

Introduced	<u>J. CERVONE</u>	Date of Introduction	<u>January 16, 2014</u>
Seconded	<u>H. SENNER</u>	Public Hearing	<u>February 13, 2014</u>
		Postponed to:	<u>February 20, 2014</u>
		Date of Adoption	<u>February 18, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-1

**AN ORDINANCE AMENDING SALARY ORDINANCE #2013-12 SALARIES AND WAGES FOR DEPARTMENT HEADS, BOROUGH ADMINISTRATOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER, TAX COLLECTOR, TREASURER, TAX ASSESSOR AND CERTAIN NON-UNION EMPLOYEES FOR 2013-2016**

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee as follows:

SECTION I: The Borough Administrator's Salary as set forth under Non-Union Personnel (Schedule B) shall be as follows for the years 2014 through 2016:

**NON-UNION PERSONNEL (Schedule B)**

**JANUARY 1, 2014 - DECEMBER 31, 2016**

<u>TITLE</u>	<u>2014</u>	<u>2015</u>	<u>2016</u> Jan-June	<u>2016</u> July-Dec
Borough Administrator	150,000	153,000	156,060	157,621

**NON-UNION PERSONNEL SALARY RANGE (Schedule B)**

**JANUARY 1, 2013 - DECEMBER 31, 2016**

<u>TITLE</u>	<u>2014 through 2016</u>
Borough Administrator	145,000 - 175,000

SECTION II: This ordinance shall supersede any other previous salary ordinance for members of **Non-Union Personnel (Schedule B)**

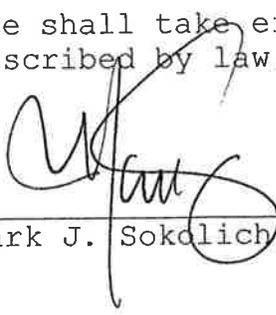
SECTION III: This ordinance shall take effect immediately upon passage and publication prescribed by law.

Attest:

*Neil Grant*

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Neil Grant  
Borough Clerk

  
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Mark J. Sokolich, Mayor

Introduced	<u>J. CURVIERI</u>	Date of Introduction	<u>January 16, 2014</u>
			<u>February 13, 2014</u>
Seconded	<u>J. KASUSKY</u>	Public Hearing	<u>February 20, 2014</u>
		Postponed to:	<u>February 20, 2014</u>
			<u>February 20, 2014</u>
		Date of Adoption	<u></u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-2

**AN ORDINANCE AMENDING SALARY ORDINANCE #2013-15 SALARIES AND WAGES FOR WHITE COLLAR EMPLOYEES FOR 2013-2016**

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee as follows:

SECTION I: All employees covered by the **White Collar Bargaining Unit** (Schedule A), shall receive salaries for 2013, 2014, 2015 and 2016 as established by the White Collar Bargaining Unit Memorandum of Agreement for the years 2013, 2014, 2015 and 2016, which is available in the Office of the Borough Clerk.

SECTION II: This ordinance establishes the title and minimum salary to be paid for the **Public Health Nurse Supervisor** for the years 2014-2016.

**WHITE COLLAR UNIT (Schedule A)**

**JANUARY 1, 2014 - DECEMBER 31, 2016**

<u>TITLE</u>	<u>2014</u> <u>Minimum</u>	<u>2015</u> <u>Minimum</u>	<u>2016</u> <u>Minimum</u> Jan-June	<u>2016</u> <u>Minimum</u> July-Dec
Public Health Nurse Supervisor	59,659	60,852	62,069	62,690

**WHITE COLLAR UNIT SALARY RANGE (Schedule A)**

**JANUARY 1, 2014 THROUGH DECEMBER 31, 2016**

<u>TITLE</u>	<u>2014 THROUGH 2016</u>
Public Health Nurse Supervisor	45,000 to 75,000

SECTION III: This ordinance shall supersede any other previous salary ordinance established for the **Public Health Nurse** of the **White Collar Bargaining Unit**.

SECTION V: This ordinance shall take effect immediately upon passage and publication prescribed by law.

Attest:

  
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Mark J. Sokolich, Mayor

*Neil Grant*

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Neil Grant  
Borough Clerk

Introduced	<u>J. Curviera</u>	Date of Introduction	<u>January 16, 2014</u>
Seconded	<u>I. Knoski</u>	Public Hearing	<u>February 13, 2014</u>
		Postponed to:	<u>February 20, 2014</u>
		Date of Adoption	<u>February 10, 2014</u>

BOROUGH OF FORT LEE  
ORDINANCE # 2014-3

**AN ORDINANCE AMENDING SALARY ORDINANCE #2011-4 PROVIDING  
SALARY FOR THE CHIEF OF POLICE AND DEPUTY CHIEF OF  
POLICE IN THE BOROUGH OF FORT LEE**

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee, as follows:

SECTION I: The Police Chief shall receive a salary during the period from January 1, 2013 through December 31, 2019, as set forth herein as follows:

	<u>2013 Salary</u>	<u>2014 Salary</u>	<u>2015 Salary</u>	<u>2016 Salary</u>
Police Chief	192,813	199,611	207,316	211,432
	<u>2017 Salary</u>	<u>2018 Salary</u>	<u>2019 Salary</u>	
Police Chief	215,630	219,913	224,281	

SECTION II: The Police Chief for the years 2016 through 2019 shall be paid the salaries listed above or 10% more than a Captain's salary with longevity whichever is higher.

SECTION III: The Deputy Chief shall receive a salary during the period from January 1, 2013 through December 31, 2015 as set forth herein as follows:

	<u>2013 Salary</u>	<u>2014 Salary</u>	<u>2015 Salary</u>
Deputy Chief	187,313	193,609	197,460

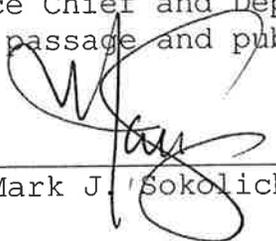
SECTION IV: The Deputy Chief for the years 2014 and 2015 shall be paid the salary listed above or 5% more than a Captain's salary with longevity whichever is higher.

SECTION V: This Ordinance shall supercede any other salary ordinance established for the Police Chief and Deputy Chief and shall take effect immediately upon passage and publication.

Attest:

*Neil Grant*

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Neil Grant  
Borough Clerk

  
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Mark J. Sokolich, Mayor

Introduced	<u>J. Cervino</u>	Date of Introduction	<u>January 16, 2014</u>
Seconded	<u>A. Penn</u>	Public Hearing	<u>February 13, 2014</u>
		Postponed to	<u>February 20, 2014</u>
		Date of Adoption	<u>February 19, 2014</u>

BOROUGH OF FORT LEE  
ORDINANCE # 2014-4

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTION 37, SCHEDULE XXII, OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "PARKING PROHIBITED WHEN ROAD IS SNOW COVERED"**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, AS FOLLOWS:

**Section I.** Chapter 388, Section 37, Schedule XXII, entitled "Parking Prohibited When Road is Snow Covered," be and the same is hereby amended as follows:

<b>Name of Street</b>	<b>Side:</b>	<b>Location</b>
Morningside Lane	East	Between Route 5 and Bluff Road

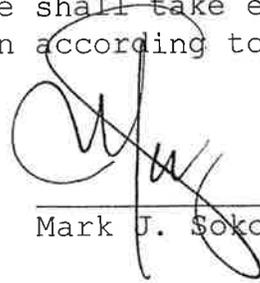
**Section II.** All other parts, portions and provisions of Chapter 388 of the Code of the Borough of Fort Lee not inconsistent with the terms hereof be and the same are hereby ratified and confirmed. In the event of any inconsistency, the terms and provisions hereof shall govern.

**Section III.** The terms of this ordinance are hereby declared to be severable; should any part, portion or provision be deemed invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

**Section IV.** This ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

*Neil Grant*

  
\_\_\_\_\_  
Mark J. Sokolich, Mayor

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Neil Grant, Borough Clerk

Introduced	J. CLAVIERI	Date of Introduction	January 16, 2014
Seconded	N. SCHMIDT	Public Hearing	February 13, 2014
		Postponed to:	February 20, 2014
		Date of Adoption	February 10, 2014

BOROUGH OF FORT LEE

ORDINANCE # 2014-5

**AN ORDINANCE AMENDING CHAPTER 388 VEHICLES AND TRAFFIC, ARTICLE II PARKING, SECTION 10 PARKING TIME LIMITED ON CERTAIN STREETS, AND ARTICLE V SCHEDULES, SECTION 48, SCHEDULE V TIME LIMIT PARKING, OF THE CODE OF THE BOROUGH OF FORT LEE**

**WHEREAS**, the Mayor and Counsel of the Borough of Fort Lee, County of Bergen, and State of New Jersey, duly adopted on December 15, 2011 an amendment to Chapter 289 Parking, Article IV Parking Meters, Municipal Parking Lots, and Permit Parking, Section 36, Residential Permit Parking, designating all streets in the Borough as resident permit parking only; and

**WHEREAS**, Ordinance 289-36A provides, in pertinent part, that vehicles not displaying valid parking permits, vouchers or hang tags may stand or be parked for a limited time not to exceed a two-hour limit specified and adequately posted by signs; and

**WHEREAS**, Chapter 388 Vehicles and Traffic, Article II Parking, Section 10 Parking Time Limited on Certain Streets, and Article V Schedules, Section 48, Schedule V Time Limit Parking currently contain provisions that conflict with the provisions of Ordinance 289-36,

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that 388 Vehicles and Traffic, Article II Parking, Section 10 Parking Time Limited on Certain Streets, and Article V Schedules, Section 48, Schedule V Time Limit Parking, are hereby amended as follows:

Section 1. That the current text of Borough Ordinances 388-10 and 388-48, Schedule V, are hereby deleted.

Section 2. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 3. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

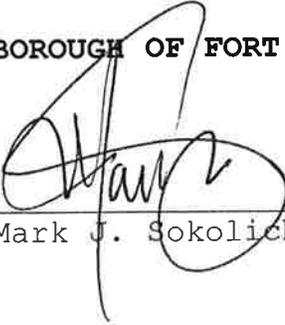
**ATTEST:**

*Neil Grant*

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Neil Grant  
Borough Clerk

**BOROUGH OF FORT LEE**



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Mark J. Sokolich, Mayor

Introduced	<u>J. CURVIER</u>	Date of Introduction	<u>January 16, 2014</u>
Seconded	<u>L. KNOX</u>	Public Hearing	<u>February 13, 2014</u>
		Postponed to:	<u>February 20, 2014</u>
		Date of Adoption	<u>February 19, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-6

**AN ORDINANCE AMENDING CHAPTER 1 GENERAL PROVISIONS,  
ARTICLE III GENERAL PENALTIES, SECTION 17 MAXIMUM  
PENALTIES, OF THE CODE OF THE BOROUGH OF FORT LEE**

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 1, General Provisions, Article III General Penalties, Section 17 Maximum Penalties, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That the current text of Borough Ordinance 1-17, shall be amended and replaced with the following:

For violation of any provision of this chapter, any other chapter of this Code, or any other ordinance of the Borough where no specific penalty is provided regarding the section violated, the maximum penalty, upon conviction, shall be a fine not exceeding \$2,000 or imprisonment for a period not exceeding 90 days, or both. Community service for a period not to exceed 90 days, such service to be in a form provided by the Municipal Judge, shall be a penalty available to the Municipal Judge either in place and stead or in addition to the penalties here and before provided.

A. The maximum monetary penalties that may be imposed, upon conviction, for non-removal of snow and ice from one and two-family houses and multiple dwellings, consisting of six or fewer dwelling units shall be:

- (1) First summons: \$150.00
- (2) Second and subsequent summonses issued within the same season: \$250.00

B. The maximum monetary penalties that may be imposed, upon conviction, for non-removal of snow and ice from commercial, professional and office buildings and multiple dwellings, consisting of seven or more dwelling units shall be:

- (1) First summons: \$250.00
- (2) Second summons issued within the same season: \$500.00
- (3) Third summons and subsequent summonses issued within the same season: \$1,250.00

Section 2. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

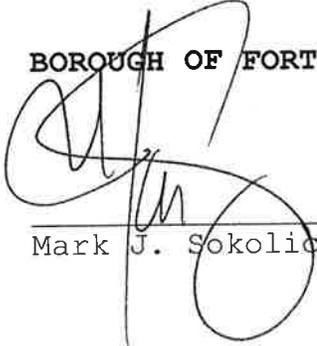
Section 3. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

**ATTEST:**

*Neil Grant*

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Neil Grant  
Borough Clerk

**BOROUGH OF FORT LEE**

  
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Mark J. Sokolich, Mayor

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>February 10, 2014</u>
Seconded	<u>W. SOMMER</u>	Public Hearing	<u>March 13, 2014</u>
		Date of Adoption	<u>March 13, 2014</u>

BOROUGH OF FORT LEE  
ORDINANCE # 2014-7

**BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$250,000 FOR REPLACEMENT OF A GENERATOR IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$238,095 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance has heretofore been authorized to be undertaken by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the supplemental amount of \$250,000, such sum being in addition to the \$151,659 appropriated therefor in Section 3(k)(b) of bond ordinance #2013-20 of the Borough, finally adopted August 22, 2013 (the "Original Bond Ordinance"), and including the sum of \$11,905 as the additional down payment required by the Local Bond Law. The additional down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$238,095 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is the replacement of an outdated generator for the Police Department, as described in Section 3(k)(b) of the Original

Bond Ordinance, including all related costs and expenditures necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is \$382,532, including the \$144,437 authorized in Section 3(k)(b) of the Original Bond Ordinance and the \$238,095 bonds or bond anticipation notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$401,659, including the \$151,659 appropriated in Section 3(k)(b) of the Original Bond Ordinance and the \$250,000 appropriated herein.

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

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$238,095, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$355,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements set forth in the Original Bond Ordinance. Of this amount, \$350,000 was estimated for such items of expense in the Original Bond Ordinance and an additional \$5,000 is estimated therefor herein.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

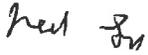
Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

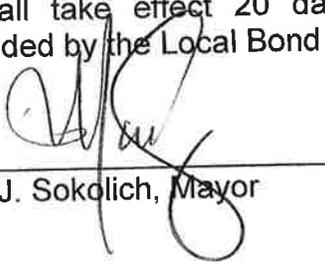
Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ATTEST:



\_\_\_\_\_  
Neil Grant  
Borough Clerk

  
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Mark J. Sokolich, Mayor

Introduced	<u>J. Cervino</u>	Date of Introduction	<u>February 19, 2014</u>
Seconded	<u>I. Krasovsky</u>	Public Hearing	<u>March 13, 2014</u>
		Date of Adoption	<u>March 13, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-8

**BOND ORDINANCE PROVIDING FOR INWOOD TERRACE PARK IMPROVEMENTS IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$125,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$119,047 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Fort Lee, in the County of Beren, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$125,000, including a \$32,000 Bergen County Open Space Grant expected to be received (the "County Grant") and further including the sum of \$5,953 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment and in anticipation of receipt of the County Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$119,047 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is Inwood Terrace Park improvements, including all work and materials necessary therefor and incidental thereto.

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

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

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

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$225,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$45,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

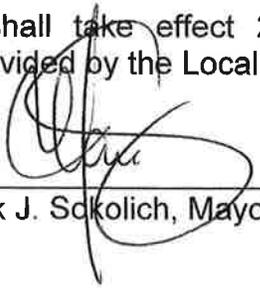
Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ATTEST:

*Neil Grant*

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Neil Grant  
Borough Clerk

  
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Mark J. Schkolich, Mayor

Introduced	<u>J. CERVELLO</u>	Date of Introduction	<u>February 20, 2014</u>
		Public Hearing	<u>March 13, 2014</u>
Seconded	<u>A. POKAN</u>	Date of Adoption	<u>March 13, 2014</u>

BOROUGH OF FORT LEE  
ORDINANCE # 2014-9

**BOND ORDINANCE PROVIDING FOR WHITEMAN STREET ROADWAY IMPROVEMENTS IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$225,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$225,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Fort Lee, in the County of Beren, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$225,000, including a grant expected to be received from the State of New Jersey Department of Transportation in the amount of \$150,000 (the "State Grant"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the cost of the improvement since the project described in Section 3(a) hereof is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement or purpose and in anticipation of receipt of the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$225,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is Whiteman Street Roadway improvements, including all work and materials necessary therefor and incidental thereto.

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

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

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

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$119,047, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$18,750 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

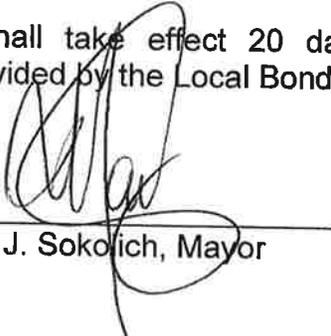
Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ATTEST:

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

  
\_\_\_\_\_  
Mark J. Sokolich, Mayor

Introduced	<u>J. CERVELLA</u>	Date of Introduction	<u>February 20, 2014</u>
Seconded	<u>H. SCHMIDT</u>	Public Hearing	<u>March 13, 2014</u>
		Date of Adoption	<u>March 13, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-10

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTION 37, SCHEDULE XXII, OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "PARKING PROHIBITED WHEN ROAD IS SNOW COVERED"**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, AS FOLLOWS:

**Section I.** Chapter 388, Section 37, Schedule XXII, entitled "Parking Prohibited When Road is Snow Covered," be and the same is hereby amended as follows:

<b>Name of Street</b>	<b>Side:</b>	<b>Location</b>
South Street	West	Entire Length

**Section II.** All other parts, portions and provisions of Chapter 388 of the Code of the Borough of Fort Lee not inconsistent with the terms hereof be and the same are hereby ratified and confirmed. In the event of any inconsistency, the terms and provisions hereof shall govern.

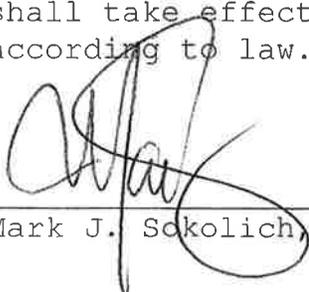
**Section III.** The terms of this ordinance are hereby declared to be severable; should any part, portion or provision be deemed invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

**Section IV.** This ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

Neil Grant

Neil Grant, Borough Clerk

  
 Mark J. Sokolich, Mayor

Introduced	<u>J. CLAVIERI</u>	Date of Introduction	<u>March 13, 2014</u>
Seconded	<u>H. SWANEN</u>	Public Hearing	<u>April 10, 2014</u>
		Date of Adoption	<u>April 10, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-11

**AN ORDINANCE AMENDING CHAPTER 356A  
THE FORT LEE SPECIAL IMPROVEMENT DISTRICT WITHIN THE BOROUGH OF FORT LEE  
AND DESIGNATING A DISTRICT MANAGEMENT CORPORATION**

**WHEREAS**, the Borough of Fort Lee wishes to provide for the continued economic vitality and contribution to the Borough of Fort Lee, its residents and taxpayers of Fort Lee's historic central business district; and

**WHEREAS**, the Borough of Fort Lee desires to support the many property owners and business owners who contribute daily to that vitality; and

**WHEREAS**, the Borough of Fort Lee wishes to ensure that Fort Lee's Central Business District continues to serve the shopping needs of local families and the investment demands of a competitive regional marketplace; and

**WHEREAS**, the Mayor and Council, established the Fort Lee District Study Committee, operating under the auspices of the Borough of Fort Lee, to investigate and to provide the Mayor/Council their recommendations on the use, benefit, appropriateness and cost of a Special Improvement District (SID) with an area identified as The Fort Lee District Study Area; and

**WHEREAS**, the Fort Lee District Study Committee has determined that the use of a Special Improvement District will be essential to any effort to strengthen Fort Lee's Central Business District and recommends that the Borough of Fort Lee implement such a district;

**WHEREAS**, the Fort Lee District Study Committee has determined that meeting the challenge of maintaining a healthy, vital district can best be met by the creation of a Special Improvement District, and recommended that the Borough of Fort Lee designate the Fort Lee District Management Corporation, Inc. as the district management corporation (DMC) to manage the affairs of the Special Improvement District in accordance with N.J.S.A. 40:56-83; and

**WHEREAS**, the Mayor and Council accept the recommendation of the Fort Lee District Study Committee,

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Municipal Council of the Borough of Fort Lee, Bergen County, New Jersey, pursuant to N.J.S.A. 40:56-65 et seq., that Chapter 356A of the Borough Code, enacted by Ordinance 2013-29, is hereby amended to read as follows:

**SECTION 1. PURPOSE.**

The purposes of this ordinance are to:

- (a) foster the district’s economic development, encourage the district’s revitalization and strengthen the district’s economic and commercial contributions to residents and property owners of the Borough of Fort Lee (also referred to as the “Borough”).
- (b) allow all those who live, work or invest in the district to contribute to the improvement of the district.
- (c) foster the building of a non-partisan private/public partnership to implement the improvement of the Fort Lee District.
- (d) foster and create self-help programs to improve the local business climate.

**SECTION 2. DEFINITIONS.**

- (a) “Special Improvement District” (also referred to as “District” or “SID”) means that area within the Borough of Fort Lee described by block and lot numbers and street addresses as set forth in Schedule A and designated by this ordinance as an area in which a special assessment on property within the District shall be imposed for the purpose of promoting the economic and general welfare of the District and the Borough of Fort Lee in accordance with N.J.S.A. 40:56-65 et seq.
- (b) “District Management Corporation” (also referred to as “DMC”) means The Fort Lee District Management Corporation, Inc., an entity incorporated pursuant to Title 15A of the New Jersey Statutes and designated by this ordinance to receive funds collected by a special improvement assessment within the Special Improvement District, as authorized by this ordinance and any amendatory ordinances.

**SECTION 3. FINDINGS.**

The Mayor and Council find and declare that:

- (a) The Fort Lee Central Business District of the Borough of Fort Lee has special needs and requires special services that can best be achieved through a private/public

partnership implemented by a Special Improvement District (SID) and a District Management Corporation (DMC).

(b) The creation of a Special Improvement District and designation of a District Management Corporation will promote economic growth and implement, foster and encourage commercial development business vitality, expansion and self-help, and improve the business climate and otherwise be in the best interest of the property owners in the District and in the Borough of Fort Lee.

(c) The area within the Borough of Fort Lee as described by lot and block numbers and by street addresses, as set forth in Schedule A of this ordinance will benefit from being designated as a Special Improvement District.

(d) A District Management Corporation will provide the administrative, programming and other services to benefit the businesses, employees, residents and consumers in the Special Improvement District and that the District Management Corporation would assist the Borough of Fort Lee in promoting economic growth, employment and development.

(e) A special assessment shall be imposed and collected by the Borough with the regular property tax payment or payment in lieu of taxes or otherwise, and that all of these payments shall be transferred to the District Management Corporation to effectuate the purposes of this ordinance and any amendatory ordinances statutes and to exercise the powers given to it by this ordinance.

(f) It is in the best interests of the Borough of Fort Lee and the public to create a Special Improvement District and to designate a District Management Corporation; except that no District Management Corporation shall be designated to receive any funds or to exercise any powers pursuant to the provisions of N.J.S.A. 40:56-83 et seq., and any amendatory or supplementary statutes, unless the board of directors of that corporation shall include the Mayor of the Borough of Fort Lee or a member of the Borough Council designated by the Mayor.

#### **SECTION 4. CREATION OF THE DISTRICT**

(a) There is hereby created and designated within the Borough of Fort Lee a Special Improvement District to be known as the Fort Lee Special Improvement District (District) consisting of properties designated and listed by tax lot and block number and street addresses on Schedule A attached hereto. The District shall be subject to special assessments on all affected property within the District, which assessment shall be

imposed by the Borough for the purposes of promoting the economic and general welfare of the District and the Borough of Fort Lee.

(b) All properties within the Special Improvement District, except those set forth in subsection (c) of this Section, are deemed included in the assessing provisions of this ordinance and are subject to assessment for Special Improvement District purposes.

(c) The following properties are excluded from the assessing provisions of this ordinance and are exempt from any assessment for Special Improvement District purposes:

(1) Properties maintained solely for residential use and occupied by the owner or the owner's family; and

(2) Properties owned by a non-profit entity and exempt from real property taxes under Title 54, Chapter 4 of the Revised Statutes; except those properties granted exemption or abatement from taxation under the Urban Enterprise Zones Act (P.L.1983, c. 303), as provided in N.J.S.A. 54:4-3.139 to 3.149, the Environmental Opportunity Zone Act (L.1995, c. 413), codified at N.J.S.A. 54:4-3.150 et seq., the Long Term Tax Exemption Law (L.1991, c. 431), codified at N.J.S.A. 40A:20-1 et seq., the Five-Year Exemption and Abatement Law, codified at N.J.S.A. 40A:21-1 et seq., or any similar statute granting tax exemption or abatement for a limited duration as incentive to develop, improve, rebuild, renovate, alter, convert, or rehabilitate any property.

(d) Nothing herein shall be construed as prohibiting a negotiated fee or assessment or in-kind contribution associated with any property.

## **SECTION 5. ASSESSMENTS**

(a) It is hereby determined that the operation and maintenance of the District may involve annual costs relating to services peculiar to the District that are distinguished from operation and maintenance services normally provided by the Borough of Fort Lee outside the District. Pursuant to this ordinance and N.J.S.A. 40:56-80 et seq. those annual costs shall be assessed to the benefited properties or businesses. The properties to be assessed to provide for the payment of such annual costs are described in Section 4 hereof.

(b) Preparation of the Assessment Roll; Objections.

(1) Each year, when the Mayor and Council shall have acted on the estimated costs and/or on the budget of the District, the Tax Assessor shall prepare an

assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessable properties in the District as a percentage of assessed value. Descriptions of such properties and the name of the then current owners of such properties, so far as names are available, shall be included in each annual assessment roll. The assessment roll, when so prepared, shall be filed in the Office of the Borough of Fort Lee Municipal Clerk and be there available for inspection.

(2) The owner of any property subject to assessment under this ordinance shall have the right to file objection in writing with the Mayor and Council within 20 days following the filing of the assessment roll in the office of the Municipal Clerk. Such objection may request a hearing on the objection before a hearing officer to be designated by the Mayor and Council, or may waive the right to a hearing. Any such hearing shall be sound recorded.

(3) The Mayor and Council shall annually meet to consider objections to the amounts of such special assessments at least 10 days after a notice of the hearing has been published once in the official newspaper and mailed to the named owners of all tracts, parcels and lots of property to be assessed. The notice shall set forth the time and place of the meeting, and set forth the purpose of such meeting, but may refer to the assessment roll for further particulars. During the meeting, the Mayor and Council shall consider any objections duly filed in accordance with above, together with the record of the proceeding before the hearing officer, and any argument or briefs based thereon.

(4) When the Mayor and Council shall have approved the amounts of the special assessments set forth in the assessment roll, or as may be changed by the Mayor and Council, the Borough of Fort Lee Clerk shall forthwith certify a copy of the assessment roll with such changes to the roll to the County Board of Taxation.

## **SECTION 6. THE DESIGNATED DISTRICT MANAGEMENT CORPORATION**

(a) The non-profit corporation, the Fort Lee District Improvement Corporation, Inc. an entity incorporated pursuant to N.J.S.A. 15A: 1-1 et seq., is hereby designated as the District Management Corporation for the District and designated by this ordinance to receive funds collected by a special improvement assessment within the Special Improvement District. This Management Corporation, in addition to acting as an advisory board to the Mayor and Council, shall have all powers necessary and requisite to

effectuate the purpose of this ordinance and the District, subject to annual approval by the Mayor and Council of the DMC's budget, including, but not limited to:

- (1) Adopt bylaws for the regulation of its affairs and conduct of its business and to prescribe rules, regulations and policies in connection with the performance of its function and duties;
- (2) Employ such persons as may be required, and to fix and pay their compensation from funds available to the District Management Corporation;
- (3) Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money;
- (4) Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the corporation, including contracts with any person, firm, corporation, governmental agency or other entity;
- (5) Administer and manage its own funds and accounts and pay its obligations;
- (6) Borrow money from private lenders for periods subject to statutory limits established by the State of New Jersey and from governmental entities for that or longer periods;
- (7) Fund the improvement of the exterior appearance of properties in the District through grants or loans;
- (8) Fund the rehabilitation of properties in the District;
- (9) Accept, purchase, rehabilitate, sell, lease or manage property in the District;
- (10) Enforce the conditions of any loan, grant, sale or lease made by the District Management Corporation;
- (11) Provide security, sanitation and other services to the District, supplemental to those provided normally by the municipality;
- (12) Undertake improvements designed to increase the safety or attractiveness of the District to businesses which may wish to locate there or to visitors to the District, including, but not limited to, litter cleanup and control, landscaping, parking areas and facilities, recreational and rest areas and facilities, pursuant to pertinent regulations of the Borough;

- (13) Publicize the District and the businesses included within the District boundaries;
- (14) Recruit new businesses to fill vacancies in, and to balance the business mix of, the District;
- (15) Organize special events in the District;
- (16) Provide special parking arrangements for the District;
- (17) Provide temporary decorative lighting in the District;
- (18) Review all applications, plans, specifications, etc. for the proposed construction or alteration of any and all exterior improvements to buildings and facades, including temporary and permanent signs and awnings, within the Special Improvement District for the purpose of providing advice and recommendations to those wishing to improve their properties consistent with the recommendations offered by the DMC.

Recommendations made under this section shall be in writing and will be forwarded to the appropriate approving authority, namely the Borough of Fort Lee Construction Code Official, Borough of Fort Lee Planning Board or the Borough of Fort Lee Board of Adjustment. Recommendations offered shall be developed within the time frames within which the Construction Official, the Planning Board and Zoning Board must take appropriate actions.

- (b) Pursuant to N.J.S.A. 40:56-68, in order to receive any funds or exercise any of the powers granted herein, the Board of Trustees of the Fort Lee District Improvement Corporation, Inc., shall include the Mayor of the Borough of Fort Lee or a member of the Borough Council designated by the Mayor.

**SECTION 7. MUNICIPAL POWERS RETAINED.**

- (a) Notwithstanding the creation of a Special Improvement District, the Borough of Fort Lee expressly retains all its powers and authority over the area designated as being within the Special Improvement District.
- (b) Nothing contained herein shall accomplish or be interpreted or construed to be the creation or a vacation, in whole or in part, of any municipal street or right of way or part thereof, or to amend any zoning ordinance requirement or to limit any other rule or law of general application.

(c) The District Management Corporation shall not make or enter into any contracts for the improvement of any publicly owned or operated facility or property within the Special Improvement District, unless the Mayor and Council of the Borough of Fort Lee delegates to the District Management Corporation, by separate ordinance, the contracting of work to be done on any street or streets or on any other municipal property within the Special Improvement District, and provided the District Management Corporation, as the contracting unit, complies with the New Jersey Local Public Contracts Law, Public Law 1971, Chapter 198 (C. 40A: 11-1 et seq.) and provided the plans specifications and bid requirements as applicable for the work contracted shall be approved by the municipal engineer and the Mayor and Council, by resolution, prior to initiation of any action for the awarding of a contract under the Local Public Contracts Law.

(d) The District Management Corporation shall comply with all applicable ordinances or regulations of the Borough of Fort Lee and the County of Bergen, State of New Jersey and Federal Government.

(e) No employee or contractor of the DMC shall be considered an employee or contractor of the Borough of Fort Lee, and the Borough of Fort Lee shall not be or become a co-employer or co-contractor of any DMC employee or contractor. All employees and contractors, as a condition of employment or contract, shall be required to execute a written acknowledgment and acceptance of this status.

#### **SECTION 8. FISCAL YEAR AND ANNUAL BUDGET**

(a) The fiscal year of the DMC shall be the same as the Borough of Fort Lee.

(b) The DMC shall submit to the Mayor and Council a detailed annual budget for each upcoming fiscal year no later than December 31st of the preceding year together with a report which explains how the budget contributes to the goals and objectives for the District.

(c) The budget shall be introduced, approved, amended and adopted by the Mayor and Council in accordance with N.J.S.A. 40:56-84.

#### **SECTION 9. FISCAL REQUIREMENTS, ANNUAL REPORTS, AUDIT.**

(a) Monies appropriated and collected for the annual costs of operating and maintaining the Special Improvement District shall be credited to a special account. The Mayor and Council may incur the annual costs of improving, operating and maintaining the Special Improvement District during a fiscal year, though not specifically provided for by

line item or other category in an approved estimate for such fiscal year, if in its discretion it shall be deemed necessary to provide for such annual improvements or operation or maintenance prior to the succeeding fiscal year and so long as the total amount of the account approved for that year is not exceeded by that expenditure. Any balances to the credit of the account and remaining unexpended at the end of the fiscal year shall be maintained and applied towards the financial requirements of the Improvement District for the succeeding year.

(b) The Borough of Fort Lee shall not be obligated to pay over to the DMC any funds not received by the Borough of Fort Lee.

(c) The District Management Corporation shall cause an annual audit of its books, accounts and financial transactions to be made and filed with the Mayor and Council and for that purpose shall employ a Certified Public Accountant of New Jersey. The annual audit shall be completed and filed with the governing body within four months after the close of the fiscal year of the corporation, and a certified copy of the audit shall be filed with the Director of Community Affairs within five (5) days of the filing of the audit with the Mayor and Council.

(d) The District Management Corporation shall, within thirty (30) days after the close of each fiscal year, make an annual report of its activities for the preceding fiscal year to the Mayor and Council and the Borough Clerk.

**SECTION 10. NO MUNICIPAL GUARANTEE OF DMC DEBTS OR OBLIGATIONS**

The Borough shall not be responsible for any debt or obligation of the DMC, and shall not pledge its full faith and credit thereto, except as it shall choose to do so in specific instances in accordance with all applicable laws.

**SECTION 11. NO LIMITATION OF POWER.**

(a) Nothing contained herein shall prevent the Mayor and Council at any time, subsequent to the adoption of this ordinance, from, by ordinance:

(1) abandoning the operation of the District, changing the extent of the District, supplementing or amending the description of the District to be specially assessed or taxed for annual costs of the District, changing or repealing any plan, rules, requisitions or limitations adopted for the operation of the District, as set forth in N.J.S.A. 40:56-75; or

(2) rescinding the designation, re-designating, or designating a new district management corporation to receive funds collected by a special improvement assessment within the District, and to exercise the powers granted to the district management corporation by this ordinance and any amendatory ordinances.

(b) If, for any reason, the entity designated as the District Management Corporation for the District and designated by this ordinance to receive funds collected by a special improvement assessment and to exercise those powers granted to the District Management Corporation by this ordinance and any amendatory ordinances shall cease to operate or shall lose its designation as the District Management Corporation, through action by the governing body or otherwise, any and all monies and property of the entity shall be transferred forthwith to the Borough of Fort Lee.

**SECTION 12. SEVERABILITY**

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or applications of the act and to this and the provisions of this act are severable.

**SECTION 13. REPEALER**

All prior ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, including but not limited to Ordinance 2013-29, are hereby repealed solely to the extent of such inconsistencies.

**SECTION 14. EFFECTIVE DATE**

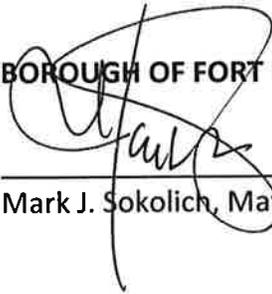
This ordinance shall take effect upon passage and publication as required by law.

**ATTEST:**

*Neil Grant*

\_\_\_\_\_  
Neil Grant, Borough Clerk

**BOROUGH OF FORT LEE**

  
\_\_\_\_\_  
Mark J. Sokolich, Mayor

## SCHEDULE (A)

**Block    Lot/Qual.    Location**

3559	2	570	Main St.
3560	13	562	Main St.
3560	14	560	Main St.
3562	5	2015	Jones Rd.
3562	6	555	Main St.
3562	8	565	Main St.
3655	1	530	Main St.
3655	2	520	Main St.
3655	3	514	Main St.
3655	4	502	Main St.
3655	5	492	Main St.
3655	6	486	Main St.
3655	7	482	Main St.
3655	5/T01	492	Main St.
3656	4	1650	John St.
3656	5	476	Main St.
3656	6	470	Main St.
3656	7	456	Main St.
3957	1	1566	Lemoine Ave.
3957	2	1567	Palisade Ave.
3957	3	1562	Lemoine Ave.
3957	4	1550	Lemoine Ave.
3957	5	1540	Lemoine Ave.
3957	6	1539	Palisade Ave.
3957	7	1537	Palisade Ave.
4056	1	460	Main St.
4056	2	454	Main St.
4056	3	448	Main St.
4056	5	442	Main St.
4056	6	440	Main St.
4057	2	422	Main St.
4057	4	406	Main St.
4057	7	400	Main St.
4151	26	314	Main St.
4151	27	310	Main St.
4151	28	308	Main St.
4151	29	302	Main St.
4152	8	250	Main St.
4152	9	246	Main St.
4152	10	228-244	Main St.
4152	11	226	Main St.
4152	12	222	Main St.
4251	1	1605	Lemoine Ave.
4252	1	172	Main St.
4252	2	168-170	Main St.
4252	3	166	Main St.
4252	4	1645	Palisade Ave.
4252	5	176	Main St.
4252	6	1637	Palisade Ave.
4252	7	1631-1633	Palisade Ave.
4252	10	1619	Palisade Ave.

4252	11	1617	Palisade Ave.
4252	12	1611	Palisade Ave.
4252	13	1605	Palisade Ave.
4252	14.02	1601	Palisade Ave.
4252	15	1589	Palisade Ave.
4252	16	1585	Palisade Ave.
4252	17	1579	Palisade Ave.
4252	18	1575	Palisade Ave.
4252	19	1571	Palisade Ave.
4252	20	211	Whiteman St.
4252	21	1580	Lemoine Ave.
4252	22	1590	Lemoine Ave.
4252	23	1608	Lemoine Ave.
4252	24	180	Main St.
4252	18/T01	1575	Palisade Ave.
4253	6	214	Main St.
4253	7	212	Main St.
4253	8	210	Main St.
4253	9	208	Main St.
4253	10	204	Main St.
4253	11	1645	Lemoine Ave.
4253	12	1645	Lemoine Ave.
4253	13	1635	Lemoine Ave.
4253	14	1625	Lemoine Ave.
4254	1	1629	Schlosser St.
4254	2	1620	Lemoine Ave.
4254	3	1630	Lemoine Ave.
4254	4	1643	Schlosser St.
4254	5	200	Main St.
4351	1	144	Main St.
4351	3	154	Main St.
4351	4	1636	Palisade Ave.
4351	5	1626	Palisade Ave.
4351	6	1624	Palisade Ave.
4351	7	1620	Palisade Ave.
4351	8	1616	Palisade Ave.
4351	9	1617	Parker Ave.
4351	10	1627	Parker Ave.
4352	1	134-140	Main St.
4352	2	132	Main St.
4352	3	130	Main St.
4352	4	120-126	Main St.
4352	6	116	Main St.
4352	16	1656	Parker Ave.
4353	1	1644	Parker Ave.
4353	12	1636	Parker Ave.
4353	13	1638	Parker Ave.
4354	15	1618	Parker Ave.
4355	14	1665	Kaufers Lane
4355	15	94	Main St.
4355	16	90	Main St.
4454	1	2010	Jones Rd.
4454	15	485	Main St.
4454	17	489	Main St.
4454	18	493	Main St.

4454	19	495	Main St.
4454	20	501	Main St.
4454	21	507	Main St.
4454	22	511	Main St.
4454	23	515	Main St.
4454	24	521	Main St.
4454	25	525	Main St.
4454	26	527	Main St.
4454	28	543	Main St.
4457	1	475	Main St.
4551	2	441	Main St.
4551	3	453	Main St.
4551	4	459	Main St.
4551	5	2010	Fletcher Ave.
4551	6	2018	Fletcher Ave.
4651	8	2033	Center Ave.
4651	10	2027	Center Ave.
4651	11	2023	Center Ave.
4651	12	2017	Center Ave.
4651	13	2015	Center Ave.
4651	14	2013	Center Ave.
4651	15	327	Main St.
4751	4	2071	Lemoine Ave.
4751	5	2067	Lemoine Ave.
4751	6	2057	Lemoine Ave.
4751	7	2053	Lemoine Ave.
4751	8	2045	Lemoine Ave.
4751	9	2035-2039	Lemoine Ave.
4751	10	2033	Lemoine Ave.
4751	12	2027	Lemoine Ave.
4751	13	2025	Lemoine Ave.
4751	14	2011	Lemoine Ave.
4751	15	201	Main St.
4751	16	205	Main St.
4751	17	207	Main St.
4751	18	209	Main St.
4751	19	209A	Main St.
4751	20	215	Main St.
4751	21	217	Main St.
4751	22	221	Main St.
4751	23	223	Main St.
4751	25	235-237	Main St.
4751	26	239	Main St.
4751	27	241	Main St.
4751	29	2016	Center Ave.
4751	30	2024	Center Ave.
4751	11/C0101	2029	Lemoine Ave.
4751	11/C0201	2029	Lemoine Ave.
4751	4/T01	2071	Lemoine Ave.
4851	1.01	175-179	Main St.
4851.04	1	800	Park Ave.
4851.04	2		Park Ave.
4851.04	3		Central Rd.
4851.04	4	100	Park Ave.
4856	2.01	2010	Bigler St.

4856	3.01	2001	Hudson Terr.
4856	5	89	Main St.
4856	6	2000	Bigler St.
4856	7.01	2006	Bigler St.

**165 Properties**

Introduced	<u>J. CURVIERI</u>	Date of Introduction	<u>March 13, 2014</u>
Seconded	<u>N. SCHUBA</u>	Public Hearing	<u>April 10, 2014</u>
		Date of Adoption	<u>April 10, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-12

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "HANDICAPPED PARKING SPACES"**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE as follows:

**Section I:** Chapter 388, Section 69, Schedule XXIII, is hereby amended and supplemented so as to delete the following as handicapped parking spaces:

1. (s) 1593 Palisade Avenue - West Side
2. (pp) Along the southern curblineline of Warren Avenue beginning 312 feet east of the apex at the southeast corner of Abbott Boulevard and Warren Avenue
3. (aaaa) Along the north curblineline of Warren Avenue extending 69 feet east from the apex of its intersection with the east curblineline of Abbott Boulevard and extending another 20 feet east
4. (dddd) From the apex of William Street and Jane Street extending south along the east curblineline of William Street 25 feet and extending another 42 feet

**Section II:** The provisions of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

**Section III:** In the event on any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be deemed to govern. All other parts, portions, and provisions of Chapter 388 are hereby ratified and confirmed, except where inconsistent herewith.

**Section IV:** This Ordinance shall take effect immediately upon final passage and publications according to law.

ATTEST:

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk



\_\_\_\_\_  
Mark J. Sokolich  
Mayor

Introduced	<u>J. CURVIER</u>	Date of Introduction	<u>March 13, 2014</u>
		Public Hearing	<u>April 10, 2014</u>
Seconded	<u>H. SOWLER</u>	Date of Adoption	<u>April 10, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-13

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTION 43, SCHEDULE I, OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "NO PARKING"**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, AS FOLLOWS:

**Section I.** Chapter 388, Section 43, Schedule I, entitled "No Parking," be and the same is hereby amended as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
13 <sup>th</sup> Street	West	Beginning at a point 390 feet South, from the Apex of North Avenue and 13 <sup>th</sup> Street along the West curblineline of 13 <sup>th</sup> Street and extending to its terminus at 15 <sup>th</sup> Street

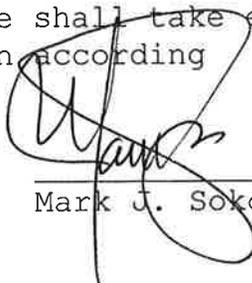
**Section II.** All other parts, portions and provisions of Chapter 388 of the Code of the Borough of Fort Lee not inconsistent with the terms hereof be and the same are hereby ratified and confirmed. In the event of any inconsistency, the terms and provisions hereof shall govern.

**Section III.** The terms of this ordinance are hereby declared to be severable; should any part, portion or provision be deemed invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

**Section IV.** This ordinance shall take effect immediately upon final passage and publication according

ATTEST:

*Neil Grant*

  
 Mark J. Sokolich, Mayor

Neil Grant, Borough Clerk

Introduced	<u>J. CLAVIERE</u>	Date of Introduction	<u>March 13, 2014</u>
Seconded	<u>M. SCHMIDT</u>	Public Hearing	<u>April 10, 2014</u>
		Date of Adoption	<u>April 10, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-16

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

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Borough Council of the Borough of Fort Lee in the County of Bergen finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Council hereby determines that a 3.0% increase in the budget for said year, amounting to \$1,602,691.47 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

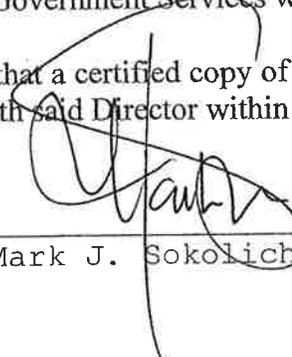
**WHEREAS** the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years,

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Fort Lee, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Borough of Fort Lee shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$1,869,806.72, and that the CY 2014 municipal budget for the Borough of Fort Lee be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.



\_\_\_\_\_  
Mark J. Sokolich, Mayor

ATTEST:

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

Introduced	<u>J. CONVERT</u>	Date of Introduction	<u>March 13, 2014</u>
Seconded	<u>H. SENYER</u>	Public Hearing	<u>April 10, 2014</u>
		Date of Adoption	<u>April 10, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-14

**AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE BOROUGH OF FORT LEE AMENDING THE REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA 6 PURSUANT TO N.J.S.A. 40A:12A-1ET SEQ.**

**BE IT ORDAINED** by the Borough Council of the Borough of Fort Lee, in the County of Bergen and State of New Jersey, as follows:

**SECTION I** Pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.), the Fort Lee Borough Council ("Borough Council"), by a Resolution adopted on May 11, 2006, determined Block 5452, Lots 3.01 through 3.06 and 4 as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5 and 6 (the "Redevelopment Area 6").

**SECTION II** In 2006, the Borough Council adopted a Redevelopment Plan for Redevelopment Area 6, which Redevelopment Plan was amended on July 21, 2011.

**SECTION III** Pursuant to N.J.S.A. 40A:12A-7.f., on January 16, 2014, the Borough Council adopted a resolution directing and authorizing the Borough Planning Board to prepare, review and recommend amendments to the Redevelopment Plan for Redevelopment Area 6.

**Section IV** On February 10, 2014, the Borough Planning Board reviewed amendments to the Redevelopment Plan for Redevelopment Area 6 and subsequently recommended adoption of same to the Borough Council and a copy of the Amended Redevelopment Plan for Redevelopment Area 6,

prepared by Phillips Preiss Grygiel, LLC, dated February 2014 is attached hereto and made part of this Ordinance (the "Amended Redevelopment Plan").

**SECTION V** Upon receipt of the Planning Board's recommendation, the Borough Council shall act upon this Ordinance adopting the Amended Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.f. and no further review of the Borough Planning Board is required.

**SECTION VI** The Borough Council hereby adopts the Amended Redevelopment Plan for Redevelopment Area 6.

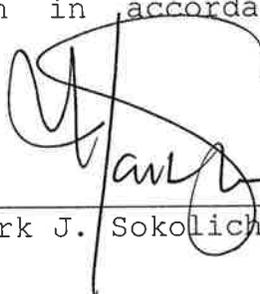
**SECTION VII** Upon adoption of this Ordinance, the Amended Redevelopment Plan shall include the date of adoption of this Ordinance.

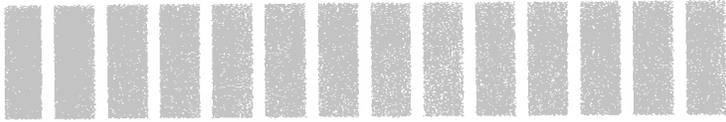
**SECTION VIII** This Ordinance shall take effect twenty (20) days after publication in accordance with applicable law.

ATTEST:

*Neil Grant*

Neil Grant, Borough Clerk

  
Mark J. Sokolich, Mayor



**AMENDED REDEVELOPMENT PLAN FOR  
REDEVELOPMENT AREA 6  
IN THE BOROUGH OF FORT LEE, NJ**

Prepared for the Mayor and Council of the Borough of Fort Lee

**PHILLIPS PREISS GRYGIEL LLC** | Planning & Real Estate Consultants

August 2006 | Amended July 2011 | Amended February 2014

**AMENDED REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA 6  
IN THE BOROUGH OF FORT LEE, NEW JERSEY**

Prepared for:

Mayor and Council of the Borough of Fort Lee

Prepared by:

Phillips Preiss Grygiel LLC.  
33-41 Newark Street  
Third Floor, Suite D  
Hoboken, NJ 07030

August 2006  
Amended July 2011  
Amended February 2014

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## I. INTRODUCTION

### A. Statutory Basis

This redevelopment plan has been prepared for an area consisting of seven tax lots on tax Block 5452 bounded by Route 4 and Jones Road within the Borough of Fort Lee in Bergen County, New Jersey. The property is located in the northwestern section of Fort Lee on the west side of Route 4 and the east side of Jones Road. The area that is the subject of this plan is known as “Area 6,” presently consisting of Block 5452, Lots 3.01, 3.02, 3.03, 3.04, 3.05, 3.06 and 4.<sup>1</sup> For purposes of this plan, Area 6 shall heretofore be referred to as the “redevelopment area.”

The Mayor and Council of the Borough of Fort Lee adopted a resolution on February 9, 2006, directing the Planning Board to study the area in order to determine whether it was in need of redevelopment in accordance with the criteria specified in the Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12A-5. The Planning Board subsequently directed its consulting planners, Phillips Preiss Grygiel, LLC (formerly, Phillips Preiss Shapiro Associates, Inc.), to conduct this study. The consultants submitted their report, titled *Redevelopment Study for Area 6 in the Borough of Fort Lee*, to the Planning Board and a public hearing was then held by the Planning Board to determine whether the area should be designated in need of redevelopment pursuant to the LRHL. On May 1, 2006 the Planning Board adopted a resolution finding the area to be in need of redevelopment.

On May 11, 2006, the Mayor and Council of the Borough of Fort Lee approved the Planning Board's determination, and declared the area in need of redevelopment pursuant to NJSA 40A:12A-6. The Mayor and Council then directed the Planning Board to prepare a redevelopment plan for the area in question. This plan is written pursuant to the LRHL at N.J.S.A. 40A:12A-7 of the Local Redevelopment and Housing Law, which provides that no redevelopment projects shall be undertaken or carried out except in accordance with a Redevelopment Plan adopted by ordinance of the municipal governing body upon its finding that the specifically delineated project area is located in an area in need of redevelopment or an area in need of rehabilitation, or in both, as appropriate. In 2006, the Mayor and Council adopted the *Redevelopment Plan for Area 6 in the Borough of Fort Lee, New Jersey*. Subsequently, on July 21, 2011, the Mayor and Council adopted a revision to the 2006 redevelopment plan (Ordinance 2011-15) that proposed phased redevelopment in consideration of changes in market conditions and development constraints. The intent of the 2014 amendment to the redevelopment plan is to update the 2006 redevelopment plan and subsequent 2011 revision to reflect additional changes in market conditions as they relate to hotel development.

### B. Description of Redevelopment Area Boundaries

As described, the redevelopment area is located in the northwestern section of the Borough of Fort Lee, near the boundaries with the Borough of Leonia and the City of Englewood. It encompasses seven contiguous tax lots, which are designated as Block 5452, Lots 3.01, 3.02, 3.03, 3.04, 3.05, 3.06 and 4. The total area of these lots is approximately 3.4 acres. The boundaries of the redevelopment area are shown in Figure 1, and are further described as follows: the western boundary of the redevelopment area extends along Jones Road for a distance of  $\pm 325$  feet and along the rear lot lines of residences fronting on Jones Road for a distance of  $\pm 250$

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<sup>1</sup> At the time of designation of the redevelopment area, the property comprising Area 6 was designated as Block 5402, Lots 1, 2, 3, 4 and 15.

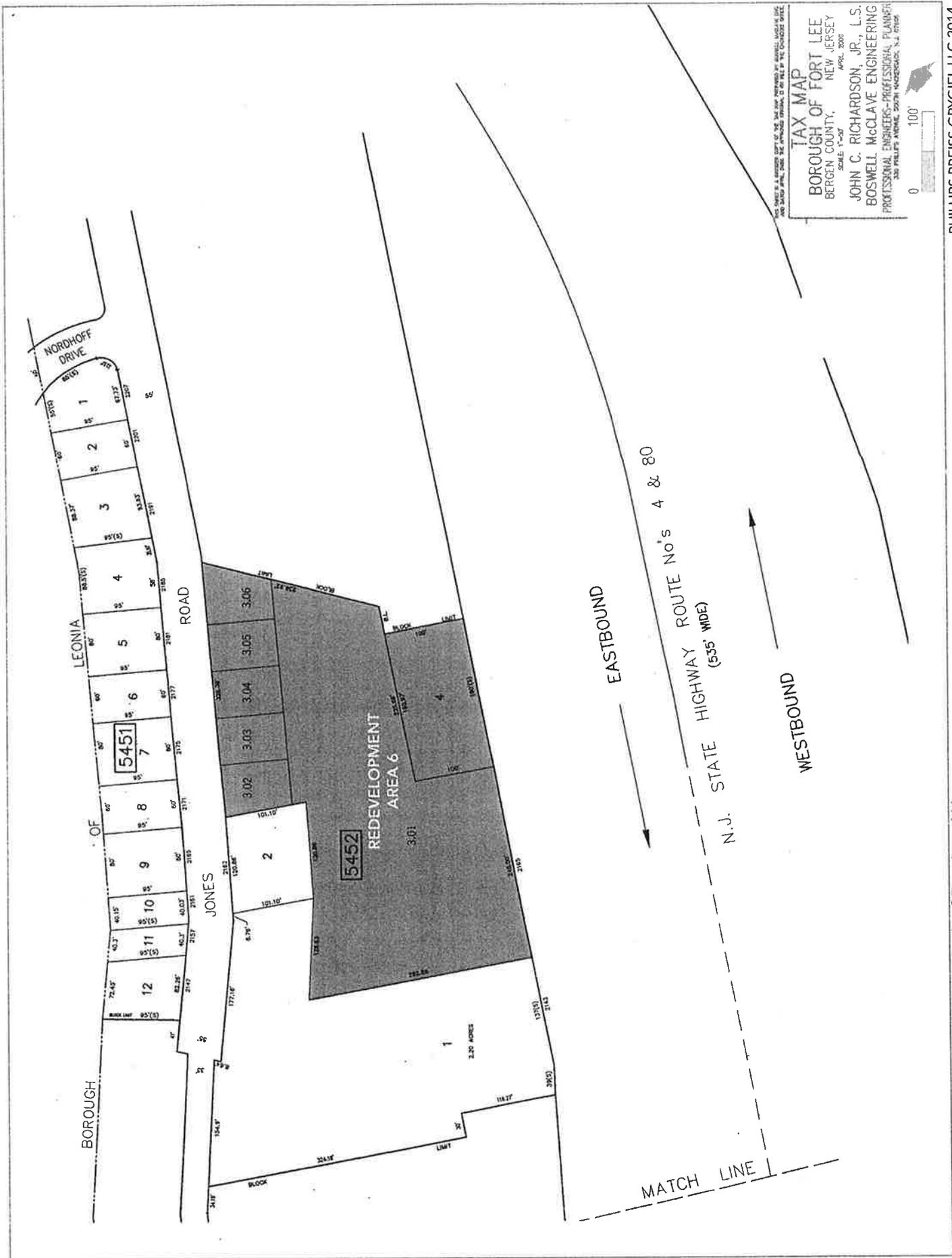


FIGURE 1: AREA 6 BOUNDARY | Borough of Fort Lee, NJ

feet. Its southern boundary extends along a commercial complex for a distance of  $\pm 285$  feet. The eastern boundary of the study area extends for nearly 450 feet along Route 4 East. The northern boundary of the redevelopment area extends along the southern lot line of the Lukoil service station for a distance of over 200 feet, and along the side lot line of an existing single-family residence on Jones Road for approximately 125 feet. The redevelopment area's locational context is shown on Figure 2.



PHILLIPS PREISS GRYGIEL LLC 2014

FIGURE 2: AREA 6 LOCATIONAL CONTEXT | Borough of Fort Lee, NJ

## II. DESCRIPTION OF EXISTING CONDITIONS AND PROPOSED REDEVELOPMENT PLAN

As described, the redevelopment area is comprised of seven contiguous tax lots. Subsequent to the adoption of the 2006 redevelopment plan, the Borough of Fort Lee redesignated tax block and lot numbers Borough-wide, including redesignation of the property as Block 5452, Lots 3 and 4. In February 2011, the Planning Board granted approval for the subdivision of Lot 3 into six lots; consisting of Lots 3.01, 3.02, 3.03, 3.04, 3.05 and 3.06. Lots 3.01 and 4 were designated for hotel development in the 2006 redevelopment plan and 2011 revision; and Lots 3.02 through 3.06 were designated for one-family residential development. The lots are described below as two separate parcels based on the land use designations within the 2006 redevelopment plan.

### Block 5452, Lot 3.01 and 4

This portion of the property consists of an assemblage of two tax lots totaling  $\pm 2.8$  acres. Lots 3.01 and 4 front directly on Route 4, and Lot 3.01 wraps around the rear of Lot 4. Lot 3.01 extends from Route 4 to roughly the base of a 60 foot cliff. This portion of the property consists of 2.35 acres of land, and is improved with the Courtesy Inn consisting of three buildings. The property is bounded to the north by the Lukoil gas station and to the south by the commercial uses. The rear lot line of the property is at the base of a 60 foot cliff; portions of which adjoins vacant residential property fronting on Jones Road; and portions of which adjoin Lots 3.02 through 3.06, also on Jones Road (see below).

The motel has a total of 112 rooms in the three buildings. The motel buildings are rectangular in shape. From north to south there is a two-story freestanding motel building (Building C), which is immediately to the west of vacant Lot 4. To the south of this building there is a two-story motel building (Building B), which actually consists of two structures with a common roof, and with an attached single-story motel office structure at its east end. Further to the south there is another three-story motel building (Building A). This building consists of vacant space located on the ground floor, with two stories of motel rooms above. Between and adjoining both buildings A and B there is a two story structure housing a small swimming pool located on the upper level, with a blank concrete wall on the lower level. The pool appears to be permanently closed. The motel buildings are for the most part surrounded by paved parking areas on all sides. There is a large fully paved parking area between Route 4 and Buildings A and B. The property is devoid of landscaping.

Lot 4 has 244.5 feet of frontage on Route 4, with a depth of 100 feet. It is 0.41 acres in area and is surrounded on two sides by Lot 3.01. The lot is bounded to the north by the Lukoil gas station. It is currently vacant. However, at the time of the adoption of the 2006 redevelopment plan the lot was occupied by an abandoned gas station, which was subsequently demolished.

### Block 5452, Lots 3.02, 3.03, 3.04, 3.05 and 3.06

These lots were subject of the subdivision of the property in February 2011, and are located to the west of the northern portion of Lot 3.01. All five lots front on Jones Road at the top of a 60 foot cliff, and are steeply sloped and wooded. The lots are currently vacant. Lots 3.03 through 3.05 are identical in dimensions and land area, with a depth of 75 feet, a width of 60 feet and an area of 4,500 square feet each. The northernmost Lot 3.06 is irregularly shaped with an average depth of 76.8 feet, and width of 69.5 feet and an area of 4,813 square feet. The southernmost Lot 3.02 is also irregular in shape with an average depth of 75.2 feet and a width of 63 feet and an area of 4,617 square feet.

## II. GOALS OF THE REDEVELOPMENT PLAN AND RELATIONSHIP TO LOCAL OBJECTIVES

### A. Redevelopment Plan Goals and Objectives

The specific goals and objectives of the Redevelopment Plan are as follows:

1. To provide for appropriate land uses that will eliminate blight, promote economic development and growth opportunities, and serve the needs of the community.
2. To provide for an increase in the economic base of the redevelopment area and entire Borough by redeveloping underutilized and non-productive properties.
3. To minimize the negative impact of existing dilapidated land uses in the redevelopment area on the surrounding neighborhood.
4. To encourage the revitalization of the redevelopment area in a manner that is compatible with the character of adjacent properties and land uses.
5. To capitalize on the existing strengths of the redevelopment area, including the presence of adjacent development and the proximity to major highways and the George Washington Bridge.
6. To promote new residential development in the portion of the redevelopment area situated adjacent to residential uses.

### B. Relationship to the Intent and Purpose of the Master Plan

The Borough of Fort Lee's objectives with respect to the redevelopment of the Borough as a whole and the study area in particular are expressed in the 1988 Master Plan, and the Master Plan Reexaminations adopted in June 1995, April 2001, June 2004 and May 2011.

Among the specifically stated objectives and purposes of the 1988 Master Plan was:

*"...to provide for highway regional business oriented uses such as offices, hotels, restaurants, etc. in a planned, compact, centralized and well accessible manner, so as to encourage reduction of traffic volumes, traffic hazards and congestion."*

And:

*"It is also the objective of the Planning Board to discourage further proliferation of low rise motels along major highways, because there are adequate such facilities to provide for the present need of the borough residents, and because the trends along major highways are for mid-rise and high-rise structures." [emphasis added]*

The 1988 Master Plan also recommended that all of the C-5 zone, northeast of I-95, be rezoned to C-6 in consideration of the topography and the height of existing structures.

The 1995 Master Plan Reexamination reiterated the 1988 Master Plan objective of increasing density in the highway business zone along Route 4. It stated:

*“The property the C-5 zone, northeast of I-95, [including the study area] is essentially fully developed with various uses including motels, hotels, gas stations and office buildings, at varying heights. It does make good planning sense to change the zoning to permit higher densities and heights, as well as to encourage redevelopment of some of the older uses. Therefore, it is recommended that these parts of the C-5 Highway Development District be rezoned to the C-6 Planned Commercial District.”*

The 2001 Reexamination report recommended that highway regional businesses be developed in a comprehensively planned manner, and that this continued to be a “key planning objective.” It also stated that avoiding low-rise strip development along the Borough’s major highways was a goal of the Master Plan.

The 2004 Master Plan Reexamination restated this concern:

*“The dual objectives of discouraging low-rise strip development along the Borough’s major highways and promoting comprehensive planning of highway regional businesses such as offices and hotels with provision for shared access remain a legitimate planning concern within Fort Lee.”*

The 2011 Master Plan Reexamination again restated this concern:

*“Discouraging low-rise strip development along major highways and promoting comprehensive planning of highway regional businesses such as offices and hotels with provision for shared access remain legitimate planning objectives within Fort Lee.”*

Finally, the 2011 Master Plan Reexamination also recognized that the Borough has designated the subject property for more intense commercial use, and stated:

*“A redevelopment plan was subsequently adopted in 2006 for this property along Route 4 eastbound which envisioned redevelopment of the area for hotel use.”*

It is clear that the Borough has for almost 20 years consistently promoted a uniform and intense level of commercial development along its major highways, and further with regard to this property, has taken actions to ensure development at that level.

### **C. Relationship to the Intent and Purpose of the Zoning Ordinance**

Prior to the adoption of the 2006 redevelopment plan, the redevelopment area was mapped over two contiguous zoning districts: the C-5 Highway Development zone and the R-2A One-Family Residential zone. However, subsequent to the adoption of the 2006 redevelopment plan, the entire redevelopment area was designated *D-6 Redevelopment District*. Historically the bulk of Lot 3.01 and the entire Lot 4 were within C-5 zone; whereas a small portion of Lot 3.01 and Lots 3.02 through 3.06 were within the R-2A zone. It should be noted that permitted uses in the C-5 zone include a variety of retail and service uses. Permitted conditional uses in the C-5 zone include planned commercial developments, restaurants, places of worship, clubs and social recreational buildings. However, hotels are not permitted as principal or conditional uses in either the C-5 or the R-2A zones.

### III. LAND USE AND DEVELOPMENT PLAN

#### A. Existing Land Uses

The 2006 redevelopment plan recognized that there is an opportunity to promote the redevelopment of the abandoned and underutilized properties in the redevelopment area and to return these properties to productive use and ensure they contribute fairly to the tax base of the Borough. The redevelopment area consists of seven tax lots, which are currently vacant or are developed with an outdated motel.

The redevelopment area is part of a larger area encompassing approximately 15 acres extending for a distance of  $\pm 2,000$  feet along Route 4, and with a depth of  $\pm 300$  feet. Route 4 is one of the major highways for commuters and travelers into New York City and the greater metropolitan area east of the Hudson River. The redevelopment area is at the same grade as Route 4. As such, it is one of the very few areas in Fort Lee that provides an opportunity for significant commercial development immediately adjacent to the Route 4 corridor and servicing its travelers.

The parcels immediately adjacent to the redevelopment area to the north include: a Lukoil service station; an auto body shop; a vacant structure currently under construction,<sup>2</sup> and a Starbucks restaurant and Bank of America ATM kiosk. The parcels immediately to the south of the redevelopment area include an “L”-shaped commercial building, which is occupied by a number of businesses, including a wholesale/retail beverage distributor; a used car lot; a nightclub; among others. To the south of this building is a 14-story Doubletree Hotel.

The westernmost portion of the redevelopment area fronts on Jones Road and is located approximately 60 feet above the Route 4 portion of the redevelopment area. The parcels in the vicinity of the redevelopment area along Jones Road include residential dwellings, vacant residentially-zoned lands, and a cemetery.

#### B. Specific Land Use and Development Requirements

The purpose of the 2006 redevelopment plan and the 2011 revision, and the purpose of this 2014 amendment are as follows: (1) to encourage redevelopment in a manner that will enhance the character of the surrounding area; (2) to provide for the appropriate redevelopment of the portion of the redevelopment area fronting on Route 4 for hotel use with ancillary services; and (3) to provide for the redevelopment of the portion of the redevelopment area fronting on Jones Road with single-family residential uses. The 2014 redevelopment plan specifically envisions parcels with frontage along the eastbound portion of New Jersey State Highway Route 4 to be redeveloped with hotels, as opposed to low-rise strip development. Parcels with frontage along Jones Road are to be developed with single-family residential dwelling units based on the approved subdivision and consistent with the surrounding land use pattern.

#### C. Targeted Redevelopment Actions

Specific actions are proposed by the redevelopment plan to address certain deficiencies within the redevelopment area. A portion of the redevelopment area is currently occupied by a motel that is obsolete and in need of substantial improvement, and a contiguous vacant parcel (Lot 4) that was previously occupied by an abandoned gas station. Under the redevelopment plan, it is proposed that the motel use in its entirety be removed and the property redeveloped. The

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<sup>2</sup> This property is slated to be the new location of Action Motors, a high-end auto body shop that is to be displaced as a result of Borough redevelopment activity from its current location on lower Main Street.

western portion of the redevelopment area fronting on Jones Road, which has been subdivided into five residential lots, will be redeveloped for single-family residential use.

#### **D. Specific Land Use Provisions for the Redevelopment Area**

##### Permitted Uses

###### Principal Permitted Uses

- Parcels with frontage along New Jersey State Highway Route 4: hotels with a minimum of 100 guest rooms and a maximum of 275 guest rooms.
- Parcels with frontage along Jones Road: single-family residential dwellings.

###### Permitted Accessory Uses to Hotels

- Off-street parking and loading facilities, including parking decks.
- Signs.
- Accessory storage within a fully enclosed permanent structure for materials, goods and supplies intended for sale or consumption on the premises.
- Other customary accessory uses and buildings which are clearly incidental to the principal use, including, but not limited to, fitness centers, pools, restaurants, lounges, meeting/conference rooms and banquet rooms.

###### Permitted Accessory Uses to Single-Family Residential Dwellings

- Private garages and off-street parking subject to Article X of the Borough of Fort Lee Zoning Ordinance.
- Private swimming pools subject to §410-35A(2) of the Borough of Fort Lee Zoning Ordinance.
- Signs.
- Professional offices as provided in §410-35A(3) of the Borough of Fort Lee Zoning Ordinance.
- Greenhouses subject to §410-35A of the Borough of Fort Lee Zoning Ordinance.
- Other accessory uses customarily incidental to this permitted use.

###### Conditional Uses

- Essential services as defined and regulated by the Borough of Fort Lee Zoning Ordinance.

##### Supplemental Use Regulations for Parcels Developed for Hotel Use

###### Multiple Buildings and Uses

- Multiple buildings shall be permitted.
- Multiple uses in a building shall be permitted, provided said uses are permitted accessory uses.

###### Parking Garages

- One parking garage is permitted.
- Any parking garage shall be attached to the hotel building.

- The maximum height of a parking garage shall be five levels and 50 feet, excluding the portion of the garage planted and designed as a green roof.
- Parking garage structures shall be counted toward lot coverage but excluded from floor area ratio.

Bulk Standards

Bulk standards shall be according to the following criteria. The bulk standards provided herein regulate the building envelope and shall supersede all bulk, density, area and height provisions of the Borough of Fort Lee Zoning Ordinance.

Area and Bulk Regulations: Tract Development

- A minimum of three acres shall be required for development in the redevelopment area. This requirement shall not preclude the subsequent subdivision of the tract.
- A minimum tract frontage of 400 feet on New Jersey State Highway Route 4 shall be required. This requirement shall not preclude the subsequent subdivision of the tract.
- Building Setbacks. Buildings shall maintain a setback of at least 30 feet from the lot line along New Jersey State Highway Route 4.
- Distribution of Uses. The following shall apply:
  - Hotels shall be located on lots with frontage along New Jersey State Highway Route 4.
  - Single-family residential dwellings shall be located on lots with frontage along Jones Road, provided that lots to the east of the single-family residential development are developed for hotel use.

Area and Bulk Regulations: Lot Development

*Hotels:*

Bulk Criteria	Requirement
Min. Lot Area:	1 acre
Min. Lot Frontage:	200 feet
Min. Lot Width:	200 feet
Min. Lot Depth:	200 feet
Min. Front Yard Setback:	30 feet
Min. Side Yard Setback:	10 feet
Min. Rear Yard Setback for Hotel Building:	25 feet
Min. Rear Yard Setback for Parking Garage	5 feet
Max. Lot Coverage:	60 percent
Max. Improved Lot Coverage:	85 percent
Max. Building Height:	10 stories / 120 feet
Max. Floor Area Ratio:	2.0

Single-family residential dwellings:

Bulk Criteria	Requirement
Min. Lot Area:	4,500 sq. ft.
Min. Lot Width:	60 feet
Min. Lot Depth:	75 feet
Min. Front Yard Setback:	20 feet
Min. Side Yard Setback:	6.5 feet (one) / 14.5 feet (both)
Min. Rear Yard Setback:	30 feet
Max. Lot Coverage:	40 percent
Max. Improved Lot Coverage:	80 percent
Max. Building Height:*	2.5 stories / 35 feet

\* As measured from the elevation of Jones Road.

Parking

- Regulations pertaining to off-street parking and loading shall be pursuant to Article VI of the Borough of Fort Lee Site Plan Review Ordinance and Article X of the Borough of Fort Lee Zoning Ordinance, except that off-street parking shall be provided in accordance with the following requirements:
  - One parking space is required for each hotel room. Restaurants shall provide 1 parking space for every 2½ seats. Conference, meeting and banquet facilities shall provide 1 parking space for every 300 square feet. Up to 5% of the total number of parking spaces may be compact spaces, provided further that such spaces shall be concentrated within a single location rather than dispersed throughout the site.
  - The number of spaces for single-family residential uses shall be provided as per the requirements contained in the New Jersey Residential Site Improvement Standards at NJAC 5:21-1 et seq.
- Shared Parking. The portion of the tract where the hotel use is permitted may incorporate shared parking (inclusive of a cross easement between lots created by subdivision) provided that a shared parking study is submitted and provided further that such study demonstrates to the satisfaction of the Planning Board that any shared parking arrangement will be adequate to serve the proposed development.

Hotel Signage

- Signs shall be regulated pursuant to Article XII of the Borough of Fort Lee Zoning Ordinance, except that hotel signage shall be provided in accordance with the following requirements:
  - Hotel wall signs, defined as consisting of letters, numbers and logos shall be attached directly to the building wall in such a manner that the wall becomes the supporting structure for and background of the sign elements. A maximum of two hotel wall signs shall be permitted per building. The sign area shall be a maximum of 95 square feet per sign. All letters, numbers and logos shall be a maximum of three feet in height.
  - Monument Sign, as defined in the Borough ordinance §410-49B. One monument sign shall be permitted. The monument sign, excluding the base shall be a maximum of 50 square feet in area per face; and shall be a maximum of 12 feet in height, including the base. The sign shall be located no closer than 10 feet from

- the front lot line. The sign shall be internally illuminated. The sign base or plinth shall be constructed of materials consistent with building design and materials.
- Directional signage, as defined in Borough ordinance §410-49B. The maximum area of directional signs shall be three square feet; and the maximum height of signs shall be three feet. The number of directional signs shall be no more than is required to safely direct vehicular and pedestrian traffic onto and through the property.

#### Other Provisions

- Ancillary rooftop appurtenances including decorative features may exceed the height limitations set forth herein, provided that in no event shall such appurtenances exceed 15 feet in height above the roof line, nor cover more than 20 percent of the area of the roof of such building.
- Trash storage and loading areas should be fully screened with wood fencing and roofs.

#### Affordable Housing Requirement

- The developer of Area 6 shall fully comply with any state-mandated affordable housing component attributable to their respective development parcels. The Borough and the developer of Area 6 may agree to terms and conditions regarding affordable housing, which shall be reflected in any applicable Redevelopment Agreements.

#### Street-Edge and Side Buffers

- A minimum 5-foot landscaped buffer area shall be provided from the lot line along the New Jersey State Highway Route 4. This area shall be planted with low shrubs and a variety of street trees suitable for use along Route 4 spaced approximately 30 feet on center. A minimum 5-foot wide landscaped buffer shall be provided along all property lot lines.

#### Parking Lot Design

- The ends of parking bays shall be provided with planting areas. A minimum of two street trees should be provided within each planter area at the ends of parking bays. Planter areas shall be of sufficient width to provide adequate growing room for trees.
- A continuous sidewalk shall be provided around the perimeter of the hotel building. Sidewalks shall be a minimum of five feet in width.

#### Parking Garage Design

- Parking garages should be covered; open parking levels are prohibited. Parking garage roofs should be planted and designed as green roofs in order to reduce the urban heat island effect. A green roof shall also be provided to create a more attractive covering for the garage that will be in view of hotel guests and single-family home residents.
- At least two facades of the parking garage (preferably those facing south and east) should have smaller openings that mimic the glazing pattern of the adjoining hotel facade in terms of size and proportion. Floor-to-ceiling garage openings are prohibited on the two selected facades.

## Building Design

### Standards Applicable for Residential Buildings

- The roofline of buildings should be varied into a series of smaller elements that relate to the pattern of bay massing.
- Architectural elements, including glazing patterns and rooflines, should reflect a consistent style and period. For example, if more traditional elements such as columns and pitched and gabled roofs are to be used, window openings should also have a traditional, i.e. vertical, proportion. If horizontal-proportion windows are preferred, modernist architectural styles such as flat or shed roofs and overhangs should be used.
- Vinyl siding is discouraged. Materials should also conform to a consistent architectural style. For example, stucco is not a traditional building style in the northeast and generally is not paired with traditional colonial-era columns. Materials should wrap fully around building corners so as to avoid a pasted-on appearance.

### Standards for New Hotel Buildings

- Buildings should be broken into a series of bays. Bays may be distinguished through elements such as changes in façade plane; columns, pilasters, gutters or expansion joints; size and rhythm of window spacing, or variation in surface material and pattern.
- Buildings should have a base, middle, and top, each differentiated by belt cornices, parapets, or overhangs, and distinguished by different materials and/or massing. The base should comprise at least the first level, while the top should comprise at least the full top level (rather than just a cornice or parapet).

## V. REDEVELOPMENT ACTIONS

The 2014 redevelopment plan provides for a number of actions in support of the overall plan objectives, as follows:

### A. Properties to Be Acquired

It is not anticipated that properties shall be acquired. However, in such an event all privately owned lots within the redevelopment area are subject to acquisition by the Borough of Fort Lee as part of the redevelopment effort.

### B. Other Actions

In addition to the demolition, new construction and acquisition described above, several other actions may be taken to further the goals of this plan. These may include, but shall not be limited to:

- Clearance of abandoned, deteriorated, obsolete uses or structures, or remains of structures, on underutilized land areas, where necessary.
- Construction of new structures or other improvements.
- Provisions for public infrastructure necessary to service and support new development.
- Environmental remediation.
- Vacation of public utility easements as may be necessary for redevelopment.

### C. Relocation

Although not anticipated, implementation of the Redevelopment Plan may require the displacement and relocation of residents and/or businesses located within the redevelopment area. At the time of site plan approval the actual extent of displacement will be determined, and in the event displacements will be required a Workable Relocation Assistance Plan (WRAP) will be prepared and submitted to the NJ Department of Community Affairs for approval. The Borough will comply with the requirements of the New Jersey State relocation statutes and regulations and/or the federal relocation statute as is applicable, and will provide all benefits and assistance required under the statutes.

### D. Linkages

The plan recognizes that the redevelopment area provides opportunities to develop supportive linkages to areas of Fort Lee surrounding the redevelopment area. Adjacent to the north and south of the redevelopment area on Route 4 are commercial uses. Residential uses are located proximate to the portion of the redevelopment area located along Jones Road. The portion of the redevelopment area fronting on Route 4 will be redeveloped with hotel uses that are compatible with the surrounding area and supportive of the Borough's business environment. Residential redevelopment within the western portion of the redevelopment area will be consistent with the context of the Jones Road corridor. The proximity of the redevelopment area to public transportation and regional highways will enhance the attractiveness of the proposed redevelopment.

## **VI. RELATIONSHIP TO OTHER PLANS**

### **A. Relationship to Master Plans of Adjacent Municipalities**

The Borough of Fort Lee is bordered to the east by the Borough of Edgewater and the Hudson River, to the south by the Borough of Cliffside Park and the Borough of Ridgefield, to the west by the Borough of Palisades Park, the Borough of Leonia and the City of Englewood and to the north by the Borough of Englewood Cliffs. None of these communities directly abuts the redevelopment area. Redevelopment of the area consistent with Redevelopment Plan goals will not have any adverse impact on adjacent municipalities.

### **B. Relationship to the Bergen County Master Plan**

The Borough of Fort Lee is located in Bergen County. The Bergen County Comprehensive Plan was last revised in the early 1970s. Although 40 years old, the Comprehensive Plan's Future Land Use Report, dated September 1971, recognized that there was a diminishing supply of open land available for development. It stated "any future development policies within the County—municipal, county or state—should strive to optimize the use of the remaining open land." Further, although the County plan stated that future development should be concentrated at regional centers and sub-centers, it recognized that "other areas will still need neighborhood and community facilities." The County is in development of a new plan. However, a revised plan has not been completed as of this date.

In summary, the current Bergen County Comprehensive Plan, although four decades old remains substantially consistent with the Borough's efforts to revitalize the redevelopment area, as expressed in the Redevelopment Plan.

### **C. Relationship to the State Development and Redevelopment Plan**

Among the State Plan's intentions is to revitalize the state's existing urban areas by directing growth and development to those areas. On the State Plan Policy Map, the redevelopment area is located in the Metropolitan Planning Area, which is identified in the State Plan as an appropriate location for much of the State's new growth. By virtue of its excellent access and prominent location, the area is by all measures an appropriate location for new growth. The Redevelopment Plan will facilitate growth in this area.

The purpose of the Redevelopment Plan is to redevelop a small, but nonetheless underutilized and stagnant, portion of Fort Lee. It is the goal of the Redevelopment Plan to place into productive use less than fully productive lands and structures. In particular, the redevelopment effort will focus on the redevelopment of an underutilized area consistent with the goals, strategies and policies of the State Plan.

## **VII. GENERAL PROVISIONS**

### **A. Easements**

No building shall be constructed over a public easement in the redevelopment area without prior written approval of the Engineer of the Borough of Fort Lee.

### **B. Site Plan and Subdivision Review**

Prior to commencement of construction, site plans for the construction and/or rehabilitation of improvements within the redevelopment area, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), shall be submitted by the applicants for review and approval by the Planning Board of the Borough of Fort Lee so that compliance with the Redevelopment Plan can be determined.

Any subdivision of lots and parcels of land within the redevelopment area shall be in accordance with the requirements of this Redevelopment Plan and the subdivision ordinance of the Borough of Fort Lee.

No construction or alteration to existing or proposed construction shall take place until a site plan reflecting such additional or revised construction has been submitted to, and approved by, the Planning Board. This pertains to revisions or additions prior to, during and after completion of the improvements.

### **C. Adverse Influences**

No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

### **D. Non-Discrimination Provisions**

No covenant, lease, conveyance or other instrument shall be affected or executed by the Borough Council of the Borough of Fort Lee or by a developer or any of his successors or assignees, whereby land within the redevelopment area is restricted by the Mayor and Council of the Borough of Fort Lee, or the developer, upon the basis of race, creed, color, or national origin in the sale, lease, use or occupancy thereof. There shall be no restrictions of occupancy or use of any part of the redevelopment area on the basis of race, creed, color or national origin.

### **E. Duration of the Plan**

The provisions of this Plan specifying the redevelopment of the redevelopment area and the requirements and restrictions with respect thereto shall be in effect for a period of 40 years from the date of approval of this plan by the Mayor and Council of the Borough of Fort Lee.

### **F. Deviation Requests**

The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any ar-

ea, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12a and b.

## VIII. OTHER PROVISIONS

In accordance with N.J.S.A. 40A:12A-1 et seq., known as The Local Redevelopment and Housing Law, the following statements are made:

The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the objectives of this Plan.

The Redevelopment Plan lays out the proposed land uses and building requirements for the redevelopment area.

In the event that businesses in the redevelopment area must be displaced by the condemnation and/or acquisition of property by the Borough of Fort Lee, adequate provision for the permanent relocation of such businesses, as necessary, shall be made in accordance with all applicable state and federal regulations.

All privately owned lots within the redevelopment area are subject to acquisition by the Borough of Fort Lee as part of the redevelopment effort.

As indicated in Chapter III, this Redevelopment Plan is consistent with the Master Plan for the Borough of Fort Lee. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment Plan.

This Redevelopment Plan shall supersede all provisions of the Zoning Ordinance of the Borough of Fort Lee regulating development in the area addressed by this Redevelopment Plan. In all situations where zoning issues are not specifically addressed herein, the Fort Lee Zoning Ordinance shall, however, remain in effect. No variance from the requirements herein shall be cognizable by the Zoning Board of Adjustment. The Planning Board alone shall have the authority to grant deviations from the requirements of this Plan, as provided herein. Final adoption of this Plan by the Mayor and Council of the Borough of Fort Lee shall be considered an amendment of the Borough of Fort Lee Zoning Map.

If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

**IX. PROCEDURE FOR AMENDING THE APPROVED PLAN**

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law. A fee of \$1,500 shall be paid by the party requesting such amendment, unless the request is issued from an agency of the Borough. The Planning Board, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey.

Introduced	<u>J. CURVILEY</u>	Date of Introduction	<u>March 13, 2014</u>
Seconded	<u>H. SUMNER</u>	Public Hearing	<u>April 10, 2014</u>
		Date of Adoption	<u>April 10, 2015</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-15

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 64 HISTORIC SITE, STRUCTURE, CULTURAL AND LANDMARK COMMITTEE, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 64, Historic Site, Structure, Cultural and Landmark Committee, of the Code of the Borough of Fort Lee, is hereby repealed and replaced as follows:

Chapter 64 Historic Preservation Commission

**§64-1. Creation of Commission.**

There is hereby created, pursuant to N.J.S.A. 40:55D-107 et seq., in and for the Borough of Fort Lee a Commission to be known as the "Historic Preservation Commission of the Borough of Fort Lee". The Historic Preservation Commission, the creation of which shall void and supersede the Historic Site, Structure, Cultural and Landmark Committee (Reso No. ), shall consist of five regular members and two alternate members. All members of the Commission shall be residents of the Borough. Of the five regular Commission members, the [then serving] Director of the Office of Cultural and Heritage Affairs of the Borough shall be made a member of the Commission; and at least one member shall be of Class A, at least one of the members shall be of Class B, and three of the five members shall either be of Class A or Class B. Notwithstanding the five members, there shall also be a nonvoting student member, appointed by the Mayor, who shall be a high school student in Fort Lee who shall serve a one-year term commencing on July 1 of the year of appointment and ending June 30 of the following year. Members shall be classified as follows:

- A. Class A: a person who is knowledgeable in building design and construction in architectural history.
- B. Class B: a person who is knowledgeable or with a demonstrated interest in local history.
- C. Class C: those regular members who are not designated as Class A or Class B. Class C members shall hold no other Borough office position or employment, except they may be a member of the Planning Board or the Zoning Board of Adjustment.
- D. Council liaison: A member of the Governing Body of the Borough of Fort Lee shall serve, ex officio, as a non-voting member of the Historic Preservation Commission.
- E. Alternate members shall meet the qualifications of Class C members.

**§64-2. Appointment of members; organization.**

- A. The Mayor, with the advice and consent of the Council, shall appoint all members of the Commission and shall designate at the time of appointment the regular members by class and the alternate members as "Alternate No. 1" and "Alternate No. 2."
- B. Organization: The Commission shall elect from its membership a Chairman and a Vice Chairman at its first annual meeting.

**§64-3. Term; vacancies.**

- A. The terms of the members first appointed shall be so determined that, to the greatest extent practicable, the expiration of the terms shall be distributed, in the case of regular members, evenly over the first four years over their appointment; and in the case of alternate members, evenly over the first two years after their appointment, provided that the initial term of no regular member shall exceed four years, and the initial term of no alternate member shall exceed two years. Thereafter, the term of a

regular member shall be four years, and the term of an alternate member shall be two years.

- B. A vacancy occurring other than by expiration of term shall be filled for the unexpired terms only. Notwithstanding any other provision contained herein, the term of any member common to the Historic Preservation Commission and the Planning Board shall not be longer than their term of membership on the Planning Board, and the term of any member common to the Historic Preservation Commission and the Zoning Board of Adjustment shall not be longer than their term of membership on the Zoning Board of Adjustment.

**§64-4. Establishment of rules and regulations.**

The Commission shall create rules and procedures for the transaction of its internal business subject to the following regulations:

- A. A quorum for the transaction of business shall consist of three of the Commission's members, including the Chairman or, in his/her absence, the Vice Chairman.
- B. The Commission shall appoint a secretary who need not be a member of the Commission. The secretary shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determination and decision. All such material shall be public records.
- C. All meetings shall comply with the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.).
- D. Alternate members may participate in discussion of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

E. No member of the Historic Preservation Commission shall be permitted to act on any matter in which he/she has either, directly or indirectly, any personal or financial interest.

F. Upon petition of the Commission or upon a citizen complaint or motion of a member of the Governing Body, a member of the Historic Preservation Commission may be removed for cause by the governing body, after a hearing, if requested. Said hearing shall be held in public session, only upon the written request of the subject member.

**§64-5. Compensation for members.**

The Historic Preservation Commission members and officers shall serve without compensation.

**§64-6. Budget.**

The Historic Preservation Commission shall obtain its legal counsel from the Borough Attorney, and shall be bound thereby, at the rate of compensation determined by the governing body. Expenditures shall not exceed, exclusive of gifts or grants, the amount appropriated by the Governing Body for the Commission's use.

**§64-7. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ADDITION**

A structure added to the original structure at some time after the completion of the original.

**ADMINISTRATIVE OFFICER**

The Construction Code Official.

**ALTERATION**

Any work done on any improvement which is not an addition to the improvement and changes the appearance of the exterior surface of any improvement.

#### CERTIFICATE OF APPROPRIATENESS

A report issued by the Historic Preservation Commission approving, with or without condition, any new construction or any addition to or alteration, relocation, or demolition of a structure located on a designated Historic Landmark or in a Historic District.

#### DEMOLITION

The razing of any improvement or the obliteration of any natural features of a landmark.

#### GOVERNING BODY

The Mayor and Council of the Borough of Fort Lee.

#### HISTORIC DISTRICT

A definable group of Tax Map lots, the improvements on which, when viewed collectively, represent a significant period(s) in the architectural and social history of the Borough of Fort Lee and, because of their unique character, can readily be viewed as an area or neighborhood distinct from surrounding portions of Fort Lee or have a unique character resulting from their architectural style. Except as otherwise stated, all references to "Historic Landmarks" in this chapter shall be deemed to include "Historic Districts" as well.

#### HISTORIC LANDMARK(S)

Any real property, such as a building, structure, ruins, foundation, route, trail, place or object, including but not limited to a cave, cemetery, burial ground, camp or village area, or natural objects or configuration, geological information or feature which is of particular historic, cultural, scenic or architectural significance to the Borough of Fort Lee and in which the broad cultural, political, economic or social history of the nation, state or community is reflected or exemplified; is identified

with historic personages or with important events in the main current of national, state or local history; shows evidence of habitation, activity or the culture of prehistoric man; embodies a distinguishing characteristic or an architectural type valuable as representative of a period, style or method of construction; represents a work of a builder, designer, artist or architect whose individual style significantly influenced the architectural history of the municipality; or is imbued with traditional or legendary lore. All Historic Landmarks shall specifically be identified within the Historic Preservation Plan Element of the Master Plan as recognized by the provision of N.J.S.A. 40:55D-28b(6). The designation of a "Historic Landmark" shall be deemed to include the Tax Map lot(s) on which it is located.

#### IMPROVEMENT

Any structure or part thereof constructed or installed upon real property by human endeavor and intended to be kept at the location of such construction or installation for a period of not less than 60 contiguous days.

#### REPAIR

Any work done on any improvement which is not an addition to the improvement and does not change the appearance of the exterior surface of any improvement.

#### REPLACEMENT

Repairs when a building permit is required for the same.

#### STRUCTURE

Any improvement, including but not limited to all buildings.

#### §64-8. Powers and duties.

The Historic Preservation Commission shall have the power and responsibility to:

- A. Prepare a survey of Historic District or Districts or Historic Landmark or Landmarks of the Borough pursuant to criteria identified in the survey report.
- B. Make written recommendations to the Planning Board and Zoning Board of Adjustment on the historic preservation plan element of the Master Plan and on the implications for preservation of Historic Landmarks and/or Historic Districts on any other Master Plan elements;
- C. Advise the Planning Board, in writing, on the inclusion of Historic Landmarks in a recommended capital improvement program;
- D. Advise the Planning Board and Zoning Board of Adjustment on applications for development pursuant to N.J.S.A. 40:55D-110 in writing. Oral presentation shall be given only upon request of the Board;
- E. Provide written reports to the Planning Board, pursuant to N.J.S.A. 40:55D-111, on the application of the Zoning Ordinance provisions concerning historic preservation;
- F. Seek funding in the form of grants, bequests, donations to be used to assist owners of historic properties in their preservation of those properties, upon the consent of the Governing Body;
- G. Carry out such advisory, educational and informational functions as will promote historic preservation in the Borough.

Provided further that failure to obtain the advice, survey or recommendation(s) contemplated herein shall not be a basis to void or delay any otherwise proper municipal, Planning Board or Zoning Board of Adjustment proceeding, Resolution or Ordinance.

**§64-9. Construction of provisions.**

- A. In adopting this chapter, it is the intention of the Governing Body to create a Commission to administer a system of preservation regulations, based on a rational

plan and objective criteria, which will complement existing land use and construction code legislation. The controls herein established, while compatible with N.J.S.A. 40:55D-28b(6) and the State Uniform Construction Code, should be viewed as having an independent basis under N.J.S.A. 40:48-2.

B. Nothing contained herein shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner of complying with the requirements of any other state statutes or municipal ordinances or regulations.

C. In the event of any inconsistency, ambiguity or overlapping of requirements between this chapter and any other requirement, the requirements, policies, procedures and decisions of the Governing Body, Planning Board and/or Zoning Board of Adjustment, as their jurisdiction may apply, shall prevail.

#### **§64-10 Designation of Historic Landmarks and Historic Districts.**

A. Preparation of survey: The Historic Preservation Commission shall make a survey of the Borough of Fort Lee, to identify the Historic District(s) and Historic Landmark(s) which are worthy of protection and preservation pursuant to the criteria identified in the survey report which shall be consistent with the National Register criteria.

B. Based on the survey or upon the recommendation of concerned citizens, the Historic Preservation Commission shall document the importance and historical significance to the municipality, state or nation of each Historic Landmark designation in terms of the purposes and criteria set forth in this chapter.

C. Survey: Such a survey shall be forwarded to the Planning Board of the Borough of Fort Lee, with a recommendation of what Historic Landmarks within the Borough should be included in the Historic Preservation Element of the Master Plan, as a site or district deemed worthy of such historic designation. The Planning Board, in adopting or amending the Historic Preservation Element of the Master Plan or Master Plan Reexamination, may adopt in whole, or in part, or amend, the proposed Historic Landmarks or proposed Historic Districts, or the parts thereof, which the Commission has recommended be deemed worthy of historic designation.

D. Tentative designation: The Governing Body may, following the adoption or amendment of the Historic Preservation Element of the Master Plan, make public a complete list and map of those landmarks and districts which it proposes to designate as Historic Landmarks, specifying the location, boundaries and proper names thereof and, in each case, the reason for such designation. In designating any Historic Landmark or Historic District, the Governing Body may exempt any improvement or any portion of any Tax Map lot, as they shall deem appropriate. The tentative list and map shall thereafter be submitted at a public hearing to the examination and criticism of the public. Interested persons shall be entitled to present their opinions, suggestions and objections at this public hearing. A list of all proposed Historic Districts and Historic Landmarks, designated by block and lot, shall be published, together with notice of the hearing on the same, in the official newspaper not less than 10 days before such hearing is to be held.

E. Adoption of a Historic District or Historic Landmark.

(1) One or two-family residence:

(a) Prior to the designation of a one or two-family residence, only, as a Historic Landmark outside of a Historic District by the Governing Body of the Borough of Fort

Lee, the owner of the one or two-family residence proposed for such designation may sign a consent form, indicating their willingness to have his or her property so designated.

- (b) If the Governing Body of the Borough of Fort Lee does not obtain the consent of the owner of the one or two-family residence to be designated as a Historic Landmark outside of a Historic District, in writing, prior to the public hearing for such designation, said property shall be deleted from the tentative list and map and shall not be designated a Historic Landmark by the Governing Body. Nothing herein shall be construed as limiting the Governing Body of the Borough of Fort Lee from explaining the deletion of said property from the tentative list and map in the Mayor and Council's final report to the public, nor does anything contained herein prohibit the Mayor Governing Body at another time from again requesting the consent of an owner of a one or two-family residence to designate said property as a Historic Landmark, provided that all the conditions set forth in this chapter are followed. Nor shall the homeowner's refusal of consent limit the Governing Body's other options and/or rights of property acquisition, as same may be applicable.

- (2) Historic Landmark: Other than those property(ies) defined in §64-10.E.(1) preceding, if the Governing Body of the Borough of Fort Lee receive an objection by the owner(s) of property(ies) designated as residential property(ies) in excess of two units, commercial or mixed use property(ies), the Governing Body of the Borough of Fort Lee may, after a public hearing as set forth herein, on due notice to the property owner(s), still designate the

property(ies) as Historic Landmark. Nothing herein shall be construed as limiting the Governing Body from explaining the designation or deletion of the designation of a property from the tentative designation list.

- (3) Historic District: If the Governing Body of the Borough of Fort Lee receives an objection by the owner(s) of property(ies) to be included in a Historic District, the Governing Body may still include the property(ies) in the Historic District. The reason for this is that the Historic District cannot function or remain intact if individual properties are permitted to be excluded and developed in a manner which is counter to the Historic District's guidelines and regulations. Nothing herein shall be construed as limiting the Mayor and Council from explaining the inclusion or deletion of a property from the tentative list and map in the Governing Body's final report to the public, nor does anything contained herein prohibit the Governing Body at another time from again including or excluding a particular property in a Historic District, provided that all the conditions set forth in this chapter are followed.
- (4) After full consideration of the evidence brought forth at the public hearing for tentative designations as set forth in §64-10.D. of this section, the Governing Body of the Borough of Fort Lee shall make its final decisions on the designations of Historic Landmarks and Historic Districts, if any, and adopt the designation list and map by Zoning Ordinance Amendment. Once adopted, the designation list and map may be amended in the same manner in which it was adopted.
- (5) Copies of the designation list and map, as adopted, shall be made public and distributed to all municipal agencies reviewing development applications and all building and housing permits. A certificate of designation shall be served by certified mail upon the

owner of each site included in the final list, and a true copy thereof shall be filed with the County Clerk for recordation in the same manner as certificates of lien upon real property.

(6) Each designated Historic District or Historic Landmark may be marked by an appropriate plaque, in such form as the Commission shall promulgate by regulation.

F. Initial designated Historic District: In addition to whatever properties may later be designated as Historic Landmarks or Historic Districts, the Blocks and Lots set forth in Schedule "A", attached hereto and made a part hereof, shall be and are hereby, designated as an Historic District.

#### **§64-11. Certificate of Appropriateness.**

A. Actions requiring a Certificate of Appropriateness: A Certificate of Appropriateness issued by the Historic Preservation Commission shall be required before a permit is issued or before work can commence for any of the following activities within a Historic District(s) or on a Historic Landmark designated on a zoning map:

1. Demolition of a Historic Landmark or any improvement within a Historic District.
2. Relocation of any Historic Landmark or any improvement within a Historic District.
3. Change in the exterior appearance of any existing Historic Landmark or any improvement within a Historic District by addition, alteration or replacement, when the designation included the preservation of the structure's exterior appearance.
4. Any new construction of a principal or accessory structure or any subdivision of property which would

allow new construction of a principal or accessory structure, when the designation included the preservation of the structure's exterior appearance.

B. Exceptions:

1. A Certificate of Appropriateness shall not be required before a permit is issued by the Administrative Officer for changes to the interior of structure or which strictly meet the standards for ordinary maintenance and repair as defined in this article.
2. The Administrative Officer shall review all permit applications to determine if the application proposes work which constitutes ordinary maintenance or repair as defined in this article. The Administrative Officer may issue a permit if he/she finds that the work strictly meets the standards for ordinary maintenance and repair as defined in this article. The Administrative Officer shall refer the application to the Historic Preservation Commission if he finds that the proposed work does not meet the standards for ordinary maintenance and repair.

**§64-12. Application for Certificates of Appropriateness.**

- A. The Administrative Officer shall refer all applications for permits pertaining to regulated activities involving Historic Landmarks or any buildings, structures, objects, and sites located within Historic Districts to the Commission for a written report on the application of the Zoning Ordinance provisions concerning historic preservation to any of those aspects of the changes proposed which were not determined by approval of an application for development by a municipal agency pursuant to the Municipal Land Use Law, in accordance with N.J.S.A. 40:55D-111. A Certificate of Appropriateness, issued by the Commission in accordance with the procedures of this article, is required prior to the commencement of any activities involving Historic

Landmarks or properties within Historic Districts which are governed by the provisions of this article.

- B. Application procedure: Applications for a Certificate of Appropriateness shall be made on forms determined by the Historic Preservation Commission and available from the Zoning Officer of the Borough of Fort Lee. Completed applications shall be delivered to the Administrative Officer.
- C. Application information and supporting documents: Application for a Certificate of Appropriateness shall include the following:
1. All forms determined by the Historic Preservation Commission pursuant to §64-12.B. of this section, completed by the applicant.
  2. The list of surrounding property owners within 200 feet, which shall be requested by the applicant from the Borough Tax Collector who shall certify the property owners for that list.
  3. Such exhibits as set forth in the application.
- D. Decision or Recommendation: As soon as practicable but no later than 45 days after the Administrative Officer has referred the application to the Commission, the Commission shall return to the Administrative Officer its written report recommending granting, amending or denying the application, in whole or in part, which report may be stated in resolution form. The Administrative Officer's decision, based on the report from the Commission which may be in the form of a resolution, is a final decision which is appealable to the Zoning Board of Adjustment as set forth in paragraph §64-12.E.1. below. The Commission shall file a second report with the Planning Board within 10 days of the Commission's decision on the application. For applications in which the Planning Board or Zoning Board of Adjustment have jurisdiction, the second report, which may be in the form of a resolution, is a

recommendation and the final decision on the historic issue is then with the Planning Board or the Zoning Board of Adjustment.

1. Approved Certificate of Appropriateness deemed positive recommendation: If a Certificate of Appropriateness has been issued for an application, with or without conditions, that also requires approval of the Planning Board or the Zoning Board of Adjustment, the Certificate of Appropriateness shall be deemed to be a positive recommendation to that body as to the historic preservation aspects of the matter before that body. The Planning Board or Zoning Board of Adjustment may, nevertheless, affirm or deny the application based on the entire record before it, notwithstanding the grant of a Certificate of Appropriateness as to the historic preservation aspects.

2. Denial of Certificate of Appropriateness: If a Certificate of Appropriateness is denied by the Commission notwithstanding any approval by the Planning Board or Zoning Board of Adjustment, the Administrative Officer charged with issuing the permit for which the action or development application relates shall deny issuance pursuant to N.J.S.A. 40:55D-111.

E. Appeals relating to a Certificate of Appropriateness: An appeal of the grant or denial of a Certificate of Appropriateness by the applicant may be had as follows:

1. If the Construction Official refuses to issue a permit based on denial of a Certificate of Appropriateness, and where the Planning Board or the Zoning Board of Adjustment do not have original jurisdiction over the application or any part thereof, written appeal shall be made, within 20 days after such denial, to the Zoning Board of Adjustment, in accordance with N.J.S.A. 40:55D-70a.

2. If the Planning Board or the Board of Adjustment denies or grants a development application in the

course of which it accepts or rejects, with or without conditions, the recommendation of the Commission, as signified by the grant of a Certificate of Appropriateness with conditions or the denial or issuance of a Certificate of Appropriateness, as the case may be, appeal would lie with the Governing Body of the Borough of Fort Lee only in those cases where an appeal exists to the Governing Body from a decision of the Planning Board or the Zoning Board of Adjustment.

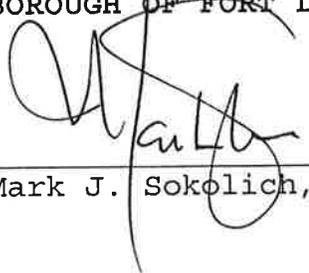
3. Nothing herein shall be deemed to limit any statutory right of judicial review of the municipal action after an appeal is concluded by the Zoning Board of Adjustment or the Governing Body of the Borough of Fort Lee, as the case may be. An appeal of the action of the Planning Board or any other actions of the Zoning Board of Adjustment in regard to the denial or issuance of a permit with conditions shall be made to the Superior Court of the State of New Jersey.
4. The appellant shall pay all costs for copies of any transcript(s) required for appeal and shall supply the Borough or its agency with a copy thereof, with exhibits, and without costs or fees.

ATTEST:

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

BOROUGH OF FORT LEE

  
\_\_\_\_\_  
Mark J. Sokolich, Mayor

**SYNOPSIS:**

This Ordinance establishes and adopts certain of the municipal powers that are authorized under the Municipal Land Use Law, N.J.S.A. 40:55D (MLUL), the enabling legislation for municipal land use and development planning, zoning, and, since 1986, historic preservation zoning; to create an advisory Historic Preservation Commission to make recommendations to the Planning Board and the Zoning Board of Adjustment in an effort to ensure the preservation of American Revolutionary War relics that may be unearthed within a designated area.

## SCHEDULE A

The following Blocks and Lots, as set forth in this Schedule "A", shall be and are hereby, designated as a Historic District.

Blocks and lots within the Historic District identified above include:

Block 3351, Lots 1, 2, 3, 4, 5, 6 and 7;

Block 3352, Lots 2, 3, 4 and 5;

Block 4351, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12;

Block 4352, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16;

Block 4353, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13;

Block 4354, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15; and

Block 4355, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 20, 21, 22, 23, 29, 30, 31 and 32.

Introduced	J. CURVILLO	Date of Introduction	April 10, 2014
Seconded	M. SARGENTI	Public Hearing	May 8, 2014
		Date of Adoption	May 8, 2014

BOROUGH OF FORT LEE

ORDINANCE # 2014-17

**AN ORDINANCE ESTABLISHING "CHAPTER 350  
SMOKING" PROHIBITING SMOKING IN PUBLIC PARKS  
AND RECREATIONAL FACILITIES IN THE BOROUGH OF  
FORT LEE**

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

**WHEREAS**, currently, the Code of the Board of Health Borough of Fort prohibits smoking at recreational bathing facilities within the Borough of Fort Lee ("Borough"), which includes five existing wading pools within the Borough, and fenced areas of public tennis courts; and

**WHEREAS**, State statutes prohibited municipalities from passing strict local smoking laws that differed from the State standards has been repealed and the State now expressly authorizes municipalities to enact strict ordinances regulating smoking under N.J.S.A. 40:48-2 and N.J.S.A. 26:3D-63; and

**WHEREAS**, the New Jersey Smoke-Free Air Act (N.J.S.A. 26:3D-55 et seq.) ("NJSFAA") authorizes local restrictions on smoking "equivalent to, or greater than those provided in the [NJSFAA]" for "purposes of protecting the public health; and

**WHEREAS**, N.J.S.A. 2C:33-13b also provides that the owner and/or operator of a public place, such as public parks and recreational areas, may prohibit smoking on such property; and

**WHEREAS**, pursuant to regulations adopted by the Commissioner of the New Jersey Department of Health (N.J.A.C. 8:6-7.2(b)(3), smoking is prohibited from taking place during school-sponsored activities that occur off school property, including public parks and recreation areas; and

**WHEREAS**, on February 11, 2014 the Fort Lee Board of Health passed a resolution supporting, and recommending to the Mayor and Council, the adoption of an ordinance designating, all outdoor Borough public parks and recreation areas as 100% smoke-free and

**WHEREAS**, the Mayor and Council are aware of the well-known health and safety risks posed by smoking and find that it is within the public interest to prohibit smoking on public property, such as public parks and recreation areas; and

**WHEREAS**, the Mayor and Council have determined that the public interest is especially implicated in preventing the youth of the Borough from being exposed and succumbing to the temptations of experimenting with tobacco products; and

**WHEREAS**, the Mayor and Council also find that the appearance of parks and recreation areas can be enhanced and the resources of the Borough's Department of Public Works can be conserved if smoking were to be banned from such areas, thereby keeping such areas free of the litter typically generated by the smoking of cigarettes, such as cigarette butts, ashes and packaging;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Fort Lee that Chapter 350 of the Borough Code be enacted as follows:

#### **SECTION I**

§350-1. Definitions. As used in this chapter, the terms below shall have the following meanings:

"Borough" shall mean the Borough of Fort Lee.

"Parks and Recreational Facilities" shall include all public parks, playgrounds, ball fields, publicly owned or leased by the Borough and all property owned or leased by the Borough upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway or drive aisle.

"Smoking" shall mean the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe

or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

§350-2. Prohibition of smoking in public places; signs.

A. Smoking shall be prohibited in all Parks and Recreational Facilities as defined herein. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted at Entrances to Parks and Recreational Facilities and within each area where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

B. Smoking shall be prohibited within a thirty-five-foot radius of the front entrance of all Parks and Recreational Facilities. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted at the thirty-five-foot perimeter of the front entrance of all Parks and Recreational Facilities where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

§350-3. Enforcement.

Enforcement of this chapter shall be within the authority of the Police Department, Fire Department, Recreation Department, Public Works Department and Health Department of the Borough.

§350-4. Violations and penalties.

Any person who violates any provision of this chapter shall be subject to a fine of not less than \$250.00 for the first offense, \$500.00 for the second offense and \$1,000.00 for each subsequent offense. Any municipal employee found in violation of this chapter may also be subject to discipline in accordance with the provisions of the Borough's policies and procedures.

## **SECTION II**

If any section of provision of this ordinance shall be invalid in any court the same shall not affect the other sections or

provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**SECTION III**

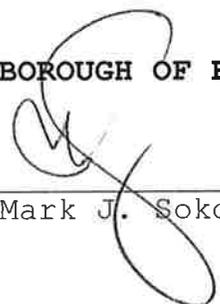
All ordinances or parts of ordinances to inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION IV**

This ordinance shall take effect following adoption and approval in a time and manner provided by law.

**ATTEST:**

  
\_\_\_\_\_  
Neil Grant

**BOROUGH OF FORT LEE**  
  
\_\_\_\_\_  
Mark J. Sokolich, Mayor

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>April 10, 2014</u>
Seconded	<u>M. SHERWIN</u>	Public Hearing	<u>May 8, 2014</u>
		Date of Adoption	<u>May 8, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-18

**AN ORDINANCE AMENDING CHAPTER 293 PARKS AND RECREATION OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 293, Parks and Recreation, of the Code of the Borough of Fort Lee, is hereby amended as follows:

**Section 1.** The current title of Chapter 293, Article I, is hereby amended to read Recreation Program Fees.

**Section 2.** The current text of Chapter 293, Article I, Section 1, Fees Established, is hereby amended to replace or add the following:

A. The fees for the Borough of Fort Lee Summer Youth Camp be and are hereby established as follows:

1. Fifty dollars (\$50) for the first child in a family;
2. Thirty dollars (\$30) for the second child;
3. Twenty dollars (\$20) for the third child.

B. In no event shall any one family be required to pay more than one hundred dollars per family for said fees, notwithstanding the fact than any family has more than three children registered for the Camp.

C. The Extended Summer Camp Program, which is held for seven (7) weeks from 9:00 a.m. to 6:00 p.m. be and is hereby established at fifty-five dollars (\$55) per week for the first child in a family, and forty-five dollars (\$45) per week for each additional child in the family.

**Section 3.** The current text of Chapter 293, Article I, Fees Established, Section 2, Recreation Program Fees, Paragraphs A, B, C, and D are hereby deleted and replaced with the following:

A. It being the intent of the governing body that recreational programs offered by the Borough be as self-supporting as reasonably practicable, fees will be established for all Recreation Department programs in seasonal brochures and flyers that will be made available in the Recreation Department buildings, including the Recreation Center, the youth Center, and the Community Center, as well as the Borough website. Seasonal brochures will also be distributed to the Fort Lee Public Schools and Christ the Teacher School.

**Section 4.** A. The current text of Chapter 293, Article II, Regulations, Section 4, Prohibited Acts, is hereby amended to revise Department of Parks and Recreation to Department of Recreation in Paragraphs C, D, F, G, H, I, L, N, O, P, S, and V.

B. The current text of Chapter 293, Article II, Regulations, Section 4, Prohibited Acts, Paragraph W is hereby amended to revise the term “authorized recreation attendant” to “authorized attendant.”

C. The current text of Chapter 293, Article II, Regulations, Section 4, Prohibited Acts, paragraph X, is hereby amended to revise the words “park attendants employed by the Borough” to authorized recreation attendants.”

**Section 5.** A. The current text of Chapter 293, Article II, Regulations, Section 5, Sporting Events, is hereby amended to revise Department of Parks and Recreation to Department of Recreation in Paragraphs A and B.

B. The current text of Chapter 293, Article II, Regulations, Section 5, Sporting Events, Paragraph C is hereby amended to revise the term “Superintendent of Parks and Recreation” to “Superintendent of Recreation.”

**Section 6.** The current text of Chapter 293, Article II, Regulations, Section 10, Revocation, is hereby amended to revise the term “Superintendent of Parks and Recreation” to “Superintendent of Recreation.”

**Section 7.** The current text of Chapter 293, Article II, Regulations, Section 14, Enforcement, Violations and Penalty, is hereby amended to revise the term “Superintendent of Parks and Recreation” to “Superintendent of Recreation” in Paragraphs A, B, and C.

**Section 8.** The current text of Chapter 293, Article III, Tennis Court Pass, Section 17, Fee; Term, is hereby amended to revise the term “Superintendent of Parks and Recreation” to “Superintendent of Recreation” in Paragraph B.

**Section 9.** The current text of Chapter 293, Article III, Tennis Court Pass, Section 18, Non-Resident Requirements, Paragraph A, is hereby amended to read as follows:

1. He shall be in the company of a Borough resident who has a current tennis pass and a current guest pass.

**Section 10.** The current text of Chapter 293, Article II, Regulations, Section 19, Nonresidential Tennis Pass, is hereby amended to revise Department of Parks and Recreation to Department of Recreation.

**Section 11.** Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

**Section 12.** This ordinance shall take effect following adoption and approval in a time and manner provided by law.

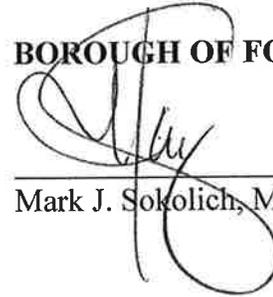
**ATTEST:**



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Neil Grant  
Borough Clerk

**BOROUGH OF FORT LEE**



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Mark J. Sokolich, Mayor

Introduced	<u>J. CERVELLI</u>	Date of Introduction	<u>April 10, 2014</u>
Seconded	<u>M. SARGENT</u>	Public Hearing	<u>May 8, 2014</u>
		Date of Adoption	<u>May 8, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-19

**AN ORDINANCE ENACTING THE GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE, BERGEN COUNTY, NEW JERSEY, CHAPTER 198, BACKGROUND CHECKS, BY ADDING A REQUIREMENT FOR BACKGROUND CHECKS FOR YOUTH COACHES, YOUTH STIPEND COACHES, AND VOLUNTEERS**

**WHEREAS**, the municipal governing body of the Borough of Fort Lee (the “Borough”) wishes to ensure that this municipality is providing the safest possible recreational programs for its youth;

**WHEREAS**, the State of New Jersey has recommended that all youth coaches, youth stipend coaches, and volunteers for recreational, athletic, culture, charitable, social or other activities, services or programs, especially for minors or those who are aged, infirm or in need of assistance co-sponsored by the Borough, or in connection with the Borough’s Recreation Department or any other youth serving organizations, who have regular supervised or unsupervised access to minors involved in such youth programs, be required to submit to background checks at the Borough’s expense; and

**WHEREAS**, the Borough would like all programs using municipal facilities/equipment, and all programs that are funded or supported by the Borough, in whole or in part (including but not limited to baseball, softball, soccer, football, basketball, lacrosse, etc.) be required to perform background checks as a condition of using municipal facilities/equipment and having regular supervised or unsupervised access to minors involved in such youth programs.

**WHEREAS**, P.L. 1999, Chapter 432 (N.J.S.A. 15A:3A-1 et seq.) authorizes and provides for background checks of employees and volunteers of non-profit youth serving organizations as defined in said statute; and

**WHEREAS**, N.J.S.A. 15A:3A-1 permits not-for-profit youth-serving organizations to request the State to perform a criminal background check on current and prospective employees or volunteers in order to check the criminal record, domestic violence and other court/administrative orders/rulings (collectively “Background Check”) of those employees or volunteers who have direct contact with minors, in order to eliminate those with convictions for

certain crimes and disqualify prospective employees and volunteers who have been convicted of certain offenses; and

**WHEREAS**, P.L. 2003, Chapter 199, Section 34 (N.J.S.A. 40:48-1.4) provides that a municipality may enact an ordinance providing that an authorized municipal official or officer may request a background check of any person for an official governmental purpose, including but not limited to, employment, licensing and the procurement of services; and

**WHEREAS**, the ordinance shall provide that the youth coach, youth stipend coach, or volunteer shall submit to a background check to be conducted by a private agency or an official from the Borough Police Department, whichever method is deemed as necessary and proper in the sole, good faith opinion, and discretion of the Borough Administrator. Said background check shall be performed in accordance with applicable State, federal laws, rules and regulations, and shall further provide that the private agency or official from the Borough Police Department is authorized to exchange background check data with and receive background check data or other injunctions from entities including, but not limited to: New Jersey State Bureau of Identification in the Division of State Police, the Federal Bureau of Investigation, the National Crime Information Center, National Sex Offender Public Registry, and/or Social Security Administration; and

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the governing body of the Borough of Fort Lee, in the County of Bergen, State of New Jersey as follows:

**§ 1, Chapter 198, of the Revised General Ordinance of the Borough of Fort Lee is hereby enacted as follows:**

**§ 2 Background Checks of Employees and Volunteers Involved in Recreation Programs**

**§ 3 Definitions**

As used in this chapter, the following terms shall have the meanings indicated:

**“Background Check”** means a determination of whether a person has a criminal record, domestic violence, and/or other court/administrative orders/rulings which might negatively impact their fitness and suitability to participate as a youth coach, youth stipend coach, and/or volunteer by cross-referencing that person’s name with those on file with the Federal Bureau of Investigation, Identification Division and/or the New Jersey State Bureau of Identification in the Division of State Police, the National Crime Information Center, National Sex Offender Public Registry, and/or Social Security Administration, or any such additional entities deemed as necessary and proper in the sole, good faith opinion, and discretion of the Borough Administrator.

**“Borough”** means the Borough of Fort Lee, in the County of Bergen, State of New Jersey.

***“Municipal-Sponsored Youth Program” and “municipal-sponsored youth function”*** mean any program and/or function sponsored by the Borough of Fort Lee, including any municipal employees, volunteer organizations created by the municipality, and all leagues, boards, committees and commissions affiliated with, falling within the purview, or acting for or on behalf of the Borough of Fort Lee and having contact with persons under the age of 18 years.

***“Non-Municipal-Sponsored Youth Program”*** means any youth program not sponsored by the Borough of Fort Lee, but which utilize municipal facilities/equipment or have affiliation with a Municipal-Sponsored Youth Program and having contact with persons under the age of 18 years.

***“Youth Program”*** means any program that allows for participation in activities by those persons under the age of 18 years old. Activities may include, but are not limited to, sporting or athletic activities, passive recreation groups, clubs or camps and trips or other activities whereby some control and responsibility for children is assigned to some person for or on behalf of a Municipal-Sponsored Youth Program or Non-Sponsored Youth Program, other than a parent or caregiver.

***“Persons under the age of 18,” “child,” “children,” “youth,” and “minor”*** all mean persons under the age of 18 and persons older than 18 who are subject to guardianships, or are adjudicated persons in need of supervision.

#### **§ 4 Non-Municipal-Sponsored Youth Programs – Background Checks – Required for Use of Municipal Facilities**

- A. Prior to any club organization, not defined as a Municipal-Sponsored Youth Program, being authorized to use municipal facilities/equipment for functions participated in by children, all adults, persons under the age of 18 years old or older, including but not limited to coaches, assistant coaches, stipend coaches, volunteers, or similar positions involved in education, directing or supervising minors, and in any way assisting in a Non-Municipal-Sponsored Youth Program or function, shall submit sufficient information on forms promulgated by the private agency or Borough, as same may be amended from time to time, or other enforcement authority from the New Jersey State Police, and shall sign, date, and affirm the truth of the information submitted, for the purpose of obtaining a Background Check with the State Bureau of Identification in the New Jersey State Police. Applications for Background Checks, including any and all Background Check data, shall be processed by the Borough Administrator.
- B. Prior to any club organization, not defined as a Municipal-Sponsored Youth Program, being authorized to use municipal facilities/equipment for functions participated in by children, all adults, persons under the age of 18 years old or older, including but not limited to coaches, assistant coaches, stipend coaches, volunteers, or similar positions involved in education, directing or supervising minors, and in any way assisting in a Non-Municipal-Sponsored Youth Program or function, must provide the Borough Administrator with up-to-date findings of a Background Check, including any and all Background Check data, obtained from the Federal Bureau of Investigation,

Identification Division and/or the New Jersey State Bureau of Identification in the Division of State Police, the National Crime Information Center, National Sex Offender Public Registry, and/or Social Security Administration, or any such additional entities deemed as necessary and proper in the sole, good faith opinion, and discretion of the Borough Administrator.

- C. The individual applying for the Background Check shall authorize Borough Administrator to be the recipient of the response from the private agency or Borough Police Department, based upon the findings of the Background Check. Individuals involved in a Non-Municipal-Sponsored Youth Program or function, and who are required to undergo Background Checks based upon this chapter, shall not be responsible for the costs involved with obtaining the Background Check. The Borough shall bear the costs for the Background Checks for the individuals qualified under this section.
- D. The submission of Background Check findings must be based upon a check performed within one (1) year of the start of use of the municipal facility. In the case of coaches performing duties as employees of a school district, the policy of Background Checks adopted by the individual school district shall be used to establish eligibility for use of municipal facilities/equipment. In all cases, the Background Check must comply with the provisions of any applicable laws regarding same, but not less detailed than those performed by the municipality for individuals involved in administering Municipal-Sponsored Youth Programs. All fees for individuals not administering a Non-Municipal-Sponsored Youth Program shall be borne by the Borough.

## **§ 5 Municipal-Sponsored Youth Programs – Background Checks**

- A. All adults, persons under the age of 18 years old or older, including but not limited to coaches, assistant coaches, volunteers, or similar positions involved in education, directing or supervising minors, and in any way assisting in a Municipal-Sponsored Youth Program or function participated in by children, shall submit sufficient information on forms promulgated by the private agency or Borough, as same may be amended from time to time, or other enforcement authority from the New Jersey State Police, and shall sign, date, and affirm the truth of the information submitted, for the purpose of obtaining a Background Check with the State Bureau of Identification in the New Jersey State Police. Applications for Background Checks, including any and all Background Check data, shall be processed by the Borough Administrator.
- B. The individual applying for the Background Check shall authorize Borough Administrator to be the recipient of the response from the private agency or Borough Police Department, based upon the findings of the Background Check. Individuals involved in a Municipal-Sponsored Youth Program or function, and who are required to undergo Background Checks based upon this chapter, shall not be responsible for the costs involved with obtaining the Background Check. The Borough shall bear the costs for the Background Checks for the individuals qualified under this section.

- C. All league officers and/or those individuals in charge of each recreation program are required to ensure compliance with this chapter for that league or program. The president or leader of each recreation program shall file an annual roster of individuals that are required to participate in the Background Check procedures of this chapter. The roster shall be on forms supplied by the Borough, as same may be amended from time to time, and shall contain a certification as to the accuracy and completeness of the roster and individual names. Any person who knowingly certifies a Background Check roster that excludes an individual required to be checked shall be in violation of this chapter and laws regarding false swearing.

#### **§ 6 Qualification – Identification Card**

- A. Individuals engaged in providing recreation opportunities for, or on behalf of, the Borough shall be issued annual identification cards with appropriate expirations based upon the date of their individual Background Check.

#### **§ 7 Disqualification**

- A. Upon receipt of a completed Background Check conducted by the private agency, Borough and/or the State Bureau of Identification in the New Jersey State of Police, and/or the Federal Bureau of Investigation, Identification Division, the Borough Administrator shall notify the applicant and the Department Head of the Borough Recreation Department, and the president or leader of the recreation program, of affirmative results. Details of the Background Check that result in a negative determination are available upon making a formal request to the Borough Administrator.
- B. In the event the Background Check reveals any prior convictions for violations, crimes, offenses, domestic violence and other court/administrative orders/rulings which negatively impact the health, safety and welfare of children, said person shall not be qualified to participate in any official capacity in any Youth Program or function with persons under the age of 18 years held at any municipal facilities and/or involving the use of municipal equipment. Such offenses shall include, but not limited to:
1. In New Jersey, any crime or disorderly persons offense:
    - a. Involving danger to the person, meaning those crimes and disorderly offenses set forth in N.J.S.A. 2C:11-1 et seq., including, but not limited to: criminal homicide, murder, manslaughter, etc.; N.J.S.A. 2C:12-1 et seq., including, but not limited to: assault, reckless endangerment, threats, stalking, etc.; N.J.S.A. 2C:13-1 et seq., such as kidnapping; N.J.S.A. 2C:14-1 et seq., including, but not limited to: sexual assault; or N.J.S.A. 2C:15-1 et seq., including, but not limited to: robbery;

- b. Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1 et seq., including, but not limited to: endangering the welfare of a child; or N.J.S.A. 2C:24-4 et seq., including, but not limited to: causing or permitting a child to engage in a prohibited sexual act, knowing or intending that the sexual act will be reproduced or will be part of an exhibition or performance.
  - c. Involving possession of weapons for unlawful purposes as set forth in N.J.S.A. 2C:39-1 et seq., including, but not limited to: unlawful possession of weapons, manufacture, transport, disposition and defacement of Weapons and dangerous instruments and appliances.
  - d. Involving cruelty to animals as set forth in N.J.S.A. 4:22-1 et seq., including, but not limited to: overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, unnecessarily or cruelly beat or otherwise abuse, or needlessly mutilate or kill, a living animal or creature;
  - e. Involving arson and related offenses as set forth in Chapter 17 of Title 2C of the New Jersey Statutes;
  - f. Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes;
  - g. Involving fraud as set forth in Chapter 21 of Title 2C of the New Jersey Statutes;
  - h. Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes.
  - i. Any 4<sup>th</sup> degree offense or higher.
  - j. Any other sufficient causes deemed as necessary and proper in the sole, good faith opinion and discretion of the Borough Administrator
2. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the violations, crimes, offenses, domestic violence and other court/administrative orders/rulings described in this section.
- C. The list of violations, crimes, offenses, domestic violence and other court/administrative orders/rulings contained in this section is for illustrative purposes only and shall not be construed as a limitation on those criminal activities or violations that would be grounds to disqualify a person from assisting with Youth Programs, functions, or youth-related activities as indicated herein.

- D. Refusal by individuals required to submit to Background Checks will result in an immediate dismissal of the individual from any Municipal-Sponsored Youth Programs or functions requiring Background Checks. In addition, refusal to comply with this chapter by an individual falling within the scope of requirements for Non-Sponsored Youth Programs will forfeit that that individual's ability to participate with the respective program. Refusal of a Non-Municipal-Sponsored Youth Program to subscribe to the requirements of this chapter shall forfeit that program's ability to use municipal facilities/equipment, along with all other municipal support.
- E. The Borough Administrator may accept an applicant with conditions, including but not limited to: any disqualifiable offense that resulted in a non-conviction, and chargeable offense that does not meet the disqualification criteria set forth in this Section, or other conditions deemed as necessary and proper in the sole, good faith opinion, and discretion of the Borough Administrator.

### **§ 8 Frequency of Background Checks**

- A. All Non-Sponsored Youth Programs that have individuals subject to this chapter shall supply Background Checks for all of its participants prior to the individual being able to participate at any function at a municipal facility to the extent covered by the chapter. Thereafter, every one (1) year, or in a frequency deemed reasonable by the Borough, a new Background Check shall be submitted to the Borough Administrator.
- B.
  - 1. All Municipal-Sponsored Youth Programs that have individuals subject to this chapter shall direct those individuals to the Borough Administrator for Background Checks prior to the individual being able to participate in any function sponsored by the Borough. Thereafter, every one (1) year, or in a frequency deemed reasonable by the Borough, a new Background Check shall be submitted to the Borough Administrator.
  - 2. Individuals involved in Municipal-Sponsored Youth Programs who are required to undergo Background Checks shall be given interim approval for participation only after submission to the Borough Administrator for a Background Check. Interim approvals shall only be granted in exigent circumstances and will only be valid for the period of time that it takes to receive Background Checks results. Such interim approval shall not be valid for a period of time exceeding 30 days. Only one interim approval may be granted per individual.

### **§ 9 Appeals of Disqualification**

- A. Any person whose Background Check disqualifies that person from employment or from volunteering or coaching, may appeal his or his disqualification.

1. ***Appeal Regarding Accuracy of Record.*** A person may challenge the accuracy of the Background Check and criminal history record.
  - a. A challenge to the accuracy of the Background Check record shall be filed with the Borough Administrator, who shall coordinate the challenge when applicable.
  - b. No person may appeal a disqualification on the grounds of accuracy of the Background Check record, if convicted of a 4<sup>th</sup> degree offense or higher, if the person has been disqualified because that person has been convicted, adjudicated delinquent or acquitted by reason of insanity of aggravated sexual assault; sexual assault; aggravated criminal sexual contact; kidnapping pursuant to paragraph (3) of subsection (c) of N.J.S.A. 2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection (a) of N.J.S.A. 2C:24-4; endangering the welfare of a child pursuant to paragraph (4) of subsection (b) of N.J.S.A. 2C:24-4; luring or enticing pursuant to section (1) of P.L. 1993 c.291 (N.J.S.A. 2C:13-6); criminal sexual contact pursuant to N.J.S.A. 2C:14-3(b) if the victim is a minor; kidnapping pursuant to N.J.S.A. 2C:13-2; or false imprisonment pursuant to N.J.S.A. 2C:13-3 if the victim is a minor and the offender is not the parent of the victim; knowingly promoting prostitution of a child pursuant to paragraph (3) or paragraph (4) of subsection (b) of N.J.S.A. 2C:34-1; or an attempt to commit any of these enumerated offenses.
  - c. ***Appeals Process.*** An appeal based on accuracy of the Background Check record shall be made to the Borough Administrator. The Borough Administrator may call and cross-examine witnesses, present documentary evidence, be represented by counsel of their choosing, to submit written argument(s) and reach a written decision, if they so request. Any such appeal must be made within thirty (30) days of receipt of the notice of disqualification.
  - d. If the Borough Administrator determines that the facts were inaccurate so as to allow a disqualified person service, s/he shall enter the person's name on the list of qualified employees, coaches and volunteers that s/he maintains.
2. ***Appeal Alleging Rehabilitation.*** A person may claim to be rehabilitated.
  - a. No person may appeal a disqualification on the grounds of rehabilitation, if convicted of a 4<sup>th</sup> degree offense or higher, if the person has been disqualified because that person has been convicted, adjudicated delinquent or acquitted by reason of insanity of aggravated sexual assault; sexual assault; aggravated criminal sexual contact; kidnapping pursuant to paragraph (3) of subsection (c) of N.J.S.A. 2C:13-1; endangering the

welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection (a) of N.J.S.A. 2C:24-4; endangering the welfare of a child pursuant to paragraph (4) of subsection (b) of N.J.S.A. 2C:24-4; luring or enticing pursuant to section (1) of P.L. 1993 c.291 (N.J.S.A. 2C:13-6); criminal sexual contact pursuant to N.J.S.A. 2C:14-3(b) if the victim is a minor; kidnapping pursuant to N.J.S.A. 2C:13-2; or false imprisonment pursuant to N.J.S.A. 2C:13-3 if the victim is a minor and the offender is not the parent of the victim; knowingly promoting prostitution of a child pursuant to paragraph (3) or paragraph (4) of subsection (b) of N.J.S.A. 2C:34-1; or an attempt to commit any of these enumerated offenses.

- b. *Appeals Process.* An appeal based on rehabilitation of the Background Check record shall be made to the Borough Administrator. The Borough Administrator may call and cross-examine witnesses, present documentary evidence, be represented by counsel of their choosing, to submit written argument(s) and reach a written decision, if they so request. Any such appeal must be made within thirty (30) days of receipt of the notice of disqualification.
- c. *Rehabilitation Criteria.* In determining whether a person has affirmatively demonstrated rehabilitation, the Borough Administrator shall consider the following factors:
  - i. The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;
  - ii. The nature and seriousness of the offense;
  - iii. The circumstances under which the offense occurred;
  - iv. The date of the offense;
  - v. The age of the person when the offense was committed;
  - vi. Whether the offense(s) was an isolated or repeated incident;
  - vii. Any social conditions which may have contributed to the offense; and,
  - viii. Any other evidence of rehabilitation, including good conduct in the community, counseling or psychiatric treatment received, successful participation in correctional work-release programs, or the recommendation of those who have had the person under their supervision.
- d. If the Borough Administrator determines that the disqualified person has been successfully rehabilitated, or facts inaccurate so as to allow them service, s/he shall enter the person's name on the list of qualified employees, coaches and volunteers.

## **§ 10 Privacy and Confidentiality**

- A. Pursuant to N.J.S.A. 47:1A-1 et seq., Open Public Records Act, any and all criminal background checks supplied to the Borough Administrator shall be filed and maintained in a secure and locked cabinet or room and shall not be available to the public. The Borough Administrator shall take appropriate steps to safeguard such records. The records shall be exempt from public disclosure under the common law or the New Jersey Right to Know Law. The records shall only be retained for such period of time as is necessary to serve their intended and authorized purposes, and thereafter shall be destroyed.
- B. Access to criminal history record information for non-criminal justice purposes, including licensing and employment, is restricted to the members of the review committee, as authorized by federal or state statute, rule or regulation, executive order, local ordinance or resolution regarding obtaining and disseminating of criminal history record information obtained under this section.
- C. The review committee shall limit its use of criminal history record information solely to the individual for which it was obtained, and the criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. This information shall be limited solely to the authorized purpose for which it was given and it shall not be disseminated to any unauthorized persons. Any person violating federal or state regulations governing access to criminal history records may be subject to criminal and/or civil penalties.

## **§ 11 Penalties**

- A. Failure to comply with this Ordinance may result in the Borough withholding funding for the non-profit youth-serving organization, prohibiting the use of municipal facilities/equipment, or withholding funding for facility maintenance.
- B. Any individual who has been advised, verbally or in writing of his/her disqualification to participate and continues to participate upon conviction thereof in a proceeding before a court of competent jurisdiction shall be subject to the following fines:
  - 1. A fine of not less than two hundred fifty (\$250.00) and not more than two thousand five hundred dollars (\$2,500.00).
  - 2. Each continuing violation of this chapter shall constitute a separate offense.

## **§ 12 Severability**

In the event that any portion of this Ordinance is found to be invalid for any reasons by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable there from and shall not be affected.

**§ 13 Ordinance Provisions Repealed**

Any ordinance provisions inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

**§ 14 Chapter 198, of the Revised General Ordinance of the Borough of Fort Lee hereby incorporates the above “WHEREAS” clauses as Substantive Provisions of this Ordinance.**

**§ 15 Effective Date**

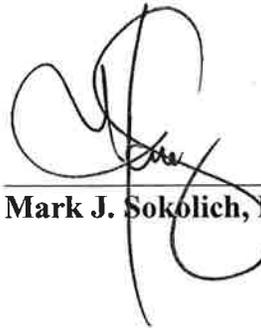
This ordinance shall take effect immediately upon the approval and publication of adoption as provided by law.

ATTEST:



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**Neil Grant, Borough Clerk**



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**Mark J. Sokolich, Mayor**

Introduced	<u>A PUGHAN</u>	Date of Introduction	<u>April 10, 2014</u>
Seconded	<u>J. CLAVIERI</u>	Public Hearing	<u>May 8, 2014</u>
		Date of Adoption	<u>May 8, 2014</u>

BOROUGH OF FORT LEE  
ORDINANCE # 2014-20

**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**

BE IT ORDAINED 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 ordinance to reflect an added stop as well as to delete existing locations.

**Added Stop**

1. STATE ROADWAY - Along Route 67 (Route 9W), northbound on the easterly side thereof at:

Far side bus stops along the northbound (easterly) side

(A) Myrtle Avenue - Beginning at the northerly curb line of Myrtle Avenue and extending 100 feet northerly therefrom.

Near side bus stops along the northbound (easterly) side

**Deleted Stops**

2. STATE ROADWAY - Along Route 67 (Route 9W), northbound on the easterly side thereof at:

Far side bus stop along the northbound (easterly) side:

(A) Myrtle Avenue - Beginning at the northerly curb line of Myrtle Avenue and extending 155 feet northerly therefrom.

Near side bus stop along the northbound (easterly) side:

(B) Washington Avenue - Between the southerly curb line of Washington Avenue and a point 155 feet southerly therefrom.

BE IT FURTHER ORDAINED that this ordinance shall take effect upon approval as provided by law.

ATTEST:

*Neil Grant*

Neil Grant, Borough Clerk

  
Mark J. Sokolich, Mayor

Introduced	J. CURVIEAS	Date of Introduction	May 8, 2014
Seconded	I. KASZIKY	Public Hearing	June 12, 2014
		Date of Adoption	June 12, 2014

BOROUGH OF FORT LEE

ORDINANCE # 2014-21

**AN ORDINANCE AMENDING CHAPTER 388, SECTION 26, SCHEDULE XIII, BUS STOPS OF THE CODE OF THE BOROUGH OF FORT LEE, CREATING A BUS STOP ON A MUNICIPAL ROADWAY**

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey.

That pursuant to N.J.S.A. 39-4-8(e) and in accordance with the Borough Code within the provisions of Chapter 388, Section 26, Schedule XIII, the following described location is designated as a bus stop:

MUNICIPAL ROAD

**ADDED:**

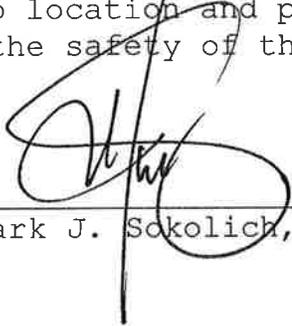
1. Along Central Avenue, westbound, on the northerly side thereof at:
  - a. **Bigler Street - (far side)**  
Beginning at the westerly curbline of Bigler Street and extending 150' westerly therefrom (at White Hall Towers)

BE IT FURTHER ORDAINED that the Mayor and Council of the Borough of Fort Lee will enforce the needed traffic regulations governing the aforementioned bus stop location and provide the necessary police security to ensure the safety of the traveling public.

ATTEST:

*Neil Grant*

Neil Grant, Borough Clerk

  
Mark J. Sokolich, Mayor

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>May 8, 2014</u>
Seconded	<u>H. SCAPURA</u>	Public Hearing	<u>June 12, 2014</u>
		Date of Adoption	<u>June 12, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-22

**AN ORDINANCE OF THE BOROUGH OF FORT LEE PROVIDING FOR NEW INCLUSIONARY ZONING REQUIREMENTS CHAPTER 410 FOR AFFORDABLE HOUSING, AND REPEALING EXISTING SET-ASIDE ORDINANCES AND THE RESIDENTIAL DEVELOPMENT FEE ORDINANCE CHAPTER 261, SECTION 46, LAND USE PROCEDURES**

**Section 1. Purpose and Background**

- (a) The purpose of this Ordinance is to address the municipal affordable housing obligation of the Borough of Fort Lee (“the Borough” or “Fort Lee”), as prescribed by the New Jersey Supreme Court in Southern Burlington County, N.A.A.C.P. v. Township of Mount Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”), and Southern Burlington County N.A.A.C.P. v. Township of Mount Laurel, 67 N.J. 151, cert. denied, 423 U.S. 808 (1975) (“Mount Laurel I”), and codified in the Fair Housing Act (“the Act”), N.J.S.A. 52:27D-301 et seq., which requires that every municipality has a constitutional obligation to provide for its fair share of its region’s need for affordable housing.
- (b) The Fort Lee Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq. which has been endorsed by the governing body, and is pending review by the Council on Affordable Housing (“COAH”) as provided by the Act. The Fair Share Plan sets forth some of the means by which the Borough may address its affordable housing obligation as determined by COAH in its regulations, the current version of which is referred to as the “Third Round Rules.”
- (c) However because the Supreme Court has invalidated the Third Round Rules in their entirety, and directed COAH to draft new rules, In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 215 N.J. 578 (2013), there exists uncertainty, at least for the period during which new rules are being promulgated and judicially considered, regarding the determination of the municipal affordable housing obligation generally and for Fort Lee particularly.
- (d) Consequently the Borough has determined to address its obligation through enactment of a Borough-wide inclusionary development ordinance which requires a 10% set-aside of affordable housing for residential developments of three (3) and more units while affording compensating incentives.

- (e) The provisions of the Borough's extant zoning ordinances requiring a set-aside of affordable housing for development in the R-7A Mid-Rise Residential Zone; R-10A High-Rise Apartment Residential Zone; R-12 High-Rise Apartment Residential Zone; and C-1A Planned Business District are repealed. The Borough's residential development fee ordinance is also repealed.
- (f) The Borough shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by COAH in accordance with N.J.A.C. 5:96 shall be available to the public at the Municipal Building, Municipal Clerk's Office, 309 Main Street, Fort Lee New Jersey, or from COAH at 101 South Broad Street, Trenton, New Jersey and on COAH's website, [www.nj.gov/dca](http://www.nj.gov/dca).
- (e) This Ordinance shall be subject to amendment or repeal without any further action by the Borough to the extent it is, in whole or in part, inconsistent with any ruling issued by any court, valid regulations issued by COAH or any legislative enactment.

## **Section 2. Definitions**

The following terms when used in this Ordinance shall have the meanings given in this Section. Terms not defined in this Section shall have the meanings, if any, provided in N.J.A.C. 5:96 and N.J.A.C. 5:97.

"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

"Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

"Adaptable" means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

"Administrative agent" means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

"Affordability average" means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

"Affordable" means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” or “Council” means the Council on Affordable Housing of the State of New Jersey, that was established under the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land. The term “developer” shall be deemed to include a redeveloper under the Local Housing and Redevelopment Law, N.J.S.A. 40A:12A-1, et seq.

“Development” means the construction, reconstruction, replacement, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion

of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable county, as adopted annually by the Department.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Regional asset limit” means the maximum housing value, in each housing region, affordable to a four-person household with an income at 80 percent of the regional median as defined by the Council’s adopted Regional Income Limits as published annually by the Council.

“Rehabilitation” means the repair, renovation, alteration, weatherization or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

### **Section 3. Affordable Housing Obligation**

The Borough has determined that every residential development in excess of three (3) units shall provide for affordable housing as set forth in this Ordinance.

### **Section 4. Affordable Housing Programs**

The Borough has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

- (a) Rehabilitation Program.** The purpose of the Borough's rehabilitation program is to renovate deficient housing units that are occupied by low- and moderate-income households. The provisions and requirements set forth in N.J.A.C. 5:97-6.2 shall govern the Borough's rehabilitation program.
1. The Borough's rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
  2. Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.
  3. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
  4. The Borough shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
  5. The Borough shall adopt a resolution committing to fund any shortfall in the rehabilitation programs for the Borough.
  6. The Borough shall designate, subject to the approval of COAH, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97. The Administrative Agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of COAH. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
  7. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
    - i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income

household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.

- ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
- iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
- iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

**(b) Accessory Apartment Program**

1. An accessory apartment is a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site. All accessory apartments shall meet the following conditions:

- i. Accessory apartments shall be permitted in the R-3 One- and Two-Family Residential, the R-3A One- and Two-Family Residential, and the R-4 One- and Two-Family Residential, are permitted by the Zoning Ordinance for various zoning districts, and provided the units are affordable to low- and moderate-income households. Accessory apartments may be developed as low-income or moderate-income units (accessory apartments may be limited to only low- or only moderate-income units as determined in the Fair Share Plan).
- ii. Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all building codes.
- iii. At the time of initial occupancy of the unit and for at least ten years thereafter, the accessory apartment shall be rented only to a household which is either a low- or moderate-income household.
- iv. Rents of accessory apartments shall be affordable to low- or moderate-income households as per COAH and UHAC regulations.
- v. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental or sale of the unit and the accessory apartment.
- vi. The appropriate utility authority must certify that there is water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartment. Where the proposed location is served by an individual well and/or septic system, the additional capacity necessitated by the new unit must meet the appropriate NJDEP standards.

- vii. The Borough accessory apartment program shall not restrict the number of bedrooms in any accessory apartment.
  - viii. No accessory apartment created as a result of this article or these regulations shall exceed the gross floor area of the existing principal dwelling on the lot.
  - ix. Municipal building permit fees shall be waived in all cases involving affordable accessory apartment development under this section. An annual license and inspection fee, if required, shall be paid by unit owners.
2. The maximum number of creditable accessory apartments shall be equal to no more than 10 or an amount equal to 10 percent of the Borough's fair share obligation, whichever is greater (additional units may be approved by COAH if the municipality has demonstrated successful completion of its accessory apartment program.).
  3. The Borough shall designate an administrative entity to administer the accessory apartment program that shall have the following responsibilities:
    - i. The Administrative Agent shall administer the accessory apartment program, including advertising, income qualifying prospective renters, setting rents and annual rent increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the affordable accessory apartment program in accordance with the UHAC.
    - ii. The administrative entity shall only deny an application for an accessory apartment if the project is not in conformance with COAH's requirements and/or the provisions of this section. All denials shall be in writing with the reasons clearly stated.
    - iii. In accordance with COAH requirements, the Borough shall provide at least \$25,000 per unit to subsidize the creation of each low-income accessory apartment or \$20,000 per unit to subsidize the creation of each moderate-income accessory apartment. The subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.
  4. Property owners wishing to apply to create an accessory apartment shall submit to the administrative entity:
    - i. A sketch of floor plan(s) showing the location, size and relationship of both the accessory apartment and the primary dwelling within the building or in another structure;
    - ii. Rough elevations showing the modifications of any exterior building façade to which changes are proposed; and
    - iii. A site development sketch showing the location of the existing dwelling and other existing buildings; all property lines; proposed addition, if any, along with the minimum building setback lines; the required parking spaces for both dwelling units; and any man-made conditions which might affect construction.

**(c) Market to Affordable Program.**

1. A market to affordable program is established to permit the purchase or subsidization of units through a written agreement with the property owner and sold or rented to low- and moderate-income households. Subject to the provisions of 2iii below, the market to affordable programs may produce both low- and moderate-income units (the program may be limited to only low- or only moderate-income units as per the Fair Share Plan).
2. The following provisions shall apply to market to affordable programs:
  - i. At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.
  - ii. The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.
  - iii. The municipality will provide a minimum of \$25,000 per unit to subsidize each moderate-income unit and/or \$30,000 per unit to subsidize the each low-income unit, with additional subsidy depending on the market prices or rents in a municipality.
  - iv. The maximum number of creditable market to affordable units shall be equal to no more than 10 for sale units and 10 rental units or a combined total of 10 percent of the fair share obligation, whichever is greater. (Additional units may be approved by COAH if the municipality demonstrates the successful completion of its initial market to affordable program.)
3. The units shall comply with N.J.A.C. 5:97-9 and UHAC with the following exceptions:
  - i. Bedroom distribution (N.J.A.C. 5:80-26.3(b) and (c));
  - ii. Low/moderate income split (N.J.A.C. 5:80-26.3(a)); and
  - iii. Affordability average (N.J.A.C. 5:80-26.3(d) and (e)); however:
    - A. The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income; and
    - B. The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70 percent of median income and the maximum sales price for a low-income unit shall be affordable to households earning no more than 40 percent of median income.

**(d) Supportive and Special Needs Housing Unit Program**

1. All supportive and special needs housing units shall meet the following conditions:
  - i. Supportive and special needs housing units shall be permitted in the R-3 One- and Two-Family Residential, the R-3A One- and Two-Family Residential, and the R-4 One- and Two-Family Residential. Supportive and special needs housing includes, but *is* not limited to: residential health care facilities as licensed and/or regulated by DCA or the New Jersey

Department of Health and Senior Services if the facility is located with, and operated by, a licensed health care facility; group homes for people with developmental disabilities and mental illness as licensed and/or regulated by the New Jersey Department of Human Services; permanent supportive housing; and supportive shared living housing. Long term health care facilities including nursing homes, and Class A, B, C, D, and E boarding homes do not qualify as supportive and special needs housing.

- ii. Supportive and special needs housing shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all building codes.
- iii. The following provisions shall apply to permanent supportive housing, group homes, residential health care facilities and supportive shared living housing:
  1. The unit of credit shall be the unit for permanent and supportive housing, but shall be the bedroom for *group* homes, residential health care facilities and supportive shared living housing.
  2. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to N.J.A.C. 5:97-3.8.
  3. Units/occupancy shall not be restricted to youth under 18 years of age.
  4. All sites shall meet the site suitability criteria set forth in N.J.A.C. 5:973.13.
  5. The municipality or developer/sponsor shall have site control or the ability to control the site(s).
- iv. The bedrooms and/or units shall comply with N.J.A.C. 5:97-9 and UHAC with the following exceptions:
  1. Affirmative marketing (N.J.A.C. 5:80-26.15); however, group homes, residential health care facilities, permanent supportive housing and supportive shared living housing shall be affirmatively marketed to individuals with special needs in accordance with a plan approved by the Council's Executive Director;  
  
Affordability average and bedroom distribution (N.J.A.C. 5:80 - 26.3); and
  3. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with N.J.A.C. 5:97-9.
- v. The following documentation shall be submitted prior to marketing the completed units or facility:
  1. An affirmative marketing plan in accordance with section iv. above; and

2. If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.
- vi. Municipal building permit fees shall be waived in all cases involving permanent supportive housing, group homes, residential health care facilities and supportive shared living housing development under this section.

### **Section 5. Inclusionary Zoning**

**(a) Inclusionary set-aside.** To ensure realistic opportunities for the creation of affordable housing, all residential development of three (3) units or more within the Borough shall be required to provide and set aside affordable housing units at a rate of one (1) affordable unit for every nine (9) market rate units (a 10% set-aside). A fractional obligation to provide for affordable housing shall be met by a payment in lieu of construction as hereafter set forth. Due to the range of permitted uses and the variety and complexity of permitted residential densities within the Borough, the following provisions shall be applied to all residential development required to provide an affordable housing set-aside:

1. Compensatory Benefits. The following compensatory benefits are provided to facilitate an inclusionary project and the provision of affordable housing:
  - i. Density Bonus. Except where a density variance is granted, as set forth in (ii) of this section, a 15% residential density bonus shall be permitted for all inclusionary development projects. Where the calculated density bonus results in a fraction, the density bonus shall be rounded up to the next whole unit. For example, on a one-acre site, in a zone that permits 10 units per acre, an inclusionary developer intending to construct onsite affordable units shall be permitted to construct, two (2) additional units ( $10 \times 15\% = 1.5$ , rounded up to 2) or a total of 12 units. The project will provide one affordable unit ( $10\% \times$  the underlying zoning of 10 units per acre = 1) and 11 market-rate units.
  - ii. Density Variances. A compensatory benefit will be deemed to have been awarded, and the density bonus referred to in (i) above will not apply, where the Borough's Zoning Board of Adjustment approves an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5), (known as a density variance).
  - iii. Relaxation of Zoning Standards. In all cases, the Borough's approving land use board shall consider the granting of variances and waivers including but not limited to reduced setbacks, reduced coverage, increased floor area, increased building heights and/or additional stories so as to

accommodate the increased number of units and to reasonably result in an opportunity to provide affordable housing.

- iv. **Additional Incentives.** Additional incentives to subsidize the creation of affordable housing available to very-low income households may be included in a developer's or redeveloper's agreement at the discretion of the Borough.

**(b) Development Size Threshold.** Developments of less than three (3) units shall not be subject to the required affordable housing set-aside.

**(c) Developer Options for the Provision of Affordable Housing.** Subject to the conditions which follow, a developer required to provide affordable housing has the option to (i) construct affordable units onsite; or (2) construct the affordable units elsewhere within the Borough ("off-site"); or (3) make a payment in lieu of constructing the affordable units; or (4) provide a combination of a payment in lieu and onsite or off-site construction.

1. The onsite construction option is subject to the following controls:

Developers choosing onsite construction of affordable units shall determine the number of required affordable units by dividing the permitted onsite units by ten and then adding the density bonus. For example, a site zoned for a 100-unit development shall provide 10 affordable units (10% x underlying zoning for 100 units) and is permitted a 15% density bonus for an additional 15 units for a total project of 115 units consisting of 10 affordable units and 105 market-rate units. Or, by way of further example, if a site zoned for 100 units receives a density variance allowing an additional 20 units for a total project of 120 units, 10 affordable units will be provided (10% x underlying zoning for 100 units) and 110 market rate units.

2. Off-site construction option is subject to the following controls:

- i. Developers choosing off-site construction of affordable units shall determine the number of required affordable units in the same fashion as in the calculation of an on-site construction obligation.
- ii. All sites selected for off-site construction shall meet the site suitability criteria set forth in N.J.A.C. 5:97-3.13.

3. The payment in lieu option is subject to the following controls:

- i. The required subsidy for the payment in lieu option is \$180,000.00 per unit.

- ii. Payments in lieu of constructing affordable units may represent whole or fractional affordable units. A fractional affordable housing requirement shall not be rounded.
- iii. Developers choosing the payment in lieu option shall determine the number of required affordable units to be met by a payment in lieu by dividing the permitted onsite units by ten and then adding the density bonus. For example, a site zoned for a 100-unit development shall provide funding for 10 affordable units (10% x underlying zoning for 100 units) calculated at  $10 \times \$180,000.00 = \$1,800,000.00$ . The site is permitted a 15% density bonus for an additional 15 units for a total project of 115 market-rate units.
- iv. Payments in lieu of constructing affordable units shall be deposited into the Borough's affordable housing trust fund pursuant to N.J.A.C. 5:97-8.4 and shall be subject to the provisions thereof.

**(d) Design.** In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

**(e) Utilities and Community Amenities.** Affordable units shall utilize the same type of heating source as market units within the affordable development and have access to all community amenities available to market-rate units.

**(f) Accessibility and adaptable affordable units.** Inclusionary zoning ordinances shall require that the first floor of all townhouse dwelling units and all other multistory dwelling units comply with N.J.A.C. 5:97-3.14.

**(g) Affordable Administration.** The affordable units shall comply with N.J.A.C. 5:97-9 and UHAC.

**(h) Phasing.** In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

**(i) Design.** In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

**(j) Payments-in-lieu and off-site construction.** The standards for the collection of payments-in-lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with N.J.A.C. 5:97-6.4.

- (k) **Utilities.** Affordable units shall utilize the same type of heating source as market units within the affordable development.

**Section 6. Affordable Housing Standards**

All affordable housing units shall otherwise comply with the standards and requirements governing affordability controls, pricing, bedroom distribution, age restrictions, affirmative marketing, prices and rents, and unit selection, together with all related requirements as set forth in Ordinance §410-62, Affordable Housing Standards.

**Section 7. Extant Development and Redevelopment Agreements**

Where there is a site-specific fully-executed development or redevelopment agreement to provide for affordable housing as part of a project which has received approval from the Borough's municipal land use boards, which predates the effective date of this Ordinance, the terms and conditions of that agreement shall govern the provision of affordable housing for that project notwithstanding any requirements of this Ordinance to the contrary.

**Section 8. Repealer**

- (a) **Extant Set-Aside Ordinances.** The provisions of the Borough's extant zoning ordinances requiring a set-aside of affordable housing for development in the R-7A Mid-Rise Residential Zone, Ordinance §410-84; R-10A High-Rise Apartment Residential Zone, Ordinance §410-17; R-12 High-Rise Apartment Residential Zone, Ordinance §410-21; and C-1A Planned Business District, Ordinance §410-37 are hereby repealed.
- (b) **Development Fee Ordinance.** The provisions of the Borough's Affordable Housing Development Fees Ordinance, Ordinance §261-46, et seq., imposing a fee upon residential development is repealed. The fees imposed upon non-residential development are unaffected by this Ordinance.
- (c) **General.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**Section 9. Ordinance Subject to Subsequent Enactments or Judicial Rulings**

This Ordinance shall be subject to amendment or repeal without any further action by the Borough to the extent it is, in whole or in part, inconsistent with any ruling issued by any court, valid regulations issued by COAH or any legislative enactment.

**SEVERABILITY**

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

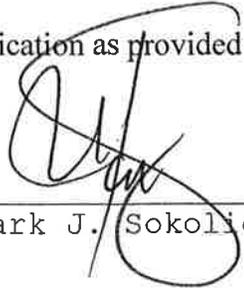
**EFFECTIVE DATE**

This ordinance shall take effect upon passage and publication as provided by law.

ATTEST:

*Neil Grant*

\_\_\_\_\_  
Neil Grant, Borough Clerk

  
\_\_\_\_\_  
Mark J. Sokolich, Mayor



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

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

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,900,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$400,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ATTEST:

\_\_\_\_\_  
Mark J. Sokolich, Mayor

\_\_\_\_\_  
Neil Grant, Borough Clerk

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>June 12, 2014</u>
Seconded	<u>H. SCHMIDT</u>	Public Hearing	<u>July 17, 2014</u>
		Date of Adoption	<u>July 17, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-24

**AN ORDINANCE AMENDING SALARY ORDINANCE #2013-15 -  
ESTABLISHING SALARIES AND WAGES FOR WHITE COLLAR EMPLOYEES  
FOR 2013-2016**

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee as follows:

SECTION I: All employees covered by the **White Collar Bargaining Unit** (Schedule A), shall receive salaries for 2013, 2014, 2015 and 2016 as established by the White Collar Bargaining Unit Memorandum of Agreement for the years 2013, 2014, 2015 and 2016. (Available in the Office of the Borough Clerk)

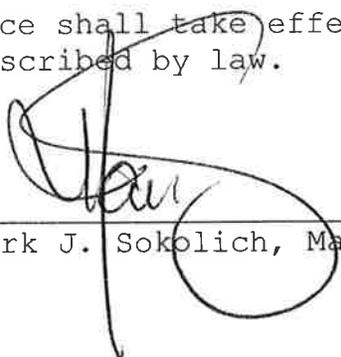
SECTION II: This ordinance shall supersede any other previous salary ordinance for members of the **White Collar Bargaining Unit** for the positions listed in (Schedule A) below.

SECTION III: This ordinance shall take effect immediately upon passage and publication prescribed by law.

Attest:

Neil Grant

Neil Grant, Borough Clerk

  
\_\_\_\_\_  
Mark J. Sokolich, Mayor

WHITE COLLAR UNIT (Schedule A)

JANUARY 1, 2014 - DECEMBER 31, 2016

<u>TITLE</u>	<u>2014</u> <u>Minimum</u>	<u>2015</u> <u>Minimum</u>	<u>2016</u> <u>Minimum</u> Jan-June	<u>2016</u> <u>Minimum</u> July-Dec
Clerk Typist/Code Enforcement Officer	50,378	51,386	52,414	52,938
Fire Prevention Specialist	51,900	52,938	53,997	54,537
Supervising Fire Prevention Specialist	99,985	101,985	104,025	105,065
Fire Protection Specialist/ Fire Protection Inspector	99,985	101,985	104,025	105,065

WHITE COLLAR UNIT SALARY RANGE (Schedule A)

JANUARY 1, 2013 THROUGH DECEMBER 31, 2016

<u>TITLE</u>	<u>2013 THROUGH 2016</u>
Clerk Typist/Code Enforcement Officer	35,000 to 60,000
Fire Prevention Specialist	35,000 to 115,000
Supervising Fire Prevention Specialist	90,000 to 115,000
Fire Protection Specialist/Fire Protection Inspector	45,000 to 115,000

Introduced	<u>J. CURVILLO</u>	Date of Introduction	<u>June 12, 2014</u>
			<u>July 17, 2014</u>
Seconded	<u>H. SCHMIDT</u>	Public Hearing	<u>July 17, 2014</u>
		Date of Adoption	<u>July 17, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-25

**AN ORDINANCE AMENDING SALARY ORDINANCE #2013-12 - SALARIES AND WAGES FOR DEPARTMENT HEADS, FOR 2013-2016**

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee as follows:

SECTION I: All employees covered by the **Department Head Bargaining Unit** (Schedule A), shall receive salaries for 2013, 2014, 2015 and 2016 as established by the Department Head Memorandum of Agreement for the years 2013, 2014, 2015 and 2016. (Available in the Office of the Borough Clerk)

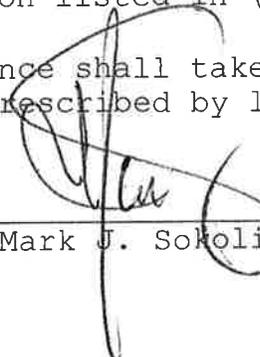
SECTION II: This ordinance shall supersede any other previous salary ordinance for members of the **Department Head Bargaining Unit** for the position listed in (Schedule A) below.

SECTION III: This ordinance shall take effect immediately upon passage and publication prescribed by law.

Attest:

Neil Grant

Neil Grant, Borough Clerk

  
 \_\_\_\_\_  
 Mark J. Sokolich, Mayor

DEPARTMENT HEAD UNIT (Schedule A)

JANUARY 1, 2014 - DECEMBER 31, 2016

<u>TITLE</u>	<u>2014</u>	<u>2015</u>	<u>2016</u> Jan-June	<u>2016</u> July-Dec
Fire Official/Fire Protection Sub-Code Official/Safety Office	126,913	129,451	132,040	133,360

DEPARTMENT HEAD UNIT SALARY RANGE (Schedule A)

JANUARY 1, 2013 - DECEMBER 31, 2016

<u>TITLE</u>	<u>2013 through 2016</u>
Fire Official/Fire Protection Sub-Code Official/Safety Officer	90,000 to 140,000

Introduced	<u>J. CURVIERI</u>	Date of Introduction	<u>June 12, 2014</u>
Seconded	<u>I. KINSZESKY</u>	Public Hearing	<u>July 17, 2014</u>
		Date of Adoption	<u>July 17, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-27

**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**

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee, County of Bergen, State of New Jersey, that the following pursuant to N.J.S.A. 39-4-8 (e) described location shall be designated as a bus stop in the Borough of Fort Lee, New Jersey.

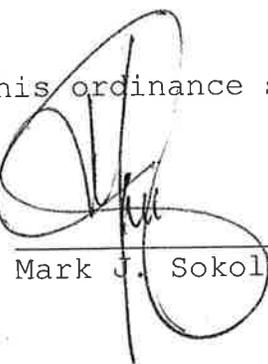
**STATE HIGHWAY - Along Route US9W (Lemoine Avenue), northbound on the easterly side thereof at:**

- a. Between Washington Avenue and Irving Avenue (Englewood Cliffs) - Mid-Block**

Beginning at a point 50 feet north of the northerly curblineline of Washington Avenue and extending 135 feet northerly therefrom.

BE IT FURTHER ORDAINED that this ordinance shall take effect upon approval as provided by law.

ATTEST:

  
 \_\_\_\_\_  
 Mark J. Sokolich, Mayor

  
 \_\_\_\_\_  
 Neil Grant, Borough Clerk

Introduced	<u>J. CLAVIER</u>	Date of Introduction	<u>June 12, 2014</u>
		Public Hearing	<u>July 17, 2014</u>
Seconded	<u>I. KASISW</u>	Date of Adoption	<u>July 17, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-28

**AN ORDINANCE AMENDING CHAPTER 90 SECTION 2, POLICE DEPARTMENT, FORMATION AND RANK, OF THE CODE OF THE BOROUGH OF FORT LEE**

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 90, Section 2, Police Department, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That Borough Ordinance § 90-2, **Formation and Rank**, shall be amended and supplemented and hence forth provide as follows:

A. The Police Department Table of Organization may consist of not more than 96 officers in total, in the following positions at the sole discretion of the Mayor and Council:

1 Police Chief

1 Deputy Chief

3 Captains

8 Lieutenants

7 Sergeants, or higher not to exceed a total of 15  
Including Lieutenants

76 Police Officers, or higher not to exceed the  
department's full complement of officers.

B. In the event that position of Chief of Police is vacated as a result of death, illness, incapacity or any other reason, the Deputy Chief shall temporarily assume the position of Acting Chief of Police. In the event the Deputy Chief is unavailable to assume command, the senior ranking officer present shall assume temporary command until a Captain shall

be designated by the Mayor and Council, to assume temporary command.

C. The Chief of Police shall be the executive and supervisory officer of the Police Department and is responsible to the Police Committee for its proper functioning.

D. Officers of the Department shall rank in the order set forth above, and rank seniority shall be determined by date of advancement to that rank plus longevity as determined by the Administrative Code for Civil Service employees.

E. The senior ranking officer on duty on any shift shall be in charge of the Department during the shift unless relieved by an officer of higher rank, who shall thereupon sign an entry in the blotter to that effect.

Section 2. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

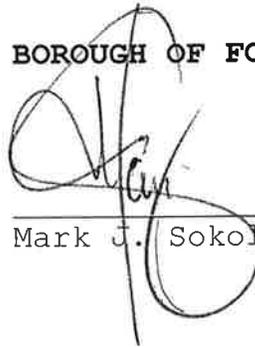
Section 3. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

**ATTEST:**

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

**BOROUGH OF FORT LEE**

  
\_\_\_\_\_  
Mark J. Sokolich, Mayor

Introduced	<u>J. CURVIER</u>	Date of Introduction	<u>June 12, 2014</u>
Seconded	<u>H. SCHMIDT</u>	Public Hearing	<u>July 17, 2014</u>
		Date of Adoption	<u>July 17, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-26

**BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$50,000 FOR ACQUISITION OF ADDITIONAL FURNISHINGS AND IMPROVEMENTS FOR THE BUILDING DEPARTMENT/FIRE PREVENTION BUREAU OFFICES IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$47,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance has heretofore been authorized to be undertaken by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the supplemental amount of \$50,000, such sum being in addition to the \$100,000 appropriated therefor in Section 3(b) of bond ordinance #2013-25 of the Borough, finally adopted October 10, 2013 (the "Original Bond Ordinance"), and including the sum of \$2,500 as the additional down payment required by the Local Bond Law. The additional down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$47,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds,

negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is for additional furnishings and improvements to the Building Department/Fire Prevention Bureau offices, as additionally described in Section 3(b) of the Original Bond Ordinance, including all related costs and expenditures necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is \$142,738, including the \$95,238 authorized in Section 3(b) of the Original Bond Ordinance and the \$47,500 bonds or bond anticipation notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$150,000, including the \$100,000 appropriated in Section 3(b) of the Original Bond Ordinance and the \$50,000 appropriated herein.

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

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and bond anticipation notes provided in this bond ordinance by \$47,500, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$210,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements set forth in the Original Bond Ordinance. Of this amount, \$200,000 was estimated for such items of expense in the Original Bond Ordinance and an additional \$10,000 is estimated therefor herein.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Attest:

*Neil Grant*

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Neil Grant  
Borough Clerk



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Mark J. Sokolich  
Mayor

Introduced	<u>A. P. RYAN</u>	Date of Introduction	<u>June 12, 2014</u>
Seconded	<u>A. SOMMER</u>	Public Hearing	<u>July 17, 2014</u>
		Date of Adoption	<u>July 17, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-29

**BOND ORDINANCE PROVIDING FOR THE MAIN STREET FORCE MAIN AND STREETScape REVITALIZATION PROJECTS IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$3,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,040,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$3,200,000, including the sum of \$160,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,040,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the Main Street Force Main and Streetscape Revitalization Projects, including all work and materials necessary therefor and incidental thereto.

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

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

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

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,040,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$600,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

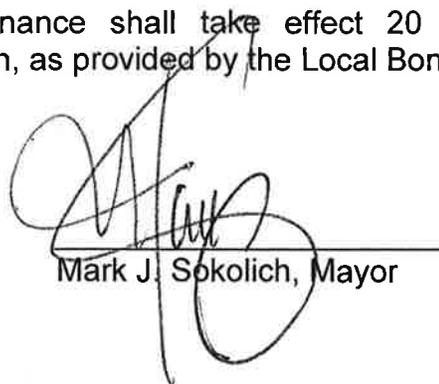
Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ATTEST:



\_\_\_\_\_  
Neil Grant, Borough Clerk

  
\_\_\_\_\_  
Mark J. Sokolich, Mayor

Introduced	<u>J. CRIVIERI</u>	Date of Introduction	<u>July 17, 2014</u>
Seconded	<u>N. SUMNER</u>	Public Hearing	<u>August 21, 2014</u>
		Date of Adoption	<u>August 21, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-30

**AN ORDINANCE TO MANDATE DIRECT DEPOSIT FOR MUNICIPAL EMPLOYEES BY THE GOVERNING BODY OF THE BOROUGH OF FORT LEE PURSUANT TO C.52-14-15f et seq.**

WHEREAS, P.L. 2013 c.28, authorizes local governments to mandate direct deposit for certain government employees effective after July 1, 2014; and

WHEREAS, P.L. 2013 C.28 permits governing bodies to grant exemptions on such terms and conditions as they deem necessary,

NOW, THEREFORE, BE IT ORDAINED, by the Borough of Fort Lee, located in Bergen County, State of New Jersey according to the following:

Section 1. All fulltime employees and elected public officials who receive compensation from the Borough of Fort Lee are mandated to have direct deposit of their compensation as of July 1, 2014 or when the attached ordinance is officially adopted by the Borough of Fort Lee in accordance with the Chapter 28 P.L. 2013, as defined under C.52:14-5f(b).

Section 2. Seasonal and temporary employees who are employed by the Borough of Fort Lee are exempt from the direct deposit mandate.

Section 3. Municipal employees may request, in writing an exemption form the direct deposit mandate to the Borough of Fort Lee, Borough Administrator. Such requests will be presented to the governing body of the Borough of Fort Lee within one month of receipt. The governing body of the Borough of Fort Lee may grant such an exemption by resolution and only for good cause.

Section 4. If any Section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the Section, paragraph

subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

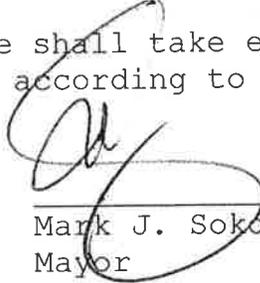
Section 5. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extend of such inconsistency.

Section 6. This Ordinance shall take effect after final passage, adoption and publication according to law.

Attest:

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

  
\_\_\_\_\_  
Mark J. Sokolich  
Mayor

Introduced	<u>J. CERVIASI</u>	Date of Introduction	<u>August 21, 2014</u>
Seconded	<u>N. SCHMIDT</u>	Public Hearing	<u>September 11, 2014</u>
		Date of Adoption	<u>September 11, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-31

**AN ORDINANCE AMENDING SALARY ORDINANCE #2013-15 -  
ESTABLISHING SALARIES AND WAGES FOR WHITE COLLAR EMPLOYEES  
FOR 2013-2016 - ESTABLISHING "MANAGEMENT SPECIALIST"**

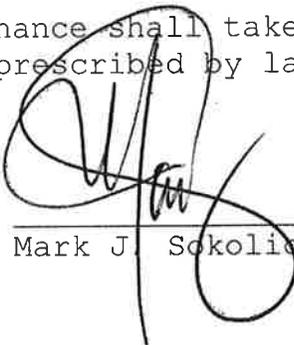
BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee as follows:

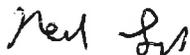
SECTION I: All employees covered by the **White Collar Bargaining Unit** (Schedule A), shall receive salaries for 2013, 2014, 2015 and 2016 as established by the White Collar Bargaining Unit Memorandum of Agreement for the years 2013, 2014, 2015 and 2016. (Available in the Office of the Borough Clerk)

SECTION II: This ordinance shall supersede any other previous salary ordinance for members of the **White Collar Bargaining Unit** for the positions listed in (Schedule A) below.

SECTION III: This ordinance shall take effect immediately upon passage and publication prescribed by law.

Attest:

  
\_\_\_\_\_  
Mark J. Sokolich, Mayor

  
\_\_\_\_\_  
Neil Grant, Borough Clerk

WHITE COLLAR UNIT (Schedule A)

JANUARY 1, 2014 - DECEMBER 31, 2016

<u>TITLE</u>	<u>2014</u> <u>Minimum</u>	<u>2015</u> <u>Minimum</u>	<u>2016</u> <u>Minimum</u> Jan-June	<u>2016</u> <u>Minimum</u> July-Dec
Management Specialist Officer	69,000	70,380	71,788	72,505

WHITE COLLAR UNIT SALARY RANGE (Schedule A)

JANUARY 1, 2014 THROUGH DECEMBER 31, 2016

<u>TITLE</u>	<u>SALARY RANGE</u>
Management Specialist	60,000 to 80,000

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>August 21, 2014</u>
		Public Hearing	<u>September 11, 2014</u>
Seconded	<u>H. SCHYER</u>	Date of Adoption	<u>September 11, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-32

**AN ORDINANCE AMENDING CHAPTER 273 MOBILE FOOD TRUCKS AND RESTAURANTS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 273, Mobile Food Trucks and Restaurants, of the Code of the Borough of Fort Lee, is hereby amended as follows:

**Section 1.** The current text of Chapter 273, Section 7, Regulations Covering Parking, is hereby amended to replace or add the following:

A. No person shall stop, stand or park for the purpose of selling cooked or prepared foods in a public place or prohibited area [See Section 273-13] with the Borough for any period in excess of twenty (20) minutes, unless otherwise authorized by the Borough for special or seasonal events. At least once every twenty (20) minutes, each mobile food truck or other such vehicle must be driven a minimum distance of five hundred (500) feet.

B. The licensee shall see to it that any and all premises used by the vehicle shall be left in a clean and orderly state and that no waste or garbage from its operation be deposited or left remaining on any property or street located within the Borough.

**Section 2.** Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

**Section 3.** This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

**BOROUGH OF FORT LEE**

*Mark J. Sokolich*  
\_\_\_\_\_  
Mark J. Sokolich, Mayor

Introduced	J. CURVILLI	Date of Introduction	August 21, 2014
		Public Hearing	September 11, 2014
Seconded	M. SARGENT	Date of Adoption	September 11, 2014

BOROUGH OF FORT LEE

ORDINANCE # 2014-33

**AN ORDINANCE AMENDING CHAPTER 372 TAXICABS AND LIMOUSINES, ARTICLE II LIMOUSINES, SECTION 30 CLASSES OF LICENSES, OF THE CODE OF THE BOROUGH OF FORT LEE**

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 372, Taxicabs and Limousines, Article II Limousines, Section 30 Classes of Licenses, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That Borough Ordinance 372-30(B)(1) shall be amended and is hereby replaced with the following:

B. Limousine Owner's License

(1) A limousine owner's license shall entitle the holder thereof to engage in the business of operating a maximum of sixteen limousines within the Borough, pursuant to the provisions set forth herein, until the license either expires or is surrendered, suspended or revoked and said license shall not be transferable without the approval of the Council of the Borough.

Section 2. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 3. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

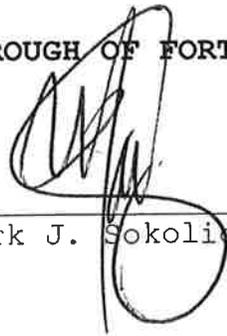
**ATTEST:**

*Neil Grant*

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Neil Grant  
Borough Clerk

**BOROUGH OF FORT LEE**



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Mark J. Sokolich, Mayor

Introduced	J. CERVIERI	Date of Introduction	August 21, 2014
Seconded	M. SARGENTI	Public Hearing	September 11, 2014
		Date of Adoption	September 11, 2014

BOROUGH OF FORT LEE  
ORDINANCE # 2014-34

**AN ORDINANCE AMENDING CHAPTER 138 ANIMALS, ARTICLE III, FEEDING OF WILDLIFE, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 138 Animals, Article III Feeding of Wildlife, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That the current title of Borough Ordinance 138, Article III Feeding of Wildlife, shall hereby be amended and replaced with the following:

"Article III Feeding of Wildlife and Domesticated Animals."

Section 2. That the current text of Borough Ordinance 138-16 shall hereby be amended and replaced with the following:

"For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**FEED**

To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting

or enticing wildlife or domesticated animals. Feeding does not include baiting in the legal taking of fish and/or game.

**PERSON**

Any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.

**WILDLIFE**

All animals that are neither human nor domesticated."

Section 3. That the current text of Borough Ordinance 138-17 shall hereby be amended and replaced with the following:

"No person shall feed, in any public park or on any other property owned or operated by the Borough, any wildlife or domesticated animals, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers)."

Section 4. That Borough Ordinance 138 is hereby amended to add a new Section 138-17.1:

"No person shall possess the following items in any public park or on any other property owned or operated by the Borough without the express written permission from the Borough:

- A. Animal food for wildlife or domesticated animals.
- B. Containers, plates, or bowls designed or used to feed wildlife or domesticated animals.
- C. Containers or supplies that may be used as shelters for wildlife or domesticated animals.
- D. Water other than for personal consumption.
- E. Tarp, rope or other materials used to build a shelter for wildlife or domesticated animals."

Section 5. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 6. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

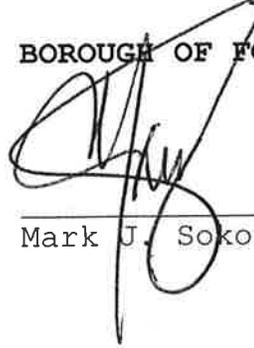
**ATTEST:**

*Neil Grant*

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Neil Grant  
Borough Clerk

**BOROUGH OF FORT LEE**



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Mark J. Sokolich, Mayor

Introduced	<u>A. PENNA</u>	Date of Introduction	<u>September 11, 2014</u>
Seconded	<u>M. SARGENT</u>	Public Hearing	<u>October 9, 2014</u>
		Date of Adoption	<u>October 9, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-35

**BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION, ARCHITECT AND DESIGN COSTS OF THE THEATRE/MUSEUM IN THE EASTERN PORTION OF REDEVELOPMENT AREA #5 IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$100,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF.**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$100,000. No down payment is required pursuant to N.J.S.A 40A:12A-37(c) since this authorizes obligations in connection with a redevelopment project.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$100,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable

bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the construction, architect and design costs of the Theatre/Museum in the eastern portion of Redevelopment Area #5, including all related costs and expenditures incidental thereto.

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

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

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

include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$100,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its

undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Attest:



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Neil Grant  
Borough Clerk



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Mark J. Sokolich, Mayor

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>September 11, 2014</u>
	<u>A. PCHAN</u>	Public Hearing	<u>October 9, 2014</u>
Seconded		Date of Adoption	<u>October 9, 2014</u>

BOROUGH OF FORT LEE  
ORDINANCE # 2014-36

**BOND ORDINANCE PROVIDING FOR THE BOROUGH'S SHARE OF CERTAIN ADA CONSTRUCTION IMPROVEMENTS IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$252,750 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$240,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$252,750, including the sum of \$12,750 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets. It is expected that the cost of the improvements described herein will be reimbursed by the County of Bergen.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment and in anticipation of receipt of the reimbursement from the County referred to in Section 1 hereof, negotiable bonds are hereby authorized to be issued in the principal amount of \$240,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is to fund the Borough's share of certain ADA construction improvements in cooperation with the County of Bergen, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

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

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The

chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate

thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$240,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$65,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received, which includes the reimbursement from the County of Bergen in Section 1 hereof, for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market

disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Attest:



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Neil Grant  
Borough Clerk



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Mark J. Sokolich, Mayor

Introduced	<u>J. CLAVIERI</u>	Date of Introduction	<u>September 11, 2014</u>
Seconded	<u>H. SONNEN</u>	Public Hearing	<u>October 9, 2014</u>
		Date of Adoption	<u>October 9, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-37

**AN ORDINANCE AMENDING SALARY ORDINANCE #2013-15 -  
ESTABLISHING SALARIES AND WAGES FOR WHITE COLLAR EMPLOYEES  
FOR 2013-2016 - ESTABLISHING "DEPUTY MUNICIPAL CLERK"**

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee as follows:

SECTION I: All employees covered by the **White Collar Bargaining Unit** (Schedule A), shall receive salaries for 2013, 2014, 2015 and 2016 as established by the White Collar Bargaining Unit Memorandum of Agreement for the years 2013, 2014, 2015 and 2016. (Available in the Office of the Borough Clerk)

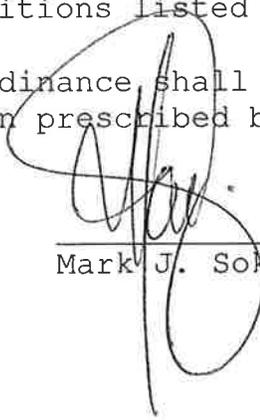
SECTION II: This ordinance shall supersede any other previous salary ordinance for members of the **White Collar Bargaining Unit** for the positions listed in (Schedule A) below.

SECTION III: This ordinance shall take effect immediately upon passage and publication prescribed by law.

Attest:

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

  
\_\_\_\_\_  
Mark J. Sokolich, Mayor

WHITE COLLAR UNIT (Schedule A)

JANUARY 1, 2014 - DECEMBER 31, 2016

<u>TITLE</u>	<u>2014</u> <u>Minimum</u>	<u>2015</u> <u>Minimum</u>	<u>2016</u> <u>Minimum</u> Jan-June	<u>2016</u> <u>Minimum</u> July-Dec
Deputy Municipal Clerk	95,000	96,900	98,838	99,827

WHITE COLLAR UNIT SALARY RANGE (Schedule A)

JANUARY 1, 2014 THROUGH DECEMBER 31, 2016

<u>TITLE</u>	<u>SALARY RANGE</u>
Deputy Municipal Clerk	90,000 to 100,000

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>October 9, 2014</u>
Seconded	<u>A. PUNN</u>	Public Hearing	<u>November 13, 2014</u>
		Date of Adoption	<u>November 13, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-38

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$100,000, and further including the aggregate sum of \$5,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$95,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation &amp; Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds &amp; Notes</u>	<u>Period of Usefulness</u>
a) Improvements to parks throughout the Borough, including lighting, ice skating rink and other related improvements, including all work and materials necessary therefor and incidental thereto.	\$50,000	\$47,500	15 years
b) Improvements to Borough Hall parking lot, including demolition of building, excavation, paving, painting, etc., including all work and materially necessary therefor and incidental thereto.	\$50,000	\$47,500	20 years

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein

are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(a) The improvements or purposes described in Section 3(a) of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 17.50 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$95,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$10,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

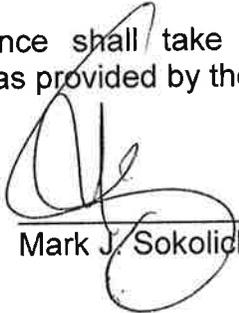
Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is

and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

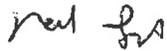
Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Attest:



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Mark J. Sokolich, Mayor



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Neil Grant  
Borough Clerk

Introduced	<u>J. Cervieri</u>	Date of Introduction	<u>October 9, 2014</u>
Seconded	<u>W. Sumlin</u>	Public Hearing	<u>November 13, 2014</u>
		Date of Adoption	<u>November 13, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-39

**BOND ORDINANCE AMENDING SECTION 3(j)(1) OF BOND ORDINANCE NUMBERED 2011-14 OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY FINALLY ADOPTED JULY 21, 2011 IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT.**

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

Section One. Section 3(j)(1) of Bond Ordinance numbered 2011-14 of the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough"), finally adopted July 21, 2011, which was substantially funded as part of a bond sale on August 15, 2013, is hereby amended to read as follows:

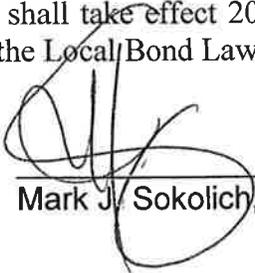
"(j) Police Department

(1) The acquisition of dispatch, camera and scheduling systems and a generator, including all related costs and expenditures incidental thereto."

Section Two. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

Attest:

  
 Mark J. Sokolich, Mayor

  
 Neil Grant  
 Borough Clerk

Introduced <u>J. Cervieri</u>	Date of Introduction <u>November 13, 2014</u>
Seconded <u>H. Schmeck</u>	Public Hearing <u>December 18, 2014</u>
	Date of Adoption <u>December 18, 2014</u>

BOROUGH OF FORT LEE  
ORDINANCE # 2014-40

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388,  
SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT  
LEE, ENTITLED "HANDICAPPED PARKING SPACES"**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE as follows:

**Section I:** Chapter 388, Section 69, Schedule XXIII, is hereby amended and supplemented so as to add the following as a handicapped parking space:

**"388-69":** From the apex of the east curb line of Inwood Terrace along the south curb line of Plateau Avenue extending 163 feet east along the south curb line of Plateau Avenue then extending another 25 feet.

**Section II:** The provisions of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

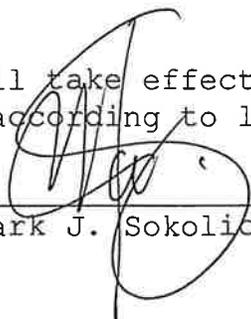
**Section III:** In the event on any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be deemed to govern. All other parts, portions, and provisions of Chapter 388 are hereby ratified and confirmed, except where inconsistent herewith.

**Section IV:** This Ordinance shall take effect immediately upon final passage and publications according to law.

ATTEST:

Neil Grant

Neil Grant, Borough Clerk

  
\_\_\_\_\_  
Mark J. Sokolich, Mayor

Introduced <u>J. Cervieri</u>	Date of Introduction <u>November 13, 2014</u>
Seconded <u>H. Schmer</u>	Public Hearing <u>December 18, 2014</u>
	Date of Adoption <u>December 18, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-41

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE REVERSE SUBDIVISION OF BLOCK 3351, LOTS 1 & 2, AND THE CHANGE OF ZONING OF PROPERTY PREVIOUSLY IDENTIFIED AS BLOCK 3351, LOT 2, LOCATED AT 1589 PARKER AVENUE, FORT LEE, NEW JERSEY TO PUBLIC PARKLAND AND OPEN SPACE.**

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Borough of Fort Lee is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and

**WHEREAS**, pursuant to N.J.S.A. 40:61-1, the Borough of Fort Lee has the power to "acquire , layout, improve, embellish and maintain" any real property for a public park and open space through negotiated agreement or by the exercise of the power of eminent domain; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12-5, the Borough of Fort Lee has the power to acquire any real property for a public purpose through negotiated agreement or by the exercise of the power of eminent domain; and

**WHEREAS**, the Mayor and Council of the Borough of Fort Lee, by Ordinance 90-21, authorized the acquisition of the property located at 1589 Parker Avenue, Fort Lee, New Jersey the "Property"); and

**WHEREAS**, the Property includes a building that houses the Fort Lee Museum, which was constructed of bluestone from the Palisades by Judge Moore in 1922 and sits atop land that served as an encampment for Revolutionary War troops; and

**WHEREAS**, adjacent to the Property is a public park which honors the soldiers of the American Revolution; and

**WHEREAS**, the Mayor and Council of the Borough of Fort Lee, has determined that co-joining the Museum and Park lots, by reverse subdivision, and jointly zoning the reunited lots as a public park, will further protect the historically significant Revolutionary War site open space for the benefit of the residents of the Borough of Fort Lee and visitors.

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

SECTION I:

The Borough determines that it is in the public interest and for a public purpose to merge Block 3351, Lots 1 & 2, located in the Borough of Fort Lee, New Jersey for purposes of creating additional public parkland and open space for the benefit of Borough residents and visitors.

SECTION II:

The Borough determines that merged Block 3351, Lots 1 & 2 should be designated as Block 3351, Lot 1.

SECTION III:

The Borough determines that merged Block 3351, Lots 1 & 2 should be designated as Park.

SECTION IV:

The Borough recommends the amendment of the Borough of Fort Lee Master Plan to reflect the merger of Block 3351, Lots 1 & 2 and the change in designation of Lots 1 & 2 to Lot 1.

SECTION V:

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

SECTION VI:

All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of

the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

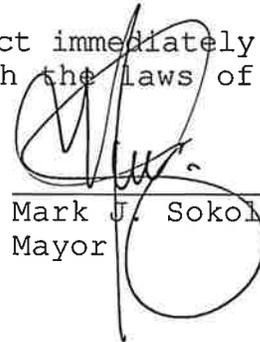
SECTION VII:

This ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

ATTEST:

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

  
\_\_\_\_\_  
Mark J. Sokolich  
Mayor

Introduced <u>J. Cervieri</u>	Date of Introduction <u>November 13, 2014</u>
Seconded <u>P. Suh</u>	Public Hearing <u>December 18, 2014</u>
	Date of Adoption <u>December 18, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-42

**BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$50,000 FOR ACQUISITION OF ADDITIONAL FURNISHINGS AND IMPROVEMENTS FOR THE BUILDING DEPARTMENT/FIRE PREVENTION BUREAU OFFICES IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$47,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance has heretofore been authorized to be undertaken by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the supplemental amount of \$50,000, such sum being in addition to the \$100,000 appropriated therefor in Section 3(b) of bond ordinance #2013-25 of the Borough, finally adopted October 10, 2013 (the "Original Bond Ordinance"), and including the sum of \$2,500 as the additional down payment required by the Local Bond Law. The additional down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$47,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is for additional furnishings and

improvements to the Building Department/Fire Prevention Bureau offices, as additionally described in Section 3(b) of the Original Bond Ordinance, including all related costs and expenditures necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is \$142,738, including the \$95,238 authorized in Section 3(b) of the Original Bond Ordinance and the \$47,500 bonds or bond anticipation notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$150,000, including the \$100,000 appropriated in Section 3(b) of the Original Bond Ordinance and the \$50,000 appropriated herein.

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

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough

may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and bond anticipation notes provided in this bond ordinance by \$47,500, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$210,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements set forth in the Original Bond Ordinance. Of this amount, \$200,000 was estimated for such items of expense in the Original Bond Ordinance and an additional \$10,000 is estimated therefor herein.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

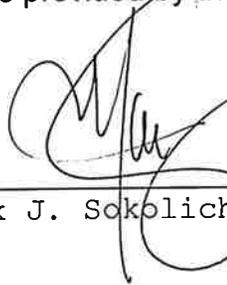
Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to

comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Attest:



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Mark J. Sokolich, Mayor

*Neil Grant*

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Neil Grant, Borough Clerk

Introduced <u>I. Kasofsky</u>	Date of Introduction <u>November 13, 2014</u>
Seconded <u>H. Schmer</u>	Public Hearing <u>December 18, 2014</u>
	Date of Adoption <u>December 18, 2014</u>

BOROUGH OF FORT LEE  
ORDINANCE # 2014-43

**BOND ORDINANCE PROVIDING FOR THE MAIN STREET FORCE MAIN AND STREETScape REVITALIZATION PROJECTS IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$5,362,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,040,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$5,362,000, including \$2,000,000 from developer contributions and \$162,000 from the Fort Lee Police Confiscated Fund (together, the "Contributions") and further including the sum of \$160,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment and the Contributions, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,040,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the Main Street Force Main and Streetscape Revitalization Projects, including all work and materials necessary therefor and incidental thereto.

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

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

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

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,040,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$1,200,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

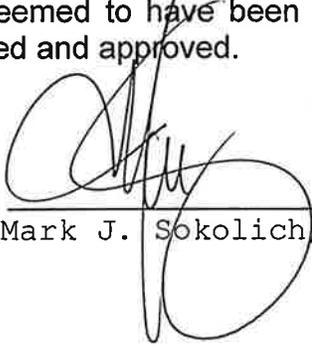
Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. Bond Ordinance #2014-29, finally adopted July 17, 2014, is revoked, rescinded and no longer in force and effect.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law. Any action taken by the Borough pursuant to Bond Ordinance #2014-29 prior to the effective date of this bond ordinance shall be deemed to have been taken hereunder and all such actions are hereby ratified, confirmed and approved.

Attest:



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Mark J. Sokolich, Mayor

*Neil Grant*

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Neil Grant, Borough Clerk

Introduced	<u>J. Cervieri</u>	Date of Introduction	<u>November 13, 2014</u>
Seconded	<u>H. Sohmer</u>	Public Hearing	<u>December 18, 2014</u>
		Date of Adoption	<u>December 18, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-44

**ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AMENDING CHAPTER 289, PARKING, OF THE BOROUGH CODE TO INCLUDE NO OVERNIGHT PARKING ZONES IN CERTAIN DESIGNATED AREAS OF THE BOROUGH OF FORT LEE**

**WHEREAS**, Chapter 298, Section 15B, of Borough of Fort Lee (“Borough”) Code (“Borough Code”) currently contains parking meter zones established on certain streets and highways in the Borough ordaining that no person shall continuously park a motor vehicle in any zone in excess of the respective maximum time periods; and

**WHEREAS**, the Borough Code does not contain any provision to prohibit overnight parking in the Borough, and in order to promote the public health, safety, morals, and general welfare of the Borough, the Council wishes to amend Chapter 289, Parking, of the Borough Code to include an article that prohibits overnight parking in certain designated areas of the Borough; and

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 289, Parking, of the Borough Code is hereby amended to include the following:

**Chapter 289, Article VI, No Overnight Parking Zones.**

**Section 48.** Unless as otherwise specified, no vehicle may be parked in any of the following No Overnight Parking Zones between the hours of 2:00 A.M. and 6:00 A.M.:

Main Street

From Hoefleys Lane to Bigler Street

West Extension of Edwin Avenue

From Summit Avenue to Kelby Street

Fletcher Avenue

From Main Street to Kelby Street

Lewis Street

From Linwood Avenue to West Extension of Edwin Avenue

Kelby Street

From Fletcher Avenue to Linwood Avenue

Linwood Avenue

From Main Street to Bridge Plaza North

Bridge Plaza North

From North Central Road to Linwood Avenue

Center Avenue

From Whiteman Street to Bridge Plaza South/Bruce Reynolds Boulevard/Marginal Road South

Bridge Plaza South/Bruce Reynolds Boulevard/Marginal Road South

From Linwood Avenue to Hudson Terrace

Lemoine Avenue

From Tom Hunter Road to Lincoln Avenue

Schlosser Street

From Hoym Street to Main Street

Palisades Avenue

From Tom Hunter Road to Main Street

Martha Washington Way/Park Avenue

From Main Street to Bridge Plaza South/Bruce Reynolds Boulevard/Marginal Road South

Angioletti Place

From Palisades Avenue to Parker Avenue

Parker Avenue

From Angioletti Place to Main Street

Bigler Street

From Main Street to Central Avenue

Central Avenue

From Hudson Terrace to Central Road

Central Road

From Main Street to Bridge Plaza South/Bruce Reynolds Boulevard/Marginal Road South

**Section 49.** Excluded Public Vehicles. The following vehicles are excluded from the overnight parking prohibition set forth in this §289-48:

- (A) Federal, state, county and local emergency services vehicles (including 1st responders);
- (B) Vehicles engaged in public works services; and
- (C) Vehicles marked as owned or operated by a public utility.

**Section 50.** Excluded Residential Vehicles. Residential permits issued prior to the effective date of this Amended Ordinance to those residential vehicles, and only those residential vehicles, designated within the No Overnight Parking Zones of this §289-48, are excluded from the overnight parking prohibition.

**Section 51.** State of Emergency. Notwithstanding any of the exceptions to the overnight parking prohibition, in the event the Borough of Fort Lee declares a state of emergency or if there is a snow accumulation that requires plowing and removal, all vehicles must be removed from every Borough street until the emergency is over or until the Borough of Fort Lee completes snow plowing and removal.

**Section 52.** Notice of Violation. Police officers or parking enforcement officers shall place on vehicles parked in violation of this Article a notice informing the owner or operator that the vehicle has been parked in violation of a provision of this article. Such notice shall contain the following information:

- (A) The state license number of the vehicle parked in violation of this article;
- (B) The date and time during which a vehicle is parked in violation of this article;
- (C) The notice shall instruct the owner or operator to report at the Violations Bureau of the Borough of Fort Lee in regard to the violation; and
- (D) Other facts necessary to the understanding of the circumstances attending a violation of this article.

**Section 53.** Violations and Penalties. The Mayor and Council, deeming it necessary for the public good and safety, do hereby ordain that the fine for violation of

this §289-48 shall be **\$38.00**. No appearance shall be required for the payment of this fine, penalty and costs.

**Section 54. Repeal.** Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

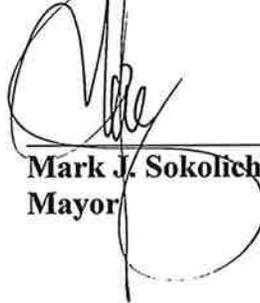
**Section 55. Effective Date.** This ordinance shall take effect immediately upon the approval and publication of adoption as provided by law.

ATTEST:

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

**BOROUGH OF FORT LEE**

  
\_\_\_\_\_  
Mark J. Sokolich  
Mayor

Introduced <u>J. Cervier</u>	Date of Introduction <u>November 13, 2014</u>
Seconded <u>H. Sohmer</u>	Public Hearing <u>December 18, 2014</u>
	Date of Adoption <u>December 18, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-45

**AN ORDINANCE AMENDING CHAPTER 388 VEHICLES AND TRAFFIC, ARTICLE V SCHEDULES, SECTION 66 SCHEDULE XX: TRAFFIC MOVEMENT AND PARKING ON BOARD OF EDUCATION AND MUNICIPAL PROPERTIES, OF THE CODE OF THE BOROUGH OF FORT LEE**

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 388 Vehicles and Traffic, Article V Schedules, Section 66 Schedule XX: Traffic Movement and Parking on Municipal Properties, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That the current text of Borough Ordinance 388-66, Schedule XX: Traffic Movement and Parking on Municipal Properties, Subsection b., Municipal Properties, is hereby amended to add the following:

5. No vehicle shall be parked in the Borough Hall parking lot at any time on Saturday, Sunday and holidays without the express written permission of the Fort Lee Parking Authority.

Section 2. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 3. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

**ATTEST:**

Neil Grant  
Neil Grant  
Borough Clerk

Mark J. Sokolich  
Mark J. Sokolich, Mayor