for Fire Company #1 was approved.

CA-4 - Accepting Retirement Notice From Ivan Francin, Senior

Maintenance Repairer, in General Services - Effective March 1st

BE IT RESOLVED that **Ivan Francin**, Senior Maintenance Repairer, of the **General Services Department** has submitted a retirement notice dated February 7, 2013 and the Mayor and Council have accepted same; and

BE IT RESOLVED that Mr. Francin's retirement will be effective **March 1, 2013** with the Borough of Fort Lee.

CA-5 - Authorizing Title Change and Salary Increase for Joseph Rodriguez in the DPW - From Laborer to Truck Driver, Grade 10, Step E - \$1,189.00 Salary Increase

BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that **Joseph Rodriguez**, Laborer, with the Department of Public Works, be promoted to **Truck Driver, Grade 10, Step E**, at a salary increase of **\$1,189.00**, pursuant to the 2012 Blue Collar Salary Ordinance; and

BE IT FURTHER RESOLVED that this promotion be **effective February 18, 2013**, and this title is provisional pending certification by the New Jersey Civil Service Commission

CA-6 - Authorizing Title Change and Salary Increase for Joseph Calabro in the DPW - From Laborer to Truck Driver, Grade 10, Step D - Salary Increase \$1,343.00

BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that **Joseph Calabro**, Laborer, with the Department of Public Works, be promoted to **Truck Driver, Grade 10, Step D**, at a salary increase of **\$1,343.00**, pursuant to the 2012 Blue Collar Salary Ordinance; and

BE IT FURTHER RESOLVED that this promotion be effective **February 18, 2013**, and this title is provisional pending certification by the New Jersey Civil Service Commission.

CA-7 - Authorizing Title Change and Salary Increase for Simone Kosuda, Rent Leveling - From Clerk Typist to Senior Clerk Typist - 7% Salary Increase

WHEREAS, **Simone Kosuda**, Clerk Typist with the Rent Leveling Board, has assumed additional duties,
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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that **Simone Kosuda** be promoted to **Senior Clerk Typist**, with a 7% salary increase, **effective February 18, 2013**, and this title is provisional pending certification by the New Jersey Civil Service Commission.

CA-8 - Authorizing Salary Increase for Michael Maresca, Assistant Superintendent of Public Works/Parks for Additional Supervisory Duties - \$5,033.00 Salary Increase

WHEREAS, **Michael Maresca**, Assistant Superintendent of Public Works/Parks, has assumed supervisory duties for some time in the Department of Public Works and under the restructuring of the General Services Department, and provides a leadership role in this capacity under the Property Management Group of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that Michael Maresca be given a salary increase of **\$5,033.00, effective February 18, 2013.**

CA-9 - Authorizing Settlement of Tax Appeal Litigation Entitled CCA Crest vs. Borough at 3 Executive Drive, Block 6451, Lot 6, for Tax Years 2009-2012

WHEREAS, CCA Crest at Fort Lee is the owner of premises located at 3 Executive Drive, also known as Block 6451, Lot 6; and

WHEREAS, the taxpayer filed tax appeals against the Borough of Fort Lee in a matter entitled CCA Crest vs. Borough of Fort Lee, for tax years 2009, 2010, 2011 and 2012, which are presently pending in the Tax Court; and

WHEREAS, it is has been recommended by the Tax Appeal Attorney, The Borough Appraiser and the Borough Assessor that the matters be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled CCA Crest vs. Borough of Fort Lee, so that the complaint for tax year 2009 will be withdrawn, and the assessment of \$83,825,300 will remain intact; the assessment for tax year 2010 will be reduced from \$83,825,300 to \$81,000,000, resulting in a refund of \$54,867; the assessment for tax year 2011 will be reduced from \$83,825,300 to \$81,000,000, resulting in a refund of \$56,167; and the assessment for tax year 2012 will be reduced from \$83,825,300 to \$81,000,000, resulting in a refund of \$57,975.00; and

BE IT FURTHER RESOLVED that the aforesaid settlement is predicated upon a waiver of any and all pre-judgment interest by the taxpayer.

CA-10 - Authorizing Purchase of Various Police Department Computer Equipment Through Hewlett-Packard Company, Omaha, Nebraska, Through State Contract #70262 - \$40,470.80

WHEREAS, the Borough of Fort Lee Police Department is desirous of purchasing various computer equipment; and

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WHEREAS, the computer equipment is available from Hewlett-Packard Company through New Jersey State Contract #A70262 (WSCA/NASPO PC Contracts 2009-2014); and

WHEREAS, the total cost of the expenditure is over the bid threshold amount of \$36,000.00 and must be authorized by resolution of the governing body; and

WHEREAS, this contract may be awarded without competitive bidding as a recognized exception under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., since the goods and/or services are to be provided as a result of a contract to be entered into with the State of New Jersey, pursuant to and in accordance with N.J.S.A. 40A:11-5(2); and

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Fort Lee previously authorized (March 8, 2012) the purchase of MS Exchange Migration and Virtualization Startup equipment plus various project related HP computer equipment and

software, from Hewlett-Packard Company, Government Product Sales, 10810 Farnam Drive, Omaha, Nebraska 68154, and this purchase is for additional virtual storage for the same project in the amount of **\$40,470.80**; and

WHEREAS, the Local Public Contracts Law requires that the resolution awarding a contract without competitive bidding must be available for public inspection; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for this purchase through the Police Department's Current Account.

CA-11 - Awarding Contract to Dr. Barbara Schreibman, Assistant Director of Emergency Medicine at Englewood Hospital as the Borough's Medical Director as Required by State Law - \$5,000.00

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AWARDING A CONTRACT TO AND APPOINTING DR. BARBARA SCHREIBMAN TO THE POSITION OF MEDICAL DIRECTOR OF THE FORT LEE AMBULANCE AND THE FORT LEE VOLUNTEER AMBULANCE CORPS

WHEREAS, the Borough of Fort Lee ("Borough") is required pursuant to State law and the regulations of the State Department of Health and Senior Services to employ a medical director certified in emergency medicine for the Fort Lee Ambulance and the Fort Lee Volunteer Ambulance Corps; and

WHEREAS, on prior occasion, pursuant to duly adopted Resolution #CA-7, the Mayor and Council of the Borough determined that employment of a part-time Medical Director for the Fort Lee Ambulance and the Fort Lee Volunteer Ambulance Corps is in the best interest of the Borough; and

WHEREAS, said services are recognized as "professional services" as same shall be rendered by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instruction and study, pursuant to and in accordance with N.J.S.A. 40A:11-2(6); and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the

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Borough may determine to be necessary for its efficient operation; and

WHEREAS, in accordance with Chapter 132, Ambulance Services, of the Municipal Code of the Borough, the Borough is authorized to appoint members of the Fort Lee Ambulance; and

WHEREAS, the Borough wishes to reappoint Dr. Barbara Schreibman, Assistant Director of Emergency Medicine at Englewood Hospital and Medical Center, to the position as Medical Director for the Fort Lee Ambulance and the Fort Lee Volunteer Ambulance Corps to perform such professional medical services on the same terms as her original retention, as described in a document attached hereto from the Chief of the Fort Lee Volunteer Ambulance Corps and the EMS Coordinator of the Fort Lee Ambulance; and

WHEREAS, Dr. Schreibman possesses the requisite expertise and licenses to serve as Medical Director; and

WHEREAS, the Mayor and Council of the Borough are desirous

of awarding a contract to Dr. Schreiberman to serve as Medical Director in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the services as Medical Director will be performed by Dr. Schreiberman at an annual cost of \$5,000, which amount is less than the threshold of \$17,500 under the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq., and, therefore, the contract is not subject to the provisions of the New Jersey Local Unit Pay-To-Play Law; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, as follows:

1. That Dr. Barbara Schreiberman be awarded a contract and reappointed to the position of Medical Director for the Fort Lee Ambulance and the Fort Lee Volunteer Ambulance Corps.

2. That Dr. Schreiberman shall continue to perform the services described in a proposal attached hereto from the Chief of the Fort Lee Volunteer Ambulance Corps and the EMS Coordinator of the Fort Lee Ambulance for the annual compensation in the amount of \$5,000.

3. That a notice of the contract award shall be published, and this resolution must be available for public inspection, in accordance with the requirements of N.J.S.A. 40A:11-1 et seq.

4. That no further action of the Borough shall be required.

CA-12 - Authorizing Purchasing Consultant to Prepare Specifications and Advertise for Bids for Pedestrian Countdown Signals for the Main Street/Center Avenue Intersection and to Upgrade Four Tennis Courts and the Basketball Court in William T. Birch Park

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BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the Purchasing Consultant is hereby authorized and directed to obtain specifications and advertise for bids for:

- . Pedestrian Countdown Signals for the Main Street/Center Avenue Intersection
- . Upgrade of Four Tennis Courts and the Basketball Court in William T. Birch Park

CA-13 - Approving Extension of Liquor License to Chapter 7 Trustee Gary Jacobson for Picco Inc. (Debtor in Possession)

WHEREAS, an applications has been filed for the extension of Plenary Retail Consumption License Number 0219-33-001-009 to Chapter 7 Trustee Gary S. Jacobson for Picco Inc. (Debtor in Possession);

WHEREAS, the submitted application form is complete in all respects including proof of appointment to act as Chapter 7 Trustee;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee does hereby approve, effective February 14, 2013, the extension of aforesaid Plenary Retail Consumption License to Gary S. Jacobson to conduct business under the privileges, terms and conditions of the license as Chapter 7 Trustee for Picco Inc. (Debtor in Possession) for the benefit of the corporation until such time as Chapter 7 status is concluded. The license may be transferred in compliance therewith and directs the Borough Clerk to endorse the License Certificate as follows: "This license is hereby extended, subject to all its terms and conditions to Gary Jacobson, Chapter 7 Trustee, until June 30, 2013.

CA-14 - Authorizing Execution of a Shared Services Agreement with the Borough of Palisades Park for an Interconnection of Property at 1475 Bergen Boulevard Within the Borough to the Palisades Park Sanitary Sewer System

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF PALISADES PARK FOR AN INTERCONNECTION OF SPECIFIC PROPERTY LOCATED WITHIN THE BOROUGH OF FORT LEE WITH THE PALISADES PARK SANITARY SEWER SYSTEM

WHEREAS, the Borough of Fort Lee ("Borough") is a municipal corporation of the State of New Jersey in the County of Bergen, established in accordance with N.J.S.A. 40A:60-1 et seq.; and

WHEREAS, the Borough of Palisades Park is a municipal corporation of the State of New Jersey in the County of Bergen, established in accordance with N.J.S.A. 40A:60-1 et seq.; and

WHEREAS, the Borough and Palisades Park both operate and maintain sanitary sewer systems within their municipal boundaries for the health, safety and welfare of their respective citizens; and

WHEREAS, Makatto.com, Inc. ("Makatto.com") maintains a business address at 2600 Main Street in the Borough of Sayreville and has recently received all necessary approvals from the Planning Board of the Borough to construct a strip mall at 1475 Bergen Boulevard ("Property"); and

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WHEREAS, the Borough has requested that Palisades Park accept the connection of the Property into its sanitary sewer system, subject to reimbursement by the Borough to offset the costs associated with the additional flow introduced into Palisades Park's sanitary sewer system for processing at the Bergen County Utilities Authority ("BCUA") sewerage treatment plant; and

WHEREAS, the Borough's engineer has review the details of the interconnection and the estimated costs for sewerage treatment services for sanitary sewage generated from the Property and determined that the interconnection will have a de minimus impact on the Borough, and that the reimbursement methodology is reasonable; and

WHEREAS, the Borough has requested that Palisades Park enter into a shared services agreement whereby Palisades Park would accept the connection of the Property into its sanitary sewer system and the Borough would reimburse Palisades Park for the costs associated with the additional flow introduced into its sanitary sewer system; and

WHEREAS, all costs for the interconnection to the Palisades Park's sanitary sewer system will be the sole responsibility of Makatto.com; and

WHEREAS, the Borough wishes to enter into a shared services agreement, substantially similar to the agreement attached hereto, permitting the connection of the Property into Palisades Park's sanitary sewer system, subject to reimbursement by the Borough for the costs associated with the additional flow introduced into Palisades Park's sanitary sewer system; and

WHEREAS, the entry into a shared services agreement with Palisades Park is in accordance with the Uniform Shared Services and Consolidation Act and is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. That entry into a shared services agreement with Palisades Park, upon terms substantially similar to the agreement attached hereto, is pursuant to and in accordance with the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., and is hereby authorized.

2. That the Mayor shall be and is hereby authorized to execute an agreement, in substantially the same form as that attached hereto, between the Borough and Palisades Park, memorializing the terms and conditions for the interconnection of the Property with the Palisades Park sanitary sewer system.

3. That upon execution of such shared services agreement, this resolution and the agreement between the parties shall be available for public inspection in the Office of the Borough Clerk.

4. That no further action of the Borough shall be required.

Martha Cohen, 1530 Palisade Avenue, had questions pertaining to CA-9, CA-12 and CA-14.

Ms. Thomas responded to CA-9 and CA-14.

Mr. Grant replied to CA-12.

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There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, and the Consent Agenda (items CA-1 through CA-14) was **approved unanimously**.

RESOLUTIONS

R-1 - Awarding a Non-Fair and Open Contract to Robert McNerney of McNerney & McNerney Associates, to Provide Professional Appraisal Services Related to Complaints Filed with the Tax Court Challenging the Borough's Total Assessments for Individual Properties (As-Needed Basis)

Councilman Pohan introduced, and Councilman Sohmer seconded, the following Resolution:

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH
OF FORT LEE AUTHORIZING THE AWARD OF A CONTRACT FOR**

THE PROVISION OF PROFESSIONAL APPRAISAL SERVICES

WHEREAS, there exists a need for the Borough to retain the services of a licensed appraiser to provide professional appraisal services related to complaints filed with the Tax Court challenging the Borough's total assessment for individual properties; and

WHEREAS, said services are recognized as "professional services" as same shall be rendered by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instruction and study, pursuant to and in accordance with N.J.S.A. 40A:11-2(6); and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, the Borough wishes to retain the services of Robert McNerney of McNerney Associates ("McNerney") to perform such professional appraisal services from time to time as the need arises; and

WHEREAS, McNerney possesses the requisite expertise and skilled personnel required to provide professional appraisal services related to the preparation of an appraisal with regard to the Property; and

WHEREAS, the Mayor and Council of the Borough are desirous of awarding a contract for professional appraisal services to McNerney in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the retention of McNerney to provide professional appraisal services is pursuant to a non-fair and open process in accordance with the provisions of New Jersey Local Unit Pay-To-Play Law; and

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WHEREAS, pursuant to the New Jersey Local Unit Pay-To-Play Law, McNerney is required to complete and submit at least ten (10) days prior to the award of a contract a Political Contribution Disclosure Form in accordance with N.J.S.A. 19:44A-20.26, a Stockholder Disclosure Certification, and a Business Entity Disclosure Certification, certifying that it has not made any reportable contributions to a political or candidate committee in the prior year, and that the contract will prohibit it from making any reportable contributions through the term of the contract; and

WHEREAS, the Political Contribution Disclosure Form, Stockholder Disclosure Certification, and Business Entity Disclosure Certificate and the certification have been submitted by McNerney and shall be placed and maintained on file at the office of the Borough Clerk; and

WHEREAS, the retention of McNerney on an as needed basis shall be according to proposals for each individual matter as approved by the Mayor and Council; and

WHEREAS, the award of a contract for professional appraisal services is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. That McNerney, 266 Harristown Road, Glen Rock, New Jersey 07452 shall be and is hereby appointed to perform professional appraisal services on an as needed, subject to the submittal of proposals for each individual matter and the approval of the Mayor and Council.

2. That McNerney is specifically placed on notice that it will be required to comply with the Affirmative Action regulations of P.L. 1975 c. 127.

3. That a notice of this contract award shall be published, and this resolution must be available for public inspection, in accordance with the requirements of N.J.S.A. 40A:11-1 et seq.

4. That no further action of the Borough shall be required.

The Resolution was **approved** on the following roll call:

AYES: Council Members Pohan, Sohmer, Sargenti, Cervieri, Kasofsky

R-2 - Awarding Bid to Alliance Bus Group, Inc., Carlstadt, New Jersey for the Purchase of Two 2012 Adult Passenger Mini Buses as Part of a Shuttle Bus Service to Provide Access Between Fort Lee and the Ferry Operations in Edgewater - \$123,420.00

Messrs. Pohan and Sargenti recused themselves on this matter and left the podium.

Councilman Cervieri introduced, and Councilman Sohmer seconded, the following Resolution:

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AWARDING A CONTRACT FOR THE PROVISION OF TWO 2012 ADULT PASSENGER MINI-BUSES

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WHEREAS, the Mayor and Council of the Borough of Fort Lee ("Borough") are desirous of contracting for a the provision of two 2012 adult passenger mini-buses; and

WHEREAS, on September 6, 2012, pursuant to resolution and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Parking Authority of the Borough of Fort Lee solicited bids on behalf of the Borough for the provision of 2012 adult passenger mini-buses; and

WHEREAS, on September 20, 2012, bid packages were received from the three following vendors in response to the Borough's public solicitation for bids for the provision 2012 adult passenger mini-buses

Wolfington Body Company, Inc. Mt. Holly, New Jersey	\$119,988.00
--	--------------

Alliance Bus Group, Inc. Carlstadt, New Jersey	\$123,420.00
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Rohrer Enterprises, Inc.
Duncannon, Pennsylvania

\$124,282.00

; and

WHEREAS, the Borough engaged in negotiations with the Port Authority of New York and New Jersey ("Port Authority") with regard to the terms and conditions of an agreement whereby the Port Authority will provide funding for expenses incurred in establishing shuttle bus service for mass transportation, such as a new trans-Hudson ferry operation; and

WHEREAS, the Borough was unable to award a contract for the mini-buses within the 60-day time frame required pursuant to N.J.S.A. 40A:11-24 due to the immediate unavailability of funding from the Port Authority, and requested the consent of all parties to extensions of the contract award date; and

WHEREAS, after a review of the bid, it was determined that the bid of the ostensible low bidder - Wolfington Body Company, Inc. - failed to include an extended warranty on the engine for the mini-buses as required by the Technical Specifications, and the bid specifically stated that the cost of the extended warranty was not included in the bid price; and

WHEREAS, the failure to include and price an extended warranty in accordance with the material requirements of the Technical Specifications necessitates a rejection of the bid as non-complying and non-responsive under the Local Public Contracts Law; and

WHEREAS, the Borough has determined that the bid submitted by the second ostensible low bidder, Alliance Bus Group, Inc. ("Alliance"), is in compliance with the requirements of the Bid Specifications, including the extended warranty on the engine for the mini-buses as required by the Technical Specifications and that Alliance constitutes the lowest responsible and complying bidder for the provision and installation of two 2012 adult passenger mini buses; and

WHEREAS, the Borough intends to utilize the two 2012 adult passenger mini-buses as part of a shuttle bus service to provide access between Fort Lee and the ferry operations in Edgewater, which serves as a terminal for trans-Hudson ferry service to and

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from midtown Manhattan at West 39th Street; and

WHEREAS, the Borough has reviewed its available funds and has determined, based upon the funding to be provided by the Port Authority, that sufficient funds are available for the provision of two 2012 adult passenger mini buses; and

WHEREAS, the Borough has determined that the award of this contract is necessary for its efficient operations,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey that the bid submitted by Wolfington Body Company, Inc. is hereby rejected for failure to include an extended warranty on the engine for the mini-buses as required by the Technical Specifications, and its bid specifically stated that the cost of the extended warranty was not included in the bid price.

BE IT FURTHER RESOLVED that Alliance Bus Group, Inc., 51 Kero Road, Carlstadt, New Jersey 07072, is hereby determined to be the lowest responsible and compliant bidder and is awarded the contract for the provision of two 2012 adult passenger mini buses

in accordance with the applicable bid documents and specifications for the amount of **\$123,420.00**.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available for the provision of two 2012 adult passenger mini-buses; and

BE IT FURTHER RESOLVED that the original bid proposal and contract are available in the Borough Clerk's Office; and

BE IT FURTHER RESOLVED that the Borough Clerk shall advertise the award of the contract in a legal newspaper as may be required by applicable law.

The Resolution was **approved** on the following roll call:

AYES: Council Members Sohmer, Cervieri, Kasofsky

Messrs. Pohan and Sargenti returned to the podium at this point in the meeting.

R-3 - Authorizing Naming of Future Cinema/Film Museum on Western Parcel of Redevelopment Area 5 as "The Barrymore Theatre"

Councilman Pohan introduced, and Councilman Sohmer seconded, the following Resolution:

A RESOLUTION AUTHORIZING THE NAMING OF A TO-BE-BUILT MUSEUM/THEATER AS THE BARRYMORE THEATER ONCE BUILT

WHEREAS, as part of the Redevelopment Agreement with the developer commonly known as (FLRA) on the west parcel of Redevelopment Area 5 has agreed to construct a 13,000 square foot space for a movie theater and film museum commemorating the role of Fort Lee as the first American film town,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the 13,000 square foot, to-be-built theater and film museum, to be located in the western parcel of Redevelopment Area 5, shall be named "The Barrymore Theater" once completed.

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The Resolution was **approved** on the following roll call:

AYES: Council Members Pohan, Sohmer, Sargenti, Cervieri, Kasofsky

COUNCIL REPORTS

Councilman Pohan - stated that related to R-3 above, the Barrymore Family (Maurice, John, Lionel & Ethel) all spent time as residents in the Borough. They were all involved in the film industry in the Borough in its early days and John did his first acting on a stage in the Borough as a very young man. In celebration of the naming of the theater as part of an annual celebration of John's birthday, the Fort Lee Film Commission will hold a Barrymore bash at Napoli on Saturday, February 16th about a block where the theatre will eventually be built within Redevelopment Area 5. The cost is \$15.00 and the proceeds go to the Fort Lee High School drama program.

Councilman Sohmer - congratulated Ivan Francin on his retirement. He's a very large part of the General Service staff. He will be

sorely missed.

He also congratulated Tom Meyers on his appointment to the New Jersey Hall of Fame Advisory Commission. Mr. Sohmer's goal is to see Alice Guy Blache, the first women director in cinema history, be voted into the New Jersey Hall of Fame.

He stated that there are various countywide hazardous waste collection days in March and April in Little Ferry and Paramus respectively. For further information please visit the Bergen County Utilities website at www.bcua.org.

He also congratulated the DPW members for doing a great job during the snowstorm last week. He reminded residents if they are parked on a posted snow street that during a snowfall their cars will be towed as the plows cannot get down various streets when cars are parked on them.

Councilman Sargenti - congratulated all the fire department officers sworn in earlier this evening.

He stated that last night there was a town hall meeting held at the Jack Alter Fort Lee Community Center. Roughly 125 people showed up. He thanked all the people who showed up including the people who represented their Borough positions. He believes that people went home with an understanding that the Borough is prepared for any emergency situation that could arise with the hope that no such emergency will ever arise.

He also wished Ivan Francin well on his retirement.

He also congratulated the DPW for doing a wonderful job last weekend. Over 200 cars were towed and he concurred with Mr. Sohmer that cars have to be off the posted snow streets when there is a snowfall.

Councilman Cervieri - also congratulated the firefighters and their families who saw them sworn in tonight. He knows that they will continue to do the outstanding job that they have performed over the years. It's great to know the Borough has such great and

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dedicated volunteers who provide such outstanding service to the residents.

He also congratulated Tom Meyers on his appointment.

He wished everyone a happy Valentine's Day.

PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilman Sargenti, and carried unanimously, the meeting was opened to the public for discussion.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Martha Cohen 1530 Palisade Ave.	.R-2 Funding for Purchase of Mini-Buses	Ms. Thomas
Tom Meyers 1590 Anderson Ave.	.Thanked the Mayor & Council for Approving R-3	
	.Wished Ivan Francin Well on His Retirement	

.Thanked Everyone for Keeping
The Municipal Parking Lot
Open and Cleaned up so Residents
Could Use the Lot During the
Snowstorm

There being no further public discussion, **on motion by Councilman Cervieri, seconded by Councilman Pohan**, and there being no further discussion, the meeting was adjourned with no objections at 7:47 p.m.

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, January 17, 2013 @7:00 p.m.

The Regular Meeting of the Mayor and Council of the Borough of Fort Lee was held on the above date in the Council Chambers, Memorial Municipal Building, 309 Main Street, Fort Lee, New Jersey.

PRESENT: Mayor Sokolich, Council Members Pohan, Sohmer, Goldberg, Sargenti, Cervieri

ABSENT: Councilwoman Kasofsky

ALSO PRESENT: Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney

MAYOR'S STATEMENT

Let the minutes reflect that adequate notice of this meeting has been provided in the following manner:

1. On January 3, 2013, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2013, a copy of said schedule was posted at 309 Main Street, Fort Lee, New Jersey. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2013 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mr. Grant read the following statement from Councilwoman Ila Kasofsky.

"She just wanted to let everyone know that she is sick with the flu and said that she supports the expected hiring of the eight new police officers as well as the expected nine police promotions.

In addition she's supportive of the rehiring of Lee Cohen of the firm of DeCotiis, Fitzpatrick & Cole as the Borough's Labor Counsel as well as the other professional appointments expected to be approved later tonight"

Mayor Sokolich stated that over the last few weeks' people have been hearing what initiatives other towns have been put in place and may be doing with regard to safety initiatives for school children in light of the Newtown shootings. In Fort Lee there have been and will continue to be safety initiatives for the safety of the school children. Whether, its safety resource officers of which two will be hired this evening. Whether, it's a police presence during drop-offs and dismissals. Whether, it's a police presence at all school activities. Whether, it's a perimeter check on a daily basis. Whether, it's undercover initiatives. Whether, it's doing everything humanely possible to make sure when parents drop off their children that they can have absolute peace of mind that there children are safe. There is a reason why the children are safe and that is mainly the people who are in room tonight. The Borough has been working diligently with

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the Fort Lee Board of Education. There are some initiatives that will be put in place and there is another meeting he's scheduling next week to discuss further initiatives. It's a joint meeting between the Borough and the Fort Lee Board of Education. After that meeting he is going to schedule a town hall meeting so the public can be informed to what is being done. There are a few things that are not going to be done, but he's not going to discuss that at this time. He reminded the public there are many tools to attack this issue. There is a reason why the school children have been so safe generally over the past years. That's because of the dedication and efforts of the Police Department, which a majority of those members are present tonight. He thanked the Police Department. The Borough is going to continue to keep the children as safe as possible.

PUBLIC HEARING

Ordinance #2013-1 - Amending Chapter 90-2 Police Department Formation and Rank

Mayor Sokolich explained what this ordinance entails.

Councilman Cervieri offered a motion, seconded by Councilman Pohan to amend the Ordinance as follows:

Mr. Cohen deemed the following amendment to be minor in nature.

In the table of organization the total number of police officers is to be changed from seventy-two police officers with an overall number of ninety-two total officers,

to:

seventy-four police officers thereby increasing the entire police table of organization to ninety-four total officers.

The motion **to amend** the Ordinance was **approved unanimously**.

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to **Ord. #2013-1** entitled, "AN ORDINANCE AMENDING CHAPTER 90-2, POLICE DEPARTMENT, FORMATION AND RANK, OF THE CODE OF THE BOROUGH OF FORT LEE **as amended.**"

There being no public discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Pohan.**

On motion by Councilman Cervieri, seconded by Councilman Pohan, the Ordinance was **adopted unanimously**.

RESOLUTIONS/OATHS OF OFFICE

R-A - Authorizing Hiring of Eight (8) New Police Officers

Councilman Cervieri introduced, and Councilman Pohan seconded, the following Resolution:

WHEREAS, the Mayor and Council of the Borough of Fort Lee have determined the need to authorize the hiring of Police Officers for the Police Department, based on retirements and the **Regular Meeting** **January 17, 2013**
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current Table of Organization; and

WHEREAS, it has been determined that the following individuals be appointed to the position of Police Officer with an effective hiring date of January 17, 2013,

**Peter Chong
Andres Kim
Laki Pothos
David G. Tropea
Stephen G. Domenick
Zachary D. Joseph
Dillon S. Turner
John J. Gallo**

NOW, THEREFORE, BE IT RESOLVED that these appointments are made in accordance with a New Jersey Civil Service Commission Certification of Eligibles for Appointment List, for the title of Police Officer, and salaries shall be in accordance with the current P.B.A. Contract.

The Resolution was **approved unanimously**.

OATHS OF OFFICE

Chief Bendul stated that the Borough is very fortunate in

having a Mayor and Council that is dedicated to public safety. He's honored as the new Police Chief that his first ceremony is to involve the hiring of new officers as well as promoting current officers into supervisory positions. The eight new officers have undergone a grueling process the past few months to get to this point tonight. There were over 19,000 applicants in the State who applied to become police officers. The eight hires tonight are the top of the Fort Lee residents that are eligible. After tonight they will begin the police academy which will take them through June. He has the utmost confident that the eight officers will adhere to the high standards that have been established by the officers before them. He thanked their family and friends for being present and supporting this special night for them.

Chief Bendul read brief biographies of each of the new officers before they were sworn in to office.

Peter Chong was sworn in as a Police Officer by Mayor Sokolich. His father, Yong Chong, held the Bible and his mother, Mary Chong, pinned on his badge.

Andres Kim was sworn in as a Police Officer by Mayor Sokolich. His sister, Dory Kim, held the Bible and pinned on his badge.

Laki Pothos was sworn in as a Police Officer by Mayor Sokolich. His brother Fort Lee Police Officer Dennis Pothos, held the Bible, and his father, Peter Pothos, pinned on his badge.

David G. Tropea was sworn in as a Police Officer by Mayor Sokolich. His mother, Maureen and his father, Joseph, held the Bible, and his wife, Stephanie Savia, pinned on his badge.

Stephen G. Domenick was sworn in as a Police Officer by Mayor Sokolich. His mother, Lisa, held the Bible, and his wife, Ali, pinned on his badge.

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Zachery D. Joseph was sworn in as a Police Officer by Mayor Sokolich. His father, Arthur, held the Bible, and his mother, Denise, pinned on his badge.

Dillon S. Turner was sworn in as a Police Officer by Mayor Sokolich. His mother, Annamarie, held the Bible and pinned on his badge.

John J. Gallo was sworn in as a Police Officer by Mayor Sokolich. His mother, Marietta, held the Bible, and his father, retired Fort Lee Police Officer Joseph Gallo, pinned on his badge.

Chief Bendul thanked the Mayor and Council by giving the Police Department more resources so as to be able to continue to service the community.

OATH OF OFFICE

Harvey Sohmer was sworn in as a Councilman by Mayor Sokolich. His wife, Roberta, and their grandchildren, Lindsey and Rachel Kurtz held the Bible, as he took his Oath of Office.

As requested by the Mayor, **on motion by Councilman Sohmer, seconded by Councilman Sargenti**, with no objections, a recess was taken at 7:37 p.m.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, the meeting reconvened at 8:00 p.m.

RESOLUTIONS/OATHS OF OFFICE

R-B - Authorizing Police Promotions - Three (Sergeants)

Councilman Cervieri introduced, and Councilman Pohan seconded, the following Resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that **Police Officers James K. Lee, Michael Pappachristou and Sean M. Peppard** be promoted to the rank of **Police Sergeant** with an effective date of **January 17, 2013**; and

BE IT FURTHER RESOLVED that these promotions will be certified by the New Jersey Civil Service Commission and shall be at a salary outlined in the P.B.A. Contract.

The Resolution was **approved unanimously**.

Chief Bendul said that as a leader "you have to have people to lead". He added that in order to manage the department a key command staff is needed as well as middle managers and direct line supervisors to carry out his and Deputy Chief Ford's vision for the future. With two previous captains having been promoted and the forthcoming retirement of Captain Roy Bortolus for which he thanked Captain Bortolus for his dedication and many years of service. He asked the Mayor and Council to promote three captains, three lieutenants and three sergeants to backfill those positions.

Chief Bendul read biographies of each of the new sergeants before they were sworn into their new rank.

James K. Lee was sworn in as a Police Sergeant by Mayor Sokolich. His children, Brian and Christina, held the Bible, and
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his wife, Sophia, pinned on his badge.

Michael Pappachristou was sworn in as a Police Sergeant by Mayor Sokolich. His wife, Jennifer, along with his sons, Michael Jr. and Niko, held the Bible, and his mother, Christina, and his father, Chris, pinned on his badge.

Sean M. Peppard was sworn in as a Police Sergeant by Police Officer by Mayor Sokolich. His wife, Janet, held the Bible, and his mother Lynsay, pinned on his badge.

R-C - Authorizing Police Promotions - Three (Lieutenants)

Councilman Cervieri introduced, and Councilman Sohmer seconded, the following Resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that **Sergeants Andrea J. Cappola, Leonard R. Cottrell and Kenneth R. Porrino** be promoted to the rank of **Police Lieutenant** with an effective date of **January 17, 2013**; and

BE IT FURTHER RESOLVED that these promotions will be certified by the New Jersey Civil Service Commission and shall be at a salary outlined in the P.B.A. Contract.

The Resolution was **approved unanimously**.

Chief Bendul read biographies of each of the new lieutenant before they were sworn into their new rank.

Andrea J. Cappola was sworn in as a Police Lieutenant by Mayor Sokolich. Her husband, Fort Lee Police Officer Gabriel Cappola and their children, William and Casey Lynn, along with her mother, Adeline, held the Bible, and her father, retired Palisade Interstate Parkway Sergeant William Krautheim, pinned on her badge.

Leonard R. Cottrell was sworn in as a Police Lieutenant by Mayor Sokolich. His daughter, Jamie, held the Bible, and his wife, MaryBeth, pinned on his badge.

Kenneth R. Porrino was sworn in as a Police Lieutenant by Mayor Sokolich. His wife, Dawn, and daughter, Victoria, held the Bible, and his son, Matthew, pinned on his badge. Also at the podium were his brother, Mark, his father, Donald and his fiancé Jacqui.

R-D - Authorizing Police Promotions - Three (Captains)

Councilman Cervieri introduced, and Councilman Sohmer seconded, the following Resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Lieutenants **Stanley A. Zon, Robert Zevits and Thomas D. Ottina** be promoted to the rank of **Police Captain** with an effective date of **January 17, 2013**; and

BE IT FURTHER RESOLVED that these promotions will be certified by the New Jersey Civil Service Commission and shall be at a salary outlined in the P.B.A. Contract.

The Resolution was **approved unanimously.**
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Chief Bendul read biographies of each of the new captains before they were sworn into their new rank.

Stanley A. Zon was sworn in as a Police Captain by Mayor Sokolich. His wife, held the Bible, and his brother, Passaic City Police Officer Joseph Zon, pinned on his badge.

Robert Zevits was sworn in as a Police Captain by Mayor Sokolich. His sister, Patricia Kelly, held the Bible, and his brother, former Fort Lee Police Captain Joseph Zevits, pinned on his badge.

Thomas D. Ottina was sworn in as a Police Captain by Mayor Sokolich. His wife, Dot, and his son, Thomas, held the Bible, and his father, retired Fort Lee Police Sergeant Primo Ottina, pinned on his badge.

PRESENTATION

Chief Bendul presented Police Officer T.J. Cullen with his Detective Shield.

As requested by the Mayor, **on motion by Councilman Sohmer, seconded by Councilman Pohan**, with no objections, a recess was taken at 8:45 p.m.

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the meeting reconvened at 9:00 p.m.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Council, and carried unanimously, the minutes of the December 20, 2012/January 3, 2013 Recessed Meeting were approved with Councilman Sohmer abstaining.

INTRODUCTION OF ORDINANCES

Ordinance #2013-2 - Amending Bus Stop Ordinance on Main Street by Center Avenue (Mid-Block) Westbound

Mr. Grant explained the ordinance for the public.

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried, Ord. #2013-2 entitled, "AN ORDINANCE AMENDING CHAPTER 388, SECTION 57, SCHEDULE XIII, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE ENTITLED 'BUS STOPS' IN THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was approved unanimously, and the public hearing relative to this ordinance was scheduled for February 14, 2013.

Ordinance #2013-3 - Amending Chapter 388, Sections 14 and 69, Schedule XXIII - Additional Handicapped Parking Spaces on North Central Road

Mr. Grant explained the ordinance for the public.

On motion by Councilman Cervieri, seconded by Councilman Sargenti, and carried, Ord. #2013-3 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED HANDICAPPED PARKING SPACES," was introduced and passed on first reading.
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SPACES," was introduced and passed on first reading.

The Ordinance was approved unanimously, and the public hearing relative to this ordinance was scheduled for February 14, 2013.

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-17.

CA-1 - Payment of Claims

BE IT RESOLVED that the following claims, the details for which are attached hereto and made a part hereof, are hereby authorized to be paid, having been audited and found correct by the Borough Administrator and Chief Financial Officer.

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$16,995,768.07
Capital	2,243,931.69
Road Improvement Plan	n/a
Multiple Dwelling	n/a
Construction Fees	n/a
COAH Fees	n/a
Trust Account (Old)	n/a

Senior Citizen Advisory Council	2,475.00
Trip Admissions	n/a
Wedding Fees	n/a
Trust Account (Accutrack)	19,537.78
Special Dog Account	n/a
Centennial Fund	n/a
Disability Insurance Trust	n/a
Unemployment Compensation Trust	n/a
Public Assistance Trust Fund	n/a
Police Activity Trust	n/a
Fort Lee Film Commission	800.00
Redemption Account	525,494.27
School Resource Account	n/a
Dedicated Penalties	n/a
POAA	n/a
Cop Card Donation	n/a
Police Treasury	n/a
Police Justice	n/a
Flexible Spending	n/a
Total:	\$18,786.393.31

CA-2 - Approving Firefighter Application for Michael Kelly for Fire Company #4

The firefighter application for Michael Kelly for Fire Company #4 was approved.

CA-3 - Accepting Retirement Notice from Former Police Chief Thomas Ripoli - Retroactive to January 1st

BE IT RESOLVED that Police Chief Thomas O. Ripoli with the Police Department has submitted a retirement notice dated November 26, 2012 and the Mayor and Council have accepted same,

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NOW, THEREFORE, BE IT RESOLVED that Police Chief Ripoli's retirement will be effective retroactively to January 1, 2013 with the Borough of Fort Lee.

CA-4 - Accepting Retirement Notice from Roy Bortolus, Police Captain - Effective February 1st

BE IT RESOLVED that Police Captain Roy Bortolus with the Police Department has submitted a retirement notice dated December 27, 2012 and the Mayor and Council have accepted same,

NOW, THEREFORE, BE IT RESOLVED that Captain Bortolus' retirement will be effective February 1, 2013 with the Borough of Fort Lee.

CA-5 - Authorizing Hiring of John Candelmo, Jack Peters, Jorge Gonzales, Nick Lordo, Paul Albanese and Frank Giordano as Part-Time Building, Electric and Plumbing Inspectors - \$30.00 Per Hour

WHEREAS, due to the increased development in Fort Lee with some new projects, including Redevelopment Area # 5, the Mayor and Council have determined the need to hire part-time inspectors to work under the Building Department; and

WHEREAS, the following individuals will be hired on a part-time basis under the respective discipline:

Building:

John Candelmo
Jack Peters

Electrical:

Jorge Gonzalez
Nick Lordo

Plumbing:

Paul Albanese
Frank Giordano

NOW, THEREFORE BE IT RESOLVED that these Inspectors will be paid **\$30.00 hourly**.

CA-6 - Authorizing Salary Increase for Mary Jean Cannarsa, Part-Time Employee for the Senior Center and Parks Department - \$12.00 Hourly

WHEREAS, Mary Jean Cannarsa, is employed by the Fort Lee Richard A. Nest Senior Center as well as part-time in the Parks Department as a Parks Attendant,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee, hereby authorize an increment to Ms. Cannarsa's hourly rate as follows:

\$12.00/hourly Senior Center

\$12.00/hourly Parks Department

BE IT FURTHER RESOLVED that the above increases shall be effective January 17, 2013.

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CA-7 - Authorizing Full Time Hiring of Erik Jaikissoon as a Building Maintenance Worker for the Community Center - Grade 6, Step A, in the Blue Collar Bargaining Unit - \$35,075.00 Annually

WHEREAS, Eric Jaikissoon, has been employed by the Borough of Fort Lee as a part time seasonal worker, and has become an integral part of the supervisory technical staff at the Jack Alter Community Center; and

WHEREAS, the Mayor and Council of the Borough of Fort Lee, have authorized Eric Jaikissoon to be appointed to a full time position of Building Maintenance Worker at the Community Center, with an effective date of January 21, 2013,

NOW, THEREFORE, BE IT FURTHER RESOLVED that this appointment shall be provisional pending certification from the New Jersey Civil Service Commission and shall be at an annual salary of **\$35,075.00 - Grade 6, Step A**, in compliance with the Salary Ordinance of the Blue Collar Contract.

CA-8 - Authorizing Establishment of a Stipend for Stephen Ferraro, Emergency Management Coordinator - \$7,500 Annually

WHEREAS, Stephen M. Ferraro, has been serving as the Emergency Management Coordinator since May 6, 2005,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that they wish to establish a stipend for the duties which Coordinator Ferraro performs in this capacity, and hereby authorize a stipend of **\$7,500.00 annually**, with an

effective date commencing January 17, 2013.

CA-9 - Authorizing Title Change and Salary Increase for Cathy Umrichin From Clerk Typist to Keyboarding Clerk 2 (Senior Clerk Typist) in the Office of Emergency Management - 7% Salary Increase

WHEREAS, Cathy Umrichin, Clerk Typist, of the Office of Emergency Management, has assumed additional responsibilities in the office,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that Cathy Umrichin will be promoted to Keyboarding Clerk 2 (Senior Clerk Typist), and receive a **7% promotional increase**, effective January 17, 2013; and

BE IT FURTHER RESOLVED that this promotion is provisional pending certification from the State of New Jersey Civil Service Commission.

CA-10 - Authorizing Title Change and Salary Increase for Brian Yendle From Recreation Program Specialist to Assistant Superintendent of Recreation - \$10,000.00

WHEREAS, Brian Yeandle, Recreation Program Specialist, of the Recreation Department, has assumed additional responsibilities in the department,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that Brian Yeandle be promoted to the title of Assistant Superintendent of Recreation, and receive a **\$10,000.00 salary increase**, effective January 17, 2013; and

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BE IT FURTHER RESOLVED that this promotion is provisional pending certification from the State of New Jersey Civil Service Commission.

CA-11 - Authorizing Salary Increase for Steven Curry, Fire Sub-Code Official & Safety Officer - \$10,000.00

BE IT RESOLVED by the Mayor and Council that they hereby authorize a salary merit increase to **Steven J. Curry**, Fire Sub-Code Official & Safety Officer, of the Fire Prevention Bureau, based on his accomplishments in the department under his supervision, with a **\$10,000.00 increase** on his base salary, effective January 17, 2013.

CA-12 - Authorizing Settlement of Tax Appeal Litigation With Linwood Realty Inc., at 2115 Linwood Avenue, Block 5151, Lot 1 for Tax Years 2010-2012

WHEREAS, Linwood Realty LLC is the owner and taxpayer of property located at 2115 Linwood Avenue, also known as Block 5151, 1; and

WHEREAS, the taxpayer filed tax appeals against the Borough of Fort Lee in a matter entitled Linwood Realty LLC vs. Borough of Fort Lee, for tax years 2010, 2011 and 2012, which are presently pending in the Tax Court; and

WHEREAS, it has been recommended by the Tax Appeal Attorney, The Borough Appraiser and the Borough Assessor that the matter be settled at this time, and that such settlement is in the best

interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Linwood Realty LLC vs. Borough of Fort Lee, so that the complaint for tax year 2010 will be withdrawn, and the assessment of \$9,583,700 will remain intact; the assessment for tax year 2011 will be reduced from \$9,583,700 to \$9,150,000 and the assessment for tax year 2011 will be reduced from \$9,583,700 to \$9,150,000 and the assessment for tax year 2012 will be reduced from \$9,583,700 to \$9,000,000; and

BE IT FURTHER RESOLVED that the aforesaid settlement is predicated upon a waiver of any and all pre-judgment interest by the taxpayer.

CA-13 - Authorizing Settlement of Tax Appeal Litigation With BFE Polygon Partners, at 2050 Center Avenue, Block 4751,

WHEREAS, BFE Polygon Partners is the owner and taxpayer of property located at 2050 Center Avenue, also known as Block 4751, Lot 33; and

WHEREAS, the taxpayer filed tax appeals for 2010, 2011 and 2012 against the Borough of Fort Lee in a matter entitled BFE Polygon Partners vs. Borough of Fort Lee, which is presently pending in the Tax Court; and

WHEREAS, it is has been recommended by the Tax Appeal Attorney, the Borough Assessor and the Tax Assessor, that the
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matter be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled BFE Polygon Partners vs. Borough of Fort Lee, so that the assessment for 2010 will be reduced from \$12,000,000.00 to \$11,500,000.00, resulting in a refund of \$9,735.00; the assessment for 2011 will be reduced from \$12,000,000.00 to \$11,500,000.00, resulting in a refund of \$9,940.00 and the assessment for 2012 will be reduced from \$12,000,000.00 to \$10,500,000.00, resulting in a refund of \$30,780.00; and

BE IT FURTHER RESOLVED that the settlement is predicated upon the taxpayer waiving any and all prejudgment interest.

CA-14 - Authorizing Purchasing Consultant to Prepare Specifications and Advertise for Bids for Computer Consoles for the Police Department

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the Purchasing Consultant is hereby authorized and directed to obtain specifications and advertise for bids for:

- . Computer Consoles for the Police Department Communications Center

CA-15 - Awarding Contract to McNerney & Associates, Inc., Glen Rock, New Jersey to Prepare an Appraisal Report for Property

Located at 1435 Bergen Boulevard in Litigation Entitled Oakdene & Sixty Realty vs. Borough of Fort Lee - 3,500.00

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL APPRAISAL SERVICES

WHEREAS, the owners of property located at 1435 Bergen Boulevard ("Property") in the Borough of Fort Lee ("Borough") filed a complaint with the Tax Court challenging the Borough's total assessment for the property; and

WHEREAS, on prior occasion, the Borough authorized the preparation of an appraisal of the property and in order for the Borough to successfully defend the assessment of the Property, also known as Block 2751, Lot 2, on the tax map of the Borough, there exists a need for the Borough to retain the services of a licensed appraiser to prepare an update to the appraisal; and

WHEREAS, said services are recognized as "professional services" as same shall be rendered by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instruction and study, pursuant to and in accordance with N.J.S.A. 40A:11-2(6); and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

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WHEREAS, the Borough wishes to retain the services of Robert McNerney of McNerney Associates ("McNerney") to perform such professional appraisal services in accordance with its proposal, dated January 2, 2013, attached hereto; and

WHEREAS, McNerney possesses the requisite expertise and skilled personnel required to provide professional appraisal services related to the preparation of an appraisal with regard to the Property; and

WHEREAS, the Mayor and Council of the Borough are desirous of awarding a contract for professional appraisal services to McNerney in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the professional appraisal services will be performed by McNerney at a cost of \$3,500, including all out-of-pocket expenses, which amount is less than the threshold of \$17,500 under the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Mayor and Council have determined that funds are available for this purpose, and

WHEREAS, the award of a contract for preparation of an appraisal with regard to the Property in the Borough is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. That McNerney, 266 Harristown Road, Glen Rock, New Jersey 07452 shall be and is hereby appointed to perform professional appraisal services related to the preparation of an appraisal with regard to the Property in the Borough, in accordance with its proposal, dated January 2, 2013, attached hereto and made a part hereof.

2. That McNerney is specifically placed on notice that it will be required to comply with the Affirmative Action regulations of P.L. 1975 c. 127.

3. That a notice of the contract award shall be published, and this resolution must be available for public inspection, in accordance with the requirements of N.J.S.A. 40A:11-1 et seq.

4. That the Chief Financial Officer has certified that current funds are available for this purpose.

5. That no further action of the Borough shall be required.

CA-16 - Approving Place-to-Place Liquor License Transfer for Zenex Enterprise LLC, t/a Hanabi Japanese Cuisine (Pocket) to 1550 Lemoine Avenue, Suite 106

WHEREAS, an application has been filed by **Zenex Enterprise Inc. (Pocket License)** for a place-to-place transfer of Plenary Retail **Regular Meeting** **January 17, 2013**

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Consumption license number **0219-33-019-007**, located at a mailing address of 1550 Lemoine Avenue, Fort Lee, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the applicant has complied with N.J.S.A. Title 33, and the license has been properly renewed for the current license term; and

WHEREAS, said application has been approved by the Building Sub-Code Official and the Fire Official,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee does hereby approve, effective **January 17, 2013**, the place to place transfer of the aforesaid Plenary Retail Consumption license, to include the premises located at **1550 Lemoine Avenue, Suite 106, Fort Lee, New Jersey.**

CA-17 - Approving Person-to-Person Liquor License Transfer from Pizza Chef Inc. to DCH Fort Lee, Inc., t/a Dong Chun Hong at 144 Main Street

WHEREAS, an application has been filed for a person-to-person transfer of plenary retail consumption license **0219-33-026-003**, heretofore issued to **Pizza Chef Inc, (Inactive)** a New Jersey corporation for premises located at **144 Main Street, Fort Lee, New Jersey**; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the applicant has received a tax clearance certificate for person-to-person transfer from the State of New Jersey, Department of the Treasury, Division of Taxation, Trenton, New Jersey; and

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Fort Lee does hereby approve the person-to-person transfer of the aforesaid plenary retail consumption license to **DCH Fort Lee, Inc. t/a Dong Chun Hong at 144 Main Street, Fort Lee, New Jersey 07024** effective **January 17, 2013** and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership.

There being no public discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, and the Consent Agenda (items CA-1 through CA-17) was **approved unanimously**.

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MAYOR'S NOMINATIONS/RESOLUTIONS

R-1 - Awarding Contract to J. Sheldon Cohen of the Firm DeCotiis, Fitzpatrick & Cole LLP to Serve as the Borough's Labor Attorney for 2013

Mayor Sokolich nominated **J.S. Lee Cohen** of the law firm of **DeCotiis, Fitzpatrick, & Cole, LLP** to serve as **Labor Negotiations Attorney** for 2013.

Councilman Cervieri introduced, and Councilman Sargenti seconded, the following Resolution:

WHEREAS, it is necessary for the Borough of Fort Lee to engage the professional services of a labor negotiator for the year **2013** to serve as **Labor Attorney**; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the "State Pay to Play" law, took effect on January 1st, 2006 and

WHEREAS, the Borough has fully complied with the "fair and open" process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, **J.S. Lee Cohen** and the firm of **DeCotiis, Fitzpatrick, & Cole, LLP**, possess the requisite expertise and skilled personnel required to provide professional legal services required by the Borough; and

WHEREAS; the Borough's Review Team has determined that the firm of **DeCotiis, Fitzpatrick, & Cole, LLP, Teaneck and Trenton, New Jersey** legal services will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Sokolich has nominated **J.S. Lee Cohen** of the firm of **DeCotiis, Fitzpatrick, & Cole, LLP** to serve as **Labor Attorney** for the year **2013**; and

WHEREAS, the Borough has received a Business Registration Certificate and Affirmative Action compliance statement from the firm prior to entering into a contract,

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the award by the Borough of a contract to **J.S Lee Cohen** and the firm of **DeCotiis, Fitzpatrick, & Cole, LLP** for the provision of professional legal services is in the best interests

of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough;

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NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Fort Lee, that said **Labor Attorney** be and is hereby appointed for the year **2013** pursuant to a "fair and open" process; and

BE IT FURTHER RESOLVED, that compensation for said **Labor Attorney** for the year **2013** shall be claimed, approved and paid in the manner set forth in NJSA 40A:5-18 as per their proposal, and pursuant to an agreement to be entered into between the parties; and that the Chief Financial Officer has certified that funds are available; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

The Resolution was **approved unanimously**.

R-2 - Awarding Contract to Boswell McClave Engineering, South Hackensack, New Jersey to Serve as the Borough's Traffic Engineer for 2013

Mayor Sokolich nominated Boswell McClave Engineering to serve as the **Borough's Traffic Engineer** for **2013**.

Councilman Goldberg introduced, and Councilman Sargenti seconded, the following Resolution:

WHEREAS, it is necessary for the Borough of Fort Lee to engage the professional services of engineer for the **year 2013** to serve as **Traffic Engineer** on an as needed basis; and

WHEREAS, N.J.S.A. 40A:11-1 et seq., exempts professional

services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the "State Pay to Play" law, took effect on January 1, 2006; and

WHEREAS, Boswell McClave possesses the requisite expertise and skilled personnel required to provide professional traffic engineering services required by the Borough; and

WHEREAS, the Borough has fully complied with the "fair and Open" process set forth under N.J.S.A. 19:44A-20.1 et seq., by issuing a Request for Qualifications for Traffic Engineering Services; and

WHEREAS, an RFQ for Traffic Engineering Services was previously authorized by the Borough and issued through a "fair and open process" commencing on November 21, 2012 returnable by December 20, 2012 and publicly opened on December 21, 2012; and

WHEREAS, the Mayor and Council have determined that the services of Boswell McClave Engineering, 330 Phillips Avenue, South Hackensack, New Jersey 07606 will be the most advantageous to the Borough, all relevant factors considered; and

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WHEREAS, Mayor Sokolich has nominated **Boswell McClave Engineering**, to serve as the Borough's Traffic Engineer for the Borough of Fort Lee for the year **2013**; and

WHEREAS, the Borough received timely and complete Qualification Statements from Boswell McClave Engineering including a Business Registration Certificate and Certificate of Affirmative Action compliance prior to entering into a contract; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the award by the Borough of a contract to **Boswell McClave Engineering** for the provision of professional traffic engineering services is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Fort Lee that the aforesaid firm is hereby appointed as **Traffic Engineer** for the **year 2013** pursuant to a "fair and open" process; and

BE IT FURTHER RESOLVED, that funds will be available by the way of the municipal budget to compensate said Traffic Engineers on an as needed basis by the Borough; and

BE IT FURTHER RESOLVED that compensation for said **Traffic Engineers** for the **year 2013** shall be approved and paid in the manner set forth in N.J.S.A. 40A:5-18 and pursuant to an agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

The Resolution was **approved unanimously**.

R-3 - Awarding Contract to Paul Phillips of the Firm Phillips Preiss Grygiel LLC., Hoboken, New Jersey, to Serve as the Borough's Planner for 2013 - Fee Not to Exceed \$42,750.00

Mayor Sokolich nominated Paul Phillips of the firm Phillips Preiss Grygiel LLC, as the Borough's Planner for 2013.

Councilman Pohan introduced, and Councilman Sohmer seconded, the following Resolution:

WHEREAS, it is necessary for the Borough of Fort Lee to engage the services of a **Borough Planner for 2013**; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts such services from the requirements of public bidding, provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

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WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the "State Pay to Play" law, took effect on January 1st, 2006; and

WHEREAS, Paul Phillips and the firm of Phillips Preiss Grygiel LLC possesses the requisite expertise and skilled personnel required to provide professional planning services required by the Borough; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.1 et seq., the Borough may not award contracts with a value in excess of \$17,500.00 to a business entity which has made reportable contributions in excess of \$300.00, in the aggregate, to the member municipality's political parties or to any candidate's committee of any person serving in an elective public office of the member municipality when such contract was awarded unless said business entity is awarded a contract under a "fair and open process" pursuant to N.J.S.A. 19:44A-20 et seq.; and

WHEREAS, a "fair and open process" constitutes the following: (1) public advertisement of a Request for Qualification (hereinafter the "RFQ"); (2) award of contract under a process that provides for public solicitation of qualifications; (3) award of contract under publicly disclosed criteria established, in writing, by the public entity prior to the solicitation of qualifications; and (4) the public entity shall publicly open and announce the qualifications when awarded; and

WHEREAS, an RFQ for Borough Planner services was previously authorized by the Borough and issued under a "fair and open process" commencing on November 21, 2012, returnable by December 20, 2012 and publicly opened on December 21, 2012; and

WHEREAS, the Borough's Review Team has determined that the Borough Planner services of Paul Phillips and the firm of Phillips Preiss Grygiel LLC., 33-41 Newark Street, Third Floor, Suite D, Hoboken, New Jersey 07030 will be the most advantageous to the

Borough all relevant factors considered; and

WHEREAS, Mayor Sokolich has nominated **Paul Phillips** and the **firm of Phillips Preiss Grygiel LLC** to serve as **Borough Planner** for the Borough of Fort Lee for the year **2013**; and

WHEREAS, the Borough has received a timely and complete Qualification Statement, including a Business Registration Certificate and Affirmative Action compliance statement from the firm prior to entering into a contract,

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the award by the Borough of a contract to **Paul Phillips and the firm of Phillips Preiss Grygiel LLC** for the provision of professional planning services is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Fort Lee that Paul Phillips and the firm of Phillips Preiss Shapiro Associates said Borough Planner be and is hereby appointed as **Borough Planner** for the **year 2013** pursuant to a "fair and open" process; and

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BE IT FURTHER RESOLVED, that funds will be available by the way of the municipal budget to compensate said Borough Planner; and

BE IT FURTHER RESOLVED that compensation for said **Borough Planner** for **year 2013** shall be a fee not to exceed **\$42,750.00**; and that all claims shall be approved and paid in the manner set forth in N.J.S.A. 40A:5-18 and pursuant to an agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

The Resolution was **approved unanimously**.

R-4 - Awarding Contract to Administrative Purchasing Consultants, 214 Main Street, Fort Lee, New Jersey, as the Borough's Purchasing Consultant for 2013 - \$75,000.00

Mayor Sokolich nominated Maureen Holtje of Administrative Purchasing Consultants to serve as the **Borough's Purchasing Consultant** for 2013.

Councilman Cervieri introduced, and Councilman Sohmer seconded, the following Resolution:

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts such services from the requirements of public bidding, provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation;

and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the "State Pay to Play" law, took effect on January 1st, 2006; and

WHEREAS, Maureen Holtje of Administrative Purchasing Consultants possesses the requisite expertise and skilled personnel required to provide professional purchasing services required by the Borough; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.1 et seq., the Borough may not award contracts with a value in excess of \$17,500.00 to a business entity which has made reportable contributions in excess of \$300.00, in the aggregate, to the member municipality's political parties or to any candidate's committee of any person serving in an elective public office of the member municipality when such contract was awarded unless said business entity is awarded a contract under a "fair and open process" pursuant to N.J.S.A. 19:44A-20 et seq., and

WHEREAS, a "fair and open process" constitutes the following: (1) public advertisement of a Request for Qualification (hereinafter the "RFQ"); (2) award of contract under a process that provides for public solicitation of qualifications; (3) award of contract under publicly disclosed criteria established, in writing, by the public entity prior to the solicitations of qualifications; and (4) the public entity shall publicly open and announce the qualifications when awarded; and

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WHEREAS, an RFQ for Purchasing Consultant services was previously authorized by the Borough and issued a "fair and open process" commencing on November 21, 2012, returnable by December 20, 2012 and publicly opened on December 21, 2012; and

WHEREAS, the Borough's Review Team has determined that the Purchasing Consulting Services of Administrative Purchasing Consultants, 214 Main Street, 3rd Floor, Fort Lee, New Jersey 07024 will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Sokolich has nominated **Administrative Purchasing Consultants** to serve as the Borough's Purchasing Consultant for the Borough of Fort Lee for the year **2013**; and

WHEREAS, the Borough has received a timely and complete Qualification Statement, including a Business Registration Certificate and Affirmative Action compliance statement from the firm prior to entering into a contract; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the award by the Borough of a contract to **Administrative Purchasing Consultants** for the provision of professional purchasing consulting services is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough, and

WHEREAS, funds will be available by the way of the municipal budget to compensate said Purchasing Consultant,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fort Lee that said **Purchasing Consultant** is hereby appointed for the year 2013 pursuant to a "fair and open" process;

and

BE IT FURTHER RESOLVED, that compensation for said **Purchasing Consultant** for the **year 2013** shall be **\$75,000** as listed below.

Borough of Fort Lee	\$58,500
Richard A. Nest Senior Citizens' Center	16,500

; and

BE IT FURTHER RESOLVED that all claims shall be approved and paid in the manner set forth in N.J.S.A. 40A:5-18 and pursuant to an agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

The Resolution was **approved unanimously**.

R-5 - Awarding Contracts to Gittleman, Muhlstock & Chewcaskie, L.L.P, Dario, Yacker, Suarez & Albert, LLC, Joseph Ariyan and Bhalla & Cho, LLC to Serve as Conflict Counsels on As-Needed Basis for 2013

Mayor Sokolich nominated Gittleman, Muhlstock & Chewcaskie, L.L.P., Dario, Yacker, Suarez & Albert, LLC., Joseph Ariyan and
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Bhalla & Cho, LLC to serve as the **Borough's Conflict Counsels** for **2013** on an as-needed basis.

Councilman Cervieri introduced, and Councilman Sargenti seconded, the following Resolution:

**A RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING
THE AWARD OF CONTRACTS FOR PROFESSIONAL LEGAL SERVICES**

WHEREAS, there exists a need to retain the services of a licensed attorney to serve as the Borough's Conflict Counsel and provide professional legal services as may be required to the Borough during 2013; and

WHEREAS, said services are recognized as "professional services" as same shall be rendered by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instruction and study, pursuant to and in accordance with N.J.S.A. 40A:11-2(6); and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, an RFQ for Conflict Counsel services was authorized by the Borough and issued through a "fair and open process" commencing on November 21, 2012 returnable by December 20, 2012 and publicly opened on December 21, 2012; and

WHEREAS, the Borough wishes to retain the services of the following counsel to perform professional legal services as Conflict Counsel to the Borough during 2013:

Gittleman, Muhlstock & Chewcaskie, L.L.P.

2200 Fletcher Avenue
9W Office Center
Fort Lee, New Jersey 07024

Dario, Yacker, Suarez & Albert, LLC
345 Union Street
Hackensack, New Jersey 07601

Joseph M. Ariyan, Esq, LLC
594 Valley Health Plaza
Paramus, New Jersey 07652

Bhalla & Cho, LLC
333 Washington Street, Suite 203
Jersey City, New Jersey 07302

; and

WHEREAS, each of the above attorneys possesses the requisite expertise and skilled personnel required to provide professional legal services as may be necessary by the Borough in the event of a conflict; and

WHEREAS, the Borough is desirous of authorizing the award of a contract to each of the attorneys listed above for professional legal services as the Borough's Conflict Counsel during 2013 in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

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WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the contracts for professional legal services to be performed by conflict counsel are awarded pursuant to a "fair and open" process in accordance with the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Borough has determined that funds are available for this purpose, and

WHEREAS, the award of contracts by the Borough to each of the attorneys listed above for the provision of professional legal services is in the best interests of the Borough and the implementation of these contract are necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Borough of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

1. That the following attorneys shall be and are hereby appointed to serve as Conflict Counsel to the Borough and perform such professional legal services as may be necessary during 2013:

Gittleman, Muhlstock & Chewcaskie, L.L.P.
2200 Fletcher Avenue
9W Office Center
Fort Lee, New Jersey 07024

Dario, Yacker, Suarez & Albert, LLC
345 Union Street
Hackensack, New Jersey 07601

Joseph M. Ariyan, Esq, LLC
594 Valley Health Plaza
Paramus, New Jersey 07652

Bhalla & Cho, LLC
333 Washington Street, Suite 203
Jersey City, New Jersey 07302

2. That each attorney is specifically placed on notice that it will be required to comply with the Affirmative Action regulations of P.L. 1975 c. 127.

3. That a notice of the award of a contract to all such attorneys shall be published in accordance with the requirements of N.J.S.A. 40A:11-1 et seq.

4. That the Borough Clerk is authorized and directed, in accordance with the provisions of N.J.S.A. 40A:11-5(1)(a)(1), to cause this Resolution for the award of the contracts to be filed and available for inspection at the offices of the Clerk.

5. That no further action of the Borough shall be required.

The Resolution was **approved unanimously**.

RESOLUTIONS CONTINUED

**R-6 - Declining Jurisdiction in Zoning Board of Adjustment
Appeal of Docket #23-12 - 1026 Morningside Lane, LLC at 1018
Morningside Lane, Block 159, Lot 4
Regular Meeting**

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Mayor Sokolich recused himself on this matter and left the podium.

Councilman Cervieri chaired this portion of the meeting.

Councilman Pohan introduced, and Councilman Sargenti seconded, the following Resolution:

**A RESOLUTION DECLINING REVIEW IN ZONING BOARD OF
ADJUSTMENT APPEAL, 1026 MORNINGSIDE, LLC., LOCATED
AT 1018 MORNINGSIDE LANE, DOCKET #23-12**

WHEREAS, the Mayor and Council have received a request to review the Fort Lee Zoning Board of Adjustment's decision to approve variances with respect to the premises located at 1018 Morningside Lane, Block 159, Lot 4; and

WHEREAS, it is the desire of the Mayor and Council to decline review because the request for an appeal was not timely filed in accordance with N.J.S.A. 40:55D-17 and §261-37 of the Code of the Borough of Fort Lee; and

WHEREAS, this determination by the Mayor and Council shall constitute a decision affirming the action of the Zoning Board, in accordance with N.J.S.A. 40:55D-17;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the Borough Clerk is hereby authorized and directed to advise all parties interested in the appeal of the Zoning Board's decision on Docket #23-12 of the determination of the Mayor and Council of Fort Lee to decline review in this matter, and the Applicant before the Zoning Board shall cause to be timely published a brief notice of this decision in an official newspaper of the Borough.

The Resolution was **approved unanimously**.

Mayor Sokolich returned to the podium and chaired the remainder of the meeting.

R-7 - Authorizing Settlement of Tax Appeal Litigation With Mediterranean West Coop Association, at 555 North Avenue, Block 3453, Lot 2 for Tax Year 2012

Councilman Cervieri introduced, and Councilman Sohmer seconded, the following Resolution:

WHEREAS, Mediterranean West Coop Association is the owner and taxpayer of property located at 555 North Avenue, also known as Block 3453, Lot 2; and

WHEREAS, the taxpayer filed tax appeals for 2012 against the Borough of Fort Lee in a matter entitled Mediterranean West Coop Association vs. Borough of Fort Lee, which is presently pending in the Tax Court; and

WHEREAS, it is has been recommended by the Tax Appeal Attorney and the Borough Assessor that the matter be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents

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necessary in order to finalize the settlement of litigation entitled Mediterranean West Coop Association vs. Borough of Fort Lee, so that the assessment for tax year 2012 will be reduced from \$91,058,000 to \$86,000,000, and the tax book will be changed for 2013 to a total assessment of \$80,000,000; and

BE IT FURTHER RESOLVED that the settlement is predicated upon the taxpayer waiving any and all prejudgment interest.

The Resolution was **approved unanimously**.

R-8 - Authorizing Pursuant to the Local Redevelopment and Housing Law that Block 4355, Lots 17, 18 & 19 and a Portion of Lot 13 be Designated as Redevelopment Area 7

Councilman Pohan introduced, and Councilman Sargenti seconded, the following Resolution:

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE, COUNTY OF BERGEN, STATE OF NEW JERSEY DETERMINING THAT THE AREA GENERALLY KNOWN AS TAX BLOCK 4355, LOTS 17, 18 AND 19, AND A PORTION OF BLOCK 4355, LOT 13, AS SHOWN ON THE TAX MAP OF THE BOROUGH OF FORT LEE QUALIFY AND ARE DETERMINED AS AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE PROVISIONS OF THE LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1 ET SEQ.) AND SHALL BE KNOWN AS REDEVELOPMENT AREA 7

WHEREAS, Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-6 provides that "No area of a municipality shall be determined to be a redevelopment area unless the Governing Body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5;" and

WHEREAS, on August 23, 2012 the Borough Council, by way of resolution, did authorize the Fort Lee Planning Board to undertake a preliminary investigation with regard to the properties known as

Block 4355, Lots 17, 18 and 19, and a portion of Block 4355, Lot 13 (the "Study Area") to determine if they may be deemed "an area in need of redevelopment"; and

WHEREAS, the Planning Board has conducted a preliminary investigation of the Study Area in accordance with the guidelines set forth in N.J.S.A. 40A:12A-6 to determine whether the Study Area is an "area in need of redevelopment" according to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, pursuant to the requirements set forth in N.J.S.A. 40A:12A-6 and current case law, the Planning Board caused notice of the hearing to be published and caused a copy of the notice to be mailed, at least ten days prior to the date set for the hearing, to the last owner of the properties within the Study Area according to the assessment records of the Borough; and

WHEREAS, the Planning Board conducted a public hearing on this matter on January 7, 2013; and

WHEREAS, a report, dated December 2012, was prepared by Phillips Preiss Grygiel, LLC, which is incorporated herein by reference, and presented to the Planning Board that set forth certain findings with respect to the eligibility of the Study Area as an "area in need of redevelopment" in accordance with the provisions N.J.S.A. 40A:12A-5; and

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WHEREAS, Elizabeth Leheny of Phillips Preiss Grygiel, LLC, a licensed professional planner was accepted as an expert and presented extensive testimony supporting and supplementing the aforesaid report and addressing the statutory criteria at each of the public hearings; and

WHEREAS, no written objections were received; and

WHEREAS, no testimony was presented by members of the public; and

WHEREAS, as a result of its finding of fact, the Planning Board, by action taken on January 7, 2013, which action is reflected in correspondence dated January 8, 2013 from Barbara Klein, Planning Administrator to the Borough Clerk, concluded, based on the evaluations, findings and conclusions set forth in the December 2012 report on the Study Area prepared by Phillips Preiss Grygiel, LLC and the testimony of Elizabeth Leheny of Phillips Preiss Grygiel, LLC, a licensed professional planner that:

1. Certain properties in the Study Area suffer from faulty design; overcrowding; physical deterioration/dilapidation; and deleterious land use.
2. These conditions further exert a negative influence on the adjacent properties and discourage investment on Main Street and in immediately adjoining areas as well.
3. Such conditions are inconsistent with the Borough's land use policy objectives for the area (i.e. to attract high-rise, multi-family affordable housing development
4. As a result, the properties, in their current state, are detrimental to the public health, safety and welfare of the community.

WHEREAS, the Planning Board recommends, based on its

preliminary investigation and the factual findings made by the Planning Board, that the Study Area be designated an "area in need of redevelopment" pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Fort Lee, hereby accepts the findings of the Planning Board as made at a public hearing on January 7, 2013 and as further set forth in the Planning Board correspondence dated January 8, 2013 and determines that Block 4355, Lots 17, 18 and 19, and a portion of Block 4355, Lot 13, as shown on the Tax Map of the Borough of Fort Lee, referred to herein as the Study Area, qualifies as an "area in need of redevelopment" pursuant to the provisions of the Local Redevelopment Act and Housing Law, N.J.S.A. 40A:12A-1 et seq., and

BE IT FURTHER RESOLVED, that upon adoption of this resolution, the Borough Clerk shall transmit a copy of this resolution to the Commissioner of Community Affairs for the State of New Jersey for review pursuant to N.J.S.A. 40A:12A-6.b.(5); and

BE IT FURTHER RESOLVED, that within ten (10) days of the approval of the determination that certain properties comprising of Block 4355, Lots 17, 18 and 19, and a portion Block Lots 4355, Lot 13, as shown on the Tax Map of the Borough of Fort Lee qualifies as

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an "area in need of redevelopment" pursuant to the provisions of the Local Redevelopment Act and Housing Law (N.J.S.A. 40A:12A-1 et seq.), the Borough Clerk shall serve, a notice of the determination, upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of determination may be sent; and

BE IT FURTHER RESOLVED, that upon the adoption of this Resolution, the Borough Clerk shall serve a notice of the determination upon the last owner of the properties within the Study Area according to the assessment records of the Borough, which notice shall be in accordance with the requirements set forth in *Harrison Redevelopment Agency v. DeRose*, 398 N.J. Super. 361 (App. Div. 2008); and

BE IT FURTHER RESOLVED that this determination shall be binding and conclusive upon all persons affected by such determination.

The Resolution was **approved unanimously.**

R-9 - Authorizing Agreement Between the Port Authority and the Borough for Funding for Edgewater Ferry Landing Shuttle Bus Service

Messrs. Pohan and Sargenti recused themselves on this matter and left the podium.

Mayor Sokolich explained the current shuttle bus service for the ferry. This agreement will bring on an additional bus route.

Councilman Cervieri introduced, and Councilman Sohmer seconded, the following Resolution:

2013 AGREEMENT BETWEEN THE PORT AUTHORITY AND BOROUGH OF FORT LEE: FUNDING FOR EDGEWATER FERRY LANDING SHUTTLE BUS SERVICE

WHEREAS, from time to time, the Port Authority has taken action in connection with the creation of new ferry service

routes, operated by private sector entities under agreements with the Port Authority pertaining to such service, and the Port Authority has undertaken various ferry projects in the New York and New Jersey portions of the Port District to enhance interstate mass transit capacity; and

WHEREAS, the Borough has implemented a shuttle bus service (the "Bus Service") to provide access between Fort Lee and the ferry landing in Edgewater, New Jersey, which is a terminal for trans-Hudson ferry service (the "Ferry Service") to and from midtown Manhattan at West 39th Street, and is committed to operating the Bus Service for a period of at least three years from the date on which this Agreement has been executed by both parties, provided that the Ferry Service remains in operation during that time period; and

WHEREAS, implementation of the Bus Service has: facilitated use of the Ferry Service, thereby helping to control the flow of traffic over the George Washington Bridge, which is operated by the Port Authority; fostered regional environmental benefits by promoting the use of mass transportation and potentially reducing the use of single-occupant vehicles; and enhanced access to employment opportunities and promoted economic development; and

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WHEREAS, in February 2008, the Port Authority and the Borough entered into an agreement (the "2008 Agreement") pursuant to which the Port Authority has provided the Borough with up to \$160,000, through the Port Authority's Regional Transportation Management Program, toward the Borough's costs in connection with the purchase of buses and related equipment to be used in operating the Bus Service; and

WHEREAS, the Board of Commissioners of the Port Authority, at its meeting of October 22, 2009, adopted a Resolution, attached hereto as Exhibit A, authorizing the Executive Director of the Port Authority to enter into agreements with appropriate entities as may be necessary to effectuate, consistent with existing legislation and agreements with the holders of the Port Authority's obligations, projects designated by the Governor of the State of New Jersey in the New Jersey portion of the Port District in connection with the allocation of the remaining \$2.2 million of funds for previously authorized commitments for projects and initiatives in the State of New Jersey; and

WHEREAS, Governor Chris Christie of the State of New Jersey has requested the Port Authority to provide up to \$162,000 toward the Borough's costs in connection with the purchase of additional buses and related equipment to be used in operating the Bus Service; and

WHEREAS, the Port Authority has agreed, pursuant to the above-mentioned authorization and under the terms of this Agreement, to provide the Borough with up to \$162,000 toward the Borough's costs in connection with the purchase of additional buses and related equipment to be used in operating the Bus Service,

NOW, THEREFORE, the Port Authority and the Borough hereby agree as follows:

SECTION A - DEFINITION OF PROJECT

The Project, as used in this Agreement, shall refer to the acquisition by the Borough of two passenger bus vehicles and related equipment for use on the Bus Service between Fort Lee and the Edgewater ferry landing. Any bus vehicles and related equipment acquired by the Borough using the funds provided by the

Port Authority pursuant to the 2008 Agreement shall not be included as part of the Project, as referred to in this Agreement.

SECTION B - PAYMENTS BY THE PORT AUTHORITY

The Port Authority's sole responsibility under this Agreement in connection with the Project shall be to allocate and make available, as subsequently requested in properly drawn invoices, up to \$162,000 to the Borough toward the Borough's expenditures in connection with the Project.

Payment of funds by the Port Authority to the Borough in connection with this Agreement shall take place as follows: Upon receipt by the Port Authority of a certified contractor's invoice demonstrating expenditures incurred (but not necessarily paid yet) by the Borough in connection with the Project, and after verifying the accuracy and appropriateness of the invoice for reimbursement, the Port Authority will reimburse the Borough for the amount of the invoice within 30 days of the Port Authority's receipt of the invoice. However, there shall be no reimbursement for any internal costs that may be incurred by the Borough in connection with the Project.

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If the Port Authority questions or disputes a charge or charges on an invoice for which payment was made, and it is determined through the dispute resolution procedures provided for in this Agreement that the Borough is required to reimburse the Port Authority for the disputed charges(s), the Port Authority will deduct such amount from its future reimbursement to the Borough, or the Borough will reimburse the Port Authority within 30 days of the Borough's receipt of notification of the resolution of the dispute.

SECTION C - RESPONSIBILITIES OF THE BOROUGH

The Borough shall be obligated to place all of the passenger bus vehicles and related equipment acquired under the Project in service on the Bus Service between Fort Lee and the Edgewater ferry landing, as soon as practicable after it has acquired and performed any necessary testing procedures on the vehicles and related equipment, and shall operate the Bus Service on a regular schedule for a period of at least three years, provided that the Ferry Service remains in operation during that time period.

SECTION D - REPORTING REQUIREMENTS

The Borough shall provide the Port Authority with quarterly reports regarding the progress of the Project. The form of such quarterly reports shall contain such information as the Port Authority may reasonably request. The Port Authority may, upon reasonable notice, during regular business hours, examine all records of the Borough relating to the Project or any agreements entered into by the Borough in connection with the Project.

SECTION E - NO PORT AUTHORITY LIABILITY

The Port Authority shall have no responsibility of any kind for any agreement, contract or project utilizing funds provided under this Agreement. Without limiting the generality of the foregoing, the Port Authority shall have no responsibility for the design, effectuation, maintenance, ongoing operation or any other aspect (including all environmental matters) of the Project, any contract entered into in connection with the Project, or the operation of any bus vehicles or related equipment during or following completion of the Project. Between the Port Authority and the Borough, only the Borough hereby assumes the following risks, whether or not they arise from acts or omissions of the

Borough: all risks of loss or damage to property or injury to or death of persons, and risks of other damages, to whomsoever occurring, arising out of or in any way connected with or related to the Project and/or the operation of any bus vehicles or related equipment during or following completion of the Project, including, without limitation, the design, effectuation, maintenance, operation or any other aspect (including all environmental matters) of the Project. The Port Authority shall have no responsibility for providing any monies for the Project except as provided in this Agreement.

SECTION F - INDEMNIFICATION AND INSURANCE OF THE PORT AUTHORITY

The Borough hereby agrees to indemnify and save harmless the Port Authority, its successors, Commissioners, officers, agents, and employees, and each of them, from and against claims, suits, and demands arising out of or in any way connected with or related to the Project and/or the operation of any bus vehicles or related equipment during or following completion of the Project, including the costs of legal defense arising therefrom, for any such injury, death, loss, damage, or other claim, whether said claims, suits or demands are just or unjust, fraudulent or not, and irrespective of whether such risks are beyond the control of the Borough.

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The Borough, in indemnifying the Port Authority, shall, if so requested by the Port Authority, defend against such claims at no cost and expense to the Port Authority, in which event the Borough shall not, without obtaining express advance written permission from General Counsel of the Port Authority, raise any defense involving in any way the jurisdiction of the tribunal over the Port Authority, the immunity of the Port Authority, the governmental nature of the Port Authority, or the provisions of any statutes respecting suits against the Port Authority.

SECTION G - GENERAL

1. By execution, delivery and performance of this Agreement, each party represents to the other that it has been duly authorized by all requisite action on the part of the Port Authority and the Borough, respectively. This Agreement constitutes the legal, valid and binding obligation of the parties hereto.
2. It is expressly understood and agreed that the Port Authority has not reviewed and shall not review any plans, specifications, drawings, or other similar documents relating to the work performed or to be performed in connection with the effectuation of the Project or any agreement entered into in connection with or relating in any way to the Project.
3. No payment, approval, failure to approve or make payment, act, or omission to act on the part of either the Port Authority or the Borough shall preclude either party from subsequently asserting that any payment, approval, or act on its part was incorrect and requesting an adjustment to remedy same or seeking all remedies allowed by law.
4. All disagreements under this Agreement shall be submitted to the Executive Director of the Port Authority and the Mayor of the Borough for their review and decision, which decision shall be binding upon the parties. In the event that the Executive Director of the Port Authority and the Mayor of the Borough shall disagree, then either party may seek all legal or equitable remedies to the extent permitted by applicable law, with venue for such disputes being rested solely in the Superior Court of New Jersey, Law Division, Bergen County.
5. Notices and communications under this Agreement shall be in writing and sent via certified mail, return receipt requested, and shall be directed as follows, or to such other address as the party receiving such notice shall have previously specified by notice to the party sending such notice:

If to the Port Authority:

The Port Authority of New York and New Jersey
233 Park Avenue South -12th Floor
New York, New York 10003

Attn: Michael Vozza, Manager, Program Review and Grant
Management, Office of Management and Budget

If to the Borough:

Borough of Fort Lee Municipal Offices
309 Main Street

Fort Lee, NJ 07024

Attn: Borough Clerk

6. This Agreement shall not be construed to create any rights on behalf of any party other than the Port Authority and the Borough. Neither this Agreement nor any rights or duties hereunder may be assigned or delegated by either party hereto without the written consent of the other party, and any such purported assignment or delegation shall be null and void and of no force or effect.

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7. a) No Commissioner, director, officer, agent or employee of the Port Authority shall be held personally liable under any provision of this Agreement or because of its execution or attempted execution or because of any breach or alleged breach hereof.

b) No official, agent or employee of the Borough shall be held personally liable under any provision of this Agreement or because of its execution or attempted execution or because of any breach or alleged breach hereof.
8. If any provision of this Agreement shall be such as to destroy its mutuality or to render it invalid or illegal, then, if it shall not appear to have been so material that without it this Agreement would not have been made by the parties, it shall not be deemed to form a part hereof, but the balance of this Agreement shall remain in full force and effect, and a reviewing court may reform this Agreement as necessary to carry out the intention of the parties.
9. The entire agreement between the parties is contained herein and no change or modification, termination or discharge of this Agreement shall be effective unless in writing and signed by both parties.
10. This Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey, without reference to choice of law principles.

The Resolution was **approved** on the following roll call:

AYES: Council Members Sohmer, Goldberg, Cervieri

Messrs. Pohan and Sargenti returned to the podium at this point in the meeting.

COUNCIL REPORTS

Councilman Pohan - congratulated the new police officers and the promoted officers who were sworn in this evening. It makes him very optimistic about the future of the Police Department about seeing the caliber of the people hired and the caliber of the people promoted tonight.

He thanked Captain Bortolus for his many years of service to the Borough. He served the Police Department in numerous capacities over the years and when the ranks of the Police Department were thinned by many retirements he performed many roles and he performed them well.

Councilman Sohmer - congratulated the new police officers as well as the officers who were promoted earlier this evening. It's well deserved and it has been a long time in coming.

He offered his congratulations to Captain Bortolus. He served with him on the ADA Board for the past four years and it was a pleasure working with him. He was very helpful to the ADA Board.

He congratulated his running mate Joseph Cervieri on being reelected back onto the council for another three years.

He thanked the voters for having the confidence in him by re-electing him for another three year term. He will serve them with pride as he has in the past.

He thanked the workers of the Democratic Party for their hard work, especially the people who work behind the scenes.

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He also thanked Kay Nest, Democratic Chairperson, for her efforts. He really appreciates everything she does for the Democratic Party.

He also thanked his family for enduring while he serves the people of Fort Lee. It's a full time job and he didn't take this position until he could give all of his time to this job.

He also thanked the Mayor and Council for swearing him in while he was in the hospital. It was a pleasure to see all of them while he was in hospital. It was really appreciated.

He wished everyone a happy and healthy New Year.

Councilman Goldberg - also offered his congratulation to the newly hired officers as well the promoted officers. He stated it's a new era in the Police Department and he feels very secure with the people the Mayor and Council have put into the new positions.

He stated that there is a blood drive on Friday, January 25th at the Fort Lee Recreation Center from 2:00 p.m. to 8:00 p.m. For further information call 201-440-3900.

He announced that on Friday, February 15th, the Fort Lee Film Commission will be celebrating legendary actor John Barrymore's birthday with an event being held at In Napoli restaurant at 116 Main Street. The event runs from 6:00 p.m. to 8:00 p.m. Tickets are \$15.00. For further information call 201-693-2763 or visit www.fortleefilm.org.

Councilman Sargenti - congratulated Roy Bortolus on his retirement.

He offered his best wishes to everyone promoted and hired earlier this evening.

He congratulated Councilman Sohmer on being re-sworn in tonight.

Councilman Cervieri - also thanked Roy Bortolus for all of his years of dedicated service to the Borough.

He sent his best wishes and prayers for safety for the new

officers hired and to all those promoted tonight. He thanked the Police Department for keeping the people of Fort Lee and Bergen County safe.

He also recognized former Police Chiefs Thomas Ripoli and Thomas Tessaro who were present for tonight's ceremonies.

He also offered his congratulations again to Councilman Sohmer and his wife, Roberta. He praised him for doing a tremendous job and for being a very dedicated public official.

Mayor Sokolich - also offered his congratulation for the new hires and the newly promoted officers.

He stated five years ago, the Borough government made a commitment that it would never allow crime to be a political issue. The Borough committed itself in keeping Fort Lee a very

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safe place to live, work and raise a family. Tonight, was a step to preserve the safe environment already in place in the Borough.

He welcomed Councilman Sohmer back.

He also congratulated Roy Bortolus on his retirement. He said that he probably served the Police Department in as many capacities then any other police officer who preceded him. He has an incredible record that he amassed with the Police Department, and he served the Police Department with pride and honor.

He thanked the Port Authority for the buses being given to the Borough which action was approved earlier this evening.

PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilman, and carried unanimously, the meeting was opened to the public for discussion.

No one from the public chose to speak during this portion of the meeting.

There being no further discussion, **on motion by Councilman Sargenti, seconded by Councilman Cervieri,** the meeting was adjourned with no objections at 9:20 p.m.

Neil Grant, RMC
Municipal Clerk

