

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, December 2, 2004

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

PRESENT: Mayor Alter, Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

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

MAYOR'S STATEMENT

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

1. On January 4, 2004, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 5, 2004, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2004 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Cervieri, seconded by Councilman Sargenti and approved **unanimously**, the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Personnel: Administration

Contract: Time Warner Cable

Release of May 2, 2002 Closed Session Minutes - Tax Assessor Matter

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

The open portion of the executive session began upon completion of the closed portion.

ENGINEERING DISCUSSION

Dr. Stephen Boswell, Boswell McClave Engineering, was present for this portion of the meeting.

Environmental Joint Insurance Fund (EJIF) Audit

Dr. Boswell has submitted a proposal dated November 22, 2004 to provide necessary environmental services to address the recommendations for air pollution permitting and underground storage tank compliance addressed in PMK's 2004 EJIF audit.

Dr. Boswell added that this is a State requirement.

A resolution awarding contract to Boswell McClave to provide the above services at a cost of \$3,500 will be placed on the December 16th regular meeting proposed consent agenda.

RESOLUTION

R-1 - Authorizing to Bid for Retaining Wall for DPW Yard at Jane Street

Dr. Boswell said that he needs authorization to bid for a new retaining wall for the DPW at Jane Street.

Mr. Grant asked Dr. Boswell if having authorization tonight would help him speed up the process.

Dr. Boswell replied that it would.

Councilman Cervieri introduced, and Councilman Villano seconded, the following Resolution:

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

- . New Retaining Wall for DPW Yard at Jane Street.

The Resolution was **approved unanimously**.

Retaining Wall at 530 Main Street

This item was discussed in closed session due to the fact that there could be potential litigation in this matter.

GENERAL DISCUSSION

Discussion of Fire Truck Bid

Mr. Cohen said that one problem came up when reviewing the bid for the fire truck. The one problem was a non-monetary exception to an indemnification clause dealing with reasonable compromise. It was sloppy language in the clause.

Ms. Thomas said that boilerplate bid specifications were used and Mr. Cohen caught the phrase when reviewing the bid.

Mr. Cohen expressed concern about a third party suing the Borough.

Mr. Villano asked for a further explanation.

Mr. Cohen cited an example of what could happen that could negatively affect the Borough.

Mayor Alter stated that Mr. Cohen is trying to protect the Borough. Mr. Cohen wants the Borough indemnified properly.

Messrs. Sokolich and Cohen spoke to collateral litigation.

Mr. Cohen explained that Pierce could say that they do not have product liability and just would offer money damages which they would control.

Mr. Cohen's staff is looking over the language. A decision will be made to either accept or reject Pierce's bid at the December 16th regular meeting.

Amendments to Tree Removal and Replacement Ordinance

Mr. Cervieri asked that this item be brought back for discussion at the beginning of next year.

Reorganization/2005 Meeting Dates

The Mayor and Council agreed that the Borough's annual Reorganization Meeting will be held on Sunday, January 2, 2005 at 12:00 noon.

Pastor Allison Moore and Rabbi Meir Berger will be asked to give the invocations.

Mr. Grant explained to the Mayor and Council and public the tentative meeting schedule for 2005.

Advertising for Bids for Various Items

Ms. Thomas gave a list of the following items that need to be advertised for bids or to be purchased through State contract:

1. Decontamination Trailer for Emergency Management
2. Used Breathing Air Mobil Refilling System for OEM
3. VAC-All Truck for Department of Public Works

4. 3-Ton Split Air Conditioning System with/four 110,000 BTU Gas Fired Furnaces for the Richard A. Nest Senior Citizens' Center

5. Morphocheck - Fingerprinting scanner for the Police Department that connects to the New Jersey State Police System

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids or purchase through State contract for the above items will be placed on the December 16th regular meeting proposed consent agenda.

Proprietary Bid for Fire Cameras

Mr. Cohen said that the Fire Department is requesting purchase of thermal imaging cameras as a non-bid item. The problem is that they are on the State bid list. He has directed the Fire Chief's memo of November 18th to Bernard Hart, Public Safety Director, for his input.

Community Pool/Aquarium

Mayor Alter stated that the Council is not being asked to approve anything tonight. He just wants Fort Lee to be the best possible community in the United States. He believes two things are still missing in the Borough, one being a recreation center pool. There has been space left for it. He is curious to see

what the cost is.

Mr. Villano and Ms. Thomas to look back at what the initial cost for the recreation pool was.

Mayor Alter stated that the second thing the Borough is missing is an aquarium. There are no sites in Fort Lee to put an aquarium; however, the Port Authority Administration Building on Bruce Reynolds Boulevard may be a viable location. It is a strong building. Nothing could be started for three to four years, but he would like permission to have some negotiations with the Port Authority for them to give the Borough their old building when they move into their new home. He wants to talk to experts to see the hard and soft costs in having an aquarium.

Mr. Cervieri thought the PIP property along the Hudson River would be better suited to house an aquarium. He suggested that funding from the Rockefeller Foundation might be available.

Mayor Alter disagreed with Mr. Cervieri's assessment regarding location.

Mayor Alter said that placing it in the existing building would cost a lot less. The aquarium would be an extension of the Borough's education system.

Mr. Cervieri pointed out that adaptive reuse for a facility could actually cost more than building a new facility.

Mr. Villano said he is not against anything, but he wants to cut down on the Borough's bonding and he wants to stabilize taxes.

Mayor Alter said that he is looking for encouragement from the Council to go forward.

Mr. Cervieri wants more from the Port Authority than just a donated building.

Mr. Pohan stated that he needs to know costs before he can support the idea.

Mayor Alter will proceed ahead and bring back information to the Council as he receives it.

Mr. Sokolich believes that there is no harm in Mayor Alter doing some preliminary checking; however, there are a lot of costs involved in this kind of project.

Mr. Villano added that his order of preference of projects

would be field turf at the Middle School first, a pool for the recreation center second and the aquarium third.

Mr. Pohan asked if the Office of Economic Development is working on a use for the property.

Mayor Alter replied that was stopped.

Mr. Sokolich reiterated that Mayor Alter will do an exploratory investigation with regard to the aquarium.

Discussion of Taxi/Limousine Ordinance

Mr. Cervieri concurred with Mr. Villano's comments at the last public meeting that limousine and taxi service needs to be addressed separately. He is looking for a possible change to a medallion type system.

Mr. Villano stated that the speaker at the last public meeting made a good case for leaving the number of limousine licenses at ten. He concurred that no change should be made.

Mr. Cervieri stated that the licensing fees for both taxi and limousine service should be raised to the fees set at the ordinance that was tabled last week.

Mr. Villano said that the speaker for the taxi services did not make a good case at last week's regular meeting to keep the number of taxi services at five. He opined it is close to a monopoly.

Mr. Sokolich suggested that some kind of floor be set for having a minimum number of cabs on the road for each company that is licensed.

Mr. Cohen said that he is in the midst of receiving different taxi ordinances from other larger cities. He suggested having a small committee to work with him on various concepts.

Mr. Grant suggested raising the number of limousines allowed for each company from five up to a maximum of ten.

Messr. Cervieri and Sokolich suggested skipping a committee approach and let Mr. Cohen do a new draft ordinance at which point the Mayor and Council can review his draft.

The rest of the governing body concurred with Mr. Sokolich.

Mac-On Inc. Liquor License (Inactive)

Mr. Grant stated that the above liquor license should have not been approved at the November 23rd regular meeting. The licensee still has an outstanding retro fee that it owes to the State Alcoholic Beverage Control Commission. Until the fee is paid the Borough does not have authorization to approve the license.

A resolution rescinding the action taken at the November 23rd meeting will be placed on the December 16th regular meeting proposed consent agenda.

Skeleton Building (Added on Item)

Mr. Cohen stated that the title to the building has not been transferred yet to the Borough.

PUBLIC HEARINGS SCHEDULED FOR DECEMBER 16, 2004

- Ord. #2004-44--Authorizing an Emergency Appropriation for Revaluation - \$250,000
- Ord. #2004-45--Bond Ordinance for New Fire Truck - Triple Combination Pumper - \$525,000
- Ord. #2004-46--Amending Chapter 261, Section 32, "Land Use Ordinance" - List of Property Owners Furnished

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Release of May 2, 2002 Closed Session Minutes	Mr. Grant Mayor Alter

There being no further discussion, the meeting was adjourned **on motion by Councilman Villano, seconded by Councilman Cervieri,** at 9:00 p.m.

Neil Grant, RMC
Municipal Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, November 4, 2004

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

PRESENT: Mayor Alter, Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky

ABSENT: Councilman Cervieri

ALSO PRESENT: Peggy Thomas, Borough Administrator
Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney
Bernard Hart, Director of Public Safety

MAYOR'S STATEMENT

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

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RESOLUTION FOR CLOSED SESSION

On motion by Councilman Villano, seconded by Councilman Kasofsky and approved **unanimously**, the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Personnel: Tax Collector's Office
Deputy Emergency Management Coordinator

Police Department
Emergency Medical Technician

Closed Session Minutes September 23, 2004 - Helmsley/
Town & Country vs. Borough of Fort Lee

Tax Appeal Settlements

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

The open portion of the executive session began upon completion of the closed portion.

ENGINEERING DISCUSSION

Edward Mignone, Boswell McClave Engineering representative, was present for this portion of the meeting.

NJDEPS Tier A Municipal Stormwater Permit

Mr. Mignone stated that there are pending regulations from the New Jersey DEP that take effect on April 1, 2005. General permits have already been applied for. He is requesting a budget of \$5,000 to get started on the requisite stormwater management plan with regard to the new legislation.

A resolution awarding a contract to Boswell McClave for \$5,000 will be placed on the November 23rd regular meeting proposed consent agenda.

Change Order for Community Center

Ms. Thomas stated that milling and paving around the community center site was not included in the original contract with APS Contractors, Inc. She compared in-house prices to do the work and it was agreed that the price of \$52,570 offered by APS to do the milling and paving was a very good value.

A resolution approving a change order for APS will be placed on the November 23rd regular meeting proposed consent agenda.

GENERAL DISCUSSION

Rescheduling of November 15, 2004 Regular Meeting

The regular meeting of November 15, 2004 will be cancelled and rescheduled for Tuesday, November 23, 2004 at 7:00 p.m.

Special Emergency Appropriation for Revaluation

Ms. Thomas stated that the Borough will introduce an ordinance on November 23rd for a \$250,000 special emergency appropriation for the recently concluded revaluation. The original appropriation was for \$500,000. The Borough has spent over \$650,000 on the revaluation. The \$250,000 appropriation will be spread over five years as allowed by law.

Fort Lee Community Center - Milling and Paving of Certain Streets

This item was the change order for the Community Center which was discussed above during the engineering portion of the meeting.

Liquor License Person to Person Transfer from Maharaja Inc., to Queens Recipe Inc. at 2151 Lemoine Avenue

Mr. Grant reported that this transfer is to change corporations. The shareholder of the new corporation is the same person as the previous corporation.

A resolution authorizing person-to-person transfer of the above liquor license will be placed on the November 23rd regular meeting proposed consent agenda.

Renewal of Liquor License - Mac-On Inc. (Inactive)

Mr. Grant stated that the above license has not yet been renewed for the 2004-2005 licensing year. The renewal fees have been received by the Borough and State tax clearance has been issued. An issue with the State regarding whether the Borough had the authority to renew the license has been resolved.

A resolution authorizing renewal will be placed on the November 23rd regular meeting proposed consent agenda.

Minor Amendment to Land Use Ordinance

Mr. Grant stated that a minor amendment to the Borough's

Land Use Ordinance pertaining to which Borough official furnishes the list of property owners needs to be changed from the Tax Assessor to the Zoning Officer and/or Planning Administrator.

Mr. Sokolich asked if it is required by law that it must be the Tax Assessor who must furnish the list.

Mr. Cohen said that it is traditionally the Tax Assessor who furnishes the list, but it is not mandated by law.

An ordinance amending Chapter 261-32 of the Land Use code to reflect the above change will be placed on the November 23rd regular meeting for introduction.

USA Patriot Act

Mayor Alter said it is a terrible time in this country with traditional values being bent.

Mr. Villano said that the USA Patriot Act bends things more than they need to be. He is looking for a resolution supporting changes to the Patriot Act. Fort Lee would not be the first community to do it. He believes that the Patriot Act crosses on his personal rights.

Mr. Pohan said he does not like parts of the Patriot Act, but he prefers that the Borough take no action on this matter. He has enough to do as a Councilman than to get involved with legislation that came from the federal government.

Advertise for Bids for New Kitchen for the Senior Citizens Center

Ms. Thomas stated that the Borough will be receiving \$200,000 in grants from Bergen County for the project. She handed out diagrams of the proposed changes to the senior citizen kitchen.

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids for the kitchen rehabilitation and purchase of new kitchen equipment will be placed on the November 23rd regular meeting proposed consent agenda.

Purchase of Two Dodge Durangos for the Police Department

A resolution purchasing two Dodge Durangos for the Police Department by State Contract at a cost of \$21,414.24 for each vehicle will be placed on the November 23rd regular meeting

proposed consent agenda.

Christ Church Community Development Corporation

Mayor Alter stated that he received a letter from the above organization looking for a \$5,000 grant to sustain their services to the homeless.

Mr. Villano supported the idea.

There was no consensus from the rest of the council to give money to the organization. No further action was taken.

RESOLUTION

R-1 - Ocean Routing for Teterboro Airport

Mayor Alter stated that he would like to support a resolution recently approved by the County Board of Chosen Freeholders which would reduce noise coming out of Teterboro Airport.

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

WHEREAS, Teterboro Airport is located in the densely populated and highly traveled region of Bergen County along Route 46 Highway in the boroughs of Teterboro and Moonachie; and

WHEREAS, in response to public safety concerns at Teterboro Airport, the Coalition for Health and Public Safety was formed; and

WHEREAS, on May 7, 2003, the Board of Chosen Freeholders passed Resolution 480 urging all 70 municipalities to join the Coalition for Health and Public Safety to address all concerns regarding air traffic over Bergen County; and

WHEREAS, the Federal Aviation Administration held a scoping meeting on March 13, 2001 to present three scenarios and to provide the opportunity for public comment on plans to address air traffic in Bergen County; and

WHEREAS, one redesign concept is utilizing ocean routing which extends paths for turbojets operating at low altitudes bringing the aircraft to higher altitudes prior to flying over urbanized areas; and

WHEREAS, ocean routing would alleviate noise and air pollution while also minimizing the amount of air traffic over residential areas in Bergen County,

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Fort Lee urges the FAA to adopt the concept of ocean routing over Teterboro; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Governor McGreevey, Senator Corzine, Senator Lautenberg, Congressman Rothman, State Senator Coniglio, the Federal Aviation Administration, the Port Authority of New York and New Jersey and surrounding municipalities in Bergen County.

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

AYES: Council Members Kasofsky, Villano, Sargenti, Sokolich

ABSTENTION: Councilman Pohan

Revolutionary War Painting (Added on Item)

Discussion ensued between Ms. Thomas, Mayor Alter and the governing body as to where to place a large painting of George Washington that the Board of Education found in one of its schools that was done by Paul Ortlip's father.

Ms. Thomas added that James Viola, VFW Post 2342 Commander, wants the painting displayed in the Council Chambers behind where Mayor Alter sits during Mayor and Council meetings.

There was no consensus amongst the governing body as to where the picture should go.

Nancy Stern, Board of Education President, will be formally presenting the picture to the Mayor and Council at its November 23rd regular meeting.

Office of Emergency Management Volunteers and Emergency Responders Meeting (Added on Item)

Mr. Hart stated the he along with Thomas Bernard, Emergency Management Coordinator, will be meeting with the OEM volunteers on Monday, November 15th at 7:30 p.m. at 319 Main Street.

Mayor Alter said the Borough should have representation at the meeting, but reminded the governing body members that no more than three council people should attend.

Mayor Alter said that he will be away and will not be attending the meeting.

Ms. Kasofsky said that she would attend the meeting.

Mr. Sargenti said that he would try to attend the meeting.

Mr. Hart stated that there will also be an Emergency Responders meeting on Tuesday, November 23rd at 2:00 p.m. in Borough Hall.

Mayor Alter reiterated to the council members that no more than three council people can attend the meeting without the meeting having to be opened to the public.

Radio Project (Added on Item)

Mr. Hart received a second and final draft copy of the proposal for the radio project. He has reviewed the proposal accordingly and has submitted a series of questions that he needs answered. The final report should be forthcoming shortly.

Mayor Alter stated that this project originally started out at a seven figure cost.

Ms. Thomas replied that the figure is now much lower.

Powershifts (Added on Item)

Mr. Villano spoke about workshops for the officers when they do their powershifts. He asked whose responsibility is it for the men to take part take in the workshops.

Mr. Hart said that it is the Police Chief's responsibility. He added that he believes that all of the current officers have taken the workshops that Mr. Villano is involved with.

PUBLIC HEARING SCHEDULED FOR NOVEMBER 15, 2004

Ord. #2004-43--Amending Chapter 372, Articles I and II, Various Amendments to Taxicab and Limousine Ordinance

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Charles Sobel 2175 Hudson Terrace	.Congratulated Winning Candidates	

There being no further discussion, the meeting was adjourned **on motion by Councilman Villano, seconded by Councilman Sargenti,** at 8:28 p.m.

Neil Grant, RMC
Municipal Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, October 21, 2004

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

PRESENT: Mayor Alter, Council Members Pohan, Villano, Sargenti, Kasofsky, Cervieri

ABSENT: Councilman Sokolich

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

MAYOR'S STATEMENT

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

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RESOLUTION FOR CLOSED SESSION

On motion by Councilman Villano, seconded by Councilman Cervieri and approved **unanimously**, the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Personnel: Police Department Motor Vehicle Coordinator
Senior Citizens' Center

Potential Litigation: Cross-Acceptance Plan/New Jersey Smart Growth - Dennis Oury, and Scott Sproviero, Esqs. and Paul Phillips, Borough Planner, in Attendance

Contract Negotiation: With Port Authority Regarding Possible Grant

COAH Settlement: Ed Boccher, Esq. in Attendance

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

The open portion of the executive session began upon completion of the closed portion.

GENERAL DISCUSSION

Grant Agreement for Stormwater Pollution Prevention Plan

Ms. Thomas stated that the New Jersey Department of Environmental Protection (NJDEPE) has a grant of slightly over \$20,000 available with regard to the Borough's stormwater pollution prevention plan.

A resolution authorizing the Chief Financial Officer to make the grant application to the NJDEPE will be placed on the October 28th regular meeting proposed consent agenda.

Fire Department Inspection Dinner

Ms. Thomas stated that the Fort Lee Film Commission's dinner is in conflict with the Fire Department's dinner. Both dinners have been scheduled for Saturday, November 13th.

Mr. Grant stated that the Fire Department dinner will be held at the Fiesta. The cost of the dinner is \$85.00 per person. There are expected to be 300 people attending.

A resolution approving the expenditure for the Fire Department dinner will be placed on the October 28th regular meeting proposed consent agenda.

Discussion of Taxi & Limousine Ordinance

Mr. Grant reminded everyone that Mr. Cohen has prepared an ordinance amending a few items, including the raising of fees and adding to the number of taxi and limousine licenses that the

Borough is going to issue.

Mr. Grant asked how he should hand the submission of old applications for someone wanting a new taxi or limousine license.

Mr. Cerviri suggested new licenses be done in a lottery format, if more than one application has been received for a particular license.

Mr. Cohen concurred if there are multiple recent applications then Mr. Grant should publish that new licenses are available and that a lottery will be held for the licenses.

A ordinance introducing various amendments to the taxi and limousine ordinance will be introduced at the October 28th regular meeting.

Discussion of Flu Shots (Added on Item)

Mayor Alter praised Steve Wielkocz, Health Inspector, in his handling of the flu shots. The Mayor is a little less optimistic now with regard to the number of doses the Borough will be receiving.

RESOLUTIONS

R-1 - Discussion and Rejecting Bids for Boiler for the Library

Ms. Thomas stated that the Borough in its capital ordinance had set aside \$35,000 for a new boiler for the library. She initially directed Rita Altomara, Library Director, to go through the Borough's Purchasing Consultant. The bids came in yesterday and both bids of \$66,000 and \$170,000 were over the budgeted amount. She is recommending that the bids be rejected and that the library handle this matter themselves.

Ms. Thomas added that the old boiler was checked for asbestos, and that there is some asbestos on the inside plates of the boiler.

Mr. Grant mentioned that the asbestos report should be coming in tomorrow's mail.

Mr. Cohen has prepared a resolution to reject the bids tonight. He concurred that the project should be handled by the library.

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

WHEREAS, the Borough of Fort Lee acting as authorized agent for the Fort Lee Public Library Board advertised and received bids on October 20, 2004 for the purchase and installation of a boiler referenced as the "F.L.P.L. Boiler"; and

WHEREAS, the Borough is in receipt of two bid responses;

<u>Bidder</u>	<u>Amount</u>
DJ's Mechanical P.O. Box 6083 Monroe Township, New Jersey 08831	\$66,890.00
Carrier Corporation 14-30 Madison Road Fairfield, New Jersey 07004	\$170,000.00

WHEREAS, both aforementioned bids substantially exceeded the Borough's estimated project cost,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee in the County of Bergen, State of New Jersey that the above referenced bids be and are hereby rejected for the aforementioned reason; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

The Resolution was **approved unanimously.**

R-2 - Authorizing the Participation of the Borough of Fort Lee in the State Development and Redevelopment Plan Cross-Acceptance Process

This was an added on item because the deadline for participation is October 26, 2004.

Mr. Grant read portions of the resolution that explained the cross-acceptance process and that authorizes Dennis Oury as the Borough's designated representative for the purpose of effectuating the cross-acceptance process.

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

RESOLUTION AUTHORIZING PARTICIPATION OF THE BOROUGH OF FORT LEE IN THE STATE DEVELOPMENT PLAN CROSS-ACCEPTANCE PROCESS

WHEREAS, the State Planning Act of 1985 (N.J.S.A. 52:18A-196 et. seq.) created a State Planning Commission and an Office of Smart Growth for the purpose of establishing a cooperative planning process that involves the full participation of state, county and local governments; and

WHEREAS, the State Planning Act states that New Jersey needs integrated and coordinated planning in order to conserve its natural resources, to revitalize its urban centers, to provide affordable housing and adequate public facilities at a reasonable cost, to promote equal social and economic opportunity for New Jersey's citizens, and to prevent sprawl and promote the suitable use of land; and

WHEREAS, the primary duty and responsibility of the State Planning Commission under the State Planning Act is the preparation of a "State Development and Redevelopment Plan"; and

WHEREAS, the State Planning Act also provides that the State's municipalities are to have an essential role in development of the State Plan through their participation in the Cross-acceptance process to be conducted under the Act; and

WHEREAS, the Cross-acceptance process is the primary vehicle under the Act for promoting vertical coordination and integration of state, county and local plans by affording county and municipal governments a full and open opportunity to be involved in recording inconsistencies between state and local policies; and

WHEREAS, the Board of Chosen Freeholders of The County of Bergen has concluded that is appropriate, necessary and in the county's interests to fully participate in the development of the State Plan through the full and active participation of the County government, including in particular its Planning Board and its Department of Planning, in the Cross-acceptance process; and

WHEREAS, the Governing Body of the Borough of Fort Lee has concluded that it is appropriate, necessary and in the municipality interest to fully participate in the development of the State Plan through the full and active participation of the Municipal Government, including in particular its Planning Board and its Department of Planning, in the Cross-acceptance process, and

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and Council of the Borough of Fort Lee in the County of Bergen as follows:

1. The Borough of Fort Lee, by and through its Authorized Representative, is hereby authorized and directed to carry out the Cross-acceptance process pursuant to the

State Planning Act N.J.S.A. 52:18A-196 et.seq. and the State Planning Rules, N.J.A.C. 17:32 and any other rules promulgated by the State Planning Commission for this purpose.

2. The Authorized Representative shall coordinate with the County of Negotiating Entity in their preparation of a proposed work program and schedule for municipal and County Cross acceptance and Negotiating Entity shall submit said work program and schedule to the New Jersey Office of Smart Growth.
3. The Borough of Fort Lee shall provide such assistance to the County Planning Board or Negotiating Entity as be required in order to prepare a Cross-acceptance Report and successfully complete the Cross-acceptance process.
4. The Borough of Fort Lee shall cooperate with the Municipal and County Planning Board or Negotiating Entity and provide information and furnish such documents as may be required.
5. Dennis J. Oury, Esq, of Hackensack, New Jersey shall be and is hereby designated as the Authorized Representative for the purpose of effectuating the Cross-acceptance process and all other acts and things contemplated herein.

The Resolution was **approved unanimously**.

Tree Ordinance (Added on Item)

Mr. Cervieri handed out the tree ordinance with some proposed revisions. He is looking for the Mayor and Council to review the proposed changes for further discussion at the next work session. It includes requiring a permit for every tree cut and that one tree could be cut down with no reason every three years. The new amendments would prevent the wholesale cutting of trees. An amended ordinance with better communication from the Building Department will lead to a better ordinance than currently exists. There are a couple of further items to be reviewed.

Messrs. Alter and Cervieri exchanged comments regarding the cost of a permit and the definition of trees so as to explain that more trees would be saved as result of the new amendments.

This item to be placed back for further discussion at the November 4th work session.

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the meeting moved into public participation.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Tax Appeal Settlement .Explanation of Cross-Acceptance Process	Mr. Pohan Mayor Alter
Charles Sobel 2175 Hudson Terr.	.Explanation of Cross-Acceptance Process	Mayor Alter Mr. Cohen

There being no further discussion, the meeting was adjourned on motion by Councilman Cervieri, seconded by Councilman Sargenti, at 8:15 p.m.

Neil Grant, RMC
Municipal Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, October 14, 2004 @6:30 p.m

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

PRESENT: Mayor Alter, Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

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

MAYOR'S STATEMENT

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

1. On January 4, 2004, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 5, 2004, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2004 to cover the cost of providing notice.

3. On October 8, 2004 a written notice of the change in date and time for this meeting was posted at the Municipal Building, 309 Main Street, Fort Lee, New Jersey.

4. On the same date a copy of said written notice was mailed to the Record, Jersey Journal and Time Warner Cable and a copy was filed with the Borough Clerk.

5. On the same date, copies were mailed to all persons who have requested copies of such notices, and have prepaid the \$10.00 fee fixed for the year 2004.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Cervieri, seconded by Councilman Sargenti and approved **unanimously**, the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Personnel: Deputy Emergency Management Coordinator
Police Department

Tax Matter: 505 Mediterranean House (JA)

Litigation: COAH Settlement

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

The open portion of the executive session began upon completion of the closed portion.

ENGINEERING DISCUSSION

Edward Mignone, Boswell McClave Engineering representative, was present for this portion of the meeting.

Discussion of Bids for Anderson Avenue Storm Drain By-Pass Project

Mr. Mignone stated that this project is being funded by Bergen County. The Department of Community Affairs changed its rules recently regarding New Jersey business registration certificates and his legal people did not make the change, which made the bid advertisement faulty.

Mr. Mignone and Mr. Cohen concluded that all the bids should be rejected and that the project should be rebid.

A resolution to that effect will be placed on tonight's regular meeting proposed consent agenda.

1095 Bergen Boulevard Installation of Water Main

Mr. Mignone stated that this is a standard application from United Water regarding the installation of the water main.

Mr. Cervieri originally expressed concerns that this property was in an area that has had some flooding problems, but

after he reviewed the site he recognized that the house in question is further south than where the flooding problems have been occurring.

It was agreed that a resolution authorizing an approval of extension form, for the installation of the water main by 1095 Bergen Boulevard as requested by United Water, will be placed on tonight's regular meeting proposed consent agenda.

1265-1275 15th Street Drainage Problems

Mr. Mignone said that he was made aware last year of the drainage and runoff problems at the Carriage House property which has caused flooding problems at The Charlton. He sent a letter to Kibel Company, property managers for the Carriage House, back in September asking them to submit plans and design calculations for a pump that would divert the water to the Borough's drainage system on 15th Street. He suggested in the letter that they may need an engineer. He indicated to the Mayor and Council that more street drainage may be needed. Also, the parking deck at the Carriage House that pitches towards The Charlton makes this a combined problem.

Proposal for Improvements to Inwood Terrace Park

Mr. Grant mentioned that the Borough will be applying for a \$100,000 open space grant for this project.

Mr. Sargenti stated that Inwood Terrace Park is used during the summer camp and it needs to be renovated including changing the direction of the ballfield. The kids are hitting the ball into the street which is a cause for concern. There is also a high grade in the park.

Mr. Mignone said a turf field would cost approximately \$279,000. Also it is expected that rubber padding will replace the wood chips where the recreation equipment is. A precast building for bathrooms is also being considered.

On questioning by Mr. Cervieri, he was told authorizing the topographical survey and conceptual site plan only would cost \$28,500.

Ms. Thomas added that engineering is definitely needed to reverse the field so it is not as dangerous. Also, better field drainage will be realized by the design improvements.

Mayor Alter suggested that the Borough contract with Boswell McClave to do the whole park including construction plans.

It was agreed that a resolution awarding a contract to Boswell McClave to do a topographic survey, conceptual site plan and construction plan for improvements to Inwood Terrace Park at a fee not to exceed \$68,200 will be placed on tonight's regular meeting proposed consent agenda.

Eleventh Street (Added on Item)

Ms. Thomas stated that debris was pulled out of the Long Swamp today. The Borough is trying everything it can to alleviate the flooding problems, while the permit process continues to potentially dredge the swamp.

Mr. Mignone stated that he sent a letter looking for permission from Palisades Park. The Borough needs their permission before the dredging process can even begin.

540 Main Street Stucco Wall System

Ms. Thomas stated that Mr. Grant received a letter from Sam Cereste, Esq., advising that S. Barila & Sons, Inc. has not signed the Borough's contract and has pulled out of the job related to the performance of placing a stucco wall system at 540 Main Street.

Even though an enabling resolution was approved, Mr. Barila never signed the contract.

Ms. Thomas added that Maureen Holtje, Purchasing Consultant, will get a proposal from some other contractor to do the work. The project does not have to be bid on as bids were taken and rejected twice. She will also write a letter to Edith Sauter, owner of 530 Main Street, explaining to her the Borough's problems related to the wall system.

Conversation ensued between Messrs. Villano, Cervieri and Ms. Thomas with regard to the rebuilding of the wall and the plans with regard to the reconditioning of 540 Main Street.

GENERAL DISCUSSION

Discussion of Bids Received for Fencing for Monument Park

Ms. Thomas stated that the low bid for the project was \$20,760.

Mr. Villano said that the park looks good without a fence. There was an overall consensus from the governing body not to place a fence at the park.

A resolution authorizing rejection of bids because the Borough has decided not to go forward with the project will be placed on the October 28th regular meeting.

Thermal Imaging Cameras

Ms. Thomas stated that the Fire Department presently has three thermal imaging cameras. One is out of service and the other two cameras are of older technology.

A resolution authorizing the Purchasing Consultant to prepare specification and advertise for bids for three new thermal imaging cameras or purchase through New Jersey State contract will be placed on tonight's regular meeting proposed consent agenda.

Purchase of Two Marked Police Vehicles

Richard Radoian, Police Department Motor Vehicle Coordinator, was present for this portion of the meeting.

Ms. Thomas stated that the Police Department has requested the purchase of two marked four-wheel drive police vehicles. The purchases will be paid out of the capital account.

Mr. Radoian mentioned that there are forty vehicles being auctioned of which nine are police vehicles.

Ms. Thomas noted that the new Special Law Enforcement Officers are also going to need vehicles. She is working with Mr. Radoian so that they can ride in used vehicles.

A resolution authorizing the Purchasing Consultant to purchase two new vehicles through New Jersey State contract will be placed on tonight's regular meeting proposed consent agenda.

Purchase of Vehicle for Buildings & Grounds

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids or purchase through New Jersey State contract will be placed on tonight's regular meeting proposed consent agenda.

Bergen County Community Development Grants - Senior Citizen Center and Fort Lee Housing Authority

Resolutions endorsing grants for improvements to the kitchen at the senior citizen center and computers for the Fort Lee Housing Authority for its family self-sufficiency program will be placed on tonight's regular meeting proposed consent agenda.

Developers Agreement for 1201 Anderson Avenue

A resolution prepared by the Borough Attorney's office approving a developers agreement for Byong Suh at 1201 Anderson Avenue will be placed on tonight's regular meeting proposed consent agenda.

Farmers Market 2005

Ms. Thomas stated that the Borough is preparing to have a Farmers Market in the Borough next year. The event will be held weekly on Sundays beginning in June and running through October in the Municipal Parking Lot. The hours will be 9:00 a.m. to 3:00 p.m.

Mr. Sokolich said that this is a great idea.

Mayor Alter asked who manages the event for the Borough.

Ms. Thomas replied that she and Tom Meyers, Director of Cultural and Heritage Affairs, will be working together on the event.

Newspaper Advertisement to Celebrate Veterans Day

Mr. Grant asked if the Mayor and Council wished to place an advertisement in the Record to commemorate Veterans Day.

The Mayor and Council chose not to place an advertisement.

Purchasing of Turnout Gear and Firefighter Equipment for the Fire Department

Ms. Thomas stated that the Fire Department has made requests for turnout gear and firefighter equipment. Their requests have been run past Bernard Hart, Public Safety Director. They are requesting fifteen new sets of turnout gear at a cost of \$29,271.98 and Scott Paks (SCBA) at a cost of \$39,744.

The Mayor and Council agreed to the Fire Department's requests.

Resolutions authorizing the purchase of the equipment through New Jersey State contract will be placed on the October 28th regular meeting proposed consent agenda.

Tree Ordinance

Mr. Cervieri stated that he noticed a home being demolished with trees being taken down. He was under the impression that the Borough's ordinance prevented the taking down of large trees. He did not believe when the tree ordinance was amended a couple of years ago that it was the intent of the governing body to have trees destroyed. There needs to be a limit to what is being taken down. He spoke to replacement trees being substituted not less than 2.5 inches in diameter as indicated in the current ordinance.

Ms. Thomas stated that the tree ordinance is very broad.

Mr. Sokolich stated that the Building Department may not be enforcing the replacement provision of the ordinance correctly.

Mayor Alter added that the Borough's ordinance covered a few glitches, but may need further clarification.

Mr. Cervieri added that no hardship is being shown.

Ms. Thomas to set up a meeting with Messrs. Cohen and Cervieri, Erik Swanson, Building Sub Code Official, and herself.

This item to be placed back for discussion on next week's executive session agenda.

PUBLIC HEARING SCHEDULED FOR OCTOBER 14, 2004

Ord. #2004-42--Amending Chapter 388, Sections 14 and 69
Handicapped Parking Spaces - By 3031 Edwin Avenue and
410 Park Place

PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the meeting moved into public participation.

The public offered no comment during this portion of the meeting.

There being no further discussion, the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, at 8:13: p.m.

Neil Grant, RMC
Municipal Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, September 30, 2004

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

PRESENT: Mayor Alter, Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

ALSO PRESENT: Peggy Thomas, Borough Administrator
Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney
Bernard Hart, Public Safety Director

MAYOR'S STATEMENT

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

1. On January 4, 2004, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 5, 2004, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2004 to cover the cost of providing notice.

3. On September 15, 2004 a written notice of the change in time for this meeting was posted at the Municipal Building, 309 Main Street, Fort Lee, New Jersey.

4. On the same date a copy of said written notice was mailed to the Record, Jersey Journal and Time Warner Cable and a copy was filed with the Borough Clerk.

5. On the same date, copies were mailed to all persons who have requested copies of such notices, and have prepaid the \$10.00 fee fixed for the year 2004.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Sargenti, seconded by Councilwoman Kasofsky and approved **unanimously**, the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Personnel: Desk Audit Reports
Police Department & Police Specials
Communications Repair
Municipal Court
Deputy Emergency Management Coordinator

Litigation: Headlam vs Borough of Fort Lee
C&K Holding vs. Boro of Fort Lee
9W Office Center vs. Boro of Fort Lee

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

The open portion of the executive session began upon completion of the closed portion.

ENGINEERING DISCUSSION

1095 Bergen Boulevard Installation of Water Main

Mr. Grant explained that United Water needs a resolution for the installation of 100 feet of 6" ductile iron piping to serve 1095 Bergen Boulevard. This is for a water line for a new house being built.

Mr. Grant added that Ed Mignone, Boswell Engineering, and James Carney, Fire Subcode Official, reviewed United Water's request.

Mr. Cervieri expressed concerns about flooding that has occurred in the area in question. He asked that this item be held until next week's work session.

Mr. Grant to speak to Boswell Engineering concerning United Water's request.

GENERAL DISCUSSION

Renaming of Street

Mayor Alter stated that the Reisman family, longtime Borough residents who live in Horizon House, have requested that a street be named after their son, who was killed on September 11, 2001.

Mr. Villano replied that the first step is to decide if the Borough wants to honor their request.

Mr. Cervieri said that there are some duplicate street names in Fort Lee that could be changed.

Mayor Alter asked that Mr. Grant send to the governing body an information packet that he brought with him tonight regarding the history of the Reisman family request.

2005 State Health Benefit Rates

Mayor Alter stated that insurance costs have gone up over fifty percent in the last three years. Coverage for a single person is \$7,000 and \$16,00 for a husband and wife. The Borough will have to have a permanent plan to reduce costs, such as new employees paying for some of their benefits. This issue will have to be dealt with the unions when the next set of contract negotiations begins. It is a collective bargaining issue. The Borough cannot get out of the plan because of the retirees in the system. Other companies will not take on the plan with the retirees included. This is one of the problems with the State Plan.

Ms. Thomas stated that the Borough is doing a little better with regard to the rate increases this year and next year in comparison to 2002 and 2003.

Municipal Court Discovery OPRA Class Action Settlement

Mr. Grant explained the class action lawsuit that was brought against numerous municipalities including Fort Lee for overcharging for Municipal Court discovery requests.

Mr. Cohen is to look at the Borough's ordinance to make sure that the Borough's fee schedule is correct.

100 Old Palisade Road - Condominium Conversion

Mayor Alter mentioned that the Palisades rentals are being converted to condominiums.

Mr. Cohen replied that it is a private affair that the Borough does not have to get involved with.

Mr. Cervieri asked about Old Palisade Road. He wanted the traffic division to do a report regarding the use of Old Palisade Road.

Ms. Thomas to contact the Police Department with regard to his request.

Mayor Alter feels that if the road is used too much it is going to create new rush hour traffic in another part of the Borough.

Ms. Thomas told everyone that Old Palisade Road has been resurfaced. It was in bad condition before the resurfacing.

Taxation/Cell Towers

Mayor Alter stated that Judge Tessaro mentioned to him that Pennsylvania has used taxation of cell towers to create new revenue for towns.

Mr. Pohan stated that this is an issue that needs to be dealt with by the Tax Assessor.

Mr. Sokolich concurred that the Tax Assessor would have to make assessments of the cell towers.

Ms. Thomas to check with the Tax Assessor regarding the issue.

Traffic Flow by Stillwell Avenue

Mr. Sokolich is recommending that some traffic slowing device such as cones be used on Stillwell Avenue by the soccer/football field. Cars are driving too fast and he is concerned that someone is going to be hit there.

Mr. Villano agreed that the traffic stands do slow cars down.

Mayor Alter said that the placement of the stands has to be done correctly because sometimes cars cannot make wide turns around them, depending on the street.

Mr. Hart to relay Mr. Sokolich's request to the Police Chief.

Main Street/Commercial Zone Architectural Review Board

Mayor Alter left the room at this point in the meeting at 8:10 p.m.

Ray Levy, Director of Economic Development, and Dennis Oury, Attorney for Economic Development, were present for this portion of the meeting.

Mr. Sokolich stated that he is not happy with the look and condition of Main Street. When he appears before other towns, he is directed to a committee of people who are members of architectural review boards that set standards for the look of commercial zones.

Mr. Pohan said that he had sent a memo to Mr. Levy some time ago about establishing architectural standards in the Borough's central district.

Mr. Cervieri stated that the Borough needs to set the standard and establish a look and not wait for what Town and Country is doing.

Mr. Villano stated that the Borough is losing Main Street. This issue came up when Tom Meyers was on the Council. The Borough should try it with a two-person architectural committee.

Mr. Pohan added that Englewood has an advantage because the town has a certain look.

Mr. Levy stated that he does not believe an architectural review committee should be formed at this time.

Conversation also ensued between Messrs. Levy, Oury, Sokolich and Villano regarding the sign ordinance. The conversation concluded with everyone being aware that a sign ordinance cannot include what colors can be used.

Messrs. Levy, Oury, Sokolich and Villano are going to delve into this matter further.

Purchase of Four Wheel Drive Vehicle for Fire Chief

A resolution authorizing the purchase of a four wheel drive 2004 Ford Expedition for the Fire Department through the Bergen County Cooperative Purchasing Program at a cost of \$27,047.63 will be placed on tonight's regular meeting proposed consent agenda.

Contractors' Registration Act

Mayor Alter returned at this point of the meeting.

Mayor Alter noted that Erik Swanson, Building Sub-code Official, just received notice today that the Contractors' Registration Act will not take effect until December 2005.

Advertising for Bids for New Boiler for Library

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids for a new boiler for the Fort Lee Public Library will be placed on tonight's regular meeting proposed consent agenda.

Ms. Thomas stated that the money is available through the Borough's capital account.

Greater Fort Lee Chamber of Commerce - Donation of Clock

Ms. Thomas stated that the clock the Chamber is going to donate is going to be placed on the bump out next to Blimpies by the Fort Lee Post Office.

Handicapped Parking Spaces by 3031 Edwin Avenue & 410 Park Place

Mr. Grant explained that the Police Department after receiving written requests from residents, has recommended the placement of two handicapped parking spaces at the above location.

An ordinance creating the handicapped parking spaces will be introduced at tonight's regular meeting proposed consent agenda.

Beautification Committee

Mr. Grant stated that Anthony Clores has recommended the appointments of Jose Sanchez, Exxon on the Run owner, and Anna Zalokostas, Fort Lee High School student, to sit on the Beautification Committee.

Mayor Alter will nominate the aforementioned individuals at next week's executive meeting.

PUBLIC PARTICIPATION

No one from the public offered any comment during this portion of the meeting.

There being no further discussion, the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, at 8:18 p.m.

Neil Grant, RMC
Municipal Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, September 9, 2004

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

PRESENT: Mayor Alter, Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

ALSO PRESENT: Peggy Thomas, Borough Administrator
Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney
Joseph Iannaconi, Chief Financial Officer

MAYOR'S STATEMENT

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

1. On January 4, 2004, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 5, 2004, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2004 to cover the cost of providing notice.

3. On August 24, 2004 a written notice of the change in time for this meeting was posted at the Municipal Building, 309 Main Street, Fort Lee, New Jersey.

4. On the same date a copy of said written notice was mailed to the Record, Jersey Journal and Time Warner Cable and a copy was filed with the Borough Clerk.

On the same date, copies were mailed to all persons who have requested copies of such notices, and have prepaid the \$10.00 fee fixed for the year 2004.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Sargenti, seconded by Councilman Cervieri and approved **unanimously**, the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Personnel: Borough Clerk
Building Department
Building & Grounds
Communications Department
Police Department
Police Department Crossing Guards
Recreation Department Seasonal Employees

Tax Appeal Litigation: The Atrium Palace Condominium Association vs. Borough of Fort Lee

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

The open portion of the executive session began upon completion of the closed portion.

GENERAL DISCUSSION

Board of Education Financial Matter S1701 - Nancy Stern, Fort Lee Board of Education President, and Other Members of the Board of Education Were in Attendance

Ms. Stern read the following letter on behalf of the Fort Lee Board of Education.

"On behalf of the Fort Lee Board of Education and Administration, I want to thank Mayor Alter and the Council for giving us the opportunity to talk to you this evening about a very important piece of legislation (S-1701) which the Governor signed on July 1, 2004, retroactive to April 20, 2004, and the impact it will have on the Fort Lee School district, as well as other public schools throughout the State. While we can applaud Governor McGreevey's efforts to reduce the property tax burden which currently exists in New Jersey, the quick passage of S-1701 without adequate time and public input, has not served New Jersey well. Although this legislation may result in an immediate reduction of property taxes, it will be at the expense of our children, the future leaders of our State, and this is not acceptable.

The purpose of meeting with you tonight is twofold. First, we wish to explain the basic components of the Law and how it affects our district, and, secondly, to inform you of what we, as a school district, are doing about trying to change the Law.

In summary:

1. S-1701 reduces the CAP (spending growth limit) on operating budgets from 3% to the greater of 2.5% or CPI. This dramatically impacts a school district's ability to meet the state mandated Core Curriculum Standards, as well as other programs and activities that the people of Fort Lee expect to receive.
2. S-1701 requires school districts to reduce their surplus from 6% to 3% (2004/2005) and further reduce it to 2.5% (2005/2006). This will result in a small and temporary property tax reduction which will have the impact of substantially increasing the property taxes in the following year (2006/2007).
3. S-1701 requires school districts to reduce their capital reserve account, forcing them to defer necessary maintenance and repairs and other capital acquisitions and improvements.
4. S-1701 restricts the submission of second ballot questions at the annual budget election, thus impacting a district's ability to fund certain programs determined necessary by the Administration.
5. S-1701 imposes unnecessary administrative spending penalties by limiting the local district's discretion in the hiring of staff.
6. S-1701 requires local school districts to obtain approval from the Commissioner of Education before it can transfer funds between budgetary line items, stripping the budgetary decision making from the community to the state bureaucrats, creating an artificial and unnecessary delay in the process.

For the past 13 years, the voters of Fort Lee have shown their confidence in the Board of Education by approving the school budget. This district has set aside money, in the form of surplus and capital reserve, so that it is not necessary to ask the taxpayers for additional funds when something occurs which could not have been anticipated. When a boiler breaks or a special education child moves into the district and needs to be placed in an appropriate out of district placement which could cost over \$100,000, or when the state decides to mandate a new program, in the past, we had money to fund these things. We may not in the future.

This law is punishing us for being fiscally responsible and prudent. As a result of the passage of S-1701, on July 19, 2004, the Fort Lee Board of Education revised its 2004/2005 school budget reducing the tax levy by \$460,454. This money will no longer be available to be used for our children in the future.

We take pride in our school district and we all know, that a good school district benefits all of the community and helps to keep our property values high.

We cannot sit back and do nothing. The Fort Lee Board of Education sent a resolution to all Bergen County districts, as well as our Legislators, the Commissioner of Education, and the Governor in direct opposition to S-1701. Through our County organization, we are tallying the results of a survey sent to all Bergen County districts to find out what are the most pressing issues facing all of us because of S-1701. We are also sponsoring a Legislative Conference for all school districts in District #38, at Fort Lee High School in late October with our State Legislators, to begin a discussion of how to repeal or amend aspects of this Law. As I stated in the beginning, we are here tonight to make you aware of a serious problem that exists in the State of New Jersey and in Fort Lee. What we fear, is as a result of limitations placed upon local school boards' ability to address academic as well as financial concerns properly, there is a greater possibility of a budget defeat in April. Our problem today will be your problem tomorrow. We can't wait and let the children suffer. We need you to understand the problem and work towards a palatable solution. Thank you for your time and consideration."

Mayor Alter stated that there are nuances in the new law that differentiates between municipalities and boards of education. This is just another new demand by the State.

Nancy Stern added that the new law was retroactive to April 20th and had an immediate impact on this year's budget. The quick passage of the new law has not served New Jersey well. She believes it has and will continue to impact the children negatively.

Mr. Sokolich asked what action she wanted the governing body to take.

Ms. Stern replied that the Board of Education is looking for support for what they are doing. It would be beneficial to have the support from the municipality.

Mr. Cohen asked that Ms. Stern communicate with his office regarding what she is looking for.

Mr. Cervieri stated that the issue could be brought to the League of Municipalities for their input.

Mayor Alter added that there is a cutoff date for resolutions to be presented at the League of Municipalities convention in November. He asked that Mr. Grant check into the time line.

Mr. Iannanconi stated that the new CAP law for municipalities is 2.5% with the option of raising the budget to 3.5%. The CAP affected fiscal year towns only this year.

Ms. Stern stated that \$464,000 was moved from surplus into the budget. She believes that the new law is unfair.

Once Mr. Cohen reviews Ms. Sterns' materials a resolution supporting the Board of Education's request will be placed on the September 30th regular meeting agenda.

New CAPS P.L. 2004, Chapter 74

This item was discussed above.

Mayor Alter asked Mr. Iannaconi whether the new hotel and motel occupancy tax is bringing in new revenue to the Borough.

Mr. Iannaconi replied that the revenue received under the new law has not been as much as originally anticipated.

ENGINEERING DISCUSSION

Stephen Boswell, Boswell McClave Engineering, was present for this portion of the meeting.

Long Swamp Property

Mr. Boswell handed out a proposal to have the approximately 2000 feet of the Long Swamp property in Palisades Park dredged. Most of the swamp area lies in Palisades Park; however, flooding is occurring in Fort Lee. The dredge soils would be removed. If the material is good it will be removed at no cost; if it is bad there would be trucking costs to remove the soil. Boswell's cost for their engineering services, which includes applying for field applications from the New Jersey Department of Environmental Protection, is \$32,000.

Mr. Sokolich spoke about the flooding that has been affecting the residents on Eleventh Street.

Ms. Thomas indicated that a letter was also received from the management company of Windsor Square in Palisades Park asking what the Borough is going to do to handle the ongoing flooding problems.

A resolution awarding a contract to Boswell Engineering to do the work outlined in their September 9th proposal will be placed on tonight's regular meeting proposed consent agenda.

Repairs to Cumbermeade Road Section 2

Ms. Boswell mentioned that once the sewer repairs are made on Cumbermeade Road, the roadway improvements can commence.

A resolution requesting an extension from the State of New Jersey with regard to a grant the Borough is receiving for repairs to Cumbermeade Road will be placed on tonight's regular meeting proposed consent agenda. The resolution will authorize the Borough to make the necessary repairs by December 2005.

TWA Permit - Sewer Extension Application for Whitehall Tower, Block 4801, Lots 1-11 (Re-certify)

Mr. Grant stated that the original resolution on this project was approved in July 2003. The project has since been modified and the amount of sewer flow has been reduced. The State is requiring a new application to be submitted.

A resolution authorizing the recertification of a Treatment Works Approval (TWA) application to the State of New Jersey, Department of Environmental Protection, for the Whitehall Towers Project, Block 4804, Lots 1 Thru 11 will be placed on tonight's regular meeting proposed consent agenda.

GENERAL DISCUSSION CONTINUED

New Recreation Center Advisory Board

This item was discussed in closed session.

Korean American Thanksgiving Celebration Banner

Mayor Alter stated that Jonathon Kim has requested to have a banner placed across Main Street recognizing the Korean American Thanksgiving Celebration that will be held in

Overpeck Park later in September.

The governing body had no objection to the placement of the banner.

Mr. Grant to notify Mr. Kim of the Mayor and Council's approval for his banner request.

Fencing at Monument Park

Ms. Thomas stated that Tony Lione, DPW Director, and his crew have renovated Monument Park. Questions have now come up as to whether to fence in the property. In Mr. Lione's initial plan he put in for fencing. Mr. Cervieri has a different opinion about the subject.

Mr. Villano said that because of traffic and safety issues he believes that the Borough should put up a low fence in the park.

Mr. Cervieri replied that the Borough can save the taxpayers \$20,000 by not putting up a fence. He feels that the openness of the park would make it the only park owned by the Borough that is truly inviting. He said that the new traffic light at Angioletti Place will reduce traffic.

Mr. Pohan stated that this is an urban park, and that most urban parks have fences.

Mr. Cervieri noted that there are many urban areas in the world where parks are not fenced in.

Mayor Alter noted that there is no unanimity amongst the council not to have a fence.

Pordenone Film Festival

Ms. Thomas stated that Mr. Meyers is requesting permission to go to the Pordenone silent film festival in Sacile, Italy in early October. Mr. Meyers has requested that the funding for the trip be paid out of the Film Commission's fund-raising account.

Ms. Pohan stated Fort Lee is being honored at the film festival with a special award. Richard Koszarski, Fort Lee Film Commission member, is having a book published about Fort Lee as the film capital. Mr. Koszarski and Nelson Page are paying their own way over. Mr. Pohan has given a personal donation to the Film Commission to help underwrite the cost of the airfare for

Mr. Meyers.

It was agreed that Mr. Meyers could use Borough time to attend the event.

**Bergen County Community Development (BCCD) Block Grant
Endorsement for VFW Post 2342**

A resolution endorsing a BCCD block grant for the VFW for expansion/rehabilitation of their kitchen in the amount of \$15,000 will be placed on tonight's regular meeting proposed consent agenda.

Municipal Park Improvement and Land Acquisition Program

Mr. Sargenti said that Inwood Terrace Park is old and antiquated. He would like to see the park renovated. He will be speaking to Mr. Lione in the near future about potential renovations.

Ms. Thomas added that an application for the Bergen County Municipal Park Improvement and Land Acquisition Program is due by the end of October. The Borough will prepare a grant application to Bergen County for Inwood Terrace Park and/or the new recreation facility on Anderson Avenue.

Amending Taxi & Limousine Ordinance

Mr. Cervieri stated that there have been complaints from senior centers about the lack of cab service in the Borough.

Mayor Alter asked if a letter can be written by Mr. Cohen asking the cabs to pick up their service in the Borough or else the Borough might have to take action.

Mr. Grant asked that the limousine and taxi ordinance be amended to increase the annual fee from \$100.00 to \$250.00 for ownership of taxis and limousines and to raise the fee from \$35.00 to \$50.00 for each vehicle owned. He also requested that the number of limousine services be raised from ten to twelve and that the number of cab services be raised from five to six.

Mr. Cohen to research about having a certain number (minimum cap) for taxis allowed to operate in the Borough.

Mr. Cohen to prepare an appropriate ordinance for review at the September 30th executive session.

Borough Auction

A resolution authorizing Dingman & James to conduct a Borough-wide auction for Borough property will be placed on tonight's regular meeting proposed consent agenda.

Purchase of Computers and Software for Police Department

A resolution authorizing purchase of computer software, computer hardware and technical consulting services will be placed on tonight's regular meeting proposed consent agenda.

The purchase of the computer software and hardware is being done through two separate companies via state contract.

A separate contract must be executed for the technical consulting services.

The total cost for all services is \$82,100 and is spelled out on the enabling resolution (Ca-14).

Advertising for Bids for Renewable Energy Systems

A resolution authorizing the Purchasing Consultant to obtain specifications and advertise for bids for a renewable energy system (solar energy) will be placed on tonight's regular meeting proposed consent agenda.

Donation of Old Fire Department Equipment

Mr. Cervieri asked if mutual aid departments have been asked about taking the fire equipment that the Fire Department wants to donate rather than shipping it out of state.

Mr. Cohen stated that a resolution needs to be prepared before the equipment can be donated.

Ms. Thomas to speak to Thomas Bernard, Fire Chief, about his request.

Archive Service for Building Department

Ms. Thomas stated that the Building Department will begin to use an archives service in the near future. Their files will be kept in a climate-controlled building. The company, located in Fairfield, also scans documents on demand. The Building

Department will go first and if everything works out then other departments will follow.

Mr. Iannaconi added that by using the outside service, the Borough's files and blueprints will be more organized.

Municipal Alliance Committee

A resolution authorizing execution of a Fort Lee Municipal Alliance Committee application and allocating a 25% match of Borough funds for 2005 at a cost of \$4,375 will be placed on tonight's regular meeting proposed consent agenda.

New Synagogue Dinner Dance

Lee Cohen stated that he would pay \$500.00 for a full page journal advertisement out of his own personal funds to recognize the achievements of Kay Nest, Steve Monetti, Frank Patti and Thomas Tessaro, all of whom will be honored by the New Synagogue at their dinner dance on Thursday, November 11th.

Boards & Committees - Andrew Sadow Letter

Mayor Alter requested that this item be held until the September 30th executive session.

PUBLIC HEARING SCHEDULED FOR SEPTEMBER 9, 2004

Ord. #2004-41--Amending Salary Ordinances 2002-14 & 2004-22 (Schedule B) for Public Defender, Prosecutors and Planning Board Attorney

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the meeting moved into public participation.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Richard Sartore 415 Bluff Road	.Increase in taxes	Mayor Alter Mr. Cervieri Mr. Cohen

There being no further discussion, the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti** at 8:35 p.m.

Neil Grant, RMC
Municipal Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, August 19, 2004 @ 2:00 p.m.

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

PRESENT: Mayor Alter, Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

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

MAYOR'S STATEMENT

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

On August 10, 2004 a written notice of the change in time for this meeting was posted at the Municipal Building, 309 Main Street, Fort Lee, New Jersey.

On the same date a copy of said written notice was mailed to the Record, Jersey Journal and Time Warner Cable and a copy was filed with the Borough Clerk.

On the same date, copies were mailed to all persons who have requested copies of such notices, and have prepaid the \$10.00 fee fixed for the year 2004.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Villano, seconded by Councilwoman Kasofsky and approved **unanimously**, the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Personnel: Ambulance Corps Stipend
Municipal Court
Police Department - Specials (JA)

Police Department - Crossing Guards

Contracts: Certified Valuations, Inc. - Steve Muhlstock, Tax Appeals Attorney, in Attendance

Tax Appeal Litigation: Campolongo vs. Fort Lee - Mr. Muhlstock in Attendance

Denial of Vendor/Peddler Permit

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

The open portion of the executive session began upon completion of the closed portion.

ENGINEERING DISCUSSION

Edward Mignone, Boswell McClave Engineering representative, was present for this portion of the meeting.

Stucco Wall System at 540 Main Street

Ms. Thomas stated that the bid received from Security Structures, Inc. was for \$58,028 which exceeded the Borough's estimate for the project by over \$13,000. Because it is the second time that bids are going to be rejected, the Borough may enter into an agreement with a contractor to do the work. S. Barila & Sons, Inc. has given the Borough a proposal of \$35,000 to do the job. Barila's proposal was the lowest of three proposals received for the project.

A resolution authorizing the rejection of bid and awarding a contract to S. Barila & Sons, Inc. will be placed on the September 9th meeting proposed consent agenda.

Proposal for Construction Management for Van Fleet Park Clubhouse

Boswell McClave has sent in a proposal for construction management services for site improvements and clubhouse at Van Fleet Park. Their cost for the project will not exceed \$45,000.

A resolution awarding contract to Boswell McClave for the aforementioned project will be placed on tonight's regular meeting proposed consent agenda.

Retaining Wall Collapse at 550 Main Street (Added on Item)

Mr. Cervieri asked that Mr. Mignone look into the possibility of placing a secondary entrance off of Main Street for the DPW yard.

GENERAL DISCUSSION

Renewing Membership in the South Bergen Joint Insurance Fund

Mayor Alter mentioned that the Borough is saving over \$1,000,000 per year by being a member of the South Bergen Joint Insurance Fund.

A resolution authorizing the Borough to renew its membership in the South Bergen Joint Insurance Fund for 2005 through 2007 will be placed on tonight's regular meeting proposed consent agenda.

State of New Jersey Green Acres Loan/Grant

Ms. Thomas stated that the State has just gotten around to doing the paperwork with regard to a loan and grant that the Borough will be receiving for the improvements to Van Fleet Park and Monument Park.

A resolution authorizing the Borough to make application to the State of New Jersey, Department of Environmental Protection, Green Acres Program for a \$381,250 loan and a \$218,750 grant for improvements to Van Fleet Park and Monument Park will be placed on tonight's regular meeting proposed consent agenda.

Computers for Ambulance Corps

Keith Sabatino, Ambulance Corps Chief, was present for this portion of the meeting

Mr. Sabatino explained that currently the Ambulance Corps run sheets are done by hand. Any computerized program must be secure so as to conform with HIPAA standards. People are requesting run sheets from a long time ago.

Mr. Cervieri asked about the Ambulance Corps using GE Service. He also inquired as to whether the Ambulance Corps collectively checked with other municipalities to see if something could be bought collectively.

Mr. Sabatino explained that none of the bigger companies will work with them. He added that it is not mandatory to keep records electronically, it is just much more efficient. The GE system is more medically based. Key Solutions Corporation is the only company willing to work with them. Even the Police Department's computer people did not want to get involved.

Mr. Cervieri asked whether Key Solutions has provided this program in any other towns.

Mr. Sabatino replied that this would be the first town that Key Solutions has done.

It was agreed that a resolution awarding a contract to Key Solutions at a cost of \$16,200 will be placed on the September 9th regular meeting proposed consent agenda.

Statewide Livable Communities Grant (Municipal Capital Improvement Projects)

Ms. Thomas mentioned that there is a grant for \$200,000, which is the average grant amount that has been received through this program. It must be a capital improvement project, excluding parks and recreation.

Ms. Thomas will send in an application for upgrades to the DPW yard.

Update on Redevelopment Areas

No discussion on this item.

Spring Arts & Music Fair Date for 2005

Ms. Thomas stated that June 5th will be used next year with a rain date of June 19th for the Borough's spring arts and music fair.

Bergen County Communities Against Tobacco

Mr. Grant mentioned that the Bergen County Board of Chosen Freeholders and several other Bergen County municipalities have passed ordinances prohibiting smoking in parks.

There was no overall consent of the governing body to pass an ordinance prohibiting smoking in parks.

Endorsing Bergen County Community Development Grants for the Housing Authority

The Mayor and Council will endorse four resolutions supporting Bergen County Community Development Grants for the Housing Authority. The items will be placed on tonight's regular meeting proposed consent agenda.

Naming of New Community Center and Open Space Park

Ms. Thomas stated that she is going to buy the lettering for the new community center. Everyone concurred that the name shall be the Fort Lee Community Center.

Mr. Alter spoke to a letter that he sent out in late June with regard to naming an Advisory Board for the new community center. He reminded everyone that this center is for all of the people in Fort Lee and not just the kids.

Messrs. Sargenti and Villano were not in favor of having an advisory board.

Mr. Sargenti stated that would wreak havoc with more people. He wants the Recreation Department to be involved with this project.

Mayor Alter said that the Recreation Department staff is on overload now. He wanted to know why are there objections about having this committee. The representatives to the board would be good, respected citizens of the community.

Mr. Pohan mentioned to the Mayor that he does not need Council approval to form the committee. He added that somebody has to be a coordinator for the new center.

Mr. Villano asked what the function of the Advisory Committee would be.

Mayor Alter replied that they would make recommendations for the use of the center.

Ms. Thomas said that there are competing priorities already for the use of the building. A task group for organizing is needed.

Mr. Sokolich concurred with Ms. Thomas. Otherwise, there will be a lot of cross fire between different groups.

Mr. Pohan said that at a minimum a mission statement will be needed to address the control and organization aspects of the facility.

Mayor Alter asked the governing body to be ready to discuss this item further at the September 9th executive session.

Bergen News Centennial Advertisement

Ms. Thomas stated that the Bergen News is printing a centennial edition of their paper.

Mayor Alter suggested that the Centennial Committee could do as they please, but he would like the Mayor and Council to take out their own full page advertisement.

Ms. Thomas to handle the arrangements.

September Meeting Schedule

Mr. Grant requested that the September 23rd meetings be cancelled and rescheduled for September 30th. He mentioned that he has a Municipal Clerks' Association Conference scheduled for September 23rd and 24th.

The Mayor and Council approved his request. Mr. Grant will send out the appropriate legal notices with regard to the changes for the Mayor and Council September meeting schedule.

Lemoine Avenue and Palisade Avenue Triangle

Mayor Alter stated that he has received a request from Chris DePalma of J. Clores & son, Inc. to beautify the triangle located at the intersection of Lemoine Avenue and Palisade Avenue.

The Mayor and Council agreed to Mr. DePalma's request, but insisted that no advertising other than the name of the business be posted at the island.

Mr. Cervieri added that hopefully this will be the first of many islands or areas to be adopted by a business.

PUBLIC HEARINGS SCHEDULED FOR AUGUST 19, 2004

Ord. #2004-30--Bond Ordinance for Various Capital Improvements - \$2,738,000

Ord. #2004-31--Bond Ordinance for Streetscaping Phase IIA Main Street to Linwood Avenue - \$400,000

Ord. #2004-32--Amending Chapter 388, Section 63, "Vehicles & Traffic" - Lane Use Reservations

Ord. #2004-33--Amending Chapter 316 "Public Records" Fees for Copies and Services

Ord. #2004-34--Amending Salary Ordinance #2002-14 for White Collar Employees - Plumbing Sub-Code Official

Ord. #2004-35--Amending Salary Ordinance #2002-51 for Department Heads - Delete Position of Deputy Emergency Management Coordinator

Mr. Cohen recommended that Ordinance #2004-35 be tabled at tonight's meeting

Ord. #2004-36--Establishing a Salary Ordinance for the Director of Public Safety

Ord. #2004-37--Amending Salary Ordinance #2002-50 - Establishing Salary for the Chief of Police

Ord. #2004-38--Amending Salary Ordinance #2002-50 - Establishing Salary for the Deputy Chief of Police

Ord. #2004-39--Amending Chapter 388, Section 40, "Vehicles and Traffic" Fee Schedule and Other Various Sections of the Borough Code to Increase the Fines for Violations and Penalties by \$3.00

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, the meeting moved into public participation.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Roy Lippin Horizon House	.New Community Center Guidelines	Mayor Alter

There being no further discussion, the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Villano,** at 3:50 p.m.

Neil Grant, RMC

EXECUTIVE SESSION Municipal Clerk

MAYOR AND COUNCIL

Thursday, July 22, 2004 @ 2:00 p.m.

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

PRESENT: Mayor Alter, Council Members Pohan, Sokolich, Villano, Kasofsky, Cervieri

ABSENT: Councilman Sargenti

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

MAYOR'S STATEMENT

On July 14, 2004 a written notice of the change in time for this meeting was posted at the Municipal Building, 309 Main Street, Fort Lee, New Jersey.

On the same date a copy of said written notice was mailed to the Record, Jersey Journal and Time Warner Cable and a copy was filed with the Borough Clerk.

On the same date, copies were mailed to all persons who have requested copies of such notices, and have prepaid the \$10.00 fee fixed for the year 2004.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Cervieri, seconded by Councilman Villano and approved **unanimously**, the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Personnel: Borough Public Defender
Borough Prosecutors

Communications Department
Emergency Management Council
Deputy Emergency Management Coordinator
Police Chief
Public Safety Director
Police Department - Specials
Planning Board Attorney
Tax Assessor/Preemption - Steve Muhlstock,
Esq. in Attendance

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

The open portion of the executive session began upon completion of the closed portion.

ENGINEERING DISCUSSION

Edward Mignone, Boswell McClave Engineering representative, was present for this portion of the meeting.

Awarding Bid for Van Fleet Park Clubhouse

Mr. Mignone stated that this was the third time this item was bid. The original estimate for the work was \$460,000. He mentioned that besides the building of the clubhouse, the south end of the property at Van Fleet Park is going to be redone so that there will be parking at the site. Site work had to be done regarding drainage.

Ms. Thomas indicated that the Flynn property, which the Borough bought, is being used. The actual cost for the clubhouse is \$250,000. She added that the Borough is receiving Green Acres funding for the project.

Mr. Villano spoke to the history of the clubhouse and potential sites where it was going to be built. He felt that even \$250,000 for the clubhouse was expensive.

Mr. Cervieri spoke to the site work that is going to be done.

A resolution awarding a bid to Security Structures, Inc. to build a clubhouse and do site work at a cost of \$489,345 will be placed on tonight's regular meeting proposed consent agenda.

Discussion of Bid for DPW Improvements at 540 Main St.

Mr. Mignone discussed the bids received for the improvements and site work at the DPW. The low bidder was \$115,000 over the Borough's cost estimate.

It was agreed to reject the bids, authorize rebid and have the engineer prepare alternates when the item is rebid.

A resolution authorizing the rejection of bids and rebid for the project will be placed on tonight's regular meeting proposed consent agenda.

Sanitary Sewer Map Request From Bergen County Utility Authority

Mr. Mignone stated that he responded to the BCUA's request earlier this week with regard to sending them the most up-to-date sanitary sewer map of the Borough.

He also mentioned that the questions regarding the Borough's tax maps from the State have been answered. The maps have been sent to State and are awaiting certification.

GENERAL DISCUSSION

Amendment & Adoption of Budget

Ms. Thomas handed out a summary sheet (Exhibit A) as prepared by Steven Wielkotz, Borough Auditor.

Mr. Iannaconi indicated that the open space tax rate was not included, which pushes up the tax rate from 1.48 to 1.50.

Mayor Alter stated that the tax levy is going up by 7.50%

Heritage Day Celebration

Ms. Thomas stated that the Heritage Day celebration scheduled for September 18th and 19th is going to cost approximately \$68,000. The Borough is short about \$20,000 at this time. The Borough has received many donations including a \$14,500 donation from PSE&G.

Advertise for Bids for Computer Servers and Digital Recorder for Cell Block and In-House Camera System for the Police Department

A resolution authorizing the Purchasing Consultant to

prepare specifications and advertise for bids for the above items will be placed on tonight's regular meeting proposed consent agenda.

Approving Change Order for American Tennis Courts, Inc.

A resolution approving a change order for American Tennis Courts to paint the areas by the practice tennis court at a cost of \$850 will be placed on tonight's regular meeting proposed consent agenda.

Handicap Accessibility at Ambulance Corps

Mayor Alter noted that in order to maintain the Ambulance Corps as a polling place, handicap accessibility to the facility must be improved.

Ms. Thomas added that she just received a letter today from Heightened Independence & Progress, a center for independent living for people with disabilities, which also identified problems/barriers for voting at the Ambulance Corps.

Ms. Thomas to write a letter to Joseph Vaccaro, General Services Director, with regard to the problems at the Ambulance Corps so that changes can be made by the general election in November.

Amending Lane Use Reservations

Mr. Grant stated that there was a clerical error in the "Vehicles and Traffic" section of the Borough code with regard to lane use reservations.

An ordinance adding Merkle Street and North Central Road and deleting Sylvan Street with regard to left lane use reservations will be introduced at tonight's regular meeting.

Amending Public Records Fees

Mr. Grant stated that the South Bergen Joint Insurance Funds decided to join in a settlement on behalf of its members with regard to fees charged involving Municipal Court discovery. The Borough must modify its fee schedule.

An ordinance amending the Borough's "Public Records Fees" so that mailing charges, writs of discovery and police accident

reports comply with the new Open Public Records Act (OPRA) will be introduced at tonight's regular meeting.

Approving Developers Agreement at 425 West Street

A resolution approving a developers agreement with Yi Di Wang and Lam Chun Cheng for property located at 425 West Street will be placed on tonight's regular meeting proposed consent agenda.

Property Located at 1410 10th Street

Ms. Thomas stated that she received an e-mail from a potential buyer of property at 1410 10th Street. The purchaser indicated that the survey shows that a piece of the property is actually owned by the Borough.

Mr. Cohen recommended that Ms. Thomas contact the purchaser and ask her to send the title search and easement search over to the Borough for review.

Increase in Statewide Automated Traffic Fees

Mr. Grant mentioned that the State will be charging an additional \$3.00 per ticket beginning in September for upgrades to the Statewide Automated Traffic System (ATS).

Mayor Alter stated that the Borough should increase its traffic/parking fees by \$3.00 so that the Borough does not lose any money.

Mr. Grant to prepare an appropriate ordinance for introduction at tonight's regular public meeting.

PUBLIC HEARING SCHEDULED FOR JULY 22, 2004

Ord. #2004-29 - Discussion and Consideration of First Reading for Ordinance Adopting Redevelopment Plan for an "Area in Need of Redevelopment" - Area 5

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Building Department Personnel - CA-5 on Tonight's Meeting Agenda	Ms. Thomas

.Senior Citizens Upgrade
to Kitchen - CA-9 on
Tonight's Meeting Agenda

.Special Police Officers
- CA-16 on Tonight's
Meeting Agenda

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Pohan, seconded by Councilman Cervieri and approved unanimously, the meeting moved back into closed session to discuss the following matters:

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Litigation: Town and Country Developers - Ray Levy,
in Attendance
Skeleton Building
Fire Department

Contracts: Schoor DePalma
Pappas & Kavrakis Associates, Inc. -
Kitchen Designer for Senior Center
Proposal for Parking Feasibility Study

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

There being no further discussion, the meeting moved back into open session and was adjourned on motion by Councilman Cervieri, seconded by Councilman Sokolich at 4:03 p.m.

Neil Grant, RMC
Municipal Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, June 17, 2004 @ 8:15 p.m.

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

PRESENT: Mayor Alter, Council Members Pohan, Sokolich, Sargenti, Kasofsky

ABSENT: Council Members Villano, Cervieri

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

Mr. Cervieri attended the closed portion of the meeting. He left ill after that portion of the meeting.

MAYOR'S STATEMENT

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

1. On January 4, 2004, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 5, 2004, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2004 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Cervieri, seconded by Councilman Sargenti and approved **unanimously**, the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Personnel: DPW
Police Department
Police Specials
Building Department

Litigation: Palma Inc. vs. Borough of Fort Lee
State Tax Court Appeals - Steve Muhlstock,
Esq., in Attendance
Fort Lee vs. Schier Associates
Palisades A/V Tax Appeal

Master Plan Review/Redevelopment Area 5 - Ray Levy in
Attendance

Contracts: Schoor DePalma
Certified Valuations, Inc.
APS Contractors, Inc.
Public Defender
Borough Prosecutors

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

The open portion of the executive session began upon completion of the closed portion.

ENGINEERING DISCUSSION

Edward Mignone, Boswell McClave Engineering representative, was present for this portion of the meeting.

Bids for Van Fleet Park Clubhouse

Mr. Mignone stated that two bids were received on June 11th. The bids ranged from \$538,000 to over \$7,000,000. There were technical errors in the \$7,000,000 bid received from Security Structure. Their bid had a fatal defect. Both bids exceeded the engineer's estimate of \$460,000 to do the project.

It was agreed that both bids would be rejected and the Borough would authorize rebidding of the project.

Borough Hall Structural Assessment

Mr. Mignone stated that the additional drawings received of Borough Hall from a local architect are detailed, but the drawings do not change Boswell's approach with regard to cost of

the project.

Ms. Thomas mentioned that Mr. Cervieri was looking for as-built drawings as part of Boswell's proposal.

Mr. Mignone replied that Boswell is not intending to give the as-builts as part of the proposal.

Mayor Alter stated that the repairs to the building have to be made.

Mr. Mignone replied that the proposal incorporates an assessment of whether Borough Hall can add a third floor and physical testing to see where the leaks are coming from.

A resolution authorizing Boswell to do the structural assessment of Borough Hall at a cost of \$40,000 will be placed on the July 22nd regular meeting proposed consent agenda.

Tax Maps

Ms. Thomas stated that Mr. Cervieri had suggested that the Borough approve the new tax maps.

Mr. Mignone stated that at the request of the Tax Assessor all the blocks were renumbered. The previous maps were approved by Trenton in 2000. The renumbered blocks were resubmitted to Trenton in November 2003. There were fifty comments sent back by Trenton. After the things that Trenton wants are rectified, Boswell will resubmit to Trenton. Ultimately, the Tax Assessor has to approve the maps.

Ms. Thomas anticipated that the new maps will be ready for 2005.

Mayor Alter asked if the Borough has the authority to adopt the new tax maps.

Ms. Thomas replied that the year 2000 maps are not the maps that the revaluation company used. The decision had been made to hold off until 2005.

Mr. Sokolich added that Boswell should cure the four pages of issues that they are dealing with.

Ms. Thomas reiterated that the target date is for the beginning of next year. A system has to be set up for sending out tax notices.

Mr. Mignone said that Boswell should have everything done in forty-five days.

Mr. Pohan stated that by the time the Tax Assessor submits his books for next year, all the systems can be changed.

Mayor Alter added that the process should be continued in an expedited manner.

Mr. Mignone stated that this is the only town that he is involved with that has had so many problems with their tax maps.

GENERAL DISCUSSION

S-1626 Revising Outdoor Advertising Law

Mayor Alter stated that if Senate Bill S-1626 passes, it would deem signs on billboards as real property and the billboard signs could be taxed accordingly. He is going to send a letter to the League of Municipalities supporting the Senate Bill.

A resolution supporting the bill will be placed on the July 22nd regular meeting proposed consent agenda if the bill has not been approved before then.

"Fair" Plan Advances (S-1702)

Mayor Alter stated that this bill would impose a 2.5% cap expense on municipalities. He added that if this bill is passed, it will reward towns that have heavy cap increases. Every municipality tries to keep their expenses down. Municipalities do not need to be told to keep property taxes down. He saw no reason to support this bill.

S-1368/A-3008 State Permit Streamlining (Builders Relief Bill)

Mayor Alter stated that the bill is not directed at municipal governments. The League of Municipalities is suggesting that municipalities calm down with regard to this bill. Important environmental objectives will not be adversely affected.

Fireworks Display for 2005

Mayor Alter stated that the Lewis F. Cole Middle School

field cannot be used after this year's fireworks display. He has been invited by Joseph Sanzari and Palisades Interstate Parkway Director Carol Ash, to look at using the PIP property for next year's fireworks display.

Mayor Alter added that Ross' Dock is an open area, but Fort Lee residents would have a hard time seeing the display without actually being there. Doing it on the upper level of the park area by the Historic Park museum would avail itself for residents to see the display without actually being there.

Capital Ordinance

Ms. Thomas reminded the Mayor and Council that the capital ordinance for 2004 will be introduced at the July 22nd regular meeting.

Fort Lee Eruv

Mayor Alter stated that Tenafly went to the Supreme Court with their eruv issue. He added that Rabbi Neil Winkler of the Young Israel of Fort Lee came to visit him. When the municipal parking lot was repaired, their eruv was taken down. They want to rerun their eruv. It is a repair in their mind. He warned Rabbi Winkler not to go onto private property when repairing the eruv.

Mr. Cohen explained what the function of the eruv is.

No action was needed to be taken by the Mayor and Council.

RESOLUTIONS

R-1 - Advertising for Bids for New Fencing for Monument Park

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

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

- . Fencing for Monument Park Project

The Resolution was **approved unanimously.**

R-2 - Approving Renewal of Liquor Licenses for 2004/2005

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

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that plenary retail consumption licenses, plenary retail distribution licenses, plenary retail consumption w/broad package privilege, and club licenses for the year **2004/2005** be issued to each of the applicants listed on the attached pages for premises designated opposite their respective names for the distribution or sale of alcoholic beverages.

STATE LICENSE #	LICENSEE	TRADE NAME
0219-33-001-009	PICCO INC.	DURI
0219-33-002-002	143 WEST 99TH ST. CORP	AIELLO'S HILLTOP
0219-33-004-006	SAE ROM INC.	DAE BAK RESTAURANT
0219-33-005-002	ASTER CORPORATION	PLAZA DINER
0219-33-007-009	HYEYOUNG CORP.	HAN IL KWAN RESTAURANT
0219-33-008-009	ADANA GROUP LLC	
0219-44-009-001	BOBANELL'S LIQUORS INC.	BOBANELLS'S LIQUORS
0219-44-011-004	B.L.W. WORLD INC.	BOTTLE KING LIQUORS
0219-33-012-002	CALLAHAN'S INC.	CALLAHAN'S
0219-33-013-009	DA-DO JAPANESE RESTAURANT CORP.	KUK POONG KOREAN RESTAURANT
0219-44-014-002	NIPPAN DAIDO USA INC.	DAIDO
0219-44-015-004	MADELEMILY LLC	
0219-33-016-005	CHRISOVALANTIS INC.	RED OAK DINER
0219-33-019-006	PALAVE ASSOCIATES INC.	SALLY LING'S RESTAURANT
0219-33-020-003	NEW GARDEN WEST CORP.	SILVER POND SEAFOOD RESTAURANT

0219-33-022-003	KH&Y CORP.	FORTE RESTAURANT & BAR
0219-44-023-004	GREAT ATLANTIC & PACIFIC TEA CO.	FOOD EMPORIUM
0219-33-024-002	STUNI INC.	HIRAM'S ROADSTAND
0219-33-026-003	PIZZA CHEF, INC.	ARMANDO'S
0219-32-027-005	FRANCO B. INC.	FRANCO'S
0219-33-028-005	1616 PALISADE AVENUE CORP.	TAE JO GARDEN
0219-44-029-011	FAIRWAY MARKET, INC.	FAIRWAY MARKET GIFT BASKETS
0219-33-030-004	TAI KAI ENTERPRISES LLC	
0219-44-031-006	CARLO RUSSO WINE & SPIRIT WORLD	THE WINE SOURCE
0219-44-032-004	MAIN LIQUORS INC.	MAIN LIQUORS
0219-33-033-005	SONG SONG, INC.	
0219-33-034-003	SLUMBER INC.	HOLIDAY INN
0219-44-035-004	SHOP-RITE LIQUORS, INC.	SHOPRITE LIQUORS
0219-33-037-003	177 NORTH MARGINAL ROAD INC.	SIGGY'S BAR & GRILL
0219-44-038-004	K&S DRUG & SURGICAL INC.	JUNCTION DRUGS
0219-44-039-004	GARDEN STATE DELI & LIQUOR CORP.	FOOD MART LIQUOR & CONVENIENCE STORE
0219-33-042-008	HANGAR INC.	THE HANGAR
0219-33-043-006	MEMRIES INC.	IN NAPOLI
0219-33-046-008	YOGI'S TWO INC.	CAFÉ BOULEVARD
0219-33-047-006	SIMIS CO., INC.	TAMAYA
0219-33-048-016	JOONHA ASSOCIATES INC.	
0219-33-049-003	GAM ME OK, INC.	

0219-33-050-003	MAHARAJA, INC.	MAHARANI
0219-44-051-005	GOOD NATURE FORT LEE MARKET, INC.	GOOD NATURE FORT LEE MARKET
0219-33-052-005	MAC SPO, INC.	J.D.'S STEAK PIT
0219-31-054-001	FORT LEE ATHLETIC CLUB INC.	FORT LEE ATHLETIC CLUB
0219-31-055-001	FORT LEE ENGINE CO. #2	FORT LEE ENGINE CO. #2
0219-31-056-001	FORT LEE FIRE CO. #1	FORT LEE FIRE CO. #1
0219-31-057-001	HOOK & LADDER CO. #3	HOOK & LADDER CO. #3
0219-31-058-001	PALISADE CO. #4	PALISADE CO. #4
0219-44-060-014	THE HUDSON WINE MARKET, INC.	
0219-31-061-001	VFW CAIROLA BARBER POST #2342	VFW CAIROLA BARBER POST #2342
0219-36-062-004	FORT LEE HOTEL MANAGEMENT INC.	FORT LEE HILTON

BE IT FURTHER RESOLVED that the following licenses are hereby renewed with the following condition imposed:

0219-33-025-005 Araxthos, Inc.
0219-33-044-006 Brinker New Jersey Inc.

"These licenses shall be considered 'ineffective'." Once a Special Ruling is received from the ABC, a resolution authorizing renewal from the municipality can be effectuated. Nothing in this provision shall prevent the licensee from filing an application for place-to-place transfer with the issuing authority to permit this license to be 'effective' at an address approved by the issuing authority,

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

The Resolution was **approved unanimously.**

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Mr. Jung 2196 Lemoine Avenue	.Redevelopment Area 5/ Helmsley Property	Mayor Alter

There being no further discussion, the meeting was adjourned **on motion by Councilman Pohan, seconded by Councilwoman Kasofsky,** at 8:45 p.m.

Neil Grant, RMC
Municipal Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, June 3, 2004

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

PRESENT: Mayor Alter, Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

ALSO PRESENT: Peggy Thomas, Borough Administrator
Neil Grant, Borough Clerk
Joseph Iannaconi, Chief Financial Officer
Avis Bishop-Thompson, for Borough Attorney

MAYOR'S STATEMENT

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

1. On January 4, 2004, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 5, 2004, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2004 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Sargenti, seconded by Councilwoman Kasofsky and approved **unanimously**, the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Personnel: Clean Communities
Fire Prevention
Municipal Court - Spring/Summer Help
Recreation Department

Contracts: Police Department
Time Warner Cable

Tax Appeal Litigation: Tristan Dakota, LLC. vs Fort
Lee

Potential Litigation: Rent Leveling Report

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

The open portion of the executive session began upon completion of the closed portion.

ENGINEERING DISCUSSION

Borough Hall Structural Assessment

Ms. Thomas stated that an old set of Borough Hall building plans was found by a local architect. The Borough will hold off in making a decision about accepting Boswell McClave's proposal to do a structural assessment until the plans can be reviewed by the Borough Engineer.

Approval of New Zoning Map

A resolution approving an updated zoning map as prepared by Boswell McClave Engineering will be placed on the June 10th regular meeting proposed consent agenda.

Rebid for 540 Main Street Stucco Wall System

Ms. Thomas explained that no bids were received for this project. The Purchasing Consultant must re-advertise for bids before the Borough may proceed with negotiating a contract for the project.

A resolution authorizing the advertising of bids for a second time for the above project will be placed on the June 10th regular meeting proposed consent agenda.

GENERAL DISCUSSION

Accepting 2003 Audit Report

Mr. Cervieri asked Mr. Iannaconi why the audit report is not in conformity with Generally Accepted Accounting Principles. (GAAP).

Mr. Iannaconi responded that the State of New Jersey does not use GAAP. The State uses a more conservative accounting approach.

Ms. Thomas stated that a couple of the auditor's recommendations that were issued were different this year than in previous years.

A resolution accepting the 2003 audit report will be placed on the June 10th regular meeting proposed consent agenda.

Capital Ordinance

Ms. Thomas stated that the capital ordinance is for \$1,700,000. She asked that the Mayor and Council review the figures and offer any comment. If there are no problems, an ordinance introducing the capital ordinance will be introduced at the June 28th regular meeting.

Mr. Cervieri reminded everyone that just because money is allocated does not mean it has to be spent.

Ms. Thomas added that the \$1,000,000 for the Police Department HVAC system hopefully is going to be recouped by the Borough. There is also a portion of the ordinance that includes the Borough streetscape of the municipal parking lot.

Mayor Alter asked Mr. Iannaconi when the State is going to review the extraordinary aid applications.

Ms. Thomas said that even though the budget is going to be adopted late, the Borough is not behind on any time line, because the State has not approved their budget.

Authorizing the Sale of Bonds

Mayor Alter noted that interest rates are going up. He believes that the Borough should permanently finance its debt.

Mr. Cervieri asked Mr. Iannaconi what he thinks the interest rate will be on the sale of bonds.

Mr. Iannaconi pointed out that the Borough of Edgewater just permanently financed \$6,000,000 to \$7,000,000 in debt at a 4.5% interest rate. He said that Edgewater does not have as good a

bond rating as Fort Lee, so the Borough's interest rate should be lower.

Mr. Cervieri asked when the bonds would be callable.

Mr. Iannaconi replied that the bonds are callable in the eleventh year.

Mr. Iannaconi mentioned that the rate for bond anticipation notes (BANS) is 2.5%. However, after three years principal has to be paid back. BANS can be kept open for ten years.

A resolution authorizing the sale of \$12,815,000 in bonds will be placed on the June 10th regular meeting.

New Telephone System

Ms. Thomas stated that several proposals came in with regard to a new telephone system for the Borough. Extel Communications Inc.'s proposal seems to be good. Because they are under New Jersey State Contract, the item will not have to go out to bid.

Mr. Cervieri stated that their proposal could be lowered by \$10,000 by tightening down certain requirements. He also recommended that people should still be able to speak to an operator before being sent into any automated part of a phone system.

Ms. Thomas stated that a resolution authorizing the hiring of Extel Communications, Inc. will be placed on the June 10th regular meeting proposed consent agenda.

PSE&G Facility Wiring Relocation - Fort Lee Community Center Site

Mr. Cervieri stated that he was incensed at PSE&G's letter.

Ms. Thomas said that she has met with PSE&G representatives a few times and that she could not shake their position.

Mr. Cervieri added that he will not accept their letter as dogma and will lobby the Borough's cause to a higher authority.

Site Plan Ordinance - Parking Requirements

Mr. Villano stated that the Borough's site plan ordinance with regard to parking requirements is too stringent.

Mr. Pohan mentioned that the preliminary Master Plan report that Paul Phillips is working on speaks to parking requirements being changed but not in a specific format.

Mayor Alter added that until the TPK matter is resolved the site plan ordinance with regard to parking will not be changed.

Traffic Flow on Inwood Terrace by New Recreation Facility

Mr. Sargenti spoke to placing a concrete barrier by the new Recreation Center by the Police Department. He would like to see a concrete island placed there. It would make the roadway look cleaner and more professional. He understands that the barriers that are currently there are temporary.

Mr. Cervieri asked that Schoor DePalma, traffic engineers, look at that location and offer an opinion.

Ms. Thomas replied that Schoor DePalma in their original review of Borough traffic patterns was satisfied with the traffic flow, but she will ask them to look at the aesthetics of the site more carefully.

Parking on North Side of Brinkerhoff Avenue Between Anderson Avenue and Fairview Lane

Mr. Sargenti stated that he will sit down with all the departments involved with the teachers' parking issue at school #4 to come up with a viable solution.

There was no further discussion of this item at this time.

Awarding Bid for Handicap Mini Van

A resolution awarding bid to Arcola Sales and Service Corporation, for a handicap accessible van for the Parking Authority at a cost of \$41,459 will be placed on the June 10th regular meeting proposed consent agenda.

It was mentioned that the cost of the van will be paid through a grant award that the Borough will be receiving from Bergen County Community Development.

Domestic Partnership Act

Mayor Alter stated that this is a local option.

It was agreed by the governing body not to take a stand on this issue at this time. It was the consensus of the governing body to see what other municipalities are going to do with regard to the new law with regard to domestic partnerships.

Hometown Security Funding Initiative

Ms. Thomas stated that the State has put away \$32,000,000 for Governor McGreevey's initiative.

Mayor Alter added that the southern counties of the State want to be put on equal footing with the rest of the State.

A resolution supporting Governor McGreevey's initiative will be placed on the June 10th regular meeting proposed consent agenda.

A-2073/S-1558 (New Jersey Civil Rights Act)

Ms. Thomas stated that a letter was sent by the Bergen County Joint Insurance Fund opposing the above legislation. The costs for municipalities could run very high if the law is adopted.

A resolution opposing A-2073/S-1558 will be placed on the June 10th regular meeting proposed consent agenda.

Bergen County Community Development Appointments

Mayor Alter will reappoint Julia Ticola as the Mayor's representative to the Bergen County Community Development Committee, and the governing body will reappoint James Viola as its representative to the same committee, by resolution at the June 10th regular meeting.

Bergen County Open Space Trust Fund Appointment

Mr. Grant will be reappointed by the governing body to the Bergen County Open Space Recreation, Farmland and Historic Preservation Trust Fund at the June 10th regular meeting.

Community & Recreation Facility (Added on Item)

A brief discussion as to what types of trade shows and programs could be offered at the new community center was briefly discussed.

Bergen County Improvement Authority Financing

Ms. Thomas stated that the law firm that is handling the \$27,000,000 in financing for the Borough through the BCIA will need a resolution to be passed by the governing body. As soon as she receives the information from the law firm, it will be placed on a regular meeting for approval.

Bonding for Streetscape - Main Street to Linwood Avenue

A bond ordinance for \$650,000, of which the Borough has received a \$250,000 federal grant, will be introduced at the June 28th regular meeting for the continuation of the streetscape work on Main Street to Linwood Avenue.

PUBLIC HEARINGS SCHEDULED FOR JUNE 10, 2004

Ord. #2004-26--Amending Chapter 388, Section 40, "Vehicles and Traffic" Fee Schedule and Other Various Sections of the Borough Code to Increase the Fines for Violations and Penalties by \$2.00

Ord. #2004-27--Bond Ordinance for Acquisition of Real Property at 95 Main St., Block 4805, Lots 2-4 - \$2,250,000

Ord. #2004-28--Acquisition of Real Property by Purchase or Condemnation - 95 Main Street, Block 4805, Lots 2-4

Sign Standards - Add-on Item

A discussion ensued between Messrs. Villano, Alter, Sokolich and Ms. Thomas with regard to sign colors.

Mr. Sokolich said that there is a law that can control bizarre colors of signs.

Mayor Alter asked Mr. Sokolich to find the law and distribute it to the Mayor and Council, as well as to Paul Phillips.

Complaint Letter - Add-on Item

Messrs. Alter and Cervieri spoke about a complaint letter that they both received, along with two other council persons, that alludes to a discrimination complaint against a realtor.

Mr. Cervieri said the letter should be forwarded to the Board of Realtors who have an enforcement agency that will look into the matter and take whatever appropriate action is deemed necessary.

Mayor Alter added that he is obligated to deal with the letter as a legal matter. The gentleman who wrote the letter said that he was wronged.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Handicap Accessible Mini-Van	Mr. Monetti
Steve Monetti Parking Authority Executive Director	.Brinkerhoff Avenue Parking/ Acquisition of Property	Mayor Alter Mr. Cervieri

There being no further discussion, the meeting was adjourned **on motion by Councilman Villano seconded by Councilman Cervieri**, at 8:50 p.m.

Neil Grant, RMC
Municipal Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, May 20, 2004

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

PRESENT: Mayor Alter, Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

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

MAYOR'S STATEMENT

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

1. On January 4, 2004, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 5, 2004, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2004 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Sargenti, seconded by Councilman Villano and approved **unanimously**, the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Personnel: Administration - Spring/Summer Help
Communications Department - Spring/Summer Help
Fire Prevention Bureau
Fire Department
Police Department

Ray Levy, Director of Economic Development, In
Attendance for Three Contract Items Listed Directly
Below and Condemnation of Property Discussion

Contracts: Schoor DePalma - Traffic Engineer
Dennis Oury, Esq. - Economic Development
Phillips Preiss & Shapiro - Borough Planner

Dean Marchetto Architects
Fireworks by Grucci, Inc.
Purchasing Consultant

Condemnation of Property

Liquor License - Jabadou, t/a Tribeca (Special
Conditions)

Tax Appeals

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

The open portion of the executive session began upon completion of the closed portion.

ENGINEERING DISCUSSION

Derek McGrath, Boswell Engineering representative, was present for this portion of the meeting.

Streetscaping

Steve Monetti, Executive Director of the Parking Authority, was present for this portion of the meeting.

Mr. Monetti spoke to continuing the streetscaping from Dahill Square to the Atrium and The Plaza and then to the bottom of the pistol range on Riverdale Drive where a new parking lot is being built. \$135,000 would be saved if there is no streetscaping done at the new parking lot.

Messr. Alter and Cervieri recused themselves with regard to this discussion.

Mr. Villano, Council President, chaired the meeting for this item.

Mr. Villano asked why streetscaping needs to be done in a non-commercial district.

Mr. Monetti replied that Commerce Bank is already streetscaped and Valley National Bank is now streetscaping their sidewalk.

Mr. Villano suggested that going to the other side of Tom Hunter Road would better serve the business community.

Mr. Monetti stated that he believes the whole area should be streetscaped; otherwise, the other areas that have been streetscaped look piecemeal.

Ms. Thomas asked how much the cost will be to streetscape the area that Mr. Monetti has spoken to.

Mr. Monetti stated that including the Palisade Terrace area the cost would be \$700,000, and if Palisade Terrace is eliminated the cost would be \$542,000. He added that almost all of his projects come in under budget.

Mr. Villano said that he was originally for it, but this is a big stretch of property.

Mr. Pohan said that there are areas in the business district that need the streetscaping more than the area that Mr. Monetti has addressed. He does not want to see side streets streetscaped.

Mr. Sargenti asked if the Borough does not follow through with the streetscaping that Mr. Monetti has suggested, what will happen.

Mr. Monetti replied that everything will look piecemeal.

Mr. Villano added that he is not sure that The Atrium or the Plaza need to be streetscaped.

There was no decision reached by the governing body tonight with regard to the above.

Phase IIa Streetscaping - Main Street to Linwood Avenue

Mr. Monetti stated that the cost to streetscape the above will be \$581,000, of which the Borough has received a \$250,000 grant. This would bring the streetscaping up to Linwood Avenue. He added that the Borough does not own the new lamps that would be placed there.

Mr. Thomas said that PSE&G owns the poles.

Mr. Monetti said that the bollards do not protect the light poles.

Ferry Bus Service

Mr. Pohan recused himself with regard to this discussion.

Discussion ensued between Messrs. Alter and Monetti, about bus service for Borough residents if ferry service is eventually realized in Edgewater.

Borough Hall Structural Assessment

Ms. Thomas stated that she just received Boswell's amended engineering proposal with regard to the Borough Hall structural assessment.

Mr. McGrath broke down the summary of costs. The integrity of the building and the integrity of the facade need be looked into. Because no structural plans have been located, some destructive testing would need to take place.

Mayor Alter said that there are two parts to the project. One is controversial, regarding possible upward expansion. The other part dealing with the facade needs to be done.

Mr. McGrath broke down the fee schedule. The cost for parts 1,2,3 and 6 would be \$25,000. He added that there is some cost overlap in the different parts.

Mr. Cervieri said that the entire \$46,500 cost stated in today's proposal should also include as-built drawings. He asked Mr. McGrath to ask Mr. Boswell about incorporating the as-built drawings into his proposal.

Mayor Alter stated that since he has been a council member and continuing into his mayoral terms, the Borough has spent \$400,000 to \$600,000 with regard to the Borough Hall building.

A resolution awarding a contract to Boswell Engineering to perform engineering services for the Borough may be added to the May 27th regular meeting if Boswell incorporates the as-built drawings into his proposal.

Flooding on Eleventh Street

Ms. Thomas stated that the Borough spent \$100,000 to help with the flooding problems on Eleventh Street. Unfortunately, due to the severe storm last week, the homes in that area were once again flooded.

Mr. McGrath said that the weather event was actually back-to-back storms where three inches of rain fell in fifteen minutes. The reality of Eleventh Street is that it is a silt hole, full of debris.

Ms. Thomas said that the area is considered wetlands and there are a host of DEP issues before anything could be done to remove the debris.

Mr. McGrath added that if the entire swamp had been mucked before the storm, he still would not be sure that the area would not have flooded.

Mr. Sokolich asked if the storm could be qualified as a phenomenon.

Mr. McGrath replied affirmatively.

Mr. Cervieri said that the people who live there do not want to hear it.

Mr. McGrath said that with more the more recent structures built in Palisades Park, there is definitely more water runoff.

Mr. Sokolich spoke about common-law right, that towns have when other towns build structures that could have adverse effects in their community.

Proposal for Improvements to Bluff Road

Ms. Thomas stated that Boswell's proposal is a modification of the original combined sewer separation project (Phase I).

Mr. McGrath explained that instead of the whole Bluff Road areas sewers being replaced, there will be a replacement of sanitary sewer lines only as needed.

Mayor Alter stated that the Borough has a lot of money invested for the project, but because the DEP has changed its opinion about having the entire Borough's sanitary sewer system replaced, the Borough will not be spending as much money as it originally expected to.

A resolution awarding a contract to Boswell McClave to provide engineering services for improvements to the Bluff Road service area for the rehabilitation of the sanitary sewer system at a cost of \$60,000 will be placed on the May 27th regular meeting proposed consent agenda.

GENERAL DISCUSSION

Brain Injury Research Act - Increase in Fine Amount for Motor Vehicle & Traffic Summonses

Mr. Grant stated that the State will be charging an additional \$1.00 per ticket for brain injury research at the end of June. It was also agreed that the Borough will add on that fee and an additional \$1.00 fee for all of its summonses.

An ordinance amending the fee schedule by \$2.00 for various summonses will be introduced at the May 27th regular meeting.

Mr. Grant stated that if and when the ordinance is adopted, a \$25.00 ticket will actually have \$11.00 in costs that go directly to the State of New Jersey to fund various activities.

Summer Internship

Mayor Alter questioned as to why every board could not have a member from the high school on it.

Mr. Cohen replied that there is no statutory representation. Boards are creatures of their statutes. If someone was on the Planning Board and was allowed to ask questions but was not a voting member, it interferes with the Board.

There is nothing that precludes high school students from being on some boards and committees. It was pointed out that there is a high school student on a few boards already.

Replacement of Fire Engine Truck #5

Ms. Thomas stated that the Fire Department is looking to prepare specifications so as to go out to bid for a new fire engine truck for Fire Company #1.

A resolution authorizing the Purchasing Consultant to obtain specifications and advertise for bids for the new fire truck will be placed on the May 27th regular meeting proposed consent

agenda.

Ambulance Corps Software Program

Ms. Thomas stated that this item was held over from the last work session at Mr. Cervieri's request. She added that this software program is what the Ambulance Corps wants.

Mr. Sargenti recommended that the software purchase not be made at this time.

Mr. Cervieri said that when the position of Borough's Public Safety Director is filled, the Director should determine what software program is needed for the Ambulance Corps.

Constitution Park Concession Stand

Mr. Grant and Ms. Thomas explained that requests have been made by a few residents to operate the Constitution Park concession stand.

Mr. Cervieri to check with the Greater Fort Lee Chamber of Commerce and Fort Lee Film Commission as to whether they are interested in operating the stand.

Knights of Columbus Request - Hanging of Flag for Pledge of Allegiance

Mayor Alter stated that Father Conner from Holy Trinity Church recently visited his office and requested that the Borough fly a pennant below the American Flag which states "One Nation Under God".

Mr. Sokolich said that this is definitely a legal issue.

Mr. Cohen stated that it is not the Borough's obligation to support or denigrate religion. The Borough has to remain neutral. "One Nation Under God" is a belief.

Mayor Alter said that the statement "One Nation Under God" does express a position. It is affirmative action.

Mr. Pohan spoke about important things that are necessary for government officials to do their jobs. He believes that the Borough should not be involved with this issue.

Mayor Alter expressed that there is unanimity amongst the governing body not to fly the pennant.

Rent Leveling

This item was discussed in closed session.

PUBLIC HEARINGS SCHEDULED FOR MAY 27, 2004

- Ord. #2004-22--Amending Salary Ord. #2002-14 Schedule (B) for Non-Union Employees
- Ord. #2004-23--Amending Chapter 316, Section 1, Public Records - Fees for Copying Borough Documents
- Ord. #2004-24--Amending Chapter 42, Section 2A, Advisory Committee for the Disabled - Composition to Include a Representative From General Services
- Ord. #2004-25--Amending Ord. #2004-17 - Chapter 388, Section 44, Schedule IV: Parking Prohibited on Main Street Monday Thru Sunday From 5:00 a.m. to 8:00 a.m.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Fees for Summonses .Flooding on 11th Street	Mr. Grant Ms. Thomas

There being no further discussion, the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, at 9:15 p.m.

Neil Grant, RMC
Municipal Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, May 6, 2004

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

PRESENT: Mayor Alter, Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

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

MAYOR'S STATEMENT

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

1. On January 4, 2004, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 5, 2004, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2004 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Cervieri, seconded by Councilman Sargenti and approved **unanimously**, the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Personnel: Police Department
Parks Department - Summer Seasonal Help
Fire Department/Ambulance Corps
Purchasing Consultant/Public Bidding
Procedures

Board of Adjustment Attorney

Potential Litigation: TPK Development Matter

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

The open portion of the executive session began upon completion of the closed portion.

GENERAL DISCUSSION

Saint Rocco Italian American Mutual Aid Society Festival - Phil Arfuso, Saint Rocco Member, in Attendance

Mayor Alter stated that at the last work session the Saint Rocco's organization was asked to look into the feasibility of relocating their feast to the Central Road/Federspiel Street area that Mr. Cervieri had suggested two weeks ago.

Mr. Arfuso said that Rocco Palaia, Saint Rocco's President, has spoken to vendors about the possible relocation. He reported back that Central Road is too narrow and the stands used would take up too much space to have the proper walking room in the middle of the roadway. No emergency vehicles would be able to pass through and the area would be impossible for rides. The area behind the property is overgrown with weeds and trees. Mr. Arfuso in closing stated that the Central Road location would not work and he asked the Mayor and Council for permission again to use Martha Washington Way.

There were no objections from the Mayor and Council.

RESOLUTION

R-1 - Approving Saint Rocco Italian American Mutual Aid Society Festival - August 4th Through August 8th, 2004 at Martha Washington Way

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

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that consent is granted to the Saint Rocco Italian American Mutual Aid Society to conduct their annual festival on August 4th, 5th, 6th, 7th, and 8th, 2004 on Martha Washington Way; and

BE IT FURTHER RESOLVED that the Borough of Fort Lee shall be

held harmless from any and all claims which might arise out of the St. Rocco Festival; and

BE IT FURTHER RESOLVED that for any fireworks that St. Rocco's wishes to set off, a permit must be issued by the Fort Lee Fire Prevention Bureau, and that a certificate of insurance naming the Borough of Fort Lee as the certificate holder be obtained.

The Resolution was **approved unanimously**.

Bus Stop on Anderson Avenue Between Harmon Avenue and Forest Road

Mr. Grant spoke to the moving of a bus shelter closer to the triangle area on Anderson Avenue that lost its bus shelter with the construction of the Fort Lee Community Center. He added that the movement of the shelter would also add four or five parking spaces on Anderson Avenue.

Mayor Alter asked that a diagram of the proposed relocation be presented at the May 20th executive session.

Annual Fees for Limousine and Taxi Services

Mr. Cervieri stated that after reviewing Mr. Grant's list of other towns' annual fees for the licensing of limousine and taxi services, the Borough should increase its fees from \$35.00 to \$50.00 per vehicle. He also believes that the Borough should expand the number of taxi licenses it currently allows.

Mr. Villano stated that he is against the increase of fees.

Because the renewal of fees is done annually in January, Mayor Alter suggested that this item be held until later in the year so that any and all possible amendments to the limousine and taxi ordinance be done together in one shot.

Amending Public Records Fee Ordinance

An ordinance establishing the exact costs for reproducing documents that the Borough is not able to copy in its normal course of business for citizens requesting such copies, will be introduced at the May 13th regular meeting.

Amending ADA Ordinance

An ordinance amending the makeup of the Advisory Board for the Disabled so as to include a member of the General Services staff will be introduced at the May 13th regular meeting.

N.J. Group Against Smoking Pollution (GASP)

Mayor Alter stated that the State allows local ordinances to prohibit smoking in certain public areas. He believes that GASP's request belongs with the Board of Health, with no recommendation given by the Mayor and Council.

Solar Energy/Recreation Center

Mayor Alter stated that New Jersey has one of the worst air qualities in the nation. There are large grants available for solar energy. He would like to see solar panels on the slanted roof of the new community center. Solar panels would only be a part of the overall electrical power at the site. There is a twelve year payback policy. It would set a good example having a science station at the new center to see how much energy is coming from solar energy. The Board of Public Utilities (BPU) staff will be available to make a presentation to the governing body at a future date. He added that he cannot vote on the issue as he is a member of the BPU.

Mr. Sokolich concurred with the Mayor that solar energy is very worthwhile.

School #4 Parking on Brinkerhoff Avenue

Mr. Sargenti stated that Fort Lee Police Lt. Luke Guglielmo came out with him to discuss the ongoing parking problems for teachers at School #4. Extra parking spots are needed. Four or five spots on Brinkerhoff Avenue would be dedicated to the teachers between the hours of 7:00 a.m. to 4:30 p.m. He is also going to contact Nancy Stern, Board of Education President, about creating more angled parking spots on an unused grass area on Brinkerhoff Avenue and Route 5.

Mayor Alter asked Ms. Kasofsky to work with the Parking Authority on this matter.

Mr. Grant added that he is awaiting a report from Lt. Guglielmo.

Vending Machines at Van Fleet Park

Mayor Alter stated that the Borough has been served well by N.B.R. Vendors. He has written a letter to a competing vendor expressing that the Borough will use N.B.R Vendors for the installation of vending machines at Van Fleet Park.

Designating Mariner's Bank as a Depository

Mayor Alter recused himself with regard to this matter and asked Council President Villano to chair the meeting.

Councilman Cervieri offered a motion, seconded by Councilman Pohan, to table this matter.

There were no objections from the governing body.

Lease/Purchase of a Vehicle for the Building Department

A purchase order authorizing the lease/purchase of a 2004 Ford Taurus for the Building Department at \$425 per month for thirty-six months with a \$1.00 buyout at the end of the lease will be prepared by the Purchasing Consultant.

Purchase of a Software Program for the Ambulance Corps

Ms. Thomas stated that the Ambulance Corps received three quotes for a new emergency response management system. The \$16,200 cost would be for the software. The hardware would have to go out to bid.

Mr. Cervieri stated that the system is PC based. He wants to know if the program is Web-accessible.

Mayor Alter asked if one of the Borough's computer consultants reviewed the proposal.

Ms. Thomas replied affirmatively.

Mr. Cervieri added that he believes the system should be wireless. He asked Ms. Thomas how many units does the proposal encompass.

Ms. Thomas replied that she believes the software program is for twenty units. Ms. Thomas to check out Mr. Cervieri's request and bring back the information for more discussion at the May 20th executive session.

ENGINEERING DISCUSSION

Awarding Bid for Asphalt Milling Service

Ms. Thomas stated that Tilcon New York is the low bidder for the Borough's two year asphalt milling service contract at \$2.04 per square yard.

Mr. Cervieri added that their price seems very fair.

A resolution awarding bid to Tilcon New York for asphalt milling services will be placed on the May 13th regular meeting proposed consent agenda.

Change Order #2 for Lucas Electric Company, Inc.

Ms. Thomas stated that two additional poles with lights to back light the handball courts needed to be installed. The cost is \$28,000. It still keeps Lucas Electric within twenty percent of their original contract amount.

A resolution approving change order #2 for Lucas Electric at a cost of \$28,000 will be placed on the May 13th regular meeting proposed consent agenda.

Clarification of Streetscape Ordinance

Ms. Thomas asked if the Exxon station on Route 4 needs to conform to the Borough's streetscaping plan.

The Mayor and Council concurred that any business on Routes 4, 46 or 80 do not need to conform to the Borough's streetscaping plan.

Mr. Cohen added that if the streetscaping plan were implemented for the major highway areas, the New Jersey Department of Transportation would also have to give their approval.

PROCLAMATION

P-1 - Joan and Jack Alter - 2004 Greater Fort Lee Chamber of Commerce's "Persons of the Year"

Mr. Grant read the following proclamation from the governing body honoring Joan and Jack Alter:

WHEREAS, Joan and Jack Alter moved to the Borough of Fort Lee in May of 1973; and

WHEREAS, Joan Alter has been a tireless resource and asset for the Fort Lee community for many years, and Joan is well-known throughout Fort Lee for her various volunteer and charity endeavors; and

WHEREAS, Joan Alter earned a B.A. at Brooklyn College/Sarah Lawrence College and an M.S.W. at the Columbia University School of Social Work; and

WHEREAS, Joan Alter's expertise in social work led her to serve as Senior Social Worker at the Montefiore Medical Center in the Bronx and as a lecturer at the Columbia University School of Social Work; and

WHEREAS, Joan Alter is a member of the National Association of Social Workers, President of the Fort Lee Community Fund, active member of the Fort Lee Centennial Committee and serves as a member of the Board of Directors of the Jewish Family Service; and

WHEREAS, Jack Alter began his civic career with the Borough of Fort Lee as a Planning Board member in 1977; and

WHEREAS, Jack Alter served on the Borough Council from 1985 through 1991; and

WHEREAS, Jack Alter was sworn in as Mayor of Fort Lee in 1992, and has won reelection three times since; and

WHEREAS, Jack Alter's community service includes memberships in the American Legion, Veterans of Foreign Wars Post 2342 and the Jewish War Veterans; and

WHEREAS, Jack Alter's activities also include being Chairman Emeritus of the Fort Lee Israel Bonds Campaign and he maintains memberships with B'Nai B'rith and the Fort Lee Lions Club; and

WHEREAS, when Jack Alter is not occupied with community service, he is immersed in his favorite hobbies of history, cooking and fishing; and

WHEREAS, Joan and Jack Alter have celebrated fifty years of marriage and have three children: Lisa, David and Karen, and four grandchildren: Sam, Rori, Kenny and Sophia,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council on behalf of the people of the Borough of Fort Lee offer their gratitude and congratulations to **Joan** and **Jack Alter** for being named the **Greater Fort Lee Chamber of Commerce's 2004 Persons of the Year.**

PUBLIC HEARINGS SCHEDULED FOR MAY 13, 2004

Ord. #2004-20--Amending Salary Ordinance #2002-14 for White Collar Employees - Establishing Title, Salary and Salary Range for Inventory Control Clerk
Ord. #2004-21--Capital Ordinance for Streetscape Project Phase IIA - \$250,000 Federal Grant

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Cathy LoFaro 555 North Avenue	.Bus Stop Relocation Forest Rd./Harmon Ave. Expressed Safety Concerns to Moving From Present Location	Mr. Villano

There being no further discussion, the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, at 9:03 p.m.

Neil Grant, RMC
Municipal Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, April 15, 2004

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

PRESENT: Mayor Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Cervieri

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

Ms. Voss resigned her council position on April 8th, effective April 15th.

MAYOR'S STATEMENT

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

1. On January 4, 2004, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 5, 2004, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2004 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Cervieri, seconded by Councilman Sargenti and approved **unanimously**, the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Personnel: Police Department
Seasonal & Summer Help (Various Departments)

Contract: Bergen County Improvement Authority

PBA Local 245 Unfair Labor Practice Charge
Regarding Special Enforcement Officers

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

The open portion of the executive session began upon completion of the closed portion.

ENGINEERING DISCUSSION

Stephen Boswell and Edward Mignone, Boswell McClave Engineering, were present for this portion of the meeting.

Borough Hall Structural Assessment

Mr. Boswell spoke about his April 7th engineering report, which details Boswell's services regarding the possible addition of a floor to Borough Hall. The total cost would be \$21,500, which covers engineering costs and a geotechnical report.

Mayor Alter stated that the Parking Authority and Health Department would have to be moved. He does not see a need for additional space being added onto Borough Hall. He does not see the need for additional space.

Mr. Cervieri said that with the Parking Authority, Board of Health and other employees in the Gunzter Street house, it would make sense to have people centrally located in the Borough. Building upward would keep everything centrally located so that many departments would not be split up all over the place.

Mayor Alter replied that to spend millions to basically fix the roof is inefficient. The Borough has already spent a lot of money to fix the roof. He believes that any upward addition would make the building look bad. He said that short-term, this is not a good idea.

Ms. Thomas mentioned that the front of the building is decaying.

Mr. Cervieri added that a structural assessment is needed. The skylight should not be eliminated.

Mr. Villano stated that he does not want to see a third story added onto the building.

Mr. Cervieri asked Ms. Boswell what his cost would be to perform a structural assessment of the building without the idea of the building being added onto.

Mr. Boswell said that he would have to rework his figures.

This item to be discussed again at the May 6th work session.

Borough's Combined Sewers - Review of Administrative Consent Order

Dr. Boswell stated that with regard to the Borough's proposed sewer separation project anticipated in conjunction with the Borough's Administrative Consent Order, \$7,500,000 has already been borrowed for Phase I from the New Jersey Department of Environmental Protection (NJDEP) infrastructure improvement loan program, but has not been used. The total cost of separating the Borough's combined sewer system in the Bluff Road drainage area was estimated at more than \$30,000,000.

Dr. Boswell added given pending changes to regulations and a general philosophical shift regarding combined sewers, Boswell McClave Engineering is recommending that rather than focus on complete separation of sewers, point repairs with new section of pipe where need and other efforts at reducing infiltration and inflow to the system be pursued. Local separate drainage improvements may also be warranted.

Dr. Boswell indicated that a letter needed to be drafted to the NJDEP requesting that the Department permit the Borough to use the loan to fund a project with a different focus than originally anticipated.

A voice vote was taken by Mr. Grant. There was unanimous agreement amongst the Mayor and Council to pursue this change in focus.

Updated Tax Maps

Mr. Boswell mentioned that the tax maps were approved in the year 2000. The block numbers were changed as requested by the Tax Assessor. The maps are still with the State where they have not yet been reviewed for final approval.

Capital Projects (Added on Item)

Mr. Boswell stated that he would like to be on the list for any requests for proposals that the Borough will be sending out regarding capital engineering projects.

GENERAL DISCUSSION

Saint Rocco Italian American Mutual Aid Society Festival - Rocco Palaia, in Attendance

Mayor Alter stated that there is some feeling on the council that the Martha Washington Way (MWW) route can be replaced for the Saint Rocco's festival.

Mr. Cervieri mentioned that many years ago, the St. Rocco's festival was on Main Street between Palisade Avenue and Federspiel Street. He showed a diagram of the route that he believes would be a better place to hold the festival. Being a resident of the southern part of Fort Lee he has been supportive of St. Rocco's but is troubled with the closing down of MWW each year. He is a messenger for the complainers. He believes that there is a credible solution that would expand St. Rocco's. He said that by moving the festival to Central Road, only one family would be affected over the next two years. Central Road could be expanded by using Federspiel Street. The town would close Main Street from Parker Avenue. More prominence would be imminent with the highway exposure. It would be a welcome addition to the fabric of Fort Lee and it would be right near the St. Rocco's Church.

Mr. Palaia concurred that it would be a longer street, but according to his organizers, the street is not wide enough. He envisioned overcrowding. He feels that MWW gives the festival a better overall capacity. There have been no problems with violence. Also being in the middle of summer, there is less car traffic than normal. He would not be able to lay out the feast properly. The average stand is twelve feet, and he would not be able to put stands up at Mr. Cervieri's location. Fire apparatus would also not be able to get through. Some of the rides take up the width of street.

Mr. Villano asked whether if rides could be put on the new property, would that sway the St. Rocco's organization to move to the property that Mr. Cervieri is recommending.

Mr. Cervieri stated that his location would give St. Rocco's a long-term home. The MWW location will not be able to be used in the forthcoming years once building plans are finalized.

Phil Arfuso, St. Rocco's member, stated that Mr. Cervieri's location might be a viable solution. It would definitely highlight the St. Rocco statue.

Mr. Palaia said that he believes that if there was more street space available, the new location could be viable. He does not want to lose vendors. The primary concern is to have a feast in Fort Lee.

Mayor Alter said that most people are prepared to keep St. Rocco's in Fort Lee. He asked that the St. Rocco's members take a good look at Mr. Cervieri's location.

Mr. Palia and his members to come back to the May 6th work session for a final decision on this matter.

ENGINEERING DISCUSSION CONTINUED

540 Main Street Project Wall Repair

A resolution authorizing the Purchasing Consultant to advertise for bids for the wall repair will be placed on the April 22nd regular meeting proposed consent agenda.

Change Order for Lucas Electric (Tennis Courts)

A resolution approving a \$850.00 change order will be placed on the April 22nd regular meeting proposed consent agenda.

Change Order for Allied Services of N.E., Inc.

Mayor Alter asked about the claim the Borough has with regard to the Police Department facility.

Mr. Cohen replied that Steve Muhlstock is still handling the litigation on that matter for the Borough.

A resolution approving two change orders at a total cost of \$1,300 will be placed on the April 22nd regular meeting proposed consent agenda.

GENERAL DISCUSSION CONTINUED

NJ 2-1-1 Partnership

Mr. Cervieri stated that this is a way United Way raises

money. He feels that people who do not have Web access would be helped by the NJ 2-1-1 Partnership program.

Ms. Thomas to look into the program for the Borough.

TVI Trailer and Decontamination System

Ms. Thomas stated that the Borough has received a federal grant that is to be split equally among the Ambulance Corps, Emergency Management and Fire Department.

Ms. Thomas added that the trailer and decontamination system would be stored in the DPW yard.

Mr. Cohen stated that specifications cannot be written so only one bid would be obtained. The State frowns upon proprietary bids.

A resolution authorizing the Purchasing Consultant to advertise for bids for the above item will be placed on the April 22nd regular meeting proposed consent agenda.

Wearing of Shorts for DPW Employees in Summer

Mr. Sargenti stated that he is focusing on a pilot program whereby the DPW and Parks employees could wear shorts in certain situations. If compensation cases come out of the wearing of shorts the program can be stopped. Other towns have it. It should be up to the men. If they don't follow criteria, then they lose it. He thinks that it would boost morale.

Ms. Thomas replied that she is strongly against the idea. The Borough has worked hard to get worker's compensation claims down. No one was in favor of it when there was a meeting. None of the department heads were asking for it. She is concerned about taking on more liability. The Borough's Risk Manager suggested that the Borough not do it. There would be very few times where shorts would be justifiable. It opens up possible claims on something that truly does not need to be done.

Mr. Sargenti asked the Mayor and Council for their opinion.

Mr. Pohan added that he does not see the wearing of shorts as a problem.

Ms. Thomas said that she believes this is an administrative decision. She added that when the weather gets too hot, the employees are brought inside.

Mayor Alter added that short of an ordinance, he believes it is an administrative decision. He believes that it would be a huge workmen's compensation problem. He does not think that it is that important. He asked Ms. Thomas to arrange a meeting to include Ms. Thomas, Mr. Sargenti and the Borough's Risk Manager.

Capital Ordinance for Streetscape Grant

A fully funded capital ordinance for an ISTE A Grant of \$250,000 that the Borough has been given by the State for the phase IIA streetscaping from Main Street to Linwood Avenue will be introduced at the April 22nd regular meeting.

Limousine Application for Riverview Car Service Inc.

A resolution approving a limousine owner's license for the above limousine service will be placed on the April 22nd regular meeting proposed consent agenda.

Mr. Grant mentioned that Mayor Alter had suggested a number of months ago increasing the number of licenses the Borough issues. He believes that Mayor Alter's previous suggestion should be looked into.

Mr. Cervieri requested that the Borough fees for limousine and taxi licenses be increased. He would like to see the number of taxi licenses also increased. Residents of the Borough are having a hard time getting a Fort Lee taxicab.

Mr. Grant spoke to a court decision based on a lawsuit that limited the number of Borough taxi licenses the Borough is allowed to offer.

Mr. Grant to get the licensing fee schedule from other municipalities and to bring it back to the table for further discussion at the May 6th work session.

Requesting NJ Transit for Bus Shelter on Lemoine Avenue

Mr. Grant mentioned that a resolution authorizing a bus shelter agreement with New Jersey for a bus shelter on Lemoine Avenue near Bruce Reynolds Boulevard will be placed on the April 22nd regular meeting proposed consent agenda.

Relocation of Bus Stop on Anderson Avenue South Side Across From Forest Road

Mr. Grant stated that he has been working with the Police Department to place the above bus shelter closer to the bus shelter that was removed while the recreation facility is being built.

Mr. Cervieri asked if any parking spaces will be lost if the bus shelter is moved.

Mr. Grant replied that he believes parking spaces will be increased, with the worst case scenario of staying even. No spaces will be lost.

Mr. Grant stated that New Jersey Transit will review the requested move next week.

In-Lieu Tax Agreement with Palisades A/V Co., Inc.

A resolution authorizing an in-lieu tax agreement with Palisades A/V Co., Inc., will be placed on the April 22nd regular meeting proposed consent agenda.

Tribeca Liquor License (Added on Item)

Mr. Villano asked if he could obtain the police incident reports with regard to Tribeca. There have been some incidents over the past few months that he would like to review.

PUBLIC HEARINGS SCHEDULED FOR APRIL 22, 2004

Ord. #2004-16--Amending Salary Ord. #2002-14 for White Collar Employees - Establishing Title, Salary and Salary Range for Senior Clerk Typist/Planning Administrator

Ord. #2004-17--Amending Chapter 388, Section 44, Schedule IV: Parking Prohibited Certain Hours on Main Street

Ord. #2004-18--Amending Chapter 388, Section 48, Schedule V: Time Limit Parking on Sixteenth Street

Ord. #2004-19--Amending Salary Ord. #2002-51 for Department Heads - Establishing Title, Salary, and Salary Range for Assistant Public Works Superintendent

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	Bus Shelter on Anderson Avenue	Mr. Ceriveri

There being no further discussion, the meeting was a
adjourned **on motion by Councilman Cervieri, seconded by
Councilman Pohan**, at 9:22 p.m.

Neil Grant, RMC
Municipal Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, April 8, 2004

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

PRESENT: Mayor Alter, Council Members Pohan, Kasofsky, Sargenti, Cervieri

ABSENT: Council Members Villano, Voss

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

MAYOR'S STATEMENT

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

1. On January 4, 2004, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 5, 2004, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2004 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Villano, seconded by Councilman Sargenti and approved **unanimously**, the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Personnel: Police Sergeant's Promotional Exam
Building and Grounds
Senior Citizens

Contract: Miele Sanitation Garbage & Recycling

Potential Litigation: Palisades A/V vs. Fort Lee

Potential Litigation/Property Acquisition - Ray Levy,
Dennis Oury, Esq., and Paul Phillips, in Attendance

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

The open portion of the executive session began upon completion of the closed portion.

GENERAL DISCUSSION

No Parking on Main Street Ordinance 5:00 am - 8:00 am

An ordinance eliminating parking weekdays from 5:00 a.m. to 8:00 a.m. on Main Street so as to have Main Street cleaned daily will be introduced at tonight's regular meeting.

16th Street and Inwood Terrace Parking Ordinance

A temporary ordinance allowing for two-hour parking on Inwood Terrace and Sixteenth Street between Edsall Boulevard and Anderson Avenue while the recreation facility and open space park is being built will be introduced at tonight's regular meeting.

Meters will be placed back at both locations once the construction is completed.

Support for Federal Transportation Reauthorization

A resolution endorsing federal H.R. Bill 3550, which is a six year federal surface transportation reauthorization bill, will be placed on tonight's regular meeting proposed consent agenda.

Developers Agreement for Greenhouse Pre-School & Kindergarten, Inc., at 2070 Jones Road

A resolution approving a developers agreement for the Greenhouse Pre-School & Kindergarten will be placed on tonight's regular meeting proposed consent agenda.

Advertise for Bids for Handicap Mini Van

A resolution authorizing the Purchasing Consultant to obtain specifications and advertise for bids for one handicap mini van will be placed on tonight's regular meeting proposed consent agenda.

Liquor License Transfer Fort Lee Japanese Investment Co., Inc. to Song Song, Inc. (To Be Inactivated)

A resolution approving a person-to-person liquor license transfer from Fort Lee Japanese Investment Co., Inc. to Song Song, Inc. at a mailing address of Alpine, New Jersey, will be placed on tonight's regular meeting proposed consent agenda. The license will be inactive until such time a place-to-place liquor license application is approved.

TVI Trailer and Decontamination System

No discussion tonight. Item to be placed on the April 15th executive session for discussion.

Limousine Application for Riverview Car Service Inc.

No discussion tonight. Item to be placed on the April 15th executive session for discussion.

Lack of Coordination With Public Utilities

Mr. Cervieri stated that formal coordination needs to be done with all the public utilities and the Borough. He mentioned that PSE&G is putting up poles on the northern side of Main Street by the Town and Country property. The idea was to have utilities placed underground.

Ms. Thomas to speak with the different public utilities, and to the departments in the Borough who get contacted by them, as to when the utilities are doing work in the Borough so as to have better coordination with them.

PUBLIC HEARINGS SCHEDULED FOR APRIL 8, 2004

Ord. #2004-14--Amending Salary Ord. #2002-14 for White Collar Employees - Establishing Titles, Salaries and Salary Ranges for Three (3) Positions

Ord. #2004-15--Amending Salary Ord. #2002-51 for
Department Heads - Establishing Position of Director
of Cultural and Heritage Affairs

PUBLIC PARTICIPATION

No one from the public spoke during this portion of the meeting.

There being no further discussion, the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, at 8:00 p.m.

Neil Grant, RMC
Municipal Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, March 18, 2004

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

PRESENT: Mayor Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Voss, Cervieri

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

MAYOR'S STATEMENT

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

1. On January 4, 2004, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 5, 2004, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2004 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Cervieri, seconded by Councilman Sargenti and approved **unanimously**, the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Personnel: Fire Prevention Bureau
Recreation Department Seasonal Employees
Municipal Court
Administration
Salary Ordinances

Contract: Hannoeh Appraisal Company

Litigation: The Atrium Palace Syndicate vs. Borough of Fort Lee
DeLuca vs Borough of Fort Lee
Hamilton vs. Borough of Fort Lee
Palisades A/V Co. vs. Borough of Fort Lee - Steve Muhlstock, Tax Appeals Attorney, and Joseph Marinello, Jr., Esq. in Attendance
With Regard to Above Litigation Matters

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

The open portion of the executive session began upon completion of the closed portion.

GENERAL DISCUSSION

Budget Appropriation Transfers for March 25th

Ms. Thomas noted that Joseph Iannaconi, Chief Financial Officer, will be doing the required transfers. A resolution authorizing the transfers will be placed on the March 25th regular meeting proposed consent agenda.

Route 9W at I-95 Design and Construction Project

Ms. Thomas stated that Mr. Cohen and his associates have reviewed an agreement with the State of New Jersey with regard to the design and reconstruction of Route 9W. The work may require adjustment and/or relocation of facilities of the existing sanitary sewer lines.

A resolution authorizing Mayor Alter to sign a contract for the project will be placed on the March 25th regular meeting proposed consent agenda.

It was noted that the State may not have enough money to begin the project in the near future.

Advertise for Bids for Building Department Vehicle and Asphalt Milling for Various Streets

Mr. Cervieri stated that the Building Department needs a vehicle because there was a car accident. He asked how many

vehicles does the Building Department currently have.

Ms. Thomas replied that the Building Department normally has four vehicles.

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise bids for the above projects will be placed on the March 25th regular meeting proposed consent agenda.

Award Bid for Upgrades to Borough Pump Stations

Ms. Thomas stated that \$450,000 has been put aside in the capital account over the last couple of years to cover the cost of the upgrades to the pump stations.

A resolution awarding bid to Rapid Pump & Meter Service at a cost of \$243,890 to do the necessary upgrades will be placed on the March 25th regular meeting proposed consent agenda.

Award Proprietary Bid for DPW Trucks

A resolution awarding bid to Meadowlands Ford for a Ford pickup truck at a cost of \$38,654.38 and to Hudson County Motors for a dump truck at a cost of \$133,248 will be placed on the March 25th regular meeting proposed consent agenda.

Personnel Policies and Procedures Manual

Ms. Thomas stated that every employee signs out for their manual.

A question was raised what is done if there are employees who cannot read the document.

Mr. Grant said when the manuals are given out the employees will be asked if they can read. If they cannot read the manual other arrangements will be made so that the employee understands what they are signing for.

Mr. Cervieri felt that the Borough should side err on the side of conservatism. He does not want the Borough to be in an unfavorable position if someone does not have the ability to understand the document they are being given.

A resolution accepting an amended personnel policies and procedure manual for the Borough will be placed on the March 25th regular meeting proposed consent agenda.

Saint Rocco Italian American Mutual Aid Society Festival

The Saint Rocco's organization has again requested the use of Martha Washington Way for their annual festival which will be held this year from Wednesday, August 4th until Sunday, August 9th.

Mr. Cervieri stated that the St. Rocco's organization should come meet with the Mayor and Council in person. He believes that the festival being held on Martha Washington Way is a major inconvenience to the residents of Fort Lee.

It was agreed that Mr. Grant should contact Rocco Palia, President of St. Rocco's, and ask him to attend the April 15th executive session.

Relocation of Bus Stop on Anderson Avenue

Mr. Grant mentioned that the bus stop at the corner of Anderson Avenue and Inwood Terrace has been fenced off due to the ongoing construction at the site. He added that after receiving a few phone calls from the residents of the apartment buildings in the area he called Lieutenant Luke Guglielmo of the Police Department. They discussed possibly relocating the bus stop on Anderson Avenue across from Forest Road, to a location closer to the bus stop that was removed. This way the residents in the area will have a shorter walk to and from the bus stop.

Mr. Grant to work with Lieutenant Guglielmo, the Parking Authority, and New Jersey Transit to get the situation rectified favorably for the residents.

Office Of Emergency Management Certification Program

Mr. Sargenti stated that the Office of Emergency Management would like to implement a Community Emergency Response Team (C.E.R.T.) training program. It is a program that provides Borough residents with basic training on what to do before, during and after a disaster. It is a eleven step program at no cost except \$15.00 to cover the cost of taking a CPR exam. The goal is to begin the program on May 1st. It would take three to five months to complete. Paramus has already implemented the program and other communities are offering the training to its residents.

Ms. Thomas stated that no police overtime costs should be incurred in the running of the program.

There were no objections from the Mayor and Council with regard to starting the program.

PUBLIC HEARINGS SCHEDULED FOR MARCH 25, 2004

- Ord. #2004-9--Amending Salary Ord. #2002-14 - Establishing Salaries and Wages for White Collar Employees - Code Enforcement Officer and Deletion of Code Enforcement Trainee Title
 - Ord. #2004-10--"CAP" Ordinance to Exceed Index Rate for 2004
 - Ord. #2004-13--Amending Chapter 90, by Establishing the Part Time Position of Class One Special Law Enforcement Officer
- 2004 MUNICIPAL BUDGET**

PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilwoman Voss, the meeting moved into public participation.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Palisade Park Hotel (Bergen Boulevard)	Mayor Alter

There being no further discussion, the meeting was adjourned **on motion by Councilwoman Voss, seconded by Councilman Sargenti,** at 8:20 p.m.

Neil Grant, RMC
Municipal Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, March 4, 2004

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

PRESENT: Mayor Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Voss, Cervieri

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

MAYOR'S STATEMENT

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

1. On January 4, 2004, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 5, 2004, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2004 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Villano, seconded by Councilman Sargenti and approved **unanimously**, the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Personnel: Police Department
Economic Development
Salary Reviews

Contracts: Appraisal for Portion of Redevelopment Area 1 and Appraisal for Redevelopment Area 3 -
Dennis Oury, Esq. in Attendance

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

The open portion of the executive session began upon completion of the closed portion.

GENERAL DISCUSSION

Cleanliness of Streets

Ms. Kasofsky showed pictures of the streets in the middle of town not being kept clean, specifically between Lemoine Avenue and Center Avenue on Main Street. She spoke to the \$30,000 that is available for the Clean Communities Program, but the money does not cover year round cleaning of the business areas in town.

Ms. Thomas mentioned that the Parking Authority had hired someone to clean the streets on the weekends, but she was not sure if it was being done every week.

Mr. Villano stated that the streets are especially dirty on Sundays.

Mayor Alter asked Ms. Thomas to tell Steve Monetti, Parking Authority Executive Director, to hire people so that the business district areas are cleaned daily.

Awarding Proprietary Bid for DPW Trucks

Mr. Cohen to review the bids and report back at the March 18th executive session.

PUBLIC HEARINGS SCHEDULED FOR MARCH 11, 2004

Ord. #2004-6--Capital Ordinance for 2004 Statewide Local Domestic Preparedness Equipment Grant Award - \$150,000

Ord. #2004-7--Amending Salary Ordinance #2003-6 for Certain Non-Union Employees - Municipal Court Judge

Ord. #2004-11--Acquisition of Real Property and Improvements by Purchase or by Condemnation of Block 6101, Lots 13, 14, 15 and 20, Commonly Known as 173 Bridge Plaza North

Ord. #2004-12--Amending Ord. #388-66, Section D, Parking in Municipal Properties - Three (3) Hour Time Limit for Persons Using the Library Facilities

FEMA Reimbursement (Added on Item)

Mayor Alter noted that the Borough has been turned down by the federal government for reimbursement of overtime money that was paid out to the Police Department during the last high terrorist holiday alert at the end of 2003. He has written a letter to Congressman Steven Rothman, complaining that the Borough as a front line community during these high terrorist alert periods is not receiving reimbursement for expenses that it incurred. He added that it is pretty hard to have to let the residents know that fifteen other municipalities received a reimbursement, but not the Borough of Fort Lee.

PUBLIC PARTICIPATION

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

There being no further discussion, the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilwoman Voss,** at 8:12 p.m.

Neil Grant, RMC
Municipal Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, February 19, 2004

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

PRESENT: Mayor Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Voss

ABSENT: Councilman Cervieri

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

MAYOR'S STATEMENT

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

1. On January 4, 2004, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 5, 2004, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2004 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Villano, seconded by Councilman Sargenti and approved **unanimously**, the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Personnel: DPW
Building Department

Police Promotions - Acting Chief Bernard
Hart in Attendance

Contract: MCI Indemnification and Hold Harmless
Agreement

Potential Litigation/Acquisition of Property: Skeleton
Building - Ray Levy and Jack Curly, Esq. in
Attendance

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

The open portion of the executive session began upon completion of the closed portion.

ENGINEERING DISCUSSION

Edward Mignone, Boswell McClave Engineering representative, was present for this portion of the meeting.

Authorization to Bid for New Clubhouse and Site Improvements at the DPW

Mr. Mignone will be setting up a meeting with Mr. Sargenti, Ms. Thomas and Tony Lione, DPW/Parks Director, with regard to the new clubhouse at Van Fleet Park.

A resolution authorizing the Purchasing Consultant to obtain specifications and advertise for bids for a new clubhouse and site improvements at the DPW will be placed on the February 26th regular meeting.

Stormwater Permit

Mr. Mignone has stated that the New Jersey Department of Environmental Protection (DEP) has been less burdensome and has extended deadlines with regard to the separation of sanitary sewers. He concluded that the Borough has most of the ordinances in place to comply with the DEP.

Ms. Thomas signed the stormwater permit on behalf of the Borough for the DEP.

GENERAL DISCUSSION

Municipal Budget 2004 - Steve Wielkocz, Borough Auditor, in Attendance

Mr. Wielkocz handed out and explained the following information sheet to the Mayor and Council with regard to the Borough's budget for 2004.

TOTAL APPROPRIATIONS 2003	47,575,652	TAX RATE	
TOTAL APPROPRIATIONS 2004	<u>51,162,401</u>		
INCREASE	<u>3,586,749</u>		
PERCENTAGE	<u>7.01%</u>		
TAX LEVY 2003	37,355,736	121.500	
TAX LEVY 2004	<u>40,980,587</u>	<u>132.53</u>	70.04
INCREASE	<u>3,624,851</u>	<u>11.03</u>	0.09079
PERCENTAGE	<u>8.85%</u>		

APPROPRIATION INCREASES

SALARIES AND WAGES-POLICE	871,020
SALARIES AND WAGES-OTHER	834,786
HEALTH BENEFITS	596,889
GARBAGE AND TRASH	887,118
DEBT SERVICE	532,147
PENSION	198,912
OTHER EXPENSES	<u>(334,123)</u>
	<u>3,586,749</u>

MUNICIPAL TAXES

AVERAGE ASSESSMENT 2003	275,000	3,341
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AVERAGE ASSESSMENT 2004	400,000	2,800
	450,000	3,150
	475,000	3,325
	500,000	3,500
	550,000	3,850
	600,000	4,200

Mr. Wielkocz stated that there looks to be an increase in the 2004 tax levy. Revenues are flat, State aid is flat, and the Borough is collecting its normal customary fees. There are appropriation increases, due to the "Kelly Bill", the Borough's obligations are increasing. Police and fire pension costs are up; however, operating expenses within departments are down. The things that are controllable have been controlled. There are a half dozen appropriations that are hard to control. There has been a \$1,700,000 increase in salaries from 2003. He added that under the old tax assessment the increase would be 11 points and under the new assessment the increase would be 3.6 points. The revaluation drops last year's tax rate from 2.65 to 1.40.

Mayor Alter stated that the auditor is only talking about the introduced budget. There are items that the auditor might not be aware of which could possibly bring the expected budget increases down. There is a chance that there will be substantial increases in new ratables. He is hopeful that help is on the way and that the nine percent increase for the municipal portion of the budget can be lowered before the budget is adopted.

Messrs. Alter and Wielkocz briefly spoke about the revaluation.

Mayor Alter stated that in effect Bergen County has adjusted the Borough and that the Borough will now be paying a factor that will establish true value to property owners.

Extraordinary Aid Application

Mr. Wielkocz stated that the Borough will be filing an extraordinary aid application next week that requests \$3,000,000 in extraordinary aid.

Bond Sale - Temporary Notes

Mr. Wielkocz explained the January 28, 2004 memo that he sent to the Mayor and Council and Borough Administrator. (The letter is available in the Borough Clerk's office in the February 19th executive session meeting folder).

Mr. Wielkocz explained the current favorable interest rate environment and the Borough's AA bond rating. His suggestion is to have a bond sale to permanently finance \$12,800,000 in outstanding notes. After the new recreation and community center is completed a second bond sale in 2007 could be done. This will allow for flexibility to do improvements for the center in 2005 and 2006. Debt service would be lowered next year with a four percent (4%) interest rate on \$12,800,000 in bonds, then there would be level debt service for eight years thereafter.

Mayor Alter stated that the Borough does not have the right to recall bonds. A rise in the market gets disposed with by low interest rates. The Borough would be by locking in low long-term bond rates.

Mr. Wielkocz feels that this is the most prudent thing to do and that the community center would not be funded with this bond issue. It is always good to have nice level debt service.

Mr. Pohan concurred that the Mayor and Council are trustees for the people, and that the people should be protected.

Purchase of Police Vehicles - Richard Radoian, Motor Vehicle Coordinator, in Attendance

Mr. Radoian asked that the Mayor and Council purchase four new police vehicles. This would be for three (3) marked and one (1) unmarked vehicles. He added that he would like to move forward as quickly as possible so as to lock in 2004 prices.

A resolution authorizing the Purchasing Consultant to advertise for bids or purchase through State contract for the four police vehicles will be placed on the February 26th regular meeting proposed consent agenda.

Place-to-Place Liquor License Transfer (Hudson Wine Market)

A resolution approving a place-to-place liquor license transfer of Hudson Wine Market (inactive status) to 1638 Fort Lee Town Center, Building D, will be placed on the February 26th regular meeting proposed consent agenda.

Amending Chapter 388-66 Parking in the Library Lot

It was agreed that an ordinance to allow patrons of the library to park for a maximum of three hours in the library parking lot will be introduced at the February 26th regular

meeting.

Mr. Grant explained that Steven Monetti, Executive Director of the Parking Authority, had been in contact with the Library Director and the Library Board of Trustees in regard to the parking issue.

Liberty Place Complex - Renaming of Street

Mr. Grant explained that it is imperative to have a permanent street address at the new affordable housing location off of Main and Cedar Street. No certificates of occupancy will be given to the residents of the building until a permanent street address has been approved.

Mr. Cohen to prepare a resolution giving a street address for what has been known as the "Liberty Place Project" for the February 26th regular meeting.

Bergen County Employees Assistance Program

A resolution authorizing a professional services agreement for an employee assistance program for 2004 between the Borough and Bergen County at a cost of \$20.00 per employee to the Borough will be placed on the February 26th regular meeting proposed consent agenda.

Use of Borough Vehicle for Fire Prevention Official

Ms. Thomas stated that James Carney, Fire Subcode Official, has requested the use of a borough vehicle to take home.

Mr. Sargenti stated that once Tony Lione made his request and it was approved two weeks ago, that it would open up the floodgates for other employees to come forward to ask for the same benefit.

Mr. Cohen stated that it is a contractual issue. The department head collective bargaining agreement would have to be changed.

Mayor Alter said that Mr. Carney is a valued employee, but the issue will have to be dealt with at the next contract renegotiation.

Ms. Thomas explained that this ongoing issue affects approximately five to six employees.

Mayor Alter added that the issue should be left as it was two weeks ago. Mr. Lione received permission to use a Borough vehicle to take home and that decision should not be changed.

Mr. Cohen will deal with the issue if a grievance is filed by the department head union.

Purchase of New Fire Truck for Fire Company #1

Mr. Sargenti stated that members of Fire Company #1 approached him about obtaining a new fire truck. The current truck has been in need of a lot of repair work and parts for the vehicle have been hard to find.

Ms. Voss added that the truck that Ms. Sargenti is talking about is twenty-five years old.

A brief discussion was also held with regard to how the Borough auctions old fire trucks.

Municipal Clerk's Schedule - February 20th Thru February 26th

Mr. Grant explained his upcoming business schedule for the next five business days to the Mayor and Council.

R-1 - Approving Amerada Hess Developers Agreement

Mayor Alter stated that Amerada Hess is under order of the New Jersey Department of Environmental Protection to clean up their site. He asked if a resolution which had been held in abeyance while he reviewed the matter could be placed on tonight's meeting agenda for approval.

Mr. Cohen saw no reason why action could not be taken at tonight's meeting with regard to approval of the developers agreement.

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

WHEREAS, the Planning Board of the Borough of Fort Lee adopted a Resolution approving a development by Amerada Hess Corporation for property located at Block 3508, Lots 1-10 and commonly known as 1642 N.J.S.H. Route 46, Fort Lee, New Jersey; and

WHEREAS, the Resolution was conditioned upon Amerada Hess Corporation entering into a Developers Agreement with the Borough of Fort Lee and the posting of the necessary performance guarantees; and

WHEREAS, a Developers Agreement has been prepared by the Borough Attorney; and

WHEREAS, such Developers Agreement has been executed by Amerada Hess Corporation and the necessary performance guarantees, cash deposits and insurance certificate has been reviewed and approved by the Borough Attorney,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the Mayor and Borough Clerk be and are hereby authorized to execute the Developers Agreement with Amerada Hess Corporation.

The Resolution was **approved unanimously**.

Reimbursement for Use of Boro Emergency Services

Mr. Pohan mentioned that at yesterday's code enforcement meeting a number of incidents involving broken sewer pipes at a particular apartment complex were discussed. His question was whether the Borough could charge property owners for use of the Borough's emergency services for repeated violations.

Mayor Alter asked Mr. Cohen to prepare an opinion letter with regard to Mr. Pohan's request.

Mr. Villano mentioned that the Fire Department had made forty emergency service calls to the Avalon Complex in a short period of time. He wanted to know if the Borough can get reimbursement through insurance. He spoke specifically about Avalon's pipes and how their individual units are configured.

Mayor Alter asked Mr. Cohen to review how the entire issue can be subjugated.

PIP Historic Theater Restoration Project

Mr. Pohan spoke to the work and the cost of the repair work done at the PIP auditorium. The PIP did some of the electrical repair work themselves. Construction was estimated at \$12,000. The Borough did the work that only cost \$2,300 for the materials used. The cost for new projectors is expected to be \$22,000. It has also been recommended that a digital portable projector be

bought at a cost of \$10,000. The one cost that was estimated too low was the cost for new curtains and screening. The original estimate was \$7,500 and the anticipated cost is now \$19,000.

Mayor Alter recommended that someone notify the Fort Lee Board of Education when the project is completed. The renovated building can and should be used as a resource for the school children.

PUBLIC HEARINGS SCHEDULED FOR FEBRUARY 26, 2004

Ord. #2004-4--Amending Chapter 324, Article II - Rent Control Increase Calculations **(Tabled February 12th)**

Mr. Pohan stated that he thought when the original vote was taken on the rent control ordinance that there would be more governing body members in favor of passing the ordinance. If the concern was about the qualification of senior citizens for MAP-currently 1.9%, without utilities-it would be possible to change the qualifying income level. For example, the income qualification could be four times the proposed annual rent plus medical expenses. He added that he was not aware that an elaborate study needed to be done to make changes to laws.

Mayor Alter mentioned that residents who spoke at last week's public hearing spoke to the \$180,000 income threshold. The Borough could hire an expert to be ready for any anticipated litigation. The attorney hired by the landlords last week was creating a record. He believes that the landlords are preparing for litigation. He thought that when the ordinance was originally introduced that it was a minor change. The last time the Borough was involved in rent leveling litigation it hired Joan Pransky as an expert for the Borough. The Borough prevailed in Federal Court on the case. He suggested that Ms. Pransky be hired by the Borough.

Mr. Villano concurred with Mayor Alter.

Mr. Cohen stated that maybe an expert should give the Borough some advice.

Mr. Villano mentioned keeping the ordinance tabled when it is placed back at next week's meeting. He stated that he did not do enough due diligence on the entire rent leveling issue.

Mr. Pohan stated that if there is administrative relief you could set any number. He does not want this issue to drag on.

Mayor Alter replied, how can the fact be defended that the Borough wanted to lower the rent control ordinance from five percent (5%) to four (4%) and now an expert is going to hired. The Borough and the residents could lose a lot in this suit. If the Borough is going to change the ordinance, it needs a rational basis. On the protected tenancy numbers a standard has to be ascertainable. Medical expenses is difficult to use as a standard. He believes that the CPI analogy from 5% to 4% that Mr. Pohan has previously mentioned is a rational basis.

Mr. Grant explained the mechanism for how the ordinance is placed back on next week's agenda.

Mr. Pohan explained his rational as to why the rent control ordinance should be reduced from 5% to 4%. He wanted to know how long is a study going to take and what is going to be studied.

Ord. #2004-8--Authorizing The Fort Lee Film Commission To Place a Marker on Block 6101, Lot 5, Food Emporium Property for Purpose of Acknowledging The Historic Significance of Said Property

On motion by Councilman Villano, seconded by Councilwoman Voss, the meeting moved into public participation.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Three Hour Library Parking Lot Time Limit	Mayor Alter Mr. Villano
	.Borough Hall Parking Lot Overflow	Mayor Aler
Matt Shapiro 500 Linwood Dr.	.MAP - Rent Leveling Ord. Income Limits	Mayor Alter
	.Linwood Park Maintenance Costs	

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Villano, seconded by Councilman Sargenti and approved **unanimously**, the meeting moved into closed session at 9:30 p.m.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Potential Litigation: Rent Control Ordinance

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

There being no further discussion, the meeting moved back into open session and was adjourned **on motion by Councilwoman Voss, seconded by Councilman Sargenti**, at 9:32 p.m.

Neil Grant, RMC
Municipal Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, February 5, 2004 @ 8:35 p.m.

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

PRESENT: Mayor Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Cervieri

ABSENT: Councilwoman Voss

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

MAYOR'S STATEMENT

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

1. On January 4, 2004, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 5, 2004, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2004 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Sargenti, seconded by Councilwoman Kasofsky and approved **unanimously**, the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Personnel: Municipal Court
Police Department

Contracts: Board of Adjustment Attorney
Planning Board Attorney

Litigation: CIT Technology vs. Fort Lee

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

The open portion of the executive session began upon completion of the closed portion.

GENERAL DISCUSSION

Borough-Wide Radio System Proposal

This item was discussed in closed session because it involved a potential contract.

Police Department Computer Dispatch System

This item was discussed in closed session because it involved a potential contract.

Borough Phone System

This item was discussed in closed session because it involved a potential contract.

Capital Ordinance for 2004 Statewide Local Domestic Preparedness Equipment Grant Award - \$150,000

Ms. Thomas stated that the Borough has received a \$150,000 grant for preparedness equipment for the Police Department and Emergency Management.

An ordinance to set up a capital account for the grant will be introduced at the February 12th regular meeting.

Liquor License Transfer Nestani Inc., to Araxthos Inc., at 2020 Central Road

A resolution authorizing person-to-person and place-to-place liquor license transfer of the above license will be placed on the February 12th regular meeting proposed consent agenda.

Batting Cage for Girls' Softball League

Mr. Sargenti stated that he received a letter from Mitch Silver, head of the girls' softball league. Due to the league's continual growth and the competitiveness, Mr. Silver has requested that a portable batting cage be bought for the league.

Mr. Sargenti added that the cage would be on the cinder blocks of the new Van Fleet Park field and would not ruin the new playing surface.

The Mayor and Council had no objection to Mr. Silver's request.

Ms. Thomas stated that the \$1,000 will come out of the girls' softball league budget.

Use of Borough Vehicle for DPW/Parks Superintendent

Ms. Thomas explained that borough vehicles used to be taken home by department heads a number of years ago. That practice was stopped a number of years ago for most employees. Tony Lione, DPW Director/Parks Superintendent, has requested that he be allowed the use of a borough vehicle to take home so that when he is called back to Borough he does not have use his own vehicle.

Mr. Cervieri did not see a problem with Mr. Lione's request. He believes that the chances of this privilege being abused are very slim.

Mayor Alter concurred that Mr. Lione is a very dedicated employee and deserves the use of the borough vehicle.

Mr. Sargenti indicated that if the request is approved, everyone is going to want the same privilege as Mr. Lione.

Ms. Kasofsky stated that she believes the governing body can use their discretion on a case by case basis.

It was agreed by the majority of the governing body to let Mr. Lione have the use of a borough vehicle.

Student Observers

Mayor Alter stated that he was recently interviewed by three high school students. They also taped what he was saying to them. The students indicated to him that they would like to get

involved in government. It occurred to Mayor Alter that maybe the students could sit on different boards and committees including the governing body as student observers. They would have the right to ask questions of the boards and the governing body. They would not be able to sit in on closed session meetings.

Mr. Cohen to review Mayor Alter's request and report back to the Mayor and Council with his findings.

PUBLIC HEARINGS SCHEDULED FOR FEBRUARY 12, 2004

- Ord. #2004-1--Establishing Chapter 99, The Civilian Managerial and Planning Position of Director of Public Safety
- Ord. #2004-2--Establishing Chapter 6, Instituting an Amended Stipend Program to Reimburse Members of the Fort Lee Volunteer Ambulance Corps
- Ord. #2004-3--Amending Chapter 130, Article I, - Consumption of Alcoholic Beverages in Public and Private Places
- Ord. #2004-4--Amending Chapter 324, Article II - Rent Control Increase Calculations
- Ord. #2004-5--Amending Chapter 388, Section 69, Handicapped Parking Space by 1132 Keswick Place

On motion by Councilman Villano, seconded by Councilwoman Kasofsky, the meeting moved into public participation.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Mary Ortizio 1037 Edgewood Lane	.Parking Tickets Received for Parking on Snow Covered Roadway on Edgewood Lane/Bluff Road	Mayor Alter Mr. Cervieri
Nina Levinson 1560 West St.	.Asked About First Three General Discussion Items That Were Moved Into Closed Session for Discussion	Mayor Alter
Randy Kative 1530 Palisade Ave.	.Rent Control Ordinance Inequities .Requested Tabling of Ordinance #2004-4 .Asked That Entire Rent Control Ordinance be Looked Into	Mayor Alter

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Jonathon Krantz 2175 Hudson Terrace Riverview Realty	.Ord. #2004-4 - Asked About What Kind of Study Was Done on This Issue	Mayor Alter Mr. Cervieri Mr. Pohan

There being no further discussion, the meeting was adjourned
on motion by Councilman Villano, seconded by Councilman Sargenti,
at 9:10 p.m.

Neil Grant, RMC
Municipal Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, January 22, 2004 @ 7:27 p.m.

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

PRESENT: Mayor Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Cervieri

ABSENT: Councilwoman Voss

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

MAYOR'S STATEMENT

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

1. On January 4, 2004, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 5, 2004, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2004 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Villano, seconded by Councilman Sargenti and approved **unanimously**, the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Personnel: Director of Cultural and Heritage Affairs
Municipal Court Judge
Council Salaries

Contract: Architect for Redevelopment Area 1/Skeleton Building

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

The open portion of the executive session began upon completion of the closed portion.

ENGINEERING DISCUSSION

Edward Mignone, Boswell McClave Engineering representative, was present for this portion of the meeting.

Zoning Map Update Proposal

Mr. Mignone stated that Boswell has submitted a proposal for \$1,800 to amend the Borough's zoning map to include the changes the Borough made in 2003.

A resolution authorizing Boswell to update the zoning map will be placed on the February 12th regular meeting proposed consent agenda.

Van Fleet Park Clubhouse Proposal

Mr. Mignone stated that Boswell has submitted a proposal to provide civil engineering services for the Van Fleet Park Clubhouse at a cost not to exceed \$17,600 plus additional printing charges as outlined in their proposal.

A resolution authorizing Boswell to provide the civil engineering services for the clubhouse will be placed on the February 12th regular meeting proposed consent agenda.

Endorsing Borough's Application for New Jersey Department of Transportation (DOT) Enhancement Program Funding

Ms. Thomas stated that a resolution endorsing the Borough's grant application to the NJ DOT for funding to continue the Borough streetscaping project by the junction on Abbott Boulevard will be on tonight's regular meeting proposed consent agenda.

GENERAL DISCUSSION

Handicap Parking Space Request for 1132 Keswick Place

An ordinance creating a parking space for the disabled by 1132 Keswick Place will be placed for introduction on tonight's regular meeting.

Ambulance Corps Feasibility Study for New Location

There was no discussion on this item tonight.

Fort Lee Rotary Club "Persons of the Year" for 2004

It was agreed that the Mayor and Council, Borough Administrator, Borough Clerk, Borough Attorney and Chief Financial Officer would make a \$200 donation to the Fort Lee Rotary Club "Persons of the Year" for 2004, John and Lucy Koch.

Proprietary Bid Approval for Trucks for the DPW

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for proprietary bids for two (2) Ford pickup trucks and one (1) Western Star tandem dump truck for the DPW will be placed on tonight's regular meeting proposed consent agenda.

Request for Historic Marker at the Food Emporium Site

A resolution authorizing a historic marker to be placed at the entrance of the Food Emporium identifying that the site was the original location of the Solax Studio will be placed on the February 12th regular meeting proposed consent agenda.

Mr. Pohan stated that there is a possibility that an ordinance may also need to be adopted.

Mr. Cervieri added that permission should be received from the property owner; otherwise, it is considered a public taking.

July 4th Fireworks

There was discussion as to where future Borough fireworks shows will be held after this year. The pros and cons of having

a fireworks display at Ross' Dock, the Palisades Interstate Parkway property off Hudson Terrace, and the Helmsley property was discussed.

Mayor Alter stated that this year will be the last year the Borough can use the Lewis F. Cole Middle School field unless some type of solution can be found after the synthetic (playturf) field is installed.

Ricoh Copy Machine

Ms. Thomas stated that Mr. Cohen is working on a settlement with the original lessor regarding a Ricoh copier that was never used by the Tax Assessor's Department. The Borough is going to keep the machine and use it in another Borough office. It is supposedly still in good working order.

New Cell Phone Legislation

Mayor Alter stated that every council person should have installation of a hands free cell phone device placed in their cars at the Borough's expense. The Mayor served on a committee of the League of Municipalities, where the State ordinance had been discussed. The studies, which were shown to him indicated that cell phones were the fourth leading cause of accidents, which were caused by drivers lack of attention. Eating, while driving, as an example had a much greater frequency of accident danger than cell phone use. Mayor Alter indicated that there needs to be more education regarding lack of attention causing accidents.

There being no further discussion, the meeting was adjourned **on motion by Councilman Villano, seconded by Councilman Sargenti,** at 7:40 p.m.

Neil Grant, RMC
Municipal Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, January 8, 2004

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

PRESENT: Mayor Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Voss, Cervieri

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

MAYOR'S STATEMENT

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

1. On January 4, 2004, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 5, 2004, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2004 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Villano, seconded by Councilman Cervieri and approved **unanimously**, the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Personnel: Police Department
Police Department/Draft Ordinance
Police Department Officer Transfer

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

The open portion of the executive session began upon completion of the closed portion.

ENGINEERING DISCUSSION

Stephen Boswell, Boswell McClave Engineering, was present for this portion of the meeting.

Civil Engineering Services for New DPW Facility

Mr. Boswell thanked the Mayor and Council for being reappointed as Borough Engineer for 2004.

Mr. Cervieri stated that Boswell's engineering services for the above job include grading, drainage and paving of the property which includes the salt shed and spreader hangar areas.

A resolution awarding a contract to Boswell McClave for civil engineering services for the new DPW facility in the amount of \$26,000 will be placed on the January 15, 2004 regular meeting proposed consent agenda.

Mr. Boswell also mentioned that he would welcome the Borough to use his firm's transportation engineering services with regard to the Borough's \$30,000,000 road improvement program.

Borough Hall Expansion

Mr. Cervieri requested that the engineer look at the dome as well as look into adding another floor to Borough Hall. He wanted to know how much it would cost and if the building is even capable of adding a full floor.

Mr. Boswell replied that the anticipated cost of adding another floor in Borough Hall would be \$165.00 per square foot. He said he would need to see the plans when the Borough expanded back in the early 1990's.

GENERAL DISCUSSION

Alcoholic Beverages - Chapter 130-1, Section A.

Mr. Grant explained that the Police Department is looking

for language clarification related to BYOB's with regard to the consumption of alcoholic beverages.

Mr. Cohen to speak to Acting Chief Hart to make sure exactly what the Police Department is asking for with regard to the language clarification.

Approving Developer's Agreement for Amerada Hess Corp.

Mayor Alter stated that the application has been pulled. No action to be taken at this time.

Rent Leveling

Mr. Pohan gave a brief history of the Rent Control Ordinance.

Mr. Pohan stated that there has not been a hardship application for some time. Inflation is running at two to three percent. If the Borough is going to have a 5% increase then he believes that it is close to having no rent control at all. He recommended that the rental unit increases be decreased from 5% to 4%.

Mayor Alter asked if the council is for amending the rent control ordinance.

Mr. Cervieri replied that he is against the requested change. Senior citizens and disabled people are already protected by other parts of the current rent leveling ordinance. There is currently an oversupply of housing and undersupply of tenants. There is not a housing shortage in Fort Lee. He would like to see the Borough's rent leveling ordinance modeled after New York City, which has a means test and vacancy decontrol. New York City clearly has a greater housing shortage than Fort Lee. The means test should include income derived from all sources. Clearly the rent leveling ordinance provides protection for many of those who do not need protection. The 5% does not even catch up to fairness because the increase is based upon rents in effect over 25 years ago. Vacancy decontrol with a strong anti-harassment ordinance would be the appropriate step to take. He reiterated that the current ordinance should not be changed or it should be open for a complete review. By tinkering with the ordinance at this time it may open the door to another legal challenge and perhaps those promoting rent control will not be as fortunate the next time it gets heard by the courts.

Mayor Alter asked if anyone is for vacancy decontrol.

Mr. Cervieri's hand was the only that was raised.

Mr. Pohan stated that the housing excess is not with rent controlled buildings but with the more expensive properties.

Mr. Cervieri stated that by keeping rent control, homeowners, business and commercial property taxpayers are all subsidizing tenants, even those who do not need protection because they would fail the means test. If they maintain rent control in their present form, perhaps the Borough should own all the rental housing in Fort Lee.

Mayor Alter stated that the majority of the council wants to lower the annual rental increase percentage to 4%.

Mr. Cervieri asked for a copy of the rent control seminar that was given at the November League of Municipalities conference.

Mayor Alter explained the 1995 rent leveling case that the Borough won. He does not sense that anyone wants to go to total vacancy decontrol.

It was agreed by the majority of the council that an ordinance would be introduced by the January 22nd meeting that would amend Chapter 324-2 (rental increases) from 5% to 4%.

Recycling/Garbage Services

There was no discussion on this item.

APPOINTMENTS

A-1 - Board of Ethics

Mayor Alter nominated Maryann Viola to serve as a member of the **Board of Ethics** for a five (5) year terms expiring December 31, 2008.

On motion by Councilman Villano, seconded by Councilwoman Voss, the nomination was **confirmed unanimously.**

A-2 - Board of Health

Mayor Alter nominated Alan Reich to serve as a member of the **Board of Health** for an unexpired term through December 31, 2004.

On motion by Councilman Cervieri, seconded by Councilwoman Voss, the nomination was confirmed unanimously.

PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilwoman Voss, the meeting moved into public participation.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Heating/Air conditioning .ShopRite Property	Mr. Alter Mr. Villano Mr. Cervieri
Hyung Ki Jung 859 Rivervale Rd. River Vale, NJ.	.Guntzer Street House .Borough Hall Rear Yard Expansion	Mayor Alter Mr. Cervieri

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Cervieri, seconded by Councilman Sargenti and approved unanimously, the meeting moved back into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

1. This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

Personnel: Police Department
Police Department/Draft Ordinance
Police Department Officer Transfer

Contracts: Munidex
P.C. Access
Vogel Consulting Group, Inc.
Extension of Contract for COM Office
Developers

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

There being no further discussion the meeting was adjourned
on motion by Councilwoman Voss, seconded by Councilman Sargenti,
at 9:25 p.m.

Neil Grant, RMC
Municipal Clerk