

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, December 15, 2005

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

PRESENT: Mayor 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
Ray Levy, Director of Economic Development

MAYOR'S STATEMENT

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

1. On January 2, 2005, 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 3, 2005, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2005 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Alter stated that he does not know if there will be a transit strike in New York City; however, the news does not look promising. He noted that he has been interviewed by a few media outlets. He has told them the roads are full in the morning and sending more cars to Fort Lee will just make it more difficult than it already is to get through. In his opinion New York City is making the same mistake that it did on 9/11. After 9/11 the routine coming in from New Jersey was to have multiple occupants in cars to be able to use the Lincoln and Holland Tunnels, but there were no restrictions in place on the George Washington Bridge. He spoke to Mayor Bloomberg back in 2001 and the restriction was removed. There is much better control in the Borough now than in 2001. The Borough's police force basically controls all traffic in Fort Lee. In the mornings the Borough does its best to get Fort Lee residents on the bridge first followed by the residents of the surrounding communities. To put an additional load of people on the bridge is a waste of time. They will not be able to move. His suggestion for people is to get to the bridge at 5:00 a.m. when there are no restrictions. New York City Police has informed the Borough that no car with fewer than four passengers is going to get past 96th Street in the city. Commuter drivers are quite good, but he does not believe using the bridge is going to be a good idea for them.

PRESENTATION

P-1 - Fort Lee Jr. Bridgemen and Pee Wee Football Teams

Mayor Alter asked Joseph Surace, President of the Fort Lee

Bridgemen Junior Football League, to come up and present trophies to the players and coaches of the two football teams that were champion and runner-up this year.

Mr. Surace introduced the coaches of the pee wee football team. The pee wee team, which was runner-up this year consists of players in the second, third and fourth grades. Messrs. Alter and Pohan presented the second place trophy to head coach Patrick Viola. All of the players came up and shook hands with the Mayor and Council members.

Mr. Surace thanked the Borough for its financial support. He thanked the Fort Lee Board of Education for letting the football team use its facilities for practice and the playing of the games. He thanked the parents for the commitment that they make during the four month season, and he thanked his administration, staff and coaches for the long hours that they put in. He noted that there are twenty players from Edgewater who played in the Fort Lee program. He also thanked the Mayor and Council of Edgewater and the Edgewater Board of Education for their support.

Mr. Surace introduced the coaches of the senior team. The senior team, which won the championship this year, consists of players in the fifth and sixth grades. Messrs. Alter and Pohan presented the championship trophy to head coach Chris DePalma. All of the players came up and shook hands with the Mayor and Council members.

Mr. Surace noted that the senior team's record was 10 and 0 with one tie this year. He thanked everyone in Fort Lee for making this a community effort.

RESOLUTION FOR EXCLUDING THE PUBLIC

Mr. Grant read the following resolution.

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of Fort Lee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12;

REASON

Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

Contract: Hiring of Community Center Expert

On motion by Councilman Cervieri, seconded by Councilman Sargenti, with no objections, the meeting moved into closed session to discuss the above listed matter.

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the regular meeting reconvened at 8:30 p.m. with no

objections.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried unanimously, the minutes of the October 27, 2005 Regular Meeting were approved.

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried unanimously, the minutes of the November 10, 2005 Regular Meeting were approved.

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried unanimously, the minutes of the December 1, 2005 Executive Session were approved.

PUBLIC HEARINGS

Ordinance #2005-40 - Amending Chapter 388, Section 69, Handicapped Parking Space by 3051 Edwin Avenue

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2005-40 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED HANDICAPPED PARKING SPACES."

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

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

Ordinance #2005-41 - Ordinance Vacating Park Place (Paper Street Within Centuria Property)

Council Members Kasofsky and Pohan recused themselves on this matter and left the podium.

On motion by Councilman Villano, seconded by Councilman Sargenti and carried, the public hearing was opened relative to Ord. #2005-41 entitled, "AN ORDINANCE VACATING A PAPER STREET KNOWN AS PARK PLACE IN ITS ENTIRETY."

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

On motion by Councilman Villano, seconded by Councilman Sargenti, the Ordinance was adopted on the following roll call:

AYES: Council Members Pohan, Sokolich, Villano, Sargenti

ABSENT: Council Members Kasofsky, Cervieri

Council Members Kasofsky and Cervieri returned to the podium at this point in the meeting.

Ordinance #2005-42 - Amending Salary Ordinance #2002-14 for White Collar Employees - Recreation Supervisor

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2005-42 entitled, "AN ORDINANCE AMENDING SALARY ORDINANCE #2002-

14 ESTABLISHING TITLES, SALARIES AND WAGES FOR WHITE COLLAR EMPLOYEES AND NON-UNION EMPLOYEES."

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

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

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

Ordinance #2005-43 - To Adopt a Redevelopment Plan for Redevelopment Area 3

Mayor Alter asked Mr. Grant if the Planning Board sent a letter to him recommending the redevelopment plan.

Mr. Grant responded that he did receive the Planning Board's recommendation in writing.

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to **Ord. #2005-43** entitled, "TO ADOPT A REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA 3, BLOCK 3606, LOTS 8,9,10,11,12,13,14,15,16 AND 17, BLOCK 4606, LOTS 1,2,3,21 AND 22; AND TO AMENDING THE ZONING MAP TO DELINEATE REDEVELOPMENT AREA 3."

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

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

Ordinance #2005-44 - Tax Agreement Ordinance For a Portion of Redevelopment Area 1, Block 6101, Lots 13-15, 20 (COM)

Mr. Cervieri recused himself on this matter and left the podium.

On motion by Councilman Villano, seconded by Councilman Pohan and carried, the public hearing was opened relative to **Ord. #2005-44** entitled, "AN ORDINANCE TO AUTHORIZE A TAX AGREEMENT FOR A PORTION OF REDEVELOPMENT AREA 1, BLOCK 6101, LOTS 13,14,15 AND 20."

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

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

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky

ABSENT: Councilman Cervieri

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

PROPOSED CONSENT AGENDA

On motion by Councilman Villano, seconded by Councilman

Pohan, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-26.

CA-1 - Payment of Claims

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

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$2,457,603.28
Capital	781,757.18
Multiple Dwelling	n/a
Construction Fees	n/a
COAH Fees	n/a
Trust Account (Old)	25,934.87
Senior Citizen Advisory Council	7,498.00
Trip Admissions	n/a
Wedding Fees	n/a
Trust Account (Accutrack)	50,869.77
Police Activity Account	74,557.83
Special Dog Account	n/a
Senior Citizen Advisory Account	600.00
Centennial Fund	n/a
Disability Insurance Trust	n/a
Unemployment Compensation Trust	n/a
Public Assistance Trust Fund I	n/a
Fort Lee Film Commission	21,218.43
Redemption Account	164,534.94
School Resource Account	<u>177.85</u>
Total:	\$3,584,752.15

CA-2 - Approving Firefighter Applications for Stephen Schacter, and Joseph Rodriguez for Fire Company #1 and #2 Respectively, and Auxiliary Firefighter Application for Paul Kim for Fire Company #2

The firefighter applications for Stephen Schacter for Fire Company #1 and Joseph Rodriguez for Fire Company #2 and auxiliary firefighter application for Paul Kim for Fire Company #2 were approved.

CA-3 - Approving Raffle License #958 for the Fort Lee Athletic Booster Club

WHEREAS, the Fort Lee High School Athletic Booster Club, Fort Lee, New Jersey, has submitted a raffle application for February 1st through April 30, 2006; and

WHEREAS, the governing body has determined that their license application is complete in all respects,

NOW, THEREFORE, BE IT RESOLVED that the governing body hereby approves raffle application #958, pending final approval from the Legalized Games of Chance Control Commission.

CA-4 - Authorizing Hiring of Yoongsong Nam and Thomas Wiggin as School Crossing Guards

BE IT RESOLVED by the Governing Body of the Borough of Fort Lee that the following be appointed as **school crossing guards** in the Borough of Fort Lee without authority to carry a firearm

retroactive to November 21, 2005.

Yoongsong Nam
410 Fairview Avenue
Fort Lee, New Jersey 07024

Thomas Wiggin
404 Gorge Road
Cliffside Park, New Jersey 07010

CA-5 - Authorizing Hiring of Joseph Rodriguez as a Laborer for the DPW - \$32,618 Annually

WHEREAS, the Mayor and Council of the Borough of Fort Lee have determined that a full time position is needed in the Public Works Department; and said position should be filled,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Joseph Rodriguez be appointed to a full time position of Laborer in the Public Works Department, with an effective date of December 19, 2005; and

BE IT FURTHER RESOLVED that this appointment shall be provisional pending certification by the Department of Personnel and shall be at an annual salary of \$32,618.

CA-6 - Authorizing Seasonal Hiring of Jennifer Crispo for the Municipal Court - \$11.00 Hourly

WHEREAS, a seasonal position exists within the Municipal Court, and the Mayor and Council have determined that the position should be filled,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the following individual be hired as of December 19th for a maximum two month period, at the hourly rate of compensation listed below:

<u>Name</u>	<u>Hourly Rate</u>	<u>Start Date</u>
Jennifer Crispo	\$11.00	December 19, 2005

CA-7 - Adopting Changes to the Borough's Existing Deferred Compensation Plan as Required by the Internal Revenue Service

WHEREAS, the Borough of Fort Lee (hereinafter referred to as the "Employer") by resolution adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") effective July 27, 1987, for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, the Employer by resolution retained The Variable Annuity Life Insurance Company ("VALIC") as the contractor under the Deferred Compensation Plan and executed a Service Agreement with said contractor; and

WHEREAS, the Job Creation and Worker Assistance Act of 2002 amended Section 457 of the Internal Revenue Code (the "Code"); and

WHEREAS, the Internal Revenue Service ("IRS") issued final Code Section 457 regulations on July 11, 2003 and proposed Code Section 415 regulations issued May 31, 2005 that modified the Code Section 457 regulations; and

WHEREAS, the IRS has issued model amendments (Revenue Procedure 2004-56) and guidance regarding rollover contributions to eligible retirement plans (Revenue Procedure 2004-12) that apply to Section 457 Plans; and

WHEREAS, the IRS has set a deadline December 31, 2005, for State and local governmental Section 457 (b) plan sponsors to adopt or amend their plans to conform with the Code, regulations, and interpretative guidance; and

WHEREAS, the Employer desires its Plan to conform with the changes in the Code, regulations, and interpretative guidance; and

WHEREAS, the Employer desires to adopt an amended and restated Plan that conforms with the changes in the Code, regulations, and interpretative guidance; and

WHEREAS, such amended and restated Plan shall supersede the previously adopted Plan,

NOW, THEREFORE, BE IT RESOLVED that the Employer does hereby adopt the amended and restated Plan prepared by VALIC and assigned Plan Document identifier 55-PD-VALIC-110305 by the Director of the Division of Local Governmental Services; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services.

CA-8 - Adopting The National Incident Management System

WHEREAS, Homeland Security Presidential Directive/HSPD-5, established the National Incident Management System (NIMS); and

WHEREAS, the NIMS establishes a single, comprehensive approach to domestic incident management to ensure that all levels of government across the Nation have the capability to work efficiently and effectively together using a national approach to domestic incident management; and

WHEREAS, the NIMS provides a consistent nationwide approach for Federal, State and local governments to work together to prepare for and respond to, and recover from domestic incidents regardless of the cause, size or complexity; and

WHEREAS, the NIMS provides for interoperability and compatibility among Federal, State and local capabilities and includes a core set of concepts, principles, terminology and technologies covering the incident command system, unified command, training, management of resources and reporting; and

WHEREAS, beginning October 1, 2004 all Federal departments and agencies shall make adoption of the NIMS a requirement, to the extent provided by law, for providing Federal preparedness assistance through grants, contracts or other activities to local governments,

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Fort Lee adopts the National Incident Management System (NIMS) as its system of preparing for and responding to disaster incidents.

CA-9 - Authorizing Person-to-Person/Place-to-Place Liquor License Transfer From 1616 Palisade Corp. to 1550 Lemoine Avenue Enterprise Corp., t/a Penninsula Café

WHEREAS, an application has been filed for a person to person and place to place transfer of plenary retail consumption license **0219-33-028-005**, heretofore issued to **1616 Palisade Avenue Corp., (Inactive Status)**, a New Jersey corporation for premises located at 1616 Palisade Avenue, **Fort Lee, New Jersey**; and

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

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

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

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

WHEREAS, said application has been approved by the Building Inspector and the Fire Inspector,

NOW, THEREFORE, BE IT RESOLVED that the Fort Lee Governing Body does hereby approve the person to person and place to place transfer of the aforesaid plenary retail consumption license to **1550 Lemoine Avenue Enterprise Corp., t/a Penninsula Café @ 1550 Lemoine Avenue, Fort Lee, New Jersey 07024** effective **December 16, 2005** and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership.

CA-10 - Authorizing Settlement of Tax Appeal Litigation Entitled Executive Park, LLC, 1 and 2 Executive Drive, Block 6401, Lot 8, vs. Borough of Fort Lee

WHEREAS, Executive Park, LLC is the owner of certain commercial premises located at 1 and 2 Executive Drive, also known as Block 6401, Lot 8; and

WHEREAS, the property owner filed a tax appeal against the Borough of Fort Lee in a matter entitled Executive Park, LLC vs. Borough of Fort Lee, pending for tax years 2004 and 2005; and

WHEREAS, it has been recommended by the tax appeal attorney and the revaluation firm that the matter be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Executive Park, LLC vs. Borough of Fort Lee, under Docket Numbers 4124-04 and 2375-05, so that the 2004 and 2005 total assessment will be reduced from \$107,892,700 to a total of \$99 million; and

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

CA-11 - Authorizing Settlement of Tax Appeal Litigation Entitled Cero Realty Associates, LLC, Block 6201, Lots 3 and 4, vs Borough of Fort Lee

WHEREAS, Cero Realty Associates, LLC is the owner of certain residential property located at 2161-2193 North Central Road, also known as Block 6201, Lots 3 and 4, consisting of 46 garden apartment condominium units; and

WHEREAS, the property owner filed a tax appeal against the Borough of Fort Lee in a matter entitled Cero Realty Associates, LLC vs. Borough of Fort Lee, under Docket No. 5112-05; and

WHEREAS, it has been recommended by the tax appeal attorney that the matter be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Cero Realty Associates, LLC vs. Borough of Fort Lee, under Docket No. 5112-05, so that the 2005 assessment will be reduced from **\$6,695,000** to **\$5,743,500**; and

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

CA-12 - Authorizing Settlement of Tax Appeal Litigation Entitled Seoul Realty, LLC, and 317 Realty Corp, 2053-2057 Lemoine Avenue vs Borough of Fort Lee

WHEREAS, Seoul Realty and 317 Realty Corp. are the owners of a restaurant and a bank, located at 2053 and 2057 Lemoine Avenue, and constituting one economic entity; and

WHEREAS, the property owner filed a tax appeal for 2004 against the Borough of Fort Lee in a matter entitled Seoul Realty vs. Borough of Fort Lee and 317 Realty Corp. Vs. Borough of Fort Lee; and

WHEREAS, it has been recommended by the revaluation firm and tax appeal attorney that the matters be settled at this time, and that such settlements are in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Seoul Realty vs. Borough of Fort Lee and 317 Realty Corp. Vs. Borough of Fort Lee, so that the 2004 and 2005 assessments will be reduced from \$4,593,000 to \$4,050,000 to be allocated in accordance with the desires of the tax assessor, for both tax years; and

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

CA-13 - Authorizing Settlement of Tax Appeal Litigation Entitled Fleet Bank, Block 5301, Lot 5, vs Borough of Fort Lee

WHEREAS, Fleet Bank is the owner of a bank branch and second story offices located at 154 Main Street, also known as Block 5301, Lot 5; and

WHEREAS, the property owner filed a tax appeal for 2004 against the Borough of Fort Lee in a matter entitled Fleet Bank #68053 vs. Borough of Fort Lee, under Docket No. 4678-04; and

WHEREAS, it has been recommended by the revaluation firm and tax appeal attorney that the matter be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Fleet Bank #68053 vs. Borough of Fort Lee, under Docket No. 4678-04, so that the 2004 and 2005 appeals be withdrawn, and the 2006 assessment reduced from \$3,100,600 to \$2.8 million; and

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

CA-14 - Authorizing Settlement of Tax Appeal Litigation Entitled Sun Chemical Corp., Block 4701, Lot 1, vs. Borough of Fort Lee

WHEREAS, Sun Chemical Corp. is the owner of certain premises located at 222 Bridge Plaza South, also known as Block 4701, Lot 1; and

WHEREAS, the property owner filed a tax appeal for 2004 against the Borough of Fort Lee in a matter entitled Sun Chemical Corp. vs. Borough of Fort Lee, under Docket No. 4702-04; and

WHEREAS, it has been recommended by the revaluation firm and tax appeal attorney that the matter be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Sun Chemical Corp. vs. Borough of Fort Lee, under Docket No. 4702-04, so that the 2004 assessment will be reduced from \$26,999,000 to \$17,800,000; and

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

CA-15 - Authorizing Settlement of Tax Appeal Litigation Entitled White Manor Associates, Block 3901, Lot 1, vs Borough of Fort Lee

WHEREAS, White Manor Associates is the owner of a garden apartment complex located at 1554-62 and 570 Center Avenue, also known as Block 3901, Lot 1; and

WHEREAS, the property owner filed a tax appeal for 2004 against the Borough of Fort Lee in a matter entitled White Manor Associates vs. Borough of Fort Lee, under Docket No. 4700-04; and

WHEREAS, it has been recommended by the revaluation firm and tax appeal attorney that the matter be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation

entitled White Manor Associates vs. Borough of Fort Lee, under Docket No. 4700-04, so that the 2004 and 2005 appeals be withdrawn, and the 2006 assessment reduced from \$3,431,700 to \$3,331,700; and

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

CA-16 - Authorizing Settlement of Tax Appeal Litigation Entitled Jessico Realty, 180 Main Street, vs Borough of Fort Lee

WHEREAS, Jessico Realty is the owner of certain commercial premises consisting of a branch bank and retail space located at 180 Main Street; and

WHEREAS, the property owner filed a tax appeal for 2004 against the Borough of Fort Lee in a matter entitled Jessico Realty vs. Borough of Fort Lee, under Docket No. 4559-04; and

WHEREAS, it has been recommended by the revaluation firm and tax appeal attorney that the matter be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Jessico Realty vs. Borough of Fort Lee, under Docket No. 4559-04, so that the 2004 and 2005 appeals be withdrawn, and the 2006 assessment reduced from \$2,717,600 to \$2.6 million; and

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

CA-17 - Amending the Borough's Round Two Affordable Housing Element and Fair Share Plan

WHEREAS, the Planning Board of the Borough of Fort Lee, in the County of Bergen, State of New Jersey, adopted an amended Housing Element of the Master Plan for the Borough's Round Two affordable housing obligation on December 12, 2005; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the amended Housing Element is attached pursuant to N.J.A.C. 5:95-2.2(a)2; and

WHEREAS, the Planning Board adopted the Fair Share Plan for Round Two on December 12, 2005; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:95-2.2(a)2,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Fort Lee, in the County of Bergen, State of New Jersey, hereby endorses the amended Housing Element and Fair Share Plan for Round Two as adopted by the Borough of Fort Lee Planning Board.

CA-18 - Approving the Borough's Round Three Affordable Housing Element and Fair Share Plan - To Be Sent to the Council on Affordable Housing for Review and Certification

GOVERNING BODY RESOLUTION PETITIONING WITH AN ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Planning Board of the Borough of Fort Lee, in the County of Bergen, State of New Jersey, adopted the Housing Element of the Master Plan on December 12, 2005; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:95-2.2(a)2; and

WHEREAS, the Planning board adopted the Fair Share Plan on December 12, 2005; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:95-2.2(a)2,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Fort Lee, in the County of Bergen, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Borough of Fort Lee Planning Board; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Fort Lee, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:95-3.2, submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

BE IT FURTHER RESOLVED that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C 5:95-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Borough of Fort Lee Municipal Clerk's office located at 309 Main Street, Fort Lee, New Jersey, during the hours of 8:30 a.m and 4:00 p.m. on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:95-3.5.

CA-19 - Rescinding Contract of Holman Truck Center and Awarding Contract to Beyer Brothers Corp., Fairview, New Jersey for a Truck Basin Cleaner for the DPW - \$158,914

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE RESCINDING THE CONTRACT OF HOLMAN TRUCK CENTER AND AWARDDING THE CONTRACT TO BEYER BROTHERS CORPORATION TO PROVIDE A TRUCK CATCH BASIN CLEANER

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("the Borough"), in the County of Bergen, State of New Jersey has awarded a contract to Holman Truck Center to provide a Truck Catch Basin Cleaner; and

WHEREAS, effective October 10, 2005, Holman Truck Center ceased to be in the business of selling and servicing Sterling Commercial Vehicles, the manufactured body type for a Truck Catch Basin Cleaner; and

WHEREAS, it is necessary to rescind the contract awarded to Holman Truck Center since the essential terms of the contract cannot be performed; and

WHEREAS, the Mayor and Council are desirous of awarding a contract to Beyer Brothers, to provide for the sale and service of the Truck Catch Basin Cleaner; and

WHEREAS, the Borough has reviewed its available funds and has determined that sufficient funds remain available for the Truck Catch Basin Cleaner,

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

1. The contract heretofore awarded to Holman Truck Center, 573 Route 38 West, Maple Shade, New Jersey 08052 is rescinded
2. This resolution shall take effect immediately
3. The contract is awarded to Beyer Brothers Corporation, 109 Broad Avenue, Fairview, New Jersey 07022 as the lowest compliant bidder with no exception, and is awarded the contract to provide the above-described Truck Catch Basin Clean in accordance with the applicable bid documents and specifications at a price not to exceed \$158,914.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available for the Truck Catch Basin Cleaner; and

BE IT FURTHER RESOLVED that the original bid proposal and contract are available in the Borough Clerk's Office; and

BE IT FURTHER RESOLVED that the Borough Clerk shall advertise the award of the contract in a legal newspaper within ten (10) days of contract award.

CA-20 - Awarding Bid to Sparwick Contracting, Inc., Lafayette, New Jersey for the Construction of a Retaining Wall at the DPW - \$284,590

WHEREAS, the Borough of Fort Lee publicly advertised for sealed bids with respect to the construction of a retaining wall at the Fort Lee Department of Public Works on October 26, 2005; and

WHEREAS, six (6) bids were received as follows:

<u>Contractor</u>	<u>Amount</u>
Sparwick Contracting, Inc., 18 Route 94 Lafayette, New Jersey 07848	\$284,590.00
Sandy Construction Group, LLC 303 River Edge Drive Chatham, New Jersey 07928	\$285,730.00
J. Fletcher Creamer & Son, Inc. 101 East Broadway Hackensack, New Jersey 07601	\$323,281.00

Empco Contracting, Inc. 70-C Washington Avenue Dumont, New Jersey 07628	\$377,960.00
Let It Grow, Inc. 52 Ackerson Street River Edge, New Jersey 07661	\$449,930.00
Tec-Con Contractors Inc. 9 Dodd Street East Orange, New Jersey 07017	\$512,880.00

and;

WHEREAS, this bid was reviewed by Borough Officials and the Borough Attorney for compliance, who recommends the award to the lowest qualified bidder subject to the availability of funds from the Chief Financial Officer,

NOW, THEREFORE, BE IT RESOLVED, that the bid is hereby awarded to Sparwick Contracting, Inc., 18 Route 94, Lafayette, New Jersey 07848 for the aforementioned retaining wall at a cost of **\$284,590.00**; and

BE IT FURTHER RESOLVED that the Borough Attorney is hereby directed to prepare said contract and the Mayor and Borough Clerk of the Borough of Fort Lee are authorized to execute the contract with Sparwick Contracting, Inc; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds for the purchase are available through Capital Account #04-2430-00-0011-01.

{CA-21a - Awarding Bid to Oriental Pacific Maintenance Co., Inc., Englewood Cliffs, New Jersey for a Three Year Janitorial Services Contract for the Police Department and New Community Center - \$297,360}

{CA-21b - Awarding Bid to Control Building Services, Inc., Secaucus, New Jersey for a Three Year Window Washing Services Contract for the Police Department, New Community Center and Municipal Building - \$11,592}

WHEREAS, the Borough of Fort Lee publicly advertised for sealed bids with respect to a three year Janitorial and Window Washing Services Contract for the Borough of Fort Lee on October 31, 2005; and

WHEREAS, four (4) bids were received as follows:

<u>Contractor</u>	<u>Janitorial Service Amount</u>	<u>Window Washing Service Amount</u>
Oriental Pacific Maintenance Co., Inc. 111 Charlotte Place Englewood Cliffs, NJ. 07632	\$297,360.00	\$19,800.00
Christi Cleaning Service Corp. 204 Paterson Plank Road Union City, NJ 07087	\$311,781.00	\$310,839.00
J.S. Stephens Commercial Cleaning, Inc. 26 West Hamilton Avenue Englewood, NJ 07631	\$336,000.00	\$24,000.00

<u>Contractor</u>	<u>Janitorial Service Amount</u>	<u>Window Washing Service Amount</u>
Control Building Services, Inc 333 Meadowland Parkway Secaucus, NJ 07094	\$486,624.84	\$11,592.00

and;

WHEREAS, these bids were reviewed by Borough Officials and the Borough Attorney for compliance, who recommends the award to the lowest qualified bidders subject to the availability of funds from the Chief Financial Officer,

NOW, THEREFORE, BE IT RESOLVED, that the bid is hereby awarded to Oriental Pacific Maintenance Co., Inc., 111 Charlotte Place, Englewood Cliffs, New Jersey 07632 with respect to the three year janitorial services contract for the new community center and police department at a total cost of **\$297,360.00**; and

BE IT FURTHER RESOLVED that the bid is hereby also awarded to Control Building Services, Inc., 333 Meadowland Parkway, Secaucus, New Jersey 07094 with respect to the three year window washing services contract for the new community center, police department and municipal building at a total cost of **\$11,592.00**; and

BE IT FURTHER RESOLVED that the Borough Attorney is hereby directed to prepare said contracts and the Mayor and Borough Clerk of the Borough of Fort Lee are authorized to execute the contracts with Oriental Pacific Maintenance Co., and Control Building Services, Inc.; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds are available for the award of the contract.

CA-22 - Authorizing Rejection of Bid and Authorizing Rebid for Acoustical Panels for the New Community Center

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("the Borough") are desirous of contracting for the provision and installation of acoustical panels at the new community center in the Borough of Fort Lee; and

WHEREAS, the Borough of Fort Lee received bids on November 14, 2005 regarding the installation of acoustical panels in the new community center in the Borough of Fort Lee; and

WHEREAS, one (1) bid was received by the Borough of Fort Lee as follows:

<u>Vendor</u>	<u>Amount</u>
Fine Painting and Decorating, Inc, 1160 Route 22 West Mountainside, New Jersey 07092	\$250,800.00

WHEREAS, Fine Painting and Decorating, Inc. submitted a bid in violation of N.J.S.A. 40A:11-23.2 for failing to submit a State of New Jersey business registration certificate; and

WHEREAS, the Mayor and Council have determined to reject said bid for the reasons stated herein, and to authorize the immediate re-advertising of bids,

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

the Borough of Fort Lee as follows:

1. The bid received for the provision and installation of acoustical panels at the new community center is rejected for the reason expressed herein.

2. The Purchasing Consultant and/or Borough Clerk is hereby authorized and directed to immediately re-advertise for the receipts of bids for the provision and installation of acoustical panels at the new community center.

CA-23 - Amending Contract of Do H. Chung and Partners, Architects Stamford, Connecticut to Create a Design Criteria Ordinance in Collaboration With the Borough Planner - \$25,000

WHEREAS, the Borough of Fort Lee awarded a contract to Do. H. Chung and Partners, Architects, 189 Bedford Street, Stamford, Connecticut, on March 10, 2005, at a cost of \$15,000, to embark upon a plan to initiate a program that will encourage retail businesses in the Downtown Business District - i.e., Main Street to redesign storefronts; and

WHEREAS, there was an authorized amendment to Mr. Chung's original contract by the governing body on July 21, 2005 in the amount of \$10,000; and

WHEREAS, the Director of Economic Development has requested an additional amendment to Mr. Chung's contract in the amount of \$25,000 to clear up invoices in the amount of \$7,182.54 and for Mr. Chung to collaborate with the Borough Planner to create a design criteria ordinance for the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the firm of Do H. Chung & Partners, 105 Bedford Street (**New Address**), Stamford, Connecticut 06901 contract be and is hereby amended by **\$25,000** to continue to provide the expertise aforementioned; and

BE IT FURTHER RESOLVED that this services of this firm shall be compensated at a rate of \$150.00 per hour, not to exceed \$25,000 which charges are to be billed monthly; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for this project through the Office of Economic Development account; and

BE IT FURTHER RESOLVED that the original contract and amending resolutions are on file in the Office of the Borough Clerk.

CA-24 - Awarding Contract to Spiezle Group, Inc., Trenton, New Jersey, to Provide Architectural Services for the New Playing Surface at the Lewis F. Cole Middle School - Fee Not to Exceed \$25,000

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AWARDING A CONTRACT TO SPIEZLE GROUP, INC. TO PROVIDE ARCHITECTURAL SERVICES FOR THE RESURFACING OF THE ATHLETIC FIELD AT THE LEWIS F. COLE MIDDLE SCHOOL

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("the Borough") are desirous of contracting for the resurfacing of the Lewis F. Cole Middle School; and

WHEREAS, the anticipated scope of the project is for the resurfacing of the Lewis F. Cole Middle School field to include

architectural services; and

WHEREAS, on October 7, 2005, a proposal was received for the proposed architectural services; and

WHEREAS, the appropriate architect for the resurfacing project has been determined; and

WHEREAS, the Borough has reviewed its available funds and has determined that sufficient funds are available for the award of this contract,

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

1. Spiezle Group, Inc. with offices located at 120 Sanhican Drive, Trenton, New Jersey 08618 is awarded the contract to provide architectural services for the resurfacing of the athletic field at the Lewis F. Cole Middle School at an hourly basis not to exceed **\$25,000.00**; and

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available for the project; and

BE IT FURTHER RESOLVED that the original proposal and contract are available in the Borough Clerk's Office; and

BE IT FURTHER RESOLVED that the Borough Clerk shall advertise the award of the contract in a legal newspaper.

CA-25 - Awarding Contract to Melick-Tully and Associates, P.C., Bound Brook, New Jersey, for Percolation Tests Required by the Borough Engineer for the Resurfacing of the Lewis F. Cole Middle School Field - Fee Not to Exceed \$1,640

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AWARDING A CONTRACT TO MELICK-TULLY AND ASSOCIATES, P.C. TO PROVIDE PERCOLATION TESTS AT THE LEWIS F. COLE MIDDLE SCHOOL

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("the Borough") are desirous of contracting for the resurfacing of the athletic field at Lewis F. Cole Middle School; and

WHEREAS, the anticipated scope of the resurfacing of the Lewis F. Cole Middle School athletic field also includes percolation tests required by the Borough Engineer, Boswell McClave Engineering; and

WHEREAS, on October 13, 2005, a proposal was received for the percolation tests; and

WHEREAS, the appropriate contractor to perform percolation tests has been determined; and

WHEREAS, the Borough has reviewed its available funds and has determined that sufficient funds are available for the percolating test,

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

1. Melick-Tully and Associates, P.C. of 117 Canal Road, South Bound Brook, New Jersey 08880 is capable of

performing the percolation test and is awarded the contract to provide the above-described services in accordance with the applicable proposal documents and specifications at cost not to exceed **\$1,640.00**; and

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available for the project; and

BE IT FURTHER RESOLVED that the original proposal and contract are available in the Borough Clerk's office; and

BE IT FURTHER RESOLVED that the Borough Clerk shall advertise the award of the contract in a legal newspaper.

CA-26 - Authorizing Rejection of Bids and Authorizing Rebid for the Resurfacing of the Lewis F. Cole Middle School Field

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE REJECTING BIDS FOR THE RESURFACING OF THE ATHLETIC FIELD AT THE LEWIS F. COLE MIDDLE SCHOOL AND AUTHORIZING REBID FOR SAME

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("the Borough") are desirous of contracting for the resurfacing of the athletic field of the Lewis F. Cole Middle School; and

WHEREAS, the Borough duly advertised for the receipt of bids including alternate bids for the resurfacing of the athletic field of the Lewis F. Cole Middle School; and

WHEREAS, on October 31, 2005 two (2) bids were received for the resurfacing of the athletic field from Let It Grow (**\$2,469,500** Base Bid Price) and Joseph Sanzari (**\$2,482,856** Base Bid Price); and

WHEREAS, the aforementioned bids exceeded the cost estimate established by the Borough; and

WHEREAS, the Mayor and Council determined to reject said bid for the reason stated herein, and to authorize the re-advertising for bids,

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

1. The bid received for the resurfacing of the athletic field at the Lewis F. Cole Middle School is rejected for the reason expressed herein.
2. The Borough Clerk and/or Purchasing Consultant is hereby authorized and directed to immediately re-advertise for the receipt of bids for the resurfacing of the athletic field at the Lewis F. Cole Middle School.
3. This Resolution shall take effect immediately.

There being no further discussion, the public hearing was closed **on motion by Councilman Pohan, seconded by Councilman Villano**, and the Consent Agenda (items CA-1 through CA-26) was **approved unanimously with Councilman Cervieri abstaining**.

RESOLUTIONS

R-1 - Authorizing the Tax Collector to Cancel Any and All Tax Delinquencies for Tax Years 2003 and 2004 for Individual Parking Spaces Located at 1512 Palisade Avenue

Councilman Cervieri recused himself and left the podium for this matter.

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

WHEREAS, there are certain tax delinquencies with respect to several individual parking spaces located at 1512 Palisade Avenue, commonly referred to as the Atrium Condominium; and

WHEREAS, the subject parking spaces were never utilized as individual parking allocable to individual condominium units but, rather, have always been common elements and, therefore, not subject to individual assessment; and

WHEREAS, the Mayor and Council of the Borough of Fort Lee has previously authorized that similar spaces, improperly separately assessed, should have been considered as common elements not subject to taxation,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the tax collector be and he is hereby authorized and directed to cancel any and all tax delinquencies for tax years 2003 and 2004 with respect to the individual parking spaces, a list of which is available in the Borough Clerk's Office.

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

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky

ABSENT: Councilman Cervieri

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

R-2 - Authorizing the Issuance of Requests for Qualifications for Professional Services to the Borough of Fort Lee for Legal, Financial, Engineering, Health, Computer and Risk Management Services

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

A RESOLUTION AUTHORIZING THE ISSUANCE OF REQUESTS FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES TO THE BOROUGH OF FORT LEE FOR LEGAL, FINANCIAL, ENGINEERING, HEALTH, COMPUTER AND RISK MANAGEMENT SERVICES

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

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

WHEREAS, a "fair and open process" constitutes the following: (1) public advertisement of a Request for Qualifications (hereinafter the "RFQ") with ten (10) calendar days notice prior to the receipt of responses to the RFQ; (2) award of contract under a process that provides for public solicitation of qualifications; (3) award of contract under publicly disclosed criteria established, in writing, by the municipality prior to the solicitation of qualifications; and (4) the municipality shall publicly open and announce the qualifications when awarded; and

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

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

1. Borough Attorney
2. Labor Attorney
3. Borough Auditor
4. Bond Counsel
5. Borough Engineer
6. Borough Prosecutor
7. Building Department/Fire Prevention Bureau Accountant
8. Public Defender
9. Municipal Court/Police Department Accountant
10. Rent Leveling Board Attorney
11. Tax Counsel
12. Special Economic Development Counsel
13. Special Engineer Re: Development and Redevelopment
14. Library Board Attorney
15. Planning Board Attorney
16. Board of Adjustment Attorney
17. Parking Authority Attorney
18. Parking Authority Auditor
19. Borough Risk Manager
20. Ethics Board Attorney
21. Extermination Services
22. Health Education Services
23. Animal Control Services
24. Planner for the Office of Economic Development
25. Traffic Engineer
26. Computer Consultant and Information Technology Advisor

BE IT FURTHER RESOLVED, that all of the RFQs for the professional services as set forth hereinabove shall be prepared and published in accordance with N.J.S.A. 19:44A-20.1 et seq. and all such RFQs shall be evaluated on the basis of the most advantageous RFQ, all factors considered, including, but not limited to: (1) experience and reputation in the profession; (2) knowledge of the subject matter to be addressed under contract; (3) availability to accommodate any required meetings of the Borough or Borough Agency; (4) and any other factors if demonstrated to be in the best interest of the Borough or Borough Agency.

The Resolution was **approved unanimously.**

COUNCIL REPORTS

Councilman Pohan - stated that the "Trail of the Silver Fox", a

1913 film made by the American Eclair Studio in Fort Lee, has been recently donated to the Fort Lee Film Commission by David Shepherd of Film Preservation Associates.

He added that Arcadia Publishers has contracted the film commission to author a book on Fort Lee's role as the first center of film production in the United States. Film commission members and volunteers will work on the production of this book in 2005 with a publication date in the fall of 2006. Anyone with photos and/or items of interest of the Borough's film industry can contact the film commission at 201-592-3663.

He noted that the entries for the 2006 Asian-American Film Festival can be sent to the Fort Lee Film Commission by March 20, 2006. The screening of the films will be held at the Fort Lee Historic Park auditorium in late April. The time and date have not been set at this point.

He wished everyone happy holidays and looks forward to working with his colleagues in 2006.

Councilman Sokolich - congratulated all the football players, coaches and parents who attended tonight's trophy presentation.

Mr. Sokolich announced that the Fire Department has responded to 1502 calls so far in 2005. He read the following three fire incidents that occurred and which the Fire Department responded to in November 2005. This is just a sample of some of the events that occurred in November 2005.

November 4th - The department responded to a major carbon monoxide lead due to a crack in the chimney at 2100 Linwood Avenue.

November 23rd - The department responded to a serious truck accident with fire on the Route 4 and 95 ramp. Unfortunately, there was one fatality.

November 26th - The department responded to an electrical fire in the attic at 2441 Third Street.

Fire Chief Corey Parker has asked that this being the holiday season, people be extremely careful with their holiday decorations, Christmas trees and holiday candles. He also would like everyone to have carbon monoxide detectors.

Mr. Sokolich wished everyone a happy and healthy holiday season. He looks forward to working with everyone in 2006.

Councilman Villano - on behalf of a friend of his in Bergenfield thanked the Fort Lee Fire and Police Departments who responded to the very serious explosion and fire that occurred at an apartment complex in Bergenfield last week.

He wished everyone a Happy Hanukkah and Merry Christmas.

Councilman Sargenti - he congratulated the entire Fort Lee Jr. Bridgemen football program for all of their efforts in 2005. The dedication of the parents, children and coaching staff is what makes this program work every year.

He reminded everyone to keep their candles away from their Christmas trees.

He wished everyone a good, safe holiday season. He looks

forward to working with his colleagues in 2006.

Councilwoman Kasofsky - announced that the Health Department has more flu shots left for anyone who still needs one. In addition, any resident who has a lack of heat should call the Health Department at 201-592-3510.

She wished everyone a happy and healthy New Year.

Councilman Cervieri - on behalf of the Mayor and Council expressed his condolences to the Karageorge and Blue families on the loss of George Karageorge, one of the original owners of the Fort Lee Diner and The loss of Charles Blue, father-in-law of Cathy Blue. Members of both the Karageorge family and Blue family work for the Borough of Fort Lee.

He stated that the Greater Fort Lee Chamber of Commerce will be holding their annual 2006 dinner dance on Saturday, May 6th at the Hilton Hotel. The Chambers 2006 "Persons of the Year" are Stacey Goldberg and Mark Sokolich. Journal advertisement can be purchased through the Chamber at 201-944-7575.

He thanked all the Borough employees for all of their efforts throughout the year. Fort Lee is a great town. He wished everyone a happy and healthy New Year.

PUBLIC PARTICIPATION

No one from the public came up to speak during this portion of the meeting,

There being no further discussion, **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, at 8:50 p.m, the meeting was recessed to January 2, 2006 at 10:00 a.m.

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, November 10, 2005 @7:00 p.m.

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

PRESENT: Mayor 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 2, 2005, 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 3, 2005, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2005 to cover the cost of providing notice.

3. On November 1, 2005 a copy of said notice for the change in time was posted at 309 Main Street, Fort Lee, NJ and mailed to the same persons as listed in #2 above.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Alter congratulated Messrs. Pohan and Sargenti on their Election Day victory this past Tuesday. He was pleased by the results. Most people in Fort Lee are not registered with a party, but are actually undeclared voters. However, when two of the Democratic party members win, it is a referendum on what all of the governing body members do. Everyone is trying to do what is best for the town. Usually there is an unified approach, but there are occasional items where there is disagreement amongst people. He and the Council work hard to give the people good government.

RESOLUTIONS

R-1 - Police Promotion (Lieutenant)

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

WHEREAS, within the current Police Department table of organization there is an open position for Sergeant; and

WHEREAS, the Mayor and Council of the Borough of Fort Lee wish to promote Police Sergeant Stanley A. Zon to the rank of Police Lieutenant, with an effective date of November 10, 2005; and

NOW, THEREFORE, BE IT RESOLVED that this promotion will be certified by the New Jersey Department of Personnel and shall be at a salary as outlined in the current P.B.A. Contract.

The Resolution was **approved unanimously**.

R-2 - Police Promotion (Sergeant)

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

WHEREAS, within the current Police Department table of organization there is an open position for Lieutenant; and

WHEREAS, the Mayor and Council of the Borough of Fort Lee wish to promote Police Officer Kenneth Porrino to the rank of Police Sergeant, with an effective date of November 10, 2005,

NOW, THEREFORE, BE IT RESOLVED that this promotion will be certified by the New Jersey Department of Personnel and shall be at a salary as outlined in the current P.B.A. Contract.

The Resolution was **approved unanimously**.

OATHS OF OFFICE

Police Chief Thomas Ripoli thanked the Mayor and Council for approving the promotions so that the Police Department can continue to move forward in a positive way.

Chief Ripoli read a short biography for both Sergeant Porrino and Lieutenant Zon.

Mayor Alter swore in Sergeant Porrino. His children Matthew and Victoria held the Bible, and his wife Dawn pinned on his badge.

Mayor Alter swore in Lieutenant Zon. His mother Catherine, held the Bible, and his brother, Passaic Police Officer Joseph Zon, pinned on his badge.

Bernard Hart, Director of Public Safety, congratulated Sergeant Porrino and Lieutenant Zon and their families on their promotions tonight. They are two well-deserved promotions. He congratulated all of the officers and civilians who will be receiving awards tonight. He thanked all of the sworn officers and civilians of the Fort Lee Police Department who do an outstanding job in representing the Fort Lee Police Department and Borough in the course of their duties. He commended Chief Ripoli and Deputy Chief Reuter, along with their command staff for providing outstanding leadership to the Police Department. He thanked the Mayor and Council, Borough Administrator, Borough Clerk and Borough Attorney for their support and assistance.

Chief Ripoli added that he takes great pride in thinking that the Police Department is a progressive, proactive police force. This could not be accomplished without the proper amount of supervision the Mayor and Council have afforded the Police Department by allowing the promotions to take place. On behalf of the members of the Police Department and the newly appointed lieutenant and sergeant, he personally thanked the Mayor and Council for making this possible. He introduced the members of his command staff.

PRESENTATIONS

Chief Ripoli presented gold shields to Police Officer Thomas Provenzano, who will be replacing Sergeant Porrino in the Detective Bureau, and Police Officer Alex Lorenzo, who has been working in a detective capacity as a patrolman.

Police Department Merit Awards

Chief Ripoli thanked Lieutenant Ottina, and Detectives Ginsberg and Tilton and the rest of the Merit Board members. He also thanked PBA President Steve Pumilia and Delegate Mark Finocchairo for their donations and support.

He added that he will be giving out some civilian awards and then Lieutenant Ottina will handle the rest of the program.

Chief Ripoli hand out the first three Civilian Media Representative Awards to the following:

Robert Schmelter, staff writer for the Fort Lee Suburbanite

Donna Brennan, photographer for the Fort Lee Suburbanite

Joanne Santiglia, newscaster for twenty years and who is now doing news reporting for New York 1.

Chief Ripoli announced that he will be handing out a Traffic Assistance Award to Mark Sulcov, of the Fort Lee Department of Public Works. Mr. Sulcov has worked with the traffic unit for many years in preparing and installing signs that are employed in the changing of traffic flow. Mr. Sulcov over the last fifteen years has always been cooperative with the Police Department while never neglecting his duties with the DPW. Chief Ripoli stated that Mr. Sulcov was unable to attend tonight's ceremony.

Chief Ripoli presented a Cop Card Award plaque to Rachel Smith, on behalf of her mother, DPW employee Andrea Hersh. He stated that the Cop Card program originated in 2000 and through Ms. Hersh's original involvement, the Police Department became and has become more visible to the youth of the community.

Chief Ripoli presented retired Bergen County Sheriff's Department Detective Joseph Viola with a plaque for the work that he has done with regard to gang education. Detective Viola has been recognized throughout the State of New Jersey as an expert in this field and he has just recently been appointed to the Governor's Advisory Committee on gang activity.

Chief Ripoli presented certificates of appreciation to the following eight Police Department clerical workers:

Rosalie Ludolph, Allegra Levy, Jeanne Sweeney, Kathy Patrick, Elizabeth Connell, Melissa Cuello, Melissa Akerman and Caroline Comerford

Chief Ripoli closed by stating that the Fort Lee Police Department is the best in the State. Upon hearing about the heroic acts of these officers, he believes that many will agree with his statement. He thanked the families and friends for attending tonight and he offered his congratulations to everyone.

Lt. Ottina, presiding member of the Merit Board, came to the podium and congratulated Officers Porrino and Zon on their promotions.

He thanked the Mayor and Council, Chief Ripoli, Deputy Chief

Reuter, Public Safety Director Hart, and the entire police administration for their support in allowing the Merit Board to continue with this annual event. He acknowledged the Merit Board members and gave a brief overview on how the Merit Board works.

Lt. Ottina called up Rose and Milton Algreen, parents of Melissa Algreen who was seriously injured in a car accident on June 14, 2005. He also called up Officers Antonio Hernandez and John Ordonez who were the first to arrive at the scene of the accident and helped save Melissa's life.

Because of their actions the **Life Saving Medal** was given to both Officers Hernandez and Ordonez.

Lt. Ottina introduced Melissa Algreen who was in the audience and is still recovering from her injuries.

Other awards given out by the Merit Board were as follows:

Meritorious Valor Unit Medal - to Det. Howard Ginsburg, Sgt. Kenneth Porrino and Police Officer George Koutrobinis for their actions on February 15, 2005.

Letter of Service Award - to Police Officer Vassilios Triantafillou for his action on January 17, 2005.

Meritorious Service Medal - to Police Officers Sean Peppard, Cory Horton and Thomas Porto for their actions taken on December 29, 2004.

Meritorious Service Medal - to Police Officer George Koutrobinis for his action taken on November 21, 2004.

Meritorious Service Unit Medal - Sgt. Wayne Monico, Det. Daniel Zusi, Det. Robert Tilton and Police Officers Sean Peppard and Thomas Ripoli for their actions taken on July 27, 2005.

Meritorious Valor Unit Medal - to Lt. Stanley Zon and Police Officers Ricky Mirkovic and Deborah Siracuse for their action taken on December 27, 2004.

It was noted that more Merit Board awards are going to be handed out at the Recreation Department tonight.

There was a ten minute recess taken at this point in the meeting.

Council President Pohan noted that he will be chairing the remainder of the meeting because Mayor Alter is going to California tomorrow and he has a very early flight scheduled in the morning.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the September 22, 2005 Special Meeting were approved.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the October 27, 2005 Executive Session were approved.

On motion by Councilman Sokolich, seconded by Councilman Kasofsky, and carried unanimously, the minutes of the November 3, 2005 Executive Session were approved with Councilman Cervieri abstaining.

INTRODUCTION OF ORDINANCES

Ordinance #2005-40 - Amending Chapter 388, Section 69, Handicapped Parking Space by 3051 Edwin Avenue

On motion by Councilman Villano, seconded by Councilman Sargenti, and carried, Ord. #2005-40 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED HANDICAPPED PARKING SPACES" was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the **public hearing** relative to this ordinance was scheduled for **December 15, 2005**

Ordinance #2005-41 - Ordinance Vacating Park Place (Paper Street Within Centuria Property)

Council Members Kasofsky and Cervieri recused themselves and left the podium at this point in the meeting.

On motion by Councilman Sokolich, seconded by Councilman Villano, and carried, Ord. #2005-41 entitled, "AN ORDINANCE VACATING A PAPER STREET KNOWN AS PARK PLACE IN ITS ENTIRETY," was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **December 15, 2005**.

AYES: Council Members Sokolich, Villano, Sargenti, Pohan

ABSENT: Council Members Cervieri, Kasofsky

Ordinance #2005-42 - Amending Salary Ordinance #2002-14 for White Collar Employees - Recreation Supervisor

On motion by Councilman Cervieri, seconded by Councilman Sargenti, and carried, Ord. #2005-42 entitled, "AN ORDINANCE AMENDING SALARY ORDINANCE #2002-14 ESTABLISHING TITLES, SALARIES AND WAGES FOR WHITE COLLAR EMPLOYEES AND NON-UNION EMPLOYEES," was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **December 15, 2005**.

AYES: Council Members Sokolich, Villano, Sargenti, Kasofsky, Cervieri, Pohan

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-11.

CA-1 - Payment of Claims

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

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$4,883,318.35
Capital	185,105.15
Multiple Dwelling	n/a
Construction Fees	n/a
COAH Fees	n/a
Trust (Old)	n/a
Senior Citizen Advisory Council	1,992.50
Trip Admissions	n/a
Wedding Fees	n/a
Trust Account (Accutrack)	7,835.91
Police Activity Account	2,374.34
Special Dog Account	n/a
Senior Citizen Advisory Account	1,335.00
Centennial Fund	n/a
Disability Insurance Trust	n/a
Unemployment Compensation Trust	59,480.71
Public Assistance Trust Fund I	6,697.75
Fort Lee Film Commission	4,548.08
Redemption Account	6,175.00
School Resource Account	<u>577.17</u>
Total:	\$5,159,439.96

CA-2 - Authorizing Full Time Hiring of Samantha Wielkocz as Recreation Supervisor for the New Community Center - \$30,000 Annually

WHEREAS, the Mayor and the Council have authorized the hiring of a Recreation Supervisor for the new Community Center,

NOW THEREFORE, BE IT RESOLVED that Samantha Wielkocz be appointed to the full time position of Recreation Supervisor, in the Recreation Department, and

BE IT FURTHER RESOLVED that Samantha Wielkocz be hired at an annual salary of \$30,000 and that this appointment is provisional pending certification from the New Jersey Department of Personnel, with an effective date retroactive to October 29, 2005.

CA-3 - Authorizing Hiring of Vinnie Martin as a Building Maintenance Worker, Grade 6, for the Buildings and Grounds Department - \$27,941 Annually

WHEREAS, the Mayor and the Council have authorized the hiring of a Building Maintenance Worker for the new Community Center,

NOW THEREFORE, BE IT RESOLVED that Vinnie Martin be appointed to the full time position of Building Maintenance Worker, in the Buildings and Grounds Department, and

BE IT FURTHER RESOLVED that Vinnie Martin's salary is in accordance with the Blue Collar Bargaining Unit, for the position of Building Maintenance Worker at Grade 6, at an annual salary of \$27,941 and that this appointment is provisional pending certification from the New Jersey Department of Personnel, with an effective date retroactive to November 2, 2005.

CA-4 - Authorizing Hiring of Patrick Ferrara as a Truck Driver, Grade 10, for the DPW - \$34,057 Annually

WHEREAS, there is a vacancy in the Public Works Department, and the Mayor and the Council have determined that the vacancy

must be filled,

NOW THEREFORE, BE IT RESOLVED that Patrick Ferrara be appointed to the full time position of Truck Driver, in the Public Works Department, and

BE IT FURTHER RESOLVED that Patrick Ferrara's salary is in accordance with the Blue Collar Bargaining Unit, for the position of Truck Driver at Grade 10, at an annual salary of \$34,057 and that this appointment is provisional pending certification from the New Jersey Department of Personnel and shall be effective November 14, 2005.

CA-5 - Authorizing Hiring of John Mattessich as a Truck Driver, Grade 10, for the DPW - \$34,057 Annually

WHEREAS, there is a vacancy in the Public Works Department, and the Mayor and the Council have determined that the vacancy must be filled,

NOW THEREFORE, BE IT RESOLVED that John Mattessich be appointed to the full time position of Truck Driver, in the Public Works Department, and

BE IT FURTHER RESOLVED that John Mattessich's salary is in accordance with the Blue Collar Bargaining Unit, for the position of Truck Driver at Grade 10, at an annual salary of \$34,057 and that this appointment is provisional pending certification from the New Jersey Department of Personnel and shall be effective November 14, 2005.

CA-6 - Authorizing Execution of a Settlement Agreement and Access Easement Agreement Between the Borough of Fort Lee, South Pole Fort Lee LLC, and the Port Authority of New York and New Jersey

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT, GENERAL RELEASE AND ACCESS EASEMENT AGREEMENT BY AND BETWEEN THE BOROUGH OF FORT LEE, SOUTH POLE FORT LEE, LLC AND THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

WHEREAS, South Pole Fort Lee LLC owns property located in Block 4701, Lot No. 1 also known as 222 Bridge Plaza South ("South Pole Realty"), Borough of Fort Lee, County of Bergen and State of New Jersey; and

WHEREAS, 222 Bridge Plaza South is contiguous to realty located in Block 4701, Lot No. 2 also known as 220 Bruce Reynolds Boulevard which is owned by the Borough of Fort Lee and occupied by the Port Authority of New York and New Jersey; and

WHEREAS, South Pole desires unfettered ingress and egress rights to and from South Pole Realty; and

WHEREAS, the Borough Attorney entered into settlement discussions with counsel for South Pole and the Port Authority and agreed to settle this matter for the sum of \$10.00; and

WHEREAS, the Borough Attorney entered into settlement discussions with counsel for South Pole and the Port Authority for an access easement and agreed to settle this matter for the sum of \$1.00; and

WHEREAS, the Borough wishes to approve the above-referenced settlement,

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

1. The terms of the settlement entered into by the Borough Attorney are hereby approved.

2. The Business Administrator and the Borough Attorney are hereby authorized to take all necessary action to effectuate the terms of the settlement, including but not limited to entering into a settlement agreement and access agreement in a manner and form acceptable to the Borough Attorney.

3. No further action of the Mayor and Council is necessary.

CA-7 - Authorizing Grant Agreement Between the Borough and the State of New Jersey Department of Environmental Protection to Fund for the Implementation of Certain Activities Required by the New Jersey Pollution Discharge Elimination System et. al. - \$20,619 Grant to the Borough

**BOROUGH OF FORT LEE
AND
THE STATE OF NEW JERSEY
BY AND FOR
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

GRANT IDENTIFIER: WQ05-044

The Governing Body of the Borough of Fort Lee desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of **\$20,619** to fund stormwater activities as described in the Scope of Services.

Therefore, the Governing Body resolves that Peggy E. Thomas or the successor to the office of Borough Administrator is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

The Grantee agrees to comply with all applicable Federal, State and municipal laws, rules, and regulations in its performance pursuant to the agreement.

CA-8 - Awarding Contract to Stack, Coolahan & Stack, LLC, Hoboken, New Jersey for Real Property Valuation Services in Tax Appeal Litigation Entitled Slumber Inc., vs Borough of Fort Lee - Fee Not to Exceed \$10,000

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE TO RETAIN STACK, COOLAHAN & STACK, LLC, TO PROVIDE APPRAISAL CONSULTING SERVICES FOR THE BOROUGH OF FORT LEE IN DEFENSE OF THE 2004 AND 2005 PROPERTY TAX APPEALS FILED ON PROPERTY KNOWN AS THE HOLIDAY INN (BLOCK 6304; Lot 7)

WHEREAS, Slumber, Incorporated, is the owner of certain property identified on the tax maps of the Borough of Fort Lee as Block 6304, Lot 7; and

WHEREAS, Slumber Incorporated, has filed appeals for said premises that are presently pending in the Tax Court of New Jersey; and

WHEREAS, the appeals filed by Slumber, Incorporated, seek substantial reductions to the 2004 and 2005 property tax assessments of Block 6304, Lot 7; and

WHEREAS, the Mayor and Council of the Borough of Fort Lee recognize the need to retain an appraisal company to provide appraisal consulting services for the Borough of Fort Lee in defense of the 2004 and 2005 property tax appeals filed by the property owner of Block 6304, Lot 7; and

WHEREAS, the Mayor and Council of the Borough of Fort Lee have reviewed the October 18, 2005 proposal submitted by Stack, Coolahan & Stack, LLC, to provide appraisal consulting services for the Borough of Fort Lee in defense of the 2004 and 2005 property tax appeals filed by the property owner of Block 6304, Lot 7; and

WHEREAS, the Mayor and Council of the Borough are desirous of retaining the appraisal company of Stack, Coolahan & Stack, LLC, to provide appraisal consulting services for the Borough of Fort Lee in defense of the 2004 and 2005 property tax appeals filed by the property owner of Block 6304, Lot 7,

NOW, THEREFORE, BE IT RESOLVED, this 10th day of November, 2005, by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey, that the Borough is authorized to retain the appraisal company of Stack, Coolahan & Stack, LLC, to provide appraisal consulting services for the Borough of Fort Lee in defense of the 2004 and 2005 property tax appeals filed by the property owner of Block 6304, Lot 7, in accordance with the terms of the October 18, 2005 proposal submitted by Stack, Coolahan & Stack, LLC; and

BE IT FURTHER RESOLVED that the Borough is authorized to pay Stack, Coolahan & Stack, LLC, the following amounts:

- \$5,000 to compete a Phase I hybrid/restricted summary appraisal;
- \$5,000 to upgrade the Phase I hybrid/restricted summary appraisal to a Phase II complete, trial ready appraisal; and
- \$175/hour for Phase III Litigation Support, which includes, but is not limited to, telephone calls, pre-trial preparation, and expert testimony; and

BE IT FURTHER RESOLVED that should the Borough determine that a Phase I Hybrid, Restricted Summary Appraisal is not required, the Borough is authorized to pay Stack, Coolahan & Stack, LLC, an amount not to exceed \$10,000 to provide a complete, trial ready appraisal; and

BE IT FURTHER RESOLVED that should Stack, Coolahan & Stack, LLC, require an amount in excess of \$10,000 to provide a complete trial ready appraisal, Stack, Coolahan & Stack, LLC, may submit a modified proposal to the Borough explaining the basis for the increase in cost; and

BE IT FURTHER RESOLVED that monthly invoices from Stack, Coolahan & Stack, LLC, should be submitted to the Law Firm of DeCotiis, Fitzpatrick, Cole & Wisler, LLP, who shall review same before submitting said invoice(s) for payment by the Borough; and

BE IT FURTHER RESOLVED that the aforesaid award of contract is one for professional services, for which no public bidding is necessary or required; and

BE IT FURTHER RESOLVED that the aforesaid award of contract

be and hereby subject to and conditioned upon the written certification of the Chief Financial Officer as to availability of funds in the current budget for this project; and

BE IF FURTHER RESOLVED that the Borough Clerk be and he is hereby authorized and directed to advertise the award of the contract and to maintain a copy of this resolution in his offices, for public inspection, according to law.

CA-9 - Authorizing Settlement of Labor Grievances With Joan Brodeur, Senior Clerk Typist for the Payroll Department - Seven (7%) Salary Increase

WHEREAS, the Mayor and Council of the Borough of Fort Lee have negotiated agreements with the usw and Joan Brodeur, Senior Clerk Typist for the Payroll Department; and

WHEREAS the parties have authorized settlement of a grievance for Joan Brodeur, her related Department of Personnel appeal, all outstanding United Service Workers grievances, and the outstanding PERC unfair practice charge,

NOW, THEREFORE, BE IT RESOLVED that Joan Brodeur shall receive a 7% salary increase, as outlined in the White Collar Bargaining Unit Contract, with an effective date retroactive to September 15, 2004.

CA-10 - Awarding Contract to Pappas & Kavrakis Associates, Elmwood Park, New Jersey to Make Renovations to the Kitchen at the Richard A. Nest Senior Citizens' Center - \$225,000

WHEREAS, the Mayor and Council of the Borough of Fort Lee are desirous of renovating the kitchen at the Fort Lee Senior Center; and

WHEREAS, on March 3, 2005 the Borough duly advertised for the receipt of bids for the renovation of the kitchen at the Fort Lee Community Center; and

WHEREAS, the Borough did not receive any responsive bids; and

WHEREAS, on April 20, 2005 the Borough duly re-advertised for the receipt of bids for the renovation of the kitchen at the Fort Lee Community Center; and

WHEREAS, the Borough did not receive any responsive bids to the second advertisement for bids; and

WHEREAS, after receiving no responsive bids, the Borough received a proposal from Pappas & Kavrakis Associates, Inc. for the necessary renovation work for the kitchen project; and

WHEREAS, the Borough examined the kitchen renovation proposal for compliance with the bid specifications and N.J.S.A. 40A:11-1 et seq., and determined that Pappas & Kavrakis Associates, Inc. proposal contained deficiencies, among other things, the bidder failed to submit a business registration certificate, a bid bond, cashier's check or certified check and a material increase of the cost estimate, all of which are fatal deficiencies under N.J.S.A.40A:11-23.2; and

WHEREAS, after negotiations with the Borough, Pappas & Kavrakis Associates, Inc. submitted a revised proposal which complies with all material aspects of the Bid Specification; and

WHEREAS, the Borough has determined that it is in the best interest of the municipality to award the contract for the kitchen renovation at the Fort Lee Senior Center,

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

1. Pappas & Kavrakis Associates, Inc. of 370 North Street, Teterboro, New Jersey 07608 is awarded a contract to renovate the kitchen of the Fort Lee Senior Center.

2. Pappas & Kavrakis Associates, Inc. shall provide renovation services which shall include, designs for all equipment including sealed architectural blueprints with schematics for plumbing and electrical equipments, planning and construction of the kitchen at the Fort Lee Senior Center.

3. Pappas & Kavrakis Associates, Inc. shall provide these kitchen renovation services for a fee of two hundred twenty-five thousand (**\$225,000**) dollars; and

BE IT FURTHER RESOLVED that the aforesaid award of this contract is subject to and conditioned upon written certification from the Chief Financial Officer of the current Availability of Funds; and

BE IT FURTHER RESOLVED that the Borough Attorney be and he is hereby authorized and directed to prepare, and the Mayor to execute, an appropriate contract for the aforesaid purpose; and

BE IT FURTHER RESOLVED that a copy of this resolution and contract shall be kept on record in the Borough Clerk's Office for public inspection, pursuant to law; and

BE IT FURTHER RESOLVED that the Borough shall advertise the award of the contract in a legal newspaper.

CA-11 - Authorizing the Purchase of a Mobile Command Post Unit for the Public Safety Departments, From Farber Speciality Vehicles, Columbus, Ohio - \$341,143 (Paid Through a State Local Preparedness Equipment Grant and the Police Department's Federal Confiscated Funds Account)

WHEREAS, the Director fo Public Safety has requested the purchase of a command vehicle for the Public Safety Departments; and

WHEREAS, the vehicle is available through Farber Speciality Vehicles, via federal GSA contract #GS-30F-0008N; and

WHEREAS, the cost of the vehicle is over the bid threshold amount of \$21,000 and the expenditure must be authorized by resolution of the governing body,

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Fort Lee authorizes the Police Department to purchase a Mobil Command Post unit by purchase order from Farber Speciality Vehicles, 7052 Americana Parkway, Columbus, Ohio 43068 in the amount of **\$341,143,00**; and

BE IT FURTHER RESOLVED that the unit is being funded through a Statewide Local Preparedness Equipment Grant and the remaining funds are being allocated from confiscated funds from the Police Department's Federal Account.

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

Nina Levinson, 1560 West Street, questioned CA-10, CA-8, CA-7, CA-6 and CA-2 through CA-5.

Mr. Cervieri and Ms. Thomas responded to CA-10. Messrs. Cervieri and Grant replied to CA-8. Ms. Thomas spoke to CA-7. Mr. Cervieri answered CA-6, and Messrs. Pohan, Sargenti and Ms. Thomas responded to CA-2 through CA-5.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilwoman Kasofsky**, and the Consent Agenda (items CA-1 through CA-11) was **approved unanimously**.

COUNCIL REPORTS

Council President Pohan - announced that the Fort Lee Film Commission's annual dinner will be held this Saturday at the Hilton Hotel in Fort Lee beginning at 6:00 p.m. There are still tickets available for the dinner. Call 201-592-3663 for further information.

He stated that the "View From the Bridge" series continues Saturday, November 26th with the screening of the Hitchcock classic "The Wrong Man" starring Henry Fonda and concludes on Saturday, December 10th with the screening of "The Seven-Ups". Both programs start at 1:00 p.m. at the Fort Lee Historic Park Theater.

He stated that the Friends of the Library and the Fort Lee Film Commission will jointly sponsor a "Silent Night in December" screening at the Fort Lee Library on December 14th at 7:00 p.m. Professor Richard Koszarski of the film commission will be on hand to introduce rare feature-length silent films from the library collection. Live piano will be provided by Fort Lee's own Jeff Barker. There is no admission fee.

He thanked the people of Fort Lee for returning him and Councilman Sargenti to another three-year term on the Council. It is good to see that people can wage a positive campaign as opposed to a negative campaign and win an election. He is most grateful for the support of his fellow citizens in Fort Lee.

Councilman Sokolich - congratulated Messrs. Pohan and Sargenti on their Election Day victory. He is proud to serve as a Councilman with both of them.

He offered his congratulations to Sergeant Porrino and Lieutenant Zon on their promotions tonight.

He stated that in his short tenure on the Council, seeing Melissa Algreen tonight in the Chambers was the most moving thing that he has been involved in. He is very proud of Melissa, her parents for their loving and caring nature, and the Police Department for their actions. He wished her a continued speedy recovery.

He said that the Fire Department has found a community in Mississippi that was a victim of Hurricane Katrina, to donate an old fire truck to. The Fire Department will be making arrangements shortly to deliver the fire truck.

He announced that the 229th anniversary of Washington's Retreat to Victory will be held on Saturday, November 19th

beginning at 11:30 a.m. The Brigade of the American Revolution will retrace the steps of George Washington's troops at 11:30 as the Brigade marches from the Fort Lee Historic Park up Main Street to Monument Park. Noted historian Thomas Fleming is the keynote speaker for the event. Refreshments will be served afterward at the Fort Lee Museum.

He stated that the Riviera exhibit will continue through January 29th at the Fort Lee Museum. There will also be a walk to the Riviera site on Sunday, January 22nd at 11:00 a.m. The walk is co-sponsored by the Borough's Office of Cultural and Heritage Affairs and the Palisades Interstate Parkway. The hike will commence at the Fort Lee Historic Park and will conclude at the Fort Lee Museum, where refreshments will be served. For more details call 201-592-3663.

Councilman Villano - offered his congratulations to Sergeant Porrino and Lieutenant Zon. As the Borough's police liaison he receives weekly letters from residents about the great job the Police Department does.

He announced there will be a Veteran's Day service tomorrow at 11:00 a.m. in front of Borough Hall.

He congratulated all of the candidates for running a clean campaign and sticking with the issues. He commended Messrs. Pohan and Sargenti on a job well done and welcomed them back to their Council positions.

Councilman Sargenti - thanked the people who voted for him. He appreciates the confidence the voters have shown in him and Mr. Pohan. He is looking forward to continue to do the things that are in the best interests of the residents of the Borough.

He announced that there will be a late sign-up next month for the American and National Little League baseball and Babe Ruth league. Basketball sign-ups are currently under way. Soccer is continuing with the last games to be played during the week of Thanksgiving. Indoor soccer will begin after that.

He offered his congratulations to all the civilians and Police Department members who received awards tonight.

Councilwoman Kasofsky - congratulated Messrs. Pohan and Sargenti on their Election Day victory.

She congratulated Sergeant Porrino and Lieutenant Zon on their promotions. She was pleased that a good majority of the Merit Board awards were able to be televised. This shows how hard the Police Department works. She is proud of them.

She stated that on Saturday, November 19th at 2:00 p.m. the Fort Lee Library will present Thomas Fleming, a New Jersey-born distinguished historian and author. He will be reading from his new book "Washington's Secret War: The Hidden History of Valley Forge."

She said that the library will be hosting a lecture on the New Prescription Drug Reform Bill and Medicare coverage on Sunday, November 20th at 2:00 p.m.

She added that the library will be showing "The Maltese Falcon" on Tuesday, November 20th at 2:00 p.m.

Councilman Cervieri - stated that the United Homeowners of Fort Lee will be replacing dead trees on Saturday, November 19th at 10:00 a.m. on land loaned to Fort Lee by the Palisades Interstate Parkway near the circle at the end of North Central Road. The trees were originally planted by the Fort Lee Advisory and Recycling Committee.

He announced that the Greater Fort Lee Chamber of Commerce will be hosting an Inter-Chamber Consortium Exposition on Tuesday, November 15th at Seasons Restaurant in Washington Township from 11:00 a.m to 2:00 p.m.

He added that on Thursday, November 17th Kiky Jeweler at 221 Main Street will be having its grand opening. Mayor Alter and the Chamber directors will be present for a ribbon-cutting ceremony.

He announced that on Wednesday, December 7th there is a Pearl Harbor Remembrance Day at Borough Hall sponsored by American Legion Post 244.

He offered his congratulations to his colleagues on a job well done. Both sides ran a clean campaign. He is very happy that the Fort Lee voters returned Messers. Pohan and Sargenti to the Council for another three years.

He said that tonight's ceremony was very moving and he added that the Council acted promptly to prevent another accident from happening at that location on Palisade Avenue by having a bus stop changed and by adding a no right-turn at a red light at Riverdale Drive which is at the intersection of Palisade Avenue.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	Lewis F. Cole Middle School Field Bids	Mr. Cohen Mr. Pohan

There being no further discussion, the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, and carried at 8:40 p.m.

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, October 27, 2005

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

PRESENT: Mayor 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 2, 2005, 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 3, 2005, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2005 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Alter had no special report tonight.

PROCLAMATIONS/PRESENTATIONS

P-1 - National Disabilities Awareness Month

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

WHEREAS, the Americans with Disabilities Act of 1990, which prohibits discrimination in employment, public accommodations, transportation and communication, reaches its fifteenth year of implementation in 2005; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Fort Lee, does hereby declare **October, 2005** as "**National Disabilities Awareness Month**" in Fort Lee; and

BE IT FURTHER RESOLVED that the Mayor and Council do hereby proclaim that October, 2005 provides a special opportunity to actively celebrate the significant contributions of People with Disabilities, and to strengthen, even further, our ongoing dedication to equal opportunity for every individual.

Mr. Villano introduced the four representatives present tonight from the Borough's Advisory Committee for the

Disabled. They are Sharon Schiener, recording secretary for the Board, Sandra Pinkerton, one of the original founders of the Borough's Advisory Board for the Disabled, Roberta Wailes, current Chairperson for the Board, and Benjamin Chirls, Vice-Chairman for the Board.

Ms. Wailes, as Chairperson for the Board and on behalf of all of the members on the Board, thanked the Mayor and Council and especially Councilman Villano for allowing the Board to continue to work in making Fort Lee one of the most accessible communities for the disabled.

P-2 - August Kleinzahler, Fort Lee Poet Laureate

WHEREAS, The Borough of Fort Lee is a Community known for the vitality of its Arts and Culture; and

WHEREAS, Poetry is an art form that provides pleasure and expression for many citizens of Fort Lee; and

WHEREAS, A Poet Laureate is a symbol of the important role that the arts play in the lives of our community members; and

WHEREAS, August Kleinzahler was raised in this Community and his work speaks of his love for Fort Lee in such volumes as "Red Sauce, Whiskey and Snow", "Like Cities, Like Storms", "Storm over Hackensack", "A Calendar of Airs", "The Strange Hours Travelers Keep" and the recent "Cutty, One Rock, Low Characters and Strange Places Gently Explained"; and

WHEREAS, August Kleinzahler is acclaimed throughout the World for his works and was the International winner of the 2004 Griffin Poetry Prize and was proclaimed the "unofficial Poet Laureate of Fort Lee" in articles from the Arts section of the New York Times in 2005; and

WHEREAS, the position of Poet Laureate honors this outstanding poet whose work has enriched the Fort Lee community,

NOW, THEREFORE, BE IT RESOLVED, I, Jack Alter, Mayor of the Borough of Fort Lee, do join with members of the Borough Council of Fort Lee in proclaiming

**AUGUST KLEINZAHLER
POET LAUREATE OF THE BOROUGH OF FORT LEE
OCTOBER 27, 2005**

Mayor Alter stated that Council President Pohan was asked to read Mr. Kleinzahler's materials and come back and report what he thought to the Mayor and Council. Mr. Pohan in a previous work session read selections of Mr. Kleinzahler's works to the Mayor and Council and to everyone else who attended the meeting. Everybody was very impressed with Mr. Kleinzahler's work.

Mr. Pohan stated that in making the award it does not do justice to give him a plaque without reading some of his poetry. Mr. Pohan read "Grey Light in May" from the book "Green Seas and Waves." There are several poems in the book about Fort Lee.

Messrs. Alter and Pohan presented Mr. Kleinzahler with two copies of the proclamation that was read earlier by Mr. Grant.

Mr. Kleinzahler stated that he is enormously honored and grateful in being named the Borough's poet laureate. He introduced his wife Sarah, and his mother who has lived in the same house on Bluff Road for the past sixty-two years.

Mayor Alter recognized the following events that have occurred or are about to occur this week in the Borough:

1. The ceremonial groundbreaking for the Centuria Project was last Thursday. It was not very well publicized by the developer Town and Country. Town and Country should soon begin a series of demolishments of the old stores around the perimeter of their property to start the foundation work for the project.

2. The official opening of the new community center will be this Saturday at 12:00 noon. The festivities begin at 9:30 a.m. with the Greater Fort Lee Chamber of Commerce Ragamuffin parade. There will be ceremonies, speeches, free food and a number of other activities throughout the day including the Fort Lee High School Band which will be there at 11:00 a.m. There will be square dancing and the Borough's annual Little Miss America pageant will also be held in the afternoon.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the September 29, 2005 Executive Session were approved.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the September 29, 2005 Regular Meeting were approved.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the October 6, 2005 Executive Session were approved.

PUBLIC HEARINGS

Ordinance #2005-36 - Creating a Limited Tax Exemption for Redevelopment Area 1, Block 6101, Lots 13, 14, 15 and 20

On motion by Councilman Sokolich, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2005-36 entitled, "AN ORDINANCE CREATING A LIMITED TAX EXEMPTION FOR REDEVELOPMENT AREA 1, BLOCK 6101, LOTS 13, 14, 15 and 20."

Councilman Cervieri recused himself and left the podium for this portion of the meeting.

Nina Levinson, 1560 West Street, asked what is the purpose of the limited tax exemption. She spoke to the Borough's condemnation of the property. She does not believe that the tax abatement should be given and she said that the public was never told about the tax abatement.

Mr. Pohan replied that the building sat there for approximately thirteen years in its unfinished rusty state. The Borough adopted a redevelopment plan for the property in question, and the Borough negotiated with the redeveloper a redeveloper's agreement under which they agreed to complete the building. The agreement specified that the Borough would pass this ordinance. The assessment on the skeleton building was \$3,000,000. The redeveloper will complete the building and in a five-year period the assessment on the building will step up from the \$3,000,000 to the full assessed value in its completed state. This was an inducement to get the redeveloper to do this. The town benefits in each year over five years by receiving more tax ratables than it was receiving in its rusted state. It is a five year phase-in increasing by 20% every year. He believes that the Borough is a lot better off than when it was just a rusted

building. Mr. Pohan added that the tax abatement was listed in the redeveloper's agreement.

Mayor Alter asked what Ms. Levinson's objection is. The redeveloper approved the site and the phase-in will be on the increase of its value over a five-year period. The people's interest in this project has been watched over by the government that the people elected. The governing body read the agreement.

Mr. Sokolich told Ms. Levinson that her observations are a bit disappointing to him. He thought that the efforts to bring the building back onto the tax rolls would have been applauded by her.

Mayor Alter reiterated that the abatement is not on the original cost of the building.

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

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

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky

ABSENT: Councilman Cervieri

Ordinance #2005-37 - Amending Chapter 388, Section 57, Schedule XII, Addition of Bus Stop Along Anderson Avenue Southbound, Beginning at the Northerly Curb Line of Sixteenth Street

Mr. Cervieri returned to the podium.

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to **Ord. #2005-37** entitled, "AN ORDINANCE AMENDING CHAPTER 388, SECTION 57, SCHEDULE XIII, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE TO INCLUDE A NEW BUS STOP IN THE BOROUGH OF FORT LEE."

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

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, the Ordinance was **adopted unanimously.**

Ordinance #2005-38 - Amending Chapter 372, Articles I & II - Taxicab & Limousine Ordinance

Mr. Grant stated that there are numerous minor amendments that need to be approved before the Ordinance is opened to the public for comment.

Mr. Grant read a list of the various amendments (available as a permanent record in the office of the Borough Clerk).

Mr. Pohan stated that one other amendment needs to be clarified. On page 15, section B-1, the wording regarding the maximum number of limousines owned by a limousine owner should be change to "a maximum of eight limousines.

On motion by Councilman Cervieri, seconded by Councilman Sokolich, the amendments were **approved unanimously.**

On motion by Councilman Cervieri, seconded by Councilman Sargenti and carried, the public hearing was opened relative to **Ord. #2005-38** entitled, "AN ORDINANCE AMENDING CHAPTER 372, TAXICABS AND LIMOUSINES, ARTICLE I, TAXICABS AND ARTICLE II, LIMOUSINES, OF THE CODE OF THE BOROUGH OF FORT LEE" as **amended**.

Sam Cereste, Esq., stated that he is present tonight on behalf of A-1 Taxi Service. He has also been authorized to speak on behalf of Babe's Taxi Service by Neil Strahl. He asked that the ordinance not be adopted tonight. He said that there are about forty families that will be affected by the adoption of the ordinance. The two owners on whose behalf he is speaking have forty drivers. He is concerned about the additional licenses and the competition for a given market. He would like to address the problems that the ordinance proposes to focus upon. He asked if the Mayor and Council would table the ordinance for thirty days and sit with the representatives of the taxi companies and have a liaison of the council review all aspects of the ordinance so as to discuss the many issues the ordinance addresses. If the ordinance is adopted as is, it will have a negative impact to the people who are currently servicing the community. He spoke to the high cost of insuring just one taxi along with the other expenses that taxi services have. In fairness to the taxi companies and the public, he would like to have a dialogue, to determine what the needs are for taxi service in the Borough including response time of the taxi companies.

Mr. Cohen replied that the taxi and limousine ordinance has been in the making for over a year. The proposed amendments were mailed to every taxi and limousine company. The issue was debated publicly earlier in the year after the Mayor and Council received many requests from private citizens to increase the competition for both taxi and limousine service in the Borough. He said that his client was aware of this issue for a long time and never came forward.

Mr. Cereste answered that his client A-1 Taxi did send letters regarding the issue. He added that he is not here to advocate a one-sided position. He would like to temper the ordinance and deal with the deficiencies that the Mayor and Council believe currently exist. He believes approving the ordinance without an additional thirty days is not fair.

Mayor Alter replied that it is now up to the Mayor and Council if they wish to table the ordinance.

Mr. Cervieri said that every time this ordinance gets to this stage someone comes forward and asks that it be reworked which pushes the timetable back for another six months or a year. He stated that the citizens of the Borough are not being served. He believes that the time and momentum would be lost if the ordinance is tabled for another thirty days.

Yolanda Falcon, owner of Falcon Limousine Service, stated that she was present last year when the ordinance was discussed. She did not recall notice of any hearing other than tonight's being sent to her or the other license owners. She said that she is not happy that the issues for taxi and limousines are combined in the same ordinance. There are different issues that affect limousines and taxis separately. She concurs with Mr. Cereste's request for a thirty-day window to discuss the ordinance in more detail. She was opposed to adding new licenses for limousine service. To her knowledge there is one limousine license that is trying to be sold.

Mr. Grant replied that there are ten limousine owner licenses currently being used, of which one is active. There are also two other limousine applications on file in the Borough

Clerk's office. There are two people who own two different licenses because they set up two separate corporations.

Mr. Cohen added that under the new ordinance the two licenses would be allowed to remain as is.

Ms. Falcon stated that she believes that there is more limousine service available than customers looking for service. She feels that increasing the competition would have a negative effect on the current limousine owners.

Neil Strahl, Babe's Taxi, spoke to adapting his business the last couple of years after being thrown out of their offices by the Port Authority without any compensation. This ordinance would make things difficult. He stated that if other taxi companies are added, then the taxi stand on Bridge Plaza North will have to be increased in size to keep up with the new companies. He did not see any place in the ordinance that talks about the taxi stand.

Mr. Cervieri believes that the new hotel created by the Centuria project will be beneficial to the taxi companies who are allowed to be at the taxi stand. There could be more than one queuing area once the hotel is built.

Mr. Strahl added that the cab companies are not making any money, but he concurred with Mr. Cervieri that with the projects that the Borough has on board, things could get better in the future.

Mayor Alter told Mr. Strahl that if there are too many parking meters that are infringing on the taxi stand that he should write a letter to the Parking Authority telling them what needs to be remedied, along with a copy of the letter to the Mayor and Council.

Mr. Grant explained what the present taxi stand ordinance allows for.

Mr. Cervieri explained that the parking meters on Bridge Plaza North cut the block approximately in half.

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

Mayor Alter stated that if the ordinance is adopted tonight, nothing stops it from being changed again down the road. If anyone has any other proposals they should speak to the Mayor and Council or put their proposals down in written form for review.

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

Ordinance #2005-39 - Amending Chapter 388, Section 53, Schedule IX: Stop Intersection on Edgewood Lane Northbound on the South Side of Columbia Avenue

On motion by Councilman Cervieri, seconded by Councilman Sargenti and carried, the public hearing was opened relative to **Ord. #2005-** entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTION 53, OF THE BOROUGH OF FORT LEE CODE ENTITLED VEHICLES AND TRAFFIC - SCHEDULE IX: STOP INTERSECTIONS."

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

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

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilman Sokolich, the Proposed Consent Agenda was introduced, and the public hearing was opened relative to items CA-1 through CA-14, except for CA-7 which was removed from the consent agenda after the executive session was completed earlier in the evening.

CA-1 - Payment of Claims

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

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$10,444,811.09
Capital	433,057.48
Multiple Dwelling	n/a
Construction Fees	n/a
COAH Fees	n/a
Trust (Old)	n/a
Senior Citizen Advisory Council	4,041.50
Trip Admissions	n/a
Wedding Fees	n/a
Trust Account (Accutrack)	18,325.47
Police Activity Account	45,135.92
Special Dog Account	n/a
Senior Citizen Advisory Account	1,335.00
Centennial Fund	n/a
Disability Insurance Trust	n/a
Unemployment Compensation Trust	n/a
Public Assistance Trust Fund I	n/a
Fort Lee Film Commission	4,548.08
Redemption Account	7,750.72
School Resource Account	<u>1,189.65</u>
Total:	\$10,960,194.91

CA-2 - Approving Firefighter Application for Leah Wasserman for Fire Company #3 and Auxiliary Application for Natalia Abbott for Fire Company #1

The firefighter application for Leah Wasserman for Fire Company #3 and the auxiliary firefighter application for Natalia Abbott for Fire Company #1 was approved.

CA-3 - Accepting Resignation Notice from Doreen Rosen, Supervising Account Clerk, for the Municipal Court - Effective November 5th

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the resignation letter from Doreen Rosen, Supervising Account Clerk of the Municipal Court, dated October 1, 2005, is hereby accepted with an effective date of November 5, 2005.

CA-4 - Accepting Disability Retirement Notice From Joseph Criscione, Truck Driver for the DPW - Retroactive to September 1st

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the resignation letter from Joseph Criscione, Truck Driver for the Department of Public Works, dated October 24, 2005, is hereby accepted, along with an approval letter received by the Division of Pensions & Benefits for an Ordinary Disability Retirement, with an effective date retroactive to September 1, 2005.

CA-5 - Authorizing Various Appointments to the Emergency Management Council, as Required by the New Jersey State Office of Emergency Management

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that in furtherance of the Borough's continuing policy to reorganize and upgrade its emergency services, to streamline the operations thereof and to promote efficient interdepartmental cooperation, the following appointments to the Emergency Management Council as required by the New Jersey State Office of Emergency Management are hereby confirmed as recommended by the Emergency Management Coordinator.

- | | |
|---------------------------|--|
| Jack Alter | Mayor |
| Bernard Hart | 1 st Deputy Coordinator |
| Michael DeGidio | 2 nd Deputy Coordinator |
| John J. Reuter | 3 rd Deputy Coordinator |
| Corey Parker | 4 th Deputy Coordinator |
| Steven Ferraro | 5 th Deputy Coordinator |
| Peggy Thomas | 6 th Deputy Coordinator |
| Joseph Zevits | 7 th Deputy Coordinator |
| Superintendent of Schools | Superintendent of Schools |
| Steven Monetti | Parking Authority
Transportation |
| Erik Swanson | Building Department |
| Anthony Lione | Superintendent of Public Works |
| Jillian Raimondo | Department of Social Services |
| Steven Wielkocz | Health Department |
| Thomas Granquist | Shelter Coordinator |
| Current President | Chamber of Commerce |
| Ralph Molinia | Port Authority of NY & NJ |
| James Carney | Fire Sub-Code Official |
| Chief Ambulance Corps. | Fort Lee Volunteer Ambulance
Corps. |
| Camille Milo | Communications |

BE IT FURTHER RESOLVED that in accordance with the recommendation of the Emergency Management Coordinator, 1st Deputy Coordinator Bernard Hart shall be responsible for the day-to-day administration and supervision of the office, staff and volunteers of the Office of Emergency Management of the Borough of Fort Lee.

CA-6 - Authorizing the Adoption of the Statement of Purpose and General Rules and Regulations Governing the Use and Operations of the New Community Center

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE REGARDING ADOPTION OF THE STATEMENT OF PURPOSE AND GENERAL RULES AND REGULATIONS GOVERNING THE USE AND OPERATION OF THE BOROUGH OF FORT LEE

WHEREAS, the Community Center of the Borough of Fort Lee ("Center") has been constructed by the Borough of Fort Lee, Bergen County, New Jersey {"Borough"}, solely with funds generated by taxation of the citizens and taxpayers of the Borough, to be used and operated, solely for the benefit and enjoyment of the citizens of the Borough; and

WHEREAS, the Center provides to the Borough's citizens a unique, multi-purpose resource not otherwise available in the Borough's existing recreation, cultural and civic facilities. Thus, it is necessary to employ reasonable use, time, place and manner regulations to govern the operation of the Center; and

WHEREAS, the Center shall be a "limited public forum" as that term is defined by law; and

WHEREAS, the benefits and enjoyment intended to be conferred on the Borough's citizens by the use and operation of the Center shall be governed by the Statement of Purpose and General Rules and Regulations of the Borough of Fort Lee,

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

1. The Borough of Fort Lee hereby adopts as its policy the Statement of Purpose and General Rules and Regulations governing the Use and Operation of the Borough of Fort Lee Community Center prepared by the Borough Administrator and the Borough Attorney.

CA-7 - Authorizing Settlement of Tax Appeal Litigation Entitled Motiva Enterprises, LLC, 2207 Route 4 East, Block 5502, Lot 6, vs. Borough of Fort Lee

The above item was removed from the proposed consent agenda after the executive session was completed.

CA-8 - Authorizing Settlement of Tax Appeal Litigation Entitled Tristan Dakota, LLC, 1563 Parker Avenue, Block 3301, Lot 6, vs. Borough of Fort Lee

WHEREAS, Tristan Dakota, LLC is the owner of certain premises used as a dentist's office and located at 1563 Parker Avenue, also known as Block 3301, Lot 6; and

WHEREAS, the property owner filed a tax appeal for 2004 against the Borough of Fort Lee in a matter entitled Tristan Dakota, LLC vs. Borough of Fort Lee, under Docket No. 3821-04; and

WHEREAS, it has been recommended by the revaluation firm and tax appeal attorney that the matter be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Tristan Dakota, LLC vs. Borough of Fort Lee, under Docket No. 3821-04, so that the 2004 and 2005 assessments will be reduced from \$774,700 to \$649,700 for those tax years; and

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

CA-9 - Authorizing Settlement of Tax Appeal Litigation Entitled Kentucky Fried Chicken, Block 5801, Lot 2, vs Borough of Fort Lee

WHEREAS, Kentucky Fried Chicken is the owner of certain commercial premises located at 2170 Fletcher Avenue, also known

as Block 5801, Lot 1; and

WHEREAS, the property owner filed a tax appeal for 2004 against the Borough of Fort Lee in a matter entitled Kentucky Fried Chicken vs. Borough of Fort Lee, under Docket No. 1754-04; and

WHEREAS, it has been recommended by the revaluation firm and tax appeal attorney that the matter be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Kentucky Fried Chicken vs. Borough of Fort Lee, under Docket No. 1754-04, so that the 2004 and 2005 assessments will be reduced from \$1,070,000 to \$970,000; and

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

CA-10 - Authorizing Settlement of Tax Appeal Litigation Entitled 530 Main Street, LLC, Block 3605, Lot 1, vs Borough of Fort Lee

WHEREAS, 530 Main street, LLC is the owner of certain property located at 530 Main Street and also known as Block 3605, Lot 1; and

WHEREAS, the property owner filed a tax appeal against the Borough of Fort Lee in a matter entitled 530 Main Street, LLC vs. Borough of Fort Lee, under Docket No. 4553-04; and

WHEREAS, it is has been recommended by the tax appeal attorney and tax appraiser that the matter be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled 530 Main Street, LLC vs. Borough of Fort Lee, under Docket No. 4553-04, so that the 2004 and 2005 assessment will be reduced from \$1,553,100 to \$1,442,400; and predicated upon a waiver of any and all pre-judgement interest by the taxpayer.

CA-11 - Approving Change Order #6 for APS Contractors Inc., Paterson, New Jersey, for Extra Work Items for the Construction of the New Community Center - \$77,678.42

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

- GENERAL CONSTRUCTION: New Park and Community Center
Located at Inwood Terrace
- ARCHITECT: Dean Marchetto Architects P.C.
- PROJECT MANAGER/OWNER'S REP. Bergen County Economic
Development Corp.
- CONTRACTOR APS Contractors, Inc.
155-161 Pennsylvania Avenue
Paterson, New Jersey 07503

ORIGINAL CONTRACT COST: \$8,736,000.00
 CHANGE ORDER #6 COST: 77,678.42
 COST OF PREVIOUS CHANGE ORDERS: 201,995.00
 NEW CONTRACT SUM: \$9,015,673.42
 NATURE OF CHANGES: Various Extra Work Items to
 APS Contract - See Memorandum
 Attached to Resolution/APS
 Contract File
 CONTRACT #: 900571

CA-12 - Authorizing Purchase of Various Computer Equipment for the Police Department From Hewlett-Packard, Omaha, Nebraska - New Jersey State Contract #A81249 - \$77,920.00

WHEREAS, the Borough of Fort Lee is in need of upgrading the Police Department's current computer system; and

WHEREAS, various computer equipment is available through Hewlett-Packard through New Jersey State Contract #A81249; and

WHEREAS, the total cost of expenditure is over the bid threshold amount of \$21,000 and the expenditure must be authorized by resolution of the governing body,

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Fort Lee authorizes the Borough to purchase the aforementioned computer equipment by purchase order (available in the Office of the Borough Clerk) from Hewlett-Packard, 10810 Farnam Drive, Omaha, Nebraska 68100 in the amount of **\$77,920.00**; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for this purchase through account #04-2324-00-0009-01.

CA-13 - Authorizing Purchasing Consultant to Prepare Specifications and Advertise for Bids for a Salt Spreader Shed, Pickup Truck, (4x4 Diesel) and Two Mason Dump Trucks for the DPW

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:

- . Salt Spreader Shed
- . Pickup Truck, 4x4 Diesel
- . Mason Dump Trucks (2)

CA-14 - Authorizing the Borough to Enter Into a Contract of Sale With the Estate of Catherine Oliva-Dowdell Regarding the Acquisition of Property at 2029 Center Avenue

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE MAYOR OF THE BOROUGH OF FORT LEE TO ENTER INTO A CONTRACT OF SALE WITH THE ESTATE OF CATHERINE OLIVA-DOWDELL REGARDING THE ACQUISITION OF PROPERTY AT 2029 CENTER AVE, FORT LEE, NEW JERSEY

WHEREAS, pursuant to Ordinance #2005-7, the Borough of Fort Lee is authorized to purchase property located at 2029 Center Avenue, specifically Block 4601, Lot 10, in the Borough of Fort

Lee from the Estate of Catherine Oliva-Dowdell; and

WHEREAS, George R. Oliva, Jr., and Mark Oliva, Executors of the Estate of Catherine Oliva-Dowdell, have executed the Contract of Sale in order to effectuate the transfer of property from the Estate of Catherine Oliva-Dowdell to the Borough of Fort Lee; and

WHEREAS, in order to acquire said land together with the improvements situate thereon (collectively, the "Property"), the Borough of Fort Lee must now execute said Contract of Sale,

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

I, Jack Alter, Mayor of the Borough of Fort Lee, am authorized to enter into and execute the Contract of Sale with the Estate of Catherine Oliva-Dowdell regarding the acquisition of the Property located at 2029 Center Avenue, Fort Lee, New Jersey; and

BE IT FURTHER RESOLVED that I, Jack Alter, Mayor of the Borough of Fort Lee, am hereby authorized on behalf of the Borough to execute and deliver to the Seller such other documents and to do any and all other acts necessary or appropriate to effectuate the purposes of these resolutions, including, without limitation, executing and delivering to Seller any subsequent amendments, extensions, or renewals of the Contract of Sale and any other agreement or instrument contemplated by these resolutions, which any such person deems necessary or appropriate; and that any and all documents heretofore executed and acts heretofore done in connection with any arrangements between the Borough and the Seller to effectuate the purposes of these resolutions are hereby in all respects ratified and confirmed.

Nina Levinson, 1560 West Street, questioned CA-8, CA-9, CA-10, CA-6 and CA-14.

Ms. Thomas and Mr. Cervieri answered with regard to CA-8, CA-9 and CA-10. Mayor Alter and Ms. Thomas replied to CA-6, and Mr. Cervieri discussed CA-14.

Joseph Licata, 1558 Center Avenue, inquired about CA-5. Messrs. Cohen and Sokolich responded.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, and the Consent Agenda (items CA-1 through CA-14, except for CA-7 which was removed from the agenda before the meeting) was **approved unanimously**.

COUNCIL REPORTS

Councilman Pohan - announced that on Saturday, October 29th, there will be a reception at the Fort Lee Historic Museum featuring the nightclub once known as Ben Miller's Riviera, and subsequently known as Bill Miller's Riviera, which sat across the Palisades from 1937 to 1954. The Miller family along with Mr. Kleinzahler will be present.

He further announced that the Fort Lee Film Commission will be holding its annual dinner on Saturday, November 12th at the Fort Lee Hilton Hotel. Tickets are \$100.00 for the event. The dinner will honor the Jersey Film Makers of Tomorrow, the high school students who created films and whose work has been

adjudicated. Thelma Schoonmaker, Academy Award winner for her editing of "The Raging Bull", will be a special guest at the dinner.

Councilman Sokolich - reminded residents when they set their clocks back this weekend to replace the batteries in their smoke and carbon monoxide detectors.

He is looking to see as many people as possible this Saturday when the new community center is officially opened.

He said that the Borough is continuing to work with the design architect the Borough has hired with regard to improvements to the Main Street business area. He is hopeful that the revitalization of Main Street will occur in the near future.

Councilman Villano - stated in speaking to the business owners on Main Street, there is a positive response in renovating Main Street. The financing of the project is still to be determined. He is hoping something can be implemented soon.

He said that the DPW has mailed to all residents the leaf pickup schedule for this year. The DPW tries to adhere to the schedule and so far they have. He is asking residents to be patient if the leaves are not picked up exactly when the schedule indicates.

He reminded residents to vote on Tuesday, November 8th.

He reminisced about his and other families who used to live in the area that is now known as the Centuria project.

Councilman Sargenti - stated that he has been looking forward to the opening of the new community center for a long time. He looks forward to seeing a lot of the residents attending the grand opening. The new center will be a vital part of many people's lives for years to come.

Councilwoman Kasofsky - spoke to the successfully run health fair last Saturday at the Lewis F. Cole Middle School. In spite of really bad weather it was the largest attended health fair in Fort Lee's history. She thanked everyone who gave of their time to run and be involved in the event. She added that November 15th is the alternative date for anyone who did not get their flu shot.

She welcomed everyone to attend this Saturday's grand opening of the new community center.

Councilman Cervieri - announced that the Greater Fort Lee Chamber of Commerce's annual Ragamuffin Parade is this Saturday, October 29th at 9:15 a.m. Participants should meet at the Madonna Church parking lot at 9:15 a.m. The parade route will follow Anderson Avenue south to end at the new community center for festivities and trick-or-treating. Please call the Chamber for further information at 201-944-7575.

He further announced that the Chamber and the Inter-chamber Consortium are hosting the Inter-chamber Consortium Holiday Exposition on Tuesday, November 15th from 11:00 a.m. until 2:00 p.m. at Seasons Restaurant in Washington Township. The cost for members is \$30.00 and the cost for non-members is \$35.00.

Other participating Chambers of Commerce include Paramus, Saddle Brook, Lodi, Fair Lawn and Hackensack.

He stated that the Parking Authority will be running buses for people throughout the Borough who want to attend the grand opening of the new community center. There will be free parking in the Municipal Parking Lot.

He announced that the Parking Authority will not be ticketing residents from Monday, December 12th through New Year's Day.

He further announced that the Parking Authority in conjunction with the Borough's DPW will be building a temporary parking lot at Central Road and lower Main Street. This will enable the local restaurants in that area to have parking while the Centuria project is being built. There will eventually be a large permanent parking garage when the Centuria project is completed.

He said that the Police Department's Merit Board will be holding their second annual awards ceremony on Thursday, November 10th, during the regular meeting of the Mayor and Council.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Centuria Project - Tax Abatement Question	Mayor Alter
Josephine Cilia 470 Palisade Blvd.	.Saving of Cats on Centuria Property	Mayor Alter Mr. Sokolich Mr. Cervieri
Kimberly Carbone Washington Township	.Saving of Cats on Centuria Property	Mr. Cervieri Mr. Sokolich Mr. Pohan Ms. Kasofsky
Helen Beck 1530 Palisade Ave.	.Saving of Cats on Centuria Property/ Bigler St.	Mr. Cervieri Mr. Villano Mr. Sokolich
Claire Allison 1538 River Road Edgewater, NJ	.Saving of Cats on Centuria/Cat Education	Mayor Alter Mr. Sokolich

There being no further discussion, the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, and carried at 10:00 p.m.

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, September 29, 2005

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

PRESENT: Mayor 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 2, 2005, 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 3, 2005, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2005 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Alter stated that the Fort Lee PBA with the agreement of the governing body led a caravan of needed supplies to the Mississippi border to help the victims from Hurricane Katrina. Mayor Alter thanked the Fort Lee PBA who initiated this action. The officers who delivered the supplies are back home and he said that everyone should be proud of them.

Mayor Alter said that few people are aware that the Borough has a radio station that is run by the Police Department. The Police Department requested an AM radio station after the September 11, 2001 terrorist attacks, and the Borough approved the Police Department's request to acquire an AM frequency. The radio station number is 1630. It is a method of communication during times of stress. It has a range of five miles only. There was an emergency meeting with many of the department heads and emergency services people this past Wednesday. There always has been a plan for the Borough if something went wrong, but the Borough now needs an updated plan. September 11th was not the kind of event that overload Fort Lee even though the Police Department took control of the George Washington Bridge (GWB). There are nuclear and biological events that the Borough has to be aware of now. He spoke to how the highways in Houston, Texas were turned around so all highways were rerouted away from the city of Houston. The GWB may someday have to go that route and it takes a coordinated effort for that to happen. Signs are going to be placed throughout the town telling the Borough's residents about the radio station and the quarterly newsletter will also have information regarding the radio station. He believes Fort Lee can do as good a job as anyone in America if a disaster arose. The Borough has the right people who are well-trained and dedicated to the jobs that they do.

Mayor Alter asked Mr. Grant to read the following traffic advisory from the Port Authority of New York and New Jersey:

"Three of four upper level lanes in each direction of the George Washington Bridge will be closed overnight for steel beam removal from 10:00 p.m. Saturday, October 1st, until 10:00 a.m. Sunday, October 2nd. The work is part of the bridge's ongoing repainting project.

"During construction hours, one lane in each direction will remain open to traffic. Traffic in that lane, however, will stop periodically for about twenty minutes at a time for movement of construction equipment and materials.

"During construction hours, noncommercial vehicles should use the bridge's lower level, which will be staffed for cash paying customers. Commercial vehicles must continue to use the bridge's upper level at all times.

"All motorists also are strongly encouraged to use the Lincoln Tunnel, Tappan Zee Bridge, NJ Transit or other mass transportation options, as significant delays are possible.

"For more information visit www.panynj.gov or contact Tiffany Townsend at the Port Authority at 212-435-7777."

Mayor Alter stated that he appointed Rose Dicker as a Class IV member of the Planning Board on September 12, 2005. Fred Heller, a valuable member of the Board, recently resigned his seat and Ms. Dicker was moved up from her alternate position. He believes that Ms. Dicker is a good addition to the Board.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried unanimously, the minutes of the September 8, 2005 Executive Session were approved.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the September 8, 2005 Regular Meeting were approved.

INTRODUCTION OF ORDINANCES

Ordinance #2005-36 - Creating a Limited Tax Exemption for Redevelopment Area 1, Block 6101, Lots 13, 14, 15 and 20

On motion by Councilman Villano, seconded by Councilman Pohan, and carried, Ord. #2005-36 entitled, "AN ORDINANCE CREATING A LIMITED TAX EXEMPTION FOR REDEVELOPMENT AREA 1, BLOCK 6101, LOTS 13, 14, 15 and 20" was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **October 27, 2005**

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky

ABSTENTION: Councilman Cervieri

Ordinance #2005-37 - Amending Chapter 388, Section 57, Schedule XII, Addition of Bus Stop Along Anderson Avenue Southbound, Beginning at the Northerly Curb Line of Sixteenth Street

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried, Ord. #2005-37 entitled, "AN ORDINANCE AMENDING CHAPTER 388, SECTION 57, SCHEDULE XIII, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE TO INCLUDE A NEW BUS STOP IN THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the **public hearing** relative to this ordinance was scheduled for **October 27, 2005**.

Ordinance #2005-38 - Amending Chapter 372, Articles I & II - Taxicab & Limousine Ordinance

On motion by Councilman Villano, seconded by Councilman Sargenti, and carried, Ord. #2005-38 entitled, "AN ORDINANCE AMENDING CHAPTER 372, TAXICABS AND LIMOUSINES, ARTICLE I, TAXICABS AND ARTICLE II, LIMOUSINES, OF THE CODE OF THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the **public hearing** relative to this ordinance was scheduled for **October 27, 2005**.

Ordinance #2005-39 - Amending Chapter 388, Section 53, Schedule IX: Stop Intersection on Edgewood Lane Northbound on the South Side of Columbia Avenue

On motion by Councilman Cervieri, seconded by Councilman Sokolich, and carried, Ord. #2005-39 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTION 53, OF THE BOROUGH OF FORT LEE CODE ENTITLED VEHICLES AND TRAFFIC - SCHEDULE IX: STOP INTERSECTIONS," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the **public hearing** relative to this ordinance was scheduled for **October 27, 2005**.

PUBLIC HEARINGS

Ordinance #2005-33 - Amending Chapter 388, Section 57, Schedule XII, Addition & Deletion of Bus Stop Along Palisade Avenue by Riverdale Drive

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2005-33 entitled, "AN ORDINANCE AMENDING CHAPTER 388, SECTION 57, SCHEDULE XII, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE TO INCLUDE AND DELETE A BUS STOP IN THE BOROUGH OF FORT LEE."

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

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

Ordinance #2005-34 - Amending Salary Ordinance #2002-15 Establishing Salaries and Wages for Blue Collar Employees - Establishing Title of Senior Park Maintenance Worker

On motion by Councilman Cervieri, seconded by Councilman Sargenti and carried, the public hearing was opened relative to Ord. #2005-34 entitled, "AN ORDINANCE AMENDING SALARY ORDINANCE #2002-15 ESTABLISHING SALARIES AND WAGES FOR BLUE COLLAR EMPLOYEES."

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

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

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

Ordinance #2005-35 - Amending Chapter 388, Section 62, Schedule XVI-A - No Right Hand Turn on Red Light on Riverdale Drive Eastbound to Palisade Avenue Southbound

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky and carried, the public hearing was opened relative to Ord. #2005-35 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTION 62, SCHEDULE XVI-A OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED NO PARKING,."

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

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

PROPOSED CONSENT AGENDA

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

CA-1 - Payment of Claims

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

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$12,487,246.48
Capital	474,040.46
Multiple Dwelling	n/a
Construction Fees	n/a
COAH Fees	n/a
Trust (Old)	n/a
Senior Citizen Advisory Council	10,999.80
Trip Admissions	3,239.10
Wedding Fees	n/a
Trust Account (Accutrack)	37,631.15
Police Activity Account	32,432.19
Special Dog Account	n/a
Senior Citizen Advisory Account	400.00
Centennial Fund	n/a
Disability Insurance Trust	n/a
Unemployment Compensation Trust	8,342.41

Public Assistance Trust Fund I	4,000.00
Fort Lee Film Commission	3,992.02
Redemption Account	<u>58,209.42</u>

Total: \$13,400,533.03

CA-2 - Accepting Resignation Notice From Jaime Tripodi, Clerk Typist, for the Police Department

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the resignation letter received from Jaime Tripodi, Clerk Typist, for the Police Department dated September 15, 2005, is hereby accepted with an effective date of September 30, 2005.

CA-3 - Authorizing Part-Time Hiring of Caroline Comerford for the Police Department - \$9.00 Hourly

WHEREAS, Caroline Comerford has been working as a seasonal employee for the Police Department; and

WHEREAS a permanent part-time position exists within the Police Department and the Mayor and Council have determined that this position should be filled,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, that Caroline Comerford be hired part-time at the hourly rate of \$9.00 effective October 3rd, 2005.

CA-4 - Authorizing Hiring of Five Crossing Guards for the Police Department - \$14.56 Per Hour

BE IT RESOLVED by the Governing Body of the Borough of Fort Lee that the following be appointed as **school crossing guards** in the Borough of Fort Lee without authority to carry a firearm:

Antonio Porco
201 13th Street
Palisades Park, New Jersey 07650

Peter Kokkinos
1575 Center Avenue
Fort Lee, New Jersey 07024

Wei Hwa Hsu
2330 Linwood Avenue
Fort Lee, New Jersey 07024

Izrail Puhky
2352 Linwood Avenue
Fort Lee, New Jersey 07024

Deborah Dafabees
2418 Leighton Street
Fort Lee, New Jersey 07024

BE IT FURTHER RESOLVED that the above hires be made effective October 3, 2005 at a pay rate of **\$14.56 per hour.**

CA-5 - Authorizing Hiring of Jay Scheiner as a Clerk Typist for the Finance Department - \$30,000 Annually

WHEREAS, the Mayor and Council of the Borough of Fort Lee have authorized the hiring of a clerk typist in the Finance Department,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Jay Scheiner be appointed to a full time position of clerk typist in the Finance Department with an effective hiring date of October 3, 2005, at an annual salary of \$30,000; and

BE IT FURTHER RESOLVED that this appointment is provisional pending certification by the New Jersey Department of Personnel.

CA-6 - Endorsing Bergen County Municipal Park Improvement and Land Acquisition Program for Improvements to Inwood Terrace Park - \$100,000

**BERGEN COUNTY OPEN SPACE TRUST FUND
MUNICIPAL PARK IMPROVEMENT AND LAND ACQUISITION PROGRAM**

WHEREAS, a Bergen County Open Space Trust Fund application in the amount of \$100,000 has been proposed by the Mayor and Council for improvements to Inwood Terrace Park in the municipality of Fort Lee; and

WHEREAS, pursuant to the State Interlocal Services Act, such funds may not be spent in a municipality without authorization by the Governing Body; and

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

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Fort Lee hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that the Governing Body is committed to providing a dollar for dollar cash match for the project; and

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

CA-7 - Awarding Contract to Boswell McClave Engineering, South Hackensack, New Jersey for Construction and Inspection Services for the Restroom Facilities at the Lewis F. Cole Middle School Field - Fee Not to Exceed \$19,300

WHEREAS, the Borough of Fort Lee and the Fort Lee Board of education wishes to place restroom facilities at the Lewis F. Cole Middle field; and

WHEREAS, the Borough desires that the firm of Boswell McClave Engineering provide construction inspection services,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Boswell McClave Engineering, 330 Phillips Avenue, South Hackensack, New Jersey, 07606 be and is hereby retained in connection with the aforementioned project to provide construction inspection services pursuant to Boswell's proposal of September 7, 2005, a copy of which is available in the office of the Borough Clerk; and

BE IT FURTHER RESOLVED that Boswell McClave shall perform the services as outlined in its proposal for an estimated fee not to exceed \$19,300, with billing to be based upon the engineering firms hourly rates; and

BE IT FURTHER RESOLVED that the aforesaid award of contract

is one for professional services, for which no public bidding is necessary or required; and

BE IT FURTHER RESOLVED that the aforesaid award of contract be and hereby subject to and conditioned upon the written certification of the Chief Financial Officer as to availability of funds in the current budget for this project; and

BE IF FURTHER RESOLVED that the Borough Clerk be and he is hereby authorized and directed to advertise the award of the contract and to maintain a copy of this resolution in his offices, for public inspection, according to law.

CA-8 - Awarding Contract to Boswell McClave Engineering, South Hackensack, New Jersey for Construction Engineering and Inspection Services for the Proposed Synthetic Athletic Field at the Lewis F. Cole Middle School Field - Fee Not to Exceed \$175,377

WHEREAS, the Borough of Fort Lee and the Fort Lee Board of education wish to resurface Lewis F. Cole Middle athletic field with an synthetic type surface; and

WHEREAS, the Borough desires that the firm of Boswell McClave Engineering provide construction engineering and inspection services,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Boswell McClave Engineering, 330 Phillips Avenue, South Hackensack, New Jersey, 07606 be and is hereby retained in connection with the aforementioned project to provide construction engineering and inspection services pursuant to Boswell's proposal of September 7, 2005, a copy of which is available in the office of the Borough Clerk; and

BE IT FURTHER RESOLVED that Boswell McClave shall perform the services as outlined in its proposal for an estimated fee not to exceed **\$175,377**, with billing to be based upon the engineering firms hourly rates; and

BE IT FURTHER RESOLVED that the aforesaid award of contract is one for professional services, for which no public bidding is necessary or required; and

BE IT FURTHER RESOLVED that the aforesaid award of contract be and hereby subject to and conditioned upon the written certification of the Chief Financial Officer as to availability of funds in the current budget for this project; and

BE IF FURTHER RESOLVED that the Borough Clerk be and he is hereby authorized and directed to advertise the award of the contract and to maintain a copy of this resolution in his offices, for public inspection, according to law.

CA-9 - Approving and Authorizing the Execution of an Interlocal Services Agreement with the Bergen County Improvement Authority With Regard to a Countywide Telecommunications Audit and Network Assessment Project

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICES AGREEMENT WITH THE BERGEN COUNTY IMPROVEMENT AUTHORITY WITH REGARD TO A COUNTYWIDE TELECOMMUNICATIONS AUDIT AND NETWORK ASSESSMENT PROJECT ("THE TANA PROJECT")

WHEREAS, the Bergen County Improvement Authority (the "BCIA") has been duly created by ordinance of the Bergen County Board of Chosen Freeholders ("Board"), as a public body corporate and politic of the State of New Jersey pursuant to and in accordance with the County Improvement Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, as amended and supplemented from time to time; and

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8A-1, et. seq., permits, authorizes and encourages public bodies such as municipalities and school districts to enter into agreements with each to contract for the provision of any service which the parties to such agreement are empowered to render under and within its own jurisdiction, whether administrative, educational, instructional or otherwise; and

WHEREAS, numerous governmental units located within Bergen County spend large sums of tax dollars for various telecommunications services, encompassing local, toll, inbound, calling card, data, inter-latta, intra latta and cellular communications services (hereinafter referred to as "Telecom Services"); and

WHEREAS, the Bergen County Improvement Authority ("BCIA") recognizes that local government units face increased pressure to fund operations and wishes to develop a comprehensive plan to evaluate the current telecommunication infrastructure, data network and calling plans throughout the County using Interlocal Agreements to partner with local governmental units, for the purpose of effectuating cost savings measures related to Telecom Services; and

WHEREAS, the BCIA is sponsoring a Countywide Telecommunications Audit and Network Assessment Project (the "TANA Project") with the objective of identifying current and/or past billing overpayments and payments made in error and to identify un-optimized facilities and to target them for correction and reclamation; and

WHEREAS, the BCIA also seeks telecommunications optimization recommendations to maximize savings in the group purchase from Telecommunications Providers of the Telecom Services for participating entities; and

WHEREAS, the Interlocal Services Act authorize the BCIA and the Borough to undertake the tasks described in the attached Interlocal Services Agreement and to execute such agreements by and among themselves providing for or relating to the TANA Project; and

WHEREAS, the participation of the Borough of Fort Lee in the TANA Project is voluntary; and

WHEREAS, the Mayor and Council of the Borough of Fort Lee have had an opportunity to review the terms of the TANA Project Interlocal Agreement, attached hereto, and desires to participate in the TANA Project,

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

I, Jack Alter, Mayor of the Borough of Fort Lee, am authorized to execute an Interlocal Services Agreement with the Bergen County Improvement Authority on behalf of the Borough in connection with the Countywide Telecommunications Audit and Network Assessment Project (the "TANA Project"); and

BE IT FURTHER RESOLVED that the attached agreement is hereby approved; and

BE IT FURTHER RESOLVED that the original proposal and agreement are available in the Borough Clerk's Office; and

BE IT FURTHER RESOLVED that the Borough Clerk shall advertise the award of the contract in a legal newspaper.

CA-10 - Endorsing Grant Application to the New Jersey Department of Treasury, Office of Emergency Telecommunications Services, for an Enhanced 9-1-1 Response System

RESOLUTION ENDORSING THE BOROUGH OF FORT LEE'S APPLICATION FOR NEW JERSEY DEPARTMENT OF TREASURY, OFFICE OF EMERGENCY TELECOMMUNICATIONS SERVICES ENHANCED 9-1-1 GRANT PROGRAM FUNDING

WHEREAS, the Borough of Fort Lee is preparing a grant application to the State of New Jersey Department of Treasury, Office of Emergency Telecommunications Services Enhanced 9-1-1 Grant Program; and

WHEREAS, the Borough of Fort Lee is proposing to acquire G.I.S. mapping software to create a fully operational wireless 9-1-1 response system; and

WHEREAS, an award from the Enhanced 9-1-1 program will permit the Borough to fully implement a wireless 9-1-1 response system, which will provide significant public safety benefits for our residents and those who travel through the area,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the Borough is pleased to support and endorse the project and the above mentioned grant application to the State of New Jersey Department of Treasury, Office of Emergency Telecommunications Services Enhanced 9-1-1 Grant Program.

CA-11 - Authorizing Rejection of Bid for the Installation of Theatrical Equipment at the New Community Center and Authorizing Rebid for Same

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE REJECTING BIDS FOR THE PROVISION AND INSTALLATION OF THEATRICAL EQUIPMENT AT THE FORT LEE COMMUNITY CENTER AND AUTHORIZING A REBID FOR SAME

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("the Borough") are desirous of contracting for the provision and installation of theatrical equipment at the Fort Lee Community Center; and

WHEREAS, the Borough duly advertised for the receipt of bids for the provision and installation of theatrical equipment at the Fort Lee Community Center; and

WHEREAS, on or about September 12, 2005 one (1) bid was received for the provision and installation of theatrical equipment at the Fort Lee Community Center from B & C Industries, Inc., t/a Dynamic Productions in the amount of **\$2,169,071.00**; and

WHEREAS, B&C Industries, Inc., t/a Dynamic Productions submitted a bid in violation of the purposes or provisions or both of P.L. 1971, c.198 (c.40A:11-1et seq.) and in excess of the Borough's appropriation for the goods and services; and

WHEREAS, the Mayor and Council have determined to reject said bid for the reasons stated herein, and to authorize the immediate re-advertising for bids;

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

1. The bid received for the provision and installation of theatrical equipment at the Fort Lee Community Center is rejected for the reasons expressed herein.
2. The Borough Clerk is hereby authorized and directed to immediately re-advertise for the receipt of bids for the provision and installation of theatrical equipment at the Fort Lee Community Center.
3. This Resolution shall take effect immediately.

CA-12 - Authorizing Agreement With Bergen County for Fort Lee to be the Host Town for the East Bergen Mutual Aid Group

MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF BERGEN AND FORT LEE FIRE DEPARTMENT AS HOST TOWN FOR THE EAST BERGEN MUTUAL AID GROUP AND BOROUGH OF FORT LEE

WHEREAS, Fire Units in Bergen County have a day-to-day responsibility and are equipped and trained to meet their community's usual needs; and

WHEREAS, a disaster is any unusual event resulting from natural or man-made causes, such as floods, hurricanes, earthquakes, major storms, major fires, train wrecks, aircraft crashes, terrorist incidents, bombings and civil disobedience such as riot, strikes, jail or prison riots, and state and national emergencies; and

WHEREAS, disasters may occur at any time, often with little or no advance warning and the Bergen County Office of Emergency Management has a responsibility to provide for preparedness against natural and man-made emergencies; and

WHEREAS, one of the goals of Homeland Security is to develop a regional response capability plan that identifies the purchase of specialized equipment, training and exercises to address future domestic terrorist incidents; and

WHEREAS, the Fort Lee Fire Department (hereafter "Fire Unit") as the host town for the East Bergen Mutual Aid Group, the Borough of Fort Lee (hereafter "Borough" or "Municipal Government"), and the County of Bergen (hereafter "County") recognize and agree that the establishment of a regional plan that supplements Fire Unit resources would allow the County to effectively plan for equipment availability to the entire County and especially in those areas within the County that contain critical infrastructure sites which are vulnerable to attack; and

WHEREAS, the Fire Unit, as host town for the Central Bergen Mutual Aid Group, the Borough, and the County desire to enter into an agreement for the provision of specialized decontamination equipment and training,

NOW, THEREFORE, BE IT RESOLVED, the Parties hereto agree as follows:

A fully executed agreement will be available in the Office of the Borough Clerk and Fire Department once it has been executed by the Borough of Fort Lee and Bergen County.

CA-13 - Authorizing Liquor License Renewal for 2005-2006 for Brinker New Jersey, Inc. (Inactive License)

WHEREAS, on September 23, 2005 a Special Rulings was granted from the State of New Jersey, Division of Alcoholic Beverage Control, to permit consideration of liquor license renewal for one (1) plenary retail consumption license; and

WHEREAS, the renewal application was filed in the Borough Clerk's Office in a timely manner,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the following inactive license shall be renewed for the licensing year 2005-2006.

<u>Liquor License #</u>	<u>Licensee</u>
0219-33-044-006	Brinker, New Jersey Inc.

CA-15 - Authorizing Purchase of Three 2006 Dodge Durangos for the Police Department From Warnock Dodge Inc., East Hanover, New Jersey (State Contract #A53130) - Total Cost \$59,940

WHEREAS, the Police Department has requested the purchase of of three (3) 2006 Dodge Durangos Four Wheel Drive Vehicles; and

WHEREAS, the vehicles are available through Warnock Fleet, via New Jersey State Contract #A53130; and

WHEREAS, the cost of each vehicle is over the bid threshold amount of \$21,000 and the expenditure must be authorized by resolution of the governing body,

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Fort Lee authorizes the Police Department to purchase the aforementioned 2005 Dodge Durangos by purchase order from Warnock Dodge Inc., d/b/a Warnock Chrysler Plymouth, 175 Route 10, East Hanover, New Jersey, 07936 in the amount of **\$59,940** for all three vehicles; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for this purchase under account numbers 01-2010-25-2402-226 and 20-0003.

CA-16 Authorizing Payment to Montana Construction, Lodi, New Jersey for Emergency Repairs to the Combined Sewer Pipe on Bluff Road - \$125,000

WHEREAS, an emergency condition existed to the safety and welfare of the public by the way of a collapsed sewer pipe on Bluff Road and the need to replace 286' of 36" pipe exists; and

WHEREAS, said repairs to the combined sewer pipe was declared an extreme emergency; and

WHEREAS, on the recommendation of the Superintendent of the Department of Public Works, and the Supervisor of Sewers, Montana Construction Inc., 80 Contant Avenue, Lodi, New Jersey was immediately retained on an emergency basis,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Fort Lee authorizes payment to Montana Construction Inc. in the amount of **\$125,000**; and

BE IT FURTHER RESOLVED that the Chief Financial Officer's Certification of Availability of Funds is on file in the office

of the Borough Clerk and funds are available under the Capital Account #04-2225-00-0002-01.

CA-17 - Awarding Bid to Bagnato & Sons, Inc., Fairview, New Jersey, for Streetscape Phase IIA (Main Street to Linwood Avenue) - \$415,909.38

WHEREAS, sealed bids were called for and received on August 24, 2005 for the Borough of Fort Lee's continuing Streetscape Project - Phase IIA in the Borough of Fort Lee; and

WHEREAS, three (3) bid packages were issued for this project and two (2) bids was received as follows:

<u>Vendor</u>	<u>Amount</u>
Bagnato & Sons, Inc. 312 9 th Street Fairview, N.J. 07022	\$415,909.38
Zuccaro & Sons, Inc. 64 Commerce Street Garfield, N.J. 07032	\$484,459.50

WHEREAS, the Purchasing Consultant, Borough Attorney, Parking Authority Executive Director and Robert Costa of Costa Engineering reviewed the bids; and

WHEREAS, the bidder has conformed with the bidding requirements in all respects,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the low total bid of Bagnato & Sons, Inc., 312 9th Street, Fairview, New Jersey 07022 for the Streetscape Project - Phase IIA, in the Borough of Fort Lee at a total cost of **\$415,909.38** be accepted; and

BE IT FURTHER RESOLVED, that the Borough Attorney be and he is hereby authorized and directed to prepare an appropriate contract for the awarded bid, and the Mayor be and he is hereby authorized and directed to execute the said contract; and

BE IT FURTHER RESOLVED that this contract and the funds designated therefor be and will be subject to the certification by the Chief Financial Officer under Bond Ordinance #'S 2004-21 and 2004-31.

Nina Levinson, 1560 West Street, inquired about CA-5, CA-6, CA-7, CA-8, CA-10, CA-12 and CA-17.

Ms. Thomas responded to all of her questions regarding the above listed consent agenda items and Mr. Cervieri also responded to CA-10.

Judith Fisher, 2400 Hudson Terrace, questioned CA-4.

Ms. Thomas, along with Messrs. Cervieri, Cohen and Alter responded.

Mr. Cervieri asked Ms. Thomas if the costs associated with CA-7 and CA-8 are being spilt with the Fort Lee Board of Education.

Ms. Thomas replied that the costs associated with CA-7 and CA-8 are being paid in full by the Borough and not by the Board of Education.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, and the Consent Agenda (items CA-1 through CA-17, except for CA-14, which was removed for separate vote by Councilman Sokolich) was **approved** on the following roll call:

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky

NAY: Councilman Cervieri

RESOLUTIONS

R-1/CA-14 - Approving Developers Agreement for V&R Developers, Inc., 2022-2034 Central Road, Block 4805, Lots 6-9

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

WHEREAS, the Planning Board of the Borough of Fort Lee adopted a resolution approving a development by V&R Developers, Inc. (the "Developer") for property located in Block 4805, Lots 6-9 on the official tax maps of the Borough of Fort Lee, also known as 2022-2034 Central Road, Borough of Fort Lee, County of Bergen and State of New Jersey; and

WHEREAS, the Resolution was conditioned upon the Developer entering into a Developers Agreement with the Borough of Fort Lee and the posting of the necessary performance guarantees, insurance certificate and irrevocable letter of credit; and

WHEREAS, a Developers Agreement has been prepared by the Borough Attorney and the deposits, insurance certificate and irrevocable letter of credit have been received by the Borough,

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 the Developer.

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

AYES: Council Members Pohan, Villano, Sargenti, Kasofsky, Cervieri

ABSTENTION: Councilman Sokolich

COUNCIL REPORTS

Councilman Pohan - stated that the fall film series sponsored by the Fort Lee Film Commission that shows films featuring the GWB will continue on Saturday, October 15th at 1:00 p.m. at the Fort Lee Historic Park auditorium with the showing of "Cop Land".

He added that on Friday, October 21st at 7:30 p.m. at the Cedar Lane Theater in Teaneck there will be a screening of the award winning documentary "Anytown USA". This was produced and directed by Bergen County natives Kristian Fraga and Mark Perez, who is also a member of the Fort Lee Film Commission. The documentary was shot entirely in Bergen County and has won numerous festival awards around the nation.

He further added that on Saturday, October 22nd at 12:00 noon at the Bergen Academies in Hackensack there will be a screening of student films in the first annual Jersey Filmmakers of Tomorrow Film Festival. The project has been sponsored by

Bergen County Executive Dennis McNerney and the Fort Lee Film Commission. The winning film selected on October 22nd will be shown on November 12th at the Fort Lee Film Commission's annual fundraiser dinner at the Hilton Hotel.

Councilman Sokolich - stated that this Saturday from 8:30 a.m. until 4:30 p.m. there will be car washes set up at Fire House #4 and the Lewis F. Cole Middle School to raise money for the victims of Hurricane Katrina. The event is being sponsored by the Fort Lee school system through all of the parent-teacher associations. The parents and children will be out in force to wash cars. There is no minimum donation.

He announced that the Fort Lee Historical Society and Cultural & Heritage Affairs office is presenting "The Riviera Nightclub" exhibit at the Fort Lee Museum on Palisade Avenue now through January 30, 2006. The museum hours are weekends from 12:00 noon to 4:00 p.m. and by appointment on weekdays. The phone number for details regarding the exhibit and other museum events is 201-592-3663. Mr. Sokolich showed a 1937 photo of the Riviera Nightclub entrance which was blown up from a still photo. The nightclub was a big part of Fort Lee's history.

Councilman Villano - offered his thanks to the Fort Lee PBA for all their leadership in helping the people of the gulf states. They were quick to respond and they did a great job.

He announced that there are four new curb cuts at Firehouse #4 which Fort Lee's Advisory Committee for the Disabled was instrumental in getting. He also thanked Ms. Thomas for her help in getting the curb cuts put in. The ADA Board continues to work for complete compliance with the federal ADA laws to get things accomplished throughout the Borough.

Councilman Sargenti - stated that the new community center will be opening up on Saturday, October 29th. There are many events planned throughout the day including the Rag-a-muffin Parade. There will also be a square dance offered by the Fort Lee Teachers' Association.

Councilwoman Kasofsky - stated that two families, including two disabled people, from Hurricane Katrina have arrived in Fort Lee and the families have been given shelter, medication, food and clothing. This was done through the Fort Lee Housing Authority.

She announced that the Borough's 15th annual Health Fair will be held on Saturday, October 22nd at the Lewis F. Cole Middle School. Flu shots and numerous other health screenings are being offered. For registration call the Health Department at 201-592-3546, ext. 1510.

Councilman Cervieri - spoke to the special meeting held on September 22nd that involved the Main Street property owners. It was well attended. Do Chung, architect and Ray Levy, Director of Economic Development, did a very nice job in presenting ideas to the business owners to improve the Main Street area. He looks forward to taking the next step in revitalizing the Main Street area.

He stated that this past Sunday, the Young Israel Temple of Fort Lee honored Mayor Alter at their annual dinner which was held at the Fort Lee Hilton. The Mayor gave a very good speech with regard to the Borough's diversity as a community.

He stated that this coming Sunday the Fort Lee Senior Citizen picnic will be held at the Fort Lee High School Parking Lot from 1:00 p.m. to 3:30 p.m. Food, prizes, music and dancing will be offered. Transportation will be provided by the Parking Authority. For further information call 201-592-3500, ext 1518.

He announced that The Greater Fort Lee Chamber of Commerce member Les Enfants Child Care is celebrating its 25th Anniversary on Saturday, October 8th, from 11:00 a.m. to 3:00 p.m. at the Palisades Interstate Park's Ross Dock. All families are welcome. For further information call 201-224-4052.

He further announced that The Greater Fort Lee Chamber of Commerce will be sponsoring its annual Rag-a-muffin Parade. The parade will be held on Saturday, October 29th at 9:15 a.m. in conjunction with the Borough and co-sponsors Bank of America and Banc of America Investments. The parade route will begin at the Madonna Church and follow down to Anderson Avenue south to the new community center for festivities that Mr. Sargenti mentioned in his report. For any questions regarding the event call the Chamber at 201-944-7575.

Mr. Grant - announced that the next regularly scheduled meeting of the Mayor and Council will be held on Thursday, October 27th at 8:00 p.m.

He stated that Tuesday, October 11th is the last day to register to vote for the upcoming November 8th general election. The Borough Clerk's office will be open on October 11th from 8:30 a.m. until 9:00 p.m.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	Paving of North Avenue	Ms. Thomas Mayor Alter Mr. Cervieri Mr. Grant

There being no further discussion, the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, and carried at 8:45 p.m.

Neil Grant, RMC
Municipal Clerk

SPECIAL MEETING

MAYOR AND COUNCIL

Thursday, September 22, 2005 @ 6:00 p.m.

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

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

ALSO PRESENT: Peggy Thomas, Borough Administrator,
Neil Grant, Borough Clerk
Ray Levy, Director of Economic Development
Paul Grygiel, for Borough Planner
Do Chung, Architect

MAYOR'S STATEMENT

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

On September 12, 2005 a written notice of the time, place and proposed agenda of this meeting was posted at the Municipal Building, 309 Main Street, Fort Lee, N.J.

On the same date a copy of said written notice was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE filed with the Borough Clerk, and copies were mailed to all persons who have requested same, and have prepaid the fee fixed for the year 2005.

STATEMENT AND ANNOUNCEMENTS

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

The discussion of this meeting will be limited to:

1. Main Street Design Criteria Discussion
2. Public Participation

It is expected that **action will not be taken** at this meeting.

A complete transcript of this meeting is on file as a permanent record with the official meeting minutes.

Mayor Alter noted that letters were sent to the property owners on Main Street, as well as to the Greater Fort Lee Chamber of Commerce so as to have as many people as possible listen and/or participate in tonight's discussion.

Mayor Alter stated that the government is working with the architect, Do Chung, and his partners. He is here tonight to discuss and show some possible renditions to the Main Street area storefronts. There are two separate issues. One is the actual design work and the other is the cost related to any changes possibly made.

Mayor Alter called upon Messrs. Chung and Levy to comment about how this evolved and where it might lead to.

Mr. Levy explained the background with regard to this issue with the Mayor and Council agreeing to re-engage Mr. Chung to

help the Borough by giving the Borough ideas and concepts about what Main Street could look like.

Mr. Chung spoke to previous projects he has been involved with in the Borough. He spoke to the work he did with regard to the Stamford Mall in Stamford, Connecticut. Anything done to Main Street has to make economic sense. Main Street in any town is the lifeblood of that community.

He stated that Main Street has to be very wide open with inviting show windows. The mid-section is for stores to be identified with some type of awning, and lastly another story above has a certain cornice or certain eaves. This would make Main Street cohesively architecturally acceptable.

He believes with the Town & Country Development (Centuria) that it is crucial to improve Main Street. No structural changes will be needed. Only a cosmetic change is needed. He strongly urged adopting a certain design guideline.

Mayor Alter stated that the Borough has upgraded Main Street through its streetscape program. It never has been the intent to select Centuria over Main Street as a business district. There are things that the government can do in terms of finding money or finding low or no interest loans.

Mr. Sokolich stated that Main Street has a tired look to it. He believes that Main Street has to be improved or it will turn into a ghost town. He would like to have a co-existence of a historical, nostalgic type of downtown Main Street, USA and have that exist pleasantly and efficiently with the new Centuria project. Hopefully, by giving Main Street a facelift businesses will be revitalized.

Mr. Cervieri stated that there was a time when Main Street, Fort Lee was defined as Lemoine Avenue and Center Avenue. The Borough has suffered through about twenty-five years of having the heart and soul of Fort Lee taken away and where Main Street became much more significant to the people of Fort Lee and the retailers. The new development will create competition which is a positive thing for the Borough. He would like to see a new sign ordinance created which will hopefully eliminate lights from inside and place them outside with indirect lighting. He is thankful for the investment people have made with their hard-earned money and have taken the risk of having property in the Borough.

Frank Patti, Greater Fort Lee Chamber of Commerce President, stated that he is happy to see the Mayor and Council taking an initiative. From what he has seen aesthetically from the diagrams the potential for Main Street looks interesting. He asked what sort of incentive is the Borough going to give to cultivate the property owners and the business people to make the facade changes. He believes the awnings would unify the Main Street area. The main question still comes down to funding.

Mayor Alter replied that he would like to find some incentives that are reasonable for government and the merchants. He would like this to move forward before the Centuria project is completed. Legally, the Borough cannot give out full tax abatements; however, the Borough could slow down the increase in assessments to the extent that the property is improved.

Michael Feiler, member of the Chamber of Commerce Board of Directors, concurred with Mr. Patti that one of the major points is how the improvements are going to be paid for. Another concern is that the owners are going to make the improvements and then pass the costs along in higher rents to the merchants who

lease out the property. He believes the concept is great, but because Fort Lee is so spread out, it is difficult to unify the retail community.

Mr. Chung explained that there are two costs - one is the design cost and the other is the construction cost. He also spoke to certain financial incentives that Stamford gave. He added that the greatest incentive that has to come from this is from the individual property owner or retailer. The merchants have to buy into the concept.

Mayor Alter stated that the Chamber's position and other people's opinion about this subject is encouraging. He is assuming that the property owners on Main Street want to improve their properties. They will do so if the Borough can find a way for them to do it without giving them a great increase in the money they have to put out.

Mr. Patti asked rhetorically if the Mayor and Council just want the aesthetic change or do they want to possibly look into allowing property owners to reinvent, not only in facades, but to encourage them to build up to get the properties not only to be worth more but to be better income producing?

Conversation ensued about the raising of heights on buildings and how that may affect residents who may have their views impeded.

Mayor Alter spoke to the Borough's shortage of parking. An ordinance was recently passed that makes it less restrictive for Main Street merchants. With the Centuria project there will be over 300 additional parking spaces open to the public.

Mr. Cervieri stated that a tenant may be comfortable with paying a certain percentage of sales in rent. If your sales go up 50% and your rent only goes up 30% or 40% everybody would be happy.

Mr. Chung believes that only one-third of the land on Main Street is being used. It has the potential to be built upward.

Mr. Feiler asked if the Mayor and Council come up with a plan can a committee go every property owner and ask them for their thoughts and input. He expressed concern that some merchants have already invested large amounts of money to upgrade their storefronts and that they will be told that they are or will not be complying with what the Borough wants to do.

Mr. Sokolich concurred with Mr. Feiler.

Conversation ensued to the effect that aesthetic changes to commercial buildings do not automatically impose tax increases.

Mr. Patti stated that the Chamber wants to be involved because the Chamber has a pulse on what its members want. He mentioned that Town & Country did a retail survey of what people in Fort Lee want but they never contacted the Chamber.

Mayor Alter stated that he doesn't necessarily believe that every property owner has to be spoken to, but at a minimum a representative group of merchants has to be included in any conversations the Borough has.

It was agreed that perhaps a packet of Do Chung's material could be reproduced and sent to each of the property owners that would be affected so that they would have an idea of what was spoken about tonight.

Tony Clores, member of the Chamber of Commerce Board of Directors, stated that he was very anxious and pleased to see this type of process being discussed for improvements to Main Street. He believes that the Town & Country development needs to unify with what is going to happen to Main Street. He said that the Chamber would be more than happy to host a meeting of all property owners on Main Street.

Mr. Patti thanked the Mayor and Council for the improvement to the traffic flow on Main Street and Center Avenue by making a left-hand turn lane. He believes that this would be a great idea for other intersections in the Borough.

Mayor Alter mentioned that Bergen County has wanted to eliminate parking on Main Street for years. Eliminating parking on Main Street would make Main Street a four lane highway and that would destroy Main Street.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Main Street Schematics	Mr. Chung

There being no further discussion, the special meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Pohan**, and carried at 7:30 p.m.

Neil Grant
Borough Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, September 8, 2005

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

PRESENT: Mayor 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 2, 2005, 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 3, 2005, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2005 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Alter stated that this great country is in mourning over the devastation Hurricane Katrina left behind in Louisiana and Mississippi. Also this Sunday, September 11th is the four-year anniversary of the World Trade Center terrorist attacks. He offered a moment of silence at this point in the meeting.

Mayor Alter noted that both Hurricane Katrina and the terrorist attacks have brought out the best in America. He has received many calls from people asking what they can do other than to give donations. People want to travel to the Gulf Coast to help the victims, but they cannot. A lot of people originally went for help in the New Orleans Superdome but that slowly became a torture chamber. Amazingly, the Astrodome in Houston, Texas, along with the Governor of Texas, and the people of Texas responded to so many citizens in need. The State of Texas has provided all kinds of help to the victims of Hurricane Katrina. Earlier during the executive session, the Mayor and Council approved a resolution honoring the citizens of Houston and the State of Texas. Mayor Alter asked that Mr. Grant read the resolution that was approved during the earlier held executive session.

WHEREAS, a catastrophe came about for the people of New Orleans; and

WHEREAS, the people housed in the New Orleans evacuee Superdome were in desperate need of help; and

WHEREAS, the State of Texas and especially the City of Houston offered to the City of New Orleans and surrounding areas refuge during the Katrina Emergency; and

WHEREAS, the people of Texas immediately gave all they had

to give, including a haven at Houston Astrodome; and

WHEREAS, the Governments in Texas moved immediately with efficiency,

NOW, THEREFORE, BE IT RESOLVED that the Government of the Borough of Fort Lee, New Jersey, on behalf of the people of the Borough of Fort Lee, New Jersey, salute the people of Texas and thank them for making us all proud to be Americans.

Mayor Alter noted that he will be sending this resolution to the Mayor of Houston, Texas and to the Governor of the State of Texas.

Mayor Alter spoke to other things related to the catastrophic events on the Gulf Coast. He called the Police Department to ask about sending some officers to help the victims of the hurricane; however, the Police Department was already moving in that direction before the Mayor made his call. Deputy Police Chief Jack Reuter informed him that three officers were willing to take their own vacation time to help. Some members of the Police Department will be going in twenty-two person teams as representatives from Bergen County have set up a program that will send officers to the stricken areas. The first group left yesterday or today. The Fort Lee representatives are in the second group and will relieve the first group sometime next week. The officers are all volunteers. A series of shots have to be given to the officers because of the unhealthy air and water in the New Orleans area. Lastly on the subject, the New Jersey League of Municipalities sent a memo out explaining that The Community FoodBank of New Jersey, America's Second Harvest, the nation's food bank network, and the New Jersey Food Council are working together to assist victims of Hurricane Katrina.

For more information on donating food or funds, or to volunteer time, call 908-355-3663 or visit the FoodBank's Web site at www.njfoodbank.org. People can also visit www.secondharvest.org.

Mayor Alter closed by saying that this is a continuing story. Like 9/11, the outpouring of collegiality and patriotism of people giving of themselves is really satisfying.

RESOLUTION

R-1 - Appointment of Five (5) Special Law Enforcement Officers

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

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE APPOINTING CLASS ONE SPECIAL LAW ENFORCEMENT OFFICERS

WHEREAS, the Mayor and Council of the Borough of Fort Lee created the position of Class One Special Law Enforcement Officer with the adoption of Ordinance #2004-13; and

WHEREAS, the Mayor and Council of the Borough of Fort Lee feel that it is necessary to hire Class One Special Law Enforcement Officers to assist the Fort Lee Police Department,

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

1. The following individuals shall be appointed to the position of Class One Special Law Enforcement Officer:

Jacob Gaunt, Hamie Kaffaie, Ahmad Mashuqa,
William Widmer, Kenny Zambrano

2. These appointments are subject to the individuals being fully qualified to perform the duties of Class One Special Law Enforcement Officers under federal, state, and local laws and regulations.

3. The Class One Special Law Enforcement Officer position is a part-time position. The officers shall be paid at a rate of \$15.00 per hour and work less than twenty (20) hours per week with no health benefits and no other benefits other than workmen's compensation and liability insurance coverage.

4. These individuals shall be appointed for a term of eleven months commencing retroactive to August 27, 2005.

BE IT FURTHER RESOLVED that the appointment list is available in the Office of the Borough Clerk.

The Resolution was **approved unanimously**.

OATH OF OFFICE

Police Chief Thomas Ripoli welcomed the new special officers. They had to go through a hard process before they were appointed. Lieutenant Keith Bendul, training supervisor, puts them through a tough regimental investigation. Hopefully, the new special officers will work for the Borough for a few years. He concluded by thanking the Mayor and Council for their help.

Mayor Alter noted that the program is a relatively new program that has had a positive benefit to the community with regard to traffic control and getting the residents across some difficult intersections safely.

Mayor Alter held the Bible as he swore in all of the special law enforcement officers.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the August 18, 2005 Executive Session were approved with Councilman Sargenti abstaining.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the August 18, 2005 Regular Meeting were approved with Councilman Sargenti abstaining.

INTRODUCTION OF ORDINANCES

Ordinance #2005-33 - Amending Chapter 388, Section 57, Schedule XII, Addition & Deletion of Bus Stop Along Palisade Avenue by Riverdale Drive

On motion by Councilman Cervieri, seconded by Councilman Villano, and carried, Ord. #2005-33 entitled, "AN ORDINANCE AMENDING CHAPTER 388, SECTION 57, SCHEDULE XII, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE TO INCLUDE AND DELETE A BUS STOP IN THE BOROUGH OF FORT LEE" was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **September 29, 2005**.

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

Ordinance #2005-34 - Amending Salary Ordinance #2002-15 Establishing Salaries and Wages for Blue Collar Employees - Establishing Title of Senior Park Maintenance Worker

On motion by Councilman Cervieri, seconded by Councilman Villano, and carried, Ord. #2005-34 entitled, "AN ORDINANCE AMENDING SALARY ORDINANCE #2002-15 ESTABLISHING SALARIES AND WAGES FOR BLUE COLLAR EMPLOYEES," was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **September 29, 2005**.

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

Ordinance #2005-35 - Amending Chapter 388, Section 62, Schedule XVI-A - No Right Hand Turn on Red Light on Riverdale Drive Eastbound to Palisade Avenue Southbound

On motion by Councilman Cervieri, seconded by Councilman Villano, and carried, Ord. #2005-35 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTION 62, SCHEDULE XVI-A OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED NO PARKING," was introduced and passed on first reading.

The Ordinance was **approved unanimously** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **September 29, 2005**.

PUBLIC HEARINGS

Ordinance #2005-29 - Amending Chapter 388, Section 69, Handicapped Parking Space by 1625 Ponsi Street

On motion by Councilman Cervieri, seconded by Councilman Villano and carried, the public hearing was opened relative to Ord. #2005-29 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED HANDICAPPED PARKING SPACES."

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

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

Ordinance #2005-30 - Rescinding Ordinance #2005-17 - Vehicle Movement on Private Property Open to the Public in the Whiteman Mall - (Originally Adopted June 23, 2005)

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2005-30 entitled, "AN ORDINANCE RESCINDING ORDINANCE #2005-17 WHICH AMENDED, REVISED AND SUPPLEMENTED CHAPTER 388, VEHICLES AND TRAFFIC, SCHEDULE XIX: VEHICLE MOVEMENT ON PRIVATE PROPERTY OPEN

TO THE PUBLIC OF THE CODE OF THE BOROUGH OF FORT LEE."

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

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

Ordinance #2005-31 - Amending Salary Ordinance #'s 2002-14 and 2002-36 - Establishing Salaries and Wages for White Collar Employees

On motion by Councilman Cervieri, seconded by Councilman Villano and carried, the public hearing was opened relative to Ord. #2005-31 entitled, "AN ORDINANCE AMENDING SALARY ORDINANCE #2002-14 AND #200-36 ESTABLISHING TITLES, SALARIES AND WAGES FOR WHITE COLLAR EMPLOYEES AND NON-UNION EMPLOYEES."

Nina Levinson, 1560 West Street, asked if this ordinance involved new salary increases.

Ms. Thomas replied that this ordinance only relates to the salary increases given to some employees at the August 18th regular meeting.

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

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

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

Ordinance #2005-32 - Amending Salary Ordinance #2002-15 Establishing Salaries and Wages for Blue Collar Employees

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2005-32 entitled, "AN ORDINANCE AMENDING SALARY ORDINANCE #2002-15 ESTABLISHING SALARIES AND WAGES FOR BLUE COLLAR EMPLOYEES."

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

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

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-19.

CA-1 - Approving Auxiliary Firefighter Applications for Jonathan O'Connor and Jason Rodriguez for Fire Company #2

The firefighter applications for Jonathan O'Connor and Jason Rodriguez for Fire Company #2 were approved.

CA-2 - Authorizing Hiring of Seasonal Employees for the Recreation Department - Termination Date December 31st

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

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

BE IT FURTHER RESOLVED that the attached list of appointments are part-time seasonal positions with an effective date of September 1, 2005 and a termination date of December 31, 2005.

CA-3 - Accepting Disability Retirement Notice from Marie Critie, Senior Citizens' Center - Retroactive From April 1st

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the approval letter for an Ordinary Disability Retirement from the State Division of Pensions & Benefits for Marie Critie, Food Service Worker, for the Fort Lee Senior Citizens' Center dated August 17, 2005, is hereby accepted with an effective date retroactive to April 1, 2005.

CA-5 - Authorizing Title Change for Richard Barone, From Park Maintenance Worker to Senior Park Maintenance Worker, Grade 12, Step E, in the Parks Department

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Richard Barone, be promoted from Park Maintenance Worker to Senior Park Maintenance Worker, Grade 12, Step E, at an annual salary of **\$59,084**, with an effective date of September 12, 2005; and

BE IT FURTHER RESOLVED that this promotion is provisional pending certification from the New Jersey Department of Personnel.

CA-6 - Authorizing Title Change for Robert Cahn, From Park Maintenance Worker to Senior Park Maintenance Worker, Grade 12, Step E, in the Parks Department

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Robert Cahn, be promoted from Park Maintenance Worker to Senior Park Maintenance Worker, Grade 12, Step E, at an annual salary of **\$59,084**, with an effective date of September 12, 2005; and

BE IT FURTHER RESOLVED that this promotion is provisional pending certification from the New Jersey Department of Personnel.

CA-7 - Endorsing Bergen County Community Development Grant for Improvements to the Harry J. Holtje House - \$30,000

WHEREAS, a Bergen County Development Grant of **\$30,000.00** has been proposed by the Fort Lee Housing Authority for funds for improvements to the Harry J. Holtje House, Public Housing Buildings in the Municipality of Fort Lee; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development Funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of low income population in the Borough of Fort Lee and the County of Bergen; and

WHEREAS, this Resolution does not obligate the financial resources of the Municipality and is intended solely to expedite expenditure of the aforesaid Community Development Funds,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of Fort Lee hereby confirm endorsement of the aforesaid project; and

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

CA-8 - Endorsing Bergen County Community Development Grant as Proposed by the Fort Lee Assistance and Support Housing Corporation for Funds for Operating Expenses of the Non-Profit "F.L.A.S.H." - \$35,000

WHEREAS, a Bergen County HOME Investment Partnership Grant in the amount of **\$35,000.00** has been proposed by the Fort Lee Assistance and Support Housing (F.L.A.S.H.) Corporation, for operating expenses of the non-profit "F.L.A.S.H." in the municipality of the Borough of Fort Lee; and

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

WHEREAS, the aforesaid project is in the best interest of the low income population in the Borough of Fort Lee and the County of Bergen; and

WHEREAS, this Resolution does not obligate the financial resources of the Municipality and is intended solely to expedite expenditure of the aforesaid Community Development Funds,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Fort Lee hereby confirms endorsement of the aforesaid project; and

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

CA-9 - Endorsing Bergen County Community Development Grant as Proposed by the Fort Lee Assistance and Support Housing Corporation for the Lease/Purchase Program of a Single Family Home or Condominium - \$100,000

WHEREAS, a Bergen County HOME Investment Partnership Grant in the amount of **\$100,000.00** has been proposed by the Fort Lee Assistance & Support Housing (F.L.A.S.H.) Corporation, for the acquisition of a single family house or condominium for the Lease/Purchase Program; and

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

WHEREAS, the aforesaid project is in the best interest of the low income population in the Borough of Fort Lee and the County of Bergen; and

WHEREAS, this Resolution does not obligate the financial resources of the Municipality and is intended solely to expedite expenditure of the aforesaid Community Development Funds,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Fort Lee hereby confirms endorsement of the aforesaid project; and

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

CA-10 - Endorsing Bergen County Community Development Grant Application a Tuition Subsidy for "The Learning Bridge" Child Day Care Learning and Development Center - \$35,000

WHEREAS, a Bergen County HOME Investment Partnership Grant in the amount of **\$35,000.00** for tuition subsidy for "The Learning Bridge Child Day Care Learning and Development Center" which shall be operated by the Green House Nursery School; a very important support service which is made available to low income parents participating in the Housing Authority's Family Self-Sufficiency Program which is operated by the Fort Lee Housing Authority in the municipality of Fort Lee; and

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

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

WHEREAS, this Resolution does not obligate the financial resources of the Municipality and is intended solely to expedite expenditure of the aforesaid Community Development Funds,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Fort Lee hereby confirms endorsement of the aforesaid project; and

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

CA-11 - Endorsing Bergen County Community Development Grant for Rehabilitation of Proposed Acquisition of Property Located at 2486 8th Street for the Fort Lee Assistance and Support Housing Corporation - \$350,000

WHEREAS, a Bergen County Home Investment Partnership Grant in the amount of **\$350,000.00** for rehabilitation of proposed acquisition of property located at 2486 8th Street, Fort Lee, Bergen County, New Jersey; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development Funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the low income population in the Borough of Fort Lee and the County of Bergen; and

WHEREAS, this Resolution does not obligate the financial resources of the Municipality and is intended solely to expedite expenditure of the aforesaid Community Development Funds,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of Fort Lee hereby confirms endorsement of the aforesaid project; and

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

CA-13 - Authorizing Purchasing Consultant to Prepare Specifications and Advertise for Bids for a Fire Hose for the Fire Department

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

- . Fire Hose for the Fire Department

CA-14 - Authorizing Purchase of Scott Air Pak Kits, Face Masks and Carbon Cylinders for the Fire Department From AAA Emergency Supply Co., Inc., White Plains, New York - Homeland Security Contract #60553 - \$95,046.30

WHEREAS, the Fire Department has requested the purchase of Scott Air Pak Kits, Face Masks and Carbon Cylinders; and

WHEREAS, the aforementioned equipment is available through AAA Emergency Supply Co., Inc., 635 North Broadway, White Plains, New York through Homeland Security Contract #60553; and

WHEREAS, the total cost of expenditure is over the bid threshold amount of \$21,000 and the expenditure must be authorized by resolution of the governing body,

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Fort Lee authorizes the Fire Department to purchase the following items from the aforementioned vendor by purchase order in the total amount of **\$95,046.30**.

- (27) Scott #804935-0603, 4.5 Air Park Kit (less Cylinder) **\$79,971.30**
- (50) Scott AV - 3000 Face Mask - **\$10,485.00**
- (04) Scott 60 Minute Carbon Cylinder - **\$ 4,590.00**
- \$95,046.30**

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for this purchase through capital account #04-2527-00-0002-01.

CA-15 - Authorizing Payment to the Princess Chateau, Lodi, New Jersey for the Annual Volunteer Fire Department Inspection Dinner - \$25,500 (\$85.00 Per Person)

WHEREAS, a contract has been presented for the annual

Volunteer Fire Department Inspection Dinner scheduled for Saturday, September 24, 2005; and

WHEREAS, the Fire Department solicited two quotes for the dinner as follows:

<u>Vendor</u>	<u>Amount</u>
Princess Chateau, Lodi	\$85.00 Per Person
Venetian, Garfield	\$135.00 Per Person

WHEREAS, the contract exceeds the bidding threshold amount of \$21,000 and N.J.S.A. 40A:11-1 et seq. requires that the resolution authorizing the awards of contracts for "Extra Ordinary Unspecifiable Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the expenditure must be authorized by resolution of the governing body; and

WHEREAS, funds are available through the Current Account and have been certified by the Chief Financial Officer, said certification being available in the Office of the Borough Clerk,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee as follows:

1. The Mayor and Council authorizes said contract and directs the Purchasing Department to encumber and issue a Purchase Order to the Princess Chateau, 111 Route 46 West, Lodi, New Jersey 07644.
2. Price Per Person \$85.00 (Minimum 300 People)
3. Notice of contract award shall be published in The Record within ten days after passage hereof.

CA-16 - Approving Developers Agreement for Amerada Hess Corporation, 2295 Route 4 East, Block 6304, Lots 8-10

WHEREAS, the Planning Board of the Borough of Fort Lee adopted a resolution approving the development by Amerada Hess Corporation, a Delaware Corporation (the "Developer") for property located in Block 6304, Lots 8-10 on the official tax map of the Borough of Fort Lee, also known as 2295 Route 4 East, Borough of Fort Lee, County of Bergen and State of New Jersey; and

WHEREAS, the Resolution was conditioned upon the Developer entering into a Developers Agreement with the Borough of Fort Lee and the posting of the necessary performance guarantees; and

WHEREAS, a Developer's Agreement has been prepared 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 Developer's Agreement with the Developer.

CA-17 - Endorsing Resolution Asking Governor Codey to Direct the Local Finance Board to Grant a One-Year Exception for All Municipalities With Regard to CAP Limitations on the Municipal Budget for Unanticipated Fuel Costs

WHEREAS, paying for rising fuel costs under Cap Law

restrictions will force local officials to under-fund essential services; and

WHEREAS, coming together with budget-busting public employee pension and benefit bills, these fuel costs threaten to undermine the ability of municipalities to adequately protect the public's health, safety and welfare; and

WHEREAS, fuel costs affect virtually every municipality service, especially public safety, and including homeland security activities; and

WHEREAS, with no flexibility because of Cap limitations, any service cuts will jeopardize the public's safety and security; and

WHEREAS, faced with a 2.5% Cap, these vital services will be under-funded if municipalities are forced to finance them without the flexibility provided by a Cap exception; and

WHEREAS, Hurricane Katrina's devastation all along the Gulf Coast will only further exacerbate this problem,

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Fort Lee does hereby ask Governor Codey to direct the Local Finance Board to grant a one-year exception to all municipalities for these unanticipated costs, retroactive to July 1, 2005, which retroactivity is necessary in order to allow fiscal year municipalities to apply the exception in their current budgets; and

BE IT FURTHER RESOLVED, that the certified copies of this resolution be forwarded to Governor Codey, to the Borough's State Senator, to the Borough's Representatives in the General Assembly and to the New Jersey League of Municipalities.

CA-18 - Approving Change Order #2 for Security Structures, Inc., Basking Ridge, New Jersey for the Construction of a Field House and Infrastructure Improvements at Van Fleet Park - Reflection of Original As-Built Prices - (\$-32,316.08)

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

GENERAL CONSTRUCTION:	Van Fleet Park Field House
CONTRACTOR:	Security Structures, Inc. 125 Martinville Road Basking Ridge, NJ 07920
ENGINEER:	Boswell McClave
ORIGINAL CONTRACT COST:	\$ 489,345.00
COST OF CHANGE ORDER	\$ (-32,316.08)
COST OF PREVIOUS CHANGE ORDERS:	<u>\$ 32,503.00</u>
NEW CONTRACT SUM:	\$ 489,531.92
CHANGE ORDER NUMBER:	#2
NATURE OF CHANGES:	Reflection of As-Built Within Project Limits
CONTRACT #	950006

CAPITAL ACCOUNT #

0423130000301

CA-19 - Authorizing Rejection of Bids and Authorizing Rebid for Repairs to the DPW Retaining Wall

A RESOLUTION OF THE BOROUGH OF FORT LEE REJECTING BIDS FOR THE PROVISION OF A RETAINING WALL AT THE FORT LEE DEPARTMENT OF PUBLIC WORKS AND AUTHORIZING A REBID FOR SAME

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("the Borough") are desirous of contracting for a retaining wall at the Fort Lee Department of Public Works; and

WHEREAS, the Borough duly advertised for the receipt of bids for the provision of a retaining wall at the Fort Lee Department of Public Works; and

WHEREAS, on or about July 11, 2005 two (2) bids were received for the retaining wall at the Fort Lee Department of Public Works from Sandy Construction, LLC in the amount of \$251,770.00 and J. Fletcher Creamer & Son, Inc. in the amount of \$333,928.00; and

WHEREAS, Sandy Construction Group, LLC failed to submit a legally compliant bid as it failed to be properly registered as a public works contractor on the day of the bid; and

WHEREAS, the bid submitted by J. Fletcher Creamer & Son, Inc. exceeds the Borough's cost estimate for the provision of a retaining wall at the Fort Lee Department of Public Works and is in excess of 25% higher than the lowest bid making said bid significantly high as to price; and

WHEREAS, the Mayor and Council have determined to reject all bids for the reasons stated herein, and to authorize the immediate re-advertising for bids,

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

1. The bids received for the provision of a retaining wall at the Fort Lee Department of Public Works are rejected for the reasons expressed herein.

2. The Borough Clerk is hereby authorized and directed to immediately re-advertise for the receipt of bids for the provision of a retaining wall at the Fort Lee Department of Public Works.

3. This Resolution shall take effect immediately.

Nina Levinson, 1560 West Street, spoke to CA-4, CA-5, CA-6, CA-7 through CA-11, and CA-17.

Ms. Thomas replied to CA-4. Ms. Thomas and Mr. Cervieri responded to CA-7 through CA-11, and Messrs. Alter and Cervieri, along with Ms. Thomas, responded to CA-17.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Pohan**, and the Consent Agenda (items CA-1 through CA-19 except for CA-4 which was removed for separate vote by **Councilman Villano**, and CA-12 which was removed for separate vote by **Councilman Sokolich**) was **approved unanimously**.

RESOLUTIONS

R-2/CA-4 - Authorizing Full Time Hiring of Janet Moore as a Clerk Typist for the Municipal Court - \$29,000 Annually

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

WHEREAS, Janet Moore, Clerk Typist, was hired on March 8, 2005 as a temporary employee in the Municipal Court,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee, that Janet Moore be appointed to the full time position of Clerk Typist in the Municipal Court, at an annual salary of **\$29,000** retroactive to August 22, 2005.

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

AYES: Council Members Pohan, Sokolich, Sargenti, Kasofsky, Cervieri

ABSTENTION: Councilman Villano

R-3/CA-12 - Approving Limousine Owner's License for Gideon Terer d/b/a ASAP Limousine Company at 1223 Anderson Avenue

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

WHEREAS, an application has been filed by **Gideon Terer d/b/a ASAP Limousine Company at 1223 Anderson Avenue, Fort Lee, New Jersey** for a license to operate a limousine business owner's license in the Borough of Fort Lee; and

WHEREAS, local ordinance provides that only ten (10) such companies can operate within the Borough of Fort Lee and currently there are nine (9) limousine businesses operating; and

WHEREAS, the applicant has been reviewed and approved by the Fort Lee Police Department and Building Department for an office at **1223 Anderson Avenue,**

NOW, THEREFORE, BE IT RESOLVED that upon payment of the applicable license fees, the Borough Clerk is hereby authorized and directed to issue a limousine business owner's license to **Gideon Terer d/b/a ASAP Limousine Company** for the operation of a limousine service from **1223 Anderson Avenue** to include parking of limousines at the same address.

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

AYES: Council Members Pohan, Villano, Sargenti, Kasofsky, Cervieri

ABSTENTION: Councilman Sokolich

COUNCIL REPORTS

Councilman Pohan - announced that the Fort Lee Film Commission will be sponsoring a fall program at the Fort Lee Historic Park. There will be four films shown on various dates during the fall. The theme is a "view from the bridge," in which the George Washington Bridge appears prominently in all of the films that will be shown. This coincides with the 75th anniversary of the opening of the bridge. The Port Authority has provided funding to support the event, and the first film that will be

shown will be "Force of Evil" on September 24th at 1:00 p.m.

Councilman Sokolich - welcomed the school kids back to school. He reminded citizens to drive cautiously.

He welcomed Joanne Calabro into the community as Fort Lee's new school superintendent.

He said that he will be at the Farmer's Market on Sundays beginning at 8:00 a.m. He is there to answer any questions or just to listen to any thoughts or concerns that the Borough residents may have.

He is hoping to reinstate the Fort Lee Cares charity for the victims of Hurricane Katrina. Fort Lee Cares was originally organized as a nonprofit organization that raised over \$20,000 in relief funds for the victims of the tsunami in southeast Asia.

Councilman Villano - stated that the Second Look Shoppe is looking for volunteers. The Borough's three volunteers have been working full time for close to two years. The Second Look Shoppe is open every Thursday and Friday from 10:00 a.m. to 1:00 p.m. and on Saturday from 10:00 a.m. to 2:00 p.m. The Second Look Shoppe raises money for the Fort Lee Community Fund and it helps people who do not qualify for welfare, but who do need assistance for a particular crisis. Donations and purchases from the Second Look Shoppe can be made during the above hours at the Madonna rectory at 340 Main Street.

Councilman Sargenti - stated that the clubhouse at Van Fleet Park is completed and is being used by parents and children. This was a much needed facility.

He announced that the in-town soccer program will be commencing this Saturday. Constitution Park, Van Fleet Park and the Lewis F. Cole Middle School field will all be used all day long. The Borough's all-star soccer team will be traveling on Saturday. Participation for the in-town soccer league is at an all-time high with over 700 participants.

He further announced that the Borough's in-town football program will be starting next Friday. There are over 115 borough participants in the football league.

He mentioned that the high school football team will be starting its season this Friday against Ridgefield Park at the middle school field.

He further announced that the boys' and girls' high school soccer season begins tomorrow.

He asked residents to come out to watch the kids run around and enjoy themselves and to get involved if they can.

Mayor Alter - stated that the opening for the new community center will be on Saturday, October 29th. This coincides with the Borough's annual rag-a-muffin parade. He apologized to the residents for the delay, but he believes it will be worth waiting for.

Councilwoman Kasofsky - read the following memo from the Fort Lee Public Library:

"As an expression of compassion for the victims of Hurricane Katrina, the library will contribute all fines and book sale proceeds for one week to the Salvation Army for their relief work in the affected area of our country. Patrons are reminded that any funds given to the library during the week of September 9th through the 16th, will be donated to the relief efforts. Books need not be overdue, just returned with a contribution. On behalf of the devastated people, the library thanks you."

She announced the following two events at the library:

1. Bill Ervolino, writer of a twice-weekly column in The Record will be at the library on Wednesday, September 21st at 7:00 p.m. He will be discussing his book "Some Kind of Wise Guy". This book is about his parents, family events, modern living and growing up Italian.
2. Dr. Joseph Napoli will be at the library on Wednesday, September 28th at 7:15 p.m. He will be discussing his book "Resiliency in the Face of Disaster and Terrorism: 10 Things to Do to Survive", which he co-authored with Dr. Alex Kehayan, a Fort Lee resident.

Councilman Cervieri - welcomed Millie Federico as the new Executive Director of the Greater Fort Lee Chamber of Commerce. He looks forward to working with her.

He said that the Chamber will be holding its general membership luncheon next Thursday at 12:00 noon at In Napoli in Fort Lee. The guest speaker will be Bergen County Executive Dennis McNerney.

He announced that the annual senior citizen picnic will be held on Sunday, October 2nd at the Fort Lee High School parking lot from 1:00 p.m. to 3:30 p.m. It is always a very-well attended event. There is no cost to attend.

He praised all of the people who were involved in the successfully concluded summer film and music series at Constitution Park.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Steven Monetti Parking Authority Executive Director	.Praised the DPW Workers Who Built the New Parking Lot at 1450 Palisade Avenue	
Nina Levinson 1560 West St.	.Requested Recycling & Garbage Schedules be Mailed to All Residents	

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

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, August 18, 2005 @ 8:00 p.m.

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

PRESENT: Mayor 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

MAYOR'S STATEMENT

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

1. On January 2, 2005, 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 3, 2005, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2005 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Alter stated that earlier last year the Borough had its centennial celebration. The Bergen Newspaper Group put out a supplement pertaining to the centennial.

Mayor Alter asked Mr. Grant to read the following notice he received from the Bergen Newspaper Group.

"Dear Mayor Alter (Fort Lee Centennial Supplement advertiser),

By now you should have heard the good news, but just in case you didn't...

We were awarded *third place* for the **Fort Lee Centennial Commemorative** supplement booklet in the category of Best Public Service/Community Event Promotion in SNA's (Suburban Newspaper Association) 2005 Advertising and Promotions Contest. The competition was national, and it was stiff, but we did it!

We are grateful to you for your support in this product, and trust that you too were pleased with the piece. Feel free to ask us for more copies if you'd like. We look forward to a continued relationship with you as a part of our family of advertisers."

Jill S. Cohen
President
Bergen Newspaper Group

Mayor Alter mentioned that there was a press article earlier in the week that spoke to the state pension costs. The pension

system is in trouble. It is short 25 billion dollars. The deficit has to be made up. It is like the social security problem, but he believes it is even worse because the State, unlike the federal government, cannot borrow money.

He asked the Borough's Chief Financial Officer to give him an idea of what the new pension assessments will be like. The Borough's contribution in the 2005 budget is approximately \$572,000. The contribution for 2006 will be about \$1,138,000. In 2007 the pension costs will approach \$1,850,000 and in 2008 the costs will be approximately \$2,500,000. He mentioned that a tax point in the Borough is about \$783,000. A tax point is how much is to be raised by taxes to in fact cause another one point increase in the tax rate. The municipal tax rate for 2005 is .741. Between now and the next couple of years there will be an increase by two tax points. This is just one item without any other increases. The State of New Jersey and the municipalities are required to balance their budgets without borrowing money. Every municipality in the State is in trouble as the pension deficit affects every community negatively in just about the same way.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilman Villano, and carried unanimously, the minutes of the July 21, 2005 Executive Session were approved.

On motion by Councilman Cervieri, seconded by Councilman Villano, and carried unanimously, the minutes of the July 21, 2005 Regular Meeting were approved.

INTRODUCTION OF ORDINANCES

Ordinance #2005-29 - Amending Chapter 388, Section 69, Handicapped Parking Space by 1625 Ponsi Street

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried, Ord. #2005-29 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED HANDICAPPED PARKING SPACES" was introduced and passed on first reading.

The Ordinance was approved unanimously on the following roll call, and the public hearing relative to this ordinance was scheduled for September 8, 2005

Ordinance #2005-30 - Rescinding Ordinance #2005-17 - Vehicle Movement on Private Property Open to the Public in the Whiteman Mall - (Originally Adopted June 23, 2005)

On motion by Councilman Sokolich, seconded by Councilman Villano, and carried, Ord. #2005-30 entitled, "AN ORDINANCE RESCINDING ORDINANCE #2005-17 WHICH AMENDED, REVISED AND SUPPLEMENTED CHAPTER 388, VEHICLES AND TRAFFIC, SCHEDULE XIX: VEHICLE MOVEMENT ON PRIVATE PROPERTY OPEN TO THE PUBLIC OF THE CODE OF THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was approved unanimously on the following roll call, and the public hearing relative to this ordinance was scheduled for September 8, 2005.

Ordinance #2005-31 - Amending Salary Ordinance #'s 2002-14 and 2002-36 - Establishing Salaries and Wages for White Collar Employees

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried, Ord. #2005-31 entitled, "AN ORDINANCE AMENDING SALARY ORDINANCE #2002-14 AND #200-36 ESTABLISHING TITLES, SALARIES AND WAGES FOR WHITE COLLAR EMPLOYEES AND NON-UNION EMPLOYEES," was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **September 8, 2005**.

AYES: Council Members Pohan, Sokolich, Villano, Kasofsky, Cervieri

Ordinance #2005-32 - Amending Salary Ordinance #2002-15 Establishing Salaries and Wages for Blue Collar Employees

On motion by Councilman Cervieri, seconded by Councilman Villano, and carried, Ord. #2005-32 entitled, "AN ORDINANCE AMENDING SALARY ORDINANCE #2002-15 ESTABLISHING SALARIES AND WAGES FOR BLUE COLLAR EMPLOYEES," was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **September 8, 2005**.

AYES: Council Members Pohan, Sokolich, Villano, Kasofsky, Cervieri

PUBLIC HEARINGS

Ordinance #2005-11 - Capital Ordinance to Include a \$215,000 Grant From the New Jersey Department of the Treasury for the Construction of the New Community Center (Originally Adopted on May 26, 2005)

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky and carried, the public hearing was opened relative to Ord. #2005-11 entitled, "AN ORDINANCE OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$215,000 TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF THE TREASURY FOR CONSTRUCTION OF A RECREATION CENTER IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY."

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

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

AYES: Council Members Pohan, Sokolich, Villano, Kasofsky, Cervieri

Ordinance #2005-25 - An Ordinance to Adopt a Redevelopment Plan for Redevelopment Area D-4 and to Amend the Zoning Map of the Borough of Fort Lee

On motion by Councilman Cervieri, seconded by Councilman Villano and carried, Ord. #2005-25 entitled, "AN ORDINANCE TO ADOPT A REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA D-4 AND TO AMEND THE ZONING MAP OF THE BOROUGH OF FORT LEE" was **tabled**

unanimously.

Ordinance #2005-27 - Bond Ordinance for Domestic Preparedness Grant for Firefighter Equipment - \$121,800 (Federal Grant 90%)- (Borough's Share 10% - \$12,180)

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky and carried, the public hearing was opened relative to Ord. #2005-27 entitled, "AN ORDINANCE OF THE BOROUGH OF FORT LEE IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE PURCHASE OF DOMESTIC PREPAREDNESS EQUIPMENT FOR THE FIREFIGHTERS SAFETY PROGRAM FOR THE BOROUGH OF FORT LEE AND APPROPRIATING \$121,800 THEREFORE AND PROVIDING FOR THE ISSUANCE OF \$11,571 IN BONDS OR NOTES OF THE BOROUGH OF FORT LEE TO FINANCE THE SAME."

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

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

AYES: Council Members Pohan, Sokolich, Villano, Kasofsky, Cervieri

Ordinance #2005-28 - Abolishing the Paid Position of Deputy Emergency Management Coordinator

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2005-28 entitled, "AN ORDINANCE OF THE BOROUGH OF FORT LEE AMENDING SALARY ORDINANCE #98-1 OF THE BOROUGH OF FORT LEE TO ABOLISH THE SALARIED POSITION OF DEPUTY EMERGENCY MANAGEMENT COORDINATOR."

Nina Levinson, 1560 West Street, stated that the passage of the ordinance will be a hazard to the residents of the Borough. The person who holds the position had previously been given praise by the Mayor and governing body members after 9/11 and other occasions. She spoke to the \$160,000 salary for the Director of Public Safety and does not believe that the Borough is saving any money with the elimination of the Deputy Emergency Management Coordinator's position and salary of \$60,000. She believes that it is an atrocity that the position is going to be eliminated.

Mayor Alter stated that this ordinance is about a position, not an individual. He has been admonished not to speak about individuals and that this hearing is about a motion on a position.

Dr. Joseph Napoli, 2185 Lemoine Avenue, read a prepared statement against the passage of the ordinance. The entire statement is available in the August 18, 2005 meeting folder and is included with Ordinance #2005-28 as a permanent record.

John Cooney, 2100 Linwood Avenue, stated that this position is important to the community. He mentioned that Med North had a major sewer leak in 2003 and that the Deputy Emergency Management Coordinator relocated residents while the repairs were made over a period of a few days. He expressed his concern that the position is going to be eliminated.

Mayor Alter stated that he is proud of the unpaid volunteers who work in behalf of the community. The Borough does not really know how to express its thanks.

He asked that Bernard Hart, former Police Chief and current Director of Public Safety, and Stephen Ferraro, Police Captain and Emergency Management Coordinator, stand up to be recognized. He stated that a number of residents have come forward saying the Borough is leaving a vacuum. Mayor Alter said this is not true.

Joanne Brice, 250 Gorge Road, Cliffside Park, New Jersey, stated that she is a volunteer for the Cliffside Park and Fort Lee Emergency Management Offices. She added that the Deputy's position has given the volunteers a lot of attention along with excellent training through the crisis management group. She spoke to her involvement in routine events, but her training has prepared her to intervene on more serious matters when needed. She closed by saying the Deputy's position is important and she hopes consideration is given to not eliminating it.

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

Mr. Pohan stated that the Borough has an obligation to provide safety to the Borough residents, and the Borough has an obligation to manage its fiscal affairs as prudently as possible, and he believes that the Mayor and Council try to do this. He mentioned that with regard to the Police Department, two years ago there were four top police officials consisting of a Police Chief, Deputy Chief and two Inspectors at a total salary cost of \$600,000. Today, there is a Director of Public Safety, a Police Chief, Deputy Chief and no Inspectors at a cost of less than \$500,000. The Borough is accomplishing the same prudent management of the Department at a lower cost today. He would apply the same principle to whatever is done including the area of emergency management. Fortunately, there are not emergencies or fires every day. The Borough has a volunteer Fire Department that does a spectacular job with fire emergencies that occur. He was of the opinion to have a full-time paid Deputy Emergency Management Coordinator just like a full-time paid Fire Department, is a luxury that in the interest of fiscal prudence he believes is not necessary. This matter was studied at length by the Public Safety Director and Emergency Management Coordinator, who analyzed data throughout Bergen County and who concluded that there is not enough work to justify a full-time paid position. It has nothing to do with the person in question. He added that he has never had an unkind word exchanged with Joseph Licata. He tries to do the best job that he can do. The people who are overseeing the Department do not believe the Deputy's position is needed. He concurs with their recommendation and supports the passage of the ordinance.

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

AYES: Council Members Pohan, Sokolich, Villano, Kasofsky, Cervieri

PROPOSED CONSENT AGENDA

On motion by Councilman Villano, seconded by Councilman Cervieri, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-31.

CA-1 - Payment of Claims

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

the Borough Administrator and Chief Financial Officer.

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$9,208,421.75
Capital	273,523.87
Multiple Dwelling	n/a
Construction Fees	n/a
COAH Fees	n/a
Trust (Old)	315.39
Senior Citizen Advisory Council	2,521.44
Trip Admissions	15,856.25
Wedding Fees	n/a
Trust Account (Accutrack)	27,102.29
Police Activity Account	43,265.11
Special Dog Account	247.00
Senior Citizen Advisory Account	800.00
Centennial Fund	n/a
Disability Insurance Trust	n/a
Unemployment Compensation Trust	n/a
Public Assistance Trust Fund I	n/a
Fort Lee Film Commission	3,096.00
Redemption Account	<u>n/a</u>
Total:	\$9,575,149.10

CA-2 - Approving Raffle License #957 to the All Seasons Theatre Company, Cliffside Park, New Jersey

WHEREAS, the All Seasons Theatre Company, 243 Wayne Avenue, Cliffside Park, New Jersey, has submitted a raffle application for December 7 2005; and

WHEREAS, the governing body has determined that their license application is complete in all respects,

NOW, THEREFORE, BE IT RESOLVED that the governing body hereby approves raffle application #957, pending final approval from the Legalized Games of Chance Control Commission.

CA-3 - Authorizing Seven (7%) Salary Increase for Mary Boujotas, Clerk Typist, in the Fire Prevention Bureau

WHEREAS, the Mayor and Council of the Borough of Fort Lee have authorized a salary increase for Mary Boujotas, Clerk Typist, of the Fire Prevention Bureau,

NOW, THEREFORE, BE IT RESOLVED that Mary Boujotas be promoted at a 7% salary increase, as outlined in the White Collar Bargaining Unit Contract, with an effective date retroactive to July 1, 2005.

CA-4 - Authorizing Seven (7%) Salary Increase for Maria Cafasso, Senior Clerk Typist, in the Purchasing Department

WHEREAS, the Mayor and Council of the Borough of Fort Lee have authorized a salary increase for Maria Cafasso, Senior Clerk Typist, in the Finance Department,

NOW, THEREFORE, BE IT RESOLVED that Maria Cafasso will be promoted with a 7% salary increase, as outlined in the White Collar Bargaining Unit Contract, with an effective date retroactive to July 1, 2005.

CA-5 - Authorizing Seven (7%) Salary Increase for Chris Radoian, Fire Prevention Specialist, in the Fire Prevention Bureau

WHEREAS, the Mayor and Council of the Borough of Fort Lee have authorized a salary increase for Chris Radoian, Fire Prevention Specialist, of the Fire Prevention Bureau,

NOW, THEREFORE, BE IT RESOLVED that Chris Radoian shall receive a 7% salary increase, which is in accordance with the White Collar Bargaining Unit Contract, with an effective date retroactive to July 1, 2005.

CA-6 - Authorizing Title Change for Sharon Scheiner, From Senior Clerk Typist to Principal Clerk Typist, in the Borough Clerk's Office - Seven (7%) Salary Increase

WHEREAS, the Mayor and Council of the Borough of Fort Lee have authorized a title change for Sharon Scheiner, of the Borough Clerk's Office, from Senior Clerk Typist to Principal Clerk Typist;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Sharon Scheiner be promoted with a 7% salary increase, as outlined in the White Collar Bargaining Unit Contract, with an effective date retroactive to July 1, 2005; and

BE IT FURTHER RESOLVED that this appointment shall be provisional pending certification from the New Jersey Department of Personnel.

CA-7 - Authorizing Seven (7%) Salary Increase for Barbara Klein, Senior Clerk Typist/Planning Administrator, in the Office of Economic Development

WHEREAS, the Mayor and Council of the Borough of Fort Lee have authorized a salary increase for Barbara Klein, Senior Clerk Typist/Planning Administrator, of the Office of Economic Development,

NOW, THEREFORE, BE IT RESOLVED that Barbara Klein be promoted at a 7% salary increase, as outlined in the White Collar Bargaining Unit Contract, with an effective date retroactive to July 1, 2005.

CA-8 - Authorizing Seven (7%) Salary Increase for June Keelen, Deputy Court Administrator, in the Municipal Court

WHEREAS, the Mayor and Council of the Borough of Fort Lee have authorized a salary increase for June Keelen, Deputy Municipal Court Administrator, of the Municipal Court, for the additional duties she has undertaken,

NOW, THEREFORE, BE IT RESOLVED that June Keelen will be promoted at a 7% salary increase, as outlined in the White Collar Bargaining Unit Contract, with an effective date retroactive to July 1, 2005.

CA-9 - Authorizing Seven (7%) Salary Increase for Tom Meyers, Administrator of Cultural & Heritage Affairs

WHEREAS, the Mayor and Council of the Borough of Fort Lee have authorized a salary increase for Thomas Meyers, Administrator of Cultural & Heritage Affairs,

NOW, THEREFORE, BE IT RESOLVED that this promotion be accompanied by a salary increase of 7% with an effective date retroactive to July 1, 2005.

CA-10 - Authorizing Settlement of Desk Audit With Melissa Akerman, Title Change From Clerk Typist, to Purchasing Assistant, in the Police Department - Seven (7%) Salary Increase

WHEREAS, the Mayor and Council of the Borough of Fort Lee have authorized the settlement of a desk audit for a title change by the New Jersey Department of Personnel for Melissa Akerman, Clerk Typist for the Police Department, to Purchasing Assistant, Typing,

NOW, THEREFORE, BE IT RESOLVED that Melissa Ackerman be promoted at a 7% salary increase, as outlined in the White Collar Bargaining Unit Contract, with an effective date retroactive to September 15, 2004; and

BE IT FURTHER RESOLVED that this appointment shall be provisional pending certification from the New Jersey Department of Personnel.

CA-11 - Authorizing Settlement of Grievance With Melissa Monetti-Cuello, Senior Clerk Typist, for the Police Department - Seven (7%) Salary Increase

WHEREAS, the Mayor and Council of the Borough of Fort Lee have authorized the settlement of a grievance for Melissa Monetti-Cuello, Senior Clerk Typist for the Police Department,

NOW, THEREFORE, BE IT RESOLVED that Melissa Monetti-Cuello shall receive a 7% salary increase, as outlined in the White Collar Bargaining Unit Contract, with an effective date retroactive to September 15, 2004.

CA-12 - Authorizing Settlement of Grievance With James Scala, Road Superintendent, for the DPW - \$1,500 Salary Increase

WHEREAS, the Mayor and Council of the Borough of Fort Lee have authorized the settlement of a grievance for James Scala, Road Superintendent, of the Public Works Department,

NOW, THEREFORE, BE IT RESOLVED that James Scala shall receive a salary increase of \$1,500 with an effective date retroactive to July 1, 2005.

CA-13 - Authorizing Title Change for Jeffrey Schrecengost, From Mechanic's Helper to Mechanic, Grade 13, Step E, for the DPW - No Additional Remuneration

WHEREAS, the Mayor and Council of the Borough of Fort Lee have authorized a title change for Jeffrey Schrecengost, Mechanic's Helper for the Public Work's Department to Mechanic, Grade 13, Step E,

NOW, THEREFORE, BE IT RESOLVED that this title change is outlined in the Blue Collar Bargaining Unit Agreement, with no additional compensation.

CA-14 - Authorizing Full Time Hiring of Mark Barone as a Electrical Sub-Code Official for the Building Department - \$50,000 Annually

WHEREAS, the Mayor and Council of the Borough of Fort Lee have determined that a full time position is needed for Electrical Sub-Code Official in the Building Department,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that Mark L. Barone, part-time Electrical Sub-Code Official, of the Borough of Fort Lee, be appointed to a full time position in the Building Department with an effective date of August 22, 2005; and

BE IT FURTHER RESOLVED that the terms of said position shall be as follows:

- . Thirty (30) Hours Per Week
- . Will Receive Benefits

; and

BE IT FURTHER RESOLVED that this appointment shall be provisional pending certification from the New Jersey Department of Personnel and shall be at an annual salary of **\$50,000**.

CA-15 - Authorizing Hiring of Orlando Puccio, Nari Motwani and Pasquale Fasano as School Crossing Guards

BE IT RESOLVED by the Governing Body of the Borough of Fort Lee that the following be appointed as **school crossing guards** in the Borough of Fort Lee without authority to carry a firearm:

- Orlando Puccio
475 Main Street
Fort Lee, New Jersey 07024
- Nari Motwani
240 Slocum Way
Fort Lee, New Jersey 07024
- Pasquale Fasano
505 North Avenue
Fort Lee, New Jersey 07024

BE IT FURTHER RESOLVED that the above hires be made effective Monday, September 5, 2005 at a pay rate of **\$14.56 per hour**.

CA-16 - Authorizing United Water to Place a Fire Hydrant on the West Side of Fletcher Avenue, South of West Street

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

LOCATION OF HYDRANT

X-35566 Relocate hydrant to the w/s of Fletcher Avenue approximately 380' s/o hydrant on West Street and 210' n/o present location.

Fort Lee, New Jersey Investigation #51155

CA-17 - Authorizing a Change to the Borough's Deferred Compensation Plan as Required by The Economic Growth and Tax Relief Reconciliation Act of 2001

WHEREAS, the BOROUGH OF FORT LEE (hereinafter referred to as the "Employer") by resolution adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") effective October 22, 1992, for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, Section 657 of the Economic Growth and Tax Relief Reconciliation Act of 2001 amended Section 401 (A) (31) (B) of the Internal Revenue Code (the "Code"); and

WHEREAS, the Employer desires its Plan to conform with this change in the Code brought about by the Economic Growth and Tax Relief Reconciliation Act of 2001; and

WHEREAS, such amendment shall supersede the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this amendment,

NOW, THEREFORE, BE IT RESOLVED, that the Employer hereby adopts the attached Amendment [22-PD-VALIC-E657A033005] to Deferred Compensation Plan Document [22-PD-VALIC-E121201] to be part of and incorporated into its existing Deferred Compensation Plan Document; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services.

CA-18 - Endorsing Resolution From The Fort Lee Board of Education Calling Upon Bergen County Legislators and Municipal Officials to Join Together to Ensure More Equitable Funding for the Bergen County School Districts

WHEREAS, financial data proves that Bergen County residents contribute a major percentage of tax revenue to the State of New Jersey; and

WHEREAS, it has been clearly shown that Bergen County school districts and therefore school children, are not receiving a commensurate portion of State education aid, as compared to other counties; and

WHEREAS, Department of Education figures show that no county receives less education aid than Bergen County; and

WHEREAS, the 2000 census figures show that Bergen County is far from the wealthiest of New Jersey's counties,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Fort Lee urges the communities of Bergen County to join in a united effort directed to guaranteeing that the students of Bergen County receive a share of whatever educational funding the State provides that is proportional to Bergen County's total contribution to the State tax revenues; and

BE IT FURTHER RESOLVED that the Mayor and Council calls upon all Bergen County legislators and municipal officials to join together to ensure more equitable funding of Bergen County's school districts; and

BE IT FURTHER RESOLVED that a copy of the resolution be forwarded to all seventy municipalities in the County of Bergen,

all of the school districts of Bergen County, and the entire state legislative delegation of Bergen County.

CA-19 - Endorsing Resolution From The Fort Lee Board of Education Calling Upon Acting Governor Richard J. Codey to Reestablish in the Department of Education the Education Mandate Review Study Commission Under the Same Parameters as Set Forth in Executive Order #75

WHEREAS, the education of the State of New Jersey's children is critically important to the State's economy and future prosperity; and

WHEREAS, in times of fiscal crisis, it is imperative that the State invest its resources in programs that maximize educational achievement such as early literacy, high quality teaching, and modern school facilities; and

WHEREAS, it is important for the State and school districts to scrutinize spending and determine where savings can be achieved in order to preserve educational programs and to use the State and local resources as wisely and efficiently as possible; and

WHEREAS, the State should review educational mandates to identify those that are unnecessary, duplicative and/or those that impose additional cost burdens to school districts without providing real benefits so that education funds can be spent on programs that are most effective; and

WHEREAS, the State has a compelling interest to consider how mandates can be eliminated or altered so as to provide flexibility that will allow school districts to realize cost savings and improve educational services; and

WHEREAS, on October 22, 2003, Governor James E. McGreevey enacted Executive Order #75, establishing in the Department of Education the Education Mandate Review Study Commission, tasked with evaluating and identifying State statutory and regulatory mandates imposed upon school districts and making recommendations regarding those mandates that could be altered or eliminated to provide cost flexibility or cost savings to school districts; and

WHEREAS, the Commission met, held public hearings, deliberated, and issued its Report of the Education Mandate Review Study Commission to the Governor, February 3, 2004; and

WHEREAS, the Report of the Education Mandate Review Study Commission contained numerous recommendations on education mandates, including those recommended for immediate action, those recommended for further research and exploration in anticipation of further action and those recommended for further deliberation to amplify the issue or to reach consensus; and

WHEREAS, the Education Mandate Review Study Commission strongly endorsed extending the life of the Commission to complete the review of the items noted in the report, as well as an ongoing process to consider strategies to deliver services more cost effectively; and

WHEREAS, the Education Mandate Review Study Commission represented local stakeholders in public education and was the type of initiative that provided the insight of people at the grassroots level on what would help them function more efficiently and effectively; and

WHEREAS, it continues to be important to study and review mandates at this time so that the State and local communities can

work expeditiously to implement the Commission's recommendations; and

WHEREAS, to date, no action has been taken on the recommendations of the Education Mandate Review Study Commission,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Fort Lee, calls upon Acting Governor Richard J. Codey to:

1. Reestablish in the Department of Education the Education Mandate Review Study Commission under the same parameters as set forth in Executive Order #75
2. The Commission's recommendations shall be filed with the Governor, who after consultation with the Commissioner of Education, shall, within 90 days of receipt of the Commission's recommendations, shall file his mandate recommendations with the Legislature
3. The recommendations shall become effective 90 days after filing, unless, within those 90 days, the Legislature adopts a concurrent resolution stating that it is not in agreement with the Governor's recommendations. The concurrent resolution shall advise the Governor of the Legislature's specific objections to the recommendations and shall direct the Education Mandate Review Study Commission to submit to the Governor, within 60 days of the Legislature's concurrent resolution, revised recommendations that respond to the Legislature's objections.

CA-20 - Authorizing Purchasing Consultant to Prepare Specifications and Advertise for Bids for Cleaning Service for the Police Department and New Community Center and Window Washing Service for the Police Department, New Community Center and Borough Hall and Authorizing Rebid for Lease of the Constitution Park Food Stand

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:

- . Cleaning Service for the Police Department and New Community Center
- . Window Washing Service for the Police Department, New Community Center & Borough Hall

BE IT FURTHER RESOLVED that the Purchasing Consultant is hereby authorized to advertise for rebids for:

- . The Lease of the Food Stand at Constitution Park

CA-21 - Approving Developers Agreement for G&J Realty, LLC for Property Located at 1402-1420 Bergen Boulevard, Block 2701, Lots 1-14

WHEREAS, the Planning Board of the Borough of Fort Lee adopted a resolution approving a development by G&J Realty, LLC (the "Developer") for property located in Block 2702, Lots 1-14, also known as 1402-1420 Bergen Boulevard, Borough of Fort Lee, County of Bergen and State of New Jersey; and

WHEREAS, the Resolution was conditioned upon the Developer entering 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 the Developer and the cash deposits made by the Developer 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 the Developer.

CA-22 - Authorizing Settlement of Tax Appeal Litigation Entitled Demetrios Fosteris, 1505 John Street, Block 3602, Lot 2, vs. Borough of Fort Lee

WHEREAS, Demetrios Fosteris is the owner of certain commercial premises located at 1505 John Street, also known as Block 3602, Lot 2; and

WHEREAS, the property owner filed a tax appeal for 2004 against the Borough of Fort Lee in a matter entitled Fosteris vs. Borough of Fort Lee, under Docket No. 2359-04; and

WHEREAS, it has been recommended by the tax appeal attorney that the matter be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Fosteris vs. Borough of Fort Lee, under Docket Nos. 2359-04 and 2136-05, so that the 2004 and 2005 assessments will be reduced from \$3,766,500 to \$3,466,500; and

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

CA-23 - Authorizing Settlement of Tax Appeal Litigation Entitled Exxon Mobil Corp., 1175 and 1175 Palisade Avenue and 1616 Palisade Avenue, Various Blocks and Lots, vs. Borough of Fort Lee

WHEREAS, Exxon Mobil Corp. is the owner of certain vacant property located at Block 1304, Lots 1 (1177 Palisade Avenue) and 2 (1175 Palisade Avenue) and a gas station premises located at Block 3402, Lot 10 (1616 Bergen Boulevard); and

WHEREAS, the property owner filed a tax appeal for 2004 against the Borough of Fort Lee in matters entitled Exxon-Mobil Corp. vs. Borough of Fort Lee, under Docket No. 2528-04, regarding the vacant land, and Docket No. 1757-04, regarding the gas station property; and

WHEREAS, it has been recommended by the tax appeal attorney that the matters be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Exxon-Mobil Corp. vs. Borough of Fort Lee, under Docket Nos. 2528-04 and 1757-04, so that the 2004 appeal on the vacant contiguous parcels will be withdrawn, and the 2004 assessments on

the gas station property reduced from \$1,970,700 to a total of \$1,850,000 and the 2005 assessment reduced from \$1,970,700 to a total of \$1,750,000; and

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

CA-24 - Authorizing Settlement of Tax Appeal Litigation Entitled Fort Washington Associates, 1575 Palisade Avenue, Block 4202, Lot 22, vs Borough of Fort Lee

WHEREAS, Fort Washington Associates is the owner of certain commercial premises located at 1575 Palisade Avenue, also known as Block 4202, Lot 22; and

WHEREAS, the property owner filed a tax appeal for 2004 against the Borough of Fort Lee in a matter entitled Fort Washington Associates vs. Borough of Fort Lee, under Docket No. 1752-04; and

WHEREAS, it has been recommended by the tax appeal attorney that the matter be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Fort Washington Associates vs. Borough of Fort Lee, under Docket No. 1752-04, so that the 2004 and 2005 assessments will be reduced from \$1,933,800 to \$1.5 million; and

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

CA-25 - Authorizing Settlement of Tax Appeal Litigation Entitled Mediterranean House, 505 North Avenue, Block 3404, Lot 3, vs. Borough of Fort Lee

WHEREAS, Mediterranean House is the owner of certain residential condominium premises located at 505 North Avenue, also known as Block 3403, Lot 3; and

WHEREAS, the property owner filed a tax appeal against the Borough of Fort Lee in a matter entitled Mediterranean House vs. Borough of Fort Lee, under Docket No. 2524-04; and

WHEREAS, it has been recommended by the tax appeal attorney that the matter be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Mediterranean House vs. Borough of Fort Lee, under Docket No. 2524-04, so that the 2004 appeal will be withdrawn, the 2005 assessment reduced from \$30,028,500 to \$29,528,500, and the 2006 assessment frozen at the 2005 level, and

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

CA-26 - Authorizing Planning Board to Conduct a Study and Hearing on the Kwasha/Lipton Property at 2100 North Central Road, Block 6105, Lot 1, (Redevelopment Area 2)

WHEREAS, N.J.S.A. 40A:12A-1, *et. seq.*, known as The Local Redevelopment and Housing Law, provides, in pertinent part, that a local governing body may cause a preliminary investigation to be made as to whether an area is in need of redevelopment; and

WHEREAS, the Mayor and Council of the Borough of Fort Lee has determined that the property described below should be preliminarily investigated by the Planning Board of the Borough of Fort Lee to determine whether the area is in need of redevelopment, as more specifically provided in The Local Redevelopment and Housing Law;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee as follows:

1. The Planning Board of the Borough of Fort Lee be and hereby is authorized to make a preliminary investigation to determine whether the area described below may qualify as an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5, and that the Mayor and Council hereby assigns the conduct of the investigation, and the hearing as required by statute, to the Planning Board of the Borough of Fort Lee.

2. The area to be investigated by the Planning Board pursuant to this Resolution consists of Block 6105, Lot 1, commonly known as 2100 North Central Road, as shown on the tax map of the Borough of Fort Lee, an excerpt of which is attached to this resolution as Exhibit A. The site is also commonly known as the Kwasha/Lipton property.

3. The Planning Board is also directed to consider whether the property to be investigated should be included in Redevelopment Area 2 which was the subject of a study commissioned by the Planning Board in May of 2002. Redevelopment Area 2 included Lot 2, Block 6105 in that study which, with the property to be investigated pursuant to this resolution, constitutes the entire Block 6105.

4. The Borough Clerk be and hereby is authorized and directed to forward a certified copy of this Resolution to the Secretary of the Planning Board, to all duly constituted members of the Planning Board, and to the attorney for the Planning Board.

CA-27 - Awarding Contract to Macdel Engineering, Clifton, New Jersey to Provide Surveying Services for 2005 Hoyt Avenue, 153 Main Street and 69 Main Street - Fee Not to Exceed \$13,500 Plus \$250.00 Fee for Setting Each of the Property Corners if Necessary

WHEREAS, there exists a need for surveying services for certain properties within the Borough of Fort Lee which have been determined to be necessary for acquisition as part of the Borough of Fort Lee's Road Widening Project; and

WHEREAS, the firm of Macdel Engineering, having its offices at 969 Paulison Avenue, in Clifton, New Jersey 07011-3629, submitted proposals to perform surveying services to the Office of Economic Development and the provision of such services are professional services under the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, as a professional services, surveying services may be awarded without competitive bids; and

WHEREAS, the Borough has funds available for the retention of Macdel Engineering for the purpose of providing the surveying services,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Fort Lee as follows:

BE IT RESOLVED that Macdel Engineering is hereby retained to provide surveying services pursuant to the proposals submitted under date of August 2, 2005, and attached hereto as Exhibit A: and be it further

BE IT FURTHER RESOLVED that the surveying services to be provided shall be performed on:

- 1) Block 4802, Lots 2 and 3, being commonly known as 2005 Hoyt Avenue for the fee of \$3,700.00; and
- 2) Block 4802, Lot 4, being commonly known as 153 Main Street for the fee of \$2,400.00; and
- 3) Block 4305, Lots 23, 25 and 27, being commonly known as 69 Main Street for the fee of \$7,400.00; and;
- 4) Additional services, including setting of property corners at a fee of \$250.00 per site, shall be subject to prior approval; and

BE IT FURTHER RESOLVED that the total fees approved pursuant to this Resolution are not to exceed **\$13,500.00** for the purpose of conducting the surveying services; and

BE IT FURTHER RESOLVED that a copy of the proposal and a form of Contract as prepared by counsel for the Borough of Fort Lee along with this Resolution shall be placed and filed with the Clerk of the Borough; and

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

BE IT FURTHER RESOLVED that a notice of the award of this Professional Services Contract shall be published in accordance with the Local Public Contracts Law in the official newspaper of the Borough of Fort Lee.

CA-28 - Awarding Contract to Dresdner Robin, Jersey City, New Jersey to Provide Environmental Consulting Services for Property Located at 2005 Hoyt Avenue, 153 Main Street and 69 Main Street - Fee Not to Exceed \$14,400

WHEREAS, there exists a need for environmental assessment services for certain properties within the Borough of Fort Lee which have been determined to be necessary for acquisition as part of the Borough of Fort Lee's Road Widening Project; and

WHEREAS, the firm of Dresdner Robin, having its offices at 371 Warren Street, in Jersey City, New Jersey 07302-3035, has submitted proposals to perform environmental assessment services to the Office of Economic Development and the provision of such services are professional services under the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, as a professional services, environmental assessment services may be awarded without competitive bids; and

WHEREAS, the Borough has funds available for the retention of Dresdner Robin for the purpose of providing the environmental assessment services,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Fort Lee as follows:

BE IT RESOLVED that Dresdner Robin is hereby retained to provide environmental assessment services pursuant to the proposals submitted under date of August 2, 2005, and attached hereto as Exhibit A: and

BE IT RESOLVED that the environmental assessment services to be provided shall be performed on

- 1) Block 4802, Lots 2 and 3, being commonly known as 2005 Hoyt Avenue for the fee of \$4,800.00; and
- 2) Block 4802, Lot 4, being commonly known as 153 Main Street for the fee of \$4,800.00; and
- 3) Block 4305, Lots 23, 25 and 27, being commonly known as 69 Main Street for the fee of \$4,800.00; and
- 4) Testimony and additional services shall be subject to prior approval; and

BE IT FURTHER RESOLVED that the total fees approved pursuant to this Resolution are not to exceed **\$14,400.00** for the purpose of conducting the environmental assessment services; and

BE IT FURTHER RESOLVED that a copy of the proposal and a form of Contract as prepared by counsel for the Borough of Fort Lee along with this Resolution shall be placed and filed with the Clerk of the Borough; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for this contract; and

BE IT FURTHER RESOLVED that a notice of the award of this Professional Services Contract shall be published in accordance with the Local Public Contracts Law in the official newspaper of the Borough of Fort Lee.

CA-29 - Amending Contract of Basil Taha of the Firm Lawless & Mangione, Yonkers, New York, to Complete the Contract Documents, Design and Bidding to Effectuate the Repairs to the Borough Hall Dome - \$6,000

WHEREAS, the Borough of Fort Lee wishes to continue to effectuate repairs to the Borough Hall facade and dome; and

WHEREAS, on January 23, 2003 the Borough retained Basil F. Taha of the firm of Lawless & Mangione, LLP, 480 North Broadway, Yonkers, New York, 10701, with respect to investigating the integrity of the Borough Hall dome, preparation of a report thereon, preparation of contract specification documents and contract administration, all as set forth in the proposal of October 31, 2002 at a cost of \$13,500; and

WHEREAS, Mr. Taha reviewed the original investigation report dated July 14, 2003 and visited the site on July 14, 2005 to review the existing condition of the dome,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the Borough does hereby amend the contract of the firm Lawless & Mangione by an additional \$6,000 as

outlined in their July 18, 2005 proposal to complete the contract documents, design and bidding documents in preparation for making permanent repairs to the Borough Hall facade and dome;
and

BE IT FURTHER RESOLVED that the aforesaid amendment to this contract is subject to and conditioned upon written certification from the Chief Financial Officer of the current availability of funds; and

BE IT FURTHER RESOLVED that a copy of this resolution and the original contract shall be kept on record in the Borough Clerk's Office for public inspection, pursuant to law.

CA-30 - Authorizing Acceptance of \$100,000 Community Development Block Grant for Improvements to the Richard A. Nest Senior Citizens' Center

BE IT RESOLVED, that the Mayor and Council of the Borough of Fort Lee wishes to enter into a grant agreement with the County of Bergen for the purpose of using **\$100,000** in 2005 Community Development Block Grant Funds for improvements to the Richard A. Nest Senior Citizens' Center; and

BE IT FURTHER RESOLVED, that the governing body hereby authorizes Mayor Jack Alter to be a signatory to the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Joseph Iannaconi, Chief Financial Officer, to sign all county vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Fort Lee is liable for any funds not spent in accordance with the Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

CA-31 - Awarding Contract to Schoor DePalma, Manalapan, New Jersey, to Provide Traffic Engineering Services for the Placement of Speed Humps in the Roadways by the Linwood Apartment Complex - \$5,000

WHEREAS, the Mayor and Council of the Borough of Fort Lee wish to place speed humps in the roadways by the Linwood Apartment complex; and

WHEREAS, the appropriate engineer for the design, specifications, review of bids and final inspection for the placement of the speed humps has been determined; and

WHEREAS, that the aforesaid award of contract is a specific exception to the public bidding laws as a professional service contract, thereby dispensing with the necessity of public bidding;

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

1. Schoor DePalma with offices located at Justin Corporate Center, 200 State Highway 9, Box 900, Manalapan, New Jersey 07726-0900 is awarded a contract to provide the aforementioned services at a fee of **\$5,000.00**.

2. Schoor DePalma will bill at its standard hourly rate for any work required outside the scope discussed above; and

BE IT FURTHER RESOLVED that the Borough Attorney shall prepare a contract which is to be executed by the Mayor and Borough Clerk for this project; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for the project; and

BE IT FURTHER RESOLVED that the original proposal and contract are available in the Borough Clerk's office; and

BE IT FURTHER RESOLVED that the Borough Clerk shall advertise the award of the contract in a legal newspaper.

Nina Levinson, 1560 West Street, spoke to the salary resolutions and questioned CA-14, CA-22, CA-23, CA-24, CA-25, CA-27, CA-28 and CA-29.

Mr. Cervieri responded to CA-14. Ms. Thomas and Mr. Pohan replied to CA-22, CA-23, CA-24 and CA-25. Mr. Pohan answered CA-27 and CA-28, and Mayor Alter spoke to CA-29.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilwoman Kasofsky**, the Consent Agenda (items CA-1 through CA-31) was **approved unanimously**.

RESOLUTION

R-1 - Appointment of Seven (7) Special Law Enforcement Officers

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

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE APPOINTING CLASS ONE SPECIAL LAW ENFORCEMENT OFFICERS

WHEREAS, the Mayor and Council of the Borough of Fort Lee created the position of Class One Special Law Enforcement Officer with the adoption of Ordinance #2004-13; and

WHEREAS, the Mayor and Council of the Borough of Fort Lee feel that it is necessary to hire Class One Special Law Enforcement Officers to assist the Fort Lee Police Department,

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

1. The following individuals shall be appointed to the position of Class One Special Law Enforcement Officer:

Timothy Carroll, William Castillo, Linda Flores,
Kevin Milligan, Diane Ocasio, Marc Russo,
Allan Torres

2. These appointments are subject to the individuals being fully qualified to perform the duties of Class One Special Law Enforcement Officers under federal, state, and local laws and regulations.

3. The Class One Special Law Enforcement Officer position is a part-time position. The officers shall be paid at a rate of \$15.00 per hour and work less than twenty (20) hours per week with no health benefits and no other benefits other than workmen's compensation and liability insurance coverage.

4. These individuals shall be appointed for a term of eleven months commencing August 27, 2005.

BE IT FURTHER RESOLVED that the appointment list is available in the Office of the Borough Clerk.

The Resolution was **approved unanimously**.

COUNCIL REPORTS

Councilman Pohan - stated that because State aid was handed out late from Trenton, which in turned caused the Borough's budget to be adopted in July, the tax bills which just went out last week are payable by September 6th without interest or penalty.

He mentioned that Tom Meyers, Director of Cultural & Heritage Affairs, has been named as a member of the Celebrate New Jersey Advisory Board. The purpose of the organization is to promote the rich history of New Jersey and to highlight the history of such New Jersey towns as Fort Lee.

He stated that the Fort Lee Film Commission is happy to announce that the fall 2005 Cliffhanger - Movies on the Hudson film festival will commence on September 24th at 1:00 p.m. at the Fort Lee Historic Park on Hudson Terrace. He read the following list of movies that are going to be shown:

<u>Date</u>	<u>Movie</u>
1. September 24 th	Forces of Evil (1948)
2. October 15 th	Cop Land (1997)
3. November 26 th	The Wrong Man (1957)
4. December 10 th	The Seven-Ups (1973)

He read the list of movies and bands that are going to be at Constitution Park through August 31st for the continuing music and movie series that is held every Wednesday night throughout the summer.

Councilman Sokolich - reminded the public that he will not be at Monument Park to discuss any items they want to address with him. He said he will resume the public forums beginning in early September.

Councilman Villano - had no report tonight.

Councilwoman Kasofsky - reminded everyone not to drive drunk during Labor Day weekend. She wished everyone a safe and happy holiday.

Councilman Cervieri - read the following memo from Thomas Ripoli, Police Chief:

"As you may recall, on June 14, 2005 Melissa Algreen, a 22-year-old Fort Lee resident and graduate of Fort Lee High School was struck by a car in front of 1450 Palisade Avenue. Melissa was seriously injured and remains in a coma. Due to her prolonged treatment, her family is experiencing some problems with medical expenses.

Police Officer Edward Young as well as members of Fort Lee P.B.A. Local #245 held a fundraiser for Melissa on Monday, August

15, 2005. All proceeds from this fundraiser were given to the Algreen family.

I would like to recognize all the officers involved with the fundraiser. They are a credit to themselves, the Fort Lee Police Department and the community that they serve."

He wished everyone a good forthcoming Labor Day holiday.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	Police Specials	Ms. Thomas

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

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, July 21, 2005 @ 8:00 p.m.

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

PRESENT: Mayor 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, Chief Financial Officer
Steve Wielkocz, Borough Auditor

MAYOR'S REPORT AND ANNOUNCEMENTS

Council President Pohan noted that the Mayor is being interviewed upstairs. Mr. Pohan will be chairing the meeting until the Mayor returns from his interview.

PROCLAMATION

P-1 - NATIONAL FARMERS MARKET WEEK - August 7-13, 2005

By the Secretary of Agriculture of the United States of America

WHEREAS, farmers markets are important, nationwide outlets for agricultural producers to increase marketing opportunities; and

WHEREAS, over 3,700 farmers markets across the Country offer consumers farm-fresh, affordable, convenient, and healthy products such as: fruits, vegetables, cheeses, herbs, fish, flowers, baked goods, meat, and much more; and

WHEREAS, farmers markets serve as integral links between urban, suburban, and rural communities, affording farmers and their consumers the opportunity to interact; and

WHEREAS, the popularity of farmers markets continues to rise, as more and more consumers discover the joys of shopping for unique ingredients sold direct from the farm, and the pleasure of buying familiar products in their freshest possible state; and

WHEREAS, farmers markets support local anti-hunger initiatives, through which farmers donate unsold food and food products to programs that feed the needy; and

WHEREAS, the United States Department of Agriculture strongly supports and promotes the development and operation of farmers markets and other direct-to-consumer marketing activities for agricultural producers,

NOW, THEREFORE, I, Mike Johanns, Secretary of Agriculture of the United States of America, do hereby proclaim the week of August 7-13, 2005 National Farmers Market Week, to further the expansion and awareness of farmers markets and the contributions farmers make to daily life in America. I encourage all people of the United States to celebrate the benefits of farmers markets

and the bountiful production of our Nations's farmers who, while providing for our needs, are among the best stewards of our land.

Mr. Pohan noted that the Borough's Farmers Market will be continuing throughout the summer every Sunday from 8:00 a.m. until 2:00 p.m. in the municipal parking lot.

MAYOR'S STATEMENT

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

1. On January 2, 2005, 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 3, 2005, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2005 to cover the cost of providing notice.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the June 23, 2005 Executive Session were approved with Councilman Sokolich abstaining.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the June 23, 2005 Regular Meeting were approved with Councilman Sokolich abstaining.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the June 29, 2005 Special Meeting were approved with Councilman Sokolich abstaining.

INTRODUCTION OF ORDINANCES

Ordinance #2005-27 - Bond Ordinance for Domestic Preparedness Grant for Firefighter Equipment - \$121,800 (Federal Grant 90%) - (Borough's Share 10% - \$12,180)

On motion by Councilman Cervieri, seconded by Councilman Villano, and carried, Ord. #2005-27 entitled, "AN ORDINANCE OF THE BOROUGH OF FORT LEE IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE PURCHASE OF DOMESTIC PREPAREDNESS EQUIPMENT FOR THE FIREFIGHTERS SAFETY PROGRAM FOR THE BOROUGH OF FORT LEE AND APPROPRIATING \$121,800 THEREFORE AND PROVIDING FOR THE ISSUANCE OF \$11,571 IN BONDS OR NOTES OF THE BOROUGH OF FORT LEE TO FINANCE THE SAME" was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **August 18, 2005**

AYES: Council Members Sokolich, Villano, Kasofsky, Cervieri, Pohan

**Ordinance #2005-28- Abolishing the Paid Position of Deputy
Emergency Management Coordinator**

On motion by Councilman Cervieri, seconded by Councilman Villano, and carried, Ord. #2005-28 entitled, "AN ORDINANCE OF THE BOROUGH OF FORT LEE ABOLISHING THE PAID POSITION OF THE DEPUTY EMERGENCY MANAGEMENT COORDINATOR," was introduced and passed on first reading **by title only**.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **August 18, 2005**.

**AYES: Council Members Sokolich, Villano, Kasofsky, Cervieri,
Pohan**

PUBLIC HEARINGS

**Ordinance #2005-21 - Bond Ordinance for Various Capital
Improvements - \$1,746,750**

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky and carried, the public hearing was opened relative to Ord. #2005-21 entitled, "AN ORDINANCE OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE BOROUGH OF FORT LEE AND APPROPRIATING \$1,746,750 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,659,411 IN BONDS OR NOTES OF THE BOROUGH OF FORT LEE TO FINANCE THE SAME."

Nina Levinson, 1560 West Street, asked if this bond ordinance is included in the budget.

Ms. Thomas replied only the down payment is included in the budget as it is a capital ordinance.

Mr. Cervieri stated that the bond is paid off over a fifteen year period.

Ms. Levinson and Mr. Cervieri spoke about the amortization schedule to include the correct amount of interest that is paid on the bond.

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

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

**AYES: Council Members Sokolich, Villano, Kasofsky, Cervieri,
Pohan**

**Ordinance #2005-22 - Amending Chapter 388, Section 51,
Schedule VII, One-Way Streets at Edsall Boulevard West From Inwood
Terrace to 16th Street**

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky and carried, the public hearing was opened relative to Ord. #2005-22 entitled, "AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 388, SECTION 51, VEHICLES AND TRAFFIC, OF THE CODE, OF THE BOROUGH OF FORT LEE."

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

Mr. Cervieri stated that this is a safety measure proposed by the Police Department that will provide for pedestrian safety next to the new community center.

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

Ordinance #2005-23 - Amending Chapter 388, Section 53, Schedule IX, Stop Intersections - Edsall Boulevard & 16th Street

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky and carried, the public hearing was opened relative to Ord. #2005-23 entitled, "AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 388, SECTION 53, VEHICLES AND TRAFFIC, OF THE CODE, OF THE BOROUGH OF FORT LEE."

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

Mr. Cervieri stated that his comments pertaining to this ordinance follow what he mentioned with Ordinance #2005-22.

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

Ordinance #2005-24 - Amending Chapter 410, "Zoning" of the Revised General Ordinances of the Borough of Fort Lee to Designate the Borough Into 34 Zones

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky and carried, the public hearing was opened relative to Ord. #2005-24 entitled, "AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 410 ZONING OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE".

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

Mr. Villano asked for a clarification with regard to the various zone designations.

Mr. Cervieri replied that the ordinance deals with the reducing of the R-10a zone for the affordable housing units that are planned in that area.

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

Ordinance #2005-25 - An Ordinance to Adopt a Redevelopment Plan for Redevelopment Area D-4 and to Amend the Zoning Map of the Borough of Fort Lee

On motion by Councilman Cervieri, seconded by Councilman Sokolich and carried, the public hearing relative to Ord. #2005-25 entitled, "AN ORDINANCE TO ADOPT A REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA D-4 AND TO AMEND THE ZONING MAP OF THE BOROUGH OF FORT LEE" was postponed unanimously to August 18, 2005.

Ordinance #2005-26 - Amending Chapter 410, "Zoning" of the Revised General Ordinances of the Borough of Fort Lee to Modify the Borough's Off-Street Parking Regulations to Include Various Blocks and Lots That Were Not Included in Ordinance #2005-10 (Originally Adopted May 12, 2005)

On motion by Councilwoman Kasofsky, seconded by Councilman Villano and carried, the public hearing was opened relative to **Ord. #2005-26** entitled, "AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 410 ZONING OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE."

Nina Levinson, 1560 West Street, asked for a clarification of the ordinance.

Mr. Pohan explained that an ordinance was passed a few regular meetings ago which relaxed the parking requirements in the central business district. At that time studies had shown that even without public parking, the requirements laid out in the ordinances from the 1970's when Fort Lee was more suburban, were not really appropriate for what has become more of a city environment. This ordinance expands the area to include the property on the west side of Lemoine Avenue including the Whiteman Mall.

Ms. Levinson spoke to a general shortage of parking in the Borough.

Mr. Sokolich replied that there is a difference with parking related to new development and what pre-exists. This ordinance is in response to what reality is today as distinguished from new development.

Mr. Pohan stated that Paul Phillips, Borough Planner, is in attendance and that he asked him to come forward to explain the rationale for this ordinance.

Mayor Alter arrived at this point in the meeting at 8:19 p.m. and chaired the remainder of the meeting.

Mr. Phillips explained that two months ago, the Borough instituted relaxed parking standards to reflect the built up downtown conditions within the C-1 and C-2 districts. All this ordinance does is basically include property that was inadvertently omitted when the original ordinance was adopted. The ordinance if adopted will make the entire C-2 zone covered.

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

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

AYES: Council Members Pohan, Sokolich, Villano, Kasofsky

ABSTENTION: Councilman Cervieri

MUNICIPAL BUDGET RESOLUTION

R-1A - Budget Amendment

Mr. Grant read the budget amendment resolution in full.

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

WHEREAS, the local municipal budget for the year 2005 was introduced on the 10th day of March, 2005; and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired to amend said approved budget,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fort Lee, County of Bergen that the following amendment to the approved budget of 2005 be made:

CURRENT FUND BUDGET

ANTICIPATED REVENUES	<u>From</u>	<u>To</u>
3. Miscellaneous Revenues - Section A: Local Revenues		
Borough of Cliffside Park-Sewer Fees	\$0.00	\$353,000.00
Recreation Fees	1,000.00	\$81,000.00
 Total Section A: Local Revenues	 \$2,111,900.00	 \$2,544,900.00
3. Miscellaneous Revenues - Section B: State Aid Without Offsetting Appropriations		
Consolidated Municipal Property Tax Relief Aid	\$823,675.00	\$774,402.00
Energy Receipts Tax	\$1,338,331.00	\$1,387,604.00
Extraordinary Aid	\$0.00	\$350,000.00
Garden State Trust	\$374.64	\$375.00
Homeland Security Assistance	\$0.00	\$140,000.00
 Total Section B: State Aid Without Offsetting Appropriations	 \$2,371,843.64	 \$2,861,844.00
Municipal Recycling Assistance	\$0.00	\$8,666.06
Clean Communities 2005	\$0.00	\$31,715.11
 Total Section F: Special Items of General Revenue Anticipated With Prior Written Consent of Director of Local Government Services - Public and Private Revenues	 \$272,467.37	 \$312,848.54
 TOTAL MISCELLANEOUS REVENUES	 \$5,986,711.01	 \$6,950,092.54
5. SUBTOTAL GENERAL REVENUES (Items 1,2,3 and 4)	\$9,226,711.01	\$10,190,092.54
6. Amount to be Raised by Taxes for Support of Municipal Budget:		
(A) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	\$43,936,942.36	\$43,013,942.00
 TOTAL AMOUNT TO BE RAISED BY TAXES FOR SUPPORT OF MUNICIPAL BUDGET	 \$43,936,942.36	 \$43,013,942.00
7. TOTAL GENERAL REVENUES (Items 5 and 6)	\$53,163,653.37	\$53,204,034.54
 APPROPRIATIONS	 <u>From</u>	 <u>To</u>
Public and Private Programs Offset by Revenues		
Municipal Recycling Assistance	\$0.00	\$8,666.06
Clean Communities 2005	\$0.00	\$31,715.11
 Total Public and Private Programs Offset by Revenues	 \$287,181.37	 \$327,562.54
 TOTAL OPERATIONS - EXCLUDED FROM CAPS	 \$12,565,674.37	 \$12,606,055.54

Detail:		
Salaries and Wages	\$201,974.00	\$201,974.00
Other Expenses	\$12,363,700.37	\$12,404,081.54
(H-2) TOTAL GENERAL APPROPRIATIONS FOR MUNICIPAL PURPOSES EXCLUDED FROM "CAPS"	\$19,612,001.37	\$19,652,382.54
(O) TOTAL GENERAL APPROPRIATIONS - EXCLUDED FROM "CAPS"	\$19,612,001.37	\$19,652,382.54
(L) SUBTOTAL GENERAL APPROPRIATIONS (Items H-1 and O)	\$51,313,653.37	\$51,354,034.54
9. TOTAL GENERAL APPROPRIATIONS	\$53,163,653.37	\$53,204,034.54

BE IT RESOLVED that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the 2005 Local Municipal Budget so amended.

IT IS HEREBY CERTIFIED that the Amended Budget hereto and hereby made a part hereof is a true copy of the Amended Budget approved by resolution of the Governing Body on the 21st day of July, 2005.

Steve Wielkocz, Borough Auditor, stated that the Borough was successful in receiving \$350,000 in extraordinary aid from the State. The State also reinstated the Homeland Security Assistance Grant Program in which the Borough received \$140,000. In addition because it is so far into the year, other revenues have been inserted into the budget. This amendment reduces the amount to be raised by taxation from the introduced budget by about \$923,000. With this amendment the municipal tax rate will go from 69.2 in 2004 to 74.1 in 2005, which is a 4.9% tax increase for municipal purposes.

Mayor Alter spoke to the tax rate. Usually the expenses go up by some percentage and the ratables go up by some percentage, and the net effect is that it is close to a wash. This year the ratables went down by \$100,000,000 and the expenses were controlled very well going up slightly above 3.5%. That is good considering the labor agreements went up by 3.5% and the amount the Borough has to pay for health insurance. If things had worked out normally, there may have been no municipal tax increase this year; however, the Borough was not that lucky. Nevertheless, the Borough is looking at a 6.9% tax increase. Hopefully, next year the Borough will do a lot better.

The Resolution to amend the budget was **approved** on the following roll call:

AYES: Council Members Pohan, Sokolich, Villano, Kasofsky, Cervieri

R-2 - Adoption of Municipal Budget

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

BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee of the County of Bergen that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$47,560,640.36 for municipal purposes, and

- (a) \$43,013,942.00 (Item 2 below) for municipal purposes, and**
- (b) \$0.00 (Item 3 below) for school purposes in Type I**

School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation, and

{C} _____ (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18:9-3) and the certification to the County Board of Taxation of the following summary of general revenues and appropriations.

SUMMARY OF REVENUES

1. General Revenues		
Surplus Anticipated	08-100	\$1,900,000.00
Miscellaneous Revenues Anticipated	40004-10	\$6,950,092.54
Receipts from Delinquent Taxes	15-499	\$1,340,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)		
	07-19	\$43,013,942.00
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE 1 SCHOOL DISTRICTS ONLY		
Item 6, Sheet 42	07-195	
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only		\$43,013,942.00
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:		
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-195	
Total Revenues	40000-10	\$53,204,034.54

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:		
Within "CAPS"		
(a&b) Operations Including Contingent		\$30,650,655.00
(e) Deferred Charges and Statutory Expenditures - Municipal		\$1,050,997.00
Excluded from "CAPS"		
(a) Operations - Total Operations Excluded from "CAPS"		12,606,055.54
{c} Capital Improvements		150,000.00
(d) Municipal Debt Service		6,742,327.00
(e) Deferred Charges - Municipal		154,000.00
(m) Reserve for Uncollected Taxes (Include Other Reserves if any)		1,850,000.00
Total General Appropriations		\$53,204,034.54

The Resolution to **adopt** the 2005 municipal budget was **approved** on the following roll call:

AYES: Council Members Pohan, Sokolich, Villano, Kasofsky, Cervieri

It is hereby certified that the withing budget is a true copy of the budget finally **adopted by resolution of the Governing Body on the 21st Day of July, 2005**. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2005 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

**Certified by me on this 21st day of July, 2005
Neil Grant, Borough Clerk**

Mr. Wielkocz left after this portion of the meeting.

PROPOSED CONSENT AGENDA

On motion by Councilman Pohan, seconded by Councilwoman Kasofsky, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-21.

CA-1 - Payment of Claims

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

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$7,571,860.99
Capital	797,436.78
Multiple Dwelling	n/a
Construction Fees	n/a
COAH Fees	n/a
Trust (Old)	682.48
Senior Citizen Advisory Council	3,657.90
Trip Admissions	8,560.00
Wedding Fees	n/a
Trust Account (Accutrack)	16,357.15
Police Activity Account	11,257.93
Special Dog Account	n/a
Senior Citizen Advisory Account	600.00
Centennial Fund	n/a
Disability Insurance Trust	n/a
Unemployment Compensation Trust	n/a
Public Assistance Trust Fund I	n/a
Fort Lee Film Commission	2,832.89
Redemption Account	<u>1,529.28</u>
Total:	\$8,414,775.40

CA-2 - Accepting Disability Retirement Notice from Dianne Southard, Senior Citizens' Center - Retroactive From July 1st

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the approval letter for an ordinary disability retirement from the State of New Jersey - Division of Pensions and Benefits for Dianne Southard of the Senior Citizens' Center, dated June 15, 2005 is hereby accepted, with an effective date retroactive to July 1, 2005.

CA-3 - Accepting Retirement Notice From Ethel Blumenthal, Health Department - Effective August 1st

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the retirement notice submitted by Ethel Blumenthal from the Health Department, dated April 4, 2005 is hereby accepted, with an effective date of August 1, 2005 from the Borough of Fort Lee.

CA-4 - Authorizing Hiring of Joseph Calabro and Joseph Rodriguez as Parking Enforcement Officers for the Parking Authority

WHEREAS, there are vacancies in the position of Parking Enforcement Officer with the Fort Lee Parking Authority, and the Mayor and Council have determined that these vacancies should be filled,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the following be appointed to the

position of Parking Enforcement Officer with the Parking Authority;
and

Joseph A. Calabro
Joseph Rodriguez

BE IT FURTHER RESOLVED that these appointments shall have an effective starting retroactive to July 1, 2005 with hours of employment and rate of compensation as established by the Parking Authority.

CA-5 - Authorizing Hiring of Clean Community Employees - \$7.00 Hourly

WHEREAS, Clean Community positions exist within the Borough of Fort Lee for 2005,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, that the following individuals be hired at the following hourly rates of compensation listed respectively, retroactive to July 11, 2005:

Chris Valacer	Laborer	\$7.00
Alex Steiner	Laborer	\$7.00

Note: Both Employees if Driving Receive Wages Up to \$8.50
Per Hour

CA-6 - Accepting \$35,000 Grant from the New Jersey Department of Community Affairs for a Statewide Livable Communities Grant for a New Boiler for the Fort Lee Public Library

WHEREAS, the Governing Body of the Borough of Fort Lee received notice from the New Jersey Department of Community Affairs of its eligibility to receive a Local Library Aid Grant in the amount of \$35,000; and

WHEREAS, the purpose of the Grant is for the purchase of a new boiler,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of Borough of Fort Lee, that the Governing Body does hereby accept the Grant of \$35,000 for the purposes described herein; and

BE IT FURTHER RESOLVED, that the Mayor of the Borough of Fort Lee be and hereby is authorized to execute a Grant Agreement with the New Jersey Department of Community Affairs on behalf of the Borough of Fort Lee, and upon execution of said Agreement, the Borough of Fort Lee does accept the Terms and Conditions specified in the Agreement in connection with this Grant.

CA-7 - Authorizing Payment to J. Fletcher Creamer & Son, Inc., Hackensack, New Jersey, for Repairs of a Sewer Main Break at Lemoine Avenue and Bridge Plaza South - \$34,626.50

WHEREAS, an emergency condition exists by the way of sewer repairs at Lemoine Avenue and Bridge Plaza South; and

WHEREAS, said repairs of a sewer pipe break were declared an extreme emergency; and

WHEREAS, on the recommendations of the Superintendent of the Department of Public Works, and the Supervisor of Sewers, J. Fletcher Creamer and Son, Inc. was immediately retained on an

emergency basis,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee authorizes payment to J. Fletcher Creamer & Son, Inc., 101 East Broadway, Hackensack, New Jersey 07601 in the amount of **\$34,626.50**; and

BE IT FURTHER RESOLVED that the Chief Financial Officer's Certificate of Availability of Funds is on file in the Office of the Borough Clerk and funds are available under the capital account #04-2225-00-0002-01.

CA-8 - Authorizing the Purchasing Consultant to Prepare Specifications and Advertise for Bids for the Main Street Streetscape IIA Project From Borough Hall to Linwood Avenue

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:

- . Main Street Streetscape IIA - From Borough Hall to Linwood Avenue

CA-8A - Authorizing the Purchasing Consultant to Prepare Specifications and Advertise for Bids for a Synthetic or Artificial Type Playing Surface for the Lewis F. Cole Middle School Field

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:

- . Resurfacing of Lewis F. Cole Middle School Field With a Synthetic or Artificial Type Playing Surface

CA-9 - Awarding Contract to Schoor DePalma, Manalapan, New Jersey, Contract to Provide Traffic Engineering Services for the Improvements to Main Street and Hudson Terrace - \$223,800

WHEREAS, the Mayor and Council of the Borough of Fort Lee plan to make roadway improvements to Main Street and Hudson Terrace; and

WHEREAS, the anticipated roadway improvements are a design of a new at grade signalized intersection for Central Road and Bruce Reynolds Way; analyze and model traffic flow associated with the revised roadway network and coordinate efforts with various site projects that are proposed adjacent to the roadway improvements; and

WHEREAS, the appropriate engineer for the traffic improvement project has been determined; and

WHEREAS, that the aforesaid award of contract is a specific exception to the public bidding laws as a professional service contract, thereby dispensing with the necessity of public bidding;

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

1. Schoor DePalma with offices located at Justin Corporate Center, 200 State Highway 9, Box 900, Manalapan, New Jersey is awarded the contract to provide traffic engineering services for

the improvements to Main Street and Hudson Terrace.

2. Schoor DePalma shall coordinate a feasibility phase which shall consist of surveying and base mapping, traffic services, geotechnical investigations, coordination with site projects and the final concept development for a lump sum fee of one hundred seventeen thousand five hundred (\$117,500.00) dollars.

3. Schoor DePalma shall coordinate design phase which shall consist of highway design services, geotechnical services, structural design service and detailed traffic signal and electrical plans and the final concept development for a lump sum fee of eighty-four thousand three hundred (\$84,300.00) dollars.

4. Schoor DePalma shall attend bi-weekly status meetings with the County of Bergen, and other job meetings throughout development of the plans and specifications of the project for a lump sum fee of twenty-six thousand (\$26,000.00) dollars.

5. Schoor DePalma shall prepare and file the NJDEP Green Acres Diversion Application for an additional fee of eleven thousand (\$11,000.00) dollars.

6. Schoor DePalma shall be giving the Borough a \$5,000 credit for final design work and a \$10,000 credit for electrical plan work for the Central Avenue and Hudson Terrace Intersection which was in their original proposal back in 2004.

7. Schoor DePalma will bill at its standard hourly rate for any work required outside the scope discussed above.

8. Schoor DePalma final contract amount for this project is **\$223,800.00**

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for the project; and

BE IT FURTHER RESOLVED that the original proposal and contract are available in the Borough Clerk's office; and

BE IT FURTHER RESOLVED that the Borough Clerk shall advertise the award of the contract in a legal newspaper.

CA-10 - Supporting The Passage of S-1023 and A-1835 Requiring the State to Reimburse Municipalities for the Exemption of Disabled Veterans From Payment of Property Taxes

WHEREAS, the New Jersey Senate and Assembly have introduced Bill S-1023 and Bill A-1835, respectively, which in part require the State to reimburse municipalities for the exemption of disabled veterans from payment of property taxes; and

WHEREAS, the Bills require that each municipality return all taxes collected on the veteran's property after the effective date of the determination of total disability from the United States Department of Veterans Affairs, and require the State to reimburse municipalities for the amount of such property taxes returned to a totally disabled veteran pursuant to the requirements of the bill; and

WHEREAS, Mayor and Council of the Borough of Fort Lee recognize the bravery of the men and women of our armed services and thank them for their service to our County and for their valiant sacrifice for the Freedom which we all enjoy today; and

WHEREAS, the Borough of Fort Lee recognizes the justification for the exemption from and reimbursement of property taxes for 100% disabled veterans but notes that the exemption impacts the citizens of the Borough who would bear the burden of this exemption and reimbursement,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, does hereby strongly support the passage of Senate Bill S-1023 and Assembly Bill A-1835 for the reasons set forth herein and urges all municipalities of the State to resolve to support passage of said legislation; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Fort that the Municipal Clerk forward a copy of the resolution to Acting Governor Codey, District #38 State Senator and District 38 Assembly Persons, and to the surrounding municipalities.

CA-11 - Authorizing Final Settlement of Tax Appeal Litigation Entitled Marrone & Catanzaro, 1611 Valley Street, Block 3503, Lot 17, vs. Borough of Fort Lee

WHEREAS, Marissa Marrone and Anthony Catanzaro are the homeowners of 1611 Valley Street, also known as Block 3503, Lot 17; and

WHEREAS, a tax appeal settlement was approved by the Mayor and Council at its April 14, 2005 regular meeting (CA-5), which reduced the 2004 assessment from \$793,800 to \$700,000; and

WHEREAS, there is now an added assessment; and

WHEREAS, discovery has been completed and a final settlement negotiated and recommended,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize settlement of the litigation entitled Marrone & Catanzaro v. Borough of Fort Lee, under Docket No. 7451-04, so that the 2004 assessment will be reduced from **\$793,800 to \$712,000**; and

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

CA-12 - Authorizing Settlement of Tax Appeal Litigation Entitled Hudson City Savings Bank, 2013 Center Avenue, Block 4601, Lot 15, vs. Borough of Fort Lee

WHEREAS, Hudson City Savings Bank is the owner of property located at 2013 Center Avenue, also known as Block 4601, Lot 15; and

WHEREAS, a Tax Appeal is presently pending with regard to challenge of the 2004 assessment; and

WHEREAS, discovery has completed and settlement negotiated and recommended,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize settlement of the litigation

entitled Hudson City Savings Bank v. Borough of Fort Lee, under Docket No. 1253-04, so that the 2004 assessment will be reduced from **\$2,094,500 to \$2,050,000**; and

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

CA-13 - Authorizing Settlement of Tax Appeal Litigation Entitled Kihae & Soo W. Chung, 565 Main Street, Block 3512, Lot 9, vs. Borough of Fort Lee

WHEREAS, Kihae and Soo W. Chung are the owners of 565 Main Street, also know as Block 3512, Lot 9; and

WHEREAS, a Tax Appeal is presently pending with regard to challenge of the 2004 assessment; and

WHEREAS, discovery has been completed and settlement negotiated and recommended,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize settlement of the litigation entitled Kihae & Soo W. Chung v. Borough of Fort Lee, under Docket No. 1235-04, so that the 2004 assessment will be reduced from **\$873,500 to \$830,000**; and

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

CA-14 - Authorizing Settlement of Tax Appeal Litigation Entitled S&R Costa Realty, LP, 514 and 520 Main Street, Block 3605, Lots 2 & 3, vs. Borough of Fort Lee

WHEREAS, S&R Costa Realty, LP is the owner of property located at 514 (an older house on ½ acre) and 520 (an office building containing 13,240 square feet) Main Street, also known as Block 3605, Lot 3, and Block 3605, Lot 2, respectively; and

WHEREAS, a Tax Appeal is presently pending with regard to challenge of the 2004 assessments on each separately assessed parcel; and

WHEREAS, discovery has been completed and settlement negotiated and recommended,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize settlement of the litigation entitled S&R Costa Realty, LP v Borough of Fort Lee, under Docket No. 1544-04, so that the 2004 assessment for 514 Main Street will be reduced from **\$1,204,400 to \$1,104,400**, and the 2004 assessment for 520 Main Street will be reduced from **\$1,960,000 to \$1,850,000**; and

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

CA-15 - Authorizing Settlement of Tax Appeal Litigation Entitled Power Test Realty Co., LP, 2284 Route 4 West, Block 6401, Lot 4, vs. Borough of Fort Lee

WHEREAS, Power Test Realty Co., LP is the owner of a certain gas station property located at 2284 Route 4 West, also know as Block 6401, Lot 4; and

WHEREAS, the property owner filed a tax appeal against the Borough of Fort Lee in a matter entitled Power Test Realty Co., LP vs. Borough of Fort Lee, under Docket No. 2157-04; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize settlement of the litigation entitled Power Test Realty Co., LP v. Borough of Fort Lee, under Docket No. 2157-04, so that the 2004 appeal will be withdrawn and the 2005 assessment will be reduced from **\$1,582,600** to **\$1,500,000**; and

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

CA-16 - Authorizing Settlement of Tax Appeal Litigation Entitled Getty Petroleum Marketing, Inc., 1490 Bergen Boulevard, Block 3404, Lot 27, vs. Borough of Fort Lee

WHEREAS, Getty Petroleum Marketing, Inc., is the owner of a certain gas station property located at 1490 Bergen Boulevard, also know as Block 3404, Lot 27; and

WHEREAS, the property owner filed a tax appeal against the Borough of Fort Lee in a matter entitled Getty Petroleum Marketing, Inc. vs Borough of Fort Lee, under Docket No. 2158-04; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize settlement of the litigation entitled Getty Petroleum Marketing, Inc. vs. Borough of Fort Lee, under Docket No. 2158-04, so that the 2004 appeal will be withdrawn and the 2005 assessment will be reduced from **\$1,297,500** to **\$1,249,500**; and

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

CA-17 - Authorizing the Tax Appeals Attorney to File a Reinstatement to the Bergen County Tax Board Challenging Various 2005 Tax Assessments Made by the Borough's Tax Assessor

WHEREAS, in or about March, 2005, the Bergen County Board of Taxation ordered the tax assessor to roll back certain 2005 commercial real property tax assessments; and

WHEREAS, in or about May or June, 2005, the assessor again recommended to the County Tax Board certain reductions of assessments, for which the County Tax Board inadvertently issued judgments; and

WHEREAS, it is the opinion of tax counsel that those assessments, included on the list annexed hereto, should be rolled back to the 2004 revaluation level; and

WHEREAS, 2005 Tax Court complaints are pending with respect to 14 of the recently changed 2005 assessments, thereby rendering the Tax Board judgments to be void for lack of jurisdiction,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, that the Borough's real property tax counsel be and is hereby authorized and directed to file a request to the Bergen County Tax Board seeking the vacation of 14 2005 commercial tax assessments which were recommended by the Borough's tax assessor, so as to once again reinstate the 2004 revaluation assessment for each of these properties for tax year 2005; and

BE IT FURTHER RESOLVED that the tax council's July 6, 2005 notice to the Bergen County Tax Board be and is hereby ratified and confirmed.

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>TAX COURT DOCKET NO.</u>
Oakdene & Sixth Realty Co.	2701	1.02	1605-05
Aboudi, Wilson & Gloria	4202	25	1676-05
Blyth/Luvera/Gnasso	4302	8	
400 Kelby Associates	4502	1	898-05
2100 Linwood Avenue Owners	4601	2	912-05
Sun Chemical Management, LLC	4701	1	1433-05
Northbridge Park Co-op, Inc.	6202	1	882-05
2500 Lemoine Associates	7101	1	893-05
Tahari, Avraham & Susan	1303	13	992-05
J. Fletcher Creamer	2601	1	2296-05
Fosteris, Dimitrios, et al.	3602	2	2136-05
Town & Country Developers	4801	1	
C&K Holding Co., Inc.	4902	10	927-05
9W Office Building, LLC	5804	1	906-05
Parene Realty Co., LLC	6101	1	1674-05
Parene Realty Co., LLC	6101	5	1674-05

CA-18 - Requesting One Year Extension From the New Jersey Department of Transportation to Partially Fund the Needed Improvements to Student Pedestrian Crossings Near the Borough's Six Public Schools

WHEREAS, there exists in the Borough of Fort Lee a need for improving safety for approximately nineteen hundred student

pedestrians walking to the Borough's six (6) schools by the installation of improved pedestrian crossing signals; and

WHEREAS, the Borough of Fort Lee has applied for New Jersey Department of Transportation Local Aid - Safe Street to Schools program to partially fund the needed improvements to student pedestrian crossings near its six (6) schools; and

WHEREAS, the New Jersey Department of Transportation Local Aid - Safe Streets to Schools Grant Program has awarded the Borough of Fort Lee \$50,000 to partially fund the needed improvements to student pedestrian crossings in the Borough; and

WHEREAS, the Borough of Fort Lee did not meet the November 18, 2004 deadline because it has been performing an overall review of traffic at its pedestrian crosswalks in order to evaluate the full scope of its pedestrian crosswalk needs; and

WHEREAS, the Borough of Fort Lee needs to improve safety at its school crossings explicitly and is requesting an extension of the award date of its grant from the New Jersey Department of Transportation Local Aid - Safe Streets to Schools Grant Program in order to assist in the installation of improved pedestrian crossing signals at or near the Borough schools,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fort Lee, Bergen County, New Jersey that the Borough requests an extension to the award in the length of one (1) year to November 18, 2005.

CA-19 - Authorizing Renewal of Liquor Licenses

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that plenary retail consumption licenses and club license for the year **2005/2006** be issued to each of the applicants listed on the attached page for premises designated opposite their respective names for the distribution or sale of alcoholic beverages.

STATE LICENSE #	LICENSEE	TRADE NAME
0219-33-013-010	DA-DO JAPANESE RESTAURANT CORP.	KUK POONG KOREAN RESTAURANT
0219-33-047-006	SIMIS CO., INC.	TAMAYA
0219-31-057-001	HOOK & LADDER CO. #3	HOOK & LADDER CO. #3

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

CA-20 - Authorizing Payment of Marriage Fees to the State of New Jersey for Period Covering April 1st - June 30, 2005 - \$1,375

BE IT RESOLVED, that the Tax Collector-Treasurer be authorized to draw a check from the Current Account, Bank of America payable to the Treasurer, State of New Jersey, in the amount of \$1,350.00 to cover fees collected for marriage licenses for the period covering April 1, 2005 through June 31, 2005 fees are to be forwarded on a quarterly basis to the Department of Human Services; and

BE IT FURTHER RESOLVED that the Tax Collector-Treasurer be authorized to draw a check from the Current Account, Bank of

America payable to the Treasurer, State of New Jersey, in the amount of \$25.00 to cover fees collected for domestic partnerships.

01-2887

CA-21 - Amending Contract of Do H. Chung and Partners, Architects Stamford, Connecticut, to Create Design Guidelines in the Downtown Business District - \$150.00 Per Hour, Not to Exceed \$10,000

WHEREAS, the Borough of Fort Lee awarded a contract to Do. H. Chung and Partners, Architects, 189 Bedford Street, Stamford, Connecticut, on March 10, 2005, at a cost of \$15,000, to embark upon a plan to initiate a program that will encourage retail businesses in the Downtown Business District - i.e., Main Street to redesign storefronts; and

WHEREAS, it is deemed in the best interests of the Borough of Fort Lee to continue to provide for a professional architect's advice and assistance to the Mayor and Council in the pursuance of creating design guidelines and design criteria for the Main Street business area; and

WHEREAS, Do. H. Chung & Partners is a professional architect and planning firm that is experienced and capable in the area of urban redevelopment and planning,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the firm of Do H. Chung & Partners, 105 Bedford Street (**new address**), Stamford, Connecticut 06901 be and is hereby amended to continue to provide the expertise aforementioned; and

BE IT FURTHER RESOLVED that this services of this firm shall be compensated at a rate of \$150.00 per hour, not to exceed \$10,000.00 which charges are to be billed monthly; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for this project through the Office of Economic Development account; and

BE IT FURTHER RESOLVED that the original contract and amending resolution are on file in the Office of the Borough Clerk.

Nina Levinson, 1560 West Street, wished Dee Southard and Ethel Blumenthal well on their retirements. She had comments and questions pertaining to CA-6, CA-7, CA-8, CA-8A, CA-11 through CA-16 and CA-17.

Ms. Thomas responded to CA-6, CA-7, CA-8 and CA-8A. Messrs. Cervieri and Pohan answered CA-11 through CA-16, and Mr. Pohan replied to CA-17.

There being no further discussion, the public hearing was closed **on motion by Councilman Pohan, seconded by Councilman Cervieri**, and the Consent Agenda (items CA-1 through CA-21) was **approved unanimously**.

RESOLUTIONS

R-2A - Amending Capital Budget

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

WHEREAS, the local capital budget for the year 2005 was adopted on the 21st day of July, 2005; and

WHEREAS, it is desired to amend said adopted capital budget section,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Fort Lee, County of Bergen, that the following amendment(s) to the adopted capital budget section of the 2005 Budget be made:

FROM CAPITAL BUDGET (CURRENT YEAR ACTION 2005)

Project	Estimated Total Cost	Capital Improvement Fund	Debt Authorized	To Be Funded In Future Years
Total All Projects	7,000,000	100,000	1,900,000	5,000,000

**6 YEAR CAPITAL PROGRAM 2005-2010
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENT**

Project	Estimated Total Cost	<u>Funding Amounts Per Year</u>	
		Budget Year 2005	
Total All Projects	7,000,000	2,000,000	

**6 YEAR CAPITAL PROGRAM 2005-2010
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

Project	Estimated Total Cost	Capital Improvement Fund	Bonds and Notes General
Total All Projects	7,000,000	350,000	6,650,000

TO CAPITAL BUDGET (CURRENT YEAR ACTION 2005)

Project	Project Number	Estimated Total Cost	Capital Improvement Fund	Grants in Aid and Other Funds	To Be Funded In Future Years
Domestic Preparedness for Firefighter Safety Equipment	2005-2	121,800	609	109,620	
Total All Projects		7,121,800	100,609	109,6200	5,000,000
Debt Authorized for Project					
11,571					
Total All Projects		1,911,571			

**6 YEAR CAPITAL PROGRAM 2005-2010
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS
Funding Amounts Per Year**

Project	Project Number	Estimated Total Cost	Budget Year 2005
Domestic Preparedness for Firefighter Safety Equipment	2005-2	121,800	121,800
Total All Projects		7,121,800	2,121,800

**6 YEAR CAPITAL PROGRAM 2005-2010
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

Project	Estimated Total Cost	Capital Improvement Fund	Grants in Aid and Other Funds	Bonds and Notes General
2005-2	121,800	609	109,620	11,571
Total All Projects	7,815,000	350,609	109,620	6,661,571

BE IT FURTHER RESOLVED that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

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

AYES: Council Members Pohan, Sokolich, Villano, Kasofsky, Cervieri

MAYOR'S REPORT

Mayor Alter mentioned that traffic, taxes, security and development are always on the mind of the Borough government officials and its residents. He said that he just did an interview with NY1 regarding the new traffic pattern on Hudson Terrace. He spoke about the Port Authority event days. These event days usually occur on weekdays and consist of non-movement of traffic on the George Washington Bridge (GWB). The Port Authority told him that they used to get one or two event days a month; however, now the Port Authority gets one or two event days a week. They can occur for a myriad of reasons. The Borough decided to take action that lets drivers only proceed north on Hudson Terrace to Myrtle Avenue onto the southbound Palisades Interstate Parkway (PIP) opening to the GWB. Drivers can no longer make a left-hand turn onto Bruce Reynolds Boulevard leading to the GWB except for large trucks, emergency vehicles and franchise type buses. This frees up the eastern cliff of the Borough by the River Ridge, Century, Colony and Plaza residences so as to let those and other Fort Lee residents be able to use Martha Washington Way without fighting the traffic that is coming up the hill from Edgewater. This is being done five days a week only in the mornings. The purpose for this new pattern is to open up Martha Washington Way. The plan will stay in place for the summer and the Borough will monitor it to see how it works. He along with the police management team met with Nancy Merse, Edgewater Mayor, to explain the Borough's rationale for the new pattern. The goal is to keep Fort Lee open. No matter how many police officers are put on the roads in Fort Lee, if the Cross Bronx Expressway closes and the GWB is closed, nothing is going to move traffic in the Borough. He knows of no plans that are going to help this area with traffic alleviation with the possible exception of ferry service in Edgewater. Some people using the ferry service will be well-served, but it in itself is not going to alleviate traffic in the Borough. The new ramping that is going to connect the PIP to the lower level of the GWB, which has not been started yet, will ease some traffic congestion in the Borough. Ninety percent of the cars in the morning in the Borough are not Fort Lee residents. The Borough is obligated to keeps its streets open so that emergency vehicles can make their way to people who need assistance. The Police Department and the government of Fort Lee will continue to do its best to keep the Borough running well.

COUNCIL REPORTS

Councilman Pohan - read the list of movies and bands that are going to be at Constitution Park through August 17th for the continuing music and movie series that is held every Wednesday night throughout the summer.

Councilman Sokolich - congratulated the Fort Lee National Little League twelve-year-old team, who for the second year in a row won a district championship. They are now playing in the regional division of the Little League World Series.

He stated that he will not be at Monument Park this Sunday.

He stated that the continual efforts to beautify Main Street took a big step forward today. The governing body at its earlier executive meeting today agreed to continue to engage architect Do Chung & Partners, to continue to move forward to beautify Main Street. A more detailed design phase soon will be commenced by Mr. Chung and then the trickier financial portion of the project will have to be looked into.

Councilman Villano - stated that when the Main Street design criteria project was first discussed, he was apprehensive that the project could not be done; however, since the meetings that he and Mr. Sokolich have had with Mr. Chung, he feels that there is a 65% chance that the project ultimately can be realized.

He announced that the Recreation Department's summer program set two records this year. Over 730 children are in the program and over 250 kids are in the after-hours latchkey program. He praised the Recreation Department's staff for doing a great job.

Councilwoman Kasofsky - announced that the Fort Lee Historical Society, through a grant from the New Jersey State Historical Commission, has donated to the Fort Lee Public Library a collection of The Fort Lee Sentinel newspaper on microfilm. The collection runs from 1947-1948 and 1954-1955. The microfilm affords an historical look at the everyday news of Fort Lee during these years. The microfilm may be viewed in the Reference Room of the library.

Councilman Cervieri - stated that there was a discussion earlier today about the grand opening of the new community center. The original grand opening was going to take place in October, but now will be moved up to sometime in early September; however, the new community center will not be fully complete at that time with all of its amenities. The grand opening will give a chance for the Borough's residents to see what their tax dollars actually purchased. He believes that the residents will be happily surprised to see what has been accomplished.

He spoke about the fountain at the new community center. The fountain was not designed to be a multitask fountain. He is suggesting that there be no bathing or swimming in the new fountain. The fountain is currently off, but will soon be turned on again. He said that the fountain should be enjoyed for its aesthetic beauty only.

He said that since 9/11, trucks can operate on the upper level only of the George Washington Bridge. About five years ago, he made a proposal which the governing body endorsed that asked the Port Authority to consider the prohibition of all truck travel going across the bridge during a certain period of time.

He had originally suggested the prohibition of trucks from 5:00 a.m. until 9:00 a.m. every morning. He believes that even if trucks were eliminated from going over the bridge from 6:30 a.m. until 8:30 a.m. it would result in a major benefit to the Borough's residents and other people who use Fort Lee streets to get to the bridge. Eighty percent of the traffic going over the bridge is trucks. The Borough's Economic Development Director has made that recommendation to the Port Authority. The Port Authority responded by saying how much money they make off the trucks crossing the bridge. It is more than just quality of life that the Port Authority is concerned about. He believes that the Port Authority should be asked again to reconsider their stance on the prohibition of truck traffic between the hours of 6:30 a.m. and 8:30 a.m. He said that there are more events because trucks have to cross over four lanes of traffic once they get across the bridge to get to the Major Deagan Expressway. Tractor trailers intersecting with cars coming off the lower level of the bridge is causing bad situations that ultimately affect the Borough's traffic flow negatively. The Port Authority has the ability to limit truck traffic.

Mayor Alter - stated that when the fountain was turned on he received many calls saying how nice the fountain was. As quickly as the phone calls came in, the fountain was turned off because one of the Borough's adult residents took a swim in it. There were small imprints of footsteps on the bottom of the fountain that indicated the fountain was also being used as a wading pool for children. Because the fountain is 18" deep, it is deep enough for a child to drown in. The Borough is working on a way to protect people from themselves. A fiber optic network was built in the Borough a couple of years ago which allows cameras to be placed throughout various locations in the Borough. The intention now is to put a camera by the fountain and hook it up to the Police Department so that they can monitor the fountain. He hopes that the municipal judges will discipline people appropriately who misuse the fountain from its intended use. He believes that the new community center will be a huge hit for adults and the kids of the Borough. He wished there was more parking, but \$10,000,000 was saved by eliminating underground parking at the site. Satellite parking lots will be used to move people around when necessary.

He mentioned that Care One is now developing the Skeleton Building on Bridge Plaza North. The Borough has signed off on the Town & Country Development, but Town & Country is still waiting for County and State approvals before they can begin construction. It is the Borough's intent to have the Parking Authority buses drive people to the Edgewater ferry for free once ferry service begins operating there.

Councilman Cervieri - stated that the Parking Authority provides non-emergency medical transportation for the residents of the Borough for free. Reservations can be made by calling the Parking Authority. He does not know of another town that provides this type of service. The Parking Authority offers free shuttle bus service throughout the town for people who need to do their shopping, and occasionally service is offered to its residents to different malls in Bergen County. Metered parking and the issuing of summonses is a funding mechanism to provide services to the residents.

Councilman Villano - announced that the St. Rocco Italian Mutual Aid Society will be holding their annual feast Wednesday, August 3rd through Sunday, August 7th at Martha Washington Way.

PUBLIC PARTICIPATION

No one from the public who came up to speak during this portion of meeting.

There being no further discussion, the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Pohan** and carried at 9:01 p.m.

Neil Grant, RMC
Municipal Clerk

SPECIAL MEETING

MAYOR AND COUNCIL

Wednesday, June 29, 2005 @ 9:05 a.m.

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

PRESENT: Mayor Alter, Council Members Pohan, Villano, Kasofsky, Cerveiri

ABSENT: Council Members Sokolich, Sargenti

ALSO PRESENT: Peggy Thomas, Borough Administrator,
Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney
Ray Levy, Director of Economic Development
Paul Phillips, Borough Planner
Henry Ney, Borough Traffic Engineer

MAYOR'S STATEMENT

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

On June 24, 2005 a written notice of the time, place and proposed agenda of this meeting was posted at the Municipal Building, 309 Main Street, Fort Lee, N.J.

On the same date a copy of said written notice was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE filed with the Borough Clerk, and copies were mailed to all persons who have requested same, and have prepaid the fee fixed for the year 2005.

MAYOR'S STATEMENT AND ANNOUNCEMENTS

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

The discussion of this meeting will be limited to:

1. Approval of June 2, 2005 Executive Minutes
2. Approval of Raffle License for St. Rocco's Italian Mutual Aid Society
3. Renewal of Liquor Licenses
4. Awarding Bid for a Digital Video In-House Recording System for the Police Department
5. Awarding Contract to Hannoch Appraisal Company for Real Property Appraisal of the Fort Lee Athletic Club 2020-2031 Lemoine Avenue
6. Resolution to Refer to the Planning Board for Consideration and Hearing of Proposed Study/Redevelopment Plan for Area 4 in the Borough of Fort Lee
7. Introduction of Ordinance for Zoning Changes to Create New Zoning Districts East of Lemoine Avenue and to Modify Existing Zoning Regulations and to Change the Zoning Designation for Certain Properties
8. Public Participation

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

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilman

Pohan, and carried unanimously, the minutes of the June 2, 2005 Executive Session were approved.

RESOLUTIONS

R-1 - Approval of Raffle License #956 for St. Rocco's Italian Mutual Aid Society

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

WHEREAS, Saint Rocco Italian American Mutual Aid Society, 110 Main Street, Fort Lee, New Jersey, has submitted a raffle application for August 3rd through August 7th, 2005; and

WHEREAS, the governing body has determined that their license application is complete in all respects,

NOW, THEREFORE, BE IT RESOLVED that the governing body hereby approves raffle application #956, pending final approval from the Legalized Games of Chance Control Commission.

The Resolution was **approved unanimously**.

R-2 - Renewal of Liquor Licenses

Mr. Grant reported that no liquor licenses needed to be renewed for this special meeting.

R-3 - Awarding Bid for a Digital Video In-House Recording System for the Police Department

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

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("the Borough") are desirous of contracting for a Digital Video In-House Recording System; and

WHEREAS, on June 1, 2005, two (2) bids were received for a Digital Video In-House Recording System from Total Recall in the amount of \$24,662.00 and Coskey's Television in the amount of \$27,689.00; and

WHEREAS, Coskey's Television, is the lowest compliant bidder with a bid of \$27,689.00; and

WHEREAS, the Borough has reviewed its available funds and has determined that sufficient funds are available for the Digital Video In-House Recording System through account #01-2010-25-2402-101.

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

Coskey's Television, 656 Georges Road, North Brunswick, New Jersey 08902, is the lowest compliant bidder and is awarded the contract to provide the above-described Digital Video In-House Recording System in accordance with the applicable bid documents and specifications at a price not to exceed **\$27,689.00**; and

BE IT FURTHER RESOLVED that the Borough Attorney shall prepare an appropriate contract and the Mayor and Borough Clerk

shall execute such contract; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for the Digital Video In-House Recording System; and

BE IT FURTHER RESOLVED that the original bid proposal and contract are available in the Borough Clerk's Office.

The Resolution was **approved unanimously**.

R-4 - Amending Contract to Hannoch Appraisal Company for an Updated Real Property Appraisal for the Fort Lee Athletic Club, Located at 2029 Lemoine Avenue

Mr. Grant explained that an updated property appraisal needs to be done for the Fort Lee Athletic Club at 2029 Lemoine Avenue. The appraisal update is at the request of Mr. Levy.

Councilman Villano introduced, and Councilman Pohan seconded, the following resolution:

WHEREAS, James Hannoch, Hannoch Appraisal Services, was awarded a contract on May 8, 2003 for \$3,750 to obtain a real property appraisal valuation for premises known as 2029 Lemoine Avenue (Block 4701, Lot 12);

WHEREAS, the Borough desires to get an amended appraisal for the aforementioned property;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the firm of Hannoch Appraisal Company, 11 Stonewall Drive, Livingston, New Jersey 07039, contract be amended in order to prepare a current fair market valuation appraisal for the premises located at 2029 Lemoine Avenue; and

BE IT FURTHER RESOLVED that the aforesaid amendment of contract be in the amount of **\$2,000**; and

BE IT FURTHER RESOLVED that the amendment to the original award of contract is one for professional services, for which no public bidding is necessary; and

BE IT FURTHER RESOLVED that the amendment of such contract is conditioned upon a written certification from the Chief Financial Officer of the existence of current funds for the payment of such services; and

BE IT FURTHER RESOLVED that the Borough Clerk, be and he is authorized and directed to maintain a copy of this resolution and the original contract in his offices for public inspection, according to law.

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

AYES: Council Members Pohan, Villano, Kasofsky

ABSTENTION: Councilman Cervieri

R-5 - Authorizing Purchasing Consultant to Prepare Specification and Advertise for Bids or Purchase Through State Contract Furniture for the New Community Center

Mr. Grant asked that this item be added to this morning's agenda so there would be no further delays in opening up the new

community center. There were no objections from the Mayor and Council.

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

BE IT FURTHER RESOLVED that the Purchasing Consultant is hereby authorized and directed to prepare specifications and advertise for bids or purchase through State contract for:

- . Furniture for the New Community Center

The Resolution was **approved unanimously.**

Mayor Alter asked that he and the council receive a list of what is going to be bought at least three days in advance before the Mayor and Council actually vote on the expenditure.

INTRODUCTION OF ORDINANCES

Ordinance #2005-25 - An Ordinance to Adopt a Redevelopment Plan for Redevelopment Area D-4 and to Amend the Zoning Map of the Borough of Fort Lee

Mr. Phillips explained what the redevelopment plan encompasses.

Mayor Alter asked if the property owner has been notified as to what the Borough's intentions are to redevelop the property.

Mr. Phillips responded affirmatively.

Mr. Levy said that the 2175 Lemoine Avenue piece would accommodate twenty-four to thirty residences.

Mr. Cervieri spoke to the downsizing of the property.

Messrs. Phillips, Levy, and Cervieri spoke to the height requirements and what actually could be built at the site.

Mr. Phillips stated that there are some small typographical errors in the exhibit related to the redevelopment plan. He added that Mr. Cohen has deemed it a minor change and there is no reason why the ordinance cannot be introduced at this morning's meeting.

On motion by Councilman Cervieri, seconded by Councilman , Villano, and carried, Ord. #2005-25 entitled, "AN ORDINANCE TO ADOPT A REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA D-4 AND TO AMEND THE ZONING MAP OF THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was **approved unanimously,** and the **public hearing** relative to this ordinance was scheduled for **July 21, 2005.**

Ordinance #2005-24 - Amending Chapter 410, "Zoning" of the Revised General Ordinances of the Borough of Fort Lee to Designate the Borough Into 34 Zones

Mayor Alter recused himself from this matter. He explained he has no financial interest in any properties being discussed. He asked that Council President Pohan chair the remainder of the meeting.

Mr. Phillips spoke to the changes made in the Borough's Master Plan.

On motion by Councilman Cervieri, seconded by Councilman Villano, and carried, Ord. #2005-24 entitled, "AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 410 ZONING OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE" was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the **public hearing** relative to this ordinance was scheduled for **July 21, 2005**

Ordinance #2005-26 - Amending Chapter 410, "Zoning" of the Revised General Ordinances of the Borough of Fort Lee to Modify the Borough's Off-Street Parking Regulations to Include Various Blocks and Lots That Were Not Included in Ordinance #2005-10 (Originally Adopted May 12, 2005)

Mr. Phillips explained that this ordinance also needs to be introduced at this morning's meeting. It adds a couple of areas, various blocks and lots to Ordinance #2005-10, which was originally adopted by the Borough on May 12, 2005. These changes ease parking restrictions to some areas which were not included in the originally adopted ordinance.

Mr. Levy said that these parking changes to two other areas does not affect the new Centuria project in any way.

There were no objections from the governing body to introduce this ordinance by title only.

On motion by Councilman Cervieri, seconded by Councilman Villano, and carried, Ord. #2005-26 entitled, "AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 410 ZONING OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was **approved unanimously** by title only, and the **public hearing** relative to this ordinance was scheduled for **July 21, 2005**.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Ord. #2005-24	Mr. Grant

Mayor Alter re-joined the meeting at this point.

Mr. Jung 2175 Lemoine Ave.	.Redevelopment Area D-4/ Owner of Certain Property Involved in Area D-4	Mayor Alter
-------------------------------	---	-------------

There being no further discussion, the special meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Pohan**, and carried at 9:43 a.m.

Neil Grant, RMC
Borough Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, June 23, 2005

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

PRESENT: Mayor 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:

1. On January 2, 2005, 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 3, 2005, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2005 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Alter stated that his secretary received a call yesterday informing her that Irwin Feit, a long-time resident of the Borough, and a volunteer on many of the Borough's boards and committees passed away yesterday. He requested a moment of silence in his memory.

APPROVAL OF MINUTES

On motion by Councilman Pohan, seconded by Councilman Villano, and carried unanimously, the minutes of the May 26, 2005 Regular Meeting were approved with Councilman Sargenti abstaining.

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried unanimously, the minutes of the June 9, 2005 Regular Meeting were approved.

INTRODUCTION OF ORDINANCES

Ordinance #2005-21 - Bond Ordinance for Various Capital Improvements - \$1,746,750

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried, Ord. #2005-21 entitled, "AN ORDINANCE OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE BOROUGH OF FORT LEE AND APPROPRIATING \$1,746,750 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,659,411 IN BONDS OR NOTES OF THE BOROUGH

OF FORT LEE TO FINANCE THE SAME" was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **July 21, 2005**

AYES: Council Members Pohan, Villano, Sargenti, Kasofsky Cervieri

Ordinance #2005-22 - Amending Chapter 388, Section 51, Schedule VII, One-Way Streets at Edsall Boulevard West From Inwood Terrace to 16th Street

On motion by Councilman Cervieri, seconded by Councilman Villano, and carried, Ord. #2005-22 entitled, "AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 388, SECTION 51, VEHICLES AND TRAFFIC, OF THE CODE, OF THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the **public hearing** relative to this ordinance was scheduled for **July 21, 2005**.

Ordinance #2005-23 - Amending Chapter 388, Section 53, Schedule IX, Stop Intersections - Edsall Boulevard & 16th Street

On motion by Councilman Cervieri, seconded by Councilman Sargenti, and carried, Ord. #2005-23 entitled, "AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 388, SECTION 53, VEHICLES AND TRAFFIC, OF THE CODE, OF THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the **public hearing** relative to this ordinance was scheduled for **July 21, 2005**.

PUBLIC HEARINGS

Ordinance #2005-14 - Establishing Chapter 55, Section 26, Fire Department Reimbursement Program for Clothing Allowance - Minimum Standards Established

On motion by Councilman Cervieri, seconded by Councilman Sargenti and carried, the public hearing was opened relative to Ord. #2005-14 entitled, "AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING CHAPTER 55, AND ESTABLISHING SECTION 55-26 INSTITUTING A REIMBURSEMENT PROGRAM FOR MEMBERS OF THE FORT LEE FIRE DEPARTMENT."

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

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

Ordinance #2005-15 - Amending Chapter 388, Section 58, Schedule XIV, No Left Turns - North on Harvard Place to West on Route 5

On motion by Councilman Cervieri, seconded by Councilman Sargenti and carried, the public hearing was opened relative to Ord. #2005-15 entitled, "AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 388, SECTION 58, VEHICLES AND TRAFFIC, OF

THE CODE OF THE BOROUGH OF FORT LEE."

Josephine Ventresca, 1005 Harvard Place, feels that the ordinance does not go far enough to alleviate big rigs such as oil tankers and other vehicles from using Harvard Place. She spoke to trucks and automobiles ending up on her property. She proposed that Columbia Avenue be extended to Inwood Terrace so traffic could reach Route 5. She would like to see no vehicular traffic on Harvard Place.

Mr. Cervieri asked if the vehicles are servicing the residents or if it is just through traffic.

Mr. Villano asked whether if the ordinance is adopted eliminating the left-hand turn from Harvard Place to Route 5, it would eliminate a great deal of traffic.

Ms. Ventresca replied that she does not believe that would be the case as she thinks people will not adhere to the ordinance. The four homes on Harvard Place are taking the brunt of the traffic from Anderson Avenue.

Mr. Villano stated that he does not think trucks will use the road if they are not allowed to. For the first couple of months there will be police officers at the site enforcing the law.

Mayor Alter stated that the police should be here to discuss this ordinance before the Mayor and Council take action on the ordinance.

Mr. Cervieri stated that this could be an interim step that would lessen traffic on Harvard Place and then the traffic experts could make recommendations to possibly extend the road.

Mayor Alter said that if the street is extended, it is being extended over land that is owned by someone.

Mr. Cervieri pointed out that the property is the easement for the Transco gas pipeline.

Mayor Alter replied that the Borough is limited to what it can do. It's a major high pressure pipeline.

Mr. Villano reiterated that he wants to pass this ordinance. It would be an improvement to what is going on at Harvard Place now.

Luke Guglielmo, Police Lieutenant, came in at this point in the meeting.

Lt. Guglielmo explained that diverting traffic to Inwood Terrace would not solve the problem. He also spoke to the major gas pipeline that is in the area. He approximated that 95% of the volume would be eliminated by prohibiting the left-hand turn from Harvard Place to Route 5 west. People will not use Harvard Place if they are not permitted to. People would not be able to use Harvard Place as a shortcut to get to Route 46, Route 80 and the New Jersey Turnpike. Anytime there is a new law pertaining to a new traffic pattern, the Police Department enforces it vigorously for the first month. Once people start to get tickets for making illegal turns, people will then adhere to the law.

Mayor Alter said that it looks like the ordinance is going to be passed and then the police will enforce it and the Borough will see where it goes.

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

Mr. Pohan stated that the Borough should rely on its Police Department and give them a chance to enforce the new law. People will cease going on to Harvard Place once they find out that they cannot legally do it. The strip of property on Columbia Avenue belongs to Transcontinental. It was the old trolley line. The Borough Attorney would have to research if the Borough could even build over the gas line.

Mr. Cohen confirmed that Transco owns and operates the pipeline. The Borough would have to go to the State of New Jersey and the Energy Regulatory Commission before the Borough could build over the property.

Mr. Cervieri stated that if the ordinance cut down traffic by 50% it would be good, so traffic being cut by 90%-95% would give relief to the residents on Harvard Place. He endorses the passage of the ordinance.

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

Ordinance #2005-16 - Amending Chapter 388, Section 51, Schedule VII, One Way Streets - Hazlitt Avenue Westbound Only From Maple St. to Route 1/9 North (Route 46 East)

On motion by Councilman Cervieri, seconded by Councilman Sargenti and carried, the public hearing was opened relative to Ord. #2005-16 entitled, "AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 388, SECTION 51, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF FORT LEE."

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

Mr. Cervieri stated that this will prevent traffic from coming off the highway. It will alleviate the clogging of the local streets in Fort Lee.

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

Ordinance #2005-17 - Amending Chapter 388, Section 65, Schedule XVII, Vehicle Movement on Private Property Open to the Public - Whiteman Mall Ingress and Egress to and From Lemoine Avenue

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2005-17 entitled, "AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 388, SECTION 65, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF FORT LEE."

Mayor Alter spoke to a lot of illegal left-hand turns being made out of the Whiteman Mall. This ordinance seems to be an accommodation. People want more lights on Lemoine Avenue, but the State controls Lemoine Avenue and they will not put in more traffic lights right by other traffic lights that already exist. This ordinance has also been endorsed by the Police Department.

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

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

Ordinance #2005-18 - Amending Chapter 388, Section 63, Schedule XVII, Lane Use Reservations for Main Street and Center Avenue

On motion by Councilman Cervieri, seconded by Councilman Villano and carried, the public hearing was opened relative to Ord. #2005-18 entitled, "AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 388, SECTION 63, VEHICLES AND TRAFFIC OF THE CODE OF THE BOROUGH OF FORT LEE."

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

Mr. Cervieri stated that vehicles will be able to make a left-hand turn on Main Street to Center Avenue. This will open up the right-hand lane on Main Street for through traffic. A left-hand turn lane will be established and will alleviate the traffic that is presently backing up at the site. Some parking meters will be lost, but for the greater good of the Borough, the loss of two parking meters is a small price to pay.

Mr. Pohan complimented the Police Department and Lt. Guglielmo for proactively bringing the recommendations to the Mayor and Council over the last month. The problems of traffic in the Borough are severe, but the police are trying to improve the situation, and the reports that the police send out regarding these ongoing traffic issues are very well written.

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

Ordinance #2005-19 - Amending Chapter 388, Section 59, Schedule XIV-A: Right Turn Only on Slocum Way Eastbound at Intersection of Palisade Avenue

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2005-19 entitled, "AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 388, SECTION 59, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF FORT LEE."

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

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

Ordinance #2005-20- Establishing Chapter 310, Prior Notice of Utility Work

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2005-20 entitled, "AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY BERGEN, NEW JERSEY, ESTABLISHING CHAPTER 310, PRIOR NOTICE OF UTILITY WORK."

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

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

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-15, except for CA-12, which was removed by Mayor Alter for separate vote.

CA-1 - Payment of Claims

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

Current	\$2,902,802.81
Capital	613,317.59
Multiple Dwelling	n/a
Construction Fees	7,500.00
COAH Fees	n/a
Trust (Old)	1,817.00
Senior Citizen Advisory Council	2,124.00
Trip Admissions	132.00
Wedding Fees	n/a
Trust Account (Accutrack)	43,722.77
Police Activity Account	2,355.32
Special Dog Account	n/a
Senior Citizen Advisory Account	1,360.05
Centennial Fund	n/a
Disability Insurance Trust	n/a
Unemployment Compensation Trust	n/a
Public Assistance Trust Fund I	n/a
Fort Lee Film Commission	2,400.94
Redemption Account	<u>84,548.87</u>

Total: \$3,662,081.35

CA-2 - Approving Special Bingo License for the 475 Main Street Club

A special two-year bingo license for the 475 Main Street Club was approved.

CA-3 - Approving Raffle License #955 for St. Rocco's Italian Mutual Aid Society

WHEREAS, Saint Rocco Italian American Mutual Aid Society, 110 Main Street, Fort Lee, New Jersey, has submitted a raffle application for August 7, 2005; and

WHEREAS, the governing body has determined that their license application is complete in all respects,

NOW, THEREFORE, BE IT RESOLVED that the governing body hereby approves raffle application #955, pending final approval from the Legalized Games of Chance Control Commission.

CA-4 - Authorizing Renewal of Liquor Licenses for 2005-2006

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 **2005/2006** 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.	MADANGSUI
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
0219-33-010-007	YOUNG JOON PARK	
0219-44-011-004	B.L.W. WORLD INC.	BOTTLE KING LIQUORS
0219-33-012-002	CALLAHAN'S INC.	CALLAHAN'S
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
0219-33-025-005	ARAXTHOS INC.	20-20 BAR & GRILL
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	
0219-44-031-007	J.D. SALTHOUSE ASSOCIATES, INC.	SMART BUY WINE & SPIRITS
0219-44-032-004	MAIN LIQUORS INC.	MAIN LIQUORS
0219-33-033-007	ZENEX ENTERPRISES INC.	
0219-33-034-003	SLUMBER INC.	HOLIDAY INN
0219-44-035-004	SHOP-RITE LIQUORS, INC.	SHOPRITE LIQUORS

0219-33-036-009	RISTORANTE IL LIMONCELLO LLC	TRIPLE
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
0219-33-041-011	JOE & MAX INC.	SO KYO SEAFOOD
0219-33-043-006	MEMRIES INC.	IN NAPOLI
0219-33-046-008	YOGI'S TWO INC.	CAFÉ BOULEVARD
0219-33-048-016	JOONHA ASSOCIATES INC.	
0219-33-049-003	GAM ME OK, INC.	
0219-33-050-004	QUEENS RECIPE, INC.	MAHARANI
0219-44-051-005	GOOD NATURE FORT LEE MARKET, INC.	GOOD NATURE FORT LEE MARKET
0219-33-052-006	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
0219-31-058-001	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

CA-5 - Authorizing Renewal of Liquor License for Jabadou Inc., at 2027 Lemoine Avenue With Special Conditions Imposed

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that plenary retail consumption license **0219-33-006-011, Jabadou Inc., t/a Tribecca, 2027 Lemoine Avenue**, for the licensing year **July 1, 2005 - June 30, 2006** be issued for the sale of alcoholic beverages with the following **Special Conditions** imposed on the license.

1. No patron under 21 years of age permitted on premises when alcohol is being distributed.
2. Security id's to be displayed prominently by all employees.
3. Meeting with security at least one week in advance of any mass advertised event.

4. Last call 2:15 a.m. All patrons to be off the premises by 3:00 a.m.
5. The licensee's parking lot and adjacent sidewalks shall be secured and policed to assist in the orderly exiting of patrons. The licensee shall implement any reasonable directive of the Fort Lee Police Department in this regard.
6. Licensee shall provide such security control as requested by the Fort Lee Police Department. Licensee is required to provide one-week notice of any special event. In the event licensee fails to provide such security control; the Borough shall have the right to prohibit the scheduled event.
7. Licensed premise deemed to include adjacent and accessory premises including, but not limited to the parking lot, street, sidewalk and the like adjacent premises.
8. Improve the video system to include higher quality surveillance of the outside area of the front, rear and sides of the building to the satisfaction of the Fort Lee Police Department.
9. Provide monthly updates to the Fort Lee Police Department of employee turnover including photographs.
10. Eliminate the practice of valet parking, which by design, funnels a large number of people into a confined area for a protracted period of time.
11. Licensee shall provide exterior cleaning every Saturday and Sunday morning to be completed prior to 9:00 a.m.
12. Failure to comply with any portion of these stipulations shall subject licensee to liability for any cost incurred by such non-compliance, including but not limited to, cost of additional police or other security, and to the revocation of liquor license.

CA-6 - Authorizing Hiring of Mary Jean Canarsa as a Part-time Employee for the Parks Department - \$10.00 Hourly

WHEREAS, a part time position exists within the Parks Department in the Borough of Fort Lee for 2005,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, that the following individual be hired to work no more than 19.5 hours per week at the following hourly rate of compensation listed, respectively:

Mary Jean Canarsa \$10.00

CA-7 - Authorizing Hiring of Rebecca Serkey as a Part-time Emergency Medical Technician - \$14.61 Hourly

WHEREAS, there is an Emergency Medical Technician vacancy in the Fort Lee Ambulance Corps and the Mayor and Council have determined that this vacancy should be filled,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that Rebecca Serkey, be hired to the part-time position of Emergency Medical Technician with the Fort Lee Ambulance Corps, with an effective date of June 27, 2005; and

BE IT FURTHER RESOLVED that this appointment be provisional pending certification from the New Jersey Department of Personnel. This position shall be at the wage of **\$14.61 per hour**, not to exceed 19.5 hours per week.

CA-8 - Authorizing Hiring of Clean Communities Employees for 2005 - \$7.00 to \$9.50 Hourly

WHEREAS, Clean Community positions exist within the Borough of Fort Lee for 2005,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, that the following individuals be hired at the following weekly and hourly rates of compensation listed, respectively:

Richard Radoian, Coordinator		\$150.00 Weekly
Robert DeVito	Foreman/Driver	9.50 Hourly
*Mike Ceragno	Driver	8.50
Kyle Jensen	Laborer	7.50
Anthony Bell	Laborer	7.50
Michael Cafasso	Laborer	7.00
Jiro Khorozian	Laborer	7.00
Jeff Valacer	Laborer	7.00
Jonathan Blair	Laborer	7.00

Salaries will range from \$7.00 per hour for first year employees to \$9.50 per hour for foreman.

* Retroactive from May 9th

CA-9 - Authorizing Settlement of Tax Appeal Litigation Entitled Kay Cee Corp, 241 Main Street, Block 4701, Lot 30, vs. Borough of Fort Lee

WHEREAS, Kay Cee Corp. is the owner of certain property located at 241 Main Street, also know as Block 4701, Lot 30; and

WHEREAS, that entity filed a tax appeal against the Borough of Fort Lee in the matter entitled Kay Cee Corp. vs. Borough of Fort Lee, under Docket Nos. 3826-04 and 2137-05; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Kay Cee Corp. vs. Borough of Fort Lee, under Docket Nos. 38260-04, so that the 2004 and 2005 assessment will be reduced from \$2,097,600 to a total of \$2,000,000; and

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

CA-10 - Authorizing Settlement of Tax Appeal Litigation Entitled 1611 Palisade Avenue, Block 4002, Lot 13, vs. Borough of Fort Lee

WHEREAS, Douglas Faraldi is the owner of certain commercial premises located at 1611 Palisade Avenue, also know as Block

4202, Lot 13; and

WHEREAS, the property owner filed a tax appeal for 2004 against the Borough of Fort Lee in a matter entitled Faraldi vs. Borough of Fort Lee, under Docket No. 7380-04; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Faraldi vs. Borough of Fort Lee, under Docket No. 7380-04, so that the 2004 and 2005 assessments will be reduced from \$1,257,900 to \$1,075,000; and

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

CA-11 - Amending Contract With the Bergen County Economic Development Corporation, Hackensack, New Jersey, for Construction Management and Inspection Services for the New Community Center and Park - \$10,000 Per Month

WHEREAS, the Borough of Fort Lee entered into an agreement with the Bergen County Economic Development Corporation (BCEDC), One Bergen County Plaza, Suite 440, Hackensack, New Jersey on July 24, 2003, for construction management services, at a cost of \$125,000 for the new community center and open space park at Anderson Avenue/Inwood Terrace; and

WHEREAS, there was an amending resolution dated December 18, 2003 for the services of an engineer to review and monitor progress of the construction of the new facility at a cost of \$90,000; and

WHEREAS, there was an amending resolution dated February 10, 2005 for for continued construction management and engineering services due to more time being needed for the project to be completed at a cost of \$31,000; and

WHEREAS, on June 1, 2005, the BCEDC has submitted a proposal covering construction management and construction inspection services for additional time spent on the project after May 1st at a fee of \$10,000 per month,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby agree to amend the contract of the BCEDC in the total amount of \$10,000 per month for construction management services and construction inspection services; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for this amended agreement through bond ordinance 2003-13; and

BE IT FURTHER RESOLVED that the BCEDC's proposal and contract information are on file in the office of the Borough Clerk.

CA-13 - Awarding Bid to Holman Truck Center, Maple Shade, New Jersey, for a Truck, Catch Basin Cleaner for the DPW - \$162,739.00

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("the Borough") are desirous of contracting for a Truck, Catch Basin Cleaner; and

WHEREAS, on June 1, 2005 three (3) bids were received for the Truck, Catch Basin Cleaner as follows:

Beyer Bros. Corporation 109 Broad Avenue Fairview, New Jersey 07022	\$158,914.00
Holman Truck Center P.O. Box 279 Maple Shade, New Jersey 08052	\$162,739.00
Vacuum Sales, Inc. 51 Stone Road Lindenwold, New Jersey 08021; and	\$163,400.00

WHEREAS, Holman Truck Center, was the lowest compliant bidder with a bid price of **\$162,739.00**; and

WHEREAS, the Borough has reviewed its available funds and has determined that sufficient funds are available for the purchase of Truck, Catch Basin Cleaner,

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

Holman Truck Center, 573 Route 38 West, Maple Shade, New Jersey 08052, is the lowest compliant bidder and is awarded the contract to provide the above-described Truck, Catch Basin Cleaner in accordance with the applicable bid documents and specifications at a price not to exceed **\$162,739.00**; and

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available for the Truck, Catch Basin Cleaner under Account Number 04-2430-00-0007-01; and

BE IT FURTHER RESOLVED that the Borough Attorney prepare a contract for the purchase and that the Mayor and Borough Clerk attest to such contract; and

BE IT FURTHER RESOLVED that the original bid proposal, contract and resolution are available in the Borough Clerk's Office for review.

CA-14 - Awarding Bid to Montana Construction Corp., Lodi, New Jersey, for Road Improvements to Cumbermeade Road - \$784,264

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("the Borough") are desirous of contracting for Cumbermeade Road Improvements; and

WHEREAS, on June 17, 2005, four (4) bids were received for the Cumbermeade Road Improvements from the following:

Montana Construction Corporation with a base bid in the amount of \$694,489.00 and alternate bid A of \$44,292.00, alternate bid B of \$75,600.00 and alternate bid C of \$89,775.00;
Smith-Sondy Asphalt Construction Co., Inc. with a base bid in the amount of \$669,951.35 and alternate bid A of \$44,870.00, alternate bid B of \$118,833.75 and alternate bid C of \$126,866.25;

English Paving Company, Inc. with a base bid in the amount of \$682,461.80 and alternate bid A of \$62,429.50, alternate bid B of \$118,125.00 and alternate bid C of \$132,300.00; and

A.J.M. Contractors, Inc. with a base bid in the amount of \$823,801.25 and alternate bid A of \$44,566.25, alternate bid B of \$94,500.00 and alternate bid C of \$103,950.00.

WHEREAS, Montana Construction Corporation is the lowest compliant bidder with a base bid of \$694,489.00 and alternate bid A of \$44,292.00, alternate bid B of \$75,600.00 and alternate bid C of \$89,775.00; and

WHEREAS, the Borough has reviewed its available funds and has determined that sufficient funds are available for the Cumbermeade Road Improvements; and

WHEREAS, the Chief Financial Officer has certified that funds are available for the Cumbermeade Road Improvements through bond ordinance numbers 2002-25 and 2005-8,

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

Montana Construction Corporation, 80 Contant Avenue, Lodi, New Jersey 07644, is the lowest compliant bidder and is awarded the contract to provide the above-described Cumbermeade Road Improvements in accordance with the applicable bid documents and specifications at a price not to exceed the amount of \$784,264 which includes the base bid and alternate bid C as set-forth herein; and

BE IT FURTHER RESOLVED that the Borough Attorney shall prepare an appropriate contract for the award of the bid and that the Mayor and Borough Clerk execute such contract according to law; and

BE IT FURTHER RESOLVED that the original bid proposal and contract are available in the Borough Clerk's Office.

CA-15 - Authorizing Purchasing Consultant to Prepare Specifications and Advertise for Bids for the Constitution Park Food Stand

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:

- . The Lease of the Food Stand at Constitution Park

Nina Levinson, 1560 West Street, had questions pertaining to CA-13, CA-10, CA-9, CA-6, CA-7, CA-8 and CA-12.

Ms. Thomas responded to CA-13, CA-10, CA-6, CA-7 and CA-8.

Mr. Pohan spoke to CA-9.

Ms. Thomas and Mr. Cervieri replied to CA-12.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, and the Consent Agenda (items CA-1 through CA-15, except for CA-12, which was removed by Mayor Alter for separate vote) was **approved unanimously**.

RESOLUTIONS

R-A/CA-12 - Awarding Contract to Hanoach Appraisal Company, Livingston, New Jersey, for the Purpose of Providing Appraisal Services at Property Located at 2005 Hoyt Avenue, 153 Main Street and 69 Main Street - Fee Not to Exceed \$17,500

Mayor Alter recused himself on this matter and left the podium.

Council President Pohan chaired this portion of the meeting.

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

WHEREAS, there exists a need for appraisal services for the purpose of determining the market value of certain properties within the Borough of Fort Lee which have been determined to be necessary for acquisition as part of the Borough of Fort Lee's Road Widening Project; and

WHEREAS, the firm of Hanoach Appraisal Company having its offices at 11 Stonewall Drive, Livingston, New Jersey 07039-1821 is a licensed appraisal firm; and

WHEREAS, Hanoach Appraisal Company has submitted proposals to perform appraisals to the Office of Economic Development and the provision of such appraisal services are professional services under the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, as a professional service, appraisal services may be awarded without competitive bids; and

WHEREAS, the Borough has funds available for the retention of Hanoach Appraisal Company for the purpose of providing the appraisal services,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Fort Lee as follows; and

BE IT FURTHER RESOLVED that Hanoach Appraisal Company is hereby retained to provide appraisal and related services pursuant to the proposals submitted under date of June 14, 2005 and attached hereto as Exhibit A (available in the office of the Borough Clerk); and

BE IT FURTHER RESOLVED that the appraisal services to be provided shall consist of the appraisal of:

1. Block 4802, Lots 2 and 3, being commonly known as 2005 Hoyt Avenue for the fee of \$5,000.00; and
2. Block 4802, Lot 4, being commonly known as 153 Main Street for the fee of \$5,000.00; and
3. Block 4305, Lots 23, 25 and 27, being commonly known as 69 Main Street for the minimum fee of \$5,000.00, not to exceed \$7,500.00; and
4. Testimony and additional services, as set forth in the proposals, are approved at the rate of \$200.00 per hour; and

BE IT FURTHER RESOLVED that the total fees approved pursuant to this Resolution are not to exceed \$17,500.00 for the purpose of conducting the appraisals; and

BE IT FURTHER RESOLVED that a copy of the proposal and a form of contract as prepared by counsel for the Borough of Fort Lee along with this Resolution shall be placed and filed with the Clerk of the Borough; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for this expenditure; and

BE IT FURTHER RESOLVED that a notice of the award of this Professional Service Contract shall be published in accordance with the Local Public Contracts Law in the official newspaper of the Borough of Fort Lee.

The Resolution was **approved unanimously**.

Mayor Alter returned to the podium at this point in the meeting.

R-1 - Amending Temporary Capital Budget

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

WHEREAS, the Borough of Fort Lee desires to constitute the 2005 Temporary Capital Budget of said municipality by inserting therein the following project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Fort Lee as follows:

Section 1. The 2005 Temporary Capital Budget of the Borough of Fort Lee is hereby constituted by the adoption of the schedule to read as follows:

Temporary Capital Budget of the
Borough of Fort Lee
County of Bergen
Projects Scheduled for 2005
Method of Financing

<u>Project</u>	<u>Est. Costs</u>	<u>Capital Improvement Fund</u>	<u>Bonds</u>
Various Improvements	\$1,746,750	\$87,739	\$1,659,411

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services Department of Community Affairs, State of New Jersey, within three days after the adoption of this project for 2005 Temporary Capital Budget, to be included in the 2005 Permanent Capital Budget as adopted.

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

AYES: Council Members Pohan, Villano, Sargenti, Kasofsky, Cervieri

R-2 - Approving First Amendment to Redevelopment Agreement Between Town & Country Developers at Fort Lee, Inc., and the Borough of Fort Lee Concerning Redevelopment Area 5

Council Members Cervieri and Kasofsky recused themselves on this matter and left the podium.

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

RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT BETWEEN TOWN AND COUNTRY DEVELOPERS AT FORT LEE, INC., AND THE BOROUGH OF FORT LEE CONCERNING REDEVELOPMENT AREA 5

WHEREAS, the Borough of Fort Lee (hereafter "the Borough") entered into a Redevelopment Agreement dated September 30, 2004, with the designated Redeveloper for Redevelopment Area 5, Town and Country Developers at Fort Lee, Inc. (hereafter "the Redeveloper"); and

WHEREAS, subsequent to the submission by Redeveloper of its site plan and project proposals to the Planning Board of the Borough of Fort Lee, the Planning Board, the Borough and the Redeveloper agreed to a change in the project to be constructed to decrease the intensity of uses within the project in order to reduce the burden upon the Borough in terms of parking and traffic generation; and

WHEREAS, the Borough did amend the Redevelopment Plan for Redevelopment Area 5 by ordinance in March of 2005; and

WHEREAS, the Redeveloper did, in accordance with the proposed amendments to the Redevelopment Plan, revise its project plan and project description to comply with the said revised Redevelopment Plan and amended its Site Plan application before the Planning Board; and

WHEREAS, the Site Plan has received preliminary and final approval; and

WHEREAS, the Borough deems it both necessary and appropriate to modify the Redevelopment Agreement in accordance with the change in the Redevelopment Plan and the project to be constructed by Redeveloper,

NOW, THEREFORE, BE IT RESOLVED,

1. That the recitals contained herein are deemed to be a part of this Resolution; and

BE IT FURTHER RESOLVED, that the attached Exhibit A to this Resolution, the First Amendment to Redevelopment Agreement between the Borough of Fort Lee and Town and Country Developers at Fort Lee, Inc., which has been prepared by Special Counsel for the Borough of Fort Lee, be and the same is hereby adopted and approved as an amendment to the Redevelopment Agreement of September 30, 2004; and

BE IT FURTHER RESOLVED, that the First Amendment to the Redevelopment Agreement shall be effective in accordance with its terms; and

BE IT FURTHER RESOLVED, that the Mayor of the Borough of Fort Lee, the Honorable Jack Alter, be authorized to execute and deliver the First Amendment on behalf of the Borough of Fort Lee as and for its act and deed and further that the Clerk of the Borough of Fort Lee, Neil Grant, be authorized to attest the seal of the Borough of Fort Lee thereto.

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

AYES: Council Members Pohan, Villano, Sargenti

ABSENT: Council Members Kasofsky, Cervieri

Council Members Cervieri and Kasofsky returned to the podium at this point in the meeting.

COUNCIL REPORTS

Councilman Pohan - reminded the residents that the Farmers Market is still going on every Sunday throughout the summer from 8:00 a.m. until 2:00 p.m. in the Municipal Parking Lot.

He read the list of movies and bands that are going to be at Constitution Park through July 20th for the continuing music and movie series that is held every Wednesday throughout the summer.

Mayor Alter - reminded the residents that the Borough has invested some of the people's tax dollars to bring its annual July 4th fireworks display to the Borough. It will be held again at the Lewis F. Cole Middle School ballfield. Each year more and more people attend. The Borough does not charge for the event, and there is no limit to whom may attend. Shuttle buses will be running from five different parking lots. There will be good music and terrific fireworks.

Councilman Villano - stated that the Police Department will be holding a bicycle registration and safety program on Saturday, June 25th from 1:00 p.m. to 4:00 p.m. at the Fort Lee Police Department. All bicycles will be registered and helmets will be given to all children who get their bicycles registered and complete the bicycle safety program. The Police Department bicycle patrol officers will offer safety tips and will perform safety demonstrations. The Fort Lee Volunteer Ambulance Corps will be there and they will discuss the importance of safety helmets.

He mentioned that over the last couple of months the Police Department has made some major arrests in the Borough. They have done a great job. Also, there have been two serious accidents in the past week in the Borough and he praised Lt. Luke Guglielmo for the handling of them. He praised all aspects of the Police Department for the great job that they are doing.

Councilman Sargenti - offered his congratulations to the Fort Lee High School class of 2005. He added that their commencement exercises are being held tomorrow night at the Lewis F. Cole Middle School field.

He asked that people driving be careful as school is out of session and there are more kids in the streets.

He announced that the baseball all-star games were held this past Monday and Tuesday night. The National League Minor and Major League teams defeated the American League teams. He congratulated the winners.

Councilwoman Kasofsky - announced the following Fort Lee Library events:

1. The Libby Richmond Trio will be putting on a jazz performance on Saturday, July 16th at 2:00 p.m.

2. Actress Roseann Pellegrino will be performing in the role of Golda Meir on Saturday, June 25th at 2:00 p.m.

She recommended that the public come out and continue to support the music and movie series at Constitution Park.

Councilman Cervieri - acknowledged the passing of Michael Napoli, Carol Mawn's father and Cindy Mawn's grandfather. The Mawn family has been very active in helping the community, specifically the work they have done for the Greater Fort Lee Chamber of Commerce. He sent his condolences from the Mayor and Council.

He thanked the Parking Authority for everything they do. They provide a number of services that make the community a better place to live in. Transportation to the July 4th fireworks is done by the Parking Authority through their shuttle bus service. He praised all of the Parking Authority employees and volunteers who make the fireworks display such a big success every year. They also provide non-emergency medical transportation to doctors for the senior citizens and others who need the service.

He spoke to Ray Levy's presentation at last week's Chamber of Commerce luncheon. There were 150 to 200 people who attended. Mr. Levy acknowledged the assistance of everyone in the Borough who has made the movement of the downtown improvement a reality. He also pointed out that to get things accomplished, the Borough has to deal with a number of entities. State government, County government and the Port Authority, are part of the multiple layers of government that the Borough has to work with to get things accomplished. Mr. Cervieri wished the presentation had been taped so it could have been shown to everyone in the Borough. It was a real informative and succinct presentation.

He wished everyone a safe and happy holiday.

Mayor Alter - mentioned the two serious accidents that occurred this past week. He stated that two weeks ago, he brought up California's pedestrian laws. In California pedestrians always have the right-of-way. He has been informed by the Borough Attorney that the State of New Jersey is different. If you are not crossing at a crosswalk, people are taking their lives in their hands. He is hoping to change New Jersey's laws. The density of Fort Lee exceeds that of Bombay and Calcutta in India. He has asked Mr. Cohen to prepare an opinion letter regarding this issue, which he will take to the New Jersey League of Municipalities. He will also get the letter over to the Borough's Assembly people and Senators to see if the law can be changed in New Jersey. Fort Lee is very unfriendly to pedestrians. The Borough could probable balance its budget if it put police officers on every street and just asked them to write tickets. The time has come. The current system is intolerable. He spoke to a child being hit a couple of years ago who was thrown fifty feet. He is going to make a real attempt to change the law or at least give the Borough local option. Fort Lee is different, as all of the highways come together and cars converge on the world's busiest bridge. All of the Borough's streets are being traversed by a majority of people who are not from Fort Lee.

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,** and carried at 8:55 p.m.

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, June 9, 2005

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

PRESENT: Mayor 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 2, 2005, 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 3, 2005, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2005 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Alter had no report tonight.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the May 5, 2005 Executive Session were approved.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the May 26, 2005 Executive Session were approved.

INTRODUCTION OF ORDINANCES

Ordinance #2005-14 - Establishing Chapter 55, Section 26, Fire Department Reimbursement Program for Clothing Allowance - Minimum Standards Established

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried, Ord. #2005-14 entitled, "AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING CHAPTER 55, AND ESTABLISHING SECTION 55-26 INSTITUTING A REIMBURSEMENT PROGRAM FOR MEMBERS OF THE FORT LEE FIRE DEPARTMENT" was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the **public hearing** relative to this ordinance was scheduled for **June 23, 2005**

Ordinance #2005-15 - Amending Chapter 388, Section 58, Schedule XIV, No Left Turns - North on Harvard Place to West on Route 5

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried, Ord. #2005-15 entitled, "AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 388, SECTION 58, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the **public hearing** relative to this ordinance was scheduled for **June 23, 2005**.

Ordinance #2005-16 - Amending Chapter 388, Section 51, Schedule VII, One Way Streets - Hazlitt Avenue Westbound Only From Maple St. to Route 1/9 North (Route 46 East)

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried, Ord. #2005-16 entitled, "AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 388, SECTION 51, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the **public hearing** relative to this ordinance was scheduled for **June 23, 2005**.

Ordinance #2005-17 - Amending Chapter 388, Section 65, Schedule XVII, Vehicle Movement on Private Property Open to the Public - Whiteman Mall Ingress and Egress to and From Lemoine Avenue

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried, Ord. #2005-17 entitled, "AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 388, SECTION 65, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the **public hearing** relative to this ordinance was scheduled for **June 23, 2005**.

Ordinance #2005-18 - Amending Chapter 388, Section 63, Schedule XVII, Lane Use Reservations for Main Street and Center Avenue

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried, Ord. #2005-18 entitled, "AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 388, SECTION 63, VEHICLES AND TRAFFIC OF THE CODE OF THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the **public hearing** relative to this ordinance was scheduled for **June 23, 2005**.

Ordinance #2005-19 - Amending Chapter 388, Section 59, Schedule XIV-A: Right Turn Only on Slocum Way Eastbound at Intersection of Palisade Avenue

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried, Ord. #2005-19 entitled, "AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 388, SECTION 59, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF FORT LEE," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the **public hearing** relative to this ordinance was scheduled for **June 23, 2005**

Ordinance #2005-20- Establishing Chapter 310, Prior Notice of Utility Work

On motion by Councilman Cervieri, seconded by Councilman Sokolich, and carried, Ord. #2005-20 entitled, "AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY BERGEN, NEW JERSEY, ESTABLISHING CHAPTER 310, PRIOR NOTICE OF UTILITY WORK," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the **public hearing** relative to this ordinance was scheduled for **June 23, 2005**.

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-8.

CA-1 - Accepting 2004 Auditor's Report

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2004 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Fort Lee, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

CA-2 - Approving Raffle License #954 for Hackensack University Medical Center

WHEREAS, Hackensack University Medical Center, 30 Prospect Avenue, Hackensack, New Jersey, has submitted a raffle application for August 21, 2005; and

WHEREAS, the governing body has determined that their license application is complete in all respects,

NOW, THEREFORE, BE IT RESOLVED that the governing body hereby approves raffle application #954, pending final approval from the Legalized Games of Chance Control Commission.

CA-3 - Authorizing Hiring of Caroline Comerford as a Summer Seasonal Employee for the Police Department - \$8.50 Hourly

WHEREAS, a summer seasonal position exists within the Police Department, and the Mayor and Council have determined that this position should be filled,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, that the following individual be hired for summer help, at the hourly rate of compensation listed, respectively:

<u>Employee's Name:</u>	<u>Department</u>	<u>Hourly Rate:</u>	<u>Start</u>
Caroline Camerford	Police	\$8.50	*June 1st

* Denotes Retroactively

CA-4 - Authorizing Hiring of Seasonal Employees for the Recreation Department - Termination Date August 31st

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

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

BE IT FURTHER RESOLVED that the attached list of appointments are part-time seasonal positions with an effective date of June 27, 2005 and a termination date of August 31, 2005.

CA-5 - Authorizing Purchase of a Hewlett-Packard DL 380 Computer File Server From Hewlett-Packard, Omaha, Nebraska - New Jersey State Contract #A81249 - \$30,042

WHEREAS, the Borough of Fort Lee is in need of upgrading its current computer system; and

WHEREAS, a DL380 computer file server and various peripherals are available through Hewlett-Packard through New Jersey State Contract #A81249; and

WHEREAS, the total cost of expenditure is over the bid threshold amount of \$17,500 and the expenditure must be authorized by resolution of the governing body,

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Fort Lee authorizes the Borough to purchase the aforementioned computer equipment by purchase order from Hewlett-Packard, 10810 Farnam Drive, Omaha, Nebraska 68100 in the amount of **\$30,042**; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for this purchase through account #04-2430-00-0021-01.

CA-6 - Authorizing Person to Person Motel Transfer From Courtesy Motels, Inc., to Sapthagiri, LLC at 2167 Route 4 East

WHEREAS, an application for the transfer of the Borough Motel License from Courtesy Motel, Inc. to Sapthagiri, L.L.C. has been received; and

WHEREAS, the applicant has complied with all of the requirements of Borough Ordinance 377-2 regarding submission of application and related documentation and inspection of the premises by the Building Department and Fire Prevention Bureau; and

WHEREAS, the investigation by the Chief of Police required by Ordinance 377.5 has currently been completed,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that, a satisfactory inspection report from the Chief of Police confirming the fitness of the applicant as defined by Ordinance 377-2 has been received, the Mayor and Council of the Borough of Fort Lee do hereby consent to the transfer of the aforesaid motel licence of Courtesy Motel, Inc. to Sapthagiri, L.L.C.; and

BE IT FURTHER RESOLVED that in addition to the satisfactory inspection report received from the Chief of Police, the transfer shall be contingent upon and subject to compliance with all applicable laws, ordinances, codes, and regulations, and further contingent upon and subject to the issuance of a Continuing Certificate of Occupancy for the premises in accordance with Borough Ordinance 182-1.

CA-7 - Awarding Contract to Dynamic Productions, Suffern, New York, to Prepare Technical Specifications for Outfitting the New Community Center With Audio Equipment, Lighting and Theater Equipment - \$8,000

WHEREAS, the Mayor and Council of the Borough of Fort Lee would like to outfit the new Fort Lee Community Center with audio equipment, lighting and theater equipment; and

WHEREAS, the governing body requires a set of technical specifications to be prepared; and

WHEREAS, Dynamic Productions has submitted a proposal to design and prepare the technical specifications at a cost of \$8,000; and

WHEREAS, the Borough Administrator and Council President have reviewed the proposal and have recommended to the governing body the acceptance of the proposal,

NOW, THEREFORE, BE IT RESOLVED that the governing body hereby awards a contract to Dynamic Productions, 1 East Blossom Road, Suffern, New York, 10901 to prepare the aforementioned technical specifications at a cost of \$8,000; and

BE IT FURTHER RESOLVED that the Borough Attorney shall prepare a contract and the Mayor and Borough Clerk be authorized to execute such contract; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for the award of the contract through capital account #04-2313-00-0002-01; and

BE IT FURTHER RESOLVED that the Borough Clerk shall advertise the award of the contract to a qualified legal newspaper of the Borough.

CA-8 - Approving Firefighter Application for Kevin Ngo for Fire Company #1

The firefighter application for Kevin Ngo for Fire Company #1 was approved.

Nina Levinson, 1560 West Street, had questions pertaining to CA-7.

Ms. Thomas and Messrs. Cervieri and Alter responded to her questions.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Pohan**, and the Consent Agenda (items CA-1 through CA-8) was **approved unanimously**.

APPOINTMENTS

A-1 - Bergen County Community Development Regional Committee

Mr. Grant announced that Mayor Alter has reappointed Julia Ticola as his representative to the Bergen County Community Development Regional Committee.

A-2 - Bergen County Community Development Regional Committee

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

WHEREAS, the Borough of Fort Lee has entered into a three year cooperative agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A:8-1 et seq. and Title I of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that one municipal representative be appointed by the governing body of the community to be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1 through June 30, 2005-2006.

NOW, THEREFORE, BE IT RESOLVED that the governing body hereby appoints **James Viola** its representative to participate on the Community Development Regional Committee.

The Resolution was **approved unanimously**.

A-3 - Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund

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

WHEREAS, the Borough of Fort Lee has entered into a Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act NJSA 40A:8A-1 et seq., to participate in the Bergen County Open Space, Recreation, Farmland, and Historic Preservation Trust Fund; and

WHEREAS, said agreement requires that one Municipal Representative be appointed by the Governing Body of the community to be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1 through June 30, 2005-2006.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body hereby appoints **Neil Grant, Borough Clerk**, as its representative to participate on the Open State Trust Regional Committee.

The Resolution was **approved unanimously**.

COUNCIL REPORTS

Councilman Pohan - spoke to the well-attended street fair that was held last Sunday. He mentioned that the Farmers Market will continue to be held every Sunday morning from 8:00 a.m. until 2:00 p.m. in the municipal parking lot.

He mentioned that the movies and music series under the stars begins Wednesday, June 15th in Constitution Park and will continue every Wednesday throughout the summer. The first movie shown will be "Shrek 2" and fifties music will be presented by "Frankie Lymon's, The Teenagers". He spoke to some of the upcoming movies and music that will be seen and heard in Constitution Park.

Councilman Sokolich - extended his congratulations to everyone who received awards at last night's Fort Lee High School Sport's Award Dinner which was held at the Fiesta in Wood-Ridge, and which he attended with the Mayor and other Council Members. He also extended special congratulations to Gina Somma, Austin Mallis, Scott Hersh and Nelson Cruz who were all inducted into the Fort Lee High School Sports' Hall of Fame.

He congratulated Messrs. Sargenti and Pohan on their primary election victory.

Councilman Villano - offered his thanks to Ms. Thomas, Steve Monetti and Tom Meyers, and to all of the people who volunteered

to make the street fair so successful this year. He was in an area where the Fort Lee Community Fund, the Fort Lee Educational Foundation, Advisory Committee for the Disabled and the Greater Fort Lee Chamber of Commerce were represented. There was a lot of good publicity for the Borough.

He announced on behalf of the United Homeowners' that they will be hosting a seminar with regard to elder law. It will be held on Wednesday, June 22nd at 7:30 p.m. in the meeting room of the Fort Lee Public Library.

Councilman Sargenti - offered his kudos to Peggy Thomas, Steve Monetti, Tom Meyers, Kay Nest and the other volunteers for the fine job that they did with regard to the street fair.

He also spoke to the new centennial clock on Main Street that was dedicated at the street fair.

He said it was wonderful last night to see the new inductees honored into the Fort Lee Sports Hall of Fame. It was also nice to see the children receive the awards that they worked so hard for.

He stated that the boys' baseball teams and girls' softball teams are winding down their seasons.

Councilwoman Kasofsky - stated that the street fair was a great event. There was a sense of unity and community during the event.

She stated that if anyone does not have air-conditioning that they should call the Health Department at 201-592-3546 extension 1510.

She announced that the Friends of the Fort Lee Library will be holding a membership drive during the month of June. All June registrants will be entered into a drawing for various gift certificates to local establishments. The drawing will be held on July 9th at the library. She mentioned some of the "Friends" future projects that are part of the membership drive.

Councilman Cervieri - stated that on behalf of the Mayor and Council, he expressed his sympathy and condolences on the passing of former Fort Lee Police Captain Martin Ford. He still has two sons currently serving in the Police Department, and they are following in their dad's footsteps. They are both a wonderful asset to the community.

He mentioned that the Fort Lee Centennial Clock was dedicated by Mayor Alter at the street fair. The clock was a gift from the Chamber to the Borough and was purchased through the generosity of many sponsors. Most of the sponsors will be listed on a bronze plaque which will be dedicated in a few weeks. The complete list of donors is available on the Chamber Website. The Chamber wants to thank Frank Vastano of Metropolitan Plant & Flower Exchange for donating the flower arrangements at the base of the clock. In addition, the Chamber appreciates the cooperation and support of the Mayor, Borough Administrator, Council and various departments. They also singled out Mike Maresca, DPW and Parks employee, for his efforts in the installation of the clock.

He announced that the Chamber will be holding its general membership luncheon on Wednesday, June 15th from 11:45 a.m until 1:45 p.m. at the Assembly Steakhouse in Englewood Cliffs. The

guest speaker will be Ray Levy, Director of Economic Development, for the Borough of Fort Lee who will discuss the Town and Country project. In addition the Chamber's 2005 beautification awards will be announced, and the 2005-2006 Chamber Board of Directors will be installed. The cost of the luncheon is \$30.00 for members and \$35.00 for non-members. For further information contact the Chamber at 201-944-7575.

He mentioned that the Richard A. Nest Senior Citizens' Center is offering ten different types of computer classes for \$30.00 on Tuesday nights. For further information contact the senior citizen center at 201-592-3546 extension 1513.

He added that the Main Street Poets' Society has just come out with their seventh issue. It is also available through the senior citizen center. To offset the \$6.00 cost for publication, the senior citizen center will be accepting donations from anyone interested in obtaining a copy of the booklet of poems.

Mayor Alter - stated that there was a story in the press regarding the elevator problems at Malcolm Towers in the Borough. The building is made up of mostly senior citizens. Both elevators in the building were not working for a long period during the past couple of days. The Borough kept fire wardens on standby and made an ambulance available for over a day. He said that he will be looking to take steps so this situation does not repeat itself. He wanted to especially thank the labor unions in Fort Lee for their help. They got hold of a good elevator repair company. There have been ongoing labor problems with the elevator companies, which is one of the reasons the elevators were not serviced properly to begin with.

He noted that he attended the moving up exercises in Fort Lee Public School #3 this morning. Four classes made up of eighty-one kindergarten students graduated. It was a great ceremony, and he commended school principal John Caputo and his staff, for putting on a very fine show.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Anna Lypinski 400 Park Place	.Praise of Street Fair .Movies & Music Series	
	.Placement of Newspaper Racks	Mr. Cohen Mayor Alter Ms. Kasofsky

Councilman Villano - stated that he just received notice that Sam Neshan, father of building maintenance worker Danny Neshan, passed away earlier today. Mr. Neshan was a long time proprietor in the Borough. He knew Mr. Neshan for over sixty years.

Councilman Cervieri - congratulated his colleagues on their primary election victory earlier this week.

Councilman Sokolich - mentioned that he will be at Monument Park this Sunday from 9:00 a.m. to 11:00 a.m. He encouraged the public to come out to speak to him on any issue that they are interested in discussing.

There being no further discussion, the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Villano,** and carried at 8:40 p.m.

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, May 26, 2005

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

PRESENT: Mayor 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

MAYOR'S STATEMENT

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

1. On January 2, 2005, 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 3, 2005, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2005 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Alter stated that since the last meeting there was a one apartment high-rise fire in the Borough, at the Plaza, 1500 Palisade Avenue. It is the building that the Mayor lives in. He noted that there were two fatalities. The Fire Department was already fighting a house fire on Abbott Boulevard when the fire broke out. The Fire Department told him that their response time to the building was thirty seconds. There were some problems dealing with a fire on the twenty-sixth floor. Getting personnel that high up, including the personnel from the ambulance corps to take care of victims, was not an easy endeavor. There were also a number of firemen who were overcome by the smoke. Nine mutual aid towns responded and there were dozens of fire trucks at the scene. Mutual aid also took over the Fort Lee fire houses during the incident. It was a very well-handled fire in every way. There were a few elderly residents from the upper floors who panicked and two of the employees of the building carried residents down stairwells on their backs. Mayor Alter is trying to get their names together to recognize them with a plaque and a commendation at a later date. The tragedy could have been much worse. He is looking to have a retraining program for residents to remind them what they should be doing in case a fire breaks out and in emergency situations. The dedication of the volunteer organizations, and the pride in what they do, stood out under this trying event.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilman Villano, and carried unanimously, the minutes of the May 12, 2005

Regular Meeting were approved with Councilman Pohan abstaining.

PUBLIC HEARINGS

Ordinance #2005-11 - Capital Ordinance to Include \$215,000 Grant From the New Jersey Department of the Treasury for the Construction of the New Community Center

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2005-11 entitled, "AN ORDINANCE OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$215,000 TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF THE TREASURY FOR CONSTRUCTION OF A RECREATION CENTER IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY."

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

Mr. Cervieri asked if accepting the grant money affects the way the Borough controls the use of the indoor aspect of the new community center.

Ms. Thomas replied that accepting the grant money does not affect the way the new community center can be used.

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

AYES: Council Members Pohan, Sokolich, Villano, Kasofsky, Cervieri

Ordinance #2005-13 - Amending Salary Ordinance #2004-22, Establishing Salaries for White Collar and Certain Non-Union Employees Schedule (B)

On motion by Councilman Cervieri, seconded by Councilman Sokolich, the following minor amendment pertaining to Ordinance #2005-13 was introduced. "The Borough Attorney's salary will be adjusted from \$94,479 to \$95,000."

There being no further discussion, the minor amendment was approved on the following roll call:

AYES: Council Members Pohan, Sokolich, Villano, Kasofsky, Cervieri

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2005-13 as amended, entitled, "AN ORDINANCE AMENDING SALARY ORDINANCE #2004-22, ESTABLISHING SALARIES FOR WHITE COLLAR EMPLOYEES AND CERTAIN NON-UNION EMPLOYEES."

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

On motion by Councilman Cervieri, seconded by Council, the Ordinance as amended was adopted on the following roll call:

AYES: Council Members Pohan, Sokolich, Villano, Kasofsky, Cervieri

PROPOSED CONSENT AGENDA

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

CA-1 - Payment of Claims

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

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$6,066,033.07
Capital	1,041,869.03
Multiple Dwelling	n/a
Construction Fees	n/a
COAH Fees	n/a
Trust (Old)	n/a
Senior Citizen Advisory Council	1,867.50
Trip Admissions	n/a
Wedding Fees	n/a
Trust Account (Accutrack)	60,913.73
Police Activity Account	21,627.36
Special Dog Account	n/a
Senior Citizen Advisory Account	1,200.00
Centennial Fund	n/a
Disability Insurance Trust	n/a
Unemployment Compensation Trust	15,792.90
Public Assistance Trust Fund I	n/a
Fort Lee Film Commission	2,400.05
Redemption Account	<u>36,532.14</u>
Total:	\$7,248,235.78

CA-2 - Authorizing Hiring of a Spring/Summer Seasonal Employee for Fire Prevention - \$10.00 Hourly

WHEREAS, a spring/summer seasonal position exists within the Fire Prevention Bureau and the Mayor and Council have determined that this position should be filled,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, that the following individual be hired at the hourly rate of compensation listed, respectively:

<u>Employee's Name:</u>	<u>Department</u>	<u>Hourly Rate:</u>	<u>Start</u>
* Kimberly Martinez	Fire Prevention	\$10.00	May 30 th

* To Be Used as a Seasonal Employee Throughout the Year
As Directed by the Fire Sub-Code Official

CA-3 - Authorizing Participation in New Jersey's First Annual Celebrate New Jersey Month

WHEREAS, since earliest times, New Jersey's shore line, Pine Barrens, mountains and valleys have been recognized as places of great beauty, rich in natural resources and an abundance of plant and animal species; and

WHEREAS, New Jersey was the "cockpit of the American Revolution", having more encampments, skirmishes, headquarters, and impact on the civilian population than any other state, with

Washington and his army fighting back and forth across the state for four long years, involving almost every village and hamlet in the state; and

WHEREAS, New Jersey's illustrious history and citizens have changed the nation and the world, including such "firsts and bests" as the first state to ratify the U.S. Bill of Rights, the first railroad charter in the U.S., the nation's first seaside resort, the first baseball game, and the first college football game; and

WHEREAS, life saving health care innovations were invented in New Jersey including ether, penicillin, early chemotherapy, cortisone, streptomycin and antihypertensive drugs; and

WHEREAS, such life enhancing developments were invented in New Jersey as the first sound motion picture, the first live TV transmission, the first long-distance direct dialing, the first touch-tone dialing, the first transatlantic fiber-optic cable, the first high-definition digital TV, the first bar code, the first production of safe, practical air conditioners of large spaces, the first electric light, the first phonograph, the first canned, condensed soups, the first mass produced, quick-frozen vegetables, the first canned beer, the first glass company, and the first cloverleaf traffic intersection; and

WHEREAS, New Jersey's illustrious citizens include such greats as Thomas Edison, Frank Sinatra, President Woodrow Wilson, Bruce Springsteen, Alice Paul, Charles Lindbergh, Meryl Streep, Paul Robeson, Susan Sarandon, and Jackie Robinson; and

WHEREAS, New Jersey's strength is its highly educated work force, its diversity and the resilience, ingenuity, creativity, and generosity of its citizens; and

WHEREAS, the Borough of Fort Lee is known for its history in the movie industry and its cultural diversity,

NOW, THEREFORE, BE IT RESOLVED by the Borough of Fort Lee that we declare June, 2005 as New Jersey's first annual **Celebrate New Jersey!** month and direct all Borough agencies and authorities to participate in showcasing all that makes our Borough a great place to live and work.

CA-4 - Approving Saint Rocco Italian American Mutual Aid Society Festival - August 3-7, 2005 at Martha Washington Way

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 3rd, 4th, 5th, 6th, 7, 2005 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 setoff, 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 additionally insured be obtained.

CA-5 - Authorizing Settlement of Tax Appeal Litigation Entitled Tahari, 1141 Buckingham Road, Block 1303, Lot 13, vs. Borough of Fort Lee

WHEREAS, Avraham and Susan Tahari are the owners of certain residential property located at 1141 Buckingham Road, also known as Block 1303, Lot 13; and

WHEREAS, the property owner filed a tax appeal against the Borough of Fort Lee in a matter entitled Tahari vs. Borough of Fort Lee, under Docket No. 2530-04; and

WHEREAS, it has been recommended by the Tax Appeal Attorney and by Certified Valuations, Inc. that the matter be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Tahari vs. Borough of Fort Lee, under Docket No. 2530-04, so that the 2004 and 2005 assessments will be reduced from \$1,999,000 to \$1,775,000; and

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

CA-7 - Authorizing Purchasing Consultant to Prepare Specifications and Advertise for Bids for Theater Equipment for the New Community Center

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:

- . Theater Equipment for the New Community Center

Nina Levinson, 1560 West Street, questioned CA-5, CA-6 and CA-7.

Mayor Alter responded to CA-5. Mr. Cohen spoke to CA-6, and Ms. Thomas and Mayor Alter replied to CA-7.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Pohan**, and the Consent Agenda (items CA-1 through CA-7, except for CA-6 which was removed for separate vote by Councilman Sokolich) was **approved unanimously**.

RESOLUTION

R-1/CA-6 - Approving Developers Agreement for V&R Developers, Inc., 153 Cedar Street, Block 4302, Lots 19 and 20

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

WHEREAS, the Planning Board of the Borough of Fort Lee adopted a resolution approving a development by V&R Developers, Inc. (the "Developer") for property located in Block 4302, Lots 19-20, also known as 153 Cedar Street, Borough of Fort Lee, County of Bergen and State of New Jersey; and

WHEREAS, the Resolution was conditioned upon the Developer entering 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,

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 the Developer.

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

AYES: Council Members Pohan, Villano, Kasofsky, Cervieri

ABSTENTION: Councilman Sokolich

COUNCIL REPORTS

Councilman Pohan - announced that on Sunday, June 5th, the Borough will be holding its arts and music festival on Main Street and in the Municipal Parking Lot. It starts at 8:00 a.m. with the grand opening of the Fort Lee Farmers Market which he expects will carry on through the summer and into the early fall. All of the other scheduled events will run from 12:00 noon until 6:00 p.m. He noted that sponsors and businesses have helped subsidize the cost of the event.

He stated that the summer movies and music series under the stars begins on Wednesday, June 15th at Constitution Park. Beginning next year the program will be moved to the new community center. The first movie being shown is "Shrek 2".

He attended the high school today to help kick off a new event. County Executive Dennis McNerney was also in attendance. Bergen County and the Fort Lee Film Commission will be sponsoring this fall a festival of high school students' films and videos from all over the County. Tom Meyers and Nelson Page of the Film Commission have been very instrumental in spearheading this project. This should be a great project for the kids throughout the County.

Councilman Sokolich - read the following statement from the Fire Department:

"On May 18, 2005 at approximately 11:45 a.m., the Fort Lee Fire Department was engaged in overhaul operations at a house fire on Abbott Boulevard when a report of smoke on the 26th floor of The Plaza was reported. The Plaza is a multistory, partially sprinkled, high-rise building on Palisade Avenue.

The Fort Lee Fire Department's practice of staging equipment in service fire units while operating at the Abbott Boulevard fire ensured an immediate response to The Plaza. The initial response to The Plaza consisted of The Chief, Deputy Chief, Battalion Chief and 4 fire companies. Upon arrival to The Plaza, Chief Parker confirmed a working fire, established command and requested mutual aid and multiple EMS units be dispatched to the scene. Firefighting crews from Rescue Company 2 and Ladder Company 3 advanced into the fire apartment without the protection of a water supply through heavy smoke and fire to search for reported victims. The victims were removed to EMS within minutes of gaining access to the fire apartment. Firefighting crews from Engine Company 1, Engine Company 4, and several East Bergen Mutual Aid towns secured the water supply, advanced hose lines and assisted the initial attack crews by utilizing thermal imaging cameras, providing ventilation and staging FAST teams. Searches of the floors above and below the fire were simultaneously being conducted. Back up crews were assigned

support and relief tasks. Additional firefighters were staged strategically in accordance with department guidelines.

The Fort Lee Fire Department would like to inform all high-rise residents that upon activation of a fire alarm they should exit the building if they can do so safely, prior to the arrival of the fire department. Once the fire department is on the scene, the determination to evacuate is made by the Incident Commander. The safety of remaining residents, fire location, fire conditions, and the execution of firefighting operations will factor into the decision if all, some or none of a building will be evacuated.

The professionalism and quick actions despite adverse conditions exhibited by the Fort Lee Fire Department, East Bergen Mutual Aid, Fort Lee Ambulance Corps, Mutual Aid EMS, and the Fort Lee Police Department should be commended."

Mr. Sokolich stated that last night he, along with Mayor Alter and a number of council members, attended the Fort Lee High School academic awards ceremony at the Marriott in Teaneck. The Borough has a talented group of students. He commended the students, parents, faculty and administration of the Borough. He was very proud to attend the ceremony.

Councilman Villano - commented that last night was approximately the thirty-fifth academic and service awards dinner he has attended. He went to thirty as a teacher and the rest as a councilman. About \$80,000 in scholarship money was handed out to the students. It was an impressive event.

He said that he will be at a table on Sunday during the arts and music festival representing the Advisory Committee for the Disabled. There will also be an organ donor table that will be manned by Ben Chirls, Advisory Committee for the Disabled member.

He stated that there is a Fort Lee Educational Foundation of which he is a charter member. The Foundation is trying to build an accurate alumni list for the high school. The purpose of the organization is to raise funds to help the schools do what they are unable to do for themselves. He asked anyone who wants to get involved to contact him.

He mentioned that the Police Department has received a \$4,000 grant for the Click-It or Ticket Program.

He read a list of streets that are going to be paved throughout the summer.

Councilwoman Kasofsky - announced that on Monday, May 30th, a Memorial Day Parade will be held. The event commences at Martha Washington Way at 10:30 a.m. and concludes at Borough Hall where a ceremony will be conducted.

She announced that Johnny Davis, former National Football League player, will be hosting a motivational seminar at the Fort Lee Library on Thursday, June 9th at 7:00 p.m.

She sent condolences to Rita Altomara, Library Director, on the recent passing of her mother.

Councilman Cervieri - stated that at the arts and music festival, there will be a dedication ceremony for the recently installed centennial clock. The clock is between the Fort Lee Post Office

and the Blimpie's Sandwich Shop. The clock along with the landscaping was done very nicely.

He urged residents to honor the veterans by attending the Memorial Day services next Monday.

Mr. Grant - announced that the Primary Election will be held on Tuesday, June 7th between the hours of 6:00 a.m. and 8:00 p.m.

He also offered his congratulations and best wishes on the retirement of Barbara Bicocchi, who just completed twenty-five years of service for the Borough. He mentioned besides her years of dedicated service to the Borough, that she is a wonderful person who has raised two great kids. She has two grandsons that will continue to keep her busy during her retirement.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
John Tansey 3091 Edwin Ave.	.Paving of Driveways at Linwood Complex	Mr. Villano
	.Federal Grants	Mayor Alter
	.Port Authority	Mayor Alter
	.Fletcher Avenue Traffic	Mayor Alter
	.Lower/Middle Income Housing	Mayor Alter Mr. Cervieri Mr. Sokolich
Nina Levinson 1560 West St.	.Paving of North Avenue	Ms. Thomas
Elaine Zipse 214 Haworth Ave. Haworth, NJ.	.Blasting Done by Contractor Next to Her House at 1541 Anderson Avenue	Mr. Sokolich Mayor Alter Mr. Cohen Mr. Pohan Mr. Cervieri
Terry Corio 231 Slocum Way	.Sink Holes on Her Property Due to Contractor Working on Property at 227 Slocum Way	Mr. Sokolich Mr. Pohan Mr. Cohen Mayor Alter Mr. Cervieri
Joe Malachick 253 McCloud Dr.	.Building Department Complaint With Regard to Work Being Done at 249 McCloud Drive - Permit Procedure	Mr. Sokolich Mayor Alter Mr. Cervieri
	.Pedestrian Crossings/Use of Speed Humps	Mayor Alter Mr. Cohen Mr. Sokolich Mr. Cervieri Mr. Villano Ms. Thomas

There being no further discussion, the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Pohan,** and carried at 9:17 p.m.

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, May 12, 2005

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

PRESENT: Mayor Alter, Council Members Sokolich, Villano,
(Arrived at 8:35 p.m) Sargenti, Kasofsky,
Cervieri

ABSENT: Councilman Pohan

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

MAYOR'S STATEMENT

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

1. On January 2, 2005, 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 3, 2005, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2005 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Alter had no report tonight.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the April 14, 2005 Regular Meeting were approved with Councilman Sargenti abstaining.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the April 28, 2005 Executive Session were approved.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the April 28, 2005 Regular Meeting were approved.

INTRODUCTION OF ORDINANCES

Ordinance #2005-13 - Amending Salary Ordinance #2004-22, Establishing Salaries for White Collar and Certain Non-Union Employees (Schedule {B})

On motion by Councilman Cervieri, seconded by Councilman Sokolich, and carried, Ord. #2005-13 entitled, "AN ORDINANCE AMENDING SALARY ORDINANCE #2004-22, ESTABLISHING SALARIES FOR WHITE COLLAR EMPLOYEES AND CERTAIN NON-UNION EMPLOYEES" was

introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **May 26, 2005**

AYES: Council Members Sokolich, Sargenti, Kasofsky, Cervieri

ABSENT: Councilman Villano

PUBLIC HEARINGS

Ordinance #2005-10 - Amending Chapter 345, Site Plan and Chapter 410, Zoning - Off-street and Off-site Parking Facilities

Mr. Cervieri recused himself on this matter and left the podium.

On motion by Councilman Sokolich, seconded by Councilman Sargenti and carried, the public hearing was opened relative to **Ord. #2005-10** entitled, "AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 345, 'SITE PLAN REVIEW' OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE AND CHAPTER 410, 'ZONING' OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE."

Stanley Goldberg, 1080 Inwood Terrace, asked how the ordinance is being changed, and what areas are being affected.

Mayor Alter replied that the Borough has a very restrictive parking ordinance. The businesses being affected cannot meet the ordinance as it is currently written. Most municipalities already have an ordinance in place that has fewer restrictions than the current Borough ordinance has. Secondly, parking deficiencies will be changed to need a variance as opposed to receiving a parking waiver, as the ordinance is currently written. The ordinance will have no effect on the Town & Country development.

Ms. Thomas stated that the central business district and a portion of the neighborhood zone south of Main Street and generally along Lemoine Avenue, Palisade Avenue and Parker Avenue are being affected.

Nina Levinson, 1560 West Street, asked what streets are being affected with the new ordinance.

Ms. Thomas read the portion of the ordinance that Ms. Levinson questioned and reiterated that Town & Country is not included in the pending ordinance.

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

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

AYES: Council Members Sokolich, Sargenti, Kasofsky

ABSENT: Council Members Villano, Cervieri

Mr. Cervieri returned to the podium.

Ordinance #2005-12 - Authorizing Acceptance of a Dedication of a Sanitary Sewer Easement From Reduce Construction Corp., for Property Located at 2458 Third Street, Block 7005, Lot 26

On motion by Councilman Cervieri, seconded by Councilman Sargenti and carried, the public hearing was opened relative to **Ord. #2005-12** entitled, "AN ORDINANCE AUTHORIZING ACCEPTANCE OF A DEDICATION OF A SANITARY SEWER EASEMENT FROM REDUCE CONSTRUCTION CORP. OVER A PORTION OF LANDS KNOWN AS 2458 THIRD STREET, ALSO REFERRED TO AS LOT 26 IN BLOCK 7005 ON THE TAX MAP OF THE BOROUGH OF FORT LEE, COUNTY OF BERGEN AND STATE OF NEW JERSEY."

Stanley Goldberg, 1080 Inwood Terrace, asked a question on page 2, end of paragraph 1, relating to nominal compensation. He wanted to know what the Borough is paying with regard to the sewer easement.

Ms. Thomas said this is being done at the Fire Department's request. The compensation is nominal.

Mr. Cervieri added that it is a sewer easement so that the sewer line can be hooked up from behind Fort Lee Fire House #2. It is an improvement for the area.

Edward Faraday, 2466 Second Street, asked what guidelines are used to present an ordinance to the public, specifically this ordinance.

Mr. Cervieri responded that the Borough is the beneficiary of the sewer easement. The Borough is hooking one of its sewer lines across the property owned by the Reduce family on Third Street. It allows the Borough to accept the privilege.

Mr. Faraday asked about the existing sewer line going through the property in question now. He asked what problems the Fire Department has had with the sewer line in question and asked specific questions about the sewer line.

Mr. Cervieri stated that the sewer line was on the property and a building was torn down and approvals were granted for replacement properties. The Fire Department has always had a problem with their sewer lines. They thought it would be a good idea to hook up with a below grade sewer line and the opportunity presented itself to feed in with the sewer line on Third Street. He also answered Mr. Faraday's specific questions regarding the exact location of the sewer line.

Mayor Alter asked Mr. Faraday what is the purpose of his question.

Mr. Faraday said that the Fire Department is looking for access to the property in question.

Mr. Cervieri said there was no mystery that the Fire Department has had a problem with their sewer line. There was also a problem in the past with a retaining wall. All of the things got addressed when the Borough has had a chance to take corrective action. Now that the property is being redeveloped and the sewer line is being built, it was a great time to rectify a long term problem at a nominal cost.

Mayor Alter told Mr. Faraday that all of his rights to discuss these matters during the day with the engineers and Fire Department are available to him. Any ordinance that is approved can be redone at a later date.

Mr. Sokolich asked Mr. Faraday where he is going with his questioning of the ordinance. He understood that this is a benefit to the Borough.

Mr. Faraday asked Mr. Sokolich about his conflict with regard to him stating that he knows the Reduce family.

Mr. Sokolich replied that he is entitled to engage in dialogue with Mr. Faraday about the issue in question. He stated that he is going to abstain from voting. He added that he was trying to help Mr. Faraday.

Mr. Faraday said that 2453 Third Street is in litigation with Bergen County.

Mayor Alter asked if Mr. Faraday is one of the litigants.

Mr. Faraday replied that he is one of the litigants in the pending matter.

Messrs. Alter, Sokolich and Cervieri all concurred that they cannot engage him at this point once Mr. Faraday made it clear that he is one of the litigants.

Mr. Cohen told the Mayor and Council that the matter is in litigation and the Borough may be dragged into the litigation. It was his advice that the matter not be discussed any further by the Mayor and Council.

Joseph Licata, 1558 Center Avenue, trustee for fire company #2, stated that there have been sewage problems for forty years in the area being discussed. He explained that without this sewer easement it was going to cost \$300,000 for the Borough to put the sewer in to Washington Avenue. He went to Mr. Reduce when he heard they were buying the property and through their graciousness they put in the sewer line for no cost. He spoke to the raw sewage that has been in different residents' homes throughout the years after rainstorms. He urged the Council to support this issue.

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

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

AYES: Council Members Sargenti, Kasofsky, Cervieri

ABSENT: Councilman Villano

ABSTENTION: Councilman Sokolich

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-11.

Mayor Alter recused himself with regard to CA-12 and asked that the item be voted on separately.

CA-1 - Authorizing Hiring of Various Spring/Summer Seasonal Employees for Various Departments \$7.50 to \$10.50 Hourly

WHEREAS, spring/summer annual seasonal positions exist within various departments and the Mayor and Council have determined that these positions should be filled,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, that the following individuals be hired for spring/summer help, at the hourly rate of compensation listed, respectively:

<u>Employee's Name:</u>	<u>Department</u>	<u>Hourly Rate:</u>	<u>Start</u>
Dana Ripoli	Borough Clerk	\$10.00	May 16th
Jennifer Crispo	Municipal Court	\$10.00	May 16th
Courtney Dorian	Police	\$10.50	May 16th
Michael Ferraro	Police	\$10.00	May 16th
Eric Salgado, Jr.	DPW	\$ 7.50	June 20th

CA-2 - Authorizing Settlement of Litigation Entitled Borough of Fort Lee vs. Loucas and Farmer's Insurance Company of Flemington - \$1,750

WHEREAS, the Borough of Fort Lee initiated litigation entitled Fort Lee vs. Loucas and Farmer's Insurance Company of Flemington, in the Superior Court, Bergen County Law Division, Special Civil Part, under Docket No. DC 000225-05; and

WHEREAS, the Borough's Attorney has recommended a settlement of this matter; and

WHEREAS, settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the Mayor be and he is hereby authorized and directed to execute the release in the form provided and annexed hereto, so that the Borough will be paid a total sum of \$1,750 towards the damages incurred by the Borough.

CA-3 - Authorizing Purchasing Consultant to Obtain Specifications and Advertise for Bids for Video Equipment for the New Community Center and Construction for Roadway Improvements to Cumbermeade Road

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

- . Video Equipment for the New Community Center
- . Construction for Roadway Improvements to Cumbermeade Road

CA-4 - Authorizing Purchase of Three Thermal Imaging Cameras for the Fire Department From All Industrial Safety Products, Inc., Edgewater Park, New Jersey - New Jersey State Contract #A61238 - \$28,314

WHEREAS, the Fire Department has requested the purchase of three thermal imaging cameras; and

WHEREAS, the cameras are available through All Industrial Safety Products, Inc., through New Jersey State Contract #A61238; and

WHEREAS, the total cost of expenditure is over the bid threshold amount of \$17,500 and the expenditure must be authorized by resolution of the governing body,

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Fort Lee authorizes the Fire Department to purchase the thermal imaging cameras by purchase order from All Industrial Safety Products, 950 Mount Holly Road, P.O. Box 189, Edgewater Park, New Jersey, 08010 in the amount of **\$28,314.00** for all three cameras; and

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

capital account #04-2430-00-0016-01.

CA-5 - Awarding Bid to Princeton's Nassau/Conover Ford, Princeton, New Jersey for a Pickup Truck for the DPW - \$33,656

WHEREAS, the Borough of Fort Lee publicly advertised for sealed bids with respect to the delivery of a pickup truck for the Department of Public Works on April 20, 2005; and

WHEREAS, four (4) bid packages were issued and two (2) bids was received as follows:

<u>Bidder</u>	<u>Amount</u>
Princeton's Nassau/Conover Ford-Line 902 Route 206 Princeton, New Jersey 08540	\$33,656.00
Meadowland Ford Truck Sales, Inc. 330 County Avenue Secaucus, New Jersey 07094	\$36,297.00

WHEREAS, Princeton's Nassau/Conover Ford-Line was the lowest qualified bidder; and

WHEREAS, the Borough desires to award a contract to the low bidder,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Princeton's Nassau/Conover Ford-Line be and is hereby awarded the bid to deliver a 2005 Ford F350 Super Cab, 4X4 XLT to the DPW at a total cost of **\$33,656.00**; and

BE IT FURTHER RESOLVED that the Borough Attorney, be and he is hereby authorized and directed to prepare an appropriate agreement between the Borough and the low bidder, and the Mayor, be and he is hereby authorized and directed to execute the same on behalf of the Borough; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds for the purchase are available through capital account #04-2430-00-0007-01.

CA-6 - Awarding Bid to Storr Tractor Company, Somerville, New Jersey for a Rotary Motor for the DPW - \$49,300

WHEREAS, the Borough of Fort Lee publicly advertised for sealed bids with respect to the delivery of a Rotary Mower for the Department of Public Works on April 20, 2005; and

WHEREAS, two (2) bid packages were issued and one (1) bid was received as follows:

Storr Tractor Company	\$49,300.00
-----------------------	-------------

WHEREAS, this bid was reviewed by Borough Officials and the Borough Attorney for compliance, who recommends the award to the lowest qualified bidder subject to the availability of funds from the Chief Financial Officer,

NOW, THEREFORE, BE IT RESOLVED, that the bid is hereby awarded to Storr Tractor Company, 3191 Highway 22, Somerville, New Jersey 08876 for a Rotary Mower for the DPW at a cost of **\$49,300.00**; and

BE IT FURTHER RESOLVED that the Borough Attorney is hereby directed to prepare said contract and the Mayor and Borough Clerk of the Borough of Fort Lee are authorized to execute the contract with Storr Tractor Company; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds for the purchase are available through Capital Account #04-2430-00-0012-01.

CA-7 - Awarding Bid to Fire Fighters Equipment Co., Dover, New Jersey for a Used 2004 Mobile Air System for the Fire Department - \$51,500

WHEREAS, the Borough of Fort Lee publicly advertised for sealed bids with respect to the delivery of Public Safety Equipment (Mobile Air System) for the Fire Department on April 20, 2005; and

WHEREAS, seven (7) bid packages were issued and two (2) bids were received as follows:

Fire Fighters Equipment Co. \$51,500.00
Route 10 East
P.O. Box 897
Dover, New Jersey 07802-0897

Air & Gas Technologies, Inc. \$81,250.00
42 Industrial Drive
Cliffwood Beach, New Jersey 07735

WHEREAS, the bids were reviewed by Borough Officials and the Borough Attorney for compliance, who recommends the award to the lowest qualified bidder subject to the availability of funds from the Chief Financial Officer,

NOW, THEREFORE, BE IT RESOLVED, that the bid is hereby awarded to Fire Fighters Equipment Co., Route 10 East, P.O. Box 897, Dover, New Jersey 07802-0897 for a Used 2004 Scott Liberty 1 Mobile Air System for the Fire Department at a cost of **\$51,500.00**; and

BE IT FURTHER RESOLVED that the Borough Attorney is hereby directed to prepare said contract and the Mayor and Borough Clerk of the Borough of Fort Lee are authorized to execute the contract with Fire Fighters Equipment Co.; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds for the purchase are available through Capital Account #04-2406-00-0001-01.

CA-8 - Authorizing Tax Collector to Assign Municipal Lien 1989-23, Block 5902, Lot 4, C003E to S&K Equities, LLC., Jersey City, New Jersey

WHEREAS, N.J.S.A. 54:5-112 and N.J.S.A. 54:5-113, provides the Governing Body the authority for municipally held liens to sell same at private sales to such person and for such sums, not less than the amount of municipal liens charged against same; and

WHEREAS, the Tax Collector has notified the owner of record as appearing on the Tax Duplicate at least five (5) days prior to affirmation of this Resolution and public notice was posted in three (3) public places within the Municipality,

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

hereby authorize the Tax Collector to assign municipally held liens, No. 1989-23, Block #5902, Lot #4, C003E, together with subsequent liens thereon, at private sale to S&K Equities LLC, 113 Pavonia #118, Jersey City, New Jersey 07310; and

BE IT FURTHER RESOLVED that a certified copy of the Resolution be forwarded to the Tax Collector, Borough Attorney and Assignee.

CA-9 - Awarding Bid to Princeton's Nassau/Conover Ford, Princeton, New Jersey for a Support Van for the Fire Department - \$98,557

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF FORT LEE AUTHORIZING AWARD OF CONTRACT
FOR A SUPPORT VAN FOR THE FIRE DEPARTMENT**

WHEREAS, the Borough of Fort Lee advertised and received bids on April 20, 2005 for the purchase of a support van for the Fire Department; all in accordance with law; and

WHEREAS, four Bid Specification packages were issued; and

WHEREAS, two vendors responded to the Bid Specifications for a support van as follows:

Princeton's Nassau/Conover Ford-Line, 902 Rt. 206, Princeton,
New Jersey 08540
Support Van: \$98,557.00

Meadowland Ford Trucks Sales, Inc., 330 Conway Avenue,
Secaucus, New Jersey 07096
Support Van: \$87,861.00

; and

WHEREAS, the bid submitted by Meadowland Ford Trucks, Sales, Inc. bond rating does not comply with the Bid Specifications; and

WHEREAS, the Borough Attorney and Borough Purchasing Consultant have reviewed the bids for a support van and found that the bid of Princeton's Nassau/Conover Ford-Line to be in order and in conformity with the Bid Specifications and have recommended the award of the bid to that dealer,

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 a Contract be and is hereby awarded Princeton's Nassau/Conover Ford-Line in the amount of Ninety-eight Thousand Five Hundred Fifty-seven Dollars (\$98,557.00); and

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available for the purchase; and

BE IT FURTHER RESOLVED that the original proprietary Bid Specifications and bid responses are available in the Borough Clerk's Office; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk be and are hereby authorized to execute a contract with Princeton's Nassau/Conover Ford-Line in a form approved by the Borough Attorney.

CA-10 - Awarding Two Year Contract to Fireworks by Grucci, Inc., Brookhaven, New York, for July 4th Fireworks' Display - \$20,000 Per Year

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AWARDING A CONTRACT TO FIREWORKS BY GRUCCI, INC. TO PROVIDE FIREWORKS ENTERTAINMENT FOR THE BOROUGH'S FOURTH OF JULY CELEBRATION

WHEREAS, the Borough of Fort Lee wishes to conduct a fireworks display for the Fourth of July at the Lewis F. Cole Middle School; and

WHEREAS, the appropriate contractor for proprietary fireworks entertainment has been determined to be Fireworks by Grucci, Inc., One Grucci Lane, Brookhaven, New York 11719; and

WHEREAS, the Borough believes that the services to be provided are in the nature of an Extraordinary Unspecifiable, Service (UES), and therefore, need not be publicly bid;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Fireworks by Grucci, Inc., is awarded a contract to provide firework entertainment for the Borough's Fourth of July celebration for a two year period with the Borough having an option to extend the contract for two one-year periods; and

BE IT FURTHER RESOLVED that Fireworks by Grucci, Inc. shall provide for transportation of personnel, equipment and fireworks to the Borough of Fort Lee, coordinate logistical needs and implementation of the fireworks display; and

BE IT FURTHER RESOLVED that the Mayor and Council authorizes Grucci, Inc. to apply for a firework's permit from the Fire Prevention Bureau; and

BE IT FURTHER RESOLVED that the amount to be paid for the services and goods to be provided shall be \$20,000 for 2005 and \$20,000 for 2006, subject to the contractor providing sufficient insurance, to be reviewed and approved by the Borough Attorney; and

BE IT FURTHER RESOLVED that should the Borough exercise the option to extend the contract for two one-year periods, the amount to be paid for the services and goods to be provided shall be based upon the New Jersey Consumer Price Index, and subject to the contractor providing sufficient insurance, to be reviewed and approved by the Borough Attorney; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for this contract; and

BE IT FURTHER RESOLVED that the Borough Clerk shall advertise in a legal newspaper within ten business days of the awarded contract; and

BE IT FURTHER RESOLVED that a copy of this resolution and the contract shall be maintained by the Borough Clerk for public inspection.

CA-11 - Authorizing Rejection of Bid for a New Decontamination Trailer

WHEREAS, the Borough of Fort Lee publicly advertised for sealed bids with respect to a Decontamination Trailer for the Public Safety Department on April 20, 2005; and

WHEREAS, seven (7) bid packages were issued and one bid was received as follows:

AramSCO, Inc.	\$99,000.00
1655 Imperial Way	
Thorofare, New Jersey 08086	

and;

WHEREAS, it is recommended that the bid be rejected for the Decontamination Trailer as the Borough has decided to abandon the project pursuant to N.J.S.A. 40A:11-13.2(c).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the bid be rejected and the project abandoned for the Decontamination Trailer pursuant to N.J.S.A. 40:A:11-13.2(c).

Stanley Goldberg, 1080 Inwood Terrace, questioned CA-7 and CA-8.

Ms. Thomas responded to Mr. Goldberg.

Nina Levinson, 1560 West Street, asked about CA-2 and CA-7.

Ms. Thomas spoke to CA-2 and Ms. Thomas and Mr. Sokolich replied to CA-7.

Dorsey Slagle, 555 North Avenue, spoke to CA-11.

Mr. Villano arrived at this point in the meeting at 8:35 p.m.

Ms. Thomas and Mayor Alter replied to CA-11.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilwoman Kasofsky**, and the Consent Agenda (items CA-1 through CA-11, except for CA-12) was **approved unanimously**.

RESOLUTIONS

R-A/CA-12 - Authorizing Settlement of Tax Appeal Litigation Borough of Fort Lee vs. Southbridge Park, Inc.

Mayor Alter left the podium with regard to this matter and asked that Councilman Cervieri chair this portion of the meeting.

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

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE ACCEPTING A SETTLEMENT IN THE CASE OF SOUTHBRIDGE PARK, INC. VS. FORT LEE TAX COURT DOCKET NUMBER 004598-2004

WHEREAS, Plaintiff, Southbridge Park, Inc. filed a 2004 property tax appeal with the New Jersey Tax Court on property identified on the tax maps of Fort Lee as Block 3203, Lot 1, based on the Borough wide revaluations; and

WHEREAS, the Mayor and Council of the Borough of Fort Lee has filed a counterclaim against Southbridge Park, Inc. seeking an increase on its tax assessment; and

WHEREAS, Southbridge Park, Inc., has withdrawn its 2004 property tax appeal against the Borough; and

WHEREAS, it is in the best interest of the Borough of Fort Lee to withdraw its counterclaim against Southbridge Park, Inc.,

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

1. The Borough is authorizing its Tax Appeal Attorney to withdraw the Borough's counterclaim in the matter of Southbridge Park, Inc. vs. Borough of Fort Lee Tax Court Docket Number 004598-2004 as it is in the best interests of the Borough to settle this matter.

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

Mr. Cervieri explained the litigation. The appellant Southbridge Park originally filed for a tax appeal. They withdrew their appeal. The Borough during the appeal process filed a counterclaim which is a methodology of putting the applicant on notice that the Borough will further contest the assessment if it goes to trial and the Borough loses. Southbridge Park has dropped its appeal and the Borough is now going to drop its counterclaim. There are no monies involved. The assessment for the year will stand for 2004.

AYES: Council Members Sokolich, Villano, Sargenti, Kasofsky, Cervieri

Mayor Alter returned to the podium.

RESOLUTIONS

R-1 - Providing for a Single and Combined Issue of General Obligation Bonds; Authorizing the Sale of \$16,115,000 Principal Amount of General Obligation Bonds, Series, 2005

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

RESOLUTION OF THE BOROUGH OF FORT LEE PROVIDING FOR A SINGLE AND COMBINED ISSUE OF GENERAL OBLIGATION BONDS; AUTHORIZING THE SALE OF \$16,115,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2005; AUTHORIZING ADVERTISEMENT OF A NOTICE OF SALE; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO SELL AND AWARD THE BONDS; DETERMINING THE FORM AND OTHER DETAILS OF THE BONDS; AND AUTHORIZING OTHER MATTERS RELATING THERETO.

WHEREAS, the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") has adopted the Bond Ordinances listed on the attached Appendix A (collectively, the "Bond Ordinances") authorizing the issuance of obligations of the Borough for the purpose of financing the general improvements described in the Bond Ordinances; and

WHEREAS, the Borough Council has determined to finance permanently a portion of the costs of the general improvement projects undertaken pursuant to the Bond Ordinances by the issuance of \$16,115,000 principal amount of general obligation bonds of the Borough; and

WHEREAS, on May 11, 2005, the Local Finance Board in the Department of Community Affairs of the State of New Jersey approved a non-conforming maturity schedule for the bonds; and

WHEREAS, the Borough Council has determined to proceed with the public sale of said bonds for the purposes authorized in the Bond Ordinances.

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

Section 1. Combination of General Obligation Bonds; Authorization of Sale. The principal amount of general obligation bonds authorized to be issued pursuant to the respective Bond Ordinances described in Appendix A hereto are hereby combined into a single and combined issue of \$16,115,000 aggregate principal amount of General Obligation Bonds, Series 2005 (the "Bonds") and are authorized to be sold in accordance with the terms of this Resolution.

The average period of usefulness for the general improvements financed by the Bonds, taking into consideration the respective amounts of obligations presently authorized to be issued pursuant to the Bond Ordinances described in Appendix A hereto and the period or average period of usefulness determined in the Bond Ordinances described in Appendix A hereto, is 26.38952 years.

Section 2. Public Sale of Bonds. The Bonds shall be issued and sold at public sale in accordance with the provisions of the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented.

Section 3. Authorization for Notice of Sale. The Borough Clerk is hereby authorized and directed to advertise the Notice of Sale of the Bonds. The Bonds shall be dated July 15, 2005, shall be in book-entry only form, shall bear interest from July 15, 2005, payable semi-annually on January 15 and July 15 of each year, commencing January 15, 2006, at the rate or rates to be specified by the successful bidder, and shall mature on July 15, in the annual principal amounts and years as set forth below:

GENERAL OBLIGATION BONDS, SERIES 2005

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2006	\$100,000	2014	\$1,150,000
2007	125,000	2015	1,200,000
2008	800,000	2016	1,250,000
2009	900,000	2017	1,300,000
2010	900,000	2018	1,350,000
2011	1,000,000	2019	1,400,000
2012	1,050,000	2020	2,490,000
2013	1,100,000		
	TOTAL		\$16,115,000

The Bonds shall contain such other terms and conditions as are specified in the Notice of Sale, approved in Section 5 hereof (the "Notice of Sale").

Section 4. Redemption. The Bonds maturing prior to July 15, 2015 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after July 15, 2015 are redeemable at the option of the Borough in whole on any date or in part on any interest payment date on or after July 15, 2014 upon notice as required herein at the respective prices set forth below, expressed as percentages of the principal amounts to be redeemed,

plus in each case accrued interest to the date fixed for redemption:

<u>Redemption Period</u>	<u>Redemption Price</u>
July 15, 2014 and thereafter	100.0%

Any Bond subject to redemption as aforesaid may be called in part, provided that the portion not called for redemption shall be in the principal amount of \$5,000 or any integral multiple of \$1,000 in excess thereof. If less than all of the Bonds of a particular maturity are to be redeemed, Bonds of that maturity shall be selected by the Chief Financial Officer (or, if appointed pursuant to Section 12 hereof, the Paying Agent) by lot.

When any Bonds are to be redeemed, the Chief Financial Officer (or, if appointed pursuant to Section 12 hereof, the Paying Agent) shall give notice of the redemption of the Bonds by mailing such notice via first class mail in a sealed envelope with postage prepaid to the registered owners of any Bonds or portions thereof which are to be redeemed not less than thirty (30) days nor more than sixty (60) days prior to the date fixed for redemption, at their respective addresses as they last appear on the registration books of the Borough. Such mailing shall not be a condition precedent to such redemption, and failure to so mail or to receive any such notice to any of such registered owners shall not affect the validity of the proceedings for the redemption of the Bonds. Notice of redemption having been given as aforesaid, the Bonds, or portions thereof so to be redeemed, shall, on the date fixed for redemption, become due and payable at the redemption price specified therein plus accrued interest to the redemption date and, upon presentation and surrender thereof at the place specified in such notice, such Bonds, or portions thereof, shall be paid at the redemption price, plus accrued interest to the redemption date. On and after the redemption date (unless the Borough shall default in the payment of the redemption price and accrued interest), such Bonds shall no longer be considered outstanding.

During any period in which The Depository Trust Company (or any successor thereto) shall act as securities depository for the Bonds, the notices referred to above shall be given only to such depository and not to the beneficial owners of the Bonds. Any failure of such depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings.

Section 5. Approval of Notice of Sale. The Notice of Sale containing other terms and provisions of the Bonds and setting forth the conditions of the sale thereof, all of which are hereby approved, shall be substantially in the form attached to this Resolution as Appendix B and made a part hereof.

Section 6. Approval of Summary Notice of Sale. The Summary Notice of Sale containing other terms and provisions of the Bonds and setting forth the conditions of the sale thereof, all of which are hereby approved, shall be substantially in the form attached to this Resolution as Appendix C made a part hereof.

Section 7. Publication of Notice of Sale. The Notice of Sale substantially in the form attached to this Resolution shall be published at least once in *The Record*, a newspaper published in the County of Bergen and circulating in the Borough, and the Summary Notice of Sale substantially in the form attached to this Resolution shall be published at least once in *The Bond Buyer*, a newspaper published in the City of New York and State of New York, carrying municipal bond notices and devoted primarily to the subject of state and municipal bonds. The advertisement of said

Notice of Sale and Summary Notice of Sale in each such newspapers shall be published not less than seven (7) days prior to the sale date for the Bonds.

Section 8. Designation of Chief Financial Officer to Award Bonds. Proposals for the purchase of the Bonds shall be received by the Chief Financial Officer on June 28, 2005 as provided in the Notice of Sale and the Summary Notice of Sale. The Mayor and Borough Council hereby designate the Chief Financial Officer to sell and award the Bonds in accordance with this Resolution and the Notice of Sale. The Chief Financial Officer is hereby directed to report, in writing, to the Borough at its first meeting after the sale of the Bonds as to the principal amount, interest rate and maturities of the Bonds sold, the price obtained and the name of the purchaser.

Section 9. Authorization for Official Statement. The proper Borough officials and advisors are hereby authorized to prepare and distribute to the prospective purchasers of the Bonds a Preliminary Official Statement and a final Official Statement containing information relating to the Borough, its financial condition and the terms of the Bonds and other material facts customarily included in official statements for general obligation bonds in the State of New Jersey. The Chief Financial Officer is hereby authorized to deem final the Preliminary Official Statement for purposes of Rule 15c2-12 of the Securities and Exchange Commission.

Section 10. Approval of Form of Bond. The form of the Bond, substantially as set forth in Appendix D attached hereto and made a part hereof, is hereby approved. The Bonds shall be executed in the name of the Borough by the manual or facsimile signature of the Mayor and the Chief Financial Officer and the seal of the Borough, or a facsimile impression thereof, shall be affixed to the Bonds and attested by the manual signature of the Borough Clerk.

Section 11. Appointment of Securities Depository. The Depository Trust Company, New York, New York ("DTC"), shall act as securities depository for the Bonds. The ownership of one fully registered bond for each maturity of each series of Bonds each in the aggregate principal amount of such maturity, will be registered in the name of Cede & Co., as nominee for DTC.

Pursuant to the book-entry only system, any person for whom a DTC Participant acquires an interest in the Bonds (the "Beneficial Owner") will not receive certificated Bonds and will not be the registered owner thereof. Ownership interests in the Bonds may be purchased by or through DTC Participants. Each DTC Participant will receive a credit balance in the records of DTC in the amount of such DTC Participant's interest in the Bonds, which will be confirmed in accordance with DTC's standard procedures. Receipt by the Beneficial Owners (through any DTC Participant) of timely payment of principal, premium, if any, and interest on the Bonds, is subject to DTC making such payment to DTC Participants and such DTC Participants making payment to Beneficial Owners. Neither the Borough nor the Paying Agent will have any direct responsibility or obligation to such DTC Participants or the persons for whom they act as nominees for any failure of DTC to act or make any payment with respect to the Bonds.

The appropriate officers of the Borough are hereby authorized to execute a Letter of Representation to DTC and such other documents as may be necessary or desirable in connection with DTC's services as securities depository.

DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the Borough

and discharging its responsibilities with respect thereto under applicable law. Under such circumstances, the Borough shall designate a successor securities depository or deliver certificates to the beneficial owners of the Bonds.

Section 12. Paying Agent. The Chief Financial Officer is hereby authorized to select and to enter into an agreement with a Paying Agent to ensure that the Borough can meet its obligations undertaken herein to the holders of the Bonds. The Chief Financial Officer may, however, elect not to select a Paying Agent for the Bonds, and may elect to select a Paying Agent at any time prior or subsequent to the issuance of the Bonds. However, the Chief Financial Officer shall select a Paying Agent upon any determination to cause the Bonds to be registered in the names of the beneficial owners thereof, as provided in Section 11 hereof.

Section 13. Tax Covenant. The Borough hereby covenants with the holders from time to time of the Bonds that it will make no investment or other use of the proceeds of the Bonds or take any further action (or refrain from taking such action) which would cause the Bonds to be "arbitrage bonds" within the meaning of the Internal Revenue Code of 1986, as amended, or under any similar statutory provision or any rule or regulation promulgated thereunder (the "Code"), or would cause interest on the Bonds not to be excludable from gross income for federal income tax purposes, and that it will comply with the requirements of the Code and said regulations throughout the term of the Bonds.

Section 14. Pledge of Borough. The full faith and credit of the Borough is hereby pledged for the payment of the principal of and interest on the Bonds. The Bonds shall be direct obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on the Bonds without limitation as to rate or amount.

Section 15. Continuing Disclosure. The form of the Continuing Disclosure Certificate in substantially the form attached hereto as Appendix E is hereby approved, and the execution of the Continuing Disclosure Certificate by the Chief Financial Officer of the Borough is hereby authorized. The Borough hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate executed by the Borough and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof. Notwithstanding any other provision of this Resolution, failure of the Borough to comply with the Continuing Disclosure Certificate shall not be considered a default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking specific performance by court order, to cause the Borough to comply with its obligations under this Section.

Section 16. Further Action. The proper officers of the Borough are hereby authorized and directed to take all such action as may be necessary to effect the issuance and delivery of the Bonds.

Section 17. Effective Date. This Resolution shall take effect immediately.

Adopted: May 12, 2005

*** All appendixes indicated throughout the above resolution are available as part of the permanent meeting minutes.**

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

AYES: Council Members Sokolich, Villano, Sargenti, Kasofsky, Cervieri

COUNCIL REPORTS

Councilman Sokolich - believes that the process has been commenced of revitalizing Main Street. He along with Councilman Villano had a meeting with the architect who has been hired by the Borough to revitalize Main Street. The first step was a picture and photograph analysis of Main Street and then photographs were taken from other communities in New Jersey, New York and Connecticut showing examples of different Main Streets that have been revitalized. The potential can be seen of what Fort Lee could be one day. The goal is to create an immediate impact aesthetically on Main Street so as to create a downtown business area. The next steps are a computer analysis and architectural analysis of the different buildings on Main Street. The revitalization of Main Street is one of the most important things he wants to get accomplished as a Councilman.

Councilman Villano - stated that for the first time in seven years he is optimistic about Main Street. The cooperation of the commercial store owners is going to be needed.

He explained that he was late because his softball team won for the first time this year after suffering four losses. He apologized for being late.

Councilman Sargenti - said that the completion of the Van Fleet Park clubhouse is almost done. He hopes that the work will be completed within the next two weeks.

He offered his best wishes to his close friend George Donovan, who has been ill recently.

Councilwoman Kasofsky - stated that one of the most frequent questions she receives as a Councilwoman is the condition of Main Street. She is hopeful that Main Street will be beautified in the near future with lots of shopping.

She announced that world-renowned pianist Jenny Lin will be giving a recital at the Fort Lee Public Library on Saturday, June 18th at 2:00 p.m. Refreshments and a reception will follow the program.

Councilman Cervieri - had no report tonight.

Mr. Grant - announced that on Sunday, May 15th from 2:00 to 5:00 p.m. there will be a salute to women in the arts at the Fort Lee Museum. Special guests will be Mayor Alter, Ms. Thomas and District 38 Assembly Persons Joan Voss and Bob Gordon.

Councilman Villano - added that the Circle of the Arts festival will be held on May 20th at the Fort Lee High School. Also, on May 25th the Fort Lee High School academic awards ceremony will be held at the Marriot Hotel in Teaneck commencing at 6:00 p.m.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Stanley Goldberg 1080 Inwood Terrace	.R-1 (\$16,115,000) Bond Issue	Ms. Thomas Mayor Alter Mr. Cervieri
	.Budget Adoption for 2005	Ms. Thomas Mr. Cervieri
Nina Levinson 1560 West St.	.Bond Indebtedness	Mayor Alter
	.United Homeowners' Meeting - May 24 th at the Library at 7:30 p.m - Regarding Home Repairs	
Mr. Jung 2169 Lemoine Ave.	.Ord #2005-10 - Would Like to See Implemented in Other Business Areas	Mayor Alter Mr. Villano Mr. Cervieri

Councilman Sokolich - spoke to the Arts and Music Festival that is going to be held June 5th. The Farmer's Market also commences on June 5th and will continue every Sunday throughout the summer in the Municipal Parking Lot.

He announced that he is unable to be at Monument Park this Sunday. He will be there every Sunday throughout the spring and summer after this Sunday to meet with the residents to answer their questions and/or just hear their concerns about what is going on in the Borough.

There being no further discussion, the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilwoman Kasofsky**, and carried at 9:05 p.m.

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, April 28, 2005

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

PRESENT: Mayor 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 2, 2005, 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 3, 2005, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2005 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Alter stated that one of the most frequent questions he is asked when he travels around the country is, how big is Fort Lee? The population in the 2000 census was listed as 35,461. Interim adjustments are done by the Census Bureau every July. It is now estimated that through July 2003 the Borough's population is 37,139. It's safe to say that since that time the Borough's population has grown by another few thousand people. The Post Office estimates that the Borough's population is already over 40,000. With the Town and Country tract being developed there will be a few thousand people more, which will definitely increase Fort Lee's population to over 40,000 in the next five years. Fort Lee is 2.5 square miles. The density of the Borough exceeds that of many of the world's famous towns. He is most proud that everyone in the Borough gets along. There is not a lot of friction among the people in the community. Fort Lee is a courteous town. The Asian press has written many an article that says the people are courteous and Fort Lee is a wonderful place to live.

PROCLAMATIONS

P-1 - Holocaust - "The Days of Remembrance"

WHEREAS, the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945; Jews were the primary victims - six million were murdered; Gypsies, the handicapped, and Poles were also targeted for destruction or decimation for racial, ethnic, or national reasons; millions more, including homosexuals, Jehovah's Witnesses, Soviet prisoners of war and political dissidents, also suffered grievous

oppression and death under Nazi tyranny; and

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and

WHEREAS, we the people of the Borough of Fort Lee should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny; and

WHEREAS, we the people of the Borough of Fort Lee should actively rededicate ourselves to the principles of individual freedom in a just society; and

WHEREAS, the Days of Remembrance have been set aside for the people of the Borough of Fort Lee to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; and

WHEREAS, pursuant to an Act of Congress (Public Law 96-388, October 7, 1980) the United States Holocaust Memorial Council designates the Days of Remembrance of the Victims of the Holocaust to be Sunday, May 1 through Sunday, May 8, 2005, including the international Day of Remembrance known as *Yom Hashoah*, May 6,

NOW, THEREFORE, I Jack Alter, Mayor of Fort Lee, do hereby proclaim the week of Sunday, May 1 through Sunday, May 8, 2005, as Days of Remembrance in memory of the victims of the Holocaust, and in honor of the survivors, as well as the rescuers and liberators, and further proclaim that we, as citizens of the Borough of Fort Lee, should strive to overcome intolerance and indifference through learning and remembrance.

P-2 - Veterans of Foreign Wars - Buddy Poppies

WHEREAS, the distribution of Buddy Poppies by the Veterans of Foreign Wars of the United States has been officially recognized and endorsed by governmental leaders since 1922; and

WHEREAS, V.F.W. Buddy Poppies are assembled by disabled veterans, and the proceeds of this worthy fund-raising campaign are used exclusively for the benefit of disabled and needy veterans, and the widows and orphans of deceased veterans; and

WHEREAS, the basic purpose of the annual sale of Buddy Poppies by the Veterans of Foreign Wars is eloquently reflected in the desire to "**Honor the Dead by Helping the Living**"; therefore

I, Jack Alter, Mayor of the Borough of Fort Lee, do hereby urge the citizens of this community to recognize the merits for this cause by contributing generously to its support through your donations for Buddy Poppies on the day set aside for the distribution of these symbols of appreciation for the sacrifices of our honored dead.

I urge all patriotic citizens to wear a Buddy Poppy as mute evidence of our gratitude to the men and women of this country who have risked their lives in defense of the freedoms which we continue to enjoy as American citizens.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the April 14, 2005 Executive Session were approved with Councilman Sargenti abstaining.

INTRODUCTION OF ORDINANCES

Ordinance #2005-11 - Capital Ordinance to Include \$215,000 Grant From the New Jersey Department of the Treasury for the Construction of the New Community Center

On motion by Councilman Cervieri, seconded by Councilman Villano, and carried, Ord. #2005-11 entitled, "AN ORDINANCE OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$215,000 TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF THE TREASURY FOR CONSTRUCTION OF A RECREATION CENTER IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY" was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **May 26, 2005**

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

Ordinance #2005-12 - Authorizing Acceptance of a Dedication of a Sanitary Sewer Easement From Reduce Construction Corp., for Property Located at 2458 Third Street, Block 7005, Lot 26

On motion by Councilman Cervieri, seconded by Councilman Villano, and carried, Ord. #2005-12 entitled, "AN ORDINANCE AUTHORIZING ACCEPTANCE OF A DEDICATION OF A SANITARY SEWER EASEMENT FROM REDUCE CONSTRUCTION CORP. OVER A PORTION OF LANDS KNOWN AS 2458 THIRD STREET, ALSO REFERRED TO AS LOT 26 IN BLOCK 7005 ON THE TAX MAP OF THE BOROUGH OF FORT LEE, COUNTY OF BERGEN AND STATE OF NEW JERSEY," was introduced and passed on first reading.

Mr. Cervieri stated that this easement is for the benefit of the Fort Lee Fire Department.

Mr. Sokolich stated that he has represented members of the Reduce family in the past. He asked if it would be a conflict to vote on this matter.

Mr. Cohen replied that this is a benefit to the town and that he saw no reason why Mr. Sokolich could not vote on the matter.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **May 12, 2005**.

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

PUBLIC HEARINGS

Ordinance #2005-7 - Bond Ordinance for Acquisition of Real Property at 2029 Center Avenue, Block 4601, Lot 10 - \$525,000.00

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to **Ord. #2005-7** entitled, "AN ORDINANCE OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF REAL PROPERTY LOCATED IN THE BOROUGH OF FORT LEE AND APPROPRIATING \$525,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$498,750 IN BONDS OR NOTES OF THE BOROUGH OF FORT LEE TO FINANCE THE SAME."

Nina Levinson, 1560 West Street, asked where the property is located and what are the Borough's intentions for using it.

Mr. Cervieri replied that the property is adjacent to Borough Hall and that it enables the Borough to plan long-term. The property became available, and by buying it at today's prices rather than later, the Borough will not have to condemn the property and possibly displace a family. The intention is to use it for more parking. In the interim the Borough may be able to use the space in the house until such time as it decides what to do with the property long-term.

Mayor Alter added that the Borough would be interested in any of the properties that are next to 2029 Center Avenue because in the long-term, taking all of the adjacent property would lead to more parking.

Mr. Cervieri added that it gives the Borough more frontage onto Center Avenue. The Borough is not paying a premium for the property.

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

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

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

Mr. Cervieri thanked the Oliva-Dowdell family for making this possible.

Ordinance #2005-8 - Bond Ordinance for Various Improvements to Cumbermeade Road \$525,000.00

On motion by Councilman Cervieri, seconded by Councilman Sokolich and carried, the public hearing was opened relative to **Ord. #2005-8** entitled, "AN ORDINANCE OF THE BOROUGH OF FORT LEE IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS IMPROVEMENTS TO CUMBERMEADE ROAD AND RELATED SANITARY SEWER AND RELATED EXPENSES IN AND FOR THE BOROUGH OF FORT LEE AND APPROPRIATING \$525,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$498,750 IN BONDS OR NOTES OF THE BOROUGH OF FORT LEE TO FINANCE THE SAME."

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

Mr. Sokolich said that Cumbermeade Road is very much in need of this project.

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

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

Ordinance #2005-10 - Amending Chapter 345, Site Plan and Chapter 410, Zoning - Off-street and Off-site Parking Facilities

Mr. Grant stated that the Planning Board has not yet reviewed the ordinance.

On motion by Councilman Cervieri, seconded by Councilman Sokolich and carried, the public hearing relative to **Ord. #2005-10** entitled, "AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 345, 'SITE PLAN REVIEW' OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE AND CHAPTER 410, 'ZONING' OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE," was **postponed unanimously by the governing body until May 12, 2005.**

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilman Villano, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-12.

CA-1 - Payment of Claims

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

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$10,457,915.54
Capital	804,355.88
Trust (Accutrack)	79,030.26
Trust (Old)	5,590.00
Police Activity Account	2,181.67
Senior Citizen Computer Account	250.00
Senior Citizen Advisory Council	1,722.50
Disability Insurance Trust	n/a
Unemployment Compensation Trust	n/a
Centennial Fund	n/a
Wedding Fees	n/a
Trip Admissions	259.00
Multiple Dwelling	n/a
Construction Fees	n/a
Special Dog Account	130.20
Public Assistance Trust Fund I	n/a
Fort Lee Film Commission	3,059.99
Redemption Account	<u>8,537.74</u>
Total:	\$11,363,032.78

CA-2 - Authorizing Hiring of Various Spring/Summer Seasonal Employees for DPW/Parks Department and Finance - \$8.50 to \$10.50 Hourly

WHEREAS, spring/summer annual seasonal positions exist within various departments and the Mayor and Council have determined that these positions should be filled,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, that the following individuals be hired for spring/summer help, at the hourly rate of compensation listed, respectively:

<u>Employee's Name:</u>	<u>Department</u>	<u>Hourly Rate:</u>	<u>Start</u>
Kevin Biggs	DPW/Parks	\$9.00	May 9th
David Cafasso	DPW/Parks	\$9.00	May 9th
Jonathan Cordova	DPW/Parks	\$8.50	May 9th
Joseph Cullen	DPW/Parks	\$9.00	May 9th
* Christina Blue	Finance	\$10.50	

* To Be Used as a Seasonal Employee Throughout the Year
As Directed by the Chief Financial Officer

CA-3 - Authorizing Hiring of Scott Manginelli as a Parking Enforcement Officer for the Parking Authority

WHEREAS, there is a vacancy in the position of Parking Enforcement Officer with the Fort Lee Parking Authority, and the Mayor and Council have determined that the vacancy should be filled,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the following be appointed to the position of Parking Enforcement Officer with the Parking Authority; and

Scott Manginelli

BE IT FURTHER RESOLVED that these appointments shall have an effective starting date of April 28, 2005 with hours of employment and rate of compensation as established by the Parking Authority.

CA-4 - Authorizing Continuing Participation in the Bergen County Community Development Block Grant Program for Program Years 2006-2009 (Commencing July 1, 2006)

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended and HOME Investment Partnership Act of 1990, as amended; and

WHEREAS, the current Interlocal Services Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS, by May 27, 2005 each municipality must notify the Bergen County Division of Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

WHEREAS, it is in the best interest of the Borough of Fort Lee and its residents to participate in said programs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that it hereby notifies the Bergen County Division of Community Development of its decision to be included as a participant municipality in the Urban County entitlement programs being the Community Development Block Grant Program and Home Investment Partnership Act Program for the Program Years 2006, 2007, 2008, 2009 (July 1, 2006 - June 30, 2009); and

BE IT FURTHER RESOLVED, that a copy to this resolution be forwarded to the Bergen County Division of Community Development no later than May 27, 2005.

CA-5 - Authorizing Payment of Marriage Fees to the State of New Jersey for Period Covering January 1st - March 31, 2005 - \$400.00

BE IT RESOLVED, that the Tax Collector-Treasurer be authorized to draw a check from the Current Account, Bank of America payable to the Treasurer, State of New Jersey, in the amount of \$400.00 to cover fees collected for marriage licenses for the period covering January 1, 2005 through March 31, 2005 fees are to be forwarded on a quarterly basis to the Department of Human Services.

01-2887

CA-6 - Awarding Contract to Boswell McClave Engineering, South Hackensack, for Various Tax Map Revisions - \$7,000

WHEREAS, the Borough of Fort Lee wishes to make revisions to its tax map as requested by the Borough's Tax Assessor; and

WHEREAS, the Borough desires that the firm of Boswell McClave Engineering make such revisions,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Boswell McClave Engineering, 330 Phillips Avenue, South Hackensack, New Jersey, 07606 be and is hereby retained in connection with the aforementioned project to provide engineering services pursuant to Boswell's proposal of March 4, 2005, a copy of which is available in the office of the Borough Clerk; and

BE IT FURTHER RESOLVED that Boswell McClave shall perform the services as outlined in its proposal for a fee not to exceed **\$7,000** with billing to be based upon the engineering firms hourly rates; and

BE IT FURTHER RESOLVED that the aforesaid award of contract is one for professional services, for which no public bidding is necessary or required; and

BE IT FURTHER RESOLVED that the aforesaid award of contract be and hereby subject to and conditioned upon the written certification of the Chief Financial Officer as to availability of funds in the current budget for this project; and

BE IF FURTHER RESOLVED that the Borough Clerk be and he is hereby authorized and directed to advertise the award of the contract and to maintain a copy of this resolution in his offices, for public inspection, according to law.

CA-7 - Amending Contract for Dennis Oury, Special Economic Development Counsel, for 2004 - \$10,040

WHEREAS, Dennis Oury, Esq. has been representing the Office of Economic Development on various matters; and

WHEREAS the Borough of Fort Lee previously entered into an agreement with Mr. Oury, as Special Economic Development Counsel on January 4, 2004 in the amount of \$50,000; and

WHEREAS, there was an amendment to Mr. Oury's original contract in 2004 as approved by the governing body on May 27th (CA-9) for an additional \$50,000 (Total \$100,000); and

WHEREAS, Mr. Oury has submitted invoices that have exceeded the \$100,000 he was approved for in 2004 by \$10,040; and

WHEREAS the Borough wishes to pay Mr. Oury for the additional monies billed over his contract amount in 2004,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the agreement between the Borough and Mr. Oury, be and is hereby amended so that Mr. Oury's contract be increased by **\$10,040** (Total \$110,040) of which monies have been authorized and approved by the Director of Office of the Economic Development; and

BE IT FURTHER RESOLVED that the award hereof is subject to and conditioned upon the availability of funding as to be certified by the Chief Financial Officer of the Borough; and

BE IT FURTHER RESOLVED that this resolution shall serve as the amendment to the existing contract, and same shall be annexed to the contract and maintained by the Borough Clerk for public inspection, according to law.

CA-8 - Amending Contract for Dennis Oury, Special Economic Development Counsel, for 2005 - \$50,000 (\$100,000 Total)

WHEREAS the Borough of Fort Lee previously entered into an agreement with Dennis Oury, as Special Economic Development Counsel on January 2, 2005 in the amount of \$50,000; and

WHEREAS, Mr. Oury has been representing the Office of Economic Development on various matters; and

WHEREAS, Mr. Oury has submitted invoices that have been applied to the \$50,000 authorized in his original contract; and

WHEREAS the Borough wishes to continue to use the services of Mr. Oury for the many matters that he is currently involved in with the Office of Economic Development,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the agreement between the Borough and Mr. Oury, be and is hereby amended so that Mr. Oury's contract be increased by \$50,000 of which monies must be authorized and approved by the Director of Office of the Economic Development; and

BE IT FURTHER RESOLVED that the award hereof is subject to and conditioned upon the availability of funding as to be certified by the Chief Financial Officer of the Borough; and

BE IT FURTHER RESOLVED that this resolution shall serve as the amendment to the existing contract, and same shall be annexed to the contract and maintained by the Borough Clerk for public inspection, according to law.

CA-9 - Awarding Contract to Paul Phillips of the Firm Phillips Preiss Shapiro Associates, Inc., New York, New York, as Borough Planner for 2005 - \$75,000

WHEREAS, the Borough of Fort Lee specially the Office of Economic Development is in need of a Borough Planner for 2005 for a multitude of projects that it is currently involved in; and

WHEREAS, the firm of Phillips Preiss Shapiro Associates, Inc., was awarded a contract by the Borough of Fort Lee in 2004 to reconcile and update the Borough's zoning ordinances; and

WHEREAS, the Borough wishes to continue to engage the services of a professional planner in order to accomplish the

above along with other items needed as directed through the Office of Economic Development in 2005; and

WHEREAS, that the aforesaid award of contract is a specific exception to the public bidding laws as a professional service contract, thereby dispensing with the necessity of public bidding,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Paul Phillips, of Phillips Preiss Shapiro Associates, Inc., 434 Sixth Avenue, New York, New York 10011, be and he is hereby reappointed for 2005; and

BE IT FURTHER RESOLVED that the fee to be paid for said services shall be in the total amount of **\$75,000**; and

BE IT FURTHER RESOLVED that the aforesaid award of this contract is subject to and conditioned upon written certification from the Chief Financial Officer of the current availability of funds; and

BE IT FURTHER RESOLVED that the Borough Attorney be and he is hereby authorized and directed to prepare, and the Mayor to execute, an appropriate contract for the aforesaid purpose; and

BE IT FURTHER RESOLVED that a copy of this resolution and the contract shall be kept on record in the Borough Clerk's Office for public inspection, pursuant to law.

CA-10 - Awarding Contract to Schoor DePalma, Manalapan, New Jersey, as Borough Traffic Engineer for 2005 - \$100,000

WHEREAS, the Office of Economic Development is in need of a Traffic Engineer for the multitude of projects that it is currently involved with; and

WHEREAS, the firm of Schoor DePalma, was awarded a contract by the Borough of Fort Lee in 2004 for various traffic engineering related projects; and

WHEREAS, the Borough wishes to continue to engage the services of a professional traffic engineer in 2005; and

WHEREAS, that the aforesaid award of contract is a specific exception to the public bidding laws as a professional service contract, thereby dispensing with the necessity of public bidding,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the Borough Attorney be and he is hereby authorized and directed to prepare, and the Mayor to execute, a contract retaining Schoor DePalma, 200 State Highway 9, Box 900, Manalapan, New Jersey, to perform such professional services, as stated above; and

BE IT FURTHER RESOLVED that the fee to be paid for said services shall be in the total amount of **\$100,000**; and

BE IT FURTHER RESOLVED that the aforesaid award of this contract is subject to and conditioned upon written certification from the Chief Financial Officer of the current availability of funds; and

BE IT FURTHER RESOLVED that the Borough Attorney be and he is hereby authorized and directed to prepare, and the Mayor to execute, an appropriate contract for the aforesaid purpose; and

BE IT FURTHER RESOLVED that a copy of this resolution and the contract shall be kept on record in the Borough Clerk's Office for public inspection, pursuant to law.

CA-11 - Approving Firefighter Application for Samuel Ghali for Fire Company #3

The firefighter application for Samuel Ghali for Fire Company #3 was approved.

CA-12 - Awarding Contract to Dean Marchetto Architects, P.C., Hoboken, New Jersey, to Evaluate and Prepare an Acoustical Design for the New Community Center - \$5,700

WHEREAS, the Governing Body has determined that there is a need to review the acoustical requirements at the new community center; and

WHEREAS, the Mayor and Council requested that Dean Marchetto Architects, P.C. provide a proposal to evaluate and make recommendations for an acoustical design; and

WHEREAS, Dean Marchetto has submitted a proposal dated April 20th (available in the Office of the Borough Clerk) to perform the aforementioned work,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby retain Dean Marchetto Architects, P.C., 1225 Willow Avenue, Hoboken, New Jersey, 07030 at a cost of \$5,700.00 to evaluate and prepare an acoustical design for the new community center; and

BE IT FURTHER RESOLVED that the Chief Financial has certified that funds are available for the project; and

BE IT FURTHER RESOLVED that the Borough Clerk shall advertise the award of contract in a legal newspaper.

Roy Lippin, 5 Horizon Road, spoke to CA-12.

Mr. Pohan responded to Mr. Lippin and explained the reasons why the Borough proceeded in the manner that it did.

Nina Levinson, 1560 West Street, questioned CA-2, CA-3 and CA-10.

Ms. Thomas replied to CA-2. Ms. Thomas and Mayor Alter spoke to CA-3 and Ms. Thomas and Mr. Pohan responded to CA-10.

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

Mr. Cervieri asked Ms. Thomas about CA-6 regarding a letter received from the Tax Assessor suggesting that the Palisades, 100 Old Palisades Road, be included in the tax map revision.

Ms. Thomas replied that it was not in the initial cost, but she will check with Boswell McClave to see if it will be included with the other revisions. Tax map revisions are being done all the time so an annual contract will have to be done with Boswell.

The Consent Agenda (items CA-1 through CA-12) was **approved unanimously.**

RESOLUTIONS

R-1 - Authorizing Submission of Application to the Local Finance Board for a Nonconforming Maturity Schedule in Connection With the Financing of Various Capital Improvements

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

RESOLUTION OF THE BOROUGH OF FORT LEE MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A.40:2-26(e)

WHEREAS, the Borough of Fort Lee, in the County of Bergen, desires to make application to the Local Finance Board for its review and consent to a nonconforming maturity schedule in connection with the financing of various capital improvements in and for the Borough; and

WHEREAS, the Governing Body of the Borough of Fort Lee believes:

- a. it is in the public interest to accomplish such purposes; and
- b. said purpose or improvements are for the health, wealth, convenience or betterment of the inhabitants of the local unit or units; and
- c. the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and
- d. the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Fort Lee as follows:

Section 1. The application to the Local Finance Board is hereby approved, and Bond Counsel and Financial Advisor, along with other representative of the Borough of Fort Lee, are hereby authorized to prepare such application and to represent the Borough of Fort Lee in matters pertaining thereto.

Section 2. The Clerk of the Borough of Fort Lee is hereby directed to prepare and file a copy of the proposed bond ordinance with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and approval as provided by the applicable New Jersey Statute.

The foregoing is a true copy of a resolution adopted by the Governing Body of the Borough of Fort Lee on April 28, 2005.

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

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

R-2 - Authorizing Contract Increase to SOSH Architects, New York, New York, for Architectural and Structural Engineering Services Related to Portions of Redevelopment Area 1 - Block 6101, Lots 13, 14, 15 and 20 - \$6,100 Increase to \$31,500

Mr. Cervieri recused himself on this matter and left the podium.

Mr. Pohan stated that this appropriation will be reimbursed by the redeveloper for this redevelopment area.

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

WHEREAS, the Borough of Fort Lee previously engaged the services of SOSH Architects, having a principal address at 145 West 57th Street, New York, New York 10019 (hereafter "SOSH"), to assist in the appraisal of portions of Redevelopment Area 1 consisting of Lots 13, 14, 15 and 20 in Block 6101 (hereafter "the Skeleton Building") in accordance with the contract made a part of the minutes of the Borough awarded as a professional contract pursuant to N.J.S.A. 40A:5(1) without competitive bidding; and

WHEREAS, the fee for such architectural and engineering services was set at \$18,500.00, all of which fees are payment obligations of the designated Redeveloper from escrow held and maintained by the Borough of Fort Lee; and

WHEREAS, SOSH Architects also agreed to perform additional professional in the amount of \$6,500.00 which services consisted of providing professional architectural and structural engineering review of submissions and reports by experts retained by LGIA, a mortgagee contesting the condemnation of the Skeleton Building; and

WHEREAS, SOSH is now also necessary to the defense of the condemnation litigation brought by the Borough to appear at the Commissioners hearing in April of 2005 for the purpose of testifying as to the findings and opinions contained within the appraisals and reports provided; and

WHEREAS, these additional services of SOSH are necessary to the Borough in order to defend the valuation of the Skeleton Building as determined by the Borough in the pending condemnation hearing,

NOW, THEREFORE, BE IT RESOLVED, that the dollar limit on the SOSH contract as previously approved and increased to the sum of \$25,000.00, be and the same be increased by **\$6,100.00** to the total sum of **\$31,100.00** to provide for additional services for SOSH and engineering consultants to appear at the Commissioners hearing for the purpose of testifying in the pending condemnation action, all as outlined in the additional professional services change order submitted SOSH Architects dated April 15, 2005, a true copy of which is attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED that the funds for the extension of the SOSH contract shall be a charge against the escrow provided by the Redeveloper currently held by the Borough of Fort Lee.

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

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky

ABSENT: Councilman Cervieri

Mr. Cervieri returned to the podium after the vote was concluded.

R-3 - Authorizing the Borough to Give \$1,700,000 to the Fort Lee Board of Education for the Purpose of Resurfacing the Athletic Field at the Lewis F. Cole Middle School

Mayor Alter noted that the Borough had an agreement with the Board of Education (BOE) to split the cost of resurfacing the Lewis F. Cole Middle School. That field is used more than any other athletic field in the Borough. Experts have told the Borough that the grass field cannot take the amount of activity that it is being given. The other reason the field needs to be resurfaced is for health and safety concerns. The grass field is treated with fertilizer and insecticides and there have been suggestions throughout the United States that people, especially children, should not be playing on the grass fields. The days of playing on grass fields in the United States are numbered. When lights were installed at the Middle School field, the Borough and the BOE split the cost. It was agreed a year ago to do the same for the resurfacing. They went to referendum. In the opinion of some of the governing body members, they blew it. The second bidder for the project had an objection and threatened to sue the BOE for what they regarded as an improper awarding of the bid. The BOE was concerned about their liability and did not accept anyone's bid. With the new education law and the new methods of financing for the BOE, he has been told that they are precluded from going through the referendum process a second time. The BOE has come to the Borough with the belief that ultimately it is the same Fort Lee taxpayers who pay the bill. The Borough has always taken very good care of its youth. With the impending health issue, a lot of the governing body members feel that there is no choice. The Borough's tax rate will go up and the BOE rate will go down. It is going to take a while. It is his guess that this is the first phase that will ultimately take six to eight months before any renovation is begun. It is the right thing to do and the Borough should do it.

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

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING APPROXIMATELY ONE MILLION SEVEN HUNDRED THOUSAND DOLLARS BE GIVEN TO THE FORT LEE BOARD OF EDUCATION TO RESURFACE THE ATHLETIC FIELD AT THE LEWIS F. COLE MIDDLE SCHOOL

WHEREAS, the Mayor and Council of the Borough of Fort Lee are desirous of giving approximately One Million Seven Hundred Thousand Dollars (\$1,700,000.00) to the Fort Lee Board of Education for the purpose of resurfacing the athletic field at the Lewis F. Cole Middle School with an appropriate artificial surface; and

WHEREAS, said resurfacing is to be bid by the Fort Lee Board of Education with the agreement of the Mayor and Council of the Borough of Fort Lee; and jointly supervised in the construction phase, joint consent to be required in all aspects,

WHEREAS, this shall be in accordance with the laws of the State of New Jersey,

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

1. The Borough is authorizing a gift of approximately One Million Seven Hundred Thousand dollars (\$1,700,000.00) to the Fort Lee Board of Education for the purpose of resurfacing the

athletic field at the Middle School with an appropriate artificial surface.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds will be available for the stated purpose.

Councilman Cervieri motioned and Councilman Villano seconded the motion to table the resolution:

The motion to **table** was **defeated** on the following roll call:

AYES: Council Members Villano, Cervieri

NAYS: Council Members Pohan, Sokolich, Sargenti, Kasofsky.

Mr. Sokolich stated that he had expressed serious concerns with the original proposed resolution at the executive session earlier tonight. So as to avoid any subsequent problems, he asked if there is any way that the Borough can maintain sole control of the bid and management of the project.

Mr. Cohen replied that the BOE owns the field. The bidding will be technically offered by the BOE. The Borough cannot maintain sole control; however, because the Borough is putting up the money, the Borough can maintain joint supervision and veto power. Based on the discussion earlier tonight, he amended the resolution to reflect Mr. Sokolich's concerns.

Mr. Villano stated that the Mayor made strong arguments for supporting a new playing surface. He supports doing the project, but not at this time.

There being no further discussion the Resolution was **approved** on the following roll call:

AYES: Council Members Pohan, Sokolich, Sargenti, Kasofsky

NAYS: Council Members Villano, Cervieri

COUNCIL REPORTS

Councilman Pohan - stated that Olive Thomas was a star of silent films, many of which were made in the Borough. There will be a retrospective of her films on Saturday, May 14th at 2:00 p.m. at the Fort Lee Historic Park. The cost is \$5.00 per person.

Councilman Sokolich - stated that he is not crazy about the timing and circumstances of the field. He believes that everyone on the governing body wants the field. He recognized and thanked Councilman Sargenti for his efforts in dealing with this issue. He said that Mr. Sargenti is always bringing many issues to the table involving Fort Lee's youth and he puts in a lot of time checking all of the Borough's playing fields.

He read the following report from Corey Parker, Chief of the Fort Lee Fire Department:

1. The Department has responded to 410 calls this year.
2. The Department is in the process of replacing FL-5, which is a 1981 Hahn Engine.
3. Firefighter Joseph Marotta, Jr., with 44 years of service with the Department, has submitted his letter of resignation with a heavy heart. The Department has been a big part of his life.

Mr. Sokolich thanked Mr. Marotta, Jr. for his years of service.

4. The Department reminds everyone to change batteries in their smoke detectors and carbon monoxide detectors. Having both types of detectors saves lives.

Mr. Sokolich announced that beginning this Sunday and continuing every Sunday until further notice, he will be at Monument Park between 9:00 a.m. and 11:00 a.m. to listen to the residents' concerns regarding any item that they would like to discuss.

Councilman Villano - stated that earlier tonight there was a dinner at the Venetian in Garfield honoring volunteers throughout Bergen County. He announced that three of Fort Lee's volunteers were part of the dinner. He publicly acknowledged and thanked Anna Lypinski, Doris De Myer and Nina Levinson for all of their hard work that they did and continue to do for the Borough.

He mentioned that there is an article in the latest edition of the Heightened Independence Living magazine that speaks to Bobbi Wailes, Chairman of the Borough's Advisory Committee for the Disabled. He learned a lot of things that he did not know about her in the article. He cited many of her accomplishments and stated that she continues to be a strong advocate for people with disabilities. He closed by saying that "she wants to leave the world better than she found it". He thanked her for all of her accomplishments.

Councilman Sargenti - stated that the timing is not perfect for the field, but it is a necessity. There are 700 children in the soccer program besides the children and adults who use the field for baseball and softball. There are numerous activities held on the field and it does not include all the kids and adults who use Van Fleet Park and Constitution Park. The taxpayers' money that the Borough spends to maintain the fields is money spent wisely.

Councilman Sokolich - congratulated the under eight, under nine and under eleven soccer all star teams for playing at the Meadowlands two weeks ago. They were playing in a championship format based on how well they played throughout the regular season.

Councilwoman Kasofsky - stated that there were was a discussion upstairs earlier and throughout the week regarding the field. There was no total agreement amongst the Mayor and governing body members. She is happy that the resolution was passed earlier in the evening.

She thanked the Fire Department for their professional handling of a situation this past Monday at her high-rise cooperative complex.

She said that people can now reserve books online at the Fort Lee Library by going to www.bccls.org-fortlee.

She added that the Fort Lee Library has a new bookmark that gives details of what is going on at the library.

She announced that the Bergen County Utilities Authority continues to hold household waste collection days throughout the spring and summer. The events are held in Paramus and Moonachie

throughout the year. The service is free of charge for Bergen County residents. For further information call 201-634-2820.

She stated that the Borough last year received a recycling tonnage grant in excess of \$8,000. She thanked the public for continuing to recycle.

Councilman Cervieri - stated that the construction for the new centennial clock has begun by Blimpies and the Fort Lee Post Office. The clock will beautify the downtown.

He said that the poppy drive for the VFW will begin on Monday, May 2nd. The VFW has 12,000 poppies to sell and it is for a very good cause.

He wished James Viola, VFW Post Commander #2342, a Happy Birthday.

Councilman Sokolich - added that he and Councilman Villano attended a meeting with the architect who is going to prepare the studies and design to beautify and hopefully rejuvenate the Borough's downtown area.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Explanation of R-1 .Constitution Park Lighting of Field	Ms. Thomas Mr. Sargenti Mayor Alter Mr. Sokolich Mr. Villano
Roy Lippin 5 Horizon Road	.Board of Education/ Middle School Field	Mayor Alter

There being no further discussion, the meeting was adjourned **on motion by Councilman Villano, seconded by Councilman Sokolich,** and carried at 9:10 p.m.

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, April 14, 2005

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

PRESENT: Mayor 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, Chief Financial Officer
Steve Wielkocz, Borough Auditor

MAYOR'S STATEMENT

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

1. On January 2, 2005, 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 3, 2005, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2005 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Fort Lee Students - Beautification Committee

Mayor Alter stated that the first order of business tonight is to give out beautification award certificates to the Fort Lee students who did the artwork for greeting cards they made to help fund projects for the Fort Lee Beautification Committee.

Mr. Sokolich explained that the Beautification Committee started a greeting program a while back. The greeting cards sport the artistry of the Fort Lee students throughout the entire school district. The greeting cards are available for sale in the Borough Clerk's Office and in other locations throughout the Borough. This meeting was a chance to thank all the students who participated in the program. He recognized Anthony Clores, Beautification Committee Chairman, and Ilene Glantz-Liebowitz and Phyllis Lowe, Beautification Committee members who spearheaded the program.

Mayor Alter asked Mr. Clores, Ms. Glantz-Liebowitz and Ms. Lowe to come up to the podium to help give out the certificates.

Mr. Sokolich announced the following list of students who created the art work and handed out certificates to those who were present at tonight's ceremony.

<u>Name</u>	<u>Title of Picture</u>	<u>Grade</u>	<u>School</u>
Walter Derrig	9/11 Memories	Sixth	#1
Kayla Cruz	Buildings and Progress	Third	#1
Ante Qu	Water Reflecting Plants	Fifth	#2
Brianna Pereira*	Jungle Scene	Second	#3
Jessie Cohen*	Modern Collage	Third	#2
Sarah Kim*	My Horse	Sixth	#3
Angelo Bavaro	Buildings	Third	#4
Natalie Mateus	Flower Arrangement	Fifth	#4
Samuel Oh	Sunshine Reflecting Piano	Eighth	Middle
Yoon Jin Kim	Flowerpot	Eighth	Middle
Michael Truppe	Options	Twelfth	FLHS
Sarah Kim	Cube Mania	Twelfth	FLHS

*** Denotes Present at Tonight's Ceremony**

Mr. Sokolich also recognized and thanked art teachers Barbara Elson from School #1, Marjorie Abramson from School #2, Arlene Brantner from School #3, Thomas Cirone from School #4, Nina Anderson and Gloria Norton from the Middle School and Joan DiTiero from the High School.

PROCLAMATIONS

P-1 - National Volunteer Week

WHEREAS, the foundation of a humane and just society is the willingness of people to work together for the common good; and

WHEREAS, volunteer community service is crucial in this time of increasingly limited government resources; and

WHEREAS, our Country's volunteer force of more than 64 million people is a great national resource; and

WHEREAS, volunteer community service allows people to connect with one another while working together toward solving our community's and our Country's serious social problems; and

WHEREAS, the giving of oneself in service to another empowers both the giver and the recipient; and

WHEREAS, it is the responsibility of all our citizens to seek answers and solutions to problems such as child abuse, poverty, homelessness and violence that plague our Country; and

WHEREAS, it is the duty of all our citizens to honor the people who have given their time, energy and strength to making our communities and our Nation a safer and more productive place to live,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee does hereby proclaim April 17-23, 2005 as National Volunteer Week in the Borough of Fort Lee, and urge our fellow citizens to observe this week by recognizing the individuals who have made a difference in our Community.

P-2 - National "Donate Life" Month

NATIONAL "DONATE LIFE" MONTH

WHEREAS, realizing the urgent need for donors around the country, the **NATION "DONATE LIFE" MONTH** observance was established in 2003, to promote a greater understanding about the life-saving benefits of donation. Moreover, the need is

increasing. The New Jersey Organ and Tissue Sharing Network (NJ Sharing Network) is committed to addressing that need through enhanced awareness; and

WHEREAS, the transplantation of organs and tissues is a miracle of modern medicine made possible through the compassion of organ and tissue donors, enabling surgeons to save thousands of lives every year. Donors not only give the gift of life, but also often restore health and sight to the recipients of the tissue and organs. People of all ages, ethnic backgrounds and religions are affected by the need for organ transplants and by the serious shortage of organ donors that exists. Currently, there are nearly 2,900 New Jerseyans and 88,000 Americans awaiting life-saving and life-enhancing transplant operations. In 2004, NJ Sharing Network achieved a banner year for saving lives (554) through organ and tissue donation and transplantation; and

WHEREAS, every capable person should sign a donor card and support this vital effort by learning more about donating tissue and organs, filling out Donor Registry Cards, making their families aware of their wishes, and be willing to give the precious gift of health, sight, and life to people in need; and

WHEREAS, As Mayor of Fort Lee, I, Jack Alter, recognize NATIONAL "DONATE LIFE" MONTH as a great opportunity to join in the fight to save lives by giving the greatest gift,

NOW, THEREFORE, I, JACK ALTER, MAYOR OF THE BOROUGH OF FORT LEE, do proclaim April 14, 2005 as

"DONATE LIFE" MONTH

In Fort Lee, New Jersey, and I urge all residents to join me in promoting organ and tissue donor education through the NATIONAL "DONATE LIFE" MONTH observance.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the **March 31, 2005 Executive Session** were approved.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the **March 31, 2005 Regular Meeting** were approved.

PUBLIC HEARINGS

Ordinance #2005-4 - Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14)

On motion by Councilman Cervieri, seconded by Councilman Vilano and carried, the public hearing was opened relative to **Ord. #2005-4** entitled, "CALENDAR YEAR 2005 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)."

Nina Levinson, 1560 West Street, asked how much is left in last year's CAP bank.

Mr. Wielkocz replied that \$795,000 was left over from last year's CAP bank. He explained that in July 2004 the State legislators modified the CAP law. CAP banks used to be held over for two years without any action from the governing body. It is now required of any Mayor and Council of any municipality or

county that a CAP bank be carried over from year to year. Otherwise, the bank is lost and the flexibility that goes with it. The budget that was introduced was over \$1,000,000 under the total CAP. He has recommended to all of his clients to take the 1% increase and bank it for future years. It allows the Mayor and Council to have the most flexibility. It does not necessarily mean the money is going to be spent. He explained to her what the previous CAP law was. The original 5% CAP has been decreased to 3.5%.

Stanley Goldberg, 1080 Inwood Terrace, asked for an explanation of the two numbers contained in the Ordinance.

Mr. Wielkocz explained that the \$296,000 is the 1% number, and the \$937,000 is the total increase in the CAP allowed. He added that \$750,000 CAP bank was left over from last year's budget. This year's budget after the appropriations are set and the budget is adopted will cause the Borough to carry a CAP bank of over \$1,000,000. The change in the law specifically states that an Ordinance needs to be done every year to establish and carry a CAP bank. The CAP bank is carried for two years. You lose the earliest year and gain the latest year.

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

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

AYES: Council Members Pohan, Sokolich, Villano, Kasofsky, Cervieri

Ordinance #2005-9 - Amending Salary Ordinance #2004-37 - Establishing Salary for the Police Chief

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to **Ord. #2005-9** entitled, "AN ORDINANCE AMENDING SALARY ORDINANCE #2004-37 AND PROVIDING SALARY FOR THE CHIEF OF POLICE."

Edward Faraday, 2466 Second Street, asked what is the salary for the Police Chief.

Ms. Thomas replied that the Police Chief's new salary will be \$157,320.

Mr. Faraday asked how the Mayor and Council could justify such a large salary when Ray Kelly, New York City Police Commissioner, makes \$162,000. He is not opposed to police officers making decent salaries.

Mayor Alter replied that most of the other police salaries were accomplished through collective bargaining between the PBA and the Borough. New Jersey has had compulsory arbitration for many years. This is the top guy in a tough town. The Police Department is generally recognized as the best Police Department in Bergen County, and the Chief of Police is one of the reasons for it. The Borough does not measure its police salaries against New York. They are measured against the police departments in New Jersey.

Mr. Cervieri added that the Police Chief's salary is not one of the highest Police Chief's salary in Bergen County. He spoke to the high amounts of overtime that were earned by the Port Authority police officers. Fort Lee is the fourth largest town in population in Bergen County and the Police Chief's salary is

commensurate with the responsibility he has.

Mayor Alter reiterated that the Police Chief is not paid out of range of the other police chiefs' in Bergen County. In his view, he is entitled to the money.

Mr. Villano stated that the Police Chief has put in thirty-three years of service. The Police Chief has to be paid more than the other high ranking police officials.

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

Mr. Pohan stated that recently the Police Department asked to send twelve officers to the Police Academy. The Council said no and only gave them eight officers. The Police Department is not given everything that they ask for. By statute the Police Chief must be the highest paid person in the department. There is a collective bargaining agreement that was established almost four years ago and all of the department members' salaries have increased. The police officers are well paid, but the Borough wants them to be well paid so that they can live in the Borough and be accessible for duties and any crisis that may arise. There is no choice but to support the ordinance.

Mr. Cohen said that the compression of pay between inspector, deputy chief and chief is the tightest in Bergen County at approximately \$2,500 per rank.

Mr. Cervieri added that the level of the increase was discussed and it a modest increase above what the Deputy Police Chief is currently earning.

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

AYES: Council Members Pohan, Sokolich, Villano, Kasofsky, Cervieri

MUNICIPAL BUDGET 2005 PUBLIC HEARING

Mayor Alter stated that the budget will not be adopted tonight; only the public hearing will be held. The Borough is still hopeful of obtaining some State aid.

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to the **2005 Municipal Budget.**

Arthur Levine, 5 Horizon Road, stated that the preliminary budget calls for a municipal tax increase of approximately \$3,500,000 or a 9% increase. This will be the third year out of the last four years that the budget will have been increased by more than 8%. Relative to the Consumer Price Index (CPI), taxes have gone up 33% or \$10,000,000 in four years. The CPI has advanced less than 8%. He believes that a better fiscal performance is needed. He looks forward to streamlining costs that the Mayor and Council have spoken about. He asked about the sewer charges to Cliffside Park, and to the receipts in delinquent taxes.

Mr. Wielkocz stated that when the budget is amended, the sewer charge will be amended into the revenue based on what the calculated numbers should be-approximately \$325,000 to \$350,000. The tax collection percentage in 2004 was down from the previous year which had an impact on the surplus at the end of 2004. By

law the Borough is allowed to anticipate those uncollected revenues from 2004 into the 2005 budget. He noted that the increase in expenditures for appropriations is 3.6%. The increase is made up of a handful of items, most of which the Mayor and Council have no control over. They include contractual salaries, health benefits, contributions to the library and the mandate that the municipalities contribute to the State pension systems again after they had a waiver for five to seven years. The controllable expenses have been reduced by \$275,000. The issue with taxes is that there is less revenue coming into the State. Last year the State gave the Borough \$300,000 in extraordinary aid and he is hopeful the Borough will be receiving extraordinary aid again this year. Interest rates are lower, so the Borough is collecting less money on its money.

Mr. Levine asked about debt service and the controllable expenses. He thinks some of the controllable expenses could be further reduced.

Mr. Wielkocz responded that the Borough's debt service is going down about \$100,000 for 2004-2005 because the Borough took advantage of the market last year when long-term interest rates were historically low.

Mayor Alter asked how much have the expenditures of the Borough gone up this year over last year.

Mr. Wielkocz replied that it went up over \$1,900,000 or 3.6%.

Mayor Alter said that the budget is a plan that does not spend anything. Hopefully, over the year monies can be saved.

Mr. Levine asked the Mayor and Council to consider an outside consulting firm to look at different manpower in different departments in order to achieve additional savings.

Mayor Alter noted that in years when expenditures have gone up the total property in town gets larger. When that occurs nobody gives the Borough credit and people say that the Borough spends more money. This year it is reversed, the Borough spent less money, but for various reasons, including coming out of a revaluation, the total real property in Fort Lee went down. Instead of talking about how much was less spent, people want to talk about the tax rate. He hopes the tax rate can be cut further. The Borough kept its expenditures around 3.5%, which is pretty good when most of the budget is salaries which went up 3.5% and fringe benefits that went through the roof. If a municipality runs short on money there are drastic consequences for the Borough. He believes it is an excellent budget under the circumstances. When Town and Country builds their project, the Borough should be getting more in taxes than it is paying in services.

Edward Faraday, 2466 Second Street, spoke to his own tax assessment of his property.

Mayor Alter replied that some residents' assessments went up and some went down. Overall, the tax rate went down.

Mr. Cervieri asked Mr. Faraday if his assessment went up 53% or his taxes went up 53%.

Mayor Alter pointed out that the average assessment went up 90%, so Mr. Faraday should have had a reduction in taxes.

Stanley Goldberg, 1080 Inwood Terrace, asked what the surplus was for the last two years.

Mr. Wielkocz replied that at the end of 2003, the surplus was \$3,360,000 and at the end of 2004 it was \$2,370,000. It went down close to \$1,000,000 because of the revaluation and the lower tax rate collection percentage.

Nina Levinson, 1560 West Street, asked what the current tax rate would be if no State aid is received.

Mr. Wielkocz replied that the current tax rate would be up six cents from 69 to 75 for the municipal portion of the budget. When the budget gets amended, about \$500,000 of additional revenue will be inserted for sewer fees and a homeland security grant from the State.

Ms. Levinson spoke to contractual increases and merit increases. She believes salaries are not locked in as has been claimed.

Mr. Villano said that the twenty merit increases Ms. Levinson spoke to for last year were closer to seven or eight.

Mr. Cervieri added that there were no merit increases in 2003.

Mr. Wielkocz stated that over 75% of the salary increases for the budget were for the Police Department only.

Ms. Levinson spoke to the increase of Borough employees from last year to this year.

Ms. Thomas replied that there are eleven new special police officers and eight regular police officers that have been hired which makes up the vast majority of the increase that Ms. Levinson was speaking to.

Mr. Cervieri mentioned that there were a couple of additional school crossing guards also added.

Mr. Pohan stated that there was one 2003 merit increase and in 2004 there were ten merit increases that were not from the Police Department. The salary increases were from 7% to \$5,000 and one higher than \$5,000 which eliminated overtime from one person's job. The total increases were about \$30,000 of additional expense to the Borough. In 2005 he believes that there have been five increases.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, and seconded by Councilman Villano**, and was **approved unanimously** by the governing body.

Messrs. Iannaconi and Wielkocz left after this portion of the meeting.

PROPOSED CONSENT AGENDA

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

CA-1 - Endorsing New Jersey Department of Transportation Local Aid Application for Roadway Improvements to Lower Stillwell Avenue From 10th Street to the Intersection of 8th Street to North Avenue

WHEREAS, a New Jersey Department of Transportation Local Aid Application has been proposed by the Borough of Fort Lee for

Roadway Improvements to Stillwell Avenue From 10th Street to the intersection of 8th Street and North Avenue; and

WHEREAS, pursuant to the State Interlocal Services Act, New Jersey Department of Transportation (NJDOT) funds may not be spent in a municipality without authorization by the Governing Body; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee hereby confirm endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Fort Lee, Bergen County, New Jersey, that a copy of this resolution shall be sent to the New Jersey Department of Transportation Local Aid Office so that implementation of the aforesaid project may be expedited.

CA-2 - Authorizing DPW Superintendent to File a 2005 Application for a Municipal Recycling Tonnage Grant With the New Jersey Department of Environmental Protection

WHEREAS, the New Jersey Statewide Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1 E-99.11 et seq. has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the New Jersey Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the Recycling Act imposes on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Borough of Fort Lee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee hereby endorses the submission of a 2005 Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and Energy, Office of Recycling and Planning and designates Anthony Lione, Superintendent of Public Works, to ensure that the said application is properly filed.

CA-3 - Authorizing Settlement of Tax Appeal Litigation Entitled Reptak, 225 Forest Road, Block 2501, Lot 23, vs. Borough of Fort Lee

WHEREAS, Yuryi Reptak, is the owner of certain property located at 225 Forest Road in the Borough of Fort Lee, also known as Block 2501, Lot 23; and

WHEREAS, taxpayer has filed real property tax appeal for the year 2004, which matter is presently pending in the Tax Court of New Jersey; and

WHEREAS, the Borough has reviewed and analyzed all relevant documents and appraisals of the premises; and

WHEREAS, it is the tax counsel's and revaluator's opinion that the settlements described below are in the best interests of the Borough of Fort Lee,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to settle litigation entitled Yuryi Reptak vs. Borough of Fort Lee, pending in the Tax Court of New Jersey, so that the 2004 total assessment of \$412,900 will be reduced to a total of \$385,000, with a refund of approximately \$420, due the taxpayer; and

BE IT FURTHER RESOLVED that the aforesaid settlement is further predicated upon a waiver of any and all pre-judgement interest on any refund due to the taxpayer.

CA-4 - Authorizing Settlement of Tax Appeal Litigation Entitled Yee, 1353 Abbott Boulevard, Block 2303, Lot 8, vs. Borough of Fort Lee

WHEREAS, James Yee, is the owner of certain property located at 1353 Abbott Boulevard in the Borough of Fort Lee, also known as Block 2303, Lot 8; and

WHEREAS, taxpayer has filed real property tax appeal for the year 2004, which matter is presently pending in the Tax Court of New Jersey; and

WHEREAS, the Borough has reviewed and analyzed all relevant documents and appraisals of the premises; and

WHEREAS, it the tax counsel's and revaluator's opinion that the settlements described below are in the best interests of the Borough of Fort Lee,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to settle litigation entitled James Yee vs. Borough of Fort Lee, pending in the Tax Court of New Jersey, so that the 2004 total assessment of \$1,142,400 will be reduced to a total of \$1,050,000, with a refund of approximately \$1,386, due the taxpayer; and

BE IT FURTHER RESOLVED that the aforesaid settlement is further predicated upon a waiver of any and all pre-judgement interest on any refund due to the taxpayer.

CA-5 - Authorizing Settlement of Tax Appeal Litigation Entitled Marrone and Catanzaro, 1611 Valley Road, Block 3503, Lot 17, vs. Borough of Fort Lee

WHEREAS, M. Marrone & Anthony Catanzaro are the owners of certain property located at 1611 Valley Street in the Borough of Fort Lee, also known as Block 3503, Lot 17; and

WHEREAS, taxpayer has filed real property tax appeal for the year 2004, which matter is presently pending in the Tax Court of New Jersey; and

WHEREAS, the Borough has reviewed and analyzed all relevant documents and appraisals of the premises; and

WHEREAS, it the tax counsel's and revaluator's opinion that the settlements described below are in the best interests of the Borough of Fort Lee,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to settle litigation entitled M. Marrone & Anthony Catanzaro vs. Borough of Fort Lee pending in the Tax Court of New Jersey, so that the 2004 total assessment of \$793,800 will be reduced to a total of \$700,000, with a refund of approximately \$1,400, due the taxpayer; and

BE IT FURTHER RESOLVED that the aforesaid settlement is further predicated upon a waiver of any and all pre-judgement interest on any refund due to the taxpayer.

CA-6 - Authorizing Settlement of Tax Appeal Litigation Entitled Brescia, 1060 Arcadian Way, Block 706, Lot 6, vs. Borough of Fort Lee

WHEREAS, Mark Brescia, is the owner of certain property located at 1060 Arcadian Way in the Borough of Fort Lee, also known as Block 706, Lot 6; and

WHEREAS, taxpayer has filed real property tax appeal for the year 2004, which matter is presently pending in the Tax Court of New Jersey; and

WHEREAS, the Borough has reviewed and analyzed all relevant documents and appraisals of the premises; and

WHEREAS, it the tax counsel's and revaluator's opinion that the settlements described below are in the best interests of the Borough of Fort Lee,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to settle litigation entitled Mark Brescia vs. Borough of Fort Lee, pending in the Tax Court of New Jersey, so that the 2004 total assessment of \$1,382,200 will be reduced to a total of \$1,200,000; and

BE IT FURTHER RESOLVED that the aforesaid settlement is further predicated upon a waiver of any and all pre-judgement interest on any refund due to the taxpayer.

CA-7 - Authorizing Settlement of Tax Appeal Litigation Entitled D'Alberti, 1 Claremont Road, Block 903, Lot 10, vs. Borough of Fort Lee

WHEREAS, Sarah D'Alberti, is the owner of certain property located at 1 Claremont Road in the Borough of Fort Lee, also known as Block 903, Lot 10; and

WHEREAS, taxpayer has filed real property tax appeal for the year 2004, which matter is presently pending in the Tax Court of New Jersey; and

WHEREAS, the Borough has reviewed and analyzed all relevant documents and appraisals of the premises; and

WHEREAS, it the tax counsel's and revaluator's opinion that the settlements described below are in the best interests of the Borough of Fort Lee,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to settle litigation entitled Sarah D'Alberti vs. Borough of Fort Lee, pending in the Tax Court of New Jersey, so that the 2004 total assessment of \$2,121,500 will be reduced to a total of \$1,900,000; and

BE IT FURTHER RESOLVED that the aforesaid settlement is further predicated upon a waiver of any and all pre-judgement interest on any refund due to the taxpayer.

Stanley Goldberg, 1080 Inwood Terrace, spoke to CA-2 and CA-3 through CA-7.

Mr. Cohen and Ms. Thomas replied to CA-2. Ms. Thomas answered the questions pertaining to CA-3 through CA-7.

Marvin Rothenberg, 1500 Palisade Avenue, spoke to the lowered tax assessment figures in response to a question by Mr. Goldberg that was not part of the consent agenda.

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

APPOINTMENT

A-2 - Local Assistance Board

Mayor Alter nominated **Pastor Allison Moore** as a member of the Local Assistance Board to fill an unexpired term through December 31, 2008.

On motion by Councilman Cervieri, seconded by Councilman Sokolich, the nomination was **confirmed unanimously**.

COUNCIL REPORTS

Councilman Pohan - stated that there are certain parts of the budget that are set in stone as previously mentioned. Health benefits have increased tremendously over the past few years in the public and private sector. He spoke to the Borough's liability insurance and workmens' compensation. He said experience affects those rates. For the second year in a row, the Borough's lost time accident frequency rate has been reduced below the three year average of all the towns in the South Bergen Municipal Joint Insurance Fund. It was recognized by a certificate by the JIF and the positive experience rate will help lower the Borough's fees into the JIF.

He announced that the Fort Lee Film Commission held a film festival in tribute to the films of Fatty Arbuckle last Sunday at the Fort Lee Historic Park auditorium. There were scenes from Palisades Amusement Park from 1915. On Saturday, April 16th, a number of silent short films made by Fatty Arbuckle, along with Buster Keaton will be shown and on Sunday, April 17th, some of Fatty Arbuckle's talk pictures will also be shown at the Historic Park auditorium at 2:00 p.m. The cost of admission is \$5.00.

Councilman Sokolich - announced that the Borough has received \$31,715 from the State for its clean communities program. Local kids are hired throughout the summer to clean streets and paint curbs and lines at various locations.

He thanked the Film Commission for the proceeds they received from the Asian-American film festival that was held a few weeks ago. The proceeds were donated to Fort Lee Cares which is a non-profit organization which was formed to raise monies for the tsunami relief victims.

He stated that the American Little League will be holding its opening day ceremonies this Saturday at 9:30 a.m. at the Little League field on Anderson Avenue.

He further stated that the National Little League will be holding its opening day ceremonies this Saturday at 10:00 a.m. at the Little League field next to the Lewis F. Cole Middle School.

He congratulated all of the participants and coaches of the Fort Lee Soccer League. There are three different groups who will be playing in a championship type format at the Meadowlands this Saturday before the Metro Stars game.

Councilman Villano - spoke to his involvement with the girls' softball league. Their season begins this Sunday at 12:00 noon at Van Fleet Park.

He explained what "National Donate" month is about. He explained the steps that a person can do to properly become a donor and to also be part of the New Jersey Sharing Network. He spoke to his son-in-law who has had a kidney transplant and two pancreas transplants. One donor can in effect save eighty lives.

He said that the Second Look Shoppe is in dire need of volunteers. He praised Anna Lypinski for her involvement with the Second Look Shoppe and the other activities for which she volunteers her time for the Borough.

Councilwoman Kasofsky - congratulated the Police Department for the presentation they made at the Fort Lee High School on April 5th.

She added as council liaison to street lights, that if any person has any problems with street lights they contact her or the Borough Clerk.

She stated that the library is exhibiting the work of contemporary sculptor Hangjin Kim during the month of April. Also there is a collection of antique handmade dolls being exhibited.

Councilman Cervieri - He announced that the American Cancer Society will be hosting its eighteenth annual George Washington Bridge challenge on Sunday, June 5th. He explained that there

are different courses available and the ending point is Allison Park in Englewood Cliffs. For further information contact the American Cancer Society at 201-457-3418 ext. 221.

He announced with deep regret that former Police Detective Sergeant Daniel Wright passed away. Visiting hours will be from 3:00 p.m. to 7:00 p.m. on Saturday and Sunday at Patti Mikitarian Funeral Home.

He stated that the Greater Fort Lee Chamber of Commerce will be holding their 37th anniversary dinner dance honoring Joseph T. Skelley and George Tsoullis this Saturday at Villa Amalfi in Cliffside Park at 6:00 p.m. For tickets contact the Chamber at 201-944-7575.

He said that the Richard A. Nest Senior Citizen Center will be opened in May and June in the evenings and on Saturdays for dance and computer classes. For further information contact the Senior Citizen Center at 201-592-3655 or 201-592-3546.

He said that the United Homeowners will be holding a special event at the large meeting room in the library on Tuesday, April 26th at 7:30 p.m. The subject matter is on antennas and how they affect people's lives.

He had previously mentioned in his council report a few weeks ago that the Fort Lee Rotary Club and the Fort Lee Interact Club had sponsored a "Gift of Life" child who had come in from the Philippines for a heart operation. He is pleased to announce that seven year old Joanne Perodes, has gone back home after a very successful heart operation. One week after her operation she was up and around and visited the Fort Lee High School Interact Club members and staff members. John Koch and his wife were the host family for the Perodes, and this was coordinated through the Fort Lee Housing Authority. This is the sixth child to be sponsored by the Fort Lee Rotary Club.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Loose Screws in Seat	Ms. Thomas
Anna Lypinski 400 Park Place	.Commercial Vehicle Parking	Mr. Cohen Mayor Alter
Edward Faraday 2460 Second St.	.Police Chief's Salary	Mayor Alter
Arthur Levine Horizon Road	.Praise of Police Department	

There being no further discussion, the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Villano,** and carried at 9:35 p.m.

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, March 31, 2005

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

PRESENT: Mayor 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 2, 2005, 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 3, 2005, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2005 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Alter had no report tonight.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the January 2, 2005 Reorganization Meeting were approved.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the February 24, 2005 Executive Session were approved.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the March 3, 2005 Executive Session were approved.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the March 10, 2005 Regular Meeting were approved with Councilman Pohan abstaining.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the March 23, 2005 Special Meeting were approved with Councilman Villano abstaining.

INTRODUCTION OF ORDINANCES

Ordinance #2005-7 - Bond Ordinance for Acquisition of Real Property at 2029 Center Avenue, Block 4601, Lot 10 - \$525,000.00

On motion by Councilman Cervieri, seconded by Councilman Villano, and carried, Ord. #2005-7 entitled, "AN ORDINANCE OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF REAL PROPERTY LOCATED IN THE BOROUGH OF FORT LEE AND APPROPRIATING \$525,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$498,750 IN BONDS OR NOTES OF THE BOROUGH OF FORT LEE TO FINANCE THE SAME" was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **April 28, 2005**

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

Ordinance #2005-8 - Bond Ordinance for Various Improvements to Cumbermeade Road \$525,000.00

On motion by Councilman Cervieri, seconded by Councilman Villano, and carried, Ord. #2005-8 entitled, "AN ORDINANCE OF THE BOROUGH OF FORT LEE IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS IMPROVEMENTS TO CUMBERMEADE ROAD AND RELATED SANITARY SEWER AND RELATED EXPENSES IN AND FOR THE BOROUGH OF FORT LEE AND APPROPRIATING \$525,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$498,750 IN BONDS OR NOTES OF THE BOROUGH OF FORT LEE TO FINANCE THE SAME" was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **April 28, 2005**.

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

Ordinance #2005-9 - Amending Salary Ordinance #2004-37 - Establishing Salary for the Police Chief

On motion by Councilman Villano, seconded by Councilman Cervieri, and carried, Ord. #2005-9 entitled, "AN ORDINANCE AMENDING SALARY ORDINANCE #2004-37 AND PROVIDING SALARY FOR THE CHIEF OF POLICE," was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **April 14, 2005**.

AYES: Council Members Pohan, Villano, Sargenti, Kasofsky, Cervieri

ABSTENTION: Councilman Sokolich

Ordinance #2005-10 - Amending Chapter 345, Site Plan and Chapter 410, Zoning - Off-street and Off-site Parking Facilities

On motion by Councilman Villano, seconded by Councilman Pohan, and carried, Ord. #2005-10 entitled, "AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 345, 'SITE PLAN REVIEW' OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE AND CHAPTER

410, 'ZONING' OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE," was introduced and passed on first reading by title only.

The Ordinance introduced by title only was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **April 28, 2005**.

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky

ABSTENTION: Councilman Cervieri

PUBLIC HEARINGS

Ordinance #2005-5 - Amending the Redevelopment Plan for Redevelopment Area 5

Ray Levy, Director of Economic Development, Dennis Oury, Esq., Economic Development, and Paul Grygiel representing the Borough Planner, were present for this portion of the meeting.

Mr. Cervieri and Ms. Kasofsky recused themselves on this matter and left the podium.

On motion by Councilman Villano, seconded by Councilman Pohan and carried, the public hearing was opened relative to **Ord. #2005-5** entitled, "AN ORDINANCE TO AMEND THE REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA 5."

Mr. Jung, 2169 Lemoine Avenue, asked about the floor area ratio (FAR) related to Redevelopment Area 5.

Mr. Pohan replied that the maximum FAR for non-residential uses is .81; however, that may go up to 1.5 if the developer substitutes residential units for non-residential units. Since the residential unit is a less intense use, the developer will get credit by substituting residential units for non-residential units. When their plan comes in their FAR will then be known. Developers usually come in close to the maximum FAR when submitting their plans. The plan has not come in yet.

Mr. Sokolich added that if the FAR is exceeded then the developer is before the wrong board in the first place. The Planning Board would lose jurisdiction if an application was made by the developer to exceed the maximum FAR. He does not believe the developer is going to exceed the maximum FAR.

Nina Levinson, 1560 West Street, asked what is the maximum FAR for the residential component for Redevelopment Area 5.

Mr. Pohan replied that residential units are not measured by an FAR.

Ms. Sokolich stated that it is measured by density.

Ms. Levinson asked how many units per acre are allowed and if this increases the total number of residential units allowed for the project. She then spoke to the increased cost in many services that will occur if more residential units are allowed. She also spoke to low-income housing related to the project.

Mr. Levy replied that fourteen units per acre are allowed on the west side of the redevelopment plan.

Mr. Cohen pointed out that it is not appropriate for the Mayor and Council to consider the number of school children in making the zoning change.

Mayor Alter said that this change does not affect the low-income housing. Mayor Alter asked if Ms. Levinson is in favor of the change.

Ms. Levinson said that she does want to see a greater density in the residential units. She would rather see office buildings even though she is aware that office buildings are not renting well at this moment.

Mayor Alter stated that Ms. Levinson is within her rights to oppose the increase in school population, but the Mayor and Council are not.

Stanley Goldberg, 1080 Inwood Terrace, spoke to the discussion at the Planning Board related to parking availability. He spoke to the doubling of residences on the west side of the project. He asked if there is going to be an impact on parking spaces.

Mayor Alter replied that there is going to be a reduction in the required parking spaces needed.

Mr. Levy explained that there is an increase in the amount of residential housing on the west side; however, there is a more than off-setting decrease in the commercial density as well as the reduced parking needs because the hotel rooms have been cut back from 450 to 240. Those off-setting numbers have a positive impact on traffic flow and on parking.

Mr. Goldberg asked how and where the increased residential units are being placed.

Mr. Levy replied that the developer is talking about converting space that was going to be used for commercial development into the residential component. This will lead to a less dense layout than what was initially planned by the developer.

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

On motion by Councilman Villano, seconded by Councilman Sargenti, the Ordinance was adopted on the following roll call:

AYES: Council Members Pohan, Sokolich, Villano, Sargenti

ABSENT: Council Members Kasofsky, Cervieri

Mr. Cervieri and Ms. Kasofsky returned to the podium after the vote was taken.

Ordinance #2005-6 - Amending Chapter 388, Section 43, Schedule I, No Parking on East and West Side for the Entire Length of Kaufer's Lane

On motion by Councilman Villano, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2005-6 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTION 43, SCHEDULE I, OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED NO PARKING."

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

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

PROPOSED CONSENT AGENDA

On motion by Councilman Villano, seconded by Councilman Pohan, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-14.

CA-1 - Payment of Claims

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

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$7,258,145.09
Capital	2,438,276.32
Trust (Accutrack)	30,855.34
Trust (Old)	n/a
Police Activity Account	16,711.98
Senior Citizen Computer Account	n/a
Senior Citizen Advisory Council	3,179.00
Disability Insurance Trust	n/a
Unemployment Compensation Trust	n/a
Centennial Fund	n/a
Wedding Fees	n/a
Trip Admissions	400.00
Multiple Dwelling	n/a
Construction Fees	n/a
Special Dog Account	n/a
Public Assistance Trust Fund I	n/a
Fort Lee Film Commission	2,202.73
Redemption Account	<u>9,013.40</u>
Total:	\$9,758,783.86

CA-2 - Authorizing Budget Appropriation Transfers

BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Fort Lee, that the following 2004 budget appropriation reserve transfers are hereby made, pursuant to N.J.S. 40A:4-58, not less than two-thirds of the full membership of the Governing Body concurring:

<u>From</u>		<u>To</u>	
Mayor & Council O/E	19,000	Administration O/E	20,252
Collection of Taxes O/E	6,000	Finance/Administration	17,500
Legal	30,000	Director of Econ Dev O/E	178
Engineering	10,000	Construction Official O/E	2,613
Planning Board O/E	5,000	Other Insurance	3,484
Board of Adjustment O/E	6,000	Police O/E	30,415
Emergency Management O/E	10,000	Communication Dispatch O/E	1,927
Emergency Medical Tech O/E	6,000	Public Bldgs & Grounds O/E	1,843
Ambulance Corps S/W	10,000	General Services O/E	233
Fire Protection O/E	30,000	Auto Repair	11,885
Garbage	<u>15,974</u>	Board of Health O/E	8,716
		Special Events O/E	6,379
		Electricity O/E	4,438
		Street Lights	32,183
		Gasoline	4,823
		Municipal Court O/E	<u>1,105</u>
TOTAL:	\$147,974		\$147,974

CA-3 - Approving Raffle License #953 for the Center for Food Action in New Jersey Inc.

WHEREAS, The Center For Food Action in New Jersey, Inc., 192 West Demarest Avenue, Englewood, New Jersey, has submitted a raffle application for May 2, 2005; and

WHEREAS, the governing body has determined that their license application is complete in all respects,

NOW, THEREFORE, BE IT RESOLVED that the governing body hereby approves raffle application #953, pending final approval from the Legalized Games of Chance Control Commission.

CA-4 - Authorizing Hiring of Spring Seasonal Employees for the Recreation Department - Termination Date June 25, 2005

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

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

BE IT FURTHER RESOLVED that the attached list of appointments are part-time seasonal positions with an effective date of March 26, 2005 and a termination date of June 25, 2005.

CA-5 - Authorizing 3.5% Salary Increase for Thomas Ripoli, Police Chief, for 2005 - Retroactive to January 1st

WHEREAS, the Mayor and Council of the Borough of Fort Lee have authorized to give the Chief of Police, Thomas O. Ripoli, a 3.5% salary increase retroactive to January 1, 2005,

NOW, THEREFORE, BE IT RESOLVED that a salary increase for Thomas Ripoli is hereby approved retroactive to January 1, 2005 through December 31, 2005; and

BE IT FURTHER RESOLVED that salary Ordinance #2004-37 be amended for the Chief of Police, be introduced and approved by the Mayor and Council and shall take effect immediately upon passage and publication as required by law.

CA-6 - Authorizing Professional Services Agreement With the Bergen County Employees Assistance Program for 2005 - \$20.00 Per Employee

**2005
PROFESSIONAL SERVICES AGREEMENT
EMPLOYEE ASSISTANCE PROGRAM**

**between the
Borough of Fort Lee
and
the County of Bergen**

WHEREAS, the Bergen County Employees Assistance Program, hereinafter referred to as the "BCEAP," a program implemented by the County for the purpose of dealing with employees having personal problems, including alcoholism, having its office located at 327 E. Ridgewood Avenue, Paramus, New Jersey 07652; and

WHEREAS, the Bergen County Department of Health Services and the Department of Health and Senior Services of the State of New Jersey have expressed a major concern for the development of Employee Assistance Program services for municipal governments, and private enterprise; and

WHEREAS, the Bergen County Employees Assistance Program staff is fully qualified to perform the Substance Abuse Professional function as specified by the Federal Department of Transportation Drug and Alcohol Testing Regulations (DOT Jn, 1995 SAP Guidelines); and

WHEREAS, the Borough of Fort Lee has expressed its desire to have the services of the BCEAP made available to its employees for the period January 1, 2005 - December 31, 2005,

NOW, THEREFORE, BE IT RESOLVED that the Borough of Fort Lee agrees to pay a fee for BCEAP services of \$20.00 per employee; the total number of employees covered by this agreement 245.

CA-7 - Endorsing Bergen County Community Development Home Investment Partnership Program Grant as Proposed by Pennrose Developers, LLC for the Main Street Redevelopment Project - \$1,763,675.00

WHEREAS, a Bergen County Community Development Home Invest Partnerships (HOME) Program Grant in the amount of **\$1,763,675.00** has been proposed by Pennrose Developers, LLC for the Main Street Redevelopment Project in the Borough of Fort Lee, Bergen County, New Jersey; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee, in the County of Bergen and State of New Jersey does hereby confirm its endorsement of the aforesaid project; and

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

CA-10 - Authorizing Purchasing Consultant to Prepare Specifications and Advertise for Rebids for Renovations to the Richard A. Nest Senior Citizens' Kitchen

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 rebids for:

- . Rehabilitation of the Kitchen Including New Equipment at the Richard A. Nest Senior Citizens' Center

CA-11 - Authorizing Gotthold Paving, Inc., Edgewater, New Jersey, to Make Repairs to the Collapsed Sanitary Sewer at Lewis Street Between Ellery Avenue and Edwin Avenue - \$38,000 Plus \$200 Per Square Yard for Rock Removal

WHEREAS, an emergency condition existed to the safety and welfare of the public by the way of a collapsed sanitary sewer at Lewis Street between Ellery and Edwin Avenues, approximately 161 feet; and

WHEREAS, said repairs to the sanitary sewer was declared an extreme emergency, and

WHEREAS, on the recommendations of the Superintendent of the Department of Public Works, and the Supervisor of Sewers, Gotthold Paving Inc., P.O. Box 205, Edgewater, New Jersey, was immediately retained on an emergency basis,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee authorizes payment to Gotthold Paving, Inc., in the amount of **\$38,000.00** and **\$200.00** per square yard in case of rock removal; and

BE IT FURTHER RESOLVED that the Chief Financial Officer's certificate of availability of funds is on file in the Office of the Borough Clerk and funds are available under the capital account #04-2430-00-0008-01.

CA-12 - Authorizing Purchase of Two 2005 Crown Victorias for the Police Department From Winner Ford, Cherry Hill, New Jersey - State Contract #A45069 - \$39,854.26 for Both Vehicles

WHEREAS, the Police Department has requested the purchase of two (2) 2005 Ford Crown Victorias; and

WHEREAS, the vehicles are available through Winner Ford, via New Jersey State Contract #A45069; and

WHEREAS, the cost of each vehicle is over the bid threshold amount of \$17,500 and the expenditure must be authorized by resolution of the governing body,

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Fort Lee authorizes the Police Department to purchase the aforementioned 2005 Ford Victorias by purchase order from Winner Ford, 250 Haddonfield - Berlin Road, Cherry Hill, New Jersey, 08034 in the amount of **\$39,854.26** for both vehicles; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for this purchase under current account #01-2010-25-2402-226.

CA-13 - Authorizing Purchase of Two 2005 Ford Explorer XLS Four-Wheel Drive Vehicles for the Police Department From All American Ford, Hackensack, New Jersey - BC-Coop #04-139 - \$42,322.00 for Both Vehicles

WHEREAS, the Police Department has requested the purchase of two (2) 2005 Ford Explorer XLS 4 Wheel-Drive Vehicles; and

WHEREAS, the vehicles are available through All American Ford, via the Bergen County Cooperative Purchasing Program #04-139; and

WHEREAS, the cost of each vehicle is over the bid threshold amount of \$17,500 and the expenditure must be authorized by resolution of the governing body,

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Fort Lee authorizes the Police Department to purchase the aforementioned 2005 Ford Explorers by purchase order from All American Ford, 520 River Road, Hackensack, New Jersey 07601, in the amount of **\$42,322.26** for both vehicles; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for this purchase under current account #01-2010-25-2402-226.

CA-14 - Approving Change Order #5 for APS Contractors Inc., Paterson, New Jersey, for Forty-One Additional Working Days for the Construction of the New Community Center - \$63,222.90

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

GENERAL CONSTRUCTION:	New Park and Community Center Located at Inwood Terrace
ARCHITECT:	Dean Marchetto Architects P.C.
PROJECT MANAGER/OWNER'S REP.	Bergen County Economic Development Corp.
CONTRACTOR	APS Contractors, Inc. 155-161 Pennsylvania Avenue Paterson, New Jersey 07503
ORIGINAL CONTRACT COST:	\$8,736,000.00
CHANGE ORDER #5 COST:	63,222.90
COST OF PREVIOUS CHANGE ORDERS:	<u>138,772.10</u>
NEW CONTRACT SUM:	\$8,937.995.00
NATURE OF CHANGES:	Additional Forty-One Working Days for the Construction of the New Community Center
CONTRACT #:	900571

Nina Levinson, 1560 West Street, had questions pertaining to CA-5, CA-6, CA-11 and CA-7.

Mayor Alter responded to CA-5. Ms. Thomas spoke to CA-6 and CA-11. Messrs Alter and Cervieri and Ms. Thomas replied to CA-7.

Stanley Goldberg, 1080 Inwood Terrace, questioned the procedure regarding CA-5.

Ms. Thomas and Mr. Grant responded to his question.

There being no further discussion, the public hearing was closed **on motion by Councilman Villano, seconded by Councilman Pohan**, and the Consent Agenda (items CA-1 through CA-14, except for CA-8 and CA-9 which was removed by Mr. Cervieri for separate vote) was **approved unanimously**.

RESOLUTIONS

R-A/CA-8 - Approving Limousine Owner's License for Neduvelil Nirmal d/b/a Seville Car & Limousine Service Corp. at 2175 Hudson Street

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

WHEREAS, an application has been filed by **Neduvelil Nirmal t/a Seville Car & Limousine Service Corp. @ 2175 Hudson Street, Fort Lee, New Jersey** for a license to operate a limousine business owner's license in the Borough of Fort Lee; and

WHEREAS, local ordinance provides that only ten (10) such companies can operate within the Borough of Fort Lee and currently there are eight (8) limousine businesses operating; and

WHEREAS, the applicant has been reviewed and approved by the Fort Lee Police Department and Building Department for an office at **2175 Hudson Street,**

NOW, THEREFORE, BE IT RESOLVED that upon payment of the applicable license fees, the Borough Clerk is hereby authorized and directed to issue a limousine business owner's license to **Neduvelil Nirmal t/a Seville Car & Limousine Service Corp.** for the operation of a limousine service from **2175 Hudson Street** to include parking of limousines at the same address.

The Resolution was **approved unanimously.**

R-B/CA-9 - Authorizing Person to Person/Place to Place Liquor License Transfer From Song Song, Inc. (Inactive Status) to Zenex Enterprise Inc. at 1550 Lemoine Avenue

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

WHEREAS, an application has been filed for a person to person and place to place transfer of plenary retail consumption license **0219-33-033-005**, heretofore issued to **Song Song Inc.**, a corporation, (inactive license) for premises located at a mailing address of **23 Warren Avenue, Alpine, New Jersey 07620;** and

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

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

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

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

WHEREAS, said application has been approved by the Building Inspector and the Fire Inspector; and

NOW, THEREFORE, BE IT RESOLVED that the Fort Lee Governing Body does hereby approve the person to person and place to place transfer of the aforesaid plenary retail consumption license to **Zenex Enterprise Inc., @ 1550 Lemoine Avenue, Fort Lee, New Jersey 07024** effective **March 31, 2005** and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership.

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

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky

ABSTENTION: Councilman Cervieri

R-1 - Amending Temporary Capital Budget

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

WHEREAS, the Borough of Fort Lee desires to constitute the 2005 Temporary Capital Budget of said municipality by inserting therein the following project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Fort Lee as follows:

Section 1. The 2005 Temporary Capital Budget of the Borough of Fort Lee is hereby constituted by the adoption of the schedule to read as follows:

Temporary Capital Budget of the
Borough of Fort Lee
County of Bergen
Projects Scheduled for 2005
Method of Financing

<u>Project</u>	<u>Est. Costs</u>	<u>Capital Improvement Fund</u>	<u>Bonds</u>
Property Acquisition	\$525,000	\$26,250	\$498,750
Cumbermeade Road Improvements	\$525,000	\$26,250	\$498,750

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services Department of Community Affairs, State of New Jersey, within three days after the adoption of this project for 2005 Temporary Capital Budget, to be included in the 2005 Permanent Capital Budget as adopted.

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

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

COUNCIL REPORTS

Councilman Pohan - reported that the Fort Lee Film Commission has received a grant from the Bergen County Arts Council for \$3,000 for its Movie and Music under the Stars program for 2005. The films will be shown this year in Constitution Park.

He stated that on Sunday, April 3rd, the Film Commission will be sponsoring an Asian-American film festival at 1:00 p.m. at the Fort Lee Historic Park. Films by young Asian-American filmmakers will be shown.

He announced that the Roscoe "Fatty" Arbuckle retrospective will be held on April 10th, April 16th and April 17th. There will also be a symposium on April 10th, and on all the dates different silent and talk films will be shown, including some made in Fort Lee.

Councilman Sokolich - stated that greeting cards which were made by the students of the Borough and sponsored by the Beautification Committee are still on sale in the Borough Clerk's Office, the library and in various business locations throughout the Borough. The response has not been as good as hoped for. He asked the public to support this continuing venture.

He asked that an awards ceremony be set up for the April 14th regular meeting for the students who participated in the program.

He stated that the Fort Lee Soccer League, which includes over 700 Fort Lee residents, has two traveling teams - the under 9 and under 11 age groups that won their respective Metro Cup tournaments. They will be playing this Saturday at the Meadowlands. He congratulated the kids and recognized the coaches for their efforts.

Councilman Villano - announced that the Police Chief and his administrative staff are holding a public forum on Tuesday, April 5th at 7:00 p.m. at the Fort Lee High School Auditorium. The forum is designed to address general issues that concern the citizens and Borough of Fort Lee. Mr. Villano will also be there to give council feedback for the residents.

He stated that April is "National Donate Life Month" which was created to encourage people to donate organs and tissues for transplantation. There are over 87,000 people on lists awaiting the possibility of a lifesaving organ. He mentioned that his son-in-law has had a kidney and pancreas transplant and that Benjamin Chirls, Advisory Committee for the Disabled member, has also had a kidney transplant. He mentioned the steps that can be taken to become an organ donor.

Councilman Sargenti - also acknowledged the kids from the under 9 and under 11 soccer leagues. It is a big thrill for the kids to be playing at the Meadowlands.

He stated that the Fort Lee Little Leagues and Fort Lee Girls' Softball teams kick off their seasons on April 16th and April 17th. He asked people who are driving to the games to drive carefully due to the number of kids who will be in and around the street and field areas.

He said that this Sunday, April 3rd there is going to be a square dance at the Recreation Center beginning at 2:15 p.m. Refreshments will be served.

Councilwoman Kasofsky - announced that the State of New Jersey has given the Borough a grant of \$35,000 to be used for a new boiler for the library. Susan Bass Levin, Department of Community Affairs, sent a letter to the Mayor, announcing, and congratulating the Borough for receiving, this grant.

She announced that there will be a yoga demonstration at the Fort Lee Public Library on Thursday, April 14th at 7:00 p.m.

She further announced that the movie "Singin' in the Rain" will be shown at the library on Thursday, April 21st at 2:00 p.m.

Councilman Cervieri - stated that the Richard A. Nest Senior Citizens' Center will be offering computer classes in April. He mentioned the various classes that may be offered. Each class will consist of two hours per week for three weeks. The classes are semi-private with four work stations. The cost for each computer class is \$85.00.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Stanley Goldberg 1080 Inwood Terrace	.Projection to When Town & Country Public Hearings May Conclude	Mayor Alter
	.Pump Station West Side of Citibank	Mayor Alter Mr. Cohen
Tom Meyers 1450 Palisade Avenue	.Asian-American Awareness Month	
	.Praising Howard Joh, Fort Lee Businessman, in Securing Chinese Movie to be Shown by Fort Lee Film Commission	
	.Vendor Cutoff Dates for June Arts & Music Fair	
Ruth DeMercurio 460 Jane Street	.Jane Street - Certain Property Being Used as a Parking Lot	Mayor Alter Ms. Thomas

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

Neil Grant, RMC
Municipal Clerk

SPECIAL MEETING

MAYOR AND COUNCIL

Wednesday, March 23, 2005 @ 11:38 a.m.

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

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

ABSENT: Councilman Villano

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

MAYOR'S STATEMENT

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

On March 15, 2005 a written notice of the time, place and proposed agenda of this meeting was posted at the Municipal Building, 309 Main Street, Fort Lee, N.J.

On the same date a copy of said written notice was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE, filed with the Borough Clerk, and copies were mailed to all persons who have requested same, and have prepaid the fee fixed for the year 2005.

MAYOR'S STATEMENT AND ANNOUNCEMENTS

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

The discussion of this meeting will be limited to:

**2005 Municipal Budget
Public Participation**

It is expected that **no action will be taken** at this meeting.

Mayor Alter stated that the purpose of this meeting is to get the budget in shape before the public hearing. The budget has already been introduced, and the application for State aid has been submitted. The original budget introduced had some incorrect numbers.

Mayor Alter spoke to the summary sheet that was just handed out and prepared by Ms. Thomas and Mr. Iannaconi today.

Ms. Thomas explained that the following summary information was amended this morning. She added that today is the day that new assessments were due into the County.

**BOROUGH OF FORT LEE
2005 MUNICIPAL BUDGET
REVISED SUMMARY SHEET (MARCH 23, 2005)**

Tax Rate

Total Appropriations 2004 \$51,213,361

Total Appropriations 2005	<u>\$53,163,653</u>	
Increase	<u>\$ 1,950,292</u>	
Percentage	<u>3.67%</u>	
Tax Levy 2004	\$40,387,995	0.692
Tax Levy 2005	\$43,796,942	<u>0.754</u>
Increase	<u>3,408,947</u>	<u>0.0062</u>
Percentage	<u>8.4%</u>	8.9% in Points

Appropriation Increases

Salaries and Wages - Police	740,637
Salaries and Wages - Other	279,714
Health Benefits	704,650
Library	653,452
Debt Service	(96,860)
Pension	374,592
Other Expenses	<u>(705,893)</u>
	\$1,950,292

Mr. Pohan stated that the ratables were understated as submitted in January by Mr. Leodori.

Ms. Thomas stated that \$140,000 in a Homeland Security grant was not included in the original document and therefore the tax levy has been decreased by that amount.

Ms. Thomas stated that a tax point is now equal to \$580,906.

Mayor Alter asked about the gross assessed value of the Borough.

Mr. Iannaconi replied that the gross assessed value of the Borough for 2005 is \$5,809,064,016 as compared to \$5,861,219,604 in 2004.

Mayor Alter stated that the increase in expenses exceeds the increase in revenues; therefore, the ratables are down. Those numbers are usually reversed.

Mr. Iannaconi stated that the 2005 assessment for the Borough reflects the recent order by the County Tax Board to reverse the \$80,000,000 in deductions in tax assessments.

Mayor Alter spoke about gross ratables. Taxpayers did not get the usual boost. The decrease in some assessments will raise taxes to other buildings. Some people will be happy and others will not be. Some residents are paying more than 8.4% because of larger building assessments. There are going to be a lot of tax appeals.

Mr. Cervieri spoke about the decrease in the Borough's ratables.

Mr. Pohan stated that the revaluation numbers went into effect a year ago. Dozens of owners filed tax appeals; some have been settled with reductions.

Mr. Cervieri asked to see a list of property reductions.

Mayor Alter added that the Tax Assessor will be asked to deliver the information that Mr. Cervieri has requested and that other members of the governing body would also like to see.

Mr. Pohan said that the reduction in assessments is reflected in this year's tax levy. There was less revenue received in 2004 and a lower surplus.

Mr. Iannaconi stated that the \$1,000,000 less in surplus could not be anticipated in revenue in 2005. There were settled tax appeals, which caused taxes to be cancelled. This affects revenue.

Mayor Alter stated that the process is not over yet. There will be more problems in 2006. He spoke to the 3.67% expense increase in this year's budget.

Mr. Sokolich arrived at this point in the meeting at 11:54 p.m.

Mayor Alter added that relief will have to be found when the next set of contracts are negotiated.

Mr. Pohan stated that nothing can be done about the current contractual increases. Health benefits are also not Capped. Expenses such as insurance costs and labor agreements are uncontrollable based upon the existing labor agreements. There was also a large increase in the library appropriation which is set by State statute.

Mayor Alter announced that he received a call from District 38 Assemblyman Robert Gordon who informed him that the Borough will be getting a \$35,000 grant for a new library boiler.

Mayor Alter added that the public hearing could change the budget. A former mayor said 97% of the budget is not controllable.

Mr. Cervieri stated that the items being covered today concern only the municipal portion of the budget. It does not include the school or County budget.

Mayor Alter replied that the school levy will go down based on the Borough's assessed value.

Mr. Cervieri added that the tax rate will be higher.

Mr. Pohan stated that with the new police hires including specials, there has been an increase of \$500,000 in expenses.

Mayor Alter disagreed with Mr. Pohan regarding the police hires.

Mr. Iannaconi said that the specials cost \$175,000 and the new police hires cost \$280,000.

Mayor Alter stated that the Borough's highest priority is to keep its residents safe and secure.

Mr. Pohan replied that whatever the thinking, the choices have been made.

Mr. Sokolich added that the hiring of the new police officers and the special officers was discretionary on the governing body's part.

Mayor Alter replied that he is not going to decrease services in the Borough. He is not going to do anything that will make the Borough less safe and secure.

Mayor Alter stated the budget was prepared by Ms. Thomas and Mr. Iannaconi as they sat down with each department head on an individual basis.

Mr. Cervieri spoke to the \$653,412 increase in the library appropriation. He asked Mr. Iannaconi if the Borough gets credit for the library salaries.

Mayor Alter concurred that the library number is troublesome; however, the library is entitled to the money.

Mr. Iannaconi replied that the library figure includes everything. It is based on 1/10th of a mill of assessed value over the last three years.

Ms. Kasofsky stated that things concerning the library could ultimately be revised.

Mayor Alter asked if the money has been forwarded to the library yet.

Mr. Pohan pointed out that the money is a windfall to the library.

Ms. Thomas spoke to electric bills, utilities costs and payroll costs that are incurred by the Borough from the library.

Mr. Iannaconi added that the library is self-sufficient, and that the library is outside the budget Cap.

Mr. Iannaconi mentioned that the Borough's debt service is down; changes would occur if the Borough borrowed more money.

Messrs. Cerieri and Iannaconi spoke about items inside and outside of the Cap. These items include the library, BCUA, (sewer authority) insurance and debt service.

Mayor Alter asked about the Borough's insurance through the South Bergen Joint Insurance Fund (JIF).

Mr. Iannaconi explained that Ms. Thomas is a commissioner on the JIF. The Borough's allocation of expenses is done by the experience rate of worker's compensation cases and the size of the town among other things.

Mr. Sokolich asked about the cost of police cars and if it is an item inside or outside the Cap.

Mr. Iannaconi explained the history of how the legislation has redone the Cap law over the last ten years.

Ms. Thomas stated that the only possible item that may eventually go outside the Cap at this point is the cost of police contractual increases.

Mr. Pohan pointed out that the original cover sheets regarding the library appropriations were never adjusted by the Borough Auditor, even though the budget document itself is correct.

Mr. Iannaconi turned over a check in January to the library for part of the remaining balance of the municipal appropriation.

Ms. Thomas stated that she reduced the library budget by \$315,000 when she and Mr. Iannaconi thought there might be a Cap problem. That problem has now been rectified.

Mayor Alter spoke to the library's \$1,725,000 appropriation.

Mr. Cervieri mentioned that pension costs have increased by \$375,000.

Ms. Thomas replied that this is the second year the Borough has had to pay into the pension fund since the market cooled off.

Mayor Alter added that when the market was hot, the pension was overfunded, and the Borough did not have to pay into the fund. The Borough does not have the ability to borrow by using revenue anticipatory bonds.

Mayor Alter added that the Borough is required to have a balanced budget. State aid will not totally change the budget.

Mr. Cervieri asked Mr. Iannaconi how much the Fort Lee taxpayers paid in State income tax.

Mr. Grant to contact the legislative offices to get the figure that Mr. Cervieri is requesting.

Mr. Iannaconi stated that the budget will have its public hearing on April 14th, even though the extraordinary aid figures will not be determined by then.

Mr. Cervieri asked if there was anything else that could be done to reduce expenses in the budget.

Ms. Thomas stated that most of the operating and expense budgets went down slightly this year.

Mr. Iannaconi added that department heads have to justify their expenses.

On questioning by the governing body, Mr. Iannaconi stated that the cost for crossing guards for 2005 is \$550,000. This is the same as last year.

On questioning by Mr. Cervieri, Mr Iannaconi stated that the reserve for uncollected taxes for 2005 is \$1,850,000, which remains the same from 2004.

Mr. Iannaconi added that the Borough needs extra money because the Borough does not collect 100% of its taxes. This covers the current fiscal year. The Borough budgets money to cover its delinquent taxes. The Borough usually collects 99% of its delinquencies.

Mayor Alter pointed out that the Borough covers the reserve for everyone. He opined that it is unfair that the Borough carries the reserve for the schools and the County.

Mr. Pohan asked about the salary line for the Police Department and how many officers are reflected in the line item.

Ms. Thomas replied that the police salary line reflects 112 officers.

Mr. Sokolich spoke to the increased cost in the police and fire pension systems this year.

Mr. Iannconi replied that the Borough's pension liability is based on salaries.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West Street	.2004/2005 Numbers for Full Time, Part-time and Seasonal Employees	Mayor Alter
Marvin Rothenberg 1500 Palisade Ave.	.Summary Spreadsheet for Budget	Mr. Pohan
	.New Tax Rate for 2005	Mayor Alter

There being no further discussion, the special meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Pohan** at 1:00 p.m.

Neil Grant, RMC
Borough Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, March 10, 2005

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

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

ABSENT: Councilman Pohan

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

MAYOR'S STATEMENT

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

1. On January 2, 2005, 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 3, 2005, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2005 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Alter welcomed back Mr. Cohen after a brief illness.

Mayor Alter mentioned that the Fort Lee Rotary Club presented its "Person of the Year" last Sunday to Nat Infurna. Nat has a long list of credits. He has been one of the leading volunteers in Fort Lee since Mayor Alter got involved in government. The plaque they presented to him was for his community involvement with regard to the many boards and committees on which he has served. The majority of people in Fort Lee are well aware of Nat's accomplishments. Mayor Alter congratulated Mr. Infurna for being honored by the Fort Lee Rotary Club.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the February 24, 2005 Regular Meeting were approved.

INTRODUCTION OF ORDINANCES

Ordinance #2005-4 - Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14)

On motion by Councilman Cervieri, seconded by Councilman Villano, and carried, Ord. #2005- entitled, "CALENDAR YEAR 2005 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND

TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)" was introduced and passed on first reading.

Mayor Alter noted that the budget to be introduced later must be introduced at tonight's meeting or the Borough will not be able to make application for State aid. The budget being introduced tonight is not complete. This is the first step.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **April 14, 2005**.

AYES: Council Members Sokolich, Villano, Sargenti, Kasofsky, Cervieri

Ordinance #2005-5 - Amending the Redevelopment Plan for Redevelopment Area 5

Mayor Alter stated that redevelopment area 5 is the Town and Country development tract of land. This is the first step of many steps that have to be taken before the project can be approved.

Council Members Cervieri and Kasofsky recused themselves on this matter and left the podium.

On motion by Councilman Villano, seconded by Councilman Sargenti, and carried, Ord. #2005-5 entitled, "AN ORDINANCE TO AMEND THE REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA 5," was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **March 31, 2005**.

AYES: Council Members Sokolich, Villano, Sargenti

ABSENT: Council Members Kasofsky, Cervieri

Ordinance #2005-6 - Amending Chapter 388, Section 43, Schedule I, No Parking on East and West Side for the Entire Length of Kaufer's Lane

On motion by Councilman Villano, seconded by Councilman Cervieri, and carried, Ord. #2005-6 entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTION 43, SCHEDULE I, OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED NO PARKING," was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **March 31, 2005**.

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

INTRODUCTION OF 2005 MUNICIPAL BUDGET

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

BE IT RESOLVED that the following statements of revenues and appropriations (available in the office of the Borough Clerk)

shall constitute the Municipal Budget for the year 2005; and

BE IT FURTHER RESOLVED, that said budget be published in The Record in the issue of March 17, 2005.

The Governing Body of the Borough of Fort Lee does hereby approve the following as the Budget for year 2005 (available in the office of the Borough Clerk):

Mr. Grant announced that the total anticipated general appropriations for 2005 at introduction is **\$53,163.653.37**

The introduced budget was **approved** on the following roll call:

AYES: Council Members Sokolich, Villano, Sargenti, Kasofsky, Cervieri

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of Fort Lee, County of Bergen, on March 10, 2005. A hearing on the Budget and Tax Resolution will be held at Borough Hall, on April 14, 2005 at 8:00 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2005 may be presented by taxpayers or other interested persons.

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-13, except for CA-3 which was removed by **Councilman Sokolich** for separate vote.

CA-1 - Approving Raffle License #952 for Church of the Madonna

WHEREAS, Church of the Madonna, 340 Main Street, Fort Lee, New Jersey, has submitted a raffle application for May 10th, 11th, 12th, 13th, 14th and 15, 2005; and

WHEREAS, the governing body has determined that their license application is complete in all respects,

NOW, THEREFORE, BE IT RESOLVED that the governing body hereby approves raffle application #952, pending final approval from the Legalized Games of Chance Control Commission.

CA-2 - Approving Developers Agreement for Metropolitan Plant Exchange, 2125 Fletcher Avenue, Block 5001, Lot 1, Trailing Lots 2-11

WHEREAS, the Planning Board of the Borough of Fort Lee adopted a Resolution approving a development by Metropolitan Plant Exchange, Inc. (the "Developer") for property located in Block 5001, Lot 1 (Trailing Lots 2-11), also known as 2125 Fletcher Avenue, Borough of Fort Lee, County of Bergen and State of New Jersey; and

WHEREAS, the Resolution was conditioned upon the Developer 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,

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 Developer.

CA-4 Authorizing Amendment to the Borough's Deferred Compensation Plan (Automatic Rollover Requirements of Internal Revenue Code Section 401(a)(31)(B))

The undersigned representative of the Borough of Fort Lee hereby certifies that the following resolutions were duly adopted by the Governing Body of the Borough of Fort Lee on March 10, 2005, and that such resolutions have not been modified or rescinded as of the date hereof; and

BE IT FURTHER RESOLVED that the amendment to the Deferred Compensation Plan, which addresses the Plan's compliance with the "automatic rollover" requirements of Internal Revenue Code Section 401(a)(31)(B), is hereby approved and adopted, and the proper officer(s) of the Borough of Fort Lee are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the amendment, the same to be effective as of March 10, 2005.

The undersigned further certifies that attached hereto is a true copy of the amendment to the Plan, approved and adopted in the foregoing resolutions.

CA-5 - Authorizing the Tax Appeals Attorney to File a Complaint Challenging Various 2005 Tax Assessments Made by the Borough's Tax Assessor

WHEREAS, various tax appeals are pending in the Tax Court of New Jersey challenging the 2004 revaluation assessments; and

WHEREAS, while the 2004 appeals have been pending, the Borough Assessor lowered the 2005 assessments on those properties; and

WHEREAS, the Borough believes that the action of the Tax Assessor was improper under the circumstances; and

WHEREAS, the Borough believes that the reduction of revaluation assessments without a demonstrable change constitutes disuniform treatment among taxpayers, among other potential violations; and

WHEREAS, the Borough believes that the 2005 assessments should be reinstated at this time to the 2004 levels,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the Tax Counsel be and is hereby authorized and directed to file Tax Court complaints challenging the 2005 assessments imposed by the Tax Assessor in order to increase said assessments, as shown on the schedule annexed hereto and made a part hereof; and

BE IT FURTHER RESOLVED that any actions previously taken by the Borough's Tax Appeal Attorney toward that end be and are hereby ratified and confirmed.

SCHEDULE

<u>Name</u>	<u>Block/Lot</u>	<u>2005 Assessment</u>	<u>2004 Assessment</u>
Barouk Realty	401 5	\$ 3,624,000	\$ 3,976,200
J. Fletcher Creamer	2601 1	15,900,000	19,148,000
Oakdene & Sixth Realty	2701 1.02	3,735,200	4,794,300
Sri Ganesh, Inc.	3403 1	3,061,000	3,634,700
Mediterranean House	3403 3	25,786,400	30,028,500
400 Kelby Associates	4502 1	43,029,800	46,354,900
2100 Linwood Av Owners	4601 2	74,000,000	78,500,000
Sun Chemical	4701 1	20,077,400	26,999,000
C&K Holding Co., Inc.	4902 10	21,240,000	35,795,000
Linwood Realty, LLC	5101 1	8,045,100	9,583,700
Bluegill, LLC	5201 2	10,664,400	11,755,200
Gun Hill Motor Inn	5402 1	6,720,000	7,410,300
Nine W Office Center	5804 1	34,624,700	43,249,300
Parene Realty Co.	6101 5.6	12,230,300	13,220,000
Northbridge Park Co-op	6202 1	59,977,000	63,767,000
Slumber, Inc.	6304 7	16,560,000	23,167,000
2500 Lemoine Assoc.	7101 1	2,700,000	3,023,200
Tahari	1303 13	1,875,000	1,999,900
Labov	1402 1	6,000,000	6,422,700
Fosteris	3602 2	3,048,000	3,766,500
Aboudi	4202 25	1,946,100	2,580,900
Jessico Realty Co.	4202 35	2,308,900	2,717,600
Lee, Chong	4601 3	2,335,800	2,638,300
Seoul Realty, Inc.	4701 7	3,170,700	3,528,200
Straight Arrow, LLC	5001 1	1,709,500	1,870,600
Linwood Realty, LLC	5101 1	8,045,100	9,583,700
Tsionis	6101 21	2,511,700	2,723,200
Merkle & Hudson Assoc.	6105 2	2,210,000	2,506,300

CA-6 - Authorizing the Purchasing Consultant to Obtain Specifications and Advertise for Bids and/or Purchase Through State Contract for Various Items Including But Not Limited to Four Police Vehicles

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:

- . Digital In-House Recording System for the Police Dept.
- . Rotary Mower for the DPW

BE IT FURTHER RESOLVED that the Purchasing Consultant is hereby authorized and directed to advertise for bids or purchase through State contract for:

- . Purchase of Three (3) Marked and One (1) Unmarked Vehicle for the Police Department
- . 2005 4X4 Pickup Truck for the DPW
- . Van (Support Unit 1) for the Fire Department

CA-7 - Authorizing Payment to Conti Roofing Company, Inc., Fairview, New Jersey, for Emergency Repairs to the Roof of the DPW Building at 530 Main Street - \$32,500

WHEREAS, an emergency condition exists to the safety of the workers and the building at 530 Jane Street; and

WHEREAS, said repairs to the building have been declared an extreme emergency; and

WHEREAS, on the recommendation of the Superintendent of General Services, Joseph Vaccaro, Conti Roofing Company, Inc. was immediately retained on an emergency basis,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee authorizes payment to Conti Roofing Company, Inc., 693 West Prospect Avenue, Fairview, New Jersey 07022 in the amount of \$32,500.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer's Certificate of Availability of Funds is on file in the office of the Borough Clerk and funds are available under the capital account #04-2430-00-0012-01.

CA-8 - Approving Change Order #1 for Security Structures, Inc., Basking Ridge, New Jersey for the Construction of a Field House and Infrastructure Improvements at Van Fleet Park - Installation of a Grinder Package Ejector Pump - \$32,503.00

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

GENERAL CONSTRUCTION:	Van Fleet Park Field House
CONTRACTOR:	Security Structures, Inc. 125 Martinville Road Basking Ridge, NJ 07920
ENGINEER:	Boswell McClave
ORIGINAL CONTRACT COST:	\$ 489,345.00
COST OF CHANGE ORDER:	\$ 32,503.00
COST OF PREVIOUS CHANGE ORDERS:	\$ <u>0</u>
NEW CONTRACT SUM:	\$ 521,848.00
CHANGE ORDER NUMBER:	#1
NATURE OF CHANGES:	To Furnish and Install a Barnes Grinder Package Ejector Pump
CONTRACT #	950006
CAPITAL ACCOUNT #	0423130000301

CA-9 - Awarding Contract to Do H. Chung and Partners, Architects Stamford, Connecticut, to Create Design Guidelines in the Downtown Business District - Fee \$150.00 Per Hour, Not to Exceed \$15,000

WHEREAS, the Borough of Fort Lee wishes to embark upon a plan to initiate a program that will encourage retail businesses in the Downtown Business District - i.e., Main Street to redesign storefronts; and

WHEREAS, it is deemed in the best interests of the Borough of Fort Lee to provide for a professional architect's advice and assistance to the Mayor and Council in the pursuance of creating design guidelines and design criteria for the Main Street business area; and

WHEREAS, Do. H. Chung & Partners is a professional architect and planning firm that is experienced and capable in the area of urban redevelopment and planning,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the firm of Do H. Chung & Partners, 189 Bedford Street, Stamford, Connecticut 06901 be and is hereby retained to provide the expertise aforementioned; and

BE IT FURTHER RESOLVED that this services of this firm shall be compensated at a rate of \$150.00 per hour, not to exceed \$15,000.00 which charges are to be billed monthly; and

BE IT FURTHER RESOLVED that the Borough Attorney is to prepare a contract which the Mayor be authorized to execute; and

BE IT FURTHER RESOLVED that the Borough Clerk cause the required notice to be published with respect to the award of the contract; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for this project through the Office of Economic Development account.

CA-10 - Awarding Contracts to Macdel Engineering, Clifton, New Jersey to Provide Surveying Services and to Dresdner Robin, Jersey City, New Jersey to Provide Environmental Consulting Services for Property Located at 95 Main Street, Block 4805, Lots 2-4 - Surveying Cost \$7,800 Plus \$250.00 Fee for Setting Each of the Property Corners - Environmental Consulting Services Cost is \$4,700

RESOLUTION AUTHORIZING THE HIRING OF SURVEYOR AND ENVIRONMENTAL CONSULTANT FOR BLOCK 4805, LOTS 2,3, AND 4, ALSO KNOWN AS 95 MAIN STREET

WHEREAS, the Borough of Fort Lee considers it necessary and proper to adopt a resolution to hire a surveyor and environmental consultant to provide surveying and preliminary assessment services for Block 4805, Lots 2,3, and 4, also know as 95 Main Street ("the Property") prior to the acquisition of the Property by the Borough for the purpose of re-alignment of lower Main Street and for additional parking and/or infrastructure improvements to ease traffic congestion; and

WHEREAS, said surveying and environmental consulting services are specialized and qualitative in nature and fall within the definition of a professional service as provided under N.J.S.A. 40A:11-2(6) and as such constitutes an exception to the bidding requirements under N.J.S.A. 40A:11-5(1)(a)(ii); and

WHEREAS, the Borough has received an appropriate proposal in the form of Exhibit A as attachments hereto from Macdel Engineering, 969 Paulison Avenue, Clifton, New Jersey, 07013 which firm specializes in civil engineering and land surveying, to provide surveying services; and

WHEREAS, the lump sum fee for all such surveying services shall be **\$7,800.00**, with an additional fee of **\$250.00** for setting each of the property corners; and

WHEREAS, the Borough has received an appropriate proposal in the form of Exhibit B as attachments hereto from Dresdner Robin, 371 Warren Street, Jersey City, New Jersey 07302-3035, which firm specializes in environmental engineering to provide environmental consulting services; and

WHEREAS, the lump sum fee for all such environmental consulting services shall be **\$4,700.00**; and

WHEREAS, the Borough has funds available for the retention

of consultants for the purpose of providing surveying and environmental consulting services,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that a contract for the following surveying firm in a form approved by counsel to the Borough be entered into on behalf of the Borough of Fort Lee and made a part of these minutes for the period commencing on the date hereof; and

Macdel Engineering

and;

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Fort Lee that a contract for the following environmental consulting firm in a form approved by counsel to the Borough be entered into on behalf of the Borough of Fort Lee and made a part of these minutes for the period commencing on the date hereof; and

Dresdner Robin

and;

BE IT FURTHER RESOLVED that the Mayor be authorized to execute the contracts on behalf of the Borough of Fort Lee; and

BE IT FURTHER RESOLVED that the Borough Clerk publish the notice of the award of the contracts pursuant to the requirements of N.J.S.A.40A:11-5(1)(a)(ii).

CA-11 - Awarding Contract to Boswell McClave Engineering, South Hackensack, New Jersey to Provide Engineering Services for the Final Design to Replace the Collapsed Multiple Retaining Wall at the DPW Site - \$32,500

WHEREAS, the Borough of Fort Lee wishes to replace the collapsed retaining wall at the lower DPW site; and

WHEREAS, the Borough desires that the firm of Boswell McClave Engineering prepare preliminary and final design services to replace the collapsed retaining wall,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Boswell McClave Engineering, 330 Phillips Avenue, South Hackensack, New Jersey, 07606 be and is hereby retained in connection with the aforementioned project to provide engineering services pursuant to Boswell's proposal of February 22, 2005, a copy of which is available in the office of the Borough Clerk; and

BE IT FURTHER RESOLVED that Boswell McClave shall perform the services as outlined in its proposal for an estimated fee not to exceed **\$32,500** for both phases of the project, with billing to be based upon the engineering firms hourly rates; and

BE IT FURTHER RESOLVED that the aforesaid award of contract is one for professional services, for which no public bidding is necessary or required; and

BE IT FURTHER RESOLVED that the aforesaid award of contract be and hereby subject to and conditioned upon the written certification of the Chief Financial Officer as to availability of funds in the current budget for this project; and

BE IF FURTHER RESOLVED that the Borough Clerk be and he is hereby authorized and directed to advertise the award of the contract and to maintain a copy of this resolution in his offices, for public inspection, according to law.

CA-12 - Awarding Contract to Boswell McClave Engineering, South Hackensack, New Jersey to Prepare Roadway Construction Plans for Improvements to Cumbermeade Road - Fee Not to Exceed \$122,400 for Design and Construction Phases

WHEREAS, the Borough of Fort Lee awarded a contract to Boswell McClave Engineering for \$27,700 on February 27, 2003 to begin to effect certain improvements to Cumbermeade Road; and

WHEREAS, the scope of the project has increased since Boswell was awarded its initial contract for engineering services; and

WHEREAS, the Borough has received three (3) NJDOT grants in the amount of \$405,000 and he NJDOT is requiring the Borough to award a construction contract for the improvements to Cumbermeade Road; and

WHEREAS, the Borough desires that the firm of Boswell McClave Engineering prepare roadway construction plans and specifications, act as coordinator of construction meetings and provide design services for the project,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Boswell McClave Engineering, 330 Phillips Avenue, South Hackensack, New Jersey, 07606 be and is hereby retained in connection with the Cumbermeade Road improvement project to provide engineering services pursuant to Boswell's proposal of January 12, 2005, a copy of which is available in the office of the Borough Clerk; and

BE IT FURTHER RESOLVED that Boswell McClave shall perform the services as outlined in its proposal for an estimated fee not to exceed **\$54,400** for the design phase and a fee not to exceed **\$68,000** for the construction phase, with billing to be based upon the engineering firms hourly rates; and

BE IT FURTHER RESOLVED that the aforesaid award of contract is one for professional services, for which no public bidding is necessary or required; and

BE IT FURTHER RESOLVED that the aforesaid award of contract be and hereby subject to and conditioned upon the written certification of the Chief Financial Officer as to availability of funds in the current budget for this project; and

BE IF FURTHER RESOLVED that the Borough Clerk be and he is hereby authorized and directed to advertise the award of the contract and to maintain a copy of this resolution in his offices, for public inspection, according to law.

CA-13 - Awarding Bid to Miele Sanitation Co., Inc., Closter, New Jersey for a Three Year Solid Waste and Recycling Services Contract: Year 1: \$2,652,000 - Year 2: \$2,702,000 - Year 3: \$2,760,000

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("the Borough") are desirous of contracting for solid waste and recycling services for the Borough of Fort Lee; and

WHEREAS, the Borough of Fort Lee advertised and received bids for solid waste and recycling services, all in accordance with law; and

WHEREAS, only the following two (2) bids were submitted for solid waste and recycling services:

1. Miele Sanitation Co., Inc.
60 Railroad Avenue
Closter, New Jersey 07624
2. Waste Management of New Jersey, Inc.
77 Brookside Place
Hillsdale, New Jersey 07642; and

WHEREAS, Miele Sanitation Co., Inc. was the overall lowest bidder for a three (3) year contract; and

WHEREAS, the Borough Attorney and Borough Purchasing Consultant have reviewed the bids for solid waste and recycling service and found that the responsive bid of Miele Sanitation Co., Inc. to be in order and in conformity with the Bid Specifications and have recommended the award of the bid to that Company,

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 a three (3) year contract be and is hereby awarded to Miele Sanitation Co., Inc. as follows:

OPTION #2, SOLID WASTE, WITH TWO (2) COLLECTIONS PER WEEK, EXCEPT APARTMENTS, CONDOS, AND CO-OPS PICKED UP FIVE (5) TIMES PER WEEK.

Year #1	\$2,200,000.00
Year #2	\$2,250,000.00
Year #3	\$2,300,000.00

OPTION #3, CURBSIDE COLLECTION OF RECYCLABLE MATERIALS, INCLUDING, WHITE GOODS AND GRASS.

Year #1	\$452,000.00
Year #2	\$452,000.00
Year #3	\$460,000.00

;and

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available for the purchase; and

BE IT FURTHER RESOLVED that the original bid specifications and bid responses are available in the Borough Clerk's Office; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall advertise the award of the contract in a legal newspaper; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk be and are hereby authorized to execute contracts with Miele Sanitation Co., Inc. in a form approved by the Borough Attorney.

Stanley Goldberg, 1080 Inwood Terrace, had questions pertaining to CA-4, CA-5 and CA-11.

Ms. Thomas and Mayor Alter responded to CA-4. Messrs. Cohen, Alter and Cervieri replied to CA-5 and Ms. Thomas and Mr. Cervieri spoke to CA-11.

Nina Levinson, 1560 West Street, questioned CA-2, CA-5 and CA-8.

Mayor Alter responded to CA-2. Messrs. Alter and Sokolich spoke to CA-5 and Messrs. Sokolich and Sargenti replied to CA-8.

Mr. Jung, 2169 Lemoine Avenue, questioned CA-9 and CA-10. Messrs. Alter and Sokolich replied to CA-9 and Mayor Alter answered CA-10.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, the Consent Agenda (items CA-1 through CA-13, except for CA-3) was **approved unanimously**.

RESOLUTIONS

R-A/CA-3 - Approving Developers Agreement for Reduce Construction Corporation, 2458 Third Street, Block 7005, Lots 26-28

Councilman Cervieri 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 Reduce Construction Corporation (the "Developer") for property located in Block 7005, Lots 26, 27, 28, also known as 2458 Third Street, Borough of Fort Lee, County of Bergen and State of New Jersey; and

WHEREAS, the Resolution was conditioned upon the Developer 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,

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 Developer.

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

AYES: Council Members Villano, Sargenti, Kasofsky, Cervieri

ABSTENTION: Councilman Sokolich

R-1 - Authorizing Temporary Hiring of Janet Moore as a Clerk Typist for the Municipal Court - \$25,000 Annually

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

WHEREAS, the Mayor and Council of the Borough of Fort Lee have determined that a temporary full time position is needed in the Municipal Court during the absence of an employee on maternity leave,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that Janet Moore be appointed to the title of Clerk Typist in the Municipal Court at an annual salary of **\$25,000.00**; and

BE IT FURTHER RESOLVED that this is a temporary appointment with an effective date, retroactive to March 8, 2005.

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

AYES: Council Members Sokolich, Sargenti, Kasofsky, Cervieri

ABSTENTION: Councilman Villano

R-2 - Providing for an Increase in the Reserve for Uncollected Taxes to Anticipate a 98% Collection Rate of Taxes in 2005

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

PROVIDING FOR INCREASE IN RESERVE FOR UNCOLLECTED TAXES PERCENTAGE

WHEREAS, the Borough of Fort Lee collected only 97.41% of the 2004 taxes due to tax appeals following a revaluation of real property, and

WHEREAS, the Borough of Fort Lee experience had been better in previous years, and

WHEREAS, the lower percentage collected in 2004 has an effect on the "Reserve for Uncollected Taxes" in 2005, and

WHEREAS, the Governing Body desires to anticipate 98.00% collection for 2005, to help reduce the "Reserve for Uncollected Taxes", with prior written consent of the Director of Local Government Services,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Fort Lee, County of Bergen, State of New Jersey, that the prior written consent of the Director of Local Government Services be requested to anticipate 98.00% collection of taxes in 2005 in figuring the "Reserve for Uncollected Taxes"; and

BE IT FURTHER RESOLVED that three certified copies of this resolution be forwarded to the Office of the Director of Local Government Services.

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

AYES: Council Members Sokolich, Villano, Sargenti, Kasofsky, Cervieri

R-3 - Authorizing Settlement of Tax Appeal Litigation Entitled Gun Hill Motor Inn, Inc., (Courtesy Motel) 2165 Route 4 East, vs. Borough of Fort Lee

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

WHEREAS, Gun Hill Motor, Inc. is the owner of certain property known as the Courtesy Motel; and

WHEREAS, that entity filed tax appeals against the Borough of Fort Lee in a matter entitled Gun Hill Motor Inn, Inc. vs. Borough of Fort Lee, for years 2001, 2002 and 2003; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Gun Hill Motor Inn, Inc. vs. Borough of Fort Lee, so that the 2001 assessment will be reduced from \$3.8 million to a total of \$3.6 million, and the 2002 and 2003 complaints will be withdrawn; and

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

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

AYES: Council Members Villano, Sargenti, Kasofsky, Cervieri

ABSTENTION: Councilman Sokolich

R-4 - Authorizing The Mayor and Council to Refer Proposed Amended Redevelopment Plan for Redevelopment Area 5 to the Planning Board

Council Members Cervieri and Kasofsky recused themselves on this matter and left the podium.

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

WHEREAS, the Mayor and Council of the Borough of Fort Lee have proposed revisions to the Redevelopment Plan for Redevelopment Area 5 to decrease the intensity of the uses within the said Redevelopment Plan as it currently exists; and

WHEREAS, the revisions to the Redevelopment Plan for Redevelopment Area 5 are contained within the proposed revised Redevelopment Plan for Redevelopment Area 5, a true copy of which is attached to this Resolution as Exhibit A; and

WHEREAS, in accordance with the requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7(e), revisions or amendments to redevelopment plans must be referred to the Planning Board for review and comment prior to any further action being taken thereon by way of amending a redevelopment plan or adopting a redevelopment plan by ordinance; and

WHEREAS, the Mayor and Council have introduced an ordinance to amend the Redevelopment Plan for Redevelopment Area 5 as reflected in the revised plan attached hereto as Exhibit A,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby refer to the Planning Board of the Borough of Fort Lee the revised Redevelopment Plan for Redevelopment Area 5 addressing certain specific changes to the Redevelopment Plan, all of which are as outlined in the proposed form of Ordinance, a copy of which is attached hereto as Exhibit B; and

BE IT FURTHER RESOLVED, that the Planning Board is requested to review the revised plan as expeditiously as possible and to return their comments on the attached revised plan to the Mayor and Council for further consideration and adoption in the form of an Ordinance no later than March 31, 2005.

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

AYES: Council Members Sokolich, Villano, Sargenti

ABSENT: Council Members Kasofsky, Cervieri

COUNCIL REPORTS

Councilman Sokolich - spoke to Fort Lee Cares, Inc. He explained that Fort Lee Cares, Inc. was an entity started by lifelong residents of the Borough to help out the southeast Asia tsunami victims. He read a letter that he was sending to the American Red Cross explaining the establishment of Fort Lee Cares, Inc. Also, a check for \$10,000 was being sent with the letter to the American Red Cross, representing monies donated by a very wide cross section of Fort Lee residents.

Mayor Alter - congratulated Mr. Sokolich for spearheading the relief effort in Fort Lee.

Councilman Villano - also commended Mr. Sokolich.

He mentioned that the Second Look Shoppe is open on Thursday and Friday from 10:00 a.m. to 1:00 p.m. and on Saturday from 10:00 a.m. to 2:00 p.m. The Second Look Shoppe raises money for the Fort Lee Community Fund and it helps people who do not qualify for welfare, but who do need assistance at a particular time. Donations and purchases from the Second Look Shoppe can be made during these hours at the Madonna rectory at 340 Main Street.

He announced that on Thursday, March 24th at 7:00 p.m. at the main high school gymnasium, members of the Fort Lee High School faculty and members of the Fort Lee Police Department are hosting their annual basketball game. The proceeds from the event will be split and donated to the National Alliance Autism Research Fund and the Scott Vassel Scholarship Fund.

He also announced that on Friday, April 22nd at 7:00 p.m. at the main high school gymnasium, members of the Fort Lee Fire Department and Fort Lee Police Department will also be participating in a basketball game. The proceeds from the event are being donated to the Bergen County 200 Club.

He stated that candidates night for the upcoming School Board election is being sponsored by the United Homeowners of Fort Lee. The event will be held on Tuesday, March 29th at 7:30 p.m. at the Lewis F. Cole Middle School.

He mentioned that Thomas Ripoli, Police Chief, and his administrative staff will be holding an open forum for all residents of the Borough on Tuesday, April 5th at 7:00 p.m. at the Fort Lee High School auditorium.

Councilman Sargenti - congratulated Nat Infurna.

He thanked the DPW for their efforts during the recent snowstorms. He asked the residents to please take their vehicles off the streets when it snows. It makes it that much easier for the town to plow and get the snow off the streets as quickly as possible. Another snowstorm is expected Friday night.

Councilwoman Kasofsky - stated that the Fort Lee Board of Health has reminded her that any resident who does not have heat should contact the Board of Health.

She announced that the Fort Lee Library will be hosting a one-woman performance by stage actress Rosann Pellegrino, entitled, "Anne Sullivan: A Clear Vision of My Life", on Sunday, March 20, at 2:00 p.m. The show is a combination of a few scenes

adapted from "The Miracle Worker".

She also announced that the library will be showing the movie "Cold Mountain" on Thursday, March 17th at 2:00 p.m.

She also announced that the library's book club, which meets the third Wednesday of the month at 2:00 p.m. will be discussing Ironweed, the Pulitzer-prize winning novel by William Kennedy.

Councilman Cervieri - offered his condolences to the family of Chick Raimondo. Chick passed away last Thursday. He was part of the 1949 Fort Lee High School basketball team that won a State championship. He was one of the pillars of the Fort Lee community. He will be missed.

He mentioned that the Fort Lee Rotary Club is bringing its sixth gift-of-life child in two days. The children who have had delicate heart operations generally come from third world countries. The Rotary Club helps to pay for some of the incidental costs which includes hosting of the families of the gift-of-life children. The Fort Lee High School Interact Club is co-sponsoring the gift-of-life child for 2005. The function held this past Sunday at the Hilton Hotel raised over \$8,000 towards that cause. He is proud of this service organization.

He stated that Dennis McNerney, County Executive, visited the Richard A. Nest Senior Citizens' Center today. Mr. McNerney announced to the seniors that Bergen County is committed to improving the traffic flow in the Borough and that Bergen County will be committing \$7,000,000 towards the goal of improving Fort Lee roads.

Councilman Villano - mentioned that Catherine Oliva-Dowdell passed away last week at 96. She was a lifelong resident of the Borough, and was the second woman ever to be admitted to the law bar in Bergen County in 1936.

Mayor Alter - mentioned that the Raimondo family has been deeply involved in the Borough of Fort Lee for many years. He asked for a moment of silence in Chick Raimondo's memory.

Councilman Sokolich - stated that Chick Raimondo was an icon in the Borough. His philanthropy was uncommon and his generosity was second to none. He never refused any service organization or sports league in the Borough. He did it gladly. Fort Lee has suffered a great loss in Chick, but his legacy will continue to thrive and live forever in the Borough. He offered his condolences to the family.

Mayor Alter - added that Chick's brother Frank and the Raimondo children will continue to make their mark in the Borough.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Stanley Goldberg 1080 Inwood Terrace	.Town and Country Amended Redevelopers Agreement	Mr. Villano Mayor Alter
	.2004 Tax Collection Rate	Mr. Iannaconi

Regular Meeting

**March 10, 2005
Page #16**

	.Fort Lee School Board Budget	Mayor Alter
	.New Budget CAP Laws	Mayor Alter
Nina Levinson 1560 West Street	.R-1 Hiring of Municipal Court Employee	Ms. Thomas

There being no further discussion, the meeting was adjourned
**on motion by Councilman Cervieri, seconded by Councilwoman
Kasofsky,** and carried at 8:55 p.m.

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, February 24, 2005

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

PRESENT: Mayor 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 2, 2005, 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 3, 2005, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2005 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Alter had no report tonight.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilman Villano, and carried unanimously, the minutes of the February 3, 2005 Executive Session were approved.

On motion by Councilman Cervieri, seconded by Councilman Villano, and carried unanimously, the minutes of the February 10, 2005 Regular Meeting were approved with Councilman Sargenti abstaining.

On motion by Councilman Cervieri, seconded by Councilman Sokolich, and carried unanimously, the minutes of the September 30, 2004 Closed Session Meeting (Special Police Officers portion only) were approved.

PUBLIC HEARINGS

Ordinance #2005-2 - Amending Salary Ordinance #2002-14 for White Collar Employees

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to Ord. #2005-2 entitled, "AN ORDINANCE AMENDING SALARY ORDINANCE #2002-14 ESTABLISHING TITLES, SALARIES AND WAGES FOR WHITE COLLAR EMPLOYEES AND NON-UNION EMPLOYEES."

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

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

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

Ordinance #2005-3 - Amending Salary Ordinance #2002-51 for Department Heads, Borough Clerk and Borough Administrator

On motion by Councilman Cervieri, seconded by Councilman Pohan and carried, the public hearing was opened relative to **Ord. #2005-3** entitled, "AN ORDINANCE AMENDING SALARY ORDINANCE #2002-51 AND ESTABLISHING SALARIES AND WAGES FOR DEPARTMENT HEADS, BOROUGH CLERK AND BOROUGH ADMINISTRATOR (SCHEDULES A & B)."

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

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

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

PROPOSED CONSENT AGENDA

Mr. Cervieri recused himself with regard to all matters on the proposed consent agenda.

On motion by Councilman Pohan, seconded by Councilman Villano, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-11.

CA-1 - Payment of Claims

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

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$9,957,408.84
Capital	392,260.78
Trust (Accutrack)	78,557.83
Trust (Old)	16,559.42
Police Activity Account	n/a
Senior Citizen Computer Account	n/a
Senior Citizen Advisory Council	1,860.50
Disability Insurance Trust	n/a
Unemployment Compensation Trust	n/a
Centennial Fund	n/a
Wedding Fees	n/a
Trip Admissions	n/a
Multiple Dwelling	n/a
Construction Fees	n/a
Special Dog Account	n/a
Public Assistance Trust Fund I	n/a
Fort Lee Film Commission	2,555.26
Redemption Account	<u>82,415.86</u>
Total:	\$10,531,658.49

CA-2 - Approving Special Bingo License for the Fort Lee Senior Advisory Council for a Two Year Period

Special Bingo License for Senior Citizens Associations or Clubs is hereby issued to:

Fort Lee Senior Advisory Council

of 319 Main Street, Fort Lee, New Jersey 07024 to be effective for a period of two years from 2/24/05 to 3/23/07.

Address of place where bingo will be played 319 Main Street

Officers of Organization:

President: Kay Nest, 3 Horizon Road, Fort Lee, NJ.

Vice President: James Viola, 127 Cedar Street, Fort Lee, NJ.

The conditions for conducting such games are:

1. That the games to be held solely for the amusement and recreation of the members;
2. That no player or other person furnishes anything of value for the opportunity to participate;
3. That the prizes awarded be nominal;
4. That no person other than a bona-fide active member of the organization participates in the conduct of the games;
5. That no person is paid for conducting or assisting in the conduct of the game or games.

Issued by order of the Mayor and Council on February 24, 2005

CA-3 - Approving Firefighter Application for Christian Bitzas for Fire Company #3

The firefighter application for Christian Bitzas for Fire Company #3 was approved.

CA-4 - Accepting Retirement Notice From Charles Anderson, Public Works Inspector for the DPW - Effective March 1st

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the retirement notice submitted by Charles Anderson, Public Works Inspector of the Public Works Department, dated October 14, 2004, is hereby accepted for his retirement from the Borough with an effective date of March 1, 2005.

CA-5 - Accepting Retirement Notice From Gary Moleta, Police Lieutenant Effective March 1st

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the retirement notice submitted by Lieutenant Gary Moleta, of the Police Department, dated August 31, 2004, is hereby accepted for his retirement from the Borough with an effective date of March 1, 2005.

CA-6 - Endorsing 2006 Pedestrian Grant Reimbursement for the Police Department From The New Jersey Division of Highway Traffic Safety - \$18,000

WHEREAS, the Borough of Fort Lee's application for funding of a Pedestrian Safety Enforcement & Education grant for the Borough of Fort Lee has been approved by the State of New Jersey in the amount of **\$18,000**; and

WHEREAS, it's necessary for the Mayor and Council to approve and endorse the grant reimbursement,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the Borough does hereby approve and endorse grant PS 02-16-02-09, funding for the Pedestrian Safety Enforcement & Education grant in Fort Lee; and

BE IT FURTHER RESOLVED that the Borough shall also make application in 2006 for the same aforementioned project; and

BE IT FURTHER RESOLVED that the Mayor be and he is hereby authorized and directed to execute any approval agreements in connection herewith.

CA-7 - Approving Developers Agreement for Whitehall Towers, LLC, 2020 Central Road, Block 4801, Lots 1 Through 11

WHEREAS, the Planning Board of the Borough of Fort Lee adopted a Resolution approving a development by Whitehall Towers, LLC for property located at Block 4804, Lots 1 through 11 and commonly know as 2020 Central Road, Fort Lee, New Jersey; and

WHEREAS, the Resolution was conditioned upon Whitehall Towers, LLC 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 special counsel to the Borough of Fort Lee; and

WHEREAS, such Developers Agreement has been executed by Whitehall Towers, LLC and the necessary performance guarantees, cash deposits and insurance certificate has been reviewed and approved by said special counsel,

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 Whitehall Towers, LLC.

CA-8 - Authorizing Rejection of Bid for a Triple Combination Pumper for the Fire Department

WHEREAS, the Mayor and Council of the Borough of Fort Lee are desirous of purchasing a triple combination pumper fire truck for the Fort Lee Fire Department; and

WHEREAS, on January 26, 2005, one (1) bid was received by the Borough for the project as follows:

<u>Name</u>	<u>Amount</u>
1. Pierce Manufacturing, Inc. ("Pierce") 7751 Collections Center Drive Chicago, Illinois 60693	\$466,461.00

WHEREAS, the bid documents were reviewed by the Purchasing Consultant, and Borough Attorney,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the bid submitted to the Borough by Pierce Manufacturing, Inc. for the triple combination pumper is hereby rejected. The Pierce bid fails to comply with and violated the purposes and/or provisions of N.J.S.A. 40A:11-1, et seq. Thus the bid submitted by Pierce is nonconforming and invalid; and

BE IT FURTHER RESOLVED because bids have been rejected twice for this project, the Borough may proceed into negotiations to purchase the aforementioned fire truck.

CA-9 - Approving Bus Shelter Agreement With New Jersey Transit Corporation for Installation of a New Bus Shelter on Lemoine Avenue Southbound at Washington Avenue

WHEREAS, NJ TRANSIT has funds for the purchase of bus shelters throughout the State of New Jersey; and

WHEREAS, the Governing Body of a municipality in New Jersey or the Board of Chosen Freeholders of a county may apply to the New Jersey Transit Corporation for the purchase and installation of bus shelters at legally designated bus stops; and

WHEREAS, the Borough of Fort Lee, in the interest of promoting public transportation, conservation of energy, traffic safety, and for the convenience of the public, endorses the concept of providing bus shelters within its jurisdiction,

NOW, THEREFORE, BE IT RESOLVED, that the application is hereby made by the Borough of Fort Lee to the New Jersey Transit Corporation for the purchase and installation of one (1) bus shelter at Lemoine Avenue, southbound at Washington Avenue, as set forth in Exhibit A, made a part hereof (available in the Office of the Borough Clerk; and

BE IT FURTHER RESOLVED that the Mayor and the Municipal Clerk be authorized to execute an agreement or agreements with NJ Transit to arrange for the purchase and installation of the shelters.

CA-10 - Endorsing Legislation to Save the Community Development Block Grant Program

WHEREAS, since 1974, the United States Congress, through the Community Development Block Grant Program supported the future welfare of the Nation and the well being of its citizens through maintaining viable urban communities as social, economic and political entities; and

WHEREAS, said Program has been and continues to be a critical affordable housing, community and economic revitalization tool for families and communities across the Nation; and

WHEREAS, in FY04, alone, over 23 million persons and households across America were assisted through the CDBG Program; and

WHEREAS, the President's FY06 proposes the total elimination of the Community Development Block Grant Program, within the Department of Housing and Urban Development and proposes a much smaller program within the Department of Commerce that will focus mainly on economic development; and

WHEREAS, the broad spectrum of activities, including home ownership opportunities; elimination of slum and blight; housing rehabilitation; improvements to public facilities and infrastructure, such as roads, water and sewer systems, libraries, fire stations and community centers; and public services, such as employment training, child care, transportation services for senior citizens, the disabled and youth, business development and job creation will no longer be able to be undertaken; and

WHEREAS, such action will no longer enable cities, counties and states to meet their community development, affordable housing and economic development needs,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Fort Lee hereby requests your help to fight to save the Community Development Block Grant Program and maintain this vital program within the U.S. Department of Housing and Urban Development at a funding level no less than \$4.350 billion in formula funding in FY06; and

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the entire New Jersey Congressional Delegation, the United States Senate Committees on Appropriations and Budget and House Committees on Appropriations and Budget.

CA-11 - Requesting Congress to Support Full and Fair Funding for TEA-21 Long-Term Transportation Reauthorization

WHEREAS, New Jersey continues to rank dead last in the amount of federal tax dollars that New Jersey citizens send to Washington only 65 cents worth of federal services come back; and

WHEREAS, this injustice has long been a problem, though when our economy was strong, we were better able to bear it; but now, the economic situation has intensified this problem for our State and its municipalities; and

WHEREAS, investments in our infrastructure, which would help to revitalize our economy, have been indefinitely deferred; crucial positions, which could be filled from the ranks of our unemployed, are left vacant; and essential property tax relief funding from State government remains flat; and

WHEREAS, as a result, our historic and unequalled over-dependence on regressive property taxes grows more and more severe; and

WHEREAS, one priority of Congress, as it fashions the shape of TEA-21 reauthorization, should be to alleviate traffic congestion that is costing millions of dollars in lost productivity in many of the nation's urban regions; and

WHEREAS, even though local governments own and operate about 75 percent of the nation's 4 million-mile highway and roadway network, about 300,000 bridges and 90 percent of the nation's mass transit systems; yet, when it comes time to make crucial transportation decisions, local officials have control of only 6 cents of every tax dollar in federal transportation spending; while State departments of transportation have nearly complete autonomy over transportation spending decisions; and

WHEREAS, in New Jersey, municipal government maintains 25,382 miles of New Jersey's total 36,175 miles, 70% of our State's roads,

NOW, THEREFORE, BE IT RESOLVED, the Borough of Fort Lee, calls on Congress to support full and fair funding for TEA-21 reauthorization; and

BE IT FURTHER RESOLVED that we do ask our delegation to work towards giving local officials direct access to and flexibility in the use of federal dollars commensurate with their responsibilities to police and maintain roads, bridges, transit facilities and transit equipment; and

BE IT FURTHER RESOLVED that the Borough of Fort Lee recognized the national imperative for a predictable long-term transportation reauthorization, which is adequately funded for the mobility and safety needs of the people, and supports the funding level of \$318 billion over six years as set forth by the Senate in S.1072 during the 108th Congress; and

BE IT FURTHER RESOLVED that authentic copies of this resolution be forwarded to the New Jersey State League of Municipalities, Congressman Rothman, Senators Corzine and Lautenberg, and the Governor of the State of New Jersey.

Nina Levinson, 1560 West Street, had questions pertaining to CA-9, CA-11 and CA-8.

Mr. Grant responded to CA-9. Ms. Thomas and Mayor Alter spoke to CA-11, and Mr. Cohen spoke to CA-8.

There being no further discussion, the public hearing was closed **on motion by Councilman Pohan, seconded by Councilman Sokolich**, the Consent Agenda (items CA-1 through CA-11) was **approved unanimously**.

RESOLUTIONS

R-1 - Awarding Contract to Pierce Manufacturing Inc., Appleton, Wisconsin, for a Triple Combination Pumper for the Fire Department - \$456,481.00

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

WHEREAS, the Mayor and Council of the Borough of Fort Lee were desirous of purchasing a triple combination pumper fire truck for the Fort Lee Fire Department; and

WHEREAS, on November, 2004, one (1) bid was received by the Borough for the project as follows:

<u>Name</u>	<u>Amount</u>
1. Pierce Manufacturing, Inc. ("Pierce") 7751 Collections Center Drive Chicago, Illinois 60693	\$446,806.00

and;

WHEREAS, the Borough re-advertised for bids for this project; and

WHEREAS, on January 26, 2005, one (1) bid was received by the Borough for the project as follows:

<u>Name</u>	<u>Amount</u>
1. Pierce Manufacturing, Inc. ("Pierce") 7751 Collections Center Drive Chicago, Illinois 60693	\$466,461.00

WHEREAS, the Borough rejected both bids for the project on December 16, 2004 and February 24, 2005 respectively, and

WHEREAS, 40A:11-5(3) allows for the Mayor and Council of the Borough to enter into negotiations to purchase the triple combination pumper; and

WHEREAS, the Borough has negotiated with Pierce Manufacturing, Inc. to purchase the triple combination pumper. at a cost of \$456,481.00, and

BE IT FURTHER RESOLVED that the Borough Attorney be and he is hereby authorized and directed to prepare, and the Mayor to execute, an appropriate contract with Pierce Manufacturing Inc., 2600 American Drive, Appleton, Wisconsin 54912-2017 for the triple combination pumper for the Fort Lee Fire Department at a cost of \$456,481.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for the fire truck through bond ordinance #2004-45; and

BE IT FURTHER RESOLVED that a copy of this resolution and the original proposal shall be kept on record in the Borough Clerk's Office for public inspection, pursuant to law; and

BE IT FURTHER RESOLVED that the Borough shall advertise the award of the contract in a legal newspaper.

The Resolution was **approved unanimously**.

COUNCIL REPORTS

Councilman Pohan - had no report tonight.

Councilman Sokolich - had no report tonight.

Councilman Villano - offered his best wishes to Charlie Anderson and Gary Moleta on their retirements.

Councilman Sargenti - had no report tonight.

Councilwoman Kasofsky - had no report tonight.

Councilman Cervieri - had no report tonight.

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 Councilman Pohan,** and carried at 8:10 p.m.

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, February 10, 2005

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

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

ABSENT: Councilman Sargenti

ALSO PRESENT: Peggy Thomas, Borough Administrator
Neil Grant, Borough Clerk
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 2, 2005, 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 3, 2005, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2005 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Alter introduced Ms. Bishop-Thompson. She works for the firm of DeCotiis, Fitzpatrick, Cole & Wisler. Lee Cohen had some family matters to deal with and was unable to attend tonight's meeting. Mayor Alter praised Ms. Bishop-Thompson for the work she has done on behalf of the Borough.

Fire Chiefs' Swearing in Ceremony

Mayor Alter administered the oaths of office to the newly elected Battalion Chief, Deputy Chief and Fire Chief for the Fort Lee Volunteer Fire Department.

Battalion Chief: Jack Siccardi. His son Jack held the Bible, and his daughter Kate pinned on his badge.

Deputy Chief: Stephen Richter. His son, Police Officer Chris Richter, held the Bible and pinned on his badge.

Chief: Corey Parker. His daughter Samantha held the Bible, and his wife Lori pinned on his badge.

Former Fire Chief Thomas Bernard offered his thanks to Corey Parker for all of his help and he offered his congratulations to all of the incoming officers for 2005.

He stated that the Fort Lee Volunteer Fire Department responded to 1674 alarms for the year 2004. He was happy to report that the Borough did not suffer any significant fire damage over the course of the year, although there were a few

small structure fires. Most important, there was no loss of life or significant injuries due to fire in the Borough for 2004. The Department responds to more than just fires. The members of the Department demonstrated outstanding professionalism at motor vehicle accidents, water and electrical emergencies, gas leaks, medical assist calls, hazardous materials incidents, rescue calls and a variety of other calls throughout the year.

The Department continued to remain a leader in the East Bergen Mutual Aid, providing responses to nine municipalities when called over the course of the year. The firefighters of the Department continued to improve and upgrade their skills through countless hours spent on training, an preparing themselves for the current and new challenges that the Department faces every day.

He added that the Department is truly one of the premier fire departments found anywhere in the country.

He offered his thanks to the Mayor and Council, Public Safety Director Bernard Hart and other Borough officials for their cooperation and support during the last year.

He thanked all the members of the Department for the opportunity to live his dream. He offered a special thanks to the members of Fire Company 2 for help getting him to the Fire Chief's position.

In closing, he thanked his family, who were always there to provide him with constant support. He wished everyone a safe year.

Corey Parker presented a plaque from the Fire Department to Mr. Bernard.

Mayor Alter announced that there will be a short recess, while the rest of the fire officials get back so that they can be sworn to their positions for 2005.

Mayor Alter spoke highly of Thomas Bernard. Tom took over as Emergency Management Coordinator for the Borough in 2004. He added that Tom inspires confidence in the Borough officials.

Mayor Alter said that Corey Parker is another person who is always asking in what way he can help. Corey is a person that can be relied on and he does what is right for the community. Corey will be heading up a very professional department in 2005.

Mayor Alter added that the Borough is blessed with the emergency service workers that it has. Fort Lee is a role model for other towns because of the people who make Fort Lee safe. With the help of mutual aid Fort Lee is part of a much larger community. The town does appreciate the help it gets from other towns; however, he believes the Borough carries its load pretty well. He wished the Fire Department officials good luck in 2005.

OATHS OF OFFICE CONTINUED

Mayor Alter administered the oaths of office to the following Fire Lieutenants and Captains for 2005.

Lieutenants: Keith Sabatino, Lane Goldstein, Philip Craddock, Joseph Piemonte and Matthew Hintze.

Lieutenants Lauren Hunt, William Kalsky and Chris Radoian were unable to attend tonight's ceremony.

Captains: Jeff Bernard, Steve Curry and William Chippane.

Captain Ernie Szabo was unable to attend tonight's ceremony.

Chief Parker thanked everyone for coming to tonight's event. He thanked the Mayor and Council, Borough Administrator and Public Safety Director for supporting the Fire Department. He wished everyone a safe year, and he welcomed everyone back to Fire Company #3 for refreshments.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilman Villano, and carried unanimously, the minutes of the January 27, 2005 Executive Session were approved.

On motion by Councilman Cervieri, seconded by Councilman Villano, and carried unanimously, the minutes of the January 27, 2005 Regular Meeting were approved.

INTRODUCTION OF ORDINANCES

Ordinance #2005-2 - Amending Salary Ordinance #2002-14 for White Collar Employees

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried, Ord. #2005-2 entitled, "AN ORDINANCE AMENDING SALARY ORDINANCE #2002-14 ESTABLISHING TITLES, SALARIES AND WAGES FOR WHITE COLLAR EMPLOYEES AND NON-UNION EMPLOYEES" was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **February 24, 2005**

AYES: Council Members Pohan, Sokolich, Villano, Kasofsky, Cervieri

Ordinance #2005-3 - Amending Salary Ordinance #2002-51 for Department Heads, Borough Clerk and Borough Administrator

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried, Ord. #2005-3 entitled, "AN ORDINANCE AMENDING SALARY ORDINANCE #2002-51 AND ESTABLISHING SALARIES AND WAGES FOR DEPARTMENT HEADS, BOROUGH CLERK AND BOROUGH ADMINISTRATOR (SCHEDULES A & B)," was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **February 24, 2005**.

AYES: Council Members Pohan, Sokolich, Villano, Kasofsky, Cervieri

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilman Villano, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-19.

CA-1 - Approving Firefighter Application for Kyle Richter for Fire Company #4

The firefighter application for Kyle Richter for Fire

Company #4 was approved.

CA-2 - Authorizing 3.5% Salary Increase for the Volunteer Ambulance Corps Members That Reflects Contractual Increase Given to the White Collar Bargaining Unit Employees for 2005

WHEREAS, the White Collar Bargain Unit members received a 3.5% salary increase for 2005; and

WHEREAS, members of the Fort Lee Volunteer Fire Department have been given contractual increases throughout the years that have been in conjunction with the White Collar Bargaining Unit Agreements; and

WHEREAS, the Mayor and Council of the Borough of Fort Lee wish to give the same benefit to the Fort Lee Volunteer Ambulance Corps members,

NOW, THEREFORE, BE IT RESOLVED that the Ambulance Corps members be given a 3.5% raise for 2005 retroactive to January 1, 2005, same as the White Collar Bargaining Unit members; and

BE IT FURTHER RESOLVED that the Ambulance Corps members will be given the same contractual increase in future years as the White Collar Bargain Unit members.

CA-3 - Authorizing \$5,000 Salary Increase for Ana Hawkins, Clerk Typist, for the Senior Citizens' Department - \$24,282 Annually

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Ana Hawkins, Dishwasher for the Richard A. Nest Senior Citizen Center, be promoted to with the additional title of Clerk Typist, with an effective date retroactive to January 1, 2005; and

BE IT FURTHER RESOLVED that this promotion is accompanied by a salary increase of \$5,000 pending certification by the New Jersey Department of Personnel.

CA-4 - Authorizing Title Change for Maria Cafasso, From Clerk Typist to Senior Clerk Typist in the Purchasing Department - \$5,000 to \$32,674

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Maria Cafasso, Clerk Typist, of the Finance Department (Data Processing), be promoted to the title of Senior Clerk Typist; and

BE IT FURTHER RESOLVED that this promotion is provisional pending certification from the New Jersey Department of Personnel, with a salary increase of \$5,000 with an effective date of February 14, 2005.

CA-5 - Authorizing Title Change for Frank Bozzetti, From Grade 9 Laborer, to Grade 10, Step C, Truck Driver in the DPW - Salary Increase as Per The Blue Collar Bargaining Unit Contract - \$41,457 Annually

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Frank Bozzetti, Laborer, for the Department of Public Works, be promoted to the position of Truck Drive, Grade 10, Step C; and

BE IT FURTHER RESOLVED that this promotion be provisional

pending certification from the New Jersey Department of Personnel, at a salary of \$41,457, as per the Blue Collar Bargaining Unit Contract, with an effective date retroactive to January 1, 2005.

CA-6 - Authorizing Title Change for Dana Reilly, Senior Clerk Typist/Violations Clerk to Deputy Court Administrator for the Municipal Court - \$5,000 Salary Increase to \$44,684 Annually

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Dana Reilly, Senior Clerk Typist/Violations Clerk, of the Municipal Court be promoted to the position of Deputy Court Administrator; and

BE IT FURTHER RESOLVED that this promotion is provisional pending certification from the New Jersey Department of Personnel, with a salary increase of \$5,000 with an effective date retroactive to January 1, 2005.

CA-7 - Authorizing Title Change for Maryanne Sutera, From Computer Operator/Mayor and Council Secretary to Administrative Secretary in the Administrative Office - 7% Salary Increase as Per The White Collar Bargaining Unit Contract - \$52,924 Annually

WHEREAS, the Mayor and Council of the Borough of Fort Lee have authorized a promotional title change, determined by the New Jersey Department of Personnel, for Maryanne Sutera from Computer Operator/Mayor and Council Secretary to Administrative Secretary in the Administrative Offices,

NOW, THEREFORE, BE IT RESOLVED that Maryanne Sutera will be promoted to the above title at a 7% salary increase, as outlined in the White Collar Bargaining Unit Contract, with an effective date retroactive to January 1, 2005.

CA-8 - Authorizing Title Change for Karl Caccavone, Housing Inspector to Housing Inspector/Hotels and Multiple Dwelling Inspector for the Building Department - 7% Salary Increase as Per The White Collar Bargaining Unit Contract to \$57,380 Annually

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Karl Caccavone, Housing Inspector, of the Building Inspector's Office, has received certification from the Department of Community Affairs for his licenses as an Inspector of Hotels and Multiple Dwellings as well as Housing Code Official; and

BE IT FURTHER RESOLVED that the Mayor and Council wish to compensate him for obtaining these licenses by a salary increase of 7% which is in accordance with the White Collar Bargaining Unit Contract, with an effective date retroactive to January 1, 2005.

CA-9 - Authorizing 3.5% Salary Increase for Barbara Wyman, Senior Citizens Activity Supervisor - \$63,302

WHEREAS, the Mayor and Council of the Borough of Fort Lee have authorized a salary increase for Barbara Wyman, Supervisor of Senior Citizen Activities, at the Richard A. Nest Senior Citizen Center,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Barbara Wyman be compensated with a

3.5% salary increase, effective retroactive to January 1, 2005.

CA-10 - Authorizing \$5,000 Salary Increase for Neil Grant, Borough Clerk/Assessment Search Officer - \$98,545 Annually

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that they have authorized a salary increase of \$5,000 for Neil Grant, Borough Clerk/Assessment Search Officer, with an effective date retroactive to January 1, 2005.

CA-11 - Authorizing 3.5% Salary Increase to Peggy Thomas, Borough Administrator for 2005 - \$146,095 Annually

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee wished to finalize compensation for Peggy E. Thomas, Borough Administrator, for 2005,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council have authorized a 3.5% salary increase same as Department Heads for 2005 with an effective date retroactive to January 1, 2005.

CA-12 - Awarding Contract to Carolyn Kristal, Esq. as Planning Board Attorney for 2005 - \$20,000

BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute a contract for Professional Services as follow:

Planning Board Attorney

Carolyn Kristal - Fee \$20,000 Annually - Less Payroll Deductions **(Total \$18,470)**

Plus \$125.00 Hourly For Any Additional Litigation

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of of the Borough of Fort Lee, County of Bergen, State of New Jersey this contract is awarded without competitive bids as a "Professional Service under the provisions of the Local Public Contract Law;" and

BE IT FURTHER RESOLVED that the \$20,000 annual fee to be paid to Carolyn Kristal will be paid through the payroll of the Borough of Fort Lee less FICA and Medicare expenses at 7.65%; and

BE IT FURTHER RESOLVED that this contract is subject to the availability of funds in the 2005 Municipal Budget as certified by the Chief Financial Officer; and

BE IT FURTHER RESOLVED that notice of this action shall be printed in an official newspaper of the Borough of Fort Lee, as required by law within ten (10) days of its passage.

CA-13 - Awarding Contract to Dennis J. Oury, L.L.C. as Board of Adjustment Attorney for 2005 - \$20,000

BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute a contract for Professional Service as follows:

Zoning Board of Adjustment Attorney

Dennis Oury of the Law Offices of Dennis J. Oury, L.L.C., 1 University Plaza, Suite 601, Hackensack, New Jersey 07601 Fee \$20,000 Annually Less Payroll Deductions **(Total \$18,470)**

Plus \$125.00 Hourly for Any Additional Litigation

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, County of Bergen, State of New Jersey this contract is awarded without competitive bids as a "Professional Service under the provisions of the Local Public Contract Law"; and

BE IT FURTHER RESOLVED that the \$20,000 annual fee to be paid to Dennis Oury of the law offices Dennis J. Oury, L.L.C. will be paid through the payroll of the Borough of Fort Lee less FICA and Medicare expenses at 7.65%; and

BE IT FURTHER RESOLVED that this contract is subject to the availability of funds in the 2005 Municipal Budget as certified by the Chief Financial Officer; and

BE IT FURTHER RESOLVED that notice of this action shall be printed in an official newspaper of the Borough of Fort Lee, as required by law within ten (10) days of its passage.

CA-14 - Awarding Bid to 4-Clean Up, North Bergen, New Jersey for the Anderson Avenue Storm Drain By-Pass Project - \$189,415

WHEREAS, sealed bids were called for and received on January 19, 2005 for the Anderson Avenue Storm Drain By-Pass project in the Borough of Fort Lee; and

WHEREAS, nine (9) bid packages were received for this project as follows:

<u>Contractor</u>	<u>Bid Amount</u>	
1. 4- Clean Up P.O. Box 5098 North Bergen, NJ 07047	Base Bid	\$144,790.00
	Alternate Bid	44,625.00
	Total Bid	\$189,415.00
2. M. Ingannamorte & Son, Inc. 347 Knickerbocker Road Tenafly, NJ 07670	Base Bid	\$159,885.00
	Alternate Bid	29,948.75
	Total Bid	\$189,833.75
3. Matina & Son, Inc. 146 English Street Hackensack, NJ 07601	Base Bid	\$160,000.00
	Alternate Bid	35,000.00
	Total Bid	\$195,000.00
4. Gotthold Paving P.O. Box 205 Edgewater, NJ 07020	Base Bid	\$164,035.00
	Alternate Bid	35,795.00
	Total Bid	\$199,830.00
5. Z & Z Contracting 29 Princeton Terrace Belleville, NJ 07109	Base Bid	\$180,535.00
	Alternate Bid	56,285.00
	Total Bid	\$236,820.00
6. Persistent Construction 58 Industrial Avenue Fairview, NJ 07022	Base Bid	\$189,814.00
	Alternate Bid	47,965.00
	Total Bid	\$237,779.00
7. Tomco Landscape and Excavation Contractors, Inc 212 Route 15 South Wharton, NJ 07885	Base Bid	\$198,367.50
	Alternate Bid	50,450.00
	Total Bid	\$248,817.50
8. Montana Construction Corp. 80 Contant Avenue Lodi, NJ 07644	Base Bid	\$336,725.00
	Alternate Bid	45,675.00
	Total Bid	\$382,400.00

9.	Pipe-Con Inc. Contracting 111 Williamsburgh Court Newburgh, NY 12550	Base Bid Alternate Bid Total Bid	\$345,689.25 82,775.00 \$428,464.25
----	--	--	---

and;

WHEREAS, the bids were reviewed for compliance by the Borough Attorney and Borough Engineer; and

WHEREAS, 4-Clean Up is the lowest qualified bidder, at a total cost of **\$189,415.00**, which is within the budgetary constraints originally set by the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the Borough does hereby award a contract to 4-Clean Up, P.O. Box 5098, North Bergen, New Jersey, for the Anderson Avenue Storm Drain By-Pass project at a total cost of **\$189,415.00**, which includes the base bid and alternate bid; and

BE IT FURTHER RESOLVED, that the Borough Attorney be and he is hereby authorized and directed to prepare an appropriate contract for the awarded bid, and the Mayor be and he is hereby authorized and directed to execute the said contract; and

BE IT FURTHER RESOLVED that this contract and the funds designated therefor be and will be subject to the certification by the Chief Financial Officer under Capital Ordinance #2003-32; and

BE IT FURTHER RESOLVED that the Borough Clerk be and he is hereby directed to maintain a copy of this resolution and the contract on file, for public inspection.

CA-15 - Awarding Bid to Matina & Son, Inc., Hackensack, New Jersey, for Site Improvements to the DPW - \$881,000

WHEREAS, sealed bids were called for and received on January 19, 2005 for site improvements to the DPW in the Borough of Fort Lee; and

WHEREAS, ten (10) bid packages were received for this project as follows:

<u>Contractor</u>	<u>Bid Amount</u>
1. Matina & Son, Inc. 146 English Street Hackensack, NJ 07601	\$ 881,000.00
2. Conserve Construction 15 Washington Avenue Suffern, NY 10901	\$ 884,621.00
3. Persistent Construction 58 Industrial Avenue Fairview, NJ 07022	\$ 935,489.00
4. J. Fletcher Creamer & Son 101 East Broadway Hackensack, NJ 07601	\$1,032,200.00
5. Let it Grow, Inc. 52 Ackerson Avenue River Edge, NJ 07661	\$1,043,904.25

- 6. Smith-Sondy Asphalt \$1,044,392.25
150 Anderson Avenue
Wallington, NJ 07057
- 7. HC Contractors \$1,113,410.00
P.O. Box 855
Whitehouse, NJ 08889
- 8. Tilcon \$1,113,990.00
625 Mount Hope Road
Wharton, NJ 07885
- 9. Montana Construction Corp. \$1,296,200.00
80 Contant Avenue
Lodi, NJ 07644
- 10. JC Landscape Construction \$1,413,809.00
Management
52 Denise Drive
Kinnelon, NJ 07405

and;

WHEREAS, the bids were reviewed for compliance by the Borough Attorney and Borough Engineer; and

WHEREAS, Matina & Son, Inc., is the lowest qualified bidder, at a total cost of **\$881,000.00**, which is within the budgetary constraints originally set by the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the Borough does hereby award a contract to Matina & Son, Inc., 146 English Street, Hackensack, New Jersey, for site improvements to the DPW at a total cost of **\$881,000.00**; and

BE IT FURTHER RESOLVED, that the Borough Attorney be and he is hereby authorized and directed to prepare an appropriate contract for the awarded bid, and the Mayor be and he is hereby authorized and directed to execute the said contract; and

BE IT FURTHER RESOLVED that this contract and the funds designated therefor be and will be subject to the certification by the Chief Financial Officer through capital accounts #04-2217-00-0002-01 and 04-2241-00-0013-01; and

BE IT FURTHER RESOLVED that the Borough Clerk be and he is hereby directed to maintain a copy of this resolution and the contract on file, for public inspection.

CA-16 - Amending Contract to the Bergen County Economic Development Corporation, Hackensack, New Jersey, for Construction Management Services for the New Community Center and Park at Anderson Avenue - \$31,000

WHEREAS, the Borough of Fort Lee entered into an agreement with the Bergen County Economic Development Corporation (BCEDC), One Bergen County Plaza, Suite 440, Hackensack, New Jersey on July 24, 2003, for construction management services, at a cost of \$125,000 for the new community center and open space park at Anderson Avenue/Inwood Terrace; and

WHEREAS, there was an amending resolution dated December 18, 2003 for the services of an engineer to review and monitor progress of the construction of the new facility at a cost of \$90,000; and

WHEREAS, the BCEDC has submitted a proposal dated January 26, 2005 for continued construction management and engineering services due to more time being needed for the project to be completed, (Original scheduled completion date March 9, 2005),

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby agree to amend the contract of the BCEDC in the total amount of \$31,000 (\$15,000 for construction management services and (\$16,000 for construction inspection services); and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for this amended agreement through bond ordinance 2003-13; and

BE IT FURTHER RESOLVED that the BCEDC's proposal and contract information are on file in the office of the Borough Clerk.

CA-17 - Awarding Contract to Boswell McClave Engineering, South Hackensack, New Jersey, to Prepare a Long-Term Control Plan With Regard to the Borough's Combined Sewer Overflow (CSO) Permit - Fee Not to Exceed \$25,000

WHEREAS, Boswell McClave has presented a proposal dated February 3, 2005 to provide engineering services to prepare a Public Participation Work Plan (PPWP), as required under the Borough's General Combined Sewer Overflow (CSO) Permit (NJDPES #0105023),

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

1. Boswell Engineering of 330 Phillips Avenue, P.O. Box 3152, South Hackensack, New Jersey 07606 is awarded a contract to provide a CSO Long-Term Control Plan as outlined in their proposal of February 3, 2005 at a cost not to exceed **\$25,000.00**; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for the project; and

BE IT FURTHER RESOLVED that the original proposal and resolution are available in the Borough Clerk's office; and

BE IT FURTHER RESOLVED that the Borough Clerk shall advertise the award of the contract in a legal newspaper as required by law.

CA-18 - Awarding Contract to Boswell McClave Engineering, South Hackensack, New Jersey, for Construction Inspection Services for the Site Improvements to the DPW - Fee Not to Exceed \$85,000

WHEREAS, Boswell McClave has presented a proposal dated February 3, 2005 to perform construction inspection services for site improvements to the DPW;

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

1. Boswell Engineering of 330 Phillips Avenue, P.O. Box 3152, South Hackensack, New Jersey 07606 is awarded the contract to provide construction inspection services for site improvements to the DPW as outlined in their proposal of February 3, 2005 at a cost not to exceed **\$85,000.00**; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for the project; and

BE IT FURTHER RESOLVED that the original proposal and resolution are available in the Borough Clerk's office; and

BE IT FURTHER RESOLVED that the Borough Clerk shall advertise the award of the contract in a legal newspaper as required by law.

CA-19 Authorizing Agreement With the Port Authority of New York and New Jersey Regarding Rehabilitative Work to be Done on the George Washington Bridge Center Avenue Overpass

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE MAYOR OF THE BOROUGH OF FORT LEE TO ENTER INTO AN AGREEMENT WITH THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY REGARDING OVERLAY PAVEMENT MAINTENANCE OF ROADWAY SURFACE, SIDEWALKS AND SUPPORTING STRUCTURAL ELEMENTS OF THE GEORGE WASHINGTON BRIDGE IN CONNECTION WITH THE REHABILITATION WORK TO BE PERFORMED ON THE GEORGE WASHINGTON BRIDGE

WHEREAS, the Port Authority of New York and New Jersey is about to undertake rehabilitative work on road surface, sidewalks and deck joints of the George Washington Bridge Center Avenue overpass within the Borough of Fort Lee, Bergen County; and

WHEREAS, this project may require the Port Authority to perform rehabilitation work on the George Washington Bridge by replacing the concrete decks, sidewalks, parapets and asphalt overlay for all seven (7) spans of the Bridge including seismic modifications to bearings, footings, piers and abutments all in accordance with certain plans and specifications entitled, "George Washington Bridge - Center Avenue Bridge Rehabilitation - Contract GWB-474," dated January 2005 ("collectively referred to as the "Bridge Work"); and

WHEREAS, upon completion of the Bridge Work and acceptance of such work, the Port Authority shall accept responsibility for maintenance and repair of the George Washington Bridge in accordance with the agreement; and

WHEREAS, the Borough of Fort Lee shall accept the responsibility of repair and replacement of the sidewalk area,

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

I, Jack Alter, Mayor of the Borough of Fort Lee, am authorized to execute a Pavement Overlay Maintenance Agreement with the Port Authority of New York and New Jersey on behalf of the Borough maintenance of certain roadways in the Borough of Fort Lee in connection with the rehabilitation of the George Washington Bridge project; and

BE IT FURTHER RESOLVED that the original proposal and agreement are available in the Borough Clerk's Office.

Nina Levinson, 1560 West Street, asked how many of the salary increases were due to desk audits. She also spoke to CA-15 and CA-19.

Ms. Thomas responded to her inquiries.

Leon Weinstock, 1530 Palisade Avenue, asked if the salary increases being given are one time raises, and he asked how often

are salaries reviewed.

Messrs. Cervieri and Villano responded to his questions.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Pohan**, the Consent Agenda (items CA-1 through CA-19) was **approved unanimously**.

COUNCIL REPORTS

Councilman Pohan - had no report.

Mayor Alter - stated that there was a commemoration of Black History Month at Fort Lee High School earlier today. It was run by Tom Meyers, Director of Cultural & Heritage Affairs. A motion picture showing African-American pictures of the silent era was presented. It was a well-run presentation.

Councilman Sokolich - had no report.

Councilman Villano - stated that there was a Mayor's conference at the Recreation Center yesterday morning. The conference dealt with economic issues in eastern Bergen County. He found the conference informative and praised the Mayor for doing a nice job.

He stated that there have been a number of police commendations. The police are doing a fantastic job in the community. Sometime in the future he will read off the names of the officers who have received the commendations.

He spoke to a number of concerns that the Advisory Committee for the Disabled had with regard to the new community center being built. All of their questions were answered, and the center will be totally accessible to disabled people. He expects the opening of the center to be May 30th.

Councilwoman Kasofsky - congratulated the Fire Chief and the other fire officials for 2005. She thanked the firefighters for putting their lives on the line for the sake of the safety of the Borough.

Councilman Cervieri - reported that in 2004 the Borough received in excess of \$235,000 from the State in hotel room taxes.

He wished Asian-Americans a happy New Year. It's the year 4703, "The Year of the Rooster".

He wished everyone a happy Valentine's Day.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Borough's Radio Station Call Number	Ms. Thomas
	.Town & Country Development Performance Bonds/Set Backs/ Density	Mayor Alter Mr. Sokolich Mr. Pohan

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Anna Lypinski 400 Park Place	.Mayor's Conference 2/9/05 .Town & Country Development .AARP Meetings	
Mr. Jung 2169 Lemoine Ave.	.Town & Country Development/ Performance Bonds .Skeleton Building	Mayor Alter

There being no further discussion, the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Pohan,** and carried at 9:10 p.m.

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, January 27, 2005

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

PRESENT: Mayor 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 2, 2005, 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 3, 2005, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2005 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Alter said this is a remarkable evening in many ways. He will be talking about a commemoration for the Peppard family.

He stated that years ago he was Vice President and then President of a coast-to-coast business organization of business owners. His duties for the organization took him to many places in America.

So that he might better know his country, he would take a plane flight within 100 to 200 miles of his final destination and then rent a car and drive into Indiana, Ohio, Michigan or many other places. He would later drop off the car at the airport on the way home to Fort Lee. He was always looking to find "the real American heartland".

He learned that it really did not exist. Whatever is the best in America can certainly be found in Fort Lee, which gets us to tonight's recognition.

PRESENTATION OF PICTURE AND PLAQUE

Fort Lee Police Inspector William F. Peppard passed away on January 19, 1998. He was one of the most respected members of a very fine professional Police Department. He was married to Lynsay Peppard and they raised five sons.

Everyone know that people learn their values at their kitchen table. He can only speculate what Bill and Lynsay Peppard said to their children over the many years that they were together.

First, he noted that all five Peppard boys served as Fort Lee Volunteer Firefighters. Kevin and Chris Peppard still serve on the Fire Department. Their late father also was a firefighter. All five Peppard sons have served as members of the United States Armed Forces. One son is currently on active duty. Two more sons will be on active duty within a matter of days and the remaining two are subject to call up.

The purpose this evening is simply to recognize and honor a remarkable Fort Lee family. V.F.W. Cairola-Barber Post 2342 told him about a picture they had of the "Father and Sons". As a small memento of this evening, the Borough had it enlarged. There is also a plaque that he is going to give to the family representatives - the Peppard sons, Billy and Kevin who are present this evening.

Messrs Alter and Pohan presented the picture and plaque to the Peppard sons and Mayor Alter asked the Borough Clerk to read the inscription.

Billy Peppard thanked everyone for the honor and recognition given to the family. He and the family are proud to be from Fort Lee.

Mayor Alter added that they do themselves, their family and the Borough great honor. He thanked them.

PUBLIC HEARING

Ordinance #2005-1 - Amending Chapter 90, Section 2, - Police Department Formation and Rank

Mayor Alter stated that hopefully the size of the Fort Lee Police Department will be increased tonight. He noted that perhaps the most important duty of the Borough's elected officials is to see to the safety and security of the Borough residents. This requirement of an elected official takes precedence above all else, including budget considerations, and all the other issues that the Borough faces.

The Fort Lee Police Department consisted of 100 officers for periods of time from 1989 through 1991. In April of 2002, the strength increased to 107. During these past years, the Borough of Fort Lee has gotten larger by thousands of new residents. Perhaps more importantly, the events of September 11th in many respects changed the required staffing of the Fort Lee Police Department in the Borough of Fort Lee.

A few months ago at the request of the Council, the Director of Public Safety and the Police Department conducted a study regarding proposed changes in the numeric strength of the Department. These studies compared the strength of the Fort Lee Police Department with that of other surrounding communities. Many of the governing body members felt that there was not any comparison that could be made.

The George Washington Bridge is a know target for terrorists. It is the world's busiest bridge, with 300,000 vehicles going eastbound and 300,000 vehicles going westbound each day. In addition, a confluence of highways join to meet the GWB in Fort Lee. A new study in the past few weeks addressed the daily staffing and responsibilities of the department.

It is the responsibility of the Public Safety Director to see that the numerical requirements of the Department are recommended and hopefully met. In this case, Public Safety Director Bernard Hart, Police Chief Thomas Ripoli and Deputy

Chief Jack Reuter, all agreed that the requirement to keep the community reasonably safe should occasion an increase in the strength of the force from the current 107 to 112 sworn officers.

Their recommendation was to first authorize the total strength of the department to a total of 112, and then because of retirements and disabilities and other things to fill that strength by appointing twelve new police recruits to be sent to the Police Academy on February 4, 2005.

His colleagues whom he respects and who are good friends, do not agree. A counterproposal was to send eight to the academy now, and he believes most of the members of the council have agreed to send four additional recruits to the academy in August. Even though it is not the way he would have don't it, it is a reasonable accommodation for the requests of the police experts. The Council members will speak for themselves this evening. The public hearing needs to be held first before changing the authorized strength of the Police Department from 107 to 112.

On motion by Councilman Cervieri, seconded by Councilman Sargenti and carried, the public hearing was opened relative to **Ord. #2005-1** entitled, "AN ORDINANCE AMENDING CHAPTER 90, SECTION 2, OF THE BOROUGH OF FORT LEE CODE, ENTITLED POLICE DEPARTMENT FORMATION AND RANK."

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

Mr. Cervieri stated that he read the report that spoke to the strength of the Police Department. He believes that it is important to have an active police presence that ensures the community that Fort Lee is a safe place to live, work, and raise a family. He believes that based on the initial recommendation, which was to hire fifteen officers and then a second report which recommended twelve hires, he has to weigh all things that he and the council are assigned to consider. There are a number of priorities. Hiring eight police officers tonight is in no way a compromise of the security and safety of the police force and Borough residents. He said in previous meetings that he would support tonight's eight hires with the possibility of adding four new officers later in the year. He is committing to the hires tonight and to four other police hires later in the year.

Mr. Sokolich echoed the thoughts of Mr. Cervieri. He stated that being a councilman is not the easiest job in the world, especially when making decisions in a town where he was born and raised. He has to consider every request presented to him and balance that with financial concerns. There are certain requests that go to the heart of health, safety and welfare. He believes that police hiring fall squarely in that category. He thought that twelve hires in one shot was a big commitment to make; however, he is very supportive of tonight's eight hires, and he is more than willing to support an additional four hires when that is presented to him. It will fulfill the requested numbers that were asked for by the Police Administrators. They requested that 112 be on the job and he is prepared to support that number. He thought this is the prudent way to go. It is a very tough decision. He believes that the Mayor and Council's actions should be applauded and ultimately believes that the request for 112 officers will be delivered to the Police Department by the Mayor and Council.

Ms. Kasofsky concurred with Messrs. Cervieri and Sokolich. She will commit to the additional four officers later on in the year. She believes that by planning ahead the Borough has done its homework on the hiring issue.

Mr. Sargenti stated that he agreed to the eight hires right away. It is a large undertaking. The original recommendation of fifteen police hires was made by the Police Administrators. They came back a recommendation for twelve, which they felt was a number with which they could run the Police Department to the best of their abilities and still protect the town. He will also commit to the additional four hires later in the year.

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

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

RESOLUTION

R-1 - Hiring of Eight (8) Police Officers

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

WHEREAS, the Mayor and Council of the Borough of Fort Lee wishes to hire eight (8) additional Police Officers; and

WHEREAS, the Mayor and Council hereby appoint the following individuals to the position of Police Officer:

Brian R. Radoian
Ralph M. Liquori
Timothy J. Cullen
Anthony Bozzetti
Thomas R. Ripoli
Bryan J. Drumgoole
Mark S. Mazzone
Dimitri Findanis

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the aforementioned appointments are subject to successful completion at the Bergen County Police Academy; and

BE IT FURTHER RESOLVED that these individuals shall be appointed from the New Jersey Department of Personnel Certification list and shall be compensated in accordance with the current P.B.A. Contract, with an effective starting date of January 27, 2005.

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

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

Mr. Cervieri acknowledged former Leonia Mayor Robert Pacheco, who was attending tonight's Police Department ceremonies.

OATHS OF OFFICE

Thomas Ripoli, Police Chief, Jack Reuter, Deputy Police Chief, Bernard Hart, Director of Public Safety and many other Police Department officers were present for this portion of the meeting.

Chief Ripoli thanked the Mayor and Council for their support for accepting the recommendations that he made along with Messrs. Hart and Reuter to hire the officers tonight. The family and

friends of the new officers should be very proud that they have chosen an honorable profession. Seven of the eight officers will be attending the Bergen County Police Academy for twenty-one weeks for academic and physical training. He wished the officers the best of luck and congratulated the families of the new officers.

Mr. Hart thanked the Mayor and Council for their commitment to public safety in Fort Lee. There has been a long history of the Mayor and Council supporting public safety services. He congratulated the new officers and their families.

Chief Ripoli read short biographies of all the officers as they were being sworn in.

Mayor Alter swore in Police Officer Brian Radoian. His mother Mary held the Bible, and his father, retired Port Authority Police Officer Richard Radoian pinned on his badge.

Mayor Alter swore in Police Officer Ralph Liquori. His brother Brett held the Bible, and his father, retired Fort Lee Police Lieutenant Ralph Liquori, Sr. pinned on his badge.

Mayor Alter swore in Police Officer Timothy Cullen. His mother Kathleen held the Bible, and his father, Sheriff's Investigator for Passaic County William Cullen pinned on his badge.

Mayor Alter swore in Police Officer Anthony Bozzetti. His parents Frank and Rita held the Bible, and his stepfather current Fort Lee Police Officer Louis Yocovelli, pinned on his badge.

Mayor Alter swore in Police Officer Thomas R. Ripoli. His mother Nancy held the Bible, and his father, current Police Chief Thomas O. Ripoli, pinned on his badge.

Mayor Alter swore in Police Officer Bryan Drumgoole. His father Kevin held the Bible, and his mother Nancy pinned on his badge.

Mayor Alter swore in Police Officer Mark Mazzone. His mother Barbara held the Bible, and his father Steven pinned on his badge.

Mayor Alter swore in Police Officer Dimitri Findanis. His parents Chrysanthi and Constantine held the Bible, and his brother, United States Secret Service Agent John Findanis, pinned on his badge.

Chief Ripoli announced that there will be a reception for the new officers this evening at Fire House #4 on Brinkerhoff Avenue. He again thanked the Mayor and Council for their continual support of the Police Department.

Mayor Alter stated there will be a short recess before the meeting recommences.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the January 13, 2005 Regular Meeting were approved.

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilman

Villano, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-8.

CA-1 - Payment of Claims

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

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$10,350,499.07
Capital	921,871.66
Trust (Accutrack)	92,626.09
Trust (Old)	n/a
Police Activity Account	3,591.01
Senior Citizen Computer Account	75.05
Senior Citizen Advisory Council	2,440.00
Disability Insurance Trust	n/a
Unemployment Compensation Trust	n/a
Centennial Fund	n/a
Wedding Fees	n/a
Trip Admissions	n/a
Multiple Dwelling	n/a
Construction Fees	n/a
Special Dog Account	89.00
Public Assistance Trust Fund I	n/a
Fort Lee Film Commission	560.01
Redemption Account	<u>117,922.85</u>
Total:	\$11,489,674.74

CA-2 Approving Raffle License #951 for Christ The Teacher Home School Association

WHEREAS, Christ the Teacher Home School, 359 Whiteman Street Street, Fort Lee, New Jersey, has submitted a raffle application for May 15, 2005; and

WHEREAS, the governing body has determined that their license application is complete in all respects,

NOW, THEREFORE, BE IT RESOLVED that the governing body hereby approves raffle application #951, pending final approval from the Legalized Games of Chance Control Commission.

CA-3 - Approving Firefighter Applications for Thomas R. Ripoli, Anton Skrebets and Donald Bozzetti for Fire Company #2

The firefighter applications for Thomas R. Ripoli, Anton Skrebets and Donald Bozzetti for Fire Company #2 were approved.

CA-4 - Accepting Retirement Notice of Richard Marshall, Electrical Sub-Code Official, of the Building Inspector's Office - Effective February 1st

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the retirement letter submitted by Richard Marshall, Electrical Sub-Code Official, of the Building Inspector's Office, dated January 13, 2005, is hereby accepted, with an effective date of February 1, 2005.

CA-5 - Authorizing Hiring of Elizabeth Sassani as a Full Time Building Maintenance Worker, Grade 6, Step A, \$27,942 - (Blue Collar Union Bargaining Contract)

WHEREAS, the Mayor and Council of the Borough of Fort Lee have determined that a full time position is needed in the Building and Grounds Department, due to a death in the Department,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that Elizabeth Sassani be appointed as a full time employee to the position of Building Maintenance Worker - Grade 6, Step A, at an annual salary of **\$27,942** pursuant to the Blue Collar Bargaining Unit Agreement; and

BE IT FURTHER RESOLVED that this appointment shall be provisional pending certification from the New Jersey Department of Personnel, with an effective date of January 31, 2005.

CA-6 - Awarding Contract to James Hannoeh, Hannoeh Appraisal Company, Livingston, New Jersey, to Appraise 2029 Center Avenue, Block 4601, Lot 10 - \$2,000

WHEREAS, the Borough is interested in obtaining a full narrative real property appraisal valuation for premises known as 2029 Center Avenue, Block 4601, Lot 10; and

WHEREAS, the Borough desires to retain the services of Hannoeh Appraisal Company for such purpose,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the firm of Hannoeh Appraisal Company, 11 Stonewall Drive, Livingston, New Jersey 07039, be and is hereby retained in order to prepare a current fair market valuation appraisal of premises located at 2029 Center Avenue; and

BE IT FURTHER RESOLVED that the aforesaid award of contract shall be in the total amount of **\$2,000**; and

BE IT FURTHER RESOLVED that the aforesaid award of contract is one for professional services, for which no public bidding is necessary; and

BE IT FURTHER RESOLVED that the Borough Attorney, be and he is hereby authorized and directed to prepare and/or review an appropriate agreement, and the Mayor, be and he is hereby authorized and directed to execute such agreement on behalf of the Borough; and

BE IT FURTHER RESOLVED that the award of such contract is conditioned upon a written certification from the Chief Financial Officer of the existence of current funds for the payment of such services; and

BE IT FURTHER RESOLVED that the Borough Clerk, be and he is authorized and directed to maintain a copy of this resolution and the contract in his offices for public inspection, according to law.

CA-7 - Authorizing Purchase of Seven Tactical Ballistic/Stab Vests From Ray's Sport Shop, Inc., North Plainfield, New Jersey, for the Police Department (NJ State Contract #A60531) - \$17,842.51

WHEREAS, the Police Department has requested the purchase of

seven tactical ballistic/stab vests; and

WHEREAS, the vests are available for purchase through Rays Sport Shop, New Jersey State Contract #A60531; and

WHEREAS, the cost of the tactical ballistic/stab vests is over the bid threshold amount of \$17,500 and the expenditure must be authorized by resolution of the governing body,

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Fort Lee authorized the purchase of seven tactical ballistic/stab vests via purchase order from Rays Spot Shop, 559 Route 22 West, North Plainfield, New Jersey 07060 in the amount of **\$17,842.51**; and

BE IT FURTHER RESOLVED that the cost of the purchase will be paid through the Police Department's current operating funds; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that the funds are available for this purchase through account number 01-2010-25-2402-276.

CA8 - Authorizing Payment to Underground Video, South Hackensack, New Jersey, for Emergency Repairs to Three Broken Underground Pipes on Juanita Place - \$7,350

WHEREAS, an emergency condition exists to the safety and welfare of the public by the way of three broken underground pipes at Juanita Place; and

WHEREAS, said repairs to these pipes was declared an emergency; and

WHEREAS, on the recommendation of the Superintendent of the Department of Public Works, and the Supervisor of Sewers, Underground Video was called in to video the line,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee authorizes payment to Underground Video, P.O. Box 1812, South Hackensack, New Jersey 07606, in the amount of **\$7,350.00**; and

BE IT FURTHER RESOLVED that the Chief Financial Officer's certificate of availability of funds in on file in the Office of the Borough Clerk and that funds are available through capital account #04-2430-00-0008-01.

Stanley Goldberg, 1080 Inwood Terrace, inquired about CA-6.

Mayor Alter responded to his questions

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Villano**, the Consent Agenda (items CA-1 through CA-8) was **approved unanimously**.

COUNCIL REPORTS

Councilman Pohan - stated that on February 10th the Fort Lee Film Commission will salute the pioneer African-American filmmaker Oscar Micheaux at the Fort Lee High School in conjunction with Black History Month. This same program will be presented to the students at Dwight Morrow High School in Englewood at the request of Englewood Mayor Michael Wildes.

He stated that the Black Maria Film Festival will be held on February 27th at 1:00 p.m. at the Fort Lee Historic Park auditorium. A number of films produced by young filmmakers will be shown. The cost is \$2.00.

Councilman Sokolich - reminded everyone that boxed greeting cards created by the students of the Fort Lee school system and being sold through a program run by the Fort Lee Beautification Committee are available for purchase for \$15.00 at the Borough Clerk's office and at other places in town. The money supports programs that the Beautification Committee are spearheading.

He spoke to the non-profit organization, Fort Lee Cares, Inc. which he and three other lifelong residents of the Borough established. It is not a political entity. It is an organization solely designed for the purpose of raising money for families and victims of the recent tsunami in southeast Asia. All donations can be sent to Fort Lee Cares, P.O. Box 3222, Fort Lee, New Jersey. It is the intention to send all of the donated money to the Red Cross. The goal is to reach \$20,000, of which \$8,000 has been raised in about a week. All factions of the Borough's residents have been involved with the project. He thanked all of the participants for their support.

Councilman Villano - commended the Department of Public Works (DPW) employees for doing a great job removing the snow during the snowstorm last Saturday and Sunday. There was a very positive article in "The Record" commending the Borough for doing a good job removing the snow off its streets.

He wished the new police cadets well as they go off to the Police Academy for their training.

Councilman Sargenti - congratulated the new cadets and wished them well.

He also thanked the DPW employees, along with the employees of the Parking Authority and General Services for their efforts during the snowstorm. He praised the residents for keeping their vehicles off the street during the snowstorm. He had the opportunity, along with the Mayor to drive around during the storm, and he was impressed with the efforts of everyone involved.

Councilwoman Kasofsky - also thanked all of the Borough employees who were involved with the cleanup efforts during the snowstorm.

She stated that the Health Department wants to be notified by any tenant if they have no heat. They will try to rectify any lack of heat situation.

She announced the following two library programs:

1. February 10th at 7:15 p.m. - Ernest Werlin, lecturer, will speak on the "Evolution of the United States as the World's Only Super Power.
2. February 17th at 7:00 p.m. - Louis A. Cappola, author and playwright, will lecture on his new book, "Homecrest Avenue, Silhouettes of an Accidental Family"

Councilman Cervieri - congratulated the "Peppard Family". They have a long history in Fort lee that goes back before their late father William Peppard. The family has done a lot for the community and it is completely appropriate to honor important Fort Lee families that do not ask for the attention, but who deserve the recognition. This along with the hiring of the new eight cadets will continue on that tradition of representing and protecting the Borough of Fort Lee so well.

He stated that the Fort Lee Rotary Club will be honoring at Infurna as its "Person of the Year" at the Fort Lee Hilton Hotel on Sunday, March 6th at 11:00 a.m. The Rotary provides funding for projects which benefit individuals and families in need in Fort Lee and other Bergen County communities, as well as the tsunami victims. The Rotary also sponsors hosts for children with life-threatening heart defects from third world countries. The Fort Lee Rotary Club has sponsored five gift-of-life children. Fort further information contact John Szulecki at 201-461-3550. They are looking for advertisers for their events as well as participants for the brunch.

He announced that the Greater Fort Lee Chamber of Commerce will be sponsoring a Mayor's event on February 9th from 8:30 a.m. to 10:30 a.m. at the Fort Lee Recreation Center. Local mayors including Mayor Alter will be hosting a panel discussion that is open to the public. Advance reservations are needed. Contact the Chamber at 201-944-7575 for further information.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Stanley Goldberg 1080 Inwood Terrace	.Longswamp Property Ingress/Egress to Edsall Boulevard	

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

Neil Grant, RMC
Municipal Clerk

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, January 13, 2005

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

PRESENT: Mayor 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 2, 2005, 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 3, 2005, a copy of said schedule was posted at 309 Main Street, Fort Lee, NJ. On the same date, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2005 to cover the cost of providing notice.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Alter had no report tonight.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried unanimously, the minutes of the December 16, 2004/January 2, 2005 Recessed Meeting were approved.

On motion by Councilman Sargenti, seconded by Councilman Pohan, and carried unanimously, the minutes of the January 6, 2005 Executive Session were approved.

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilman Villano, the Proposed Consent Agenda was introduced and the public hearing was opened relative to items CA-1 through CA-11.

CA-1 - Authorizing Part-time Hiring of Corey Parker for the Communications Radio Repair Department - \$20.00 Hourly

WHEREAS, the Mayor and Council of the Borough of Fort Lee have determined that a part-time position is needed in the Communications - Radio Repair Department,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that Corey Parker be hired for the aforementioned part-time position at a hourly rate of \$20.00, effective January 18, 2005.

CA-2 - Authorizing Hiring of Lois Molinaro as a Clerk Typist for the Purchasing Department - \$25,000 Annually

WHEREAS, a vacancy has occurred in the Finance Department and the Mayor and Council of the Borough of Fort Lee have determined that the vacancy be filled,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Lois Molinaro be appointed to the full time position of Clerk Typist in the Finance Department, Purchasing Office, with an effective date of January 18, 2005; and

BE IT FURTHER RESOLVED that this appointment be provisional pending certification from the New Jersey Department of Personnel and shall be at an annual salary of \$25,000.

CA-3 - Approving Change Orders #1 and #4 for APS Contractors, Inc., Paterson, New Jersey for the New Community Center - Extension of Time and Two New Drainage Inlets - \$68,524.57

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

GENERAL CONSTRUCTION:	New Park and Community Center Located at Inwood Terrace
ARCHITECT:	Dean Marchetto Architects P.C.
PROJECT MANAGER/OWNER'S REP.	Bergen County Economic Development Corp.
CONTRACTOR	APS Contractors, Inc. 155-161 Pennsylvania Avenue Paterson, New Jersey 07503
ORIGINAL CONTRACT COST:	\$8,736,000.00
CHANGE ORDER #1 COST:	53,412.45
CHANGE ORDER #4 COST:	15,112.12
COST OF PREVIOUS CHANGE ORDERS:	<u>70,247.53</u>
NEW CONTRACT SUM:	\$8,874,772.10
NATURE OF CHANGES:	Change Order #1: Extension of Contract Time as Previously Established for Additional Costs
	Change Order #4: Two New Inlets for Drainage
CONTRACT #:	900571

CA-4 - Authorizing Grant Application to the Department of the Treasury to Purchase Equipment for the New Community Center - \$215,000

WHEREAS, the Borough of Fort Lee desires to apply for and obtain a grant from the New Jersey Department of the Treasury for \$215,000 to carry out a project to purchase equipment for the new community center,

BE IT THEREFORE RESOLVED, that the Borough of Fort Lee does hereby authorize the application for such a grant; and upon receipt of the grant agreement from the New Jersey Department of the Treasury, does further authorize the execution of the grant

agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the **Borough of Fort Lee** and the New Jersey Department of the Treasury.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith and act as representatives of the aforementioned organization:

CA-7 - Authorizing Settlement of Litigation With Kaestle Boos Architects in Respect to the HVAC System at the New Police Station - Kaestle Boos to Pay the Borough \$5,000

WHEREAS, the Borough of Fort Lee has initiated suit with respect to the HVAC system at the Police headquarters facility, entitled Fort Lee vs. Schier Associates, etc., et als. under Docket No. L374-04; and

WHEREAS, it appears from the evidence adduced and from the Borough's experts that there is no cause of action as against defendant architects Kaestle Boos Associates; and

WHEREAS, the Borough wishes to settle any and all claims against Kaestle Boos for the sum of \$5,000, and

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the Borough of Fort Lee be and he is hereby authorized and directed to execute the release document annexed hereto and made a part hereof, thereby releasing Kaestle Boos from the aforesaid litigation for the total payment of \$5,000.

CA-8 - Authorizing Memorandum of Agreement With Pennrose Properties, Inc., Philadelphia, Pennsylvania, to Designate Penrose as Redeveloper for the Main Street Redevelopment Project

WHEREAS, the Borough is empowered, pursuant to the provisions of the Local Redevelopment and Housing Law, as amended and supplemented, N.J.S.A. 40A:12A-1 et seq. (the "**LRHL**"), to declare certain properties located within the Borough as areas in need of redevelopment, and to adopt and implement redevelopment plans, and carry out redevelopment projects within the Borough; and

WHEREAS, the Borough has determined it to be necessary and appropriate to designate certain property comprising Lots 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 in Block 3606 and Lots 1, 2, 3, 21 and 22 in Block 4006 (hereinafter referred to as the "**Lower Main Street Redevelopment Area**") as an area in need of redevelopment in accordance with the criteria set forth at **N.J.S.A. 40A:12A-6**; and

WHEREAS, the Borough is in the process of preparing a redevelopment plan for the Lower Main Street Redevelopment Area, which Lower Main Street Redevelopment Area is contemplated to provide the site for the construction of a mixed use development (including, but not limited to retail, market rate residential and public parking), which mixed use redevelopment shall also provide for no less than forty-five (45) low and moderate income residential rental units; and

WHEREAS, the Borough is desirous of implementing any redevelopment initiative contemplated in accordance the proposed redevelopment plan aforesaid by and through the selection and

designation of a redeveloper as authorized and permitted pursuant to and in accordance with **N.J.S.A.** 40A:12A-8; and

WHEREAS, the Borough has determined that the best interests of the Borough, and the public interest, are promoted through the commencement of negotiations with a competent and qualified redeveloper in an effort to address and implement the redevelopment goals aforesaid; and

WHEREAS, Pennrose is experienced in the area of redevelopment, having been designated as a redeveloper in numerous municipalities throughout the State of New Jersey on over 20 occasions to perform redevelopment work for the construction of commercial, residential, and mixed use types of development; and

WHEREAS, the Borough recognizes the credentials and experience of the principals and professional support team assembled by Pennrose in facilitating the successful redevelopment of areas similar to the Lower Main Street Redevelopment Area, and seeks to bring such professional services to bear in connection with the Lower Main Street Redevelopment Area at no cost to the residents of the Borough; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-8, et seq., the Borough is permitted to enter into contracts for the planning, construction or undertaking of any development project or redevelopment work in an area designated as an area in need of redevelopment, including, but not limited to, contracts designating a private entity to serve as a Redeveloper in connection with the Lower Main Street Redevelopment Project consistent with the Borough's low and moderate income housing requirements; and

WHEREAS, the Borough and Pennrose have determined that it is in their respective best interests to enter into an Agreement to set forth the principal agreements between the Parties regarding the commencement of negotiations regarding the designation of a Redeveloper, as contemplated by **N.J.S.A.** 40A-12A-8, for the redevelopment process contemplated to occur in the Lower Main Street Redevelopment Area for low and moderate income housing purposes.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby approve and adopt the form of Memorandum of Agreement presented between Pennrose Properties, Inc. and the Borough of Fort Lee, a true copy of which is attached to this Resolution as Exhibit A:, and

BE IT FURTHER RESOLVED, that the Mayor of the Borough of Fort Lee is hereby authorized to execute and deliver the Memorandum of Agreement attached hereto as exhibit A, and the Borough Clerk is authorized to attest the seal thereto on behalf of the Borough of Fort Lee as and for its act and deed upon receipt by the Borough of Fort Lee of a duly executed Memorandum of Agreement by the authorized signatories of Pennrose Properties, Inc.

CA-9 - Opposing A-3529 Disability Pension Enhancement Bill (Double Payment With Regard to Disability Pension and Workers Compensation Benefits)

WHEREAS, on November 8, 2004, the New Jersey Superior Court, Appellate Division reaffirmed that government workers cannot receive both a full ordinary disability pension and workers compensation benefits at the same time for the same injury; and

WHEREAS, on November 22, 2004, A-3529 was introduced in response to this court decision to permit a such double payment retroactive to August, 1997, and this bill later has its second reading and is now awaiting a full Assembly vote; and

WHEREAS, if A-3529 is adopted, government workers will receive substantially more income while out on workers compensation than they would receive if still on the job, and the language of this bill purports to "restore" a benefit which never existed in the law; and

WHEREAS, if A-3529 is adopted, it will have a significant negative financial impact on New Jersey's already fiscally stressed municipalities;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the municipality of Fort Lee joins with the New Jersey League of Municipalities and the Municipal Excess Liability Fund in urging you to oppose A-3529 and to support the referral of A-3529 to the Pension and Health Benefits Review Commission for further fiscal analysis; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to Acting Governor Codey, to our State Senators and to our representatives in the General Assembly, as well as to the New Jersey League of Municipalities.

CA-10 - Authorizing Hiring of Mark Barone as a Electrical Sub-Code Official for the Building Department - \$38,000 Annually

WHEREAS, a vacancy has occurred in the position of Electrical Sub-Code Official, due to the pending retirement of the current Electrical Sub-Code Official in the Building Inspector's office, and the Mayor and Council of the Borough of Fort Lee have determined that the vacancy must be filled,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, that Mark L. Barone be appointed to the part-time position of Electrical Sub-Code Official in the Building Inspector's office, with an effective date of January 18, 2005; and

BE IT FURTHER RESOLVED the terms of said position shall be as follows:

1. Hours - 19.5 hours per week
2. Will Receive No Benefits

BE IT FURTHER RESOLVED that if Mr. Barone is called back to work by the Building Sub-Code Official beyond his normal work week, he will be compensated in compensatory time.

BE IT FURTHER RESOLVED that this appointment be provisional pending certification from the New Jersey Department of Personnel and shall be at an annual salary of \$38,500.

CA-11 - Awarding Contract to Concepts to Operations, Inc., Annapolis, Maryland for Consultant Services for Borough-Wide Radio Communications Proposal Phase II - (Final Design and Technical Specifications) - \$22,110

WHEREAS, the Mayor and Council awarded a contract on February 12, 2004 to Concepts to Operations, Inc., to evaluate and improve the Borough's public safety radio communications system; and

WHEREAS, the anticipated scope of the work included becoming familiar with the present and future needs of the agency, and the expertise necessary to evaluate the existing radio communication system, and to provide a report outlining findings and recommendations; and

WHEREAS, the Borough wishes to move forward with Phase II of this long-term project which includes final design work and technical specifications; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires the resolution authorizing the award of contracts for "Extraordinary Unspecifiable Services" ("EUS") without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Borough Administrator has certified that a contract to provide the above-described services meets the statute and regulations governing the award of EUS contracts.

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

1. Concepts to Operations, Inc., of 801 Compass Way, Suite 217, Annapolis, Maryland 21401 is awarded the contract to provide the above-described consulting services regarding the public safety radio communications system.

2. This contract shall be awarded without competitive bidding as an EUS in accordance with N.J.S.A. 40A:11-5 (1) (a) (ii) of the Local Public Contracts Law, because such service is specialized and qualitative in nature requiring information, technology, and communications experience.

3. Concepts to Operations, Inc. shall recommend a final design along with technical specifications and other items as outlined in their Phase II proposal, all for a lump sum fee of twenty-two thousand one hundred dollars (**\$22,100.00**).

4. Additional services beyond the above referenced duties shall be charged at a rate of \$175 per hour for a principal and/or senior project manager, \$135 per hour for a project engineer, and \$50 per hour for clerical and \$875.00 for travel costs which is included as part of the total cost of \$22,100.00 cost.

5. A notice of this action shall be published in a qualified newspaper in accordance with the requirements of law; and

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available for the project; and

BE IT FURTHER RESOLVED that the original proposal and contract are available in the Borough Clerk's office.

Nina Levinson, 1560 West Street, had questions pertaining to CA-8, CA-7, CA-11 and CA-3.

Mayor Alter responded to CA-8 and CA-7. Ms. Thomas spoke to CA-11 and CA-3, and Mr. Grant replied to CA-3.

Mr. Jung, 2169 Lemoine Avenue, questioned CA-8.

Mr. Cervieri replied to the question.

There being no further discussion, the public hearing was closed **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, the Consent Agenda (items CA-1 through CA-11), except for CA-5 and CA-6 which were removed from the consent agenda by Mr. Cervieri for separate vote was **approved unanimously**.

RESOLUTIONS

R-1/CA-5 - Authorizing Settlement of Tax Appeal Litigation Entitled Magnone, 43 Bluff Road, Block 706, Lot 12, vs. Borough of Fort Lee

R-1 and R-2 were grouped together for introduction and voting purposes.

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

WHEREAS, Peter and Marie Magnone are owners of certain residential property located at 43 Bluff Road, also known as Block 706, Lot 13; and

WHEREAS, the property owner filed a tax appeal against the Borough of Fort Lee in a matter entitled Magnone vs. Borough of Fort Lee, under Docket No. 4611-04; and

WHEREAS, it has been recommended by the assessor and tax appeal attorney that the matter be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of the above entitled litigation, so that the 2004 assessment will be reduced from \$1,941,300 to \$1,719,700; and

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

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

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky

ABSTENTION: Councilman Cervieri

R-2/CA-6 - Authorizing Settlement of Tax Appeal Litigation Entitled Magnone, 49 Bluff Road, Block 706, Lot 12, vs. Borough of Fort Lee

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

WHEREAS, Peter and Marie Magnone are owners of certain residential property located at 49 Bluff Road, also known as Block 706, Lot 12; and

WHEREAS, the property owner filed a tax appeal against the Borough of Fort Lee in a matter entitled Magnone vs. Borough of Fort Lee, under Docket No. 4616-04; and

WHEREAS, it has been recommended by the assessor and tax appeal attorney that the matter be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the tax appeal attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of the above entitled litigation, so that the 2004 assessment will be reduced from \$1,967,800 to \$1,736,000; and

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

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

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky

ABSTENTION: Councilman Cervieri

COUNCIL REPORTS

Councilman Pohan - announced that Mr. Grant was elected by his peers as Secretary to the Bergen County Clerks' Association for 2005. Mr. Pohan offered his congratulations to Mr. Grant.

Councilman Sokolich - stated that William Peppard Jr., a longtime Fort Lee resident, and a member of the Bergen County Police Department, who is a Naval Reserve member, has been called to duty to Iraq. Mr. Sokolich wished him and his family a safe tour of duty.

He announced that the Fort Lee Beautification Committee has started a fundraiser by selling boxes of greeting cards. The art work has been done by students of the Fort Lee school system. Cards can be purchased at the Borough Clerk's Office, the Greater Fort Lee Chamber of Commerce, Border's Books in Fort Lee and through local PTA representatives.

He mentioned that a non-profit organization, Fort Lee Cares, Inc. has been established. It is not a political entity. It is an organization solely designed for the purpose of raising money for families and victims of the recent tsunami in southeast Asia. All donations can be sent to Fort Lee Cares, P.O. Box 3222, Fort Lee, New Jersey. He added that all of the PTA's in the Borough's school systems are participating.

Councilman Villano - had no report tonight.

Councilman Sargenti - had no report tonight.

Councilwoman Kasofsky - announced the following Fort Lee Library activities:

1. Thursday, January 20th at 7:00 p.m. - A Professional Organizer, Ms. Fern Silvernagel is scheduled. She will address the problems of residents who live and work in a limited space.

2. Thursday, January 20th - The 1997 film "As Good as It Gets" starring Jack Nicholson and Helen Hunt will be shown. There is no cost to see the film.

3. The "Second Book Discussion Group" will meet the third Tuesday evening of each month. The first book discussed will be "Angel of Repose."

She also offered her congratulations to Mr. Grant.

Councilman Cervieri - thanked the Fort Lee Ambulance Corps and the emergency management people of Englewood Hospital for their prompt response to a family emergency that occurred last week.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Town & Country Development Regarding Road Alignment and Traffic Patterns	Mayor Alter

There being no further discussion, the meeting was adjourned **on motion by Councilman Pohan, seconded by Councilman Cervieri,** and carried at 8:25 p.m.

Neil Grant, RMC
Municipal Clerk

REORGANIZATION MEETING

MAYOR AND COUNCIL

Sunday, January 2, 2005

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

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, CFO

MAYOR'S STATEMENT

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

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

On December 12, 2004 a written notice of the time, place and proposed agenda of this meeting was posted at the Municipal Building, 309 Main Street, Fort Lee, New Jersey.

On the same date a copy of said written notice was mailed to THE RECORD, JERSEY JOURNAL, 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 fee fixed for the year 2004.

INVOCATION

The invocation for the new year was given by Fr. John Ryan of the Madonna Church in Fort Lee.

OATHS OF OFFICE

Ila Kasofsky was sworn in as a Councilwoman by Mayor Alter. Mr. Grant held the Bible, as she took her Oath of Office.

Ms. Kasofsky said this was one of her most honored moments in her lifetime. She thanked everyone for re-electing her. She wished everyone a Happy New Year.

Michael Villano was sworn in as a Councilman by Judge DeSheplo. His wife, Eve, held the Bible, as he took his Oath of Office.

Mr. Villano wished everyone a happy and healthy New Year. He thanked the voters for putting Mark, Ila and himself back in Office.

Mark Sokolich was sworn in as a Councilman by Judge John DeSheplo. Mr. Grant held the Bible, as he took his Oath of Office.

Mr. Sokolich stated that the first time he was at the podium was because of an appointment which his colleagues bestowed upon

him to serve as a Council person in the Borough of Fort Lee. There is now a nervous enthusiasm that confronts him for 2005 and 2006 because the electorate of Fort Lee has voted him into office. He was born in 1963. He is still here. He loves every aspect of the town, the good and the bad. He is proud of the Borough's accomplishments. He thanked the residents and his colleagues.

PRESENTATIONS

Kay Nest, Democratic Party Chairwoman, wished everyone a happy, healthy and prosperous New Year. She told the people of Fort Lee how thankful she is for them coming out to vote. She offered a special thank you for all of the volunteers who stayed with the Democratic Party throughout the whole campaign. She spoke to the Democratic search committee who looks for candidates throughout the year who have credentials to run for office and take care of the problems of the Borough. She feels the Democratic Party at this moment has the best to offer in this Mayor and Council.

She acknowledged District 38 Assembly Persons Joan Voss and Robert Gordon.

She looks forward in 2005 to further progress and greater accomplishments. She offered her congratulations to Ms. Kasofsky and Messrs. Sokolich and Villano. She presented each of them with a small clock.

PRESENTATION OF CERTIFICATES

PR-1 - Elected Council Persons (Kasofsky, Sokolich, Villano)

District 38 Assembly Persons Robert Gordon and Joan Voss presented certificates of accommodation from the New Jersey Legislature to Ms. Kasofsky and Messrs. Sokolich and Villano.

MAYOR'S REPORT

See official written transcript of the Mayor's speech which is part of the permanent record minutes for this meeting.

SEE PAGE #2 (MAYOR'S REPORT)

REORGANIZATION

1-1 - Seating Arrangement and Order of Voting

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

BE IT RESOLVED, by the governing body of the Borough of Fort Lee that the **seating arrangement** and **order of voting** of the Borough Council for the year **2005** shall be as follows:

Council Members: Armand Pohan
Mark Sokolich
Michael Villano
Michael Sargenti
Ila Kasofsky
Joseph Cervieri

The Resolution was **approved unanimously**

1-2 - Appointment of Borough Attorney

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

WHEREAS, it is necessary for the Borough of Fort Lee to engage the professional services of an attorney for the year **2005** to provide legal representation for the borough; and

WHEREAS, funds will be available by way of budget and bond ordinances to compensate said attorney; and

WHEREAS, NJSA 40A:11-1 et seq. exempts professional services from any requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, Mayor Alter has nominated **J. Sheldon Cohen** and the firm of **DeCotiis, Fitzpatrick, Cole & Wisler, LLP** to serve as Borough Attorney, for the year **2005,**

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Fort Lee that said attorney be and is hereby appointed as Borough Attorney for the year **2005** without public advertisement for bids in accordance with NJSA 40:87-16; and

BE IT FURTHER RESOLVED, that compensation for said Borough Attorney for the year **2005** shall be claimed, approved and paid in the manner set forth in NJSA 40A:5-18 and pursuant to an agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

The Resolution was **approved unanimously.**

J. Sheldon Cohen was sworn in as Borough Attorney by Judge DeSheplo. His wife, Susan held the Bible, and his daughter Rachel was also present as he took his Oath of Office.

1-3 - Time and Place of Meetings for 2005

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

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

1. The schedule listed below of regular meetings of this public body is hereby adopted for the year 2005.

2. A copy of the schedule shall be:

(a) posted and maintained through the year on the bulletin board at the following location:

Memorial Municipal Building
309 Main Street
Fort Lee, New Jersey 07024

(b) mailed at no cost to the following newspapers:

The Record, Jersey Journal, as well as Time Warner Cable

(c) filed in the Office of the Borough Clerk

(d) mailed to those who have requested same and have prepaid the sum of \$10.00 fixed to cover the cost of providing such notice.

(e) official action may be taken

REORGANIZATION
January 2, 2005 - 12:00 noon

EXECUTIVE SESSIONS
1st & 4th Thursday
7:00 p.m.
Mayor's Conference Room #201

Table with 2 columns: Month and Dates. Rows include January (6-27), February (3-24), March (3-31), April (14-28), May (5-26), June (2-23), July (21), August (18), September (8-29), October (6-27), November (3), December (1).

REGULAR MEETINGS
2nd & 4th Thursday
8:00 p.m.
Council Chambers

Table with 2 columns: Month and Dates. Rows include January (13-27), February (10-24), March (10-31), April (14-28), May (12-26), June (9-23), July (21), August (18), September (8-29), October (27), November (10), December (15).

There will be no meetings on the following Thursdays:

January 20th - February 17th - March 17th, 24th - April 7th, 21st - May 19th - June 16th, 30th - July 7th, 14th, 28th - August 4th, 11th, 25th - September 1st, 15th, 22nd - October 13th, 20th - November 17th, 24th - December 8th, 22nd, 29th

NOTES

a. March 31st Executive Session and Regular Meeting will be held on the fifth Thursday of the Month

b. April 14th Executive Session will be held on the second Thursday of the Month

c. July 21st Executive Session and Regular Meeting will be held on the third Thursday of the Month. Executive Session will begin at 2:00 p.m.

d. August 18th Executive Session and Regular Meeting will be held on the third Thursday of the Month. Executive Session will begin at 2:00 p.m.

- e. September 8th Executive Session will be held on the second Thursday of the Month
- f. September 29th Executive Session and Regular Meeting will be held on the fifth Thursday of the Month
- g. October 27th Regular Meeting is only scheduled Regular Meeting for October
- h. November 10th Regular Meeting is only scheduled Regular Meeting for November
- i. December 15th Regular Meeting is scheduled for third Thursday of the Month and is also only regularly scheduled meeting of month

The Resolution was **approved unanimously.**

1-4 - Selection of Council President

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

BE IT RESOLVED, by the governing body of the Borough of Fort Lee that Council Member **Armand Pohan** be and is hereby appointed to the position of **Council President** for the year **2005.**

The Resolution was **approved unanimously.**

1-5 - Committee Assignments

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

BE IT RESOLVED, by the governing body of the Borough of Fort Lee that the following be and the same are hereby designated as liaisons of the following **committees** of the Borough of Fort Lee for the year **2005:**

- Ambulance.....Michael Sargenti
- Americans With Disabilities.....Michael Villano
- Beautification.....Mark Sokolich
- Board of Education.....Michael Villano
- Buildings and Construction.....Joseph Cervieri
- Buildings and Grounds.....Ila Kasofsky
- Communications.....Michael Villano
- Emergency Management.....Michael Sargenti
- Film Commission.....Armand Pohan
- Finance.....Armand Pohan
- Fire.....Michael Sargenti/Mark Sokolich
- Health.....Ila Kasofsky
- Historic.....Mark Sokolich
- Holidays.....Mark Sokolich
- Housing Authority..... Joseph Cervieri
- Insurance.....Armand Pohan
- Library.....Ila Kasofsky
- Local Assistance.....Ila Kasofsky
- Municipal Court.....Armand Pohan
- Parking Authority.....Joseph Cervieri
- Parks/Recreation.....Michael Sargenti
- Planning Board.....Armand Pohan
- Police.....Michael Villano
- Public Works.....Michael Villano
(Sewers-Sanitation-Roads-Engineering-General Services)
- Rent Leveling.....Michael Sargenti
- Senior Citizens.....Joseph Cervieri
- Street Lights.....Ila Kasofsky

The Resolution was **approved unanimously**.

2-1 - Introduction of Temporary Budget

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

WHEREAS, NJSA 40A:4-19 provides that where contracts, commitments or payments are to be made prior to the adoption of the **2005 Municipal Budget, temporary appropriations** should be made for the purposes and amounts required in the manner and time therein provided; and

WHEREAS, the date of this resolution is written the first thirty (30) days of January 2005; and

WHEREAS, said temporary appropriations are limited to **26.25%** of the total appropriations in the 2004 Municipal Budget, exclusive of any appropriations made for the Debt Service, Public Assistance (State Aid Agreement,) and Capital Improvement Fund in said 2004 Municipal Budget,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the following temporary appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for the Borough records:

<u>General Government</u>	<u>Salaries & Wages</u>	<u>Other Expenses</u>
Mayor & Council	\$17,500.00	\$2,000.00
Borough Clerk	\$35,250.00	\$4,500.00
Administration	\$40,000.00	\$8,000.00
Purchasing	\$21,500.00	\$2,000.00
Personnel & Data Processing	\$30,000.00	\$5,000.00
Collection of Taxes	\$45,000.00	\$5,000.00
Legal Services & Costs	\$0.00	\$55,000.00
Municipal Court (Inside CAP)	\$0.00	\$12,000.00
Engineering Services & Costs	\$0.00	\$5,000.00
Public Buildings & Grounds	\$75,000.00	\$18,000.00
Planning Board	\$0.00	\$1,000.00
Board of Adjustment	\$0.00	\$1,000.00
Senior Citizens Special Services	\$0.00	\$5,000.00
Rent Leveling Board	\$12,000.00	\$500.00
Insurance: Other	\$0.00	\$700,000.00
Insurance: Group	\$0.00	\$690,325.00
Elections	\$0.00	\$1,500.00
Financial Administration	\$0.00	\$10,000.00
Assessment of Taxes	\$45,000.00	\$5,000.00
Municipal Court O/C	\$99,000.00	\$14,000.00
Economic Development	\$25,000.00	\$50,000.00
<u>Public Safety</u>	<u>Salaries & Wages</u>	<u>Other Expenses</u>
Fire Prevention	\$75,000.00	\$ 5,000.00
Fire Protection	\$30,000.00	\$40,000.00
Aid to Volunteer Fire Company	\$0.00	\$0.00
Department of Communications	\$100,000.00	\$ 5,000.00
Police	\$5,219,494.00	\$100,000.00
Ambulance Corps	\$4,000.00	\$11,000.00
E M T	\$16,000.00	\$500.00
Construction Code Official	\$60,000.00	\$4,000.00
Emergency Management	\$10,000.00	\$2,000.00
Communications-Repairs	\$25,000.00	\$8,000.00
<u>Public Works</u>		
Streets & Roads	\$250,000.00	\$15,000.00

Street Lighting	\$0.00	\$50,000.00
Garbage & Trash Removal	\$0.00	\$1,033,944.00
Sewers	\$45,000.00	\$4,000.00
Bergen County Utility O/C	\$0.00	\$700,000.00
Auto Repair	\$0.00	\$30,000.00
Prior Year Bills	\$0.00	\$0.00

Health, Welfare & Recreation

Board of Health	\$85,000.00	\$10,000.00
Recreation	\$75,000.00	\$10,000.00
Administration of Human Services	\$15,000.00	\$1,000.00
General Services	\$65,000.00	\$3,500.00
Parks	\$95,000.00	\$4,000.00
Maintenance of Free Public Lib.	\$0.00	\$550,000.00
Celebration of Public Events	\$0.00	\$10,000.00
Senior Citizens	\$10,000.00	\$5,000.00
Elevator Inspections	\$10,000.00	\$0.00
Senior Citizens Special Services	\$0.00	\$50,000.00

Utilities

Gasoline	\$0.00	\$40,000.00
Fuel Oil	\$0.00	\$5,000.00
Electricity	\$0.00	\$85,000.00
Water	\$0.00	\$10,000.00
Telephone	\$0.00	\$50,000.00
Fire Hydrant	\$0.00	\$40,000.00

Contributions to:

Public Employees Retirement System	\$0.00	\$40,000.00
F I C A	\$0.00	\$250,000.00
Consolidated Police & Fireman's Pension	\$0.00	\$20,457.00
Police & Fireman's Retirement System	\$0.00	\$200,000.00

TOTALS: \$6,634,744.00 \$4,987,226.00

GRAND TOTAL: **\$11,621,970.00**

Debt Service

Payment of Bond Principal	\$4,000,000.00
Payment of Bond Interest	\$1,175,000.00
Payment of Interest on Notes	\$522,100.00
Green Trust Principal & Interest	\$31,100.00
Bergen County Improvement Authority Payment	\$71,671.00
New Jersey Economic Development Authority	<u>\$10,000.00</u>

TOTAL DEBT SERVICE: **\$5,809,871.00**

Capital Improvements

Capital Improvement Fund	\$50,000.00
--------------------------	-------------

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

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky, Cervieri

3-1 - Borough Auditor

Mayor Alter nominated Steve Wielkocz, of the firm Ferraioli, Wielkocz, Cerullo & Cuva, to serve as Borough Auditor,

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

WHEREAS, it is necessary for the Borough of Fort Lee to engage the services of a registered municipal accountant; and

WHEREAS, NJSA 40A:11-1 et seq. exempts auditing services from any requirement of public advertisement for bids provided a notice of the appointment be printed in a newspaper of general circulation within the municipality,

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

1. **Steve Wielkocz, of the firm Ferraioli, Wielkocz, Cerullo & Cuva, 16 Pompton Avenue, Pompton Lakes, New Jersey as registered municipal accountant, is hereby appointed as Borough Auditor for the year 2005 without public advertisement for bids; and**

2. The compensation for said Borough Auditor for the year **2005** shall be claimed, approved and paid in accordance with an agreement to be entered into between the parties.

3. The Borough Clerk shall cause a copy of a notice of the adoption of this Resolution to be printed in a qualified newspaper within ten (10) days after passage hereof.

The Resolution was **approved unanimously.**

3-2 - Borough Engineer

Mayor Alter nominated Boswell McClave Engineering to serve as Borough Engineer.

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

WHEREAS, it is necessary for the Borough of Fort Lee to engage the professional services of an engineer for the year **2005** to provide general engineering representation for the Borough; and

WHEREAS, funds will be available by way of budget and bond ordinance to compensate said engineer; and

WHEREAS, NJSA 40A:11-1 et seq. exempts professional services from any requirement of public advertisement for bids provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, Mayor Alter has nominated **Boswell McClave Engineering** to serve as **Borough Engineer** for the year **2005,**

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Fort Lee that said engineer be and hereby is appointed as Borough Engineer for the year **2005** without public advertisement for bids and in accordance with NJSA 40:87-16; and

BE IT FURTHER RESOLVED, that compensation for said Borough Engineer shall be commensurate with engineering services rendered by said engineer during the year 2004; said compensation to be claimed, approved and paid in the manner set forth in NJSA 40A:5-18 and pursuant to an agreement to be entered into between the parities; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of this resolution to be printed in a qualified newspaper within ten (10) days after passage hereof.

The Resolution was **approved unanimously.**

3-3 - Borough Prosecutors

Mayor Alter nominated Matthew Fierro and Philip Tornetta to serve as Borough Prosecutors.

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

WHEREAS, it is necessary for the Borough of Fort Lee to engage the services of Borough Prosecutors for the year 2005 to provide legal services which are necessary for the operation of the Municipal Court of said Borough; and

WHEREAS, compensation will be available by way of budget appropriations to compensate said attorneys; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11 et seq.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bids must be publicly advertised,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that **Matthew Fierro** and **Philip Tornetta** be and are hereby appointed as **Borough Prosecutors** for the year **2005**; and

BE IT FURTHER RESOLVED that this contract is awarded without public bidding as professional services under the Local Contracts Law by virtue of N.J.S.A. 40A:11-1 et seq. which specifically exempts such contracts from the requirements of public bidding; and

BE IT FURTHER RESOLVED that the compensation for the Borough Prosecutors shall be the same as in 2004 for **2005**; said compensations to be paid in accordance with an agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of this resolution to be printed in a qualified newspaper within ten (10) days after passage hereof.

The Resolution was **approved unanimously.**

3-4 - Public Defender

Mayor Alter nominated Matthew Skelley to serve as Public Defender.

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

WHEREAS, it is necessary for the Borough of Fort Lee to engage the professional services of a Public Defender for the year **2005** to provide general legal representation for the Borough; and

WHEREAS, funds will be available by way of budget to compensate said Public Defender; and

WHEREAS, NJSA 40A:11-1 et seq. exempts professional services from any requirement of public advertisement for bids provided a notice of appointment is printed in a newspaper of general circulation within the municipality,

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

the Borough of Fort Lee that:

1. **Matthew Skelley** be and is hereby appointed as **Public Defender** for the year **2005** without public advertisement for bids,

2. Compensation for said Public Defender shall be the same as in 2004 for **2005**; said compensation to be paid in accordance with an agreement to be entered into between the parties.

3. The Borough Clerk shall cause a notice of passage of this resolution to be printed in a qualified newspaper within ten (10) days after passage hereof.

The Resolution was **approved unanimously**.

3-5 - Bond Counsel

Mayor Alter nominated the law firm of **DeCotiis, Fitzpatrick, Cole & Wisler, LLP** to serve as **Bond Counsel**.

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

WHEREAS, it is desirable that the Borough of Fort Lee engage bond counsel to represent the Borough of Fort Lee on bonding matters; and

WHEREAS, funds will be available by way of budget and bond to compensate said bond counsel; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from any requirement of public advertisement for bids provided a notice be printed in a newspaper of general circulation within the municipality,

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

1. **DeCotiis, Fitzpatrick, Cole & Wisler, LLP**, Trenton and Teaneck, New Jersey, is hereby retained as **Bond Counsel** to represent the Borough of Fort Lee; and

2. Compensation for said bond counsel for **2005**; shall be claimed, approved and paid in accordance with an agreement to be entered into between the parties; and

3. The Borough Clerk shall cause a notice of the passage of this resolution to be published in a qualified newspaper within ten (10) days after passage thereof.

4. A copy of this resolution as well as the contract shall be placed on file in the office of the Borough Clerk.

The Resolution was **approved unanimously**.

3-6 - Special Tax Counsel

Mayor Alter nominated Steven Muhlstock to serve as **Special Tax Counsel**.

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

WHEREAS, it is desirable that the Borough of Fort Lee engage special tax counsel to represent the Borough on tax appeals; and

WHEREAS, funds will be available by way of budget and bond or demands to compensate said attorney; and

WHEREAS, NJSA 40A:11-1 et seq. exempts professional services from any requirement of public advertisement for bids provided a notice be printed in a newspaper of general circulation within the municipality,

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

1. **Steven Muhlstock** of the firm **Gittleman, Muhlstock and Chewcaskie, LLP** be appointed **Special Tax Counsel** to represent the Borough of Fort Lee; and

2. Compensation for said Tax Counsel shall be for **2005**; claimed, approved and paid in accordance with NJSA 40A:5-18 and pursuant with an agreement to be entered into between the parties; and

3. The Borough Clerk shall cause a notice of passage of this Resolution to be published in a qualified newspaper within ten (10) days after passage hereof.

The Resolution was **approved unanimously**.

3-7 - Labor Negotiations Attorney

Mayor Alter nominated J. Sheldon Cohen of the law firm of **DeCotiis, Fitzpatrick, Cole & Wisler, LLP** to serve as **Labor Negotiations Attorney**.

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

WHEREAS, there exists a need for a **labor negotiator** on behalf of the governing body of the Borough of Fort Lee with regard to various personnel matters and labor negotiations; and

WHEREAS, the Local Public Contracts Law, NJSA 40A:11-1 et seq. requires that a resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee as follows:

1. The Mayor and the Borough Clerk are authorized and directed to execute an agreement with **J. Sheldon Cohen** and the firm of **DeCotiis, Fitzpatrick, Cole & Wisler, LLP** for the above stated purpose.

2. Compensation for said **labor negotiator** for **2005** shall be approved and paid in the manner set forth in NJSA 40A:5-18 and pursuant to an agreement to be entered into between the parties.

3. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law, NJSA 40A:11-5(1), since this contract is for services performed by a person authorized by law to practice a recognized profession; and

4. The Borough Clerk shall cause a notice of the passage of this resolution to be published in a qualified newspaper within ten (10) days after passage hereof.

The Resolution was **approved unanimously**.

3-8 - Municipal Court Judge

Mayor Alter nominated **Robert T. Tessaro** to serve as a second **Municipal Court Judge**.

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

WHEREAS, the Borough of Fort Lee has appointed a second municipal judge on a yearly basis by the assignment judge of the Superior Court of New Jersey, Bergen County,

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that **Robert T. Tessaro**, is hereby appointed as a Municipal Court Judge for a term of one (1) year retroactively from January 1, 2005 to December 31, 2005; and

BE IT FURTHER RESOLVED that this appointment shall become effective upon approval by the Bergen County Assignment Judge in accord with the provisions of N.J.S.A 2B:12-5.

The Resolution was **approved unanimously**.

3-9 - Rent Leveling Board Attorney

Mayor Alter nominated **Joseph Marinello** to serve as **Rent Leveling Board Attorney**.

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 **Joseph Marinello** be and is hereby appointed as **Rent Leveling Board Attorney** for the year **2005**; and

BE IT FURTHER RESOLVED, that compensation for said Rent Leveling Board Attorney shall be approved and paid in the manner set forth in agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED, that notice of the award of this contract shall be published in a qualified newspaper within (10) days as provided by the Local Public Contracts Law.

The Resolution was **approved unanimously**.

3-10 - Municipal Court/Police Department Accountant

Mayor Alter nominated **Michael Condosta** to serve as **Municipal Court Accountant**.

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

WHEREAS, the **Municipal Court** requires the assistance of an accountant on a one or two day a month basis to reconcile bank accounts for bail, fines and costs accounts, review of open bail scheduled and generally assist Municipal Court personnel with accounting matters,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that **Michael Condosta, CPA**, is hereby retained for **2005** as Municipal Court Accountant at compensation of **\$100 hourly** not to exceed **\$8,000 annually**; and

WHEREAS, the **Police Department** requires the assistance of an

accountant on an as needed basis to reconcile the Police Department grant and forfeiture revenue accounts as recommended by the Borough Auditor,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that **Michael Condosta, CPA**, is hereby retained for **2005** as an Accountant for the Police Department at compensation of **\$100 hourly** not to exceed **\$10,000 annually**; and

BE IT FURTHER RESOLVED, that notice of the award of both contracts shall be published in a qualified newspaper within ten (10) days as provided by the Local Public Contracts Law.

The Resolution was **approved unanimously**.

3-11 - Treasurer

Mayor Alter nominated **Joseph Iannaconi** to serve as **Treasurer**.

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 **Joseph Iannaconi** be and hereby appointed as **Treasurer** for the year **2005**.

The Resolution was **approved unanimously**.

3-12 - Building Department and Fire Prevention Bureau Accountant

Mayor Alter nominated **William Katchen** to serve as **Building Department and Fire Prevention Bureau Accountant**.

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

WHEREAS, the **Building Department** and **Fire Prevention Bureau** requires the assistance of an accountant on a periodic basis to reconcile bank accounts and other services deemed necessary and to generally assist the Building Department and Fire Prevention Bureau personnel with accounting matters,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that **William Katchen, Cliffside Park, New Jersey** be retained for the year **2005** as Building Department and Fire Prevention Bureau Accountant at compensation of **\$100.00 hourly** not to exceed **\$15,000 annually**; and

BE IT FURTHER RESOLVED, that notice of the award of this contract shall be published in a qualified newspaper within ten (10) days as provided by the Local Public Contracts Law.

The Resolution was **approved unanimously**.

3-13 - Special Counsel to the Office of Economic Development

Mayor Alter nominated **Dennis Oury, Esq.** to serve as **Special Counsel** for the Borough of Fort Lee.

Councilman Cervieri introduced, and **Councilman Pohan** seconded, the following Resolution.

WHEREAS, the Mayor and Council of the Borough of Fort Lee is desirous of appointing an attorney to act as special counsel to

the Office of Economic Development; and

WHEREAS, certain legal projects will be assigned to the attorney on an as-needed basis by the governing body,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that **Dennis Oury, Esq.**, be appointed as **Special Counsel**, to the Office of Economic Development for the year 2005 and to be compensated at the hourly rate of **\$150** not to exceed **\$50,000** for the year; and

BE IT FURTHER RESOLVED that a notice of the award of contract shall be published in a qualified newspaper within ten (10) days as provided by the Local Public Contracts law; and

BE IT FURTHER RESOLVED that the Borough Attorney be and he is hereby authorized and directed to prepare an appropriate contract for the aforesaid purpose.

The Resolution was **approved unanimously**.

4-1 - Designation of Depositories

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

WHEREAS, NJSA 40A:5-14 requires the governing body to designate a **depository** or **depositories** for its monies; and

WHEREAS, the Chief Financial Officer of the Borough of Fort Lee recommended that the following **banks** be named as depositories:

- Interchange Bank, Fort Lee, NJ**
- Commerce Bank, Fort Lee, NJ**
- PNC Bank, Fort Lee, NJ**
- Hudson United Bank, Cliffside Park, NJ**
- Bank of New York, Englewood, NJ**
- JP Morgan Chase, Fort Lee, NJ**
- Woori American Bank, Fort Lee, NJ**
- State of New Jersey Cash Management Fund**
- North Fork Bank of Fort Lee, NJ**

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Fort Lee that the above named banks are hereby designated as depositories for the Current, Trust, Capital and Welfare sections of the accounts of the Borough of Fort Lee for **2005**.

BE IT FURTHER RESOLVED, as follows:

1. The custodian of said funds or accounts shall be the Borough Treasurer or such other officials as the governing body may designate.

2. All disbursements from said accounts shall be made by checks signed by the Mayor and Treasurer of the Borough of Fort Lee or such other officials as the governing body may designate.

The Resolution was **approved unanimously**.

4-2 - Designation of Tax Receiving Agency

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

WHEREAS, NJSA 54:4-122.3 became effective February 8, 1980,

allowing municipalities to designate a bank or trust company to receive current tax payments, current water and sewer rents, as well as other public monies under the supervision of the tax collector.

WHEREAS, the Chief Financial Officer of the Borough of Fort Lee has recommended that **JP Morgan Chase, Fort Lee, New Jersey** be designated as the "Official Tax Receiving Agency" of the municipality;

WHEREAS, the Director of the Division of Local Government Services must give his approval for the authorization of awarding of this contract,

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Fort Lee that **JP Morgan Chase, Fort Lee, New Jersey** be named the Official Tax Receiving Agency of the Borough of Fort Lee for **2005**; and

BE IT FURTHER RESOLVED, that the Borough Attorney is hereby directed to prepare said contract, and the Mayor and Borough Clerk are authorized to execute the contract for the "Official Tax Receiving Agency".

The Resolution was **approved unanimously**.

4-3 - Designation of Newspapers

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

BE IT RESOLVED, by the governing body of the Borough of Fort Lee that pursuant to NJSA 40:53-1, the following **newspapers** are hereby designated as official advertisements and notices required by law to be published by the Borough of Fort Lee:

**The Record
Jersey Journal**

The Resolution was **approved unanimously**.

COUNCIL APPOINTMENTS

5-1 - Planning Board - Class III

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

WHEREAS, Borough Ordinance 261-1 of the codified ordinances of the Borough of Fort Lee, provides that the Borough Council shall designate and appoint a member of the Borough Planning Board, pursuant to such ordinance and to New Jersey Statutes in such cases made and provided; and

WHEREAS, the Borough Council does, in its judgement deem it to be in the best interest of the Borough that such appointment be made,

NOW, THEREFORE, BE IT RESOLVED, that **Councilman Armand Pohan** be and is hereby designated and appointed by the Borough Council and as the **Borough Council Member** of the **Borough Planning Board** pursuant to Borough Ord. 261-1 et seq of the codified ordinances of the Borough of Fort Lee and pursuant to New Jersey Statutes in such cases made and provided, the term of such appointment to be for the period of **one year** in accordance with the foregoing ordinance and statutes.

The Resolution was **approved unanimously**.

5-2 - Multiple Dwelling Commission

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

WHEREAS, Borough Ordinance 321-3 requires the appointment of a Council Appointee to act as chairman of the Fort Lee Multiple Dwelling Emergency Commission; and

WHEREAS, it is deemed in the best interest of the Borough to make such appointment,

NOW, THEREFORE, BE IT RESOLVED, that **Councilman Joseph Cervieri** be and is hereby appointed to the **Fort Lee Multiple Dwelling Emergency Commission** to act as **Chairman** thereof pursuant to Borough Ordinance, and in particular Ord. 321-3 of such appointment to be in accordance with such Ordinance for a period of **one year**.

The Resolution was **approved unanimously**.

MAYOR'S NOMINATIONS TO BOARDS

6-1 - Board of Adjustment

Mayor Alter nominated Nat Infurna to serve as a member on the **Board of Adjustment** for a four (4) year term expiring December 31, 2008.

On motion by Councilman Pohan, seconded by Councilwoman Cervieri, the nomination was confirmed unanimously.

Mayor Alter nominated Argia Rubino to serve as an alternate member on the **Board of Adjustment** for a two (2) year term expiring December 31, 2006.

On motion by Councilman Cervieri, seconded by Councilman Pohan, the nomination was confirmed unanimously.

6-2 - Beautification Committee

Mayor Alter nominated Ilene Glantz-Liebowitz, Frank Patti, Stephanie Levy, Phyllis Lowe, Jose Sanchez and Byong Suh to serve as members of the **Beautification Committee** for three (3) year terms expiring December 31, 2007.

On motion by Councilman Cervieri, seconded by Councilman Pohan, the nominations were confirmed unanimously.

6-3 - Advisory Committee for the Disabled

Mayor Alter nominated Benjamin Chirls, Barbara Rivlin and Marilyn Sussman to serve as member of the **Advisory Committee for the Disabled** for a three (3) year terms expiring December 31, 2007.

On motion by Councilman Cervieri, seconded by Councilman Pohan, the nomination was confirmed unanimously.

6-4 - Board of Ethics

Mayor Alter nominated Joseph Skelley to serve as a member of the Board of Ethics for five (5) year terms expiring December 31, 2009.

On motion by Councilman Cervieri, seconded by Councilman Pohan, the nomination was confirmed unanimously.

Mayor Alter nominated Marc Macri to serve as a member of the Board of Ethics to fill an unexpired term through December 31, 2005.

On motion by Councilman Cervieri, seconded by Councilman Pohan, the nomination was confirmed, on the following roll call:

AYES: Council Members Pohan, Villano, Sargenti, Kasofsky, Cervieri

ABSTENTION: Councilman Sokolich

6-5 - Fort Lee Film Commission

Mayor Alter nominated Armand Pohan to serve as Council Liaison to the Fort Lee Film Commission for the year 2005.

On motion by Councilman Cervieri, seconded by Councilman Pohan, the nomination was confirmed unanimously.

Mayor Alter nominated Donna Brennan and Marc J. Perez to serve as a members of the Fort Lee Film Commission for two (2) year terms expiring December 31, 2006.

On motion by Councilman Cervieri, seconded by Councilman Pohan, the nominations were confirmed unanimously.

6-6 - Board of Health

Mayor Alter nominated Eve Villano, Teresa Morgillo & to serve as members of the Board of Health for three (3) year terms expiring December 31, 2007.

On motion by Councilman Cervieri, seconded by Councilman Pohan, the nominations were confirmed unanimously.

6-7 - Historic Site, Structural, Cultural and Landmark Committee

Mayor Alter nominated Mark Sokolich to serve as a member of the Historic Site, Structural, Cultural & Landmark Committee for a one (1) year term expiring December 31, 2006.

On motion by Councilman Cervieri, seconded by Councilman Pohan the nomination was confirmed unanimously.

Mayor Alter nominated Patrick Hammer, Stacy D'Arc and Kevin Ceragno serve as members of the Historic Site, Structural, Cultural & Landmark Committee for three (3) year terms expiring December 31, 2007.

On motion by Councilman Cervieri, seconded by Councilman Pohan the nominations were confirmed unanimously.

6-8 - Library Board of Trustees

Mayor Alter nominated Milt Kimelman, Mata Nikias and Ellen Pollack to serve as members of the Library Board of Trustees for five (5) years term expiring December 31, 2009.

On motion by Councilman Cervieri, seconded by Councilman Pohan, the nomination was confirmed unanimously.

6-9 - Local Assistance Board

Mayor Alter nominated Fr. John Ryan to serve as a member of the Local Assistance Board for a four (4) year term expiring December 31, 2008.

On motion by Councilman Cervieri, seconded by Councilman Pohan, the nomination was confirmed unanimously.

Mayor Alter nominated Patricia Rumi to serve as a member of the Local Assistance Board for a one (1) year term expiring December 31, 2005.

On motion by Councilman Cervieri, seconded by Councilman Pohan, the nomination was confirmed unanimously.

6-10 - Rent Leveling Board

Mayor Alter nominated Marie L.H. Clement, John Cordova and Douglas Sugarman to serve as members of the Rent Leveling Board for three (3) year terms expiring December 31, 2007.

On motion by Councilman Cervieri, seconded by Councilman Pohan, the nominations were confirmed unanimously.

6-11 - Senior Citizens' Council

Mayor Alter nominated Kay Nest to serve as Director of the Senior Citizens' Council for a one (1) year term expiring December 31, 2005.

On motion by Councilman Cervieri, seconded by Councilman Pohan, the nomination was confirmed unanimously.

Mayor Alter nominated Betty Tandler and James Viola, Sr. to serve as members of the Senior Citizens' Council for two (2) year terms expiring December 31, 2006.

On motion by Councilman Cervieri, seconded by Councilman Pohan, the nominations were confirmed unanimously.

MAYOR'S APPOINTMENTS

7-1 - Planning Board

Mayor Alter appointed the following to the Fort Lee Planning Board:

- | | |
|-------------------|---|
| Byong J. Suh | Class II - One (1) Year Term Through 2005 |
| Herbert Greenberg | Class IV- Four (4) Year Term Through 2008 |
| Cheryl Karpman | Class IV- Four (4) Year Term Through 2008 |

Rose Dicker

Class IV Alternate - Unexpired Term
Through 2006

RESOLUTIONS

8-1 - Part-time Police Officer - Board of Education

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

BE IT RESOLVED, by the governing body of the Borough of Fort Lee that **Patrick Moran** is hereby appointed as **part time school security guard for the year 2005**, without authority to carry a firearm.

BE IT FURTHER RESOLVED, that said part time police officer be employed by and paid by the **Board of Education** of the Borough of Fort Lee.

The Resolution was **approved unanimously**.

8-2 - Police Physicians

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

BE IT RESOLVED, by the governing body of the Borough of Fort Lee that the following are hereby appointed as **Police Physicians** for the year **2005**:

- | | |
|------------------------|-------------------------|
| Dr. Louis Angioletti | Dr. Richard Finizio |
| Dr. Raymond Darakjian | Dr. Gregory Pappas |
| Dr. Richard Salb | Dr. Richard Weiner |
| Dr. Anthony Maggiano | Dr. Kenneth Kutner |
| Dr. Robert Monahan | Dr. Barry Herstik |
| Dr. Mark Hagopian | Dr. Clemens Loew |
| Dr. Neil Kolsky | Dr. Kevin Basralian |
| Dr. George Azzariti | Dr. Gene Rosenberg |
| Dr. Michael Vincent | Dr. Patricia A. Farrell |
| Dr. Jerome Goldfischer | Dr. Joseph A. Holzapfel |
| Dr. Jeffrey Rappaport | Dr. Alfred D. Kulik |
| Dr. Alan Barry Port | Dr. Michael Friedman |
| Dr. Samuel Suede | Dr. Anna J. Lavotshkin |

The Resolution was **approved unanimously**.

8-3 - School Crossing Guards

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

BE IT RESOLVED, by the governing body that the following be appointed as **School Crossing Guards** in the Borough of Fort Lee without authority to carry a firearm:

- | | | |
|---------------------|---------------------|-----------------------|
| Barreiro, Lidia | Bassi, Nidia | Bianchetto, Dennis |
| Bianchetto, Ezio | Boccia, Daniel | Boccia, Josphe |
| Breit, Fred | Bove, Patrick | Cabrera, Yolanda |
| Campolongo, Ronald | Cennerazzo, Rudolph | Cerchio, Mary |
| Chin Mee Kam | Conway, Thomas | D'Ambrosio, Lucia |
| Davidson, Fred | DiPerna, Vito | Egues, Margarita |
| Guglielmo, Giuseppe | Harris, Faye | Karabastos, Dionysiso |
| Ko, Ellie | McNerney, Charles | Maegin, Stephen |
| Magnone, Joseph | Mancino, Michelle | Martin, Gerard |
| Medaglia, Joseph | Melendez, Jesus | Muhammad, Sadiq |

Obertlik, John	Occhipinti, Joan	Ok, Bong Hi
Ok, Young Sun	Oliver, Hyman	Oliver, Joan
Pospisil, Ray	Pulice, Fiore	Rojas, Pedro
Ruby, George	Scrivanich, Yolanda	Segarra, Ana
Silvia, Barbara	Simone, Antonia	Smith, Dennis
Strezou, Leo	Triantafillou, Athena	Viola, Maryanne
Waxenbaum, Leon		

The Resolution was **approved unanimously**.

8-4 - Police Guards (Matrons)

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

BE IT RESOLVED, by the governing body of the Borough of Fort Lee that the following are hereby appointed as **Police Guards (Matrons)** in the Borough of Fort Lee for the year **2005**:

Kathy Patrick	Elizabeth Connell
Janice Pagano	Charlene Ortiz
Melissa Ardito	Catherine Blue
Jaime Tripodi	

The Resolution was **approved unanimously**.

9-1 - Establishing Rate of Interest for Tax Delinquencies

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

WHEREAS, the provisions of NJSA 54:4-67 direct that the governing body of each municipality may **fix the rate of interest** to be charged for the non-payment of taxes or assessments on or before the date when they would become delinquent, and may further provide that no interest shall be charged if on payment of any installment is made within the tenth calendar day following the date upon which the same became payable; and

WHEREAS, NJSA 54:4-67 further provides that the rate of interest so fixed **shall not exceed eight (8%) on the first one thousand five hundred dollars (\$1,500) of the delinquency and eighteen percent (18%) per annum on any amount in excess of one thousand five hundred dollars (\$1,500),**

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Fort Lee do hereby fix, in accordance with the provisions of NJSA 54:4-67 the rate of interest to be charged for the non-payment of taxes or assessments at eight (8%) per annum on the first one thousand five hundred dollars (\$1,500) of the delinquency, provided, however, that no interest shall be charged if payment of any installation is made within the tenth calendar day following the date upon which the same became payable.

The Resolution was **approved unanimously**.

9-2 - Re-establishing Petty Cash Fund

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

BE IT RESOLVED, that the Mayor and Council of the Borough of Fort Lee do hereby authorize and establish a **petty cash fund for the Borough Treasurer** and other various departments; and

WHEREAS, the Mayor and Council authorize the Borough Treasurer to draw a check from the current account in the amount of **\$500.00** payable to Joseph Iannaconi Jr., petty cash, and various authorized amounts for the other various departments,

NOW, THEREFORE, BE IT RESOLVED, that in accordance with NJSA 40A:5-21 said petty cash funds be established.

The Resolution was **approved unanimously**.

9-3 - Cash Management Plan

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

WHEREAS, N.J.S.A. 40A:5-14 requires the Borough of Fort Lee to adopt a Cash Management Plan; and

WHEREAS, the Borough of Fort Lee adopts its Cash Management Plan annually; and

WHEREAS, this Cash Management Plan shall be designated to assure the extent practicable the investment of local funds in interest bearing accounts and may be modified from time to time in order to reflect changes in Federal or State law or regulations; and

NOW, THEREFORE, BE IT RESOLVED that the Borough of Fort Lee Cash Management Plan be continued for 2005.

The Resolution was **approved unanimously**.

9-4 - Insurance Risk Manager

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

WHEREAS, the Borough of Fort Lee is a member of the South Bergen Joint Municipal Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund; and

WHEREAS, the bylaws of said funds require that the municipality appoint a Risk Management consultant to perform various professional services as detailed in the bylaws; and

WHEREAS, the bylaws for the Municipal Excess Liability Joint Insurance Fund and the South Bergen Municipal Joint Insurance Fund indicate a minimum fee equal to six percent (6%) of the municipal assessment which expenditure represents reasonable compensation for the services required and is included in the assessment for these funds; and

WHEREAS, the judgmental nature of the Risk Management consultant's duties renders comparative bidding impractical,

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Fort Lee does hereby appoint David J. Vozza of the Vozza Agency, Inc., as its Risk Management Consultant in accordance with the Fund's bylaws for the period of January 1, 2005 to January 1, 2006; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute the consultant's agreement annexed hereto and to cause a notice of this decision to be published according N.J.S.A. 40A:11-5(1) (a) (i).

The Resolution was **approved unanimously**.

9-5 - Borough Clerk - PACO Officer

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

WHEREAS, the Borough of Fort Lee is required to designate a Public Agency Compliance Officer to insure that proper forms are distributed and completed before contracts are awarded by the Borough and documents and manuals are made available to prospective contractors,

NOW, THEREFORE, BE IT RESOLVED that the Borough Clerk is hereby appointed to serve as the Public Agency Compliance Officer (PACO) for the year 2005 in the Borough of Fort Lee.

The Resolution was **approved unanimously.**

COUNCIL REPORTS

Councilman Pohan -congratulated Ila, Mark and Mike on their election victories. He stated it is a pleasure to work with them.

He thanked his colleagues for electing him Council President this year.

He invited the public to attend the executive sessions to see how even in one party government there is a myriad of opinions being expressed. He noted that when the founding fathers drew up the Constitution they did not even think there would be political parties. Hopefully, everyone is trying to do the best job for the town and for all of its residents with a view towards fiscal responsibility. He believes that this government has tried to walk that delicate line between delivering the services of government and doing it at a reasonable cost. He will do his best to continue to do that in the future, and he wished everyone a Happy New Year.

Councilman Sokolich - hoped that this is only the beginning for him. He stated that he does not have any other political aspirations. He is humbled to be a Councilman for the Borough.

He stated that it is time to participate amongst a great group of individuals, who have the highest of ethics and morals. He also invited the residents to attend an executive session meeting to see the seven diverse opinions being expressed among the governing body members. He believes ultimately a conclusion is reached that is in the best interests of the Borough.

He stated that the new community center should be finished this year. The Town & Country application is moving forward. He believes Main Street needs help. He looks forward to making some changes in the near future regarding the look of Main Street.

He thanked the electorate of the Borough. He thanked his colleagues for expressing confidence in him, especially Kay Nest and Fort Lee Democratic Vice-Chairman James Viola. He wished every one a Happy New Year.

Councilman Villano - spoke to events and accomplishments of the Borough in 2004. He said that the Borough's Centennial throughout the year was a lot of fun. The Second Look Shoppe was opened this past year. Eleven Special Police Officers were hired. Monument Park was renovated and it is beautiful. He thanked the DPW, General Services Department and Parking Authority for the work

that they did on the park. The DPW paved and milled over twenty streets this past year. The new DPW garage was completed. The new community center is close to completion. Streetscaping was completed on Palisade Avenue with the addition of the new working traffic light on Angioletti Place. The tennis courts at the recreation center were refurbished. An affordable housing unit on Cedar Street was opened and the Teen Center program was expanded.

He is looking forward to the following things being worked on and/or completed in 2005. The steel structure that has been an eyesore for fifteen years should be renovated and rebuilt as the owners have taken title to the property. He is hoping that Town & Country will begin construction in May at about the same time the new community center is completed. He also foresees more affordable housing being built in the Borough.

He thanked all the employees of the Borough for their hard work. He wished everyone a healthy and happy New Year.

Councilman Sargenti - congratulated Ila, Mark and Mike. He looks to working with them this year. He is looking forward to working with the people of Fort Lee in 2005.

He said that every article in the newspapers are not always true. As far as one party government and everyone agreeing on everything goes, that is not true. He said that everyone thinks how and where money is going to be spent. Everyone questions the short-term and long-term effect of expenditures made. In prior administrations and this administration, the government has worked for the best interests of the residents. He said everyone in the government is trustworthy and honest.

Councilwoman Kasofsky - thanked the voters who voted for her. She also thanked Kay Nest, James Viola, Steve Monetti, Ray Levy and all of the Democratic Party Committee members.

She spoke to the Main Street shuttle bus. She looks forward to continuing to keep Fort Lee's residents safe and secure in 2005. She is happy that the former Helmsley property will no longer be an eyesore and looks forward to turning the long vacant property into a beautiful mixed use development. She mentioned that Mayor Alter continues to fight for funding to protect the Borough and George Washington Bridge. She added that her council colleagues have a real commitment to respond to the problems that face the residents of the Borough. She closed by saying that listening to the residents the last three years has allowed her to pinpoint issues that trouble the residents. The feedback she has received from the residents has put a human face on making policy decisions and has deepened her conviction to fight for the residents of the Borough.

She wished everyone a Happy New Year.

Councilman Cervieri - thanked the people of Fort Lee for bringing back the current government. He stated that the Mayor and Council, the Administration staff and the rest of the Borough employees work very hard toward bringing a better quality of life for the residents of the Borough at the best possible cost. The people get good value from its government. The continuing goal is to make Fort Lee the pre-eminent place to live, work and to raise families. The Housing Authority, Parking Authority and Director of Economic Development and the many other Borough departments are very dedicated. He is proud to say that he was born and raised in Fort Lee and plans to stay in Fort Lee a lot longer.

He mentioned a December 12th "Record" article written by John Zemen that was in the living section that talked about Fort Lee. The article spoke to the diversity of Fort Lee's Main Street and the Borough's one hundred years. Mr. Cervieri read the last two sentences of the article: "As always Fort Lee seems to transcend all of the usual roles of place. It is not harmonious, but it is loaded with character." Mr. Cervieri concurred with the writer. He closed by saying that he and his colleagues will continue to make Fort Lee more user and pedestrian-friendly than it already is.

Mayor Alter - stated that he was impressed with the people of the Ukraine, who would not allow their government to be taken away. The people stood in the streets twenty-four hours a day pleading their case.

He mentioned the approximately 30,000 people who were left stranded by an airline during the holiday season. Thousands could not get their luggage because employees of the airline called in sick saying that they were entitled to the time off. The people who called in sick never thought about what it was doing to the public. He said something of that magnitude would not happen in Fort Lee. He spoke affectionately of the Police Department. It is not only the Police Department, but many other departments who serve the public well. He could not conceive of the thought that the people who dedicate themselves to public service in the town would simply decide to go shopping and leave everyone else out in the lurch. He thought the Borough's public servants could be used as a role model to the airlines or any other industry.

He spoke kindly of Ray Levy and Peggy Thomas for the work that they do for the town.

He wished everyone a Happy New Year.

There being no further discussion, the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti,** and carried at 1:30 p.m.

Neil Grant, RMC
Municipal Clerk

RECESSED MEETING

MAYOR AND COUNCIL

**Thursday, December 16, 2004/
January 2, 2005 @12:00 noon**

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

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, CFO

SPECIAL MEETING STATEMENT

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

On December 15, 2004 a written notice of the time, place and proposed agenda of this meeting was posted at the Municipal Building, 309 Main Street, Fort Lee, New Jersey.

On the same date a copy of said written notice was mailed to THE RECORD, the BERGEN NEWS/SUN BULLETIN, 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 fee fixed for the year 2004.

Let the minutes reflect that this is a continuation of the regularly scheduled Mayor and Council meeting of December 16, 2004.

MAYOR'S REPORT AND ANNOUNCEMENTS

Mayor Alter wished everyone a Happy New Year. In southeast Asia, it is not a happy New Year due to the catastrophic events surrounding the tsunami.

Mayor Alter noted that in town, Diane Viola passed away last week. She is the daughter of John Viola, and niece of Charles and James Viola. Her death at such a young age was a shock to everyone. Also, former retired Fort Lee Department member Daniel McGuirl died over the weekend. He asked for a moment of silence in their memory.

Fr. John Ryan, Madonna Church, came up to the podium and spoke to the situation in southeast Asia. He explained that one of the priests assigned to the Madonna Parish is from southeast India. Before he came to Fort Lee to serve, he was pastor of a church in southeast India. The parish church which he served was destroyed and the eighty-five people who were attending Mass died. He asked the public to make donations to the church so that the money can be sent to the people in need. He added that the money is going to be sent to the bishop in that entire area where there was great devastation. Any assistance that the public can offer will be appreciated.

Mayor Alter noted that the American armed forces have been giving as much assistance as possible to the victims of the

tsunami in southeast Asia.

PRESENTATION OF PLAQUE

Mayor Alter offered his thanks and presented the following plaque to former Councilwoman Joan Voss from the Mayor and Council:

“Presented to Joan Voss”

WITH GRATITUDE FOR YOUR DEDICATED SERVICE TO THE BOROUGH OF FORT LEE

COUNCILWOMAN

1995-1997
1998-2000
2001-2003
2004

Ms. Voss stated that the ten years she spent on the Council were wonderful and that she misses it. She offered her congratulations to Council Members Kasofsky, Sokolich and Villano. She spoke to the one hundred year anniversary of the Borough and she commended Tom Meyers, Director of Cultural and Heritage Affairs, for all the great work he did on the Centennial.

APPROVAL OF MINUTES

On motion by Councilman Villano, seconded by Councilman Pohan, and carried unanimously, the minutes of the December 16, 2004 Regular Meeting were approved.

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilman Sokolich, the Proposed Consent Agenda was introduced relative to items CA-1 through CA-7.

CA-1 - Approving Budget Transfers

BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Fort Lee, that the following 2004 budget appropriation transfers are hereby made, pursuant to N.J.S. 40A:4-58, not less than two-thirds of the full membership of the Governing Body concurring:

<u>From</u>	<u>To</u>	
Salary & Wage Adj. \$290,216	Administration S/W	\$49,495
Dir. of Econ Dev. 190,000	Purchasing S/W	4,940
Mayor & Council S/W 33,000	Borough Clerk S/W	2,976
EMT S/W 36,000	Collection of Taxes S/W	15,704
Fire Protection S/W 23,000	Asst. of Taxes S/W	7,516
Road Repairs S/W 22,000	Dir. of Economic Dev. S/W	4,439
Board of Health S/W \$ 19,728	Police S/W	64,621
	Communications Dispatch S/W	21,249
	Emergency Management S/W	1,384
	Fire Prevention S/W	4,819
	Municipal Court S/W	13,052
	Public Building & Grounds S/W	30,335
	Communications Repair S/W	17,142
	General Services S/W	17,368
	Human Services S/W	245

Recreation S/W	21,929
Park & Playgrounds S/W	13,002
Elections O/E	6,158
Financial Admin. O/E	31,829
Other Insurance	17,763
Police O/E	40,540
General Services O/E	2,000
Auto Repair O/E	2,000
Board of Health	40,000
Special Events O/E	40,000
Street Lights O/E	100,000
Gasoline	30,000
FICA	11,822
Municipal Court O/E	1,600
NJ Economic Development Auth.	<u>16</u>

Total: \$613,944.00 Total: \$613,944.00

CA-2 - Approving Cancellation of Outstanding Debits and Credits on the Tax Collector's Books for 2003 in the Amount of \$10.00 and Less

WHEREAS, there are a number of outstanding debits on the Tax Collector's books for the period January 1 through December 31, 2003 in the amounts of ten dollars (\$10.00) or less,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that all debits of ten dollars (\$10.00) or less be and are hereby canceled, as per listing kept in the office of the Tax Collector-Treasurer.

CA-3 - Authorizing the Chief Financial Officer to Cancel Outstanding Open Checks in Various Accounts for 2003 and Prior Years - \$13,199.96

WHEREAS, there remain checks outstanding on the Borough of Fort Lee's banking records for 2003; and

WHEREAS, every attempt has been made by the Chief Financial Officer to have the checks cleared,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the Chief Financial Officer is hereby authorized to cancel the following outstanding amounts in the various accounts in the total amount of **\$13,199.96**

<u>Account Name</u>	<u>Amount</u>
Current Account	\$8,792.82
Capital Improvement Trust	287.50
Police Activity Trust Fund	60.00
Parks & Recreation Trip Admissions	1,255.32
Public Assistance Trust II	694.32
Senior Citizen Advisory Council	1,200.00
Fort Lee Film Commission	<u>910.00</u>
<u>Grand Total:</u>	\$13,199.96

SCHEDULE A

<u>Account</u>	<u>Date</u>	<u>Check #</u>	<u>Amount</u>
Current Account	1/2003	48195	\$ 20.00
	2/2003	48507	730.36
	3/2003	48687	334.07

5/2003	49285	200.00
	49377	475.00
	49415	200.00
	49416	200.00
6/2003	49590	352.20
	49606	68.10
	49848	1,218.75
7/2003	49944	85.00
	49977	20.00
	50041	6.00
8/2003	50145	2,463.60
9/2003	50562	117.45
10/2003	50661	295.00
	50902	37.67
11/2003	50944	25.00
	50951	1,619.62
12/2003	51133	225.00
	51310	<u>100.00</u>
	TOTAL:	\$8,792.82

<u>Account</u>	<u>Date</u>	<u>Check #</u>	<u>Amount</u>
Capital Improvement Trust	6/2003	8683	\$287.50
Police Activity Trust Fund	5/2003	1777	\$60.00
Senior Citizen Advisory Council	1/2003	1485	\$1,200.00
Park & Recreation Trip Admissions	7/2003	1811	\$1,240.32
		1819	<u>15.00</u>
			\$1,255.32
Fort Lee Film Commission	5/2003	1051	\$500.00
		1052	400.00
	12/2003	1081	<u>10.00</u>
			\$910.00
Public Assistance II	2/2003	798	\$128.00
	4/2003	898	102.00
	7/2003	1077	42.32
	11/2003	1283	310.00
	12/2003	1282	<u>112.00</u>
			\$694.32
GRAND TOTAL:			\$13,199.96

CA-4 - Authorizing Issuance of Notes for Special Emergency Appropriation - \$250,000

RESOLUTION PROVIDING FOR THE FINANCING OF A SPECIAL EMERGENCY APPROPRIATION OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, BY THE ISSUANCE OF SPECIAL EMERGENCY NOTES OF THE BOROUGH

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

SECTION 1. The Borough of Fort Lee, in the County of Bergen, New Jersey has heretofore finally adopted (I) on December

16, 2004, an ordinance entitled "AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION N.J.S.A. 40A:4-53," for the purpose of appropriating \$250,000 as a special emergency appropriation pursuant to N.J.S.A. 40A:4-53(b).

SECTION 2. The Borough hereby determines to finance the special emergency appropriation referred to in Section 1 herein by the issuance of Special Emergency Notes of the Borough, which may be renewed from time to time, as provided by law. At least 1/5 of all such Special Emergency Notes to be issued hereunder, and renewals thereof, shall mature and be paid in each year, so that all such Special Emergency Notes shall have matured and been paid not later than the last day of the fifth year following the date of adoption of the ordinance authorizing the Special Emergency Appropriations. This resolution hereby authorizes the issuance of \$250,000 in Special Emergency Notes.

SECTION 3. All Special Emergency Notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, subject to the limitations set forth in Section 2 hereof. The Chief Financial Officer shall determine all matters in connection with Special Emergency Notes issued pursuant to this resolution and the Chief Financial Officer's signature upon the Special Emergency Notes shall be conclusive evidence as to all such determinations. All Special Emergency Notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:4-55(b). The Chief Financial Officer is hereby authorized to sell part or all of the Special Emergency Notes from time to time at no less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price, plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Governing Body at the meeting next succeeding the date when any sale or delivery of the Special Emergency Notes pursuant to this resolution is made. Such report must include the amount, the description, the interest rate and maturity schedule of the Special Emergency Notes sold, the price obtained and the name of the purchaser, and such report shall be entered in full on the minutes of such meeting.

SECTION 4. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest of the Special Emergency Notes authorized by this resolution. The Special Emergency Notes shall be direct, unlimited obligations of the Borough. The powers and obligations of the Borough to pay any Special Emergency Note issued pursuant to this resolution and the Local Budget Law shall be unlimited and the Borough shall have the power and be obligated to levy ad valorem taxes upon all taxable property within the Borough for the payment of such Special Emergency Notes and interest thereon, without limitation of rate or amount.

SECTION 5. All Special Emergency Notes issued pursuant to this resolution shall be executed by the Chief Financial Officer and the Mayor of the Borough, and shall be under the seal of the Borough and attested by the Borough Clerk. Such officers are hereby authorized to execute and deliver all documents necessary or convenient in connection with the issuance, sale and delivery of the Special Emergency Notes.

SECTION 6. A copy of this resolution as adopted shall be filed with the Director of Local Government Services in the Department of Community Affairs, State of New Jersey.

SECTION 7. This resolution shall take effect immediately.

CA-5 - Authorizing Cancellation of Current Fund Appropriation Unexpended Balances for Salary & Wage Adjustment, Group Insurance and Bills of Prior Years - \$207,607.72

WHEREAS, the following Current Fund budget appropriation balances remains unexpended:

<u>Appropriation Name</u>	<u>Amount</u>
Salaries & Wage Adjustment	\$100,000.00
Group Insurance	100,000.00
Bills of Prior Years	7,607.72

and;

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balance may be credited to surplus,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the above listed unexpended balances of the Current Fund be and are canceled.

CA-6 - Approving Firefighter Application for Elvin Kidd for Fire Company #3 and Jr. Auxiliary Application for Andrei Olfier and Jason Schader for Fire Company #1 and Fire Company #4

The firefighter application for Elvin Kidd for Fire Company #3, jr. auxiliary application for Andrei Olfier for Fire Company #1 and jr. auxiliary application for Jason Schader for Fire Company #4 were approved.

CA-7 - Authorizing Outstanding Credits on the Tax Collector's Books for 2003 to be Credited Back to Surplus - \$227,060.13

WHEREAS, there are outstanding credits on the Tax Collector's books for the period of January 1st through December 31, 2003,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that these credits be, the balance credited back to surplus in the amount of **\$227,060.13** as per the listing kept in the office of the Tax Collector-Treasurer.

There being no discussion, **on motion by Councilman Cervieri, seconded by Councilman Sokolich**, the Consent Agenda (items CA-1 through CA-7) was **approved unanimously**.

RESOLUTION

R-1 - Cancellation of 2004 Property Tax Billing for Block 3203, Lot 4.3030 at 1512 Palisade Avenue - \$225.00

Mr. Cervieri recused himself on this matter and left the podium at this point.

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

WHEREAS, parking space #30 at the Atrium Palace Condominium, 1512 Palisade Avenue, commonly known as Block 3203, Lot 4.030, should have been assessed as a part of the condominium's common element in tax year 2004; and

WHEREAS, it was not assessed as such in tax year 2004 and will be assessed as such in tax year 2005,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, that all 2004 property tax billing for Block 3203, Lot 4.030, in the amount of \$225,00 be canceled.

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

AYES: Council Members Pohan, Sokolich, Villano, Sargenti, Kasofsky

ABSENT: Councilman Cervieri

Mr. Cervieri returned to the podium at this point.

COUNCIL REPORTS

All of the Council Members deferred their reports to the Reorganization Meeting.

Mayor Alter - stated that when this meeting is adjourned, there will be a ten minute break before the Reorganization Meeting commences.

There being no further discussion, the recessed meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Pohan** and carried at 12:11 p.m.

Neil Grant
Municipal Clerk