

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, December 9, 2010 @ 5:30 p.m.**

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

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

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

**MAYOR'S STATEMENT**

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

1. On January 7, 2010, 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 8, 2010, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS 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 2010 to cover the cost of providing notice.

3. On November 29, 2010 a copy of said change in the scheduled meeting time was posted at 309 Main Street, Fort Lee, New Jersey. On the same date, copies of the change in meeting time were also mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2010 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Police Department Dispatcher  
Police Department Retirement

Potential Litigation: Creamer Sanzari Joint Venture vs. Borough (Change Order for Main Street Road Improvement)

FLRA - Conditional Designation as Redeveloper for Redevelopment Area 5

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

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

**PUBLIC HEARING**

**Ordinance #2010-31 -Authorizing a Special Emergency Appropriation in the Amount of \$1,800,000 for the Payment of Contractually Required Severance Liabilities**

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky and carried, the public hearing was opened relative to Ord. #2010-5 entitled, "AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$1,800,000 FOR THE PAYMENT OF CONTRACTUALLY REQUIRED SEVERANCE LIABILITIES, IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY."

Nina Levinson, 1560 West Street, stated that it's a lot of money.

Ms. Thomas explained that over thirty people have retired and the Borough is contractually responsible to payoff its severance liabilities.

Ms. Pohan explained that a lot of employees, specifically in the Police Department retired before the new pension retirement laws were put into effect.

Mayor Sokolich stated that this ordinance has a short term impact.

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

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

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

#### RESOLUTIONS

#### R-1 - Authorizing the Issuance of Not to Exceed \$1,800,000.00 Special Emergency Notes for the Payment of Contractually Required Severance Liabilities

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

**A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,800,000 SPECIAL EMERGENCY NOTES FOR THE PAYMENT OF CONTRACTUALLY REQUIRED SEVERANCE LIABILITIES, IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY**

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

**Section 1.** An ordinance authorizing a special emergency appropriation of \$1,800,000 for the payment by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") of contractually required severance liabilities resulting from the layoff and/or retirement of Borough employees has been finally adopted by the Borough Council of the Borough, and a copy thereof has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey (the "Director").

**Section 2.** (a) In order to finance the special emergency appropriation described in Section 1 of this resolution, the Borough is hereby authorized to borrow the sum of not to exceed \$1,800,000 and to issue its special emergency notes (the "Notes") therefor in accordance with the Local Budget Law of New Jersey (N.J.S.A. 40A:4-55).

(b) The Notes authorized by this resolution may be issued in amounts and denominations not exceeding in the aggregate the amount of Notes authorized herein, as determined by the chief financial officer of the pursuant to this resolution.

(c) The Borough may finance the special emergency appropriation from surplus funds available or may borrow money in a manner prescribed herein. Where an appropriation is financed from surplus funds available, at least one-fifth of the amount thereof shall be included in each annual budget until the appropriation has been fully provided for.

**Section 3.** The following matters in connection with the Notes are hereby determined:

(a) All Notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the chief financial officer within the limitations of the Local Budget Law, provided however, that at least one-fifth of all such Notes and the renewals thereof shall mature and be paid in each year so that all Notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution;

(b) All Notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer;

(c) The Notes shall be in the form determined by the chief financial officer and the chief financial officer's signature upon the Notes shall be conclusive as to such determination;

**Section 4.** The chief financial officer is hereby authorized and directed to determine all matters in connection with the Notes not determined by this or a subsequent resolution and the chief financial officer's signature upon the Notes shall be conclusive as to such determination.

**Section 5.** The chief financial officer is hereby authorized to sell the Notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

**Section 6.** Any instrument issued pursuant to this resolution shall be a general obligation of the Borough. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the Notes and, unless otherwise paid or

payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

**Section 7.** The chief financial officer is authorized and directed to report in writing to this governing body at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the Notes sold, the price obtained and the name of the purchaser.

**Section 8.** A copy of this resolution as adopted shall be filed with the Director.

**Section 9.** This resolution shall take effect immediately.

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

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

**R-2 - Authorizing an Extension of the Conditional Designation for  
Fort Lee Redevelopment Associates as Redeveloper for  
Redevelopment Area 5**

Mr. Cervieri recused himself with regard to this matter.

**Councilman Sohmer introduced, and Councilman Sargenti  
seconded,** the following Resolution:

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE  
AUTHORIZING THE EXTENSION OF THE DESIGNATION OF FORT LEE  
REDEVELOPMENT ASSOCIATES, LLC AS CONDITIONAL REDEVELOPER FOR  
REDEVELOPMENT AREA 5 LOCATED IN THE BOROUGH OF FORT LEE, NEW  
JERSEY FOR A MIXED USE SMART GROWTH PROJECT**

**WHEREAS,** the Borough of Fort Lee (hereafter the "Borough"), in accordance with the requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (hereafter the "LRHL"), did designate a certain assemblage of lots within the Borough of Fort Lee, constituting approximately 16 acres, as an area in need of redevelopment, and as such was named Redevelopment Area 5; and

**WHEREAS,** Redevelopment Area 5 has as its approximate northerly border Bridge Plaza South, and its approximate southerly border at Main Street, with the approximate eastern border of the area being Central Road, and the approximate westerly border being Lemoine Avenue; and

**WHEREAS**, pursuant to an Ordinance No. 2004-29 adopted by the Borough on August 4, 2004, the Borough adopted a Redevelopment Plan for Redevelopment Area 5 and did further amend the zoning map of the Borough of Fort Lee to so indicate that area; and

**WHEREAS**, by Resolution of September 30, 2004, the Borough did designate a Redeveloper for Redevelopment Area 5, said Redeveloper being Town and Country Developers at Fort Lee, Inc., a New Jersey corporation (hereafter, the "Redeveloper") and the Redeveloper and the Borough entered into a certain Redevelopment Agreement dated September 30, 2004 (hereafter, the "Redevelopment Agreement"); and

**WHEREAS**, pursuant to an Ordinance No. 2005-5 adopted by the Borough on March 31, 2005, the Borough adopted an amendment to the Redevelopment Plan for Redevelopment Area 5; and

**WHEREAS**, Redeveloper subsequently proceeded before the Planning Board of the Borough of Fort Lee for the purpose of obtaining site plan approval for the redevelopment project and for a subdivision of Redevelopment Area 5 into two lots, one to the east of Martha Washington Way (hereafter referred to as the "East Parcel") and constituting Block 4802, Lot 1 (now known as Block 4851, Lot 1.02); and the second parcel (hereafter referred to as the "West Parcel") constituting Block 4801, Lot 1 (now known as Block 4851, Lot 1.01); and

**WHEREAS**, the Borough made clear to the Redeveloper that the subdivision of the Redevelopment Area into the East and West Parcels was only for the purposes of financing the project and the Borough expected the Redeveloper to complete the comprehensive redevelopment of the entire Redevelopment Area 5 in accordance with its site plan approval; and

**WHEREAS**, subsequently, pursuant to the provisions of the Redevelopment Agreement, the Redeveloper, for the sole and limited purpose of financing, did enter into a Joint Development Agreement with an affiliated entity of Redeveloper, wholly-owned and controlled by Redeveloper, and known as Town & Country Redevelopers at Fort Lee West, Inc. (hereafter, "Fort Lee West"); and

**WHEREAS**, solely limited to financial issues, pursuant to the Joint Development Agreement between Redeveloper and Fort Lee West, the East Parcel was to be retained and financed by Redeveloper and the West Parcel was to be separately financed by Fort Lee West; and

**WHEREAS**, Redeveloper for the East Parcel and its affiliate company, Fort Lee West for the West Parcel, failed to maintain current tax payments to the Borough of Fort Lee for the property and failed to reimburse the Borough of Fort Lee for expenses incurred by the Borough to temporarily relocate utility services which temporary relocation expense was agreed to be paid pursuant to a certain Memorandum of Agreement entered into between Redeveloper and the Borough; and

**WHEREAS**, the failure to pay current taxes and reimburse the Borough constituted a breach of the agreements between Redeveloper and its affiliate, Fort Lee West, and with the Borough under the Redevelopment Agreement, and upon formal notice thereof, constituted events of default; and the

Borough proceeded to provide appropriate notices under the Redevelopment Agreement to Redeveloper, its affiliates and its mortgagees by action of the Mayor and Council on May 1, 2008 and June 5, 2008; and

**WHEREAS**, the result of the Redeveloper's failure to cure the events of default, within 30 days of notice, was the termination of the Redevelopment Agreement and de-designation of Redeveloper for the both the East and West Parcels by action of the Mayor and Council on June 12, 2008; and

**WHEREAS**, the Borough was named a defendant and was served with a Summons and Complaint in a foreclosure action venued in Superior Court of New Jersey, Chancery Division, Bergen County, Docket No. F-19001-08 and captioned *TDC Fort Lee, LLC v. Town & Country Developers at Fort Lee West, Inc.: Town & Country Developers at Fort Lee, Inc.; Borough of Fort Lee; State of New Jersey; United States of America; John Does 1-10; and John Doe Companies 1-10*, which was received on or about May 29, 2008 on behalf of the Borough wherein the Plaintiff TDC Fort Lee, LLC, is a successor mortgagee (hereafter the "Plaintiff") for the property known as Lot 1.01, Block 4851, which is owned by Redeveloper-affiliated Fort Lee West; and

**WHEREAS**, on January 2, 2009, said Complaint resulted in the issuance of a Final Judgment in Foreclosure for the benefit of the Plaintiff TDC Fort Lee, LLC and a Writ of Execution was issued to the Bergen County Sheriff who conducted a sale of the mortgage, interest and costs due on or about April 24, 2009, which were purchased by TDC Fort Lee, LLC; and

**WHEREAS**, the Redeveloper for the East Parcel, in addition to its failure to pay taxes due to the Borough, had defaulted in both failing to pay its obligations and to address other matters under the mortgage documents/loan documents/agreements with mortgagees; and

**WHEREAS**, the mortgagees filed a Complaint in a foreclosure action venued in Superior Court of New Jersey, Chancery Division, Bergen County, Docket No. F-24555-08 and captioned *PRIF II T&C Fort Lee, LLC v. Town and Country Developers At Fort Lee, Inc., et al* for the property known as Lot 1.02 in Block 4851; and

**WHEREAS**, said Complaint resulted in the issuance of a Final Judgment in Foreclosure for the benefit of the Plaintiff PRIF II T&C, LLC and a Writ of Execution was issued to the Bergen County Sheriff who conducted a sale of the mortgage, interest and costs due, which were purchased by PRIF II T&C, LLC; and

**WHEREAS**, the failure of Redeveloper for the East Parcel and Fort Lee West for the West Parcel to pay obligations when due and to suspend its payment of same constituted an event of default under Article VIII of the Redevelopment Agreement; and

**WHEREAS**, pursuant to a subsequent Resolution of the Mayor and Council adopted on September 4, 2008 (Resolution R-1), additional conditions of default were noticed and were not cured by the Redeveloper for both the East and West Parcels; and

**WHEREAS**, as a result of all defaults by the Redeveloper and Fort Lee West for both the East Parcel and West Parcel for failure to pay real estate, impositions, mortgages and any other financial obligations, the termination of the Redevelopment Agreement by the Borough and the de-designation of Redeveloper for Redevelopment Area 5 were reconfirmed by the Mayor and Council on September 4, 2008 by adoption of Resolution R-1 and by subsequent notice to the Redeveloper on September 8, 2008; and

**WHEREAS**, as a result of the termination of the Redevelopment Agreement and de-designation of the Redeveloper for both the East and West Parcels and the subsequent foreclosures of these parcels, the Borough was desirous of seeking a new redeveloper(s) for Redevelopment Area 5, including both the East and West Parcels; and

**WHEREAS**, the process that the Borough proposed to seek a new redeveloper(s) for Redevelopment Area 5 was through the issuance of a Request for Qualifications/Proposals (“RFQ/P”), which RFQ/P was issued by the Borough on February 18, 2009 with an initial submission date of June 17, 2009, which was subsequently extended to July 31, 2009; and

**WHEREAS**, seven (7) addenda to the RFQ/P were issued by the Borough from March 3, 2009 through July 23, 2009; and

**WHEREAS**, the Borough received four (4) proposals in response to the RFQ/P from:  
The Taubman/Silverstein Properties, Inc. for the East and West Parcels  
Amerea Development, LLC for the East and West Parcels  
Fort Lee Redevelopment Associates, LLC for East Parcel  
Tucker Development and Acquisition Fund, L.P. for West Parcel; and

**WHEREAS**, the Borough retained professionals in the areas of law, planning, finance and engineering to review the proposals and these professionals met with each proposer and also requested additional information from each of the proposers as a result thereof; and

**WHEREAS**, each of the proposers, other than The Taubman/Silverstein Properties, Inc., provided supplemental information in response to the Borough’s questions and requests for additional information; and

**WHEREAS**, the proposal submitted by Fort Lee Redevelopment Associates, LLC for East Parcel also included a plan for the West Parcel and the Borough requested confirmation on whether Fort Lee Redevelopment Associates, LLC was willing to redevelop both the East and West Parcels, and Fort Lee Redevelopment Associates, LLC confirmed in writing that it would do so; and

**WHEREAS**, the proposal submitted by Tucker Development and Acquisition Fund, L.P. was for the West Parcel only and the Borough requested confirmation as to whether Tucker Development and Acquisition Fund, L.P. was willing to develop both the East and West Parcels, and Tucker Development and Acquisition Fund, L.P. confirmed in writing it was not interested in doing so; and

**WHEREAS**, at the invitation of the Borough, each proposer made a public presentation regarding its proposal in December 2009, and entertained questions and answers posed by members of the public and the Governing Body; and

**WHEREAS**, on December 28, 2009, the Borough held an additional public comment meeting to hear public comments on all four proposals and the presentations made by each proposer; and

**WHEREAS**, the Borough met individually with: Amerea Development, LLC; Fort Lee Redevelopment Associate, LLC; and Tucker Development and Acquisition Fund, L.P. to review and discuss each of their respective proposals and supplemental information submitted; and

**WHEREAS**, the Borough did not meet individually with The Taubman/Silverstein Properties, Inc., due to their refusal to consider changes to their proposal requested by the Borough to more closely follow the requirements in the RFQ/P; and

**WHEREAS**, after a thorough and comprehensive review of each of the four (4) proposals and additional information submitted in response to the Borough's requests for such information, review of the public presentations made by each proposer, consideration of public comments provided at each public presentation and subsequent public meetings, review and consideration of the individual meetings with each proposer, and after consultation with its entire professional team, including final reports from its planner and financial consultant, the Borough has determined that it is in the best interest of the public that the selected proposer should be one that is prepared to redevelop the entire Redevelopment Area, inclusive of both the East and West Parcels, in order to ensure the proper, orderly, and commercially reasonable development of the Redevelopment Area and to achieve the goals and objectives of the Borough for the development of the Redevelopment Area; and

**WHEREAS**, the Borough believes that the open public process it has conducted in the review and consideration of all proposals submitted has lead the Borough to select the best and most qualified redeveloper for the redevelopment of the Redevelopment Area and further supports its selection of the redeveloper; and

**WHEREAS**, the Borough deliberated over a nine (9) month period and considered many factors in the selection of a redeveloper, including the evaluation criteria set forth in Section 5 of the RFQ/P, as well as other factors, including but not limited to the following:

- Development intensity;
- Proposed land uses;
- Building height and massing;
- Developer's prior experience with similar projects of this size and complexity;
- Pedestrian friendly street frontages;
- Street network and connection to surrounding areas;
- Traffic and parking;

Architectural design, quality and uniqueness;  
Green design;  
Affordable housing;  
Public amenities;  
Infrastructure improvements and costs to Borough of same;  
Financial assistance requested/required by redeveloper;  
Development schedule, timing;  
Project feasibility;  
Development team experience and prior project quality;  
Tax revenues generated;  
Cost/benefit to Borough;  
Financial background and ability of redeveloper to undertake project of this size and magnitude; and

**WHEREAS**, the Borough recognized and considered the difficult economic conditions that currently impact the national and local real estate market and the impact which this may have on the redevelopment of the Redevelopment Area; and

**WHEREAS**, after further consideration of the proposals submitted, comments from the public and consultation with its professionals, the Borough determined that the redevelopment of the entire Redevelopment Area 5 by one developer, subject to agreement to a comprehensive redevelopment agreement, within a specified time period, which is acceptable to the Borough, in its sole discretion, with a comprehensive plan for phased development is in the best interests of the Borough and will provide a greater likelihood that the entire Redevelopment Area 5 will be developed in a controlled and coordinated manner for the benefit of the entire Borough community; and

**WHEREAS**, the Borough also recognizes that once a redeveloper is selected and negotiations on a redevelopment agreement commence, the proposal submitted by that redeveloper may be altered to address certain issues that arise during such negotiations; and

**WHEREAS**, after careful consideration, the Borough determined that Fort Lee Redevelopment Associates, LLC is the proposer which will provide the Borough with the best opportunity to successfully complete the redevelopment of the entire Redevelopment Area, inclusive of both the East and West Parcels; and

**WHEREAS**, the Borough determined that the proposal submitted by Fort Lee Redevelopment Associates, LLC generally meets the redevelopment vision and goals and objectives of the Borough as set forth in the RFQ/P; and

**WHEREAS**, the Borough determined that Fort Lee Redevelopment Associates, LLC and its members have substantial development experience with large mixed use projects; and

**WHEREAS**, the Borough determined that Fort Lee Redevelopment Associates, LLC and its members have the demonstrated capacity and ability to secure the financing commitments that will be required to undertake and successfully complete a project of this magnitude;

**WHEREAS**, the Borough determined that Fort Lee Redevelopment Associates, LLC and its members have never failed to complete a project or failed to repay financing for a project; and

**WHEREAS**, the Borough determined that Fort Lee Redevelopment Associates, LLC and its members have demonstrated success and experience in developing projects in Fort Lee and nearby communities; and

**WHEREAS**, on April 15, 2010, the Borough designated Fort Lee Redevelopment Associates, LLC as **conditional redeveloper** of Redevelopment Area 5 located in the Borough of Fort Lee, County of Bergen, State of New Jersey for a mixed use smart growth project, subject to the conditions set forth in the resolution adopted by the Borough Council; and

**WHEREAS**, on June 21, 2010, Fort Lee Redevelopment Associates, LLC and the Borough entered into an escrow agreement, which was a conditional of the initial designation; and

**WHEREAS**, on August 12, 2010, the Borough extended the designation of Fort Lee Redevelopment Associates, LLC as **conditional redeveloper** of Redevelopment Area 5 located in the Borough of Fort Lee, County of Bergen, State of New Jersey for a mixed use smart growth project subject to the conditions set forth in the resolution adopted by the Borough Council; and

**WHEREAS**, the Borough and Fort Lee Redevelopment Associates, LLC have made substantive progress in negotiating redevelopment agreement, however additional time is required to finalize these negotiations, particularly in light of various lawsuits filed by Tucker Development and Acquisition Fund, L.P., et al, one of the proposers not selected.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council that it hereby extends the designation of Fort Lee Redevelopment Associates, LLC c/o SJP Residential Properties, whose address is 379 Interpace Parkway, Parsippany, New Jersey 07054 as **conditional redeveloper** of Redevelopment Area 5 located in the Borough of Fort Lee, County of Bergen, State of New Jersey for a mixed use smart growth project for the reasons set forth herein.

**BE IT FURTHER RESOLVED**, that said **Conditional Designation** is subject to the following conditions:

1. The Conditional Designation is limited to a period of one-hundred and twenty (120) days from the date of this Resolution (April 8, 2011) at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any obligation to the other, except as to final payment of Borough costs under the Escrow Agreement required herein. The Borough may, in its sole discretion, extend and re-extend the Conditional Designation provided sufficient progress is being in negotiation of a redevelopment agreement, which

2. determination is at the sole discretion of the Borough and which extension must be in the form of a duly adopted Resolution of the Borough Council;
3. That Fort Lee Redevelopment Associates, LLC and the Borough shall continue to negotiate and agree upon the terms and conditions of a redevelopment agreement;
4. That Fort Lee Redevelopment Associates, LLC continue to pursue the acquisition of all properties situated within Redevelopment Area 5; That Fort Lee Redevelopment Associates, LLC continue to pay any and all costs incurred by the Borough from the date of the initial Conditional Designation (April 15, 2010) to
5. execution of a redevelopment agreement or termination of the redeveloper designation, as set forth in the Escrow Agreement and within five (5) days of adoption of this Resolution, Fort Lee Redevelopment Associates, LLC shall make an escrow deposit of \$150,000; and
6. That the Escrow Agreement executed by Fort Lee Redevelopment Associates, LLC and the Borough shall remain in full force and effect and if necessary, shall be re-executed by the parties consistent with the terms of this Resolution.

**BE IT FURTHER RESOLVED**, that upon completion of negotiations on a redevelopment agreement the Mayor and Borough Council shall review and may authorize execution of any and all related documents which the Borough Council may consider necessary or useful in order to effectuate the completion and implementation of the project.

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

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

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

**R-3 - Authorizing a Donation of a Dodge Durango to the Fort Lee Board of Education for the Industrial Arts Program at the Fort Lee High School**

Mayor Sokolich stated that the vehicle is going to be used by the Fort Lee High School for its industrial arts program. The vehicle being donated is a heavily used police vehicle. The vehicle will not be on the road. It will be used by the industrial arts program as a teaching tool.

Mr. Cohen added that the donation of the vehicle actually will be paid by the Board of Education for a nominal fee.

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

**A RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING  
THE DISPOSITION OF A VEHICLE NO LONGER NEEDED FOR  
PUBLIC USE**

**WHEREAS,** the Borough of Fort Lee ("Borough") has a surplus vehicle that is no longer used and useful in providing municipal services to the citizens of the Borough and wishes to efficiently dispose of this vehicle; and

**WHEREAS,** the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., has been enacted by the New Jersey Legislature to provide an orderly process for the disposition of, among other things, personal property that is no longer needed for public use; and

**WHEREAS,** the Borough currently owns a Dodge Durango that is no longer needed for public use by the Borough's Police Department and has received a request from Fort Lee High School for a vehicle that could be used by the High School's automotive shop program to teach auto mechanics, and indicating that the vehicle would not be titled or registered with the State Division of Motor Vehicles, and would not be used for transportation purposes; and

**WHEREAS,** the Local Lands and Buildings Law provides that personal property may be sold through a private sale to a governmental entity without public advertisement when such personal property is no longer needed for public use; and

**WHEREAS,** the Borough has determined that the vehicle constitutes personal property no longer needed for public use and desires to sell the vehicle to the Fort Lee Board of Education for nominal consideration; and

**WHEREAS,** the sale of this vehicle that is no longer needed for public use for the provision of municipal services is necessary for the efficient operations of the Borough and the sale of said vehicle to the Fort Lee Board of Education is in the best interests of its citizens,

**NOW, THEREFORE, BE IT RESOLVED** by Mayor and Council of the Borough of Fort Lee as follows:

1. That the Borough, as the owner sale of a 1999 Dodge Durango (VIN # 21B4HS28Z2XF558402) that is no longer needed for public use for the provision of municipal services, hereby

authorizes the sale of said vehicle to the Fort Lee Board of Education for nominal consideration.

2. That the sale of this vehicle to the Fort Lee Board of Education is necessary for the efficient operations of the Borough and is in the best interests of its citizens.

3. That this sale shall be finalized in accordance with the provisions of N.J.S.A. 40A:12-1 et seq. and that documentation evidencing this sale shall be maintained in the Office of the Borough Clerk for public inspection.

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

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

GENERAL DISCUSSION CONTINUED

Current Surcharge for Parking/Traffic Fines

There was no discussion on this item tonight.

Amending Chapter 289, Section 36, Residential Permit Parking - Establishing Subsection (S) Administrative Fee of \$5.00 for Issuance of RPP Permit

Kay Nest, Parking Authority Chairwoman, Gloria Gallo, Parking Authority Administrator and Patricia Rumi, Assistant Administrator for the Parking Authority, were present for this discussion.

Mr. Sohmer stated that this is a four-year program. The cost of the program includes the parking stickers and the administering of the program including signs and maintenance. He said even with the \$5.00 fee being implemented the program will still run at a \$72,000 deficit. Other communities such as North Bergen and Weehawken charge a lot more than \$5.00 to run their programs. He's supportive of the program.

Mayor Sokolich asked Mr. Goldberg for his sentiments.

Mr. Goldberg said that he has discussed his opinion of the fee previously and the Mayor knows where he stands on the issue.

Mr. Cervieri spoke to giving a fifteen minute grace period for people whose meter time has run out. He would like to see this ordinance tabled until such time that the parking area on Central Road and Bigler Street is paved and made into a surface lot.

Mr. Sohmer replied that he doesn't believe that one issue has anything to do with the other issue.

Mr. Cervieri stated that he and the governing body have previously requested the paving of the property as a surface parking lot and the Parking Authority as a body has not been as responsive as it should have been. He added that he believes the alternate use presentations for the land previously presented to the Mayor and Council have not been good enough for the Borough.

Ms. Sohmer stated that the last estimate to pave the area and make it a surface lot was between \$100,000 and \$150,000.

Mr. Cervieri mentioned that the Parking Authority could just extend its current parking program through 2011.

Mayor Sokolich trying to mediate the situation asked what prevents the Borough from making it a parking lot right now. He added that Mike Maresca's numbers to pave the lot are different than what Mr. Sohmer has quoted.

Ms. Gallo said that the situation has to be discussed with her commissioners.

Mayor Sokolich asked Ms. Gallo if she's supportive of the decision to put in metered parking.

Ms. Gallo replied that the Armando's lot is rarely used and is an alternate and the In Napoli lot is accessible except for Saturday nights.

Mr. Cervieri stated that he believes there is no sense of an emergency other than the current sticker program expires at the end of this year.

Mr. Cervieri stated that it would cost less than \$90,000 to fix the parking lot. He does not like to do things on a reactionary basis.

Mr. Sargenti stated that he only agrees with Mr. Cervieri to a certain point. He believes this issue is being held hostage. The Parking Authority is trying to close a deficit. \$5.00 over a four-year period is not a fee that is going to cripple people. He would like a commitment from the Parking Authority that they will get started with what Mr. Cervieri and the governing body have previously requested.

Mr. Pohan stated that he does not believe the residential parking program should be bundled with the parking issue.

Ms. Kasofsky concurred with Mr. Pohan.

Mr. Sargenti requested that Gloria Gallo, call a special meeting of the Parking Authority Commissioners as soon as possible to take up the issue that has been discussed tonight.

Mayor Sokolich asked Mr. Cervieri if this would satisfy him so that the ordinance can be introduced tonight.

Mr. Cervieri stated that this would make him happier. He's not against the fee to offset the actual cost of the program. He's just concerned about the previous ignored requests as well as tires being marked so that overtime meter violators are given a fifteen minute grace period.

It was agreed that the following ordinance would be introduced tonight and that a special meeting of the Mayor and Council will be called for so that the ordinance could have its required legal public hearing before the end of the year.

#### INTRODUCTION OF ORDINANCE

#### Ordinance #2010-32 - Amending Chapter 289, Section 36, Residential Permit Parking - Establishing Subsection (S) Administrative Fee of \$5.00 for Issuance of RPP Permit

On motion by Councilman Cervieri, seconded by Councilman Sargenti, and carried, Ord. #2010-32 entitled, "AN ORDINANCE AMENDING CHAPTER 289, PARKING, ARTICLE IV PARKING METERS, MUNICIPAL PARKING LOTS AND PERMIT PARKING, SECTION 36 RESIDENTIAL PERMIT PARKING, 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 a Special Meeting to be held on **Thursday, December 23, 2010** at 10:00 a.m.

**Fire Department Various Purchasing Requests**

Ms. Thomas stated that the Fire Department has requested the purchase of two vehicles. One is a replacement type van and the other vehicle is to replace a currently used special support vehicle which has outlived its usefulness. In addition three generators and transfer switches are needed for Fire Companies #1, #2 and #4. She added that she has to check the Borough's capital ordinance to see if more than one vehicle can be purchased.

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids for the aforementioned items as ultimately determined by Ms. Thomas will be placed on the December 16<sup>th</sup> regular meeting proposed consent agenda.

**Removal of Two Handicapped Parking Spaces on Inwood Terrace and Ponsi Street**

An ordinance eliminating two handicapped parking spaces on Inwood Terrace and Ponsi Street which are no longer being used by the original disabled requestors and as requested by the Police Department will be introduced by the Mayor and Council at a regularly scheduled meeting in January 2011.

**Westview Park Change of Use for Community Development to Sixth Street Park (Blighted Area)**

Ms. Thomas stated that the Borough will have to change its use of Bergen County Community Development Block Grant funds from Westview Park to Sixth Street. It's conceivable after the new census maps are drawn up the Borough will be able to revert back to its original purpose of updating Westview Park in two phases.

Two resolutions will be placed on the December 16<sup>th</sup> regular meeting proposed consent agenda changing the intended use for 2010 and 2011 funding from community development for the aforementioned project.

**Proposal for Bad Debt Collections**

Ms. Thomas stated that this is for people who have received insurance checks for ambulance services and have not properly turned over the checks to the Borough.

Mr. Goldberg stated that he's fine with the program. He's just looking for additional criteria language in the contract so as to make sure the company the Borough is hiring is complying with federal laws properly.

Mr. Cohen explained that the addendum with Mr. Goldberg is requesting is actually very lengthy, but assured Mr. Goldberg that the contract language will include that they are complying with federal law.

Mayor Sokolich explained that this might be one of two instances where he could see the Borough hiring a debt collection service. The other instance could potentially be if Municipal Court violators were not paying their fines.

A resolution awarding a contract to Commercial Acceptance Company, Shiremanstown, Pennsylvania for ambulance billing debt collection services will be placed on the December 16<sup>th</sup> regular meeting proposed consent agenda.

**Snow Removal**

Ms. Thomas stated that because the Borough's DPW personnel numbers are lower than in previous years that other departments will be chipping in during snow removal season. Everyone will be participating so that the Borough can continue to remove snow at its usual efficiency.

**Reorganization Meeting Date and Time**

The Reorganization Meeting will be held on Thursday, January 6<sup>th</sup> at 6:00 p.m.

Mr. Grant will send out the required legal notice for the meeting.

PUBLIC HEARINGS SCHEDULED FOR DECEMBER 16, 2010

Ord. #2010-29--Amending Chapter 356, Section 25, Solid Waste, Source  
Separation of Leaves – Leaves Shall be Placed in Paper Bags

Ord. #2010-30--Amending Chapter 293, Parks and Recreation, Article II, Section  
11, Hours and Days of Operation

PUBLIC PARTICIPATION

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

There being no further discussion the meeting was adjourned  
**on motion by Councilman Cervieri, seconded by Councilwoman  
Kasofsky, at 6:25 p.m.**

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, November 4, 2010 @ 7:00 p.m.**

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

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

**ABSENT:** Councilman Sargenti

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

**MAYOR'S STATEMENT**

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

1. On January 7, 2010, 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 8, 2010, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS 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 2010 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: DPW/Park's Department  
EMT's  
Police Department Crossing Guards &  
Dispatchers

Malcolm Towers PILOT Agreement

Contracts: McNerney & Associates Inc. w/Regard to Tax  
Appeal at 1638-1642 Schlosser Street

Fort Lee Municipal Garden Parking Lot Project - TBMK  
Development LLC

Property Acquisition: River Ridge Condominium  
Association Inc.

RFQ's for Professional Services for 2011

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

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

**GENERAL DISCUSSION**

**Hudson River Walkway - Bergen County Department of Planning and  
Economic Development Members, in Attendance**

Adam Strobel, Division Director for the Bergen County Open Space Program, was present for this meeting.

Jaclyn Flor, Principal Engineer and Planner for T&M Associates, was present for this portion of the meeting.

Stan Slachetka, also of T&M Associates, was also present for this portion of the meeting.

Mr. Strobel gave a brief overview of the initial phase of the planning study which is to look at the Hudson River Walkway from the Palisades Interstate Parkway into Hudson County. He explained some of the gap areas that lies within the project and that this project has called for and has been receiving input from many people.

Ms. Flor explained how the anticipated project is going to affect the Borough. Currently there is no direct way to walk from the Palisades Interstate Parkway by the GWB to Hudson County. This plan would require a regional connection through the area known as The Colony in Edgewater which is a quaint development. They as a group are one of the objectors to the project as they are nervous about having their neighborhood being opened up to the public. One short term plan is to have access by the Vella Town Homes in Edgewater. Creating a total pedestrian pathway along the entire waterfront is not expected to be done for a long time and will be very expensive. For bicycles there is currently no safe alternative. She spoke to creating bike lanes along River Road.

Mr. Goldberg asked if the size of River Road is going to be reduced with the addition of the bicycle lanes. He added that it's already too narrow as there are no walking paths for a section of River Road by the side of the Kensington complex going down into Edgewater.

Ms. Flor stated that it's still a planning study. No survey or construction costs have been identified yet.

Ms. Thomas and Mr. Cervieri noted that the Borough already has a bicycle lane that was dedicated earlier in the year on Hudson Terrace.

Ms. Flor explained how she believes the project will benefit the Borough residents. The plan is to try and stay away from any sort of condemnation. The planners are trying to use right-of ways.

Mr. Strobel stated that the planning study is being used to advance the next phase. Other things will have to be refined. It's all on the table for discussion.

Ms. Thomas requested that more access be made available along the cliffs steps which steps are currently in bad shape.

Ms. Flor replied that the steps have been identified as an area that needs to be fixed up. She added that residents of the Edgewater Colony have public access to the steps.

Mr. Strobel stated that he will give notice to the Borough as a courtesy with regard to any developments, but it's not required.

Ms. Flor stated that there will be more public parking areas, a stage and spray pads as well as additional bicycle racks.

Mayor Sokolich asked how long the approval process would take for all of the items.

Ms. Flor replied that this is a large endeavor and approvals for all the items would take place over five, ten and twenty year periods.

Mr. Slachetka stated that there should be a public comment portion regard this project at this point.

**On motion by Councilman Cervieri, seconded by Councilman Pohan,** this portion of the meeting was opened up to the public for comment.

Mayor Sokolich noting that no one from the public choose to speak requested that the public portion of the meeting be closed.

**On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky,** the public portion of the meeting was closed.

Mr. Cervieri left at this point in the meeting at 8:23 p.m.

Mr. Goldberg asked where the money would be coming from to fund the overall project.

Ms. Flor stated that there are a myriad of transportation funding grants for this kind of project. There are not as many grants if the project was considered passive recreation which is isn't because of the bicycle portion of the project. There are also lease agreements and expected concessions which would also raise money for the project.

Mr. Stroble requested that the Borough approve a resolution whereby the Borough has recognized the study. Once approved, he requested that a copy of the resolution be sent to him. He added this would be helpful as he would then send a copy of the resolution to the Office of Smart Growth where a lot of the grant money is expected to be coming from.

### ENGINEERING DISCUSSION

Ed Mignone, Borough Engineer, was present for this portion of the meeting.

#### Proposal for FLAC Building - Garage Floor

Mr. Mignone stated that the Mayor and Council had previously requested that he get a second quote for the above listed item. He added that Boswell's McClave proposal was higher than the initial \$14,500 quote received from Pulice/Williams architects who had done the initial study with regard to lowering the ambulance corps garage floor.

The Mayor and Council agreed that Pulice/Williams Architects proposal dated September 27<sup>th</sup> for construction drawings and specifications to lower the ambulance corps garage floor be placed on the November 10<sup>th</sup> regular meeting proposed consent agenda.

#### Emergency Authorization for a Pump for Palisades Pump Station

Mr. Mignone stated that long term upgrades are being planned. A couple of the pumps are not working. The Borough has to purchase an emergency pump from Rapid Pump and Meter Co. so that the pump station does not potentially be shut down. The cost is approximately \$85,000 which is being paid through a \$1,000,000 combined sewer overflow grant. It will take the Borough approximately three months to order a new one.

A resolution authorizing Rapid Pump & Meter to make the emergency repairs to the pump station will be placed on the November 10<sup>th</sup> regular meeting proposed consent agenda.

Once the resolution is approved by the governing body Mr. Grant will send out the required emergency procurement forms to the State once he has received them from Mr. Mignone.

**Emergency Repairs to the DPW Facilities Retaining Wall**

Mr. Mignone stated that a 25 to 30 foot section of the DPW retaining wall on Valley Street needs to be repaired immediately. A long term stabilization project will have to be considered. He added that the Borough's personnel are capable of building a new smaller wall on the east side of the street.

A resolution authorizing J. Fletcher Creamer to make the required emergency repairs to the DPW facilities retaining wall at a cost expected not to exceed \$28,000 will be placed on the November 10<sup>th</sup> regular meeting proposed consent agenda.

Once the resolution is approved by the governing body Mr. Grant will send out the required emergency procurement forms to the State once he has received them from Mr. Mignone.

**Playground Equipment at the Recreation Center**

Mr. Thomas stated that the Borough will be moving some of its playground equipment from its current position at the Recreation Center to a point by the bottom of Stillwell Avenue corner adjacent to the entrance of the soccer and football field.

**Change of Use for Community Development Funds/Capital Account to be Setup**

Ms. Thomas stated that two resolutions will need to be approved at next week's regular meeting authorizing a change of use for two Bergen County Community Development Block Grants so as to implement Borough wide handicap accessible ramps and to redo the 12<sup>th</sup> Street pump station.

**GENERAL DISCUSSION CONTINUED**

**Amending Chapter 289, Section 36, Residential Permit Parking -  
Establishing Subsection (S) Administrative Fee of \$5.00 for  
Issuance of RPP Permit**

Mayor Sokolich stated that at the request of Councilman Cervieri that this item will be postponed for discussed until the next executive session.

**9/11 Memorial**

The Mayor and Council concurred that the Borough will place its 9/11 Memorial in Constitution Park.

**Request for Qualifications (RFQ's) for Professional Services for 2011**

A resolution authorizing the Borough to proceed with its RFQ's for various professional services for 2011 through a fair and open process will be placed on the November 10<sup>th</sup> regular meeting agenda.

**Polling Location Change for District 19**

Mr. Grant requested a polling location change for District 19 so that voters in District 19 would use District 8, the Senior Citizen's Center, at 319 Main Street rather than the Ambulance Corps building.

This item will be evaluated and discussed at a future executive session.

**Chapter 159 - Drunk Driving Enforcement Fund**

A resolution requesting a Ch. 159 to approve an additional special item of revenue of \$12,426.38 for the Drunk Driving Enforcement Fund will be placed on the November 10<sup>th</sup> regular meeting proposed consent agenda.

**Amending Parks and Recreation - Hours and Days of Operation**

An ordinance codifying the rules and regulation at Whitey Lang Park and Van Fleet Park will be introduced at the November 10<sup>th</sup> regular meeting.

Mr. Goldberg stated that he also wants the rules to Constitution Park to be clarified as well.

**Liquor License Transfer From Hangar Inc. to Fort Lee Four LLC at 2143 Route 4 East**

Mayor Sokolich stated that Mr. Cohen has a meeting scheduled with the applicant and the Police Department next Monday.

Mr. Cohen stated that the Police Department specifically Det. James Hunt has requested a few changes with regard to certain conditions being imposed with the transfer of the liquor license.

Mr. Pohan asked about security issues.

Mr. Cohen stated that Det. Hunt has raised the same issue and he along with other members of the Police Department will be reviewing their security plan.

Mayor Sokolich added that he's trying to accommodate the applicant.

Mr. Pohan stated that he wants to see the plans and conditions before voting on any potential resolution.

Ms. Thomas stated that Councilman Sargenti is in favor of transfer if the proper security is being provided.

It's expected that a resolution approving the transfer will be placed on the November 10<sup>th</sup> regular meeting agenda if all parties are in agreement.

**PUBLIC HEARING SCHEDULED FOR NOVEMBER 10, 2010**

Ord. #2010-28-- Refunding Bond Ordinance for a Portion of Certain General Improvement Bonds, Series 2002 – \$8,750,000.00

**Additional Parking for the Ambulance Corps (Added on Item)**

Ms. Thomas stated that Mr. Cervieri is negotiating with the Madonna Church with regard to potentially adding eight additional parking spaces for the Ambulance Corps personnel. She added that the Borough's budget is very tight with regard to any new

expenditure so keeping the cost down is of a very high importance.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Charles Sobel 2175 Hudson Terrace	.Refused Entry to Borough with the Borough's Traffic Pass	Mayor Sokolich

Mayor Sokolich stated that he's meeting with Port Authority Police Department and he's going to strongly request that they handle their traffic posts.

.Rent Leveling Ordinance Amendments	Mayor Sokolich
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There being no further discussion the meeting was adjourned on motion by Councilman Goldberg, seconded by Councilwoman Kasofsky, at 8:45 p.m.

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, October 7, 2010 @ 7:00 p.m.**

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

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

**ABSENT:** Councilman Cervieri

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

**MAYOR'S STATEMENT**

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

1. On January 7, 2010, 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 8, 2010, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS 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 2010 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Building Department  
Recreation Department  
Tax Collector's Office

Special Emergency Appropriation - Steve Wielkotz,  
Borough Auditor in Attendance

Contract Negotiations: PBA Local 245

Property Acquisition: River Ridge Condominium  
Association Inc.

Tax Appeal Litigation: Fosteris vs. Borough at 1605  
John Street, Block 3652, Lot 2

Malcolm Towers PILOT Agreement - Steve Muhlstock, Tax  
Appeal Attorney and Kevin Hartley, Tax Assessor in  
Attendance

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

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

#### RESOLUTIONS

Steve Wielkotz, Borough Auditor, was present for this portion of the meeting:

#### R-1 - Authorizing the Borough to Make Application to the Local Finance Board With Regard to the Refunding of the Borough's General Improvement Bonds, Dated 2-15-2002

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

A RESOLUTION OF THE BOROUGH OF FORT LEE, IN  
THE COUNTY OF BERGEN, NEW JERSEY MAKING  
APPLICATION TO THE LOCAL FINANCE BOARD  
PURSUANT TO N.J.S.A. 40A:2-51

WHEREAS, the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") desires to make application to the Local Finance Board for its review and approval of a proposed refunding bond ordinance authorizing the refunding of all or a portion of the Borough's outstanding General Improvement Bonds, dated February 15, 2002;

WHEREAS, the Borough believes that:

(a) it is in the public interest to accomplish such purpose;

(b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units;

(c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;

(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 BOROUGH COUNCIL AS FOLLOWS:

**Section 1.** The application to the Local Finance Board is hereby approved, and the Borough's Auditor, Bond Counsel and other representatives of the Borough, are hereby authorized to prepare such application and to represent the Borough in matters pertaining thereto.

**Section 2.** The Clerk of the Borough is hereby directed to prepare and file a copy of the proposed 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/or approvals 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 on October 7, 2010.

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

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

**R-2 -Authorizing Person-to-Person/Place-to-Place Liquor License  
Transfer from Callahans Inc. (Pocket License) to Fort Lee BCD  
Inc. at 1640 Schlosser Street, Building C-1**

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

WHEREAS, an application has been filed for a person-to-person/place-to-place transfer of plenary retail consumption license **0219-33-012-002**, heretofore issued to **Callahan's Inc. (Pocket License)** a New Jersey corporation for premises located at a mailing address of **310 Fycke Lane, Teaneck, New Jersey 07666**; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Fort Lee does hereby approve the person-to-person/place-to-place transfer of the aforesaid plenary retail consumption license to **Fort Lee BCD Inc., t/a BCD Tofu House at 1640 Schlosser Street, Building C1, Fort Lee, New Jersey 07024** effective **October 7, 2010** and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership.

The Resolution was **approved unanimously**:

**R-3 - Authorizing Shared Services Agreement Between the Borough of Fort Lee and the Boroughs of Cliffside Park, Edgewater, Englewood Cliffs, Leonia and Tenafly**

Ms. Thomas stated that the other municipalities will be passing resolutions equivalent to this one with regard to this shared services agreement.

Mr. Goldberg stated that by having these agreements formalized it will help the Borough's with the State's budget toolkit.

Mayor Sokolich stated that the Borough has a great interrelationship with other towns.

**Councilman Goldberg introduced, and Councilwoman Kasofsky seconded, the following Resolution:**

**SHARED SERVICES AGREEMENT BETWEEN THE BOROUGHS OF CLIFFSIDE PARK, EDGEWATER, ENGLEWOOD CLIFFS, LEONIA, AND TENAFLY FROM THE BOROUGH OF FORT LEE**

THIS AGREEMENT between the Borough of Fort Lee, in the County of Bergen, a municipal corporation in the State of New Jersey with offices located at 309 Main Street, Fort Lee, NJ 07024 (the "Borough") and the Boroughs of Cliffside Park, with offices located at 525 Palisade Avenue, Cliffside Park, NJ 07010 ("Cliffside"); Edgewater, with offices located at 916 River Road, Edgewater, NJ 07020 ("Edgewater"); Englewood Cliffs, with offices located at 482 Hudson Terrace, Englewood Cliffs, NJ 07632 ("Englewood Cliffs"); Leonia, with offices located at 312 Broad Avenue, Leonia, NJ 07605 ("Leonia"); and Tenafly, with offices located at 100 Riveredge Road, Tenafly, NJ 07670 ("Tenafly").

**W-I-T-N-E-S-S-E-T-H**

WHEREAS, the parties are desirous of entering into an Agreement pursuant to N.J.S.A. 40A:65-1 et seq. to provide for a Shared Services Agreement; and

WHEREAS, the surrounding municipalities are desirous of sharing resources, purchasing capabilities, and equipment, in order to reduce costs, and eliminate duplication.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee enter into an agreement with the Boroughs

of Cliffside Park, Edgewater, Englewood Cliff, Leonia, and Tenafly, County of Bergen, State of New Jersey as follows:

1. An interlocal services agreement be and is hereby authorized between the Borough of Fort Lee, and the Boroughs of Cliffside Park, Edgewater, Englewood Cliffs, Leonia, and Tenafly for sharing resources, purchasing capabilities, and equipment.
2. The terms, costs and conditions of this agreement shall be those terms and conditions which are approved and recommended by the Borough of Fort Lee Borough Administrator in consultation with the Cliffside Park, Edgewater, Englewood Cliff, Leonia, and Tenafly Borough Administrators and Governing Bodies.
3. The Fort Lee Borough Administrator is authorized to execute any documents which may be necessary in order to facilitate this agreement with the Borough Administrators of Cliffside Park, Edgewater, Englewood Cliffs, Leonia, and Tenafly.
4. This agreement is contingent upon certification by the Chief Financial Officer that sufficient fund exists for this purpose.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Clerk be and he is hereby authorized and directed to forward certified copies of this resolution to the Borough of Fort Lee Borough Administrator.

The Resolution was **approved unanimously**.

**INTRODUCTION OF ORDINANCE**

**Ordinance #2010-28 - Refunding Bond Ordinance for a Portion of Certain General Improvement Bonds, Series 2002 - \$8,750,000.00**

Steve Wielkocz, Borough Auditor, was present for this portion of the meeting:

Mr. Wielkocz stated that the Borough will save \$300,000 over six years by refinancing its 2002 series bond issue. This will lower the Borough's debt service payment over a six-year period.

On motion by Councilman Goldberg, seconded by Councilman Pohan, and carried, Ord. #2010-28 entitled, "REFUNDING BOND ORDINANCE OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF CERTAIN GENERAL IMPROVEMENT BONDS, SERIES 2002 OF THE BOROUGH, APPROPRIATING \$8,750,000 THEREFORE AND AUTHORIZING THE ISSUANCE BY THE BOROUGH OR REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$8,750,000 FOR FINANCING THE COST THEREOF," was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **November 10, 2010**.

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

#### GENERAL DISCUSSION

##### Fire Safety Mobile Classroom Trailer Bid

A resolution awarding bid to Mobile Concepts by Scotty, Inc., Mount Pleasant, Pennsylvania for a fire safety mobile classroom trailer at a cost of \$77,100 will be placed on the October 14<sup>th</sup> regular meeting.

Mr. Grant stated that the bid was deemed compliant by Mr. Cohen's office.

Ms. Thomas stated that the trailer is being paid through a fire prevention grant. There is no cost to the Borough for this purchase.

##### SCBA Cylinders for the Fire Department

Ms. Thomas stated that the Borough is reviewing its funding sources. If there is funding the Borough will authorize the Purchasing Consultant to prepare specifications and advertise for bids or purchase through State Contract for 300, 30-Minute SCBA cylinders and 60, 60-Minute SCBA for the Fire Department at the October 14<sup>th</sup> regular meeting. The expected cost for the procurement is approximately \$177,200.

**Starting Times for the October 14<sup>th</sup> and November 10<sup>th</sup> Regular Meetings**

The Mayor and Council concurred that the starting time for the October 14<sup>th</sup> regular meeting shall be changed from 8:00 p.m. to 7:30 p.m.

They also agreed that the November 10<sup>th</sup> starting time for the regular meeting shall be changed from 8:00 p.m. to 7:00 p.m.

Mr. Grant will send out the required legal notices.

**9/11 Memorial**

Conversation ensued amongst the Mayor and Council as to where the Borough's 9/11 Memorial should be placed.

Borough Hall, Fire House #4 and Constitution Park are just some of the potential locations.

Mr. Sohmer stated that each Fort Lee Fire Company will also be placing their own memorials by their fire houses. This is from the steel the Borough picked up from Hanger 17, at JFK Airport, in the summer.

Jeff Silver, Deputy Fire Chief, stated his recommendation is to place the memorial at the Jack Alter Community Center.

Mayor Sokolich stated that he will place this item back at the next executive session for discussion. He wants all of the Council members to visit all of the possible locations that have been discussed and to think of any other potential location.

**Amending Chapter 356, Section 25 (Solid Waste)**

Mr. Grant stated that at the request of the DPW, the Borough's Code, Chapter 356, Section 25, pertaining to the source separation of leaves needs to be amended so that leaves shall be placed in paper bags during non-leaf season. Currently, the Borough's ordinance allows for pickup in plastic bags, but that is not permissible based on the current New Jersey Department of Environmental Protection bylaws.

An ordinance amending the aforementioned section of the code will be prepared by the Borough Attorney's office and shall be introduced by the Mayor and Council at a future regular meeting

**PUBLIC HEARINGS SCHEDULED FOR OCTOBER 14, 2010**

Ord. #2010-26--Amending Chapter 388, Section 57, Schedule XIII, to Include a New Bus Stop on Main Street, Westbound at Martha Washington Way

Ord. #2010-27--Amending Chapter 370, Establishing Article II, Fee Schedule for Payment of Taxes on the Internet by Credit Card

**PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Local Finance Board/Refunding Bond Ordinance	Ms. Thomas
	.Starting Time for October 14 <sup>th</sup> Regular Meeting	Ms. Thomas
	.Request for 9/11 Memorial to be Placed on Martha Washington Way	Mayor Sokolich Mr. Goldberg
	.Fire Safety Trailer	Mayor Sokolich

There being no further discussion the meeting was adjourned on motion by Councilman Sargenti, seconded by Councilman Goldberg, at 8:47 p.m.

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

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, September 16, 2010 @ 7:00 p.m.**

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

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

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

**MAYOR'S STATEMENT**

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

1. On January 7, 2010, 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 8, 2010, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS 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 2010 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Fire Department

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

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

### ENGINEERING DISCUSSION

Ed Mignone, Borough Engineer, was present for this portion of the meeting.

#### Inwood Terrace Park Improvements

Mr. Mignone stated that the Borough will be applying for 2011 Bergen County Open Space funds. This will be for improvements at Inwood Terrace Park which will include installing a spray park which will replace the current wading pool. Recycled water will be used for the spray pad.

He added that the Borough will also be applying for a Bergen County Community Development block grant for improvements to Westview Park. Installation of a spray park will also be done at this location.

#### Architect for Ambulance Corps Garage Floor

Mr. Mignone stated that Pulice/Williams Architects, submitted a proposal for design and construction inspection services for lowering the Ambulance Corps garage floor at a fee not to exceed \$14,500.00.

He explained that Pulice/Williams had previously done the initial feasibility study for the project.

Mr. Pohan asked how much are the hard cost for the project.

Mr. Mignone replied that the costs would run be somewhere around \$100,000 to \$165,000. He explained that the existing foundation will have to be protected and some columns will need to be put in place.

Mr. Goldberg stated that there is a budget of \$150,000 including architecture costs for the entire project.

The Mayor and Council requested that Mr. Mignone get an additional quote for this project.

### GENERAL DISCUSSION

#### Bid Summary for Leaf Removal Services

Ms. Thomas stated that S. Rotundi & Sons, Inc., Summit, New Jersey was the lowest responsible bidder with a bid of \$6.25 per cubic yard which is approximately 20% lower than the Borough was paying last year for the removal of leafs throughout the Borough.

A resolution awarding bid to S. Rotundi & Sons will be placed on tonight's regular meeting proposed consent agenda.

#### Fire Suppression System for the Police Department

Ms. Thomas stated there is money within the Capital budget to purchase a fire suppression system within the computer and record rooms at the Police Department. They want a dry system.

Mr. Cervieri stated that the purpose of such a system is to preserve equipment and/or vital documents.

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise bids for the fire suppression system will be placed on tonight's regular meeting proposed consent agenda.

#### Interlocal Agreements

Ms. Thomas stated that the Borough has some informal Interlocal agreements with the Borough's of Edgewater and Englewood Cliffs for the use of equipment that she would like to formalize by resolution. Mike Maresca, Assistant DPW Director, has brought in the DPW directors from all the other towns so that everyone will be on the same page. In addition the Borough of Cliffside has requested an Interlocal agreement to use the Borough's bucket truck.

Resolutions as they are prepared authorizing the informal agreements will be placed on the October 10<sup>th</sup> regular meeting agenda for approval.

The agreements will help the Borough regarding the budget tool kit checklist when applying for State aid.

### 9/11 Memorial

Ms. Thomas suggested Constitution Park near the log cabin which is a fenced off area for its 9/11 Memorial.

Mayor Sokolich stated that he will take a look at the area Ms. Thomas mentioned.

Mr. Goldberg expressed concerns about vandalism in the park because at night the park is not lit and it's in a quite area.

Ms. Sohmer stated that he would like to see the memorial in a more exposed location.

Mr. Cervieri stated that Fireman's Park and the area across the street of the Port Authority building were his choices. He added that cameras can be placed in any area where the memorial may eventually be located.

Mr. Goldberg added it's his belief that vandalism occurs more often in quieter and under utilized areas.

Ms. Thomas stated that she thinks the memorial being placed in front of Borough Hall is a bit macabre.

### PUBLIC HEARING SCHEDULED FOR SEPTEMBER 16, 2010

Ord. #2010-25--Establishing Chapter 152 Bingo and Raffle Licensing –  
Authorizing the Municipal Clerk to Act as the Issuing Authority to Approve the  
Granting of Bingo and Raffle Licenses

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.9/11 Memorial - Competition to Include the Public	Mayor Sokolich
	.Recycling in Houses/Drop-Off Station	
	.Recycling Schedule When Certificates of Occupancy Are Issued	Mayor Sokolich

There being no further discussion the meeting was adjourned  
**on motion by Councilman Cervieri, seconded by Councilman  
Sargenti, at 7:54 p.m.**

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, September 2, 2010 @ 7:00 p.m.**

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

**PRESENT:** Mayor Sokolich, Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky, (Closed Session Only) 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 7, 2010, 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 8, 2010, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS 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 2010 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Recreation Department Seasonal Employees  
Fire Prevention Bureau

Closed Session Minutes: July 24, 2003 (Tollgate Motel)

COAH - Objection to the Borough's Adopted Housing  
Element and Fair Share Plan

Contract Negotiation: Green Forest Technologies

Tax Appeal Litigation: Center Avenue Realty, 2055  
Center Avenue vs. Borough of Fort Lee

Property Acquisition: Fort Lee Board of Education

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

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

### **ENGINEERING DISCUSSION**

Ed Mignone, Borough Engineer, was present for this portion of the meeting.

#### **Palisade Avenue & 12<sup>th</sup> Street Pump Stations**

Mr. Mignone stated that the pump for the Palisade Avenue pump station is over twenty years old. There may be some left over funds from a Bergen County Community Development Block Grant to cover the cost for a new pump. He added that a replacement generator also needs to be purchased for the 12<sup>th</sup> Street pump station.

A resolution authorizing the Borough to prepare specifications and advertise for bids for the above listed items will be placed on the September 16<sup>th</sup> regular meeting proposed consent agenda.

Mayor Sokolich stated that one of the things he has taken great pride in as Mayor was in helping to alleviate the many years of on-going flooding on 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> Street. The Borough did a great job in cleaning out the area commonly

referred to as the Longswamp and the Borough continues to monitor and preserve the current condition in the area.

**2010 Bergen County Road Resurfacing Program**

Mr. Mignone stated that before Bergen County paves certain county roadways within the Borough, the Borough has to upgrade its ADA ramps. There is a grant program with Bergen County where the Borough lays out the money to make the repairs and then is fully reimbursed by Bergen County. The County has already received the unit prices from J A Alexander, Inc. who was the winning contractor for Bergen County for this project. The Borough must enter into an agreement with J A Alexander to be reimbursed.

Mr. Mignone stated that he met with Gary Ascolese, Assistant County Engineer, who said the Borough will be able to make up to \$50,000 in ADA improvements.

A resolution authorizing Boswell McClave to do construction Inspection services for the 2010 Bergen County road resurfacing program at a fee not to exceed \$8,400.00 will be placed on the September 16<sup>th</sup> regular meeting proposed consent agenda.

Mr. Mignone added that even though he's recommending the resolution with Boswell McClave the Borough might not need them as the county might be providing the service at no cost to the Borough.

**GENERAL DISCUSSION**

**Bergen County Open Space Trust Fund Application for 2010**

Ms. Thomas stated that the Borough is going to make upgrades to Inwood Terrace Park including putting in a spray pad.

A resolution endorsing the Borough's application for Open Space Trust Funds for improvements to Inwood Terrace Park will be placed on the September 16<sup>th</sup> regular meeting proposed consent agenda.

**Fee Schedule for Internet Tax Payments for the Collection of Taxes**

Ms. Thomas stated that Cit-e-Net LLC has taken over from Chase bank the collection of tax payments through the internet for the Borough. Where Chase was collecting the fee directly at 2.59%, The Borough is now charging 2.90% which funds the Borough receives which is offsetting the cost of the program.

Mr. Cervieri asked Ms. Thomas to have Joseph Iannaconi give the Mayor and Council more detail about Cit-e-Net as well as to finding out what other municipalities they are providing this service for.

An ordinance establishing the 2.90% fee will be introduced at the September 16<sup>th</sup> regular meeting.

**9/11 Memorial**

Mr. Sohmer stated that the Borough had Boswell McClave prepare a rendering of what the Borough's 9/11 Memorial will look like if placed in the front of Borough Hall.

Mayor Sokolich added that they did it at no cost to the Borough.

Mr. Cervieri stated that the Mayor and Council can now make an intelligent decision to where the memorial can be placed because it's in scale.

Mayor Sokolich is hopeful of having a ground breaking ceremony for the Borough's forthcoming 9/11 Memorial by this September 11<sup>th</sup>.

**Proposed Bus Stop on Main Street Westbound at Martha Washington Avenue, Far Side**

Messrs. Sokolich and Cervieri both responded that they checked out the requested bus stop and they both voiced no objections to its placement.

Mr. Grant added that the bus stop is being requested by New Jersey Transit who is making a number of changes to its bus schedules.

A resolution approving a bus stop at the above listed location will be placed on the September 16<sup>th</sup> regular meeting proposed consent agenda.

**Permits for Use of Borough Fields**

Mr. Goldberg stated that Cheryl Westeyn has been dealing with ongoing permit problems at Van Fleet Park. The Police Department cannot issue summonses for violators because the Borough doesn't have an ordinance.

Mayor Sokolich stated that Ms. Thomas should work with Ms. Westeyn and Mr. Cohen to craft an effective ordinance to rectify this problem as well as to be able to enforce the Borough's other park rules.

**Rescinding Tax Credit for the Film Industry in New Jersey**

Mr. Goldberg stated that local New Jersey communities are being hurt because of the rescission of the tax credit.

It was agreed that a resolution requesting Governor Christie to revisit the elimination of the State's tax incentive program for film and television production will be placed on the September 16<sup>th</sup> regular meeting proposed consent agenda.

**Endorsement of Community Development Projects for the Fort Lee Assistance & Support Housing Corporation**

Resolutions endorsing six applications for the above listed entity will be placed on the September 16<sup>th</sup> regular meeting proposed consent agenda.

Mr. Cervieri stated that a number of the projects the Borough will be endorsing encourage affordable senior housing in the Borough.

RESOLUTIONS

R-1 - Authorizing Person-to-Person Liquor License Transfer From  
Good Nature Fort Lee Market Inc., to BK Fort Lee Inc., at 1379  
Sixteenth Street

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

WHEREAS, an application has been filed for a person-to-person transfer of plenary retail distribution license **0219-44-051-005**, heretofore issued to **Good Nature Fort Lee Market Inc**, a corporation for premises located at **1379 Sixteenth Street, Fort Lee, New Jersey**; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Fort Lee, does hereby approve the person-to-person transfer of the aforesaid plenary retail consumption license to **BK Fort Lee Inc. t/a Good Nature Fort Lee Market** and/or **HMart Fresh** at **1379 Sixteenth Street, Fort Lee, New Jersey 07024** effective **September 2, 2010** and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership.

The Resolution was **approved unanimously**.

**R-2 - Appointing a Mediation Team With Regard to the Borough's Substantive Certification of Its Adopted Housing Element and Fair Share Plan**

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

**A RESOLUTION OF THE BOROUGH OF FORT LEE, BERGEN COUNTY, APPOINTING MEDIATION TEAM**

WHEREAS, the Borough of Fort Lee, Bergen County, State of New Jersey, ("the Borough"), has petitioned the Council on Affordable Housing (COAH) for substantive certification of its adopted Housing Element and Fair Share Plan; and

WHEREAS, N.J.A.C. 5-96-3.6 requires a 45-day period of public review of the petition and Housing Element and Fair Share Plan and all supporting documentation; and

WHEREAS, an objection to the Borough's Housing Element and Fair Share Plan was filed, consistent with N.J.A.C. 5:96-4.1(a); and

WHEREAS, N.J.A.C. 5:96-8.1 requires that COAH meet with representatives of the municipality and the objectors and attempt to mediate a resolution of the objections; and

WHEREAS, the Borough is further required by N.J.A.C. 5-96-8.2(d)2 to adopt a resolution designating representatives to act on its behalf concerning such mediation,

NOW, THEREFORE, BE IT RESOLVED that the following persons shall constitute the representatives of the Borough, and are authorized to attend the mediation sessions and, subject to governing body approval, act on its behalf:

1. Armand Pohan, Governing Body Member
2. Herbert Greenberg, Planning Board Member
3. Edward J. Boccher, Esq., Attorney
4. Matthew Jakubowski, P.P., Planner

BE IT FURTHER RESOLVED that these individuals are authorized to negotiate on behalf of the Borough; and

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute any written agreement reached during the mediation on

behalf of the Borough, subject to authorization by the Borough Council; and

BE IT FURTHER RESOLVED, that at any mediation session those representatives that are present shall collectively have full authority to act subject to authorization by the Borough Council.

The Resolution was **approved unanimously**.

**R-3 - Rejection of Bid for Ambulance Billing Collection Services**

**Councilman Goldberg introduced, and Councilman Cervieri seconded, the following Resolution:**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE REJECTION OF BID AND THE CONDUCT OF NEGOTIATIONS FOR AMBULANCE BILL COLLECTION SERVICES**

WHEREAS, there exists a need for the Borough of Fort Lee ("Borough") to procure ambulance bill collection services; and

WHEREAS, on prior occasion, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough solicited bids for the procurement of ambulance bill collection services; and

WHEREAS, on July 6, 2010, the Borough received a single bid for the procurement of ambulance bill collection services; and

WHEREAS, after a review of the bid, it was determined that the bid failed to contain certain documents deemed necessary in accordance with the material requirements of the Bid Specifications and warranted a rejection of the bid as non-complying and non-responsive under the Local Public Contracts Law; and

WHEREAS, on prior occasion pursuant to resolution, the Borough rejected the bid as non-complying and non-responsive under the Local Public Contracts Law, and authorized the rebidding for the procurement of ambulance bill collection services; and

WHEREAS, as a result of a second public solicitation of bids for ambulance bill collection services, the Borough received a single bid on August 18, 2010, from Commercial Acceptance Company; and

WHEREAS, the Borough reviewed the bid submitted by Commercial Acceptance Company and determined that Commercial Acceptance Company failed to submit, among other things, a Business Registration Certificate in accordance with the material requirements of the Bid Specifications; and

WHEREAS, the failure to submit a Business Registration Certificate as required in the Bid Specifications warrants a rejection of the bid as non-complying and non-responsive under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, specifically N.J.S.A. 40A:11-23.2, provides that a contractor's failure to provide a Business Registration Certificate in compliance with the requirements of the Bid Specifications is a material and non-waivable defect, rendering the bid to be unresponsive without any possibility of being cured; and

WHEREAS, the Borough has concluded, on the basis of the foregoing, that the bid of Commercial Acceptance Company should be rejected as non-responsive for failure to comply with the requirements of the Bid Specifications and in accordance with the Local Public Contracts Law; and

WHEREAS, the Mayor and Council of the Borough are desirous of procuring ambulance bill collection services that was the subject of this public procurement as these services are necessary for the efficient operation of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey, that the bid of Commercial Acceptance Company shall be and is hereby rejected as non-responsive for failure to comply with the requirements of the Bid Specifications and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

BE IT FURTHER RESOLVED that the Borough Administrator shall be and is hereby directed to immediately commence negotiations of a contract for the procurement of ambulance billing services, pursuant to and in accordance with the provisions of N.J.S.A.

40A:11-1 et seq. as the award of this contract is necessary for the efficient operation of the Borough.

BE IT FURTHER RESOLVED that a copy of this resolution shall be maintained in the Office of the Borough Clerk and made available for public inspection.

Mr. Goldberg stated that the Borough should be making sure that accounts are taken off the system once insurance payments have been made.

The Resolution was **approved unanimously.**

**PUBLIC HEARING SCHEDULED FOR SEPTEMBER 16, 2010**

Ord. #2010-25--Establishing Chapter 152 Bingo and Raffle Licensing –  
Authorizing the Municipal Clerk to Act as the Issuing Authority to Approve the  
Granting of Bingo and Raffle Licenses

**PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Recycling of Milk Cartons .R-2	Mayor Sokolich Mr. Cohen

There being no further discussion the meeting was adjourned **on motion by Councilman Sargenti, seconded by Councilman Cervieri,** at 8:43 p.m.

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, August 12, 2010 @ 7:00 p.m.**

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

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

**ABSENT:** Councilman Sargenti

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

**MAYOR'S STATEMENT**

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

1. On January 7, 2010, 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 8, 2010, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS 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 2010 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Police Department  
Fire Prevention Bureau  
Communications Center  
Job Consolidation

Tax Appeal Litigation: 2500 Lemoine Avenue, 2460  
Lemoine Avenue and 228-244 Main Street and 2055  
Center Avenue and 2149 & 2151 Hudson Terrace

Litigation: Outstanding Lawsuits

Contracts: Animal Control Services - Vincent  
Ascolese in Attendance

Creamer-Sanzari - Roadway/Traffic Signal Improvements  
to Main Street and Hudson Terrace - Ed Mignone,  
Assistant Borough Engineer in Attendance

Ambulance Parking at Madonna Church

Collective Bargaining: PBA Contract

Extension of Conditional Redeveloper Designation

Closed Session Minutes: Various Meetings for  
Redevelopment Area 5 - 8/19/09 - 1/5/10 - 2/9/10 -  
2/11/10 - 2/16/10 - 3/8/10 - 3/31/10

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

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

#### GENERAL DISCUSSION

#### E-Tickets - John R. DeSheplo, Municipal Court Judge in Attendance- E tickets

Judge DeSheplo stated that a private company (Info-Cop) made a presentation to a number of Police Departments and Court Administrators approximately two to three months ago. Leonia along with other towns in South Bergen were present at the meeting.

The Borough of Leonia which Judge DeSheplo is the Municipal Court Judge for is in favor of implementing the system. The system works similar to the Parking Authority System (PATS). He explained that tickets issued for many years were implemented manually until the State of New Jersey implemented their traffic (ATS) and criminal (ACS) systems. Since he spoke to Mr. Goldberg on Monday he does not know if the State is piloting there own program. This is the only company that has come forward. Before making any recommendation he will have to do more research.

Mr. Goldberg handed out paperwork that identified different scenarios to implement the program which one scenario has the Borough paying \$75,000 upfront.

Judge DeSheplo stated that they offered up another program after their original proposal where there would be no upfront money paid out.

Judge DeSheplo reiterated that he will have to do more research before any final decision can be made.

Ms. Thomas stated that the Borough's take on ticket money received would become less than it already is no matter what financial arrangement is reached.

Mr. Goldberg stated that the cost of ticket books would be eliminated or cut considerably if the program is done for the entire Police Department or even just a certain number of vehicles.

Judge DeSheplo stated that he has two staff members inputting tickets all day long and if this program is approved for the Borough would alleviate his employees to do other things that would help the Municipal Court's overall efficiency.

Mr. Goldberg stated that the cost of the program can be paid out of the Police Department's forfeiture funds.

Mr. Sohmer stated that more information is needed so that the Mayor and Council can make an informed decision.

Mr. Goldberg stated that the Borough of Leonia is doing it on a per ticket basis on moving violations.

Ms. Thomas stated that a financial analysis will need to be done.

Mayor Sokolich stated any time that efficiency can be increased is a good thing and that he's definitely interested.

Judge DeSheplo stated that if this program is implemented tickets would be instantly in the court's computer system and that they would be more accurate. Currently it can take a few days for tickets to be placed in the computer system because they are not always received or inputted on the day that they are written.

Mr. Cervieri asked about the potential of the Port Authority to be a participant in this program.

Messrs. Goldberg and DeSheplo are going to be meeting with the Port Authority.

#### **ENGINEERING DISCUSSION**

Ed Mignone, Borough Engineer, was present for this portion of the meeting.

#### **TWA Permit - Sewer Extension Permit for Whitehall Towers**

Mr. Cervieri recused himself on this matter.

Mr. Mignone stated that the initial time lines have run out and therefore a new application has to be resubmitted.

A resolution authorizing execution of a resubmitted treatment works approval (TWA) application for the State of New Jersey, Department of Environmental Protection, for the Whitehall Towers Project will be placed on the August 19<sup>th</sup> regular meeting proposed consent agenda.

#### **Renewal of Borough's CSO Permit**

A resolution awarding a contract to Hydroqual Inc., Mahwah, New Jersey, to provide consulting services for the Borough's CSO permit renewal at a fee not to exceed \$4,000.00 will be placed on the August 19<sup>th</sup> regular meeting proposed consent agenda.

Authorizing Payment to Gotthold Paving, Edgewater, New Jersey,  
for Emergency Repairs Made at Bluff Road and Route 5

Ms. Thomas stated that Gotthold Paving hit rock when making emergency sewer repairs. The cost for the rock excavation will be determined by next week's meeting.

Mr. Mignone added that the pipes are at different elevations so it was not a surprise when they hit rock.

A resolution authorizing payment to Gotthold Paving, Edgewater, New Jersey, for emergency sewer repairs made to Bluff Road at New Jersey State Highway #5 at a cost of \$14,500.00 plus the cost of rock excavation will be placed on the August 19<sup>th</sup> regular meeting proposed consent agenda.

GENERAL DISCUSSION CONTINUED

Green Forest Technologies - Edward Klein in attendance.

Mr. Klein stated that his company recovers recycled clothing that have been placed in recycling bins throughout the town. The Borough would receive \$1,200 per recycling bin for the first year with 50% of the money being paid upfront. The dollar amount then may increase upwards to \$1,500 per bin in preceding years. His firm has contracts with a number of townships and municipalities throughout the State. He added that 8,000,000,000 pounds of clothing ending up in landfills which is leading to environmental problems.

Mr. Klein is recommending that the Borough start with ten bins. He noted that Madonna Church already has his bins in place.

He stated that his company earns revenue under the following scenarios:

1. The good stuff is sold to thrift stores.
2. Torn and tattered cannot be sold again; however, it can be sold overseas at 22 to 25 cents a pound.
3. The worse items are recycled to other materials.

Mayor Sokolich stated that conceptually he would not want to see bins placed in Monument Park.

Mr. Sohmer asked how often is the clothes in the recycling bins picked up.

Mr. Klein replied twice a week.

Mayor Sokolich asked if the Borough is interested how long would the trial period be.

Mr. Klein stated that there is no long-term obligation, but standard practice has been for six months with a thirty day written notice if the Borough was no longer interested after the initial six months.

Mayor Sokolich asked that this item be placed on the next executive agenda for further discussion.

### **2009 Audit Report**

A resolution accepting the Borough's 2009 audit report from the Borough Auditor will be placed on the August 19<sup>th</sup> regular meeting proposed consent agenda.

### **9/11 Memorial**

Mayor Sokolich stated that the Borough is in the process of obtaining the steel for its 9/11 Memorial. He had preliminary told Mike Maresca to move some pavers and put it a barricade around a portion of the outside of the community center.

He received some negative feedback about locating the memorial at the community center. He's looking for input as to where the memorial should be placed. He believes the memorial should be in a central location so it can be seen by as many people as possible. He added that the memorial will not be up by this 9/11.

The origin for the memorial was in conversations he had a couple of years ago with now current Deputy Fire Chief Jeffrey Silver. The Fire Department was having its own ceremony but not many members of the public were present.

Mr. Cervieri believes that Fireman's Park is a good area to place the memorial.

Mr. Sohmer said he doesn't want the memorial to be placed in an obscure location.

Mr. Cervieri recommended that a site plan be drawn up so when reviewing potential locations the Mayor and Council would be able to see something in scale.

Tom Meyers acknowledged by the Mayor to speak stated that the area around Schlosser Street is a visible location.

Mayor Sokolich closed by stating that it will be an incredible memorial with an eternal light no matter where it's eventually located.

### **Filming Ordinance**

Tom Meyers, Director of Cultural and Heritage Affairs, was present for this portion of the meeting.

Mr. Goldberg stated the Film Commission has certain concerns about the ordinance.

Mr. Pohan spoke about fees to the Film Commission.

Mr. Cohen stated that the fees have to go to into a dedicated account.

Mr. Meyers stated that the ordinance written is a bit confusing and does not recognize the history of the Film Commission.

Mayor Sokolich stated that the ordinance is to legitimize what has been happening so that the money taken in goes to a lawful entity. He understands and accepts that The Film Commission wants to be recognized in the ordinance.

Mr. Cohen replied that the Film Commission is not an organ of government. It's a not-for-profit separate corporation.

Mr. Pohan asked who issues permits and believes that the Film Commission should have input.

Mr. Cohen replied that the permitting process is multi-departmental.

Ms. Thomas stated that the ordinance needs to be reviewed administratively.

Mr. Cohen was asked to update the ordinance he crafted to include certain verbiage so as to include the Fort Lee Film Commission.

**Bus Shelter on Main Street Eastbound by In Napoli**

Mr. Grant stated that there has been a request to place a bus shelter at the location listed above.

A resolution entering into a bus shelter agreement with New Jersey Transit will be placed on the August 19<sup>th</sup> regular meeting proposed consent agenda.

Mr. Cervieri questioned the location and asked Mr. Grant to check with owners of JD's Steak Pit to make sure that they give their approval as they have had made improvements to the area in question.

**South Bergen Municipal Joint Insurance Fund Renewal**

A resolution renewing the Borough's membership with the above named entity will be placed on the August 19<sup>th</sup> regular meeting proposed consent agenda.

**Endorsing Four (4) Bergen County Community Development Applications for the Fort Lee Housing Authority**

Resolutions endorsing four Bergen County Community Development applications for the Fort Lee Housing Authority will be placed on the August 19<sup>th</sup> regular meeting proposed consent agenda.

**Bingo/Raffle Ordinance**

Mr. Grant stated that State law allows for Municipal Clerks to approve bingo/raffle licenses without the Mayor and Council's consent if an ordinance is adopted. He explained that this will cut down the wait time for licensing as the Mayor and Council only have one regular meeting per month.

An ordinance will be introduced at the August 19<sup>th</sup> regular meeting authorizing the Municipal Clerk to act as the "issuing authority" to approve the granting of bingo and raffle licenses.

**Liquor License Transfer from Min Jung Rhee to Poong Lim LLC at 2053 Lemoine Avenue**

A resolution authorizing person-to-person liquor license transfer from Min Jung Rhee to Poong Lim LLC at 2053 Lemoine Avenue will be approved at the August 19<sup>th</sup> regular meeting.

**Fire Safety Trailer**

Mayor Sokolich stated that one of the trailer's functions is for educational purposes.

A resolution authorizing the Purchasing Consultant to advertise for bids for a fire safety trailer for the Fire Prevention Bureau will be placed on the August 19<sup>th</sup> regular meeting proposed consent agenda.

**Purchase of Tactical Body Armor for the Police Department**

A resolution authorizing the Borough to purchase eighteen (18) sets of tactical body armor from Atlantic Tactical of New Jersey, Inc., Somerset, New Jersey, Through State Contract #A73994 for the Police Department in the amount of \$54,644.20 will be placed on the August 19<sup>th</sup> regular meeting proposed consent agenda.

**Roof for Borough Hall**

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids for a new roof for

Borough Hall will be placed on the August 19<sup>th</sup> regular meeting proposed consent agenda.

**Fort Lee Car Service LLC - Transfer of Business Location**

Mr. Grant stated that the Building Department has issued a certificate of occupancy for the new location.

A resolution authorizing Fort Lee Car Service LLC (Taxi Service) to change its business location from 511 Main Street to 1605 John Street will be placed on the August 19<sup>th</sup> regular meeting proposed consent agenda.

**Ramadan Tent in Constitution Park**

Mr. Cervieri stated that the Borough has never allowed other organizations to use the Borough's parks and/or its facilities.

Mayor Sokolich stated that generally the Borough has not allowed outside agencies to use its facilities unless it was a government event.

Mr. Cohen confirmed Mayor Sokolich's statement that the Borough has normally not allowed any organization religious or otherwise to use its facilities unless the event was an official government event.

**APPROVAL OF MINUTES/RESOLUTION (Action is Expected to be Taken on the Following Items)**

Closed Session Minutes: Various Meetings for  
Redevelopment Area 5 - 8/19/09 - 1/5/10 - 2/9/10 -  
2/11/10 - 2/16/10 - 3/8/10 - 3/31/10

Mr. Cervieri recused himself on this matter.

Mr. Cohen stated that the above listed seven (7) sets of closed session minutes need to be voted upon for formal approval; however, they are not for publication. They are important for the ongoing litigation with regard to Redevelopment Area 5 and this will allow for the minutes to be submitted for the court's private inspection.

On motion by Councilman Pohan, seconded by Councilman Sohmer, the seven (7) sets of closed session minutes above related to Redevelopment Area 5 were approved on the following roll call:

**AYES: Council Members Pohan, Sohmer, Goldberg, Kasofsky.**

**R-1 - Extension of Conditional Redeveloper Designation**

Mr. Cervieri recused himself on this matter.

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

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE EXTENSION OF THE DESIGNATION OF FORT LEE REDEVELOPMENT ASSOCIATES, LLC AS CONDITIONAL REDEVELOPER FOR REDEVELOPMENT AREA 5 LOCATED IN THE BOROUGH OF FORT LEE, NEW JERSEY FOR A MIXED USE SMART GROWTH PROJECT**

**WHEREAS**, the Borough of Fort Lee (hereafter the "Borough"), in accordance with the requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (hereafter the "LRHL"), did designate a certain assemblage of lots within the Borough of Fort Lee, constituting approximately 16 acres, as an area in need of redevelopment, and as such was named Redevelopment Area 5; and

**WHEREAS**, Redevelopment Area 5 has as its approximate northerly border Bridge Plaza South, and its approximate southerly border at Main Street, with the approximate eastern border of the area being Central Road, and the approximate westerly border being Lemoine Avenue; and

**WHEREAS**, pursuant to an Ordinance No. 2004-29 adopted by the Borough on August 4, 2004, the Borough adopted a Redevelopment Plan for Redevelopment Area 5 and did further amend the zoning map of the Borough of Fort Lee to so indicate that area; and

**WHEREAS**, by Resolution of September 30, 2004, the Borough did designate a Redeveloper for Redevelopment Area 5, said Redeveloper being Town and Country Developers at Fort Lee, Inc., a New Jersey corporation (hereafter, the "Redeveloper") and the Redeveloper and the Borough entered into a certain Redevelopment Agreement dated September 30, 2004 (hereafter, the "Redevelopment Agreement"); and

**WHEREAS**, pursuant to an Ordinance No. 2005-5 adopted by the Borough on March 31, 2005, the Borough adopted an amendment to the Redevelopment Plan for Redevelopment Area 5; and

**WHEREAS**, Redeveloper subsequently proceeded before the Planning Board of the Borough of Fort Lee for the purpose of obtaining site plan approval for the redevelopment project and for a subdivision of Redevelopment Area 5 into two lots, one to the east of Martha Washington Way (hereafter referred to as the “East Parcel”) and constituting Block 4802, Lot 1 (now known as Block 4851, Lot 1.02); and the second parcel (hereafter referred to as the “West Parcel”) constituting Block 4801, Lot 1 (now known as Block 4851, Lot 1.01); and

**WHEREAS**, the Borough made clear to the Redeveloper that the subdivision of the Redevelopment Area into the East and West Parcels was only for the purposes of financing the project and the Borough expected the Redeveloper to complete the comprehensive redevelopment of the entire Redevelopment Area 5 in accordance with its site plan approval; and

**WHEREAS**, subsequently, pursuant to the provisions of the Redevelopment Agreement, the Redeveloper, for the sole and limited purpose of financing, did enter into a Joint Development Agreement with an affiliated entity of Redeveloper, wholly-owned and controlled by Redeveloper, and known as Town & Country Redevelopers at Fort Lee West, Inc. (hereafter, “Fort Lee West”); and

**WHEREAS**, solely limited to financial issues, pursuant to the Joint Development Agreement between Redeveloper and Fort Lee West, the East Parcel was to be retained and financed by Redeveloper and the West Parcel was to be separately financed by Fort Lee West; and

**WHEREAS**, Redeveloper for the East Parcel and its affiliate company, Fort Lee West for the West Parcel, failed to maintain current tax payments to the Borough of Fort Lee for the property and failed to reimburse the Borough of Fort Lee for expenses incurred by the Borough to temporarily relocate utility services which temporary relocation expense was agreed to be paid pursuant to a certain Memorandum of Agreement entered into between Redeveloper and the Borough; and

**WHEREAS**, the failure to pay current taxes and reimburse the Borough constituted a breach of the agreements between Redeveloper and its affiliate, Fort Lee West, and with the Borough under the Redevelopment Agreement, and upon formal notice thereof, constituted events of default; and the Borough proceeded to provide appropriate notices under the Redevelopment Agreement to Redeveloper, its affiliates and its mortgagees by action of the Mayor and Council on May 1, 2008 and June 5, 2008; and

**WHEREAS**, the result of the Redeveloper’s failure to cure the events of default, within 30 days of notice, was the termination of the Redevelopment Agreement and de-designation of Redeveloper for the both the East and West Parcels by action of the Mayor and Council on June 12, 2008; and

**WHEREAS**, the Borough was named a defendant and was served with a Summons and Complaint in a foreclosure action venued in Superior Court of New Jersey, Chancery Division, Bergen County, Docket No. F-19001-08 and captioned *TDC Fort Lee, LLC v. Town & Country Developers at Fort Lee West, Inc.; Town & Country Developers at Fort Lee, Inc.; Borough of Fort Lee; State of New Jersey; United States of America; John Does 1-10; and John Doe Companies 1-10*,

which was received on or about May 29, 2008 on behalf of the Borough wherein the Plaintiff TDC Fort Lee, LLC, is a successor mortgagee (hereafter the "Plaintiff") for the property known as Lot 1.01, Block 4851, which is owned by Redeveloper-affiliated Fort Lee West; and

**WHEREAS**, on January 2, 2009, said Complaint resulted in the issuance of a Final Judgment in Foreclosure for the benefit of the Plaintiff TDC Fort Lee, LLC and a Writ of Execution was issued to the Bergen County Sheriff who conducted a sale of the mortgage, interest and costs due on or about April 24, 2009, which were purchased by TDC Fort Lee, LLC; and

**WHEREAS**, the Redeveloper for the East Parcel, in addition to its failure to pay taxes due to the Borough, had defaulted in both failing to pay its obligations and to address other matters under the mortgage documents/loan documents/agreements with mortgagees; and

**WHEREAS**, the mortgagees filed a Complaint in a foreclosure action venued in Superior Court of New Jersey, Chancery Division, Bergen County, Docket No. F-24555-08 and captioned *PRIF II T&C Fort Lee, LLC v. Town and Country Developers At Fort Lee, Inc., et al* for the property known as Lot 1.02 in Block 4851; and

**WHEREAS**, said Complaint resulted in the issuance of a Final Judgment in Foreclosure for the benefit of the Plaintiff PRIF II T&C, LLC and a Writ of Execution was issued to the Bergen County Sheriff who conducted a sale of the mortgage, interest and costs due, which were purchased by PRIF II T&C, LLC; and

**WHEREAS**, the failure of Redeveloper for the East Parcel and Fort Lee West for the West Parcel to pay obligations when due and to suspend its payment of same constituted an event of default under Article VIII of the Redevelopment Agreement; and

**WHEREAS**, pursuant to a subsequent Resolution of the Mayor and Council adopted on September 4, 2008 (Resolution R-1), additional conditions of default were noticed and were not cured by the Redeveloper for both the East and West Parcels; and

**WHEREAS**, as a result of all defaults by the Redeveloper and Fort Lee West for both the East Parcel and West Parcel for failure to pay real estate, impositions, mortgages and any other financial obligations, the termination of the Redevelopment Agreement by the Borough and the de-designation of Redeveloper for Redevelopment Area 5 were reconfirmed by the Mayor and Council on September 4, 2008 by adoption of Resolution R-1 and by subsequent notice to the Redeveloper on September 8, 2008; and

**WHEREAS**, as a result of the termination of the Redevelopment Agreement and de-designation of the Redeveloper for both the East and West Parcels and the subsequent foreclosures of these parcels, the Borough was desirous of seeking a new redeveloper(s) for Redevelopment Area 5, including both the East and West Parcels; and

**WHEREAS**, the process that the Borough proposed to seek a new redeveloper(s) for Redevelopment Area 5 was through the issuance of a Request for Qualifications/Proposals

("RFQ/P"), which RFQ/P was issued by the Borough on February 18, 2009 with an initial submission date of June 17, 2009, which was subsequently extended to July 31, 2009; and

**WHEREAS**, seven (7) addenda to the RFQ/P were issued by the Borough from March 3, 2009 through July 23, 2009; and

**WHEREAS**, the Borough received four (4) proposals in response to the RFQ/P from:

The Taubman/Silverstein Properties, Inc. for the East and West Parcels  
Amerea Development, LLC for the East and West Parcels  
Fort Lee Redevelopment Associates, LLC for East Parcel  
Tucker Development and Acquisition Fund, L.P. for West Parcel; and

**WHEREAS**, the Borough retained professionals in the areas of law, planning, finance and engineering to review the proposals and these professionals met with each proposer and also requested additional information from each of the proposers as a result thereof; and

**WHEREAS**, each of the proposers, other than The Taubman/Silverstein Properties, Inc., provided supplemental information in response to the Borough's questions and requests for additional information; and

**WHEREAS**, the proposal submitted by Fort Lee Redevelopment Associates, LLC for East Parcel also included a plan for the West Parcel and the Borough requested confirmation on whether Fort Lee Redevelopment Associates, LLC was willing to redevelop both the East and West Parcels, and Fort Lee Redevelopment Associates, LLC confirmed in writing that it would do so; and

**WHEREAS**, the proposal submitted by Tucker Development and Acquisition Fund, L.P. was for the West Parcel only and the Borough requested confirmation as to whether Tucker Development and Acquisition Fund, L.P. was willing to develop both the East and West Parcels, and Tucker Development and Acquisition Fund, L.P. confirmed in writing it was not interested in doing so; and

**WHEREAS**, at the invitation of the Borough, each proposer made a public presentation regarding its proposal in December 2009, and entertained questions and answers posed by members of the public and the Governing Body; and

**WHEREAS**, on December 28, 2009, the Borough held an additional public comment meeting to hear public comments on all four proposals and the presentations made by each proposer; and

**WHEREAS**, the Borough met individually with: Amerea Development, LLC; Fort Lee Redevelopment Associate, LLC; and Tucker Development and Acquisition Fund, L.P. to review and discuss each of their respective proposals and supplemental information submitted; and

**WHEREAS**, the Borough did not meet individually with The Taubman/Silverstein Properties, Inc., due to their refusal to consider changes to their proposal requested by the Borough to more closely follow the requirements in the RFQ/P; and

**WHEREAS**, after a thorough and comprehensive review of each of the four (4) proposals and additional information submitted in response to the Borough's requests for such information, review of the public presentations made by each proposer, consideration of public comments provided at each public presentation and subsequent public meetings, review and consideration of the individual meetings with each proposer, and after consultation with its entire professional team, including final reports from its planner and financial consultant, the Borough has determined that it is in the best interest of the public that the selected proposer should be one that is prepared to redevelop the entire Redevelopment Area, inclusive of both the East and West Parcels, in order to ensure the proper, orderly, and commercially reasonable development of the Redevelopment Area and to achieve the goals and objectives of the Borough for the development of the Redevelopment Area; and

**WHEREAS**, the Borough believes that the open public process it has conducted in the review and consideration of all proposals submitted has lead the Borough to select the best and most qualified redeveloper for the redevelopment of the Redevelopment Area and further supports its selection of the redeveloper; and

**WHEREAS**, the Borough deliberated over a nine (9) month period and considered many factors in the selection of a redeveloper, including the evaluation criteria set forth in Section 5 of the RFQ/P, as well as other factors, including but not limited to the following:

- Development intensity;
- Proposed land uses;
- Building height and massing;
- Developer's prior experience with similar projects of this size and complexity;
- Pedestrian friendly street frontages;
- Street network and connection to surrounding areas;
- Traffic and parking;
- Architectural design, quality and uniqueness;
- Green design;
- Affordable housing;
- Public amenities;
- Infrastructure improvements and costs to Borough of same;
- Financial assistance requested/required by redeveloper;
- Development schedule, timing;
- Project feasibility;
- Development team experience and prior project quality;
- Tax revenues generated;
- Cost/benefit to Borough;

Financial background and ability of redeveloper to undertake project of this size and magnitude; and

**WHEREAS**, the Borough recognized and considered the difficult economic conditions that currently impact the national and local real estate market and the impact which this may have on the redevelopment of the Redevelopment Area; and

**WHEREAS**, after further consideration of the proposals submitted, comments from the public and consultation with its professionals, the Borough determined that the redevelopment of the entire Redevelopment Area 5 by one developer, subject to agreement to a comprehensive redevelopment agreement, within a specified time period, which is acceptable to the Borough, in its sole discretion, with a comprehensive plan for phased development is in the best interests of the Borough and will provide a greater likelihood that the entire Redevelopment Area 5 will be developed in a controlled and coordinated manner for the benefit of the entire Borough community; and

**WHEREAS**, the Borough also recognizes that once a redeveloper is selected and negotiations on a redevelopment agreement commence, the proposal submitted by that redeveloper may be altered to address certain issues that arise during such negotiations; and

**WHEREAS**, after careful consideration, the Borough determined that Fort Lee Redevelopment Associates, LLC is the proposer which will provide the Borough with the best opportunity to successfully complete the redevelopment of the entire Redevelopment Area, inclusive of both the East and West Parcels; and

**WHEREAS**, the Borough determined that the proposal submitted by Fort Lee Redevelopment Associates, LLC generally meets the redevelopment vision and goals and objectives of the Borough as set forth in the RFQ/P; and

**WHEREAS**, the Borough determined that Fort Lee Redevelopment Associates, LLC and its members have substantial development experience with large mixed use projects; and

**WHEREAS**, the Borough determined that Fort Lee Redevelopment Associates, LLC and its members have the demonstrated capacity and ability to secure the financing commitments that will be required to undertake and successfully complete a project of this magnitude;

**WHEREAS**, the Borough determined that Fort Lee Redevelopment Associates, LLC and its members have never failed to complete a project or failed to repay financing for a project; and

**WHEREAS**, the Borough determined that Fort Lee Redevelopment Associates, LLC and its members have demonstrated success and experience in developing projects in Fort Lee and nearby communities; and

**WHEREAS**, the Borough and Fort Lee Redevelopment Associates, LLC have made substantive progress in negotiating redevelopment agreement, however additional time is required

to finalize these negotiations, particularly in light of various lawsuits filed by Tucker Development and Acquisition Fund, L.P., one of the proposers not selected.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council that it hereby extends the designation of Fort Lee Redevelopment Associates, LLC c/o SJP Residential Properties, whose address is 379 Interpace Parkway, Parsippany, New Jersey 07054 as **conditional redeveloper** of Redevelopment Area 5 located in the Borough of Fort Lee, County of Bergen, State of New Jersey for a mixed use smart growth project for the reasons set forth herein.

**BE IT FURTHER RESOLVED**, that said **Conditional Designation** is subject to the following conditions:

7. The Conditional Designation is limited to a period of one-hundred and twenty (120) days from the date of this Resolution at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any obligation to the other, except as to final payment of Borough costs under the Escrow Agreement required herein. The Borough may, in its sole discretion, extend and re-extend the Conditional Designation provided sufficient progress is being in negotiation of a redevelopment agreement, which determination is at the sole discretion of the Borough and which extension must be in the form of a duly adopted Resolution of the Borough Council;
8. That Fort Lee Redevelopment Associates, LLC and the Borough shall continue to negotiate and agree upon the terms and conditions of a redevelopment agreement;
9. That Fort Lee Redevelopment Associates, LLC continue to pursue the acquisition of all properties situated within Redevelopment Area 5;
10. That Fort Lee Redevelopment Associates, LLC continue to pay any and all costs incurred by the Borough from the date of the initial Conditional Designation (April 15, 2010) to execution of a redevelopment agreement or termination of the redeveloper designation, as set forth in the Escrow Agreement; and
11. That the Escrow Agreement executed by Fort Lee Redevelopment Associates, LLC and the Borough shall remain in full force and effect and shall be reexecuted by the parties consistent with the terms of this Resolution.

**BE IT FURTHER RESOLVED**, that upon completion of negotiations on a redevelopment agreement the Mayor and Borough Council shall review and may authorize execution of any and all related documents which the Borough Council may consider necessary or useful in order to effectuate the completion and implementation of the project.

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

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

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

**PUBLIC HEARINGS SCHEDULED FOR AUGUST 19, 2010**

Ord. #2010-20--Capital Ordinance for Roadway Improvements to Stillwell Avenue, 8<sup>th</sup> to 11<sup>th</sup> Streets – \$100,000 (Bergen County Community Development Block Grant)

Ord. #2010-21--Capital Ordinance for Roadway Improvements to Myrtle Avenue – \$200,000 NJDOT Grant

Ord. #2010-22--Bond Ordinance for Park Improvements to William T. Birch Park – Appropriating \$200,000 and Authorizing the Issuance of \$95,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Ord. #2010-23--Bond Ordinance for Combined Sewer Outflow Abatement Upgrades – Appropriating \$900,000 and Authorizing the Issuance of \$370,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Ord. #2010-24--Appropriating \$2,390,000 for Various Capital Improvements and Authorizing the Issuance of \$2,270,500 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

**PUBLIC PARTICIPATION**

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

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

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, July 15, 2010 @ 7:00 p.m.**

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

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

**ABSENT:** Councilman Cervieri

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

**MAYOR'S STATEMENT**

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

1. On January 7, 2010, 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 8, 2010, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS 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 2010 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: DPW  
EMT's  
Health Department  
Police Department

Contracts: Creamer-Sanzari - Roadway and Traffic Signal  
Improvements to Main Street and Hudson Terrace

Miller-Rinaldi - Appraisals of Certain Borough  
Properties and the National Little League Field

Litigation: Rent Leveling Appeal (Carolyn Pollack vs.  
RVT Realty Inc.)

Tax Appeal Litigation: Magnone v. Fort Lee at 43 Bluff  
Road, Friedman v. Fort Lee at 807 Edgewood Lane and  
Parene Realty v. Fort Lee at 2160 North Central Road

Potential Litigation - Police Documents

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

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

### ENGINEERING DISCUSSION

#### NJDOT 2011 Local Aid Application for Linwood Avenue

Ms. Thomas stated that Boswell McClave is preparing the NJDOT 2011 local aid application for roadway improvements to Linwood Avenue.

A resolution authorizing the grant application will be placed on the July 22<sup>nd</sup> regular meeting proposed consent agenda.

#### Discussion of Ambulance Corps Garage Floor

Cathi Goldfischer, Ambulance Corps Chief, spoke during this portion of the meeting.

She mentioned a letter that Ed Mignone, Assistant Borough Engineer, had sent to everyone on July 13<sup>th</sup> which discusses the various options to making floor modifications to the ambulance corps garage floor.

She said that she prefers option one which is where only the ambulance corps garage floor would be lowered.

Ms. Thomas stated that option two is to lower the entire floor within the ambulance corps building.

Mr. Mignone's memo indicated the estimated costs for option one is between \$130,000 and \$142,000 and option two is between \$137,000 and \$147,000.

Ms. Thomas indicated that there is a third option which would include modifying the rear door which is not actively used for operational purposes. The cost for option three is between \$170,000 and \$185,000.

Mr. Mignone's memo also indicated that contingencies for rock excavation, utility relocations and preparations for drawings are not included in his cost estimates.

Ms. Thomas added that money has been put in the 2010 Capital ordinance for the project.

Mayor Sokolich stated that Mr. Mignone has recommended the first option.

It was agreed that Ms. Thomas would meet with Messrs. Goldberg and Mignone along with Ms. Goldfischer to discuss the issues.

It was also noted that the ambulance corps building is used as a voting location and depending when the work begins and finishes that the voting location may have to be relocated until the work is completed.

**GENERAL DISCUSSION**

**2010 Budget Amendment/Adoption of 2010 Municipal Budget**

Ms. Thomas stated that there will be a resolution amending the budget to accommodate the Borough's loss of state aid. The

bottom line is not changing. The budget amendment as prepared by the Borough Auditor and the adoption of the budget will take place at the July 22<sup>nd</sup> regular meeting.

**Additional Depository**

Mr. Iannaconi stated that currently no banks are paying interest on the Borough's various accounts.

He recommended Cutwater Asset Management as an additional depository for the Borough because they are paying some interest.

A resolution approving Cutwater Asset Management, Hawthorne, New Jersey, as an additional financial institution for the Borough, will be placed on the July 22<sup>nd</sup> regular meeting agenda.

**Capital Budget for 2010**

Ms. Thomas stated that she has circulated the capital budget to the Mayor and Council. She added that Cheryl Westeyn, Recreation Director, has just requested \$70,000 more for the purchase of audio-visual equipment.

Ms. Thomas stated that she will add an additional \$45,000 to take in Ms. Westeyn's request, but everyone has had to prioritize so as to keep the capital budget figures to a minimum.

Mayor Sokolich stated that Ms. Westeyn's requests are usually reasonable and the services offered by the Recreation Department are very important to the Borough.

An ordinance introducing the capital budget as prepared by Bond Counsel will be placed on the July 22<sup>nd</sup> regular meeting agenda.

**Capital Ordinances for Myrtle Avenue & Stillwell Avenue Roadway Improvements and Park Improvements to William T. Birch Park & CSO Abatement Upgrades**

Ms. Thomas explained that four ordinances of which two are bond ordinances will be introduced at next week's regular meeting.

The ordinances are as follows:

Ord. #2010-20--Capital Ordinance for Roadway Improvements to Stillwell Avenue, 8<sup>th</sup> to 11<sup>th</sup> Streets - \$100,000 (Bergen County Community Development Block Grant)

Ord. #2010-21--Capital Ordinance for Roadway Improvements to Myrtle Avenue - \$200,000 NJDOT Grant

Ord. #2010-22--Bond Ordinance for Park Improvements to William T. Birch Park - Appropriating \$200,000 and Authorizing the Issuance of \$95,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Ord. #2010-23--Bond Ordinance for Combined Sewer Outflow Abatement Upgrades - Appropriating \$900,000 and Authorizing the Issuance of \$370,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof (\$550,000 Grant Received by the Borough)

#### **OPRA Public Record Fees**

Mr. Grant explained that the State's new OPRA fees allow the Borough to charge only five (5) cents for a letter size and seven (7) cents for any legal size copies. Any copy of any document that is sent electronically shall be at no cost to the requestor. Any document that the Borough cannot reproduce and that has to be sent to an outside vendor, the requestor shall pay the exact cost(s) the Borough is charged for the document(s).

#### **State Adjustment to the Public Bidding Threshold**

Mr. Grant stated that the State has adjusted the public bidding threshold limit from \$29,000 to \$36,000 as of July 1<sup>st</sup>.

The Mayor and Council concurred that a resolution adjusting the Borough's public bid threshold as set by the State from \$29,000 to \$36,000 shall be placed on the July 22<sup>nd</sup> regular meeting proposed consent agenda.

Mayor Sokolich added that the increased threshold actually saves the Borough money as fewer items need to be advertised; therefore, saving the Borough various advertising and legal costs.

**Purchase of Vesta Pallas 911 Phone Console Through State Contract**

Ms. Thomas stated that the Police Department has requested updating their 9-1-1 phone console.

A resolution authorizing the purchase of a Vesta Pallas 9-1-1 phone console from Verizon through State Contract #T-1044 at a cost of \$35,185.60 which cost shall be paid out of the Police Department's confiscated funds account will be placed on the July 22<sup>nd</sup> regular meeting proposed consent agenda.

**Temporary Parking at 201 Bridge Plaza**

There was no Mayor and Council discussion on this item tonight.

Messrs. Cohen and Grant are to discuss this matter with the Parking Authority.

**Laptop Computers for the Mayor and Council**

It was agreed that any member of the governing body could ask for a new laptop computer which computer would only be used for Borough correspondence. This is to prevent any conflicts that may arise if information on their personal computers ever needed to be subpoenaed.

**Ambulance Billing Collection Services Bid**

Mr. Cohen stated that the Borough is going to reject the one bid received from Commercial Acceptance Company, Shiremanstown, Pennsylvania, because it was non-complaint. The bid specifications are going to be updated so as not to request a bid bond which is not needed for this type of service.

A resolution authorizing the rejection of the bid as well as requesting the Purchasing Consultant to rebid the project as prepared by the Borough Attorney will be placed on the July 22<sup>nd</sup> regular meeting proposed consent agenda.

**ESU Service Utility Truck Bid**

Ms. Thomas stated that the Borough received one complying bid at a cost of \$207,782.00 which funds are from the Police Department's confiscated funds account.

Mr. Goldberg asked if the Borough really needs a second ESU truck. He also asked how much mileage is on the old truck.

The Mayor and Council concurred that Ms. Thomas will get more details about the ESU truck the Police Department is currently using and if she's satisfied the Police Department needs a new ESU truck then a resolution awarding the bid to the sole bidder P.L. Custom Body and Equipment Co., Inc. will be placed on the July 15<sup>th</sup> regular meeting proposed consent agenda.

Ms. Thomas added that the Police Department is looking at a new camera system to replace the old system which is not reliable

**Borough's Telephone System**

Mr. Iannaconi stated that he along with Ms. Thomas, Don Sauvageot and Frank Berstermann has been getting information with regard to a entire new phone system for Borough operations. They have spoken to Avaya which is on State contract. The Police Department has over \$135,000 in their trust account and \$200,000 has been included in the capital ordinance that is being introduced next week. The system would be hosted in the Municipal Building.

He added that the second part is for the Borough to be able to connect to the outside world. The Borough is currently paying \$16,000 a month. Two different companies have been contacted. The companies have proposed charging the Borough \$4,000 and \$8,000 respectively a month for new lines. Mr. Iannaconi needs to be sure each company is providing the service the Borough actually needs before accepting the lower offer. The old lines would also be removed. The third part is the Borough does not have enough fiber. The Borough may have to go to bid if it cannot procure the service through State contact. The cost could be anywhere from \$50,000 to \$100,000. The new system will have voice over IP.

Ms. Thomas and Mr. Iannaconi would like to move forward. The new system would give the Borough redundancy as well as being

helpful to next year's budget. Avaya has guaranteed certain response times to the Borough when problems arise.

Mr. Goldberg asked about internet access.

Ms. Thomas replied that there will be dedicated lines for internet access.

The Mayor and Council voiced no objections to moving forward with a new telephone system

### Hudson River Walkway

Ms. Thomas stated that members of the Bergen County Department of Planning and Economic Development have requested time to make a presentation to the Mayor and Council on September 16<sup>th</sup>.

Ms. Thomas added that the walkway does not run through the Borough.

Ms. Pohan asked why they can't tell the Borough what they want to accomplish in a memo.

It was agreed that the Department of Planning and Economic Development could make their presentation regarding the walkway at the October 7<sup>th</sup> Executive Session.

### PUBLIC HEARINGS SCHEDULED FOR JULY 22, 2010

Ord. #2010-12--Establishing Salary and Wages for Blue Collar Employees for 2010-2012

Ord. #2010-13--Amending Chapter 261, Land Use Procedures, Article VII, Affordable Housing Development Fees

Ord. #2010-15--Establishing Salary and Wages for White Collar Employees for 2010-2012

Ord. #2010-16--Establishing Salary and Wages for Department Heads, Borough Administrator, Borough Clerk, Chief Financial Officer, Tax Assessor, Tax Collector and Certain Non-Union Employees

Ord. #2010-17--Amending Chapter 388, Section 43, Section I, Establishing No Parking on the North and South Sides of Cedar Street from Parker Avenue Extending 50 Feet East

Ord. #2010-18--Amending Chapter 358, Stormwater Management by Establishing Section 13 Private Storm Drain Inlet Retrofitting

Ord. #2010-19--Amending Chapter 356, Solid Waste by Establishing Section 10A Refuse Containers/Dumpsters

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West Street	.Improvements to William T. Birch Park	Ms. Thomas Mr. Sokolich
Charles Sobel 2175 Hudson Terrace	.Compliments to Police Dept. for Handling of a 9-1-1 Emergency	
	.Rent Leveling	Mayor Sokolich

Mayor Sokolich stated that he will make a recommendation with regards to rent leveling at an executive session in the near future.

9/11 Memorial (Added on Item)

Jeff Silver, Deputy Fire Chief, stated that with regards to the Borough's 9/11 Memorial, that Mike Maresca, Assistant DPW Superintendent, will be going to measure the steel the Borough has picked out; however, permission is needed by Peter Miller for Mr. Maresca to go to Hanger 17 at JFK Airport and that permission could take up to a month.

Mayor Sokolich stated that the he and the Council will pick a spot collectively as to where the 9/11 Memorial should be erected in the near future.

There being no further discussion the meeting was adjourned **on motion by Councilman Goldberg, seconded by Councilman Sohmer,** at 9:02 p.m.

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, June 3, 2010 @ 7:00 p.m.**

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

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

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

**MAYOR'S STATEMENT**

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

1. On January 7, 2010, 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 8, 2010, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS 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 2010 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Administration  
Clean Communities  
General Services  
Municipal Court  
Police Department

Greenbaum, Rowe, Smith & Davis - Opinion on Peter  
L. Abeles (Land Use LLC) Report - Fort Lee  
Cooperatives and Their Future

Contract: AT&T - Proposal to Lease Jack Alter  
Community Center as a Wireless Telecommunications  
Facility

Litigation: Tucker Development and Acquisition Fund,  
L.P. vs. Borough of Fort Lee, et al.

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

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

### ENGINEERING DISCUSSION

Ed Mignone, Borough Engineer, was present for this portion of the meeting.

#### Letter to DOT for Sidewalk Improvements to Route 5

Mr. Goldberg stated that he has fielded complaints about being unable to walk to the Edgewater ferry because there is no sidewalk along a portion of Route 5.

Mayor Sokolich added that the NNDOT is also dealing with the outcropping at the same time.

Mr. Goldberg suggested that a resolution be placed on the June 10<sup>th</sup> regular meeting agenda that requests NJDOT to review the area in question.

Mayor Sokolich added that the resolution should emphasize that it's a safety issue.

**Stormwater General Permit Requirements**

Mr. Mignone stated that the State is requiring that the Borough adopt two new ordinances with regard to private storm drain inlet retrofitting on private properties as well as creating another subsection in the Borough's code with regard to refuse containers/dumpsters.

Mr. Cohen's office is preparing the appropriate ordinances which will be introduced at the June 10<sup>th</sup> regular meeting.

**Boswell Engineering Proposal for Construction Inspection Services for Roadway Improvements to Myrtle Avenue From Lemoine Avenue Westbound**

Mr. Mignone stated that Boswell McClave Engineering had sent in a proposal for construction inspection services for Myrtle Avenue at a cost of \$21,800. After Mr. Mignone reviewed their proposal Boswell has agreed to reduce their cost to \$19,000.

A resolution accepting Boswell's proposal at \$19,000 will be placed on the June 10<sup>th</sup> regular meeting proposed consent agenda.

Mayor Sokolich added that one of the main reasons that Mr. Mignone was hired by the Borough was to review proposals such as the one before the governing body tonight and to make sure the Borough is paying the proper amount.

**Emergency Repairs to Roadway Leading to Westview Pump Station**

Mr. Mignone stated that eight foot section of roadway leading to the Westview Pump Station adjacent to the creek needed emergency repairs due to heavy rains that undermined the roadway.

J. Fletcher Creamer, Hackensack, New Jersey completed the emergency repairs at a cost of \$37,000.

Mr. Cervieri asked how long the roadway had been deteriorating.

Mr. Mignone stated that he and the DPW look at the pump stations on a regular basis.

Ms. Thomas concurred that there is a preventive maintenance program for the pump stations but not for the roadways.

Mr. Cervieri asked that in the future the DPW look more closely at the roadways that lead to the pump stations so that this type of emergency situation does not repeat itself.

**RESOLUTION**

**R-1 - Authorizing Purchasing Consultant to Advertise for Bids for Roadway Improvements to Myrtle Avenue**

Mr. Mignone indicated that the Borough is trying to move this project along quickly so that is the reason action is being taken by the governing body tonight.

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

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

- . Roadway Improvements to Myrtle Avenue

The Resolution was **approved unanimously.**

**Main Street and Central Road (Added on Item)**

Mr. Cervieri stated that the parking lot by In Napoli was supposed to be paved.

Ms. Thomas will send the Parking Authority a memo to remind them that the lot was supposed to be paved and it should be paved as soon as possible.

Mr. Mignone stated that approximately forty parking spaces will be created by paving the lot.

**Bids for Stand-By Generator for The Regency**

Ms. Thomas stated the Borough will be accepting the second lowest bid for this project which is Vanore Electric Inc., Teterboro, New Jersey. The low bidder TSUJ Corp., Wayne, New Jersey, had a non-complaint bid. The Borough has bonding in place to make the purchase which is for the Borough's radio communications project.

A resolution awarding the bid to Vanore Electric Inc., Teterboro, New Jersey, at a cost of \$191,728.00 will be placed on the June 10<sup>th</sup> regular meeting proposed consent agenda.

**Bids for Replacement Generator for the Ambulance Corps**

A resolution awarding the bid to AA Electrical Contractors and Design Inc., Freehold, New Jersey, the second lowest bidder. at a cost of \$59,900 will be placed on the June 10<sup>th</sup> regular meeting proposed consent agenda.

Mr. Cohen stated that the low bidder, TSUJ Corp., Wayne, New Jersey, had no surety bond which is a fatal defect under the State's bidding laws.

**GENERAL DISCUSSION**

**Advertising for Bids for Leaf Removal Services**

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids for leaf removal services in the fall will be placed on the June 10<sup>th</sup> regular meeting proposed consent agenda.

**Renewal of Liquor Licenses**

Conversation ensued between Ms. Thomas and Messrs. Sokolich Pohan and Sargenti with regard to Tribeca's liquor license.

Mr. Sargenti stated that if there is another incident where people get hurt then the establishment should be shut down. He added that he had made his thoughts know on the record a few years ago with regard to the ongoing problems at Tribeca.

Mr. Pohan stated that the incident in question which he read from a police report was not one of the conditions listed in the

resolution that Tribeca has had with the Borough for the last number of years. He added that it's not realistic to believe that they are not going to have some problems when there are upwards to 500 people in the establishment.

Mayor Sokolich added that it's a lot easier said than done with regard to closing Tribeca down.

**Bergen County Community Development and Open Space Trust Fund Representatives**

The Mayor and Council will choose and appoint their representatives to the aforementioned committees at the June 10<sup>th</sup> regular meeting.

**Trans Manhattan Expressway Overpass Priority Rehabilitation for Merkle Street**

There was no discussion on this item. The Mayor requested that this item be placed on the June 17<sup>th</sup> executive session agenda.

**State of New Jersey Civil Service Commission**

Messrs. Sokolich, Cohen and Ms. Thomas spoke to the possibility of opting out of Civil Service. They concurred that it would have to be done as part of collective bargaining and it could be difficult to implement.

Mayor Sokolich asked what kind of exposure the Borough would have if it chose to go in that direction.

Mr. Cohen also spoke to the New Jersey State Constitution which deals with Police Department promotions which in non-civil service towns is done by merit and fitness.

**Fire Curtain**

William Chiappane, Fire Chief and Jeffrey Silver, Deputy Fire Chief, were present for this portion of the meeting.

Messrs. Sohmer and Sargenti stated that they were at a recent demonstration with the Borough's fire officials with regard to a fire curtain which helps prevent back drafts in wind driven fires in high rise buildings. They would like to see the purchase of five curtains as a preventive measure. The cost of each curtain would be \$2,700. Once heat touches the curtain it has to be discarded.

Ms. Thomas stated that the purchase could be made from a capital ordinance.

Mr. Silver stated that the curtain works best on mid-rise or high rise units. He cited examples of the types of fires using a fire curtain would be helpful.

#### **Bid for Replacement Windows at 309 Main Street**

Ms. Thomas stated that the Borough received one bid at a cost of \$95,000. This item will be placed back on the June 17<sup>th</sup> executive session for further discussion.

#### **Public Bidding Threshold**

The Mayor and Council agreed that the Borough's public bidding threshold be increased from \$17,500 to \$29,000 as allowed by State law.

A resolution increasing the Borough's public threshold by naming Maureen Holtje as the Borough's Qualified Purchasing Agent will be prepared by the Borough Attorney's office and will be placed on the June 10<sup>th</sup> regular meeting proposed consent agenda.

#### **Proposal for EMS Services for the Borough of Leonia**

Ms. Thomas stated that the Borough will be submitting a bid to the Borough of Leonia to take over a portion of their daily ambulance services which services are already covered through Mutual Aid. Paul Favia, Deputy Chief Emergency Medical Technician, is working on preparing the bid on behalf of the Borough. The Borough would have to station an EMS vehicle from 6:00 a.m. to 7:00 p.m. in Leonia daily. If the Borough wins the bid the Borough could receive upwards to \$100,000 in income

annually. Other municipalities are also expected to submit bids for this service.

Mayor Sokolich stated that the Borough would not be diminishing any service to the Borough's residents by making a proposal and/or eventually procuring the service.

**No Parking Zones on Cedar Street - North and South Sides**

An Ordinance as recommended by the Police Department for no parking along a portion of the north and sides of Cedar Street adjacent to Parker Avenue will be introduced at the June 10<sup>th</sup> regular meeting.

**Purchase of Three Ford Expeditions Special Service Vehicles for the Police Department**

Mayor Sokolich stated that the purchase of the vehicles will be paid out of confiscated funds.

A resolution authorizing the purchase of three Ford Expeditions from Winner Ford through State contract#A73844 at a total cost of \$97,574 which includes extended warranties for the vehicles will be placed on the June 10<sup>th</sup> regular meeting proposed consent agenda.

**Approving Developers Agreement for 2044 Center Property, Inc.**

A resolution approving a developer's agreement for the above listed entity at 2044 Center Avenue as prepared by the Borough Attorney's office will be placed on the June 10<sup>th</sup> regular meeting proposed consent agenda.

**PUBLIC HEARINGS SCHEDULED FOR JUNE 10, 2010**

Ord. #2010-13 - Amending Chapter 261, Land Use Procedures, Article VII, Affordable Housing Development Fees

Ord. #2010-14 - Amending Chapter 388, Section 16, Vehicles and Traffic - Parking Spaces to be Not Less Than Twelve (12) Feet

Ms. Thomas stated that she will be placing the Borough's 2010 Capital Ordinance on the June 17<sup>th</sup> executive session meeting agenda for discussion. She added that the Borough has been

speaking to potential vendors for a new Borough wide phone system.

**PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Charles Sobel 2175 Hudson Terrace	.Rent Leveling	Mr. Cohen

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

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, May 6, 2010 @ 7:00 p.m.**

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

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

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

**MAYOR'S STATEMENT**

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

1. On January 7, 2010, 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 8, 2010, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS 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 2010 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Building Department  
Clean Communities  
DPW/Park's Department  
Tax Collector's Office

Tax Appeal Litigation: 2160 Lemoine Avenue, 3 Executive Drive, 2139 Hudson Terrace, 100 Old Palisade Road - Unit 2710, 49 Bluff Road, 1042 Arcadian Way, 1084 Briar Way

Claims for Moving Expenses for Daibes Project

Collective Bargaining: Memorandum of Agreement for White Collar, Blue Collar & Department Heads

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

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

### **GENERAL DISCUSSION**

#### **Community Development Block Grant for Street and Road Improvements**

The Borough will pass a resolution authorizing the acceptance of grant money from Bergen County Community Development for its 2009 roadway improvement project to Stillwell Avenue.

#### **Estimated Tax Bills**

A resolution authorizing the Borough to send out estimated tax bills as prepared by the Chief Financial Officer will be placed on the May 13<sup>th</sup> regular meeting proposed consent agenda.

#### **Proposed Bus Stop at 2500 Lemoine Avenue**

The Mayor and Council agreed that the proposed bus stop that New Jersey requested at 2500 Lemoine Avenue should not be placed

as it will affect the turning radius of the fire trucks at Fire Company #2.

Ms. Thomas and/or Mr. Grant will notify New Jersey Transit of the Mayor and Council's decision.

**Heating/Air-Conditioning Ordinance**

The Mayor and Council agreed that the Health Department's code should be amended to reflect a May 1<sup>st</sup> starting date for the mandatory turning on of air-conditioning in all buildings.

**Development Fee Ordinance**

Ms. Thomas stated that COAH has already approved the Borough's affordable housing plan.

An ordinance establishing revised development fees as prepared by the Borough Planner will be introduced at the May 13<sup>th</sup> regular meeting.

**Permit Fees for Film Commission**

Ms. Thomas stated that the permit fees for the Fort Lee Film Commission should be set by ordinance. She will work with Tom Meyers, Director of Cultural and Heritage Affairs with regard to a fee schedule.

**Amend Chapter 388 Vehicles and Traffic Parking Spaces to be at Least 18 Feet in Length**

An ordinance increasing the size of a parking space from 12 feet to 18 feet as requested by the Parking Authority will be introduced at the May 13<sup>th</sup> regular meeting.

**Collection Service for Unpaid Bills (Added on Item)**

Ms. Thomas stated that the Borough will be advertising for bids to collect certain unpaid bills that are due from people collecting monies from their insurance companies and who are not

properly reimbursing the Borough with regard to services rendered by the Fort Lee Volunteer Ambulance Corps.

Zoning Ordinance (Added on Item)

Mr. Cervieri stated that the mausoleum at the Madonna Cemetery on Jones Road falls under the guidance of the New Jersey Cemetery Act and that local government can only exercise limited jurisdiction over what can and cannot be built.

He added that the Borough's Zoning Ordinance addresses setback requirements but does not address a height limitation and is therefore open to debate. The existing mausoleum is 44 feet in height and therefore if the Borough was to modify the Zoning Ordinance it should provide for a 44 foot height limitation as to keep the preexisting building as conforming.

It's his recommendation to modify the Ordinance to state a 44 foot height limitation.

Mr. Cervieri's recommendation will be forwarded to the Borough Planner for review.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Daibes Project .New State Law w/Regard To Library Funding	Mayor Sokolich Mr. Cervieri
Charles Sobel 2175 Hudson Terr.	.Rent Leveling Ordinance	Mayor Sokolich

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

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Peggy Thomas, Borough Administrator

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Neil Grant, Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, April 22, 2010 @ 7:00 p.m.**

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

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

**ABSENT:** Councilwoman Kasofsky

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Neil Grant, Borough Clerk (Closed Portion Only)  
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 7, 2010, 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 8, 2010, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS 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 2010 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Tax Assessor  
Building Department

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

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

#### GENERAL DISCUSSION

#### Dr. Raymond Bandlow - Fort Lee Superintendent of Schools in Attendance

Dr. Bandlow stated that he's happy to be at the meeting tonight. He had to get the plans in quickly because of State regulations. He added that the conceptual plans being reviewed can be changed. He presented three diagrams with the new school being placed in the north corner of the park area where there is currently a storage building. All of the building plans being presented would be four story structures. There would be no need to take down the current Recreation Center. The basketball and tennis courts would have to be moved. A cantilevered building in one option would be very expensive. A north/south orientation on the site is the most sustainable and would be a better fit on the site. The tennis courts would need to be re-designed in a north/south orientation. Infrastructure improvements will be included in the on site work for school. He will be working with both plans at the Planning Board level. The option with the cantilevered building was eliminated.

#### Limousine License for Gabriel Craus for Cobra Cars Inc. at One Bridge Plaza North

A resolution authorizing a resolution to the above named entity for a limousine owner's license will be placed on the May 13<sup>th</sup> regular meeting proposed consent agenda.

A background check for the applicant was completed by the Police Department. The business location was approved by both the Building Department and Fire Prevention Bureau.

**Request for Administrative Fee for RPP Permits**

The Parking Authority Commissioners requested that the Mayor and Council approve a \$5.00 administrative fee for residential parking permits.

Mr. Goldberg stated that he objected to the administrative fee; however the remainder of the governing body voiced no such objection.

An ordinance amending Chapter 289, Section 36, Residential Permit Parking, of the Borough's general ordinances will be amended to include the \$5.00 administrative fee which ordinance will be placed for introduction at the May 13<sup>th</sup> regular meeting.

**Battle of the Bulge Memorial**

Alvin Sussman, Commander of the Jewish War Veterans, spoke about placing this memorial next to the World War II monument in Constitution Park. He had met with Councilman Goldberg at the location. The tombstone for the project was cut in Vermont and the memorial will include the Battle of the Bulge insignia.

Mayor Sokolich asked Mr. Sussman if he has the funding in place for the memorial.

Mr. Sussman replied that he's about \$2,000 short.

The Mayor and Council concurred that the paving and platform for the monument at Constitution Park could be done in-house.

**Agreement Between the State and the Borough for the Route 5 Rock Slope Stabilization Project**

A resolution entering into a police agreement with the State so municipal officers can be used as traffic officers for the above listed project will be placed on the May 13<sup>th</sup> regular meeting proposed consent agenda.

**Collection Service for Unpaid Fees**

Mr. Goldberg stated that Ambulance Reimbursement Service, the Borough's ambulance co-pay insurance provider, should not be receiving any commission if the Borough is forced to use a third-party bill collector to collect unpaid fees that it's owed.

Ms. Thomas will get additional information and bring it back to the Mayor and Council for further discussion.

**ESU Medium-Duty Utility Truck and Three Ford Expeditions XLT, 4X4 SUV's for the Police Department**

Ms. Thomas stated that the Police Department will be paying for the vehicles through confiscated funds.

A resolution authorizing the Purchasing Consultant to advertise for bids and/or purchase through State contract for the above listed vehicles will be placed on the May 13<sup>th</sup> regular meeting proposed consent agenda.

**Recycling Tonnage Grant**

Ms. Thomas stated that last year the Borough received a little more than \$14,000 for the recycling tonnage grant. The grant process is always one calendar year behind.

A resolution authorizing the Superintendent of Public Works to file a 2009 application for a Municipal Recycling Tonnage Grant with The New Jersey Department of Environmental Protection will be placed on the May 13<sup>th</sup> regular meeting proposed consent agenda.

**Amendments to the Borough's Personnel Policies and Procedures Manual**

Resolutions affirming the Borough of Fort Lee Civil Rights policy with respect to all officials, appointees, employees et al. and authoring adoption of the revised personnel policies and procedures manual of the Borough as prepared by Mr. Cohen's office will be placed on the May 13<sup>th</sup> regular meeting proposed consent agenda.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Objected to the Proposed Administrative RPP Fee	

RESOLUTION FOR CLOSED SESSION

**On motion by Councilman Cervieri, seconded by Councilman Sargenti** and approved **unanimously**, the meeting moved back into closed session at 9:30 p.m.

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

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

Labor Negotiations: Collection Bargaining

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

There being no further discussion the meeting was re-opened to the public and with no one present the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sohmer**, at 9:40 p.m.

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Peggy Thomas, Borough Administrator

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Neil Grant, Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, April 8, 2010 @ 7:00 p.m.**

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

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

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

**MAYOR'S STATEMENT**

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

1. On January 7, 2010, 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 8, 2010, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS 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 2010 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Police Department - Chief Ripoli in Attendance  
Building Department  
Fire Prevention Bureau  
Municipal Court  
Recreation Department

Contracts: City Connections LLC in Attendance  
Land Use LLC - Peter Abeles Brown & Brown Inc.  
(Health Benefits)  
AT&T - Proposal to Lease Jack Alter Community  
Center as a Wireless Telecommunications Facility

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

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

**ENGINEERING DISCUSSION**

Ed Mignone, Borough Engineer, was present for this portion of the meeting.

**Advertising for Bids for a Generator for the Ambulance Corps**

Mr. Mignone stated that the estimated cost for a generator is between \$50,000 and \$60,000 based on other projects he has reviewed.

Mr. Cervieri asked if the rest of the Ambulance Corps building is okay.

Ms. Thomas replied that the Borough has done a lot of work and spent a lot of money fixing things up.

Mr. Mignone stated that the generator could be used at other locations but because of its size it would need to be transported.

Mr. Grant to prepare a resolution which will be placed on the April 15<sup>th</sup> regular meeting proposed consent agenda.

**Fletcher Avenue/Kelby Street DOT Investigation**

Mr. Mignone spoke to the Department of Transportation (DOT) about making improvements to the Fletcher Avenue/Kelby Street intersection. They have agreed to make short term improvements with regard to updating signalization at the intersection. They will also be looking at long term improvements.

Mr. Mignone stated that he will be having the DOT review the Anderson Avenue/Route 5 intersection.

Mr. Cervieri asked Mr. Mignone to look at the intersection of Palisade Avenue and Main Street with regard to updating the signalization specifically with the traffic flowing from Martha Washington Way.

Mr. Goldberg asked Mr. Mignone to review Columbia Avenue and Palisade Avenue also with regard to signalization.

**GENERAL DISCUSSION**

**Bond Sale Resolutions**

Resolutions determining the details and providing for refinancing as well as combining \$24,150,000 general improvement bonds will be placed on the April 15<sup>th</sup> regular meeting agenda.

Ms. Thomas added that she along with Mr. Iannaconi and the Borough's professionals will be making application before the Local Finance Board in Trenton next Wednesday.

**Chabad Fort Lee - Request to Close Portion of Abbott Boulevard on Sunday, May 2nd**

Mr. Grant stated that Chabad Fort Lee has requested that Abbott Boulevard to Columbia Avenue be closed off for a festival they want to hold on Sunday, May 2<sup>nd</sup>. He added that he has spoken to Sgt. Bendul who told him the Police Department has no objection, but he's been waiting an approval letter from the Police Department.

The Mayor and Council voiced no objections to the closing of the street on May 2<sup>nd</sup>.

**Angelo Nigro Family Trust Developers Agreement at 1400 Anderson Avenue**

A resolution as prepared by Mr. Cohen's office approving the developers agreement for the above named entity will be placed on the April 15<sup>th</sup> regular meeting proposed consent agenda.

**Auction of Borough Property**

A resolution authorizing the sale of surplus property no longer need for public use through propertyroom.com will be prepared by Mr. Grant.

The resolution will be placed on the April 15<sup>th</sup> regular meeting proposed consent agenda.

Mr. Grant must legally advertise the auction in The Record which advertisement must show the vehicle identification numbers of the vehicles being auctioned as well as announcing the auction in general.

**Emergency Procurement for Repairs of Borough Pipes at 309 Main Street**

Ms. Thomas stated the Borough had to make emergency repairs to its pipes at 309 Main Street after the pipes broke when they were turned back on after United Water lost its water supply during the storm in March.

A resolution authorizing payment to H. Hofmesiter & Co., Inc. for the repair of the pipes at a cost of \$22,450 will be placed on the April 15<sup>th</sup> regular meeting proposed consent agenda.

Ms. Thomas added that the Borough will submit an application to FEMA for reimbursement of the expenditure.

**United Water Price Increase**

Mr. Goldberg requested that the Borough approve a resolution objecting to United Water's request for a huge rate increase.

Mr. Grant will prepare a resolution which will be placed on the April 15<sup>th</sup> regular meeting proposed consent agenda.

**Taxi License for Fort Lee Car Service LLC**

Mr. Cervieri requested that the motor vehicle record for the owner of the company be checked back further than 2009.

If there is no further motor vehicle record then a resolution approving the taxi owner's license will be placed on the April 15<sup>th</sup> regular meeting proposed consent agenda.

**Air Conditioning Regulations**

Ms. Kasofsky spoke to the date which buildings must legally convert from heat to air-conditioning. She believes that the date to switch to air-conditions has presented some problems over the last number of years.

Mr. Cervieri stated that most of the buildings in question use a two pipe system for heating and cooling so it takes a few days to make a changeover from heating to air-conditioning.

Mayor Sokolich added that the State has pre-empted the law with regard to the date buildings must convert from heat to air-conditioning.

Ms. Thomas added it's up to individual association boards to respond to their owner's needs.

Mayor Sokolich added that changing the Borough's ordinance with another firm date could cause the same problem that Ms. Kasofsky is trying to rectify.

**PUBLIC HEARINGS SCHEDULED FOR APRIL 15, 2010**

Ord. #2010-9 - Amending Chapter 388, Section 37, Vehicles and Traffic, Parking Prohibited When Road is Snow Covered to Include Schedule XXI into Schedule 388-68

Ord. #2010-10 - Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A.40A:4- 45.14)

Ord. #2010-11 - Granting Municipal Consent to the Renewal of a Franchise for Time Warner Cable of New York and New Jersey

**2010 Municipal Budget**

Ms. Thomas stated that a budget amendment as prepared by the Borough Auditor which makes required technical amendments as requested by the State will be placed on the April 15<sup>th</sup> regular meeting agenda.

**PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.1400 Anderson Avenue Developers Agreement	Mayor Sokolich
Charles Sobel 2175 Hudson Terrace	.Rent Leveling Proposal MAP 2010	Mr. Cohen Mayor Sokolich

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

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, March 18, 2010 @ 7:00 p.m.**

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

**PRESENT:** Mayor Sokolich, Council Members Pohan, (Arrived at 7:07 p.m.) Sohmer, Goldberg, Kasofsky, Cervieri

**ABSENT:** Mayor Sokolich (Open Portion of the Meeting)  
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 7, 2010, 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 8, 2010, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS 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 2010 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Recreation Department Seasonal Employees  
Office of Emergency Management

Contracts: City Connections (Web Site Proposal)  
Rutgers University (Web Site Proposal)  
Time Warner Cable Franchise Agreement  
Brown & Brown Insurance Proposal  
CMX Engineering  
Public Defender

Litigation: Rent Leveling Board Appeal - Avis  
Ritchie/General Lee Apartments, Complaint #2079

Tax Appeal Litigation: GHK Jung vs. Borough

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

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

Council President Goldberg chaired in open portion of the meeting in the Mayor's absence.

**GENERAL DISCUSSION - RESOLUTIONS AS NEEDED**

**R-1 - Rejecting All Bids for a Stand-By Generator Upgrade**

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

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE REJECTING BIDS FOR THE PROVISION AND INSTALLATION OF A STAND-BY GENERATOR FOR THE BOROUGH'S WIRELESS PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM**

WHEREAS, on prior occasion, pursuant to resolution, the Mayor and Council of the Borough of Fort Lee ("Borough") determined that improvements were necessary to its public safety radio communications system and authorized the award of a

contract for the evaluation of the existing radio communication system, and to provide a report outlining findings and recommendations; and

WHEREAS, on prior occasion, pursuant to resolution and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough solicited bids for the provision of a wireless public safety radio communications network for the protection of the Borough's emergency response personnel in performing vital municipal services and the citizens of the Borough and awarded a contract to M/A-COM, Inc.; and

WHEREAS, as part of the upgrade to the wireless public safety radio communications system, it is necessary to contract for the purchase and installation of a stand-by generator at the one of the sites in the Borough where the wireless communications system facilities will be located in order to ensure it uninterrupted operation; and

WHEREAS, on January 20, 2010, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough solicited bids for the purchase and installation of a stand-by generator; and

WHEREAS, on February 16, 2010, seven bids were received in response to the Borough's public solicitation; and

WHEREAS, based upon a review of the bids, it was determined that each bid failed to comply in material respects with the requirements of the bid specifications for the equipment and services; and

WHEREAS, the Borough has determined to revise the bid specifications to clarify the requirements for the installation of gas piping and the need for the designation of a master plumber to comply with the technical specifications for the work; and

WHEREAS, N.J.S.A. 40A:11-13.2 specifically provides a list of reasons justifying the rejection of all bids by a contracting unit to reject all bids, including that the contracting unit wishes to substantially revise the bid specifications for the services; and

WHEREAS, the Borough has concluded, on the basis of the foregoing, that the all bids for the purchase and installation of

a stand-by generator should be rejected, pursuant to and in accordance with the provisions of N.J.S.A. 40A:11-13.2, as the Borough intends to substantially revise the bid specifications for the services to clarify the requirements for the installation of gas piping and the need for the designation of a master plumber to comply with the technical specifications for the work; and

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

WHEREAS, the Borough wishes to contract for the purchase and installation of a stand-by generator as part of the Borough's wireless public safety radio communications system for the protection of the Borough's emergency response personnel in performing vital municipal services and the citizens of the Borough; and

WHEREAS, the Mayor and Council of the Borough wish to direct the Borough Administrator to prepare revisions to the bid specifications as set forth herein and re-bid for the purchase and installation of a stand-by generator as part of the Borough's wireless public safety radio communications system;

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 that all bids for the purchase and installation of a stand-by generator as part of the Borough's wireless public safety radio communications system for the protection of the Borough's emergency response personnel in performing vital municipal services and the citizens of the Borough shall be and are hereby rejected pursuant to and in accordance with the provisions of N.J.S.A. 40A:11-13.2;

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

BE IT FURTHER RESOLVED that the Borough Administrator be and is hereby authorized to immediately prepare revisions to the bid specifications as set forth herein and re-bid for the purchase and installation of a stand-by generator as part of the Borough's wireless public safety radio communications system for the protection of the Borough's emergency response personnel in performing vital municipal services and the citizens of the Borough, pursuant to and in accordance with the provisions of N.J.S.A. 40A:11-1 et seq.;

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be maintained in the Office of the Borough Clerk and made available for public inspection.

The Resolution was **approved unanimously**.

**R-2 - Rejecting Bids for Replacement Windows in Borough Hall**

**Councilman Cervieri introduced, and Councilman Sohmer seconded, the following Resolution:**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE REJECTING ALL BIDS FOR THE PROVISION AND INSTALLATION OF REPLACEMENT WINDOWS AT BOROUGH HALL**

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("Borough") have determined it is necessary to have the windows at Borough Hall replaced to increase energy efficiency and want to contract with a reliable improvement contractor to provide the requisite equipment and installation services; and

WHEREAS, on prior occasion, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough solicited bids for the provision and installation of replacement windows at Borough Hall; and

WHEREAS, on March 3, 2010, bids were received in response to the Borough's public solicitation for replacement windows at Borough Hall; and

WHEREAS, the Borough has determined to revise the bid specifications to expand the requirement for windows from a specific manufacturer to include any reputable manufacturer whose windows meet the technical specifications for the work; and

WHEREAS, N.J.S.A. 40A:11-13.2 specifically provides a list of reasons justifying the rejection of all bids by a contracting unit to reject all bids, including that the contracting unit wishes to substantially revise the bid specifications for the services; and

WHEREAS, based upon the provisions of the Local Public Contracts Law, the Borough has concluded that the all bids for the provision and installation of replacement windows at Borough Hall should be rejected, pursuant to and in accordance with the provisions of N.J.S.A. 40A:11-13.2, as the Borough intends to substantially revise the bid specifications for the services to clarify the requirements for the types of windows that can be responsive to the bid specifications; and

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

WHEREAS, the Borough wishes to contract for the provision and installation of replacement windows at Borough Hall to increase energy efficiency at the Borough Hall; and

WHEREAS, the Mayor and Council of the Borough want the Borough Administrator to prepare revisions to the bid specifications as explained in this resolution and re-bid for the provision and installation of replacement windows at Borough Hall,

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 that all bids for the provision and installation of replacement windows at Borough Hall shall be and are hereby rejected pursuant to and in accordance with the provisions of N.J.S.A. 40A:11-13.2; and

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

BE IT FURTHER RESOLVED that the Borough Administrator be and is hereby authorized to immediately prepare revisions to the bid specifications as set forth herein and re-bid for the provision and installation of replacement windows at Borough Hall, pursuant to and in accordance with the provisions of N.J.S.A. 40A:11-1 et seq.; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be maintained in the Office of the Borough Clerk and made available for public inspection.

The Resolution was **approved unanimously**.

**R-3 - Authorizing Memorandum of Agreement With the Board of Education for the Purchase of Gasoline and Diesel Fuel from the Borough**

**Councilman Cervieri introduced, and Councilman Sohmer seconded, the following Resolution:**

**A RESOLUTION GRANTING PERMISSION TO THE FORT LEE BOARD OF EDUCATION TO PURCHASE GASOLINE AND DIESEL FUEL FROM THE BOROUGH**

WHEREAS, the Borough of Fort Lee would like to enter into an agreement with the Fort Lee Board of Education to purchase the Borough's gasoline and diesel from the Borough's pumps for their Board of Education vehicles; and

WHEREAS, the Borough of Fort Lee purchases gasoline and diesel fuel through the Bergen County Co-op at a lower cost; and

WHEREAS, the Fort Lee Board of Education agrees to pay for the fuel which purchase will be accessed by a security identification card to monitor the exact gallons dispensed and the exact vehicles fueled; and

WHEREAS, the Borough of Fort Lee will issue a monthly invoice to the Board of Education for the purchase of fuel for their Borough vehicles,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, that permission is hereby granted for the Board of Education to purchase the Borough of Fort Lee's gasoline and diesel fuel for a period of approximately one year provided that reimbursement is made to the Borough of Fort Lee for the fuel used in addition to any minor overhead costs that may arise; and

BE IT FURTHER RESOLVED by the Mayor and Council that Borough Attorney, J. Sheldon Cohen is hereby authorized to prepare a Memorandum of Agreement between the Borough of Fort Lee and the Fort Lee Board of Education for this purpose, in form and content acceptable to the Borough Attorney.

Ms. Thomas on questioning from Mr. Cervieri stated that this agreement mirrors the agreement the Borough has with the Borough of Cliffside Park.

The Resolution was **approved unanimously**.

#### INTRODUCTION OF ORDINANCE

#### Ordinance #2010-11 - Renewal of Time Warner Cable of New York and New Jersey Franchise Agreement

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried, Ord. #2010-11 entitled, "AN ORDINANCE GRANTING MUNICIPAL CONSENT TO THE RENEWAL OF A FRANCHISE TO TIME WARNER CABLE OF NEW YORK AND NEW JERSEY TO CONTINUE TO CONSTRUCT, OWN, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN AND FOR THE BOROUGH OF FORT LEE, COUNTY OF BERGEN, STATE OF NEW JERSEY," was introduced and passed on first reading **by title only**.

The Ordinance was **approved unanimously**, and the **public hearing** relative to this ordinance was scheduled for **April 15, 2010**.

#### Purchase of Police Vehicles

Ms. Thomas stated that Police Department sent a letter requesting the purchase of eight vehicles. She has authorized the purchase of four Ford Crown Victoria(s) as no more than \$100,000 has been allocated in the Police Department's budget for the purchase of vehicles.

Mr. Grant to prepare a resolution for April 15<sup>th</sup> regular meeting authorizing the purchase of four 2010 Ford Crown Victoria(s) through State Contract #A72467 from Winner Ford, Cherry Hill, New Jersey at an approximate cost of \$90,000 which does not include extended care warranties for the vehicles.

#### Schematics of Various Buildings for the Fire Department

Mr. Goldberg stated that the Fire Chief had to ask him certain questions about the fire this past Saturday at the Kensington because there was lack of building plans available

inside his Chief's vehicle because his vehicle is not equipped with a laptop computer.

Fire Chief William Chippane stated that none of the Chief's vehicles have laptop computers inside of them.

Mr. Cervieri stated that the technology is available to have the ability to see building plans on laptops in the Chief's vehicles. The plans just need to be scanned. He has spoken to the Building Department earlier this week about certain wireless technology that will make finding documents much easier. He and the Mayor are supposed to bring in Large Doc to see what they have to offer.

Ms. Thomas stated that a special scanner may be needed to download large building plans into a more useable form.

Mr. Cervieri added that he believes at least the Chief's vehicles should have laptops so as to be able to have certain software information that may be necessary when dealing with structural fires and other emergency situations that may arise.

Ms. Thomas added that Kevin Hartley, Tax Assessor, may have some plans in his office.

Mr. Thomas also spoke to the Borough's finances stating that at the present the Borough does not have the ability to spend a lot of money at this time.

**PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Time Warner Franchise Agreement	Mr. Goldberg
	.United Water Cutoff During Storm/Praised Borough Employees for Handling of Storm	Mr. Cohen Mr. Sohmer

There being no further discussion the meeting was adjourned on motion by Councilman Cervieri, seconded by Councilman Sohmer, at 8:57 p.m.

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, March 4, 2010 @ 7:00 p.m.**

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

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

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Neil Grant, Borough Clerk  
Frank Regan, for Borough Attorney  
Joseph Iannaconi, Chief Financial Officer

**MAYOR'S STATEMENT**

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

1. On January 7, 2010, 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 8, 2010, 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 2010 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Police Department Table of Organization

Police Department Retirements

Police Department Stationhouse Adjustment  
Program Counselors

Contracts: Time Warner Cable Franchise Agreement  
Waste Management of New Jersey, Inc.

Potential Property Acquisition: Fort Lee Board of  
Education

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

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

### ENGINEERING DISCUSSION

#### Route 5 Rock Slope Stabilization Project

Ms. Thomas stated that the State DOT wants the Borough to do an endorsing resolution with regard to stabilizing the Route 5 rock formation by the Bluff Road Pump Station. The State will be preserving the landscaping.

A resolution endorsing the proposed New Jersey Route 5 Rock Slope Stabilization Project will be placed on the March 11<sup>th</sup> regular meeting proposed consent agenda.

### GENERAL DISCUSSION

#### Municipal Budget

See Municipal Budget Sheet Attached (Appendix A)

Ms. Thomas stated by doing the bond sale the municipal portion of the budget will increase by 2.99%. This will equate to a \$102.00 increase on a home assessed at \$450,000. A tax point is equal to \$650,780.00. The largest increase is in health benefits. There has been a decrease in debt service. Also the Ambulance Corp fees were overestimated last year. There are no

pension deferral payments and everything is fully funded. All other increases were kept to a bare minimum.

Mayor Sokolich stated that the Borough's municipal budget increase last year was one of the lowest in Bergen County and the Borough did not have to use a pension deferral.

Mr. Cervieri added that the salary and wages line is up only \$40,000 other than the police department. The police make up the largest portion of the salary increase with the majority of the increase based on the arbitration award they received.

Mr. Sohmer asked if holiday roll-in pay is budgeted.

Mr. Iannaconi replied affirmatively.

It was agreed that the municipal budget will be introduced at the March 11<sup>th</sup> regular meeting. The public hearing will be held on April 15<sup>th</sup>, but the budget cannot be adopted at that time.

Mayor Sokolich added that the Borough is the financial envy of many towns. Everyone deserves praise for the job they have done in keeping the budget numbers down.

### **Authorizing Budget Appropriation Transfers**

A resolution authorizing budget appropriation transfers as prepared by the Chief Financial Officer will be placed on the March 11<sup>th</sup> regular meeting proposed consent agenda.

### **Bill Collection for Ambulance Corps Fees**

Ms. Thomas stated that a substantial amount of insurance money has been paid out to people who were provided ambulance services but who have yet to turn over the insurance money properly to the Borough. The Borough would only be going after insurance money.

Mr. Goldberg stated that a pre-collection letter should be done before potentially hiring an outside contractor to collect the fees owed to the Borough.

On questioning from the governing body Mr. Iannaconi stated that \$22,600 is owed from the first year. Half the money owed is from residents and the other half from non-residents.

Mr. Cervieri noted that based on last year's collections the money not turned back to the Borough equates to a little over 3% which is not a large percentage.

### **Interest Arbitration Reform**

A resolution endorsing the League of Municipalities initiative in moving interest arbitration reform forward will be placed on the March 11<sup>th</sup> regular meeting proposed consent agenda.

### **Health Insurance Update**

Mr. Pohan stated that on behalf of the Borough Brown & Brown checked out potential new insurance companies. They came back with Oxford (United Health Care) which essentially mirrors the Borough's current plan under Horizon Blue Cross Blue Shield. Current year premiums would result in a 2% to 4% savings. There would be an increase next year from 11% to 15%. A disruption analysis was done and the figures showed that 94% of the people would have no disruption from there current insurance. He and Ms. Thomas are going to be meeting with them next Wednesday. He added there is a possibility to reducing the premium further. Brown and Brown wouldn't do it for less than 12 months; however if they were brought in now it would be difficult for accounting purposes as the accounting period would be from April 2010 to March 2011.

Ms. Thomas mentioned that the majority of employees have been moved into direct access.

Mr. Cervieri stated that 4% reduction in the Borough's premium equates to \$280,000 on a \$7,000,000 premium.

Ms. Thomas added that insurance rates went up 12% this year.

### **AT&T Request to Place an Antenna at the Jack Alter Community Center**

Mr. Pohan stated that AT&T wants space inside the building as well.

Mr. Cervieri asked how serious is AT&T and asked Ms. Thomas to get a formal proposal from them.

Mayor Sokolich expressed concern about losing potentially 250 square feet of space inside the community center, but if AT&T is going to pay a high premium to the Borough the issue should be carefully studied.

**Amending Chapter 388-37 Schedule XXII to Include Schedule XXI - To Prohibit Parking When Road is Snow Covered on Certain Streets**

An ordinance to include schedule XXII into schedule XXI Prohibiting no parking when road is snow covered on certain streets will be introduced at the March 11<sup>th</sup> regular meeting.

**Main Street Liquors LLC - Lapsed Liquor License**

Mr. Grant explained what happened between the New Jersey Division of Taxation and the Division of Alcoholic Beverage Control with regard to the Main Street Liquors LLC liquor license and the circumstances that caused the license to be lapsed.

Mr. Grant added that once he receives confirmation from the State ABC regarding the license being officially lapsed a resolution is required to be approved by the governing body. This will cause the Borough to lose one (d) liquor license and will create more value for the people who currently hold the other (d) licenses within the Borough.

**Whitehall Towers Developers Agreement**

Mr. Cervieri recused himself on this matter.

A resolution as prepared by the Borough Attorney's office authorizing the approval of a developers agreement with Whitehall Towers will be placed on the March 11<sup>th</sup> regular meeting agenda.

Environmental and Beautification Committee Appointments

Mayor Sokolich stated that he will be making nominations to the Environmental and Beautification Committee at the March 11<sup>th</sup> regular meeting.

The Council asked for a list of the potential nominees.

Mr. Grant will forward the list to everyone.

Other Items (Added on)

1. Recycling Stations (Metro Bins)

Mayor Sokolich stated that he would sit down with Ms. Kasofsky and Tony Lione, DPW Director, to discuss the matter.

2. Website Proposals

Mr. Sohmer and Ms. Thomas and Ms. Kasofsky met with Rutgers along with another vendor. At the meeting everyone agreed that the website needs a new look.

Mayor Sokolich asked about a notification system.

Ms. Thomas replied that a system can be done, but the vendor they met with cannot segment it into different areas.

Mr. Goldberg asked that Mr. Sohmer look at the Township of East Brunswick's website.

3. Digital Archiving of Building Department Records

Mr. Cervieri stated that under the Borough's current retrieval system records take a few days to come from the Borough current archiving company. It's frustrating for people looking for records as well as the staff of the Building Department.

He added that a company has requested that they demonstrate to the Borough how their digital archiving system works.

Ms. Thomas stated that the Borough currently is not in the position to spend money on extra services.

Messrs. Sokolich and Cervieri will meet with the vendor to get an update on the program's availability and affordability.

4. New Law With Regard to the Collection of Fines

Mr. Goldberg spoke to a recently enacted law that allows for the collection of court ordered fines from third party companies. He stated that he will get more information from John DeSheplo, Municipal Court Judge, to see how the court could collect a higher percentage of their fines.

5. Main Street/Central Road Parking Lot Across from In Napoli

Mr. Cervieri stated a long time ago the Mayor and Council had recommended that lot be paved.

Mayor Sokolich said that the cost would be about \$40,000 and the labor would be done by the DPW; however, this item should be under the auspices of the Parking Authority.

Mr. Sohmer will discuss this item with the Parking Authority.

**PUBLIC HEARINGS SCHEDULED FOR MARCH 11, 2010**

Ord. #2010-5 - Amending Chapter 388, Sections 14 and 69 Placement of a Handicapped Parking Space by 227 McElroy Avenue

Ord. #2010-6 – Appropriating \$245,000 for Roadway Improvements to North Avenue and Eighth Street

Ord. #2010-7 – Amending Chapter 388, Section 36, Schedule XXI, and Section 37, Schedule XXII, Parking Prohibited When Road is Snow Covered on Linwood Avenue and Hudson Terrace

Ord. #2010-8 – Amending Chapter 410, Zoning, Concerning an Amendment to the Regulations of the R-7A Mid-Rise Residential Zone and the Creation of a New R-7B Multifamily High-Rise Affordable Zone

**PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.2010 Municipal Budget	Mayor Sokolich
	.Potential Antenna at Jack Alter Community Center/	Mayor Sokolich Mr. Goldberg

Requested That Antenna be  
Placed Away from Anderson Ave.

Charles Sobel 2175 Hudson Terr.	.Asked for the Definition of a Snow Covered Street	Mayor Sokolich Mr. Sohmer Mr. Cervieri
	.Rent Leveling Proposal	Mr. Pohan Mayor Sokolich Ms. Thomas
	.48 Hour Street Parking	Mayor Sokolich

There being no further discussion the meeting was adjourned  
**on motion by Councilman Cervieri, seconded by Councilman  
Sargenti, at 9:10 p.m.**

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Neil Grant, RMC  
Borough Clerk

**BOROUGH OF FORT LEE  
2010 MUNICIPAL BUDGET  
INITIAL SUMMARY SHEET  
(Appendix A)**

Total Appropriations 2009	\$68,805,455	
Total Appropriations 2010	67,669,059	
Increase	<u>\$ 863,604</u>	
Percentage	<u>1.26%</u>	
Tax Levy 2009	\$55,440,955	0.911
Tax Levy 2010	\$57,549,086	0.941
Increase	<u>\$2,108,131</u>	0.030
Percentage	<u>3.80%</u>	

Tax Point = \$611,780

\$138.5 Increase on a Typical \$450,000 House

**Appropriation Increases**

Salaries and Wages - Police	\$581,800
Salaries and Wages - Other	39,931
Health Benefits	1,145,000
Other Insurance	70,900
Library	25,644
Debt Service	(591,747)
Pension	149,346
Other Expenses	<u>(567,220)</u>
	\$853,604

**Revenue Reductions**

Capital Surplus	584,084
Interest	110,000
PILOT Senior Housing	225,000
Delinquent Taxes/Surplus	266,000
Ambulance Fees	<u>157,000</u>
	\$1,342,064

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, February 18, 2010 @ 7:00 p.m.**

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

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

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

**MAYOR'S STATEMENT**

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

1. On January 7, 2010, 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 8, 2010, 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 2010 to cover the cost of providing notice.

3. On February 11, 2010 a copy of said change in the scheduled starting time for the meeting was posted at 309 Main Street, Fort Lee, New Jersey. On the same date, copies of the change in meeting time were also mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2010 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Salary Review for Police Chief and Deputy Chief  
Police Department Table of Organization  
Police Department Retirement

Redevelopment Area 5

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

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

#### INTRODUCTION OF ORDINANCES

#### Ordinance #2010-8 - Amending Chapter 410, Zoning, Concerning an Amendment to the Regulations of the R-7A Mid-Rise Residential Zone and the Creation of a New R-7B Multifamily High-Rise Affordable Zone

On motion by Councilman Sohmer, seconded by Councilman Pohan, and carried, Ord. #2010-8 entitled, "AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 410, "ZONING," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE CONCERNING AN AMENDMENT TO THE REGULATIONS OF THE R-7A MID-RISE RESIDENTIAL ZONE AND THE CREATION OF A NEW R-7B MULTIFAMILY HIGH-RISE AFFORDABLE ZONE," was introduced and passed on first reading.

The Ordinance was **approved unanimously**, and the **public hearing** relative to this ordinance was scheduled for **March 11, 2010**.

#### GENERAL DISCUSSION

#### Approval of Dates for Saint Rocco's Feast

The Mayor and Council agreed that the Saint Rocco's Italian Mutual Aid Society can use Martha Washington Way for their annual feast from August 4<sup>th</sup> to August 8, 2010.

A resolution approving the dates will be placed on the March 11<sup>th</sup> regular meeting proposed consent agenda.

The Mayor and Council concurred that by the end of next year Saint Rocco's will have to find a new location.

Mr. Cervieri suggested that they speak to the Palisades Interstate Parkway Commission about using their park property on Hudson Terrace.

**Stand-By Generator Upgrade Bids**

Ms. Thomas stated that seven bids were received on February 12<sup>th</sup> and the bids are being reviewed by Mr. Cohen's office.

This item will be placed back on the March 4<sup>th</sup> executive session meeting agenda.

**Environmental & Beautification Committee Appointments**

Mayor Sokolich requested that this item be placed back on the March 4<sup>th</sup> executive session agenda for discussion.

**PUBLIC PARTICIPATION**

<b><u>Speaker</u></b>	<b><u>Subject</u></b>	<b><u>Response</u></b>
Nina Levinson 1560 West St.	.Ord. #2010-8	Mayor Sokolich Mr. Cohen
	.Redevelopment Area 5	Mayor Sokolich

Mr. Cervieri stated that Mr. Cohen last week sent a clarifying letter to Erik Swanson, Building Sub-code Official, regarding the process of people appearing before the Sign/Façade Review Committee. Applicants should be appearing before the Sign/Façade Review Committee after they receive their building permit but before they request their final certificate of occupancy from the Building Department. The Building Department should prepare instructions for the general public so that they understand the process.

There being no further discussion the meeting was adjourned on motion by Councilman Goldberg, seconded by Councilwoman Kasofsky, at 7:50 p.m.

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, February 4, 2010 @ 7:00 p.m.**

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

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

**ABSENT:** Councilman Pohan

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

**MAYOR'S STATEMENT**

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

1. On January 7, 2010, 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 8, 2010, 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 2010 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Police Department Crossing Guards  
Police Department Retirement Costs

Contracts: Community Grants Planning & Housing  
Administrative Purchasing Consultants  
McNerney Associates - (Tax Appeal Appraisal)  
Port Authority Ramp

Litigation: Police Department Arbitration

Taxi/Limousine Licenses: Riverview Taxi Inc. and  
Riverview Car Service Inc.

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

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

### ENGINEERING DISCUSSION

Ed Mignone, Borough Engineer, was present for this portion of the meeting.

#### 2010 NJDOT Local Aid Project for Myrtle Avenue

Mr. Mignone stated that the Borough will be receiving a State Aid Grant for roadway improvements to Myrtle Avenue in the amount of \$200,000.

He added that Boswell McClave Engineering has put in a proposal to perform a topographic survey and prepare construction plans in the amount of \$18,000 for the roadway improvements.

Mr. Sargenti asked where the project will begin and how far up Myrtle Avenue will it get.

Mr. Mignone stated that the project will commence on Lemoine Avenue and continue eastbound for as far as the grant money will take it.

The Mayor and Council agreed that a resolution authorizing Boswell to prepare the topographic survey and prepare the

construction plans in the amount not to exceed \$18,000 will be placed on the February 11<sup>th</sup> regular meeting proposed consent agenda.

**Appropriation Requests from Congressman Rothman**

Ms. Thomas and Mr. Mignone prepare a list of three projects to be considered for federal appropriation including a \$500,000 request for upgrades to the Borough's CSO.

Mr. Mignone added that the Borough will probably only receive one of the three requests it's submitting. These are not matching grants.

Mayor Sokolich asked if the proposals could be broad enough so that that the proposals are close to equal in value so if only one is chosen the Borough will receive the most money possible.

Mr. Mignone replied that the proposals have to have specific components. The Borough will have to spend some in-kind labor services; even though, the grants are not matching.

Ms. Thomas added that it's good to have a variety of projects with varying costs to choose from.

**Change Order for North Avenue (Added on Item)**

Mr. Mignone stated that there will be a change order in the amount of (-21,750.55) for English Paving for roadway improvements to North Avenue and Eighth Street. He added that fewer materials were used than originally anticipated.

A resolution authorizing the negative change order will be placed on the February 11, 2010 regular meeting proposed consent agenda.

**GENERAL DISCUSSION**

**Parking Garage Project (Main Street and Central Road) Paul Kaufman, Esq. in Attendance**

Mr. Cervieri stated that he spoke to Mr. Kaufman and that one of his clients could not attend tonight's meeting; therefore,

the parking garage project discussion will have to be discussed at a future executive session of the Mayor and Council.

**Capital Ordinance for North Avenue & Eighth Street Roadway Improvements**

An ordinance for the roadway improvements made to North Avenue and Eighth Street in the amount of \$200,000 will be introduced at next week's meeting.

The project was funded with NJDOT Grant monies, but the ordinance is a funding mechanism so that the monies spent can be allocated through a capital ordinance.

**BCUA (Added on Mayor Sokolich)**

Mayor Sokolich stated that the Borough has not received one modicum of extra service since the BCUA changed its billing methodology. Eighteen municipalities had their costs reduced while Fort Lee's rates went significantly up. The Borough is basically subsidizing the other municipalities whose BCUA rates went down.

**Battle of the Bulge Monument Request**

Alvin Sussman, Commander of the Jewish War Veterans, spoke to the meaning of the Battle of the Bulge and requested that a monument be erected in the memory of the people who died in that battle during World War II. He suggested that the monument be erected on Abbott Boulevard next to the Korean War Monument. He spoke to donations that he has received to build a monument but his organization is still \$5,000 to \$8,000 short of reaching its goal. He added that six to eight states already have monuments recognizing the battle.

Mr. Cervieri stated that the Borough has honored various wars by building monuments. He added that any other group could start to ask that monuments be built for individual battles within wars. He said that one of his colleagues stated that the Borough is beginning to look like a monument city.

After a brief discussion Messrs. Sokolich and Goldberg agreed to take Mr. Sussman over to Constitution Park to see if

there is room within the memorial that is currently at the site to recognize the Battle of the Bulge.

Mr. Sohmer added that memorial flags are already flying in Constitution Park.

Mr. Goldberg suggested that Bergen County be approached about having a monument in one of its parks.

Mayor Sokolich stated that if there is agreement from the governing body the Borough could offer Borough services for the erection of the monument.

Mr. Goldberg will bring this item back to the table once he has looked at the Constitution site with Mr. Sussman and the Mayor.

#### **Fort Lee Film Commission Cliffhanger Series Dates**

There was no discussion on this item tonight.

#### **Additional Newspaper for the Borough's Legal Advertisements**

Mr. Grant asked that The Press Journal be added as one of the Borough's legal newspapers. It will be a weekly paper with advertising rates that are less than The Record.

The Mayor and Council voiced no objection to Mr. Grant's request.

Mr. Grant will prepare the appropriate resolution which will be placed on the February 11, 2010 regular meeting proposed consent agenda.

#### **Handicapped Parking Space by 227 McElroy Avenue**

An ordinance creating a handicapped parking space in front of 227 McElroy Avenue will be placed on next week's regular meeting.

The Police Department reviewed and approved the request of the resident for the handicapped parking space.

**Signage for No Advertising in Bus Shelters**

Mr. Grant indicated that New Jersey has recently installed a number of new bus shelters in the Borough. He's requesting that signage be placed in them so that people will not be able to post signs in them. The goal is to continue to keep Fort Lee as clean as possible.

It was agreed by the Mayor and Council that signs be placed on all of the Borough's bus shelters indicating that handbills of any kind shall not be posted.

**Renewal of Liquor License for Fairview Equities LLC - Special Ruling Received from the State**

A resolution authorizing the renewal of Fairview Equities LLC liquor license (inactive license) will be placed on the February 11<sup>th</sup> regular meeting proposed consent agenda.

**Appointment to the Historic Site, Structure, Cultural and Landmark Committee**

Mayor Sokolich will nominate a high school student to fill a vacancy on the committee. The previous high school student who was on the committee is now in college and chose to resign from the committee.

The appointment will be made at the February 11<sup>th</sup> regular meeting.

**Record Article Regarding the Non-Recycling of Household Batteries (Added on Item by Mr. Goldberg)**

Mr. Goldberg asked that a resolution be approved objecting to Bergen County and other counties decisions not to recycle household batteries as part of their recycling programs.

Mr. Cohen's office will prepare the resolution which will be placed on the February 11<sup>th</sup> regular meeting proposed consent agenda.

Fort Lee Athletic Club

Mr. Sohmer that he met with the Mayor, Peggy, Tom Meyers, Larry Goldberg and Paula Colbath with regard to moving the Fort Lee Athletic Club's building to the Monument Park site. He said that Boswell McClave wrote a memo which indicated that moving the building will cost \$250,000.

Ms. Thomas stated that the cost could be as high as \$500,000 and that the task has changed. Originally Tom's group wanted support in making the move, but now the group is looking for financial support.

Mr. Cervieri stated that without a site plan it's almost impossible to have an informed discussion.

Mr. Larry Goldberg stated that the building is 30 feet wide and 60 feet deep. Existing parking would not have to change. The building itself would fit into Monument Park. The building would face the Palisade Avenue parking lot. Boswell's memo spoke to covering the cost of the move only. There are other incidental costs. He spoke to engineering that would be needed. He added that the building is not considered historical architecture; however, the age of the building is consistent with the other buildings that are on and/or adjacent to the property.

Mr. Cervieri stated that moving an 1800 square foot structure for upwards of \$500,000 is not a good deal for the Borough especially in light of today's economy.

Mr. Sargenti believes moving the structure is problematic with all the required upgrades that would be needed. He thinks taking the most valuable pieces out of the house and displaying them is a better idea.

Mr. Cervieri added that Monument Park is one of the nicest parks the Borough has. The Borough spent a lot of money to fix up the Judge Moore House. The residents in the area haven't been notified about another structure being placed with the park. would fair.

Mr. Larry Goldberg said that moving the structure to Monument Park complies with the Borough's existing zoning ordinance.

Conversation ensued about the history of Monument Park and the proposed shopping mall that was proposed to be built there years ago. Everyone concurred that this would have negatively effected the property owners surrounding the now current park.

Ms. Colbath said that official drawings were given out. A more formal presentation will be made at a later date. This meeting was to get a feel for what the entire Mayor and Council may be thinking about the project.

Mr. Sohmer stated that in this economy it's very hard justifying the spending of money for this purpose.

Mayor Sokolich stated that the first meeting held was to buy time. Now the meeting has morphed into paying for the move with Borough funds. He asked about fundraising initiatives.

Mr. Larry Goldberg stated that the first step is the feasibility of moving the structure including the magnitude of the potential cost.

Mr. Cervieri stated that there is little money available at this time. He added that you cannot move the building, leave it alone and then tell the residents when the Borough has money the Borough will make the required repairs.

Mayor Sokolich asked Ms. Colbath to make her presentation at a later time when there are more details available.

Mr. Goldberg stated that all of the homeowners in the area including the high rises need to be in favor of it.

**PUBLIC HEARINGS SCHEDULED FOR FEBRUARY 11, 2010**

Ord. #2010-1 - Repealing Chapter 12 Beautification Committee and Replacing it With Chapter 48 an Environmental and Beautification Committee

Ord. #2010-2 - Ordinance Repealing and Replacing Chapter 261, Land Use Procedures, Article I, Planning Board and Any Similar Uncodified Ordinances

Ord. #2010-3 - Amending Ordinance #2009-41 Which Was Adopted on December 17, 2009 - Amending Chapter 388, Section 43, Schedule I, No Parking on a Portion of Bridle Way Northbound at the Apex of Bridle Way and Cumbermeade Road

Ord. #2010-4 - Bond Ordinance for Fire Pumper and Other Related Equipment - \$900,000.00

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.BCUA - Separation of Sewers in Redevelopment Area 5	Ms. Thomas Mr. Cohen Mayor Sokolich
Larry Goldberg 5 Crescent Way	.Boswell's Previous Study With Regard to the Separation of the Borough's Sewers	Mr. Cervieri Ms. Thomas
	.Spoke to New York City Separation of Sewers on New Construction	

There being no further discussion the meeting was adjourned **on motion by Councilman Goldberg, seconded by Councilman Sargenti,** at 9:25 p.m.

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, January 21, 2010 @ 7:00 p.m.**

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

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

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

**MAYOR'S STATEMENT**

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

1. On January 7, 2010, 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 8, 2010, 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 2010 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Police Department Table of Organization  
Police Department Crossing Guards  
Police Department Salary Review

Potential Property Acquisition: Dr. Raymond Bandlow,  
Fort Lee Superintendent of Schools in Attendance

Hearing Results of a Taxi License Appeal for Taxi  
Owner's License to Justin Sasso (Go Med Transit, LLC)

RFQ: Computer Consultant

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

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

#### APPROVAL OF MINUTES

On motion by Councilman Sohmer, seconded by Councilman Kasofsky, and carried unanimously, the minutes of the December 12, 2010 Regular Meeting were approved with Councilman Cervieri abstaining.

#### INTRODUCTION OF BOND ORDINANCE

#### Ordinance #2010-4 - Bond Ordinance for the Acquisition of a Fire Truck and Other Related Equipment - \$900,000.00

On motion by Councilman Cervieri, seconded by Councilman Pohan, and carried, Ord. #2010-4 entitled, "BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A FIRE TRUCK AND OTHER RELATED EQUIPMENT IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$900,000 THEREFOE AND AUTHORIZING THE ISSUANCE OF \$855,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF," was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the **public hearing** relative to this ordinance was scheduled for **February 11, 2010**.

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

RESOLUTIONS

R-1 - Amending the Temporary Capital Budget

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

WHEREAS, the Borough of Fort Lee desires to constitute the 2010 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 2010 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 2010  
Method of Financing

<u>Project</u>	<u>Est. Costs</u>	<u>Capital Improvement Fund</u>	<u>Bonds</u>
Acquisition of a Fire Truck	\$900,000	\$45,000	\$855,000

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 2010 Temporary Capital Budget, to be included in the 2010 Permanent Capital Budget as adopted.

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

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

R-2 - Authorizing the Advertising for Bids for Replacement Windows in Borough Hall

Ms. Thomas stated that the windows specifically on the east side of the Memorial Municipal Building need to be replaced as water is seeping through them.

**Councilman Sargenti introduced, and Councilman Sohmer seconded, the following Resolution:**

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the Purchasing Consultant and/or Borough Clerk are hereby authorized and directed to obtain specifications and advertise for bids or purchase through State contract for:

. Replacement Windows for Borough Hall at 309 Main Street

The Resolution was **approved unanimously.**

**R-3 - Authorizing a Filing of a Lawsuit Challenging the BCUA's Sewer Use Fees**

The **entire governing body introduced, and Councilwoman Kasofsky seconded, the following Resolution:**

**A RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE BOROUGH ATTORNEY TO FILE A LAWSUIT CHALLENGING THE BCUA UTILITY RATES**

WHEREAS, the Bergen County Utilities Authority ("BCUA") has adopted a new method by which it calculates rates for the municipalities that it services, thereby affecting the rate being charged to the Borough of Fort Lee; and

WHEREAS, the said new method of calculation has dramatically increased the cost of services for the Borough; and

WHEREAS, the Borough believes this new charged rate to be both arbitrary and capricious; and,

WHEREAS, the Borough has engaged in good faith negotiations with the BCUA in an effort to ameliorate these excessive charges; and

WHEREAS, the negotiations with the BCUA have not produced a satisfactory resolution of this issue and the Governing Body now desires to pursue a final determination on the appropriateness of these charges.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Fort Lee, County of Bergen, State of New Jersey that the Borough Attorney is hereby authorized to file a lawsuit against the BCUA for it to repeal and readjust its rates and charges applicable to the Borough of Fort Lee.

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

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

Mayor Sokolich explained how the BCUA has changed its utility rates which have negatively effected the Borough and has caused the Borough's sewer utility rates to go up greatly.

#### GENERAL DISCUSSION

#### 9/11 Memorial

Mr. Sohmer stated that the Fire Chief along with Messrs. Sokolich, Goldberg and him met about having a 9/11 Memorial placed in town. During the last 9/11 service there was a poor turnout because of the weather and that the Borough has no actual 9/11 memorial. The Port Authority has a piece of steel from 9/11 that is currently housed in Staten Island. The Borough is looking to procure the steel and then different memorial locations will be looked at. If the Borough does build a memorial all of the Borough's emergency services would be recognized.

He added that one potential location being considered is a corner of Constitution Park opposite Mediterranean South.

Mr. Pohan spoke to the potential footings that would be needed to have the steel placed into the ground.

Mr. Sohmer stated that the work could be done in-house.

Mayor Sokolich added that the Borough including its emergency services played an integral part during 9/11.

Mr. Cervieri stated that the Borough dedicated Bruce Reynolds Boulevard and believes that the most appropriate place would be across the street in front of the Port Authority complex on Bruce Reynolds Boulevard. There are a series of flags currently by the location on the lower level.

Mayor Sokolich replied that area is not a good place for the residents to congregate to see a memorial and would also not be a good place to conduct a memorial service.

Mr. Goldberg spoke to potentially placing a memorial on the grassy area of the Jack Alter Fort Lee Community.

Mr. Sohmer will continue to investigate the obtaining of the steel and the potential location to place the memorial. This item will be brought back for discussion in the near future.

**Ord. 388-67, Schedules 36 and 37 - Snow Events on Hudson Terrace and Linwood Avenue**

Ms. Thomas stated that the Police Department has recommended that the Borough's current regulations of no overnight parking between December 1<sup>st</sup> through March 31<sup>st</sup> be changed that only when there is a snow event that overnight parking on Hudson Terrace and Linwood Avenue be prohibited. She added that when snow events occur the Police Department does a reverse 9-1-1 to the residents in the area as well as actually going to people's homes to make sure their vehicles are off the road during a snow event.

An ordinance making the recommended changes will be introduced at the February 11<sup>th</sup> executive session. The Borough will also update its posted signage in the areas that are being affected.

**Leveraging of PARIS Grant Funds to Bergen County**

Mr. Grant explained that the Borough will leverage its potential PARIS Grant funds to Bergen County so that they can to run and upgrade their scanning equipment that the Borough is tied into.

Mr. Grant added that in previous years the Borough just had to submit a letter to the State to leverage its funds, but the State is now requiring a formal resolution.

A resolution leveraging the Borough's funds to Bergen County will be placed on the February 11<sup>th</sup> regular meeting proposed consent agenda.

Parking Garage Project on Central Road & Bigler Street Tim Haahs, P.E. and Steve Monetti in Attendance

Mr. Haahs stated that he came before the Mayor and Council back in November 2008. The mixed use project being presented tonight is pretty much the same project that was previously presented except the height of the building has been reduced by two floors. There would be 80 condominium units at the site. There would be seven levels of parking with 260 parking spaces and twelve floors of living space. The parking dictates what can be done. He wants to build a slender tower which would not create many shadow lines.

Mr. Goldberg asked what the breakdown in bedroom sizes would be.

Mr. Haahs replied that the designed unit breakdown has not been determined at this point in time.

Mayor Sokolich said that Mr. Haahs has responded to any potential COAH impact. He asked Mr. Haahs how Redevelopment Area 5 which is directly across the street would affect his project, and he asked if his proposed tower and the potential new buildings in Redevelopment Area 5 could co-exist.

Mr. Haahs replied that his building would actually be closer to the Hudson River which he believes would make it very attractive to potential homeowners. There is also an additionally buffer because of Central Road being rebuilt. He added that it's important that Main Street stays attractive and that he would not have approached the Mayor and Council with the project if his project could not co-exist with Redevelopment Area 5.

Mr. Sohmer asked about Whitehall Towers which is being built a block away from Mr. Haahs' project and is going to be 14 or 15 stories high.

Mr. Goldberg asked about Central Road being able to handle all the potential traffic from two new buildings plus all of the Redevelopment Area 5 traffic.

Mr. Pohan stated that in terms of timing his biggest concern that building a small piece before Redevelopment Area 5 is decided upon might not be in the Boroughs best interest.

Mr. Cervieri expressed his concerns about losing Main Street and the ground parking spaces. He added that condominium development in Fort Lee has not had a successful history. He cited The Buckingham, Royal Buckingham, River Ridge as buildings that struggled selling their condominium units, and he added that The Atrium had to be bailed out by deep pocketed investors.

Mayor Sokolich stated that he did like the courtyard retail look of Mr. Haahs' project.

Mr. Cervieri stated that Mr. Haahs should speak to George Tsoullis who owns property on the east side of the street. He added that he would not be brokering any potential deal if Mr. Haahs and George Tsoullis come together.

Mayor Sokolich added that this project is being defined as a niche market. It's a little different than some of the other buildings in the Borough.

Mr. Haahs believes there is a demand for a niche market with not too many condominium units.

Ms. Kasofsky asked how much money the Borough could anticipate annually in taxes.

Mayor Sokolich replied that he believes the project could bring in approximately \$1,750,000 per year in taxes.

Mr. Haahs stated that he would have to sell all the units within two years to make any money.

Messrs. Cervieri and Haahs spoke about the potential of using an automated garage.

Mayor Sokolich thanked Mr. Haahs for his time and said that there are other considerations along with another entity that potentially wants to develop the site.

**PUBLIC PARTICIPATION**

<b><u>Speaker</u></b>	<b><u>Subject</u></b>	<b><u>Response</u></b>
Nina Levinson 1560 West St.	.Borough Hall Windows	Ms. Thomas

	.BCUA Rates	Mayor Sokolich Mr. Cohen
	.PARIS Grant	Mr. Grant
	.Lack of Parking in Back of Borough Hall	Ms. Thomas
Dave Rowan 2329 Hudson Terr.	.Spoke about Lack of Parking on Hudson Terrace	Ms. Thomas Mayor Sokolich
	.Request to Expand Residential Parking Permit Program to Seven Days	Mr. Sohmer Mayor Sokolich Mr. Cervieri
Charles Sobel 2175 Hudson Terr.	.Rent Leveling Ordinance	Mayor Sokolich Ms. Thomas Mr. Pohan Mr. Cervieri

There being no further public discussion the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, at 9:27: p.m.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Collective Bargaining: Union Negotiations

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

There being no further discussion the meeting was re-opened to the public and with no one present from the public, **on motion by Councilman Goldberg, seconded by Councilwoman Kasofsky**, the meeting was adjourned at 9:35 p.m.

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, January 14, 2010 @ 6:00 p.m.**

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

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

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

**MAYOR'S STATEMENT**

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

1. On January 7, 2010, 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 8, 2010, 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 2010 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Police Department Retirement Notices  
Police Department Community Service Hire

Police Department Grievance(s)

Recreation Department Seasonal Employees

Tax Appeal Litigation: Carsalve (McDonald's) vs. Fort Lee for Property Located at 2152 Lemoine Avenue

Contract: Borough Auditor

Health Insurance

RFQ's: Conflict Counsel  
Traffic Engineer  
Purchasing Consultant  
Borough Planner

Litigation: Fort Lee vs. BCUA

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

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

### ENGINEERING DISCUSSION

Ed Mignone, Borough Engineer, was present for this portion of the meeting.

#### Boswell McClave Construction Inspection Services for North Avenue - \$4,500 Increase

Mr. Mignone stated that Boswell McClave has requested a \$4,500 increase for construction inspection services for the completed North Avenue paving project. A portion of Eighth Street was also added to the project. Also a lot more attention in keeping the roadway open for the residents of North Avenue while the project was being done was given. He recommended that Boswell McClave be given their requested increase.

A resolution authorizing the \$4,500 increase will be placed on tonight's regular meeting proposed consent agenda.

**Authorizing Payment to Gotthold Paving for Emergency Sewer Repairs to 2165-2205 Route 4 West**

Mr. Mignone noted that emergency storm sewer work was done by the Courtesy motel. There was a lot of flooding in the area. After being inspected a large collapse of 100 feet of undersized pipe was repaired.

A resolution authorizing payment to Gotthold Paving, Edgewater, New Jersey, for the emergency repairs that they made at a cost of \$37,600 will be placed on tonight's regular meeting proposed consent agenda.

Ms. Thomas added that the Borough will be trying to upgrade its pump station by applying for a \$500,000 Federal EPA grant this year.

**GENERAL DISCUSSION**

**Amending Ambulance Corp Service Fees**

Ms. Thomas stated that Paul Favia, EMS Coordinator, has recommended that the Borough raise its Ambulance Corp Service fees in the following manner:

	<u>From</u>	<u>To</u>
Basic Life Support	\$585.00	\$650.00
Loaded Mileage Charge	\$11.00	\$12.00 per mile.

Ms. Thomas added that this is being considered because Medicare has reduced its fees so this way the Borough does not lose any additional money.

The Mayor and Council concurred that a resolution increasing the Borough's Ambulance Corp Service fees as listed above should be placed on tonight's regular meeting proposed consent agenda.

**Bond Ordinance/Purchase of Fire Pumper**

Ms. Thomas stated that the bid for the fire pumper came in

at \$815,490.00. The Borough needs to put the financing in place so the bid can be awarded.

The Mayor and Council voiced no objection for the need for the pumper.

A bond ordinance in the amount of \$900,000 will be introduced at next week's executive session meeting.

**Awarding Bid for a 2010 Ford SUV for the Fire Department**

Ms. Thomas stated that the lowest compliant bid for a SUV for the Fire Department came in from Warnock Fleet at a cost of \$31,107 which monies are coming from a dedicated penalty fund.

A resolution awarding the bid to Warnock Fleet will be placed on tonight's regular meeting proposed consent agenda.

Mr. Sargenti asked if the Borough can use more hybrid vehicles.

Ms. Thomas replied that because of the amount of fire equipment that is needed to be put in the SUV the hybrids as presently constructed cannot hold the equipment needed. She added that the Borough does use hybrids for other purposes, but it would be impractical for a Fire Department vehicle.

**American Cancer Fund**

Mayor Sokolich stated that the American Cancer Educational Service, Inc wants to hold a fundraising walk in the Borough on Sunday, April 25<sup>th</sup>.

The Council voiced no objections to the walk being held in the Borough.

**Commemorative Naming of the Corner of Main Street and Central Road - John Barrymore Way**

Mr. Goldberg stated that the Fort Lee Film Commission has requested that the corner of Main Street and Central Road be named commemoratively as John Barrymore Way. Mr. Barrymore first

appeared at a theater at the present site which is now known as Main Street and Central Road.

The Mayor and Council voiced no objection in commemoratively naming the corner of Main Street and Central Road as John Barrymore Way.

**Cable Rate Increases**

Mr. Grant explained that every year in January Time Warner Cable and Verizon asked for rate increases from the Board of Public Utilities. The Borough has no control over the rate increases.

There was no further discussion of this item.

**Resolution Opposing Tax Assessment Pilot Program**

Mr. Sohmer asked the Mayor and Council to oppose the tax assessment pilot program that is currently underway in Gloucester County. If this pilot program is implemented throughout the State, municipalities would lose local control over tax assessments.

The Mayor and Council agreed that a resolution opposing public law 2009, C.18 which created a tax assessment pilot program in Gloucester County will be placed on tonight's regular meeting proposed consent agenda.

**Amendment to Land Use Ordinance, Article 1, Planning Board**

The Mayor and Council concurred that an Ordinance repealing and replacing Chapter 261, Land Use Procedures, Article 1, as prepared by Mr. Cohen will be introduced at tonight's regular meeting.

Mr. Cohen stated that the ordinance is in compliance with the State's municipal land laws.

**Repetition Submission to COAH for Round 3 Certification**

Three resolutions as prepared by the Borough Planner that

request a repetition of the Borough's Third Round COAH Certification have been placed on tonight's regular meeting proposed consent agenda.

These resolutions are required by COAH and have been previously done but because COAH did not act on them in 2009 the Borough was required to resubmit them again to COAH in 2010.

**Amending Ord. 2009-41 No Parking on Bridle Way**

Mr. Grant stated that the Police Department has sent a report to the Mayor and Council requesting that Ordinance #2009-41 which was adopted in December 2009 be amended to decrease the distance of the no parking area by the Korean Church on Bridle Way off of Cumbermeade and Dearborn Roads.

An ordinance making the requested amendment by the Police Department as prepared by Mr. Grant will be introduced at tonight's regular meeting.

**Change in Starting Time for the January 21, 2010 Executive Session**

There was no action taken on this item. The January 21<sup>st</sup> executive session of the Mayor and Council will begin at its regularly scheduled meeting time of 7:00 p.m.

**PUBLIC PARTICIPATION**

On motion by Councilman Goldberg, seconded by Councilman Sohmer the public participation portion of the meeting was commenced.

<b><u>Speaker</u></b>	<b><u>Subject</u></b>	<b><u>Response</u></b>
Charles Sobel 2175 Hudson Terrace	.Consolidation of Planning Board/Board of Adjustment	Mr. Cervieri Mayor Sokolich Mr. Pohan
	.Rent Control	Mr. Cervieri Mr. Cohen

There being no further discussion the meeting was adjourned on motion by Councilman Sargenti, seconded by Councilman Sargenti, at 7:45 p.m.

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Neil Grant, RMC  
Borough Clerk