

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, December 4, 2008 @ 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 3, 2008, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2008, 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 2008 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

**On motion by Councilwoman Kasofsky, 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: Ambulance Corps EMT's  
Economic Development  
Municipal Court  
Police Department Dispatchers

Contract: Fort Lee Cooperative Report

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

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

#### ENGINEERING DISCUSSION

##### Fence at Van Fleet Park

Ms. Thomas stated that the Borough will be placing a ten to twelve foot chain link fence around Van Fleet Park. The approximate cost is \$25,000 so the Borough must go out to bid.

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids for the fence will be placed on the December 18<sup>th</sup> regular meeting proposed consent agenda.

##### Emergency Sewer Repairs at Fairview Lane

Ms. Thomas stated that Gotthold Paving, LLC, Edgewater, New Jersey, made emergency repairs to a collapsed sewer on Fairview Lane at a cost of \$6,430.

A resolution authorizing payment to Gotthold Paving will be placed on the December 18<sup>th</sup> regular meeting proposed consent agenda.

GENERAL DISCUSSION

Fort Lee School Superintendent Dr. Raymond Bandlow in Attendance

Dr. Bandlow stated that he's delighted to be in Fort Lee and that the Borough has a great school system. He believes that everyone working together will make it even better. He's hoping to get some shared services which could reduce taxpayer costs. He closed by stating that he looks forward to working with everyone in the future.

Mayor Sokolich stated that there has been too much transition over the past few years with the school board. He's excited to have Dr. Bandlow aboard and he's grateful to his commitment to the children and the school system.

The governing body extended their best wishes to Dr. Bandlow and thanked him for coming in to formally introduce himself.

Bid Summary for Two Dump Trucks, Street Sweeper & Aerial Device

Ms. Thomas stated that the Borough has requested a one month extension which gives the Borough through January 22<sup>nd</sup> to award and/or reject the various bids.

This item to be placed back for the January 15<sup>th</sup> executive session agenda.

Bid Summary for Garbage/Recycling Bids

Mr. Cohen stated that there were anomalies in the bid documents and suggested that this item be rejected and rebid. Three bids were conforming and the other bidder did not include the disposal of garbage in his bid. Arguably the language in the bid specifications could be read two ways. He believes that rejecting all bids and rebidding is in the Borough's best interests.

Joseph Miele, owner of Miele Sanitation, and current garbage carter for the Borough, stated that the Borough has had no contract with him since March. He spoke about the insufficient bond rating of what he believes was a non-conforming bidder. He stated that out of the other three bidders, his bid was the lowest and therefore he should be awarded the garbage contract.

The bid bond called for an (A) rating and the non-conforming bidder only supplied a (NR) rating.

Mr. Cohen replied that the language of the bid has been reviewed, but he will look at everyone's paperwork again. For everyone's benefit, it will be cleaner for the Borough to reject all bids and authorize a rebid of the same.

Mayor Sokolich responding to Mr. Miele's points said that potential litigation resolving the bid could cost the Borough more over the long haul. He stated that the Mayor and Council need to be guided by the Borough Attorney.

**Parking in Front of Blue Ribbon Market and Wachovia Bank**

Mayor Sokolich stated that he and Mr. Goldberg met with the owner of the Blue Ribbon Market. Mayor Sokolich's perspective is for the eight parking spots to remain un-metered. It's isolated parking. The Borough is pro-business.

Mr. Goldberg concurred with the Mayor.

Mr. Cervieri stated that there was no condemnation of land at the location when the Community Center was built. The Borough tried not to disrupt his business.

Conversation ensued about any previous unwritten agreements that the late Mayor Alter and/or others may have made with the owner of the Blue Ribbon Market.

Mr. Cervieri spoke about the harassment he received when he parked his vehicle at the Blue Ribbon Market when the Jack Alter Community Center was officially renamed. He was not on private property and any parking given was done as a favor. The Borough has doubled the parking spaces in the area. He believes that the Borough should have taken the property when the land for the Community Center was acquired.

Mr. Pohan asked if a survey was done on the property in question. This way the issue can be studied in more detail.

Mr. Cervieri asked Ms. Thomas to have Ed Mignone, Assistant Engineer for the Borough, prepare a survey if the Borough doesn't have one on file.

Messrs. Sohmer and Sargenti concurred that they believe this is unnecessary. Mr. Sohmer added that the Borough is going to hurt the Blue Ribbon's business if the spots become metered.

Mr. Cervieri stated that businesses need to be treated no different than homeowners.

Mr. Goldberg added that in the conversation he had with the owner of the Blue Ribbon Market his attitude was discussed.

Ms. Thomas replied that she will circulate a tax map to everyone and will also check with the Building Department to see if they have any documents that outlines the parking situation.

Mayor Sokolich stated that if all the information is received and reviewed then this item can be placed back for discussion at the first executive session in January 2009.

#### **Fire Department Apparatus Specification Proposal**

Ms. Thomas stated that the Borough is going to award a contract to East West Fire Apparatus Consultants Inc., Pleasantville, New York, to write specifications for the potential purchase of a Fire Department foam pumper truck. The State is carefully checking that municipalities are not writing their own specifications that end up looking like sole source bidding. The cost to the Borough would be \$8,500.

The Mayor and Council concurred that this is a good idea.

A resolution awarding the contract to East West Fire Apparatus Consultants Inc. will be placed on the December 18<sup>th</sup> regular meeting proposed consent agenda.

#### **Zoning Ordinance (Escrow Account for Signs)**

Mayor Sokolich stated that the sign/façade committee has recommended that an escrow account be set-up in which monies would be held to make sure applicant's who are approved for signs by the sign/façade committee are in fact doing what they are supposed to. Refundable escrow fees of \$500.00 and \$750.00 are recommended for single/multiple signage. The escrow fees would

be refunded at the time the certificate of occupancy and/or final inspection is completed by the Building Department.

Mr. Cervieri asked who would collect the money.

Mr. Cohen will prepare an ordinance amending the zoning ordinance which will be introduced by the Mayor and Council in January 2009.

**Amendment to Site Plan Ordinance - Parking in Lieu of Program**

Mr. Cervieri spoke about different numbers that could be used for parking space deficiencies. It's based on the land value assessment of vacant land for various classes. He spoke about anticipated cost of parking spaces and the parking costs for structured parking decks. He's in the midst of reviewing figures he obtained from the Tax Assessor. Once he's done he will submit his work to Mr. Cohen who will craft an amendment to the site plan ordinance with regard to the parking in lieu of program.

**Towing of Vehicles**

Mayor Sokolich stated that he's appalled at the booting and the overly aggressive towing practices at the Fort Lee Town Center Mall. The same owner of the GWB Mall is now the owner of the Town Center. Mayor Sokolich added that he's working hard to bring a halt to the aggressive towing practices. There have been many complaints from the public with regard to this issue.

Mr. Cervieri and the governing body expressed their concern whether parking spaces are being leased out other than to the patrons of the mall in violation of their site plan agreement and/or certificate of occupancy.

Mr. Cervieri added that the Police Department should be making sure that ABC Towing is not entirely blocking public streets when they are towing vehicles out of the mall.

Ms. Thomas will have the Building Department investigate the matter.

**Liquor License Person-to-Person Transfer From Ginger Restaurant Inc. to Young Yim at 209 Main Street**

Mr. Grant stated that the Police Department did the background check and has no objection to the transfer of the liquor license.

A resolution authorizing person-to-person liquor license transfer from Ginger Restaurant Inc., to Young Yim at 209 Main Street will be placed on the December 18<sup>th</sup> regular meeting proposed consent agenda.

**Community Development Block Grant Application for 2009**

A resolution endorsing a community development block grant application for barrier free curb cuts to 8th, 9th, 10th, 11th and 12th Streets will be placed on the December 18<sup>th</sup> regular meeting proposed consent agenda.

**Jr. Bridgemen Pee Wee/Varsity Cheerleading Squad**

Mayor Sokolich stated that he has invited the Jr. Bridgemen Pee Wee Cheerleading Squad to the December 18<sup>th</sup> regular meeting.

Mr. Grant stated that the cheerleaders recently came in third place in a competition and one of the cheerleaders in the varsity division came in first place in an individual event. They will be performing at the December 18<sup>th</sup> regular meeting.

**Reorganization Meeting/January 2009 Meeting Schedule**

The Mayor and Council agreed to hold their reorganization meeting on Tuesday, January 6<sup>th</sup> in the evening. It's anticipated at this time the meeting will begin at 6:00 p.m.

Mr. Grant will send out the appropriate legal notice for the meeting once the time of the meeting has been confirmed.

Spring 2009 Film Series

Mr. Pohan stated that Tom Meyers, Director of Cultural & Heritage Affairs, wants to do have a seven week film series in Borough Hall during seven consecutive Saturdays in the spring. Each council person would choose a film and introduce the movie that they choose.

Ms. Thomas stated that to use Borough Hall, a maintenance person would be needed and would also have to be paid overtime to be present. She recommended that the Jack Alter Community Center be used to show the films. Staff is present at the Community Center on the weekends and no overtime would have to be paid.

Settlement on a Personnel Matter (Added on Item)

Ms. Thomas stated that Judy Defelippis has signed off on her settlement agreement from the Borough. Once the final document has been reviewed by Mr. Cohen a resolution accepting the settlement agreement will be placed on future meeting agenda of the Mayor and Council.

PUBLIC HEARINGS SCHEDULED FOR DECEMBER 18, 2008

- Ord. #2008-45--Amending Chapter 296, Peddling and Soliciting – Eliminating Permit Requirement for Non-Commercial Canvassers and Solicitors and to Protect the Privacy of Those Residents and Property Owners Who Wish to Exclude Canvassers and Solicitors from Their Property
- Ord. #2008-46--Amending Salary Ordinance #2006-46 – Establishing Titles, Salary and Salary Ranges for White Collar Employees, Schedule (A) – Establishing the Position of Deputy Chief Emergency Medical Technician
- Ord. #2008-47--Amending Chapter 163 “Building Construction” by Adding a New Article II, Public Safety Radio Amplifications Systems
- Ord. #2008-48--Amending Chapter 6, Ambulance Corps Stipend Program Establishing Chapter 189, Administering the Placement and Maintenance of Clothing Bid

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Use of Solar Panels <a href="http://www.sunedison.com">www.sunedison.com</a>	Mayor Sokolich Ms. Thomas

	.Parking in Front of Blue Ribbon Market	Mayor Sokolich Mr. Cervieri
Mr. Jung 2169 Lemoine Ave.	.Site Plan Ordinance	Mayor Sokolich

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

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, November 6, 2008 @ 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, Sargenti, Cervieri

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

**MAYOR'S STATEMENT**

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**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: Municipal Court  
Third-Party Ambulance Billing Position

Tax Appeal Litigation: S&R Costa at 514-520 Main Street  
and Three Appeals at 100 Old Palisade Road

Fort Lee Cooperative Report

Borough's Third Round COAH Obligation

RFQ's for 2009 Professional Service Appointments

Affordable Housing Developers Agreement (Daibes)

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

#### Lower Main Street Garage - Tim Haas, Engineer in Attendance

Mayor Sokolich said the discussion tonight revolves around the triangular piece of property across the street from In Napoli.

Tim Haas, said that this is a great but tight site that he believes needs more than just a parking garage. He would like the opportunity to build something special that would enhance the area and create value. He's trying to create a market that will draw people from other places. There would be a decent view from the upper levels once the first six or seven floors of parking were built. He presented diagrams that showed what he would like to build. He added there is a large amount of slope on Lower Main Street and he would like to create a little plaza with restaurants to make it more inviting. Central Road which is narrow would be cleaned up with landscaping. There would be 250 to 260 parking spaces and he spoke about placing the housing on top of the garage area. The parking structure would be seven stories and there would be approximately 85 units of housing.

Steve Monetti working with Mr. Haas on the project said that the garage at an approximate cost of \$6,000,000 would be paid for by the developer at no cost to the Borough.

Mayor Sokolich stated that he was under the belief that the project called for a thirteen to fourteen story structure including the parking element.

Ms. Thomas concurred with the Mayor.

Mr. Haas said that thirteen to fourteen story height was only for the housing element.

Discussed ensued with regard to the Borough's COAH obligation, the number of parking spaces being given to the Borough, the cost of those spaces, the current economic climate, residential site improvement standards and condemnation awards.

Mr. Haas said that no developer would even try to build on this site based on the current economy. He's willing to work with the Mayor and Council.

Mr. Cervieri stated that the Borough's fiduciary obligation would be too high. He spoke about automated garages.

Mr. Sohmer spoke about the Centuria property in relation to this piece of property. The parking areas are going to disappear once something is built on that land.

Mayor Sokolich added that the Borough needs to deal with parking issues.

Mr. Cervieri asked how many square feet would each unit be.

Mr. Haas responded that each apartment would be about 1,600 square feet.

Mr. Haas stated that it costs approximately \$40,000 per parking space for the garage component. He's looking for the Borough's enthusiasm for his project.

Mr. Pohan stated that the COAH requirements are different now then originally when this idea was broached. He has to mull Mr. Haas' offer over.

Mayor Sokolich stated that this is an important project and he also needs to think about it before making any decision or commitment to it.

**Northbridge Park Co-Op, Inc. - Proposed Traffic Reconfiguration -**

Mayor Sokolich stated that he received a letter from Lou Verde, Esq., for Northbridge Park Co-Op, Inc. He has been inundated from residents from Northbridge Park with regard to the traffic configuration that was put up by Riverview Towers owner Jonathan Krantz on his private property. There is an easement in place. Northbridge Park is requesting that one way streets on Merkle and Sylvan be reversed. He inspected Merkle Street which has a steep slope to it. He did this site inspection with a management representative from Northbridge Park. The Borough could look at Sylvan Street as a potential two-way street. Mr. Verde asked that this item be taken off the agenda while he tries to resolve Northbridge Park's issues with Mr. Krantz.

Mr. Cervieri stated that there is a recorded easement between two private property owners. It belongs in court.

Mr. Cohen asked why they are not in court with an order to show cause.

Ms. Thomas stated that the Police Department are in the midst of doing traffic counts.

Mr. Pohan stated that he had asked Barbara Klein, Planning Administrator, about researching the projects that required an ingress and egress.

No action needed at this time by the Mayor and Council.

**GENERAL DISCUSSION**

**Proposed Public Safety Radio Amplification Systems Ordinance**

Ms. Thomas stated that Steve Curry, Deputy Fire Chief, asked the Borough consider an ordinance that would increase radio communications for emergency providers by requiring two raceways for cabling inside of newly constructed buildings and/or building

additions that exceed 10,000 square feet of gross floor area in a Type I or Type II building.

Mr. Cohen added that the Borough can require this ordinance.

It was agreed that Mr. Cohen's office should prepare an ordinance for introduction at the November 13<sup>th</sup> regular meeting.

**Parking in Front of Blue Ribbon Market & Wachovia Bank**

Mr. Cervieri spoke about parking when there are events at the Jack Alter Community Center. He stated that the five non-metered parking spots in front of the Blue Ribbon Market and Wachovia Bank are not private property. The owner of the Blue Ribbon Market said he could have Mr. Cervieri towed. The market and bank were not condemned at the time that the Community Center was condemned. All of the other parking spaces around the Community Center are metered. These spaces also should have been metered.

Ms. Thomas stated that Mayor Alter and Ray Levy had an agreement with owner of the Blue Ribbon market that was not reduced to paper.

Mayor Sokolich said he would like to mull over Mr. Cervieri's suggestion about making the parking spaces metered.

Ms. Sohmer suggested that the owner of the Blue Ribbon Market be sent a nice note explaining that the spaces are not private property. He believes some type of compromise should be worked out.

It was agreed to place this item on the December 4<sup>th</sup> executive session for further discussion.

**Borough's Telephone System**

Mr. Cervieri stated that the Borough's phone system sucks. It should be upgraded or replaced by a new system.

Mayor Sokolich added that when you say a name of a person that you may want to speak to that the system rarely recognizes the name.

**Amending Borough's Canvassing Ordinance**

Mr. Grant stated that earlier this year the U.S. District Court ruled that a New Jersey Township's 6:30 p.m. curfew and registration requirements for door-to-door canvassing imposed unconstitutional limitations on a non-profit group's first amendment rights. Based on this decision, the South Bergen Municipal Joint Insurance Fund is recommending that the Borough amend its canvassing and soliciting ordinance.

Mr. Cohen will prepare an ordinance for the November 13<sup>th</sup> regular meeting which will eliminate permit requirements for non-commercial canvassers and solicitors and which will also protect the privacy of those residents and property owners who wish to exclude canvassers and solicitors from their property.

**Bergen County Mitigation Plan**

A resolution adopting the Bergen County Natural Hazard Mitigation Plan as the Borough's natural hazard mitigation plan will be placed on the November 13<sup>th</sup> regular meeting proposed consent agenda.

**Proposed Sign Waiver Application**

Ms. Thomas stated that Barbara Klein, Planning and Zoning Administrator, is working with Paul Phillips, Borough Planner, to make a sign waiver application much simpler than its current form.

**Bergen County Employees Assistance Program**

A resolution authorizing a professional services agreement with the Bergen County Employees Assistance Program at a cost of \$20.00 per employee for 2008 and 2009 will be placed on the November 13<sup>th</sup> regular meeting proposed consent agenda.

**Liquor License Transfer from Yogi's Two Inc. to Hae Hee Kim at 799 Abbott Boulevard**

Mayor Sokolich recused himself on this matter.

Mr. Grant stated that the Police Department has completed its background check for the applicant and they have voiced no objection to the transfer of the liquor license.

A resolution authorizing a person-to-person liquor license transfer from Yogi's Two Inc., to Hae Hee Kim at 799 Abbott Boulevard will be placed on the November 13<sup>th</sup> regular meeting.

**Starting Time for November 13th Regular Meeting**

It was agreed that that starting time for next week's regular meeting would be changed from 8:00 p.m. to 7:00 p.m.

Mr. Grant will send out the required legal notice and notify the Police Department of the amended starting time.

**Main Street Post Office ADA Accessibility (Added on Item)**

Mr. Sohmer stated that the Advisory Committee for the Disabled would like the Mayor to send a letter to Congressman Steven Rothman requesting his help to see if the Main Street Post Office could be made handicap accessible.

Mr. Sohmer acknowledged that the Post Office on Anderson Avenue is handicap accessible, but many more people use the Main Street Post Office.

**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 Councilman Sargenti**, at 9:30 p.m.

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, October 2, 2008 @ 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, Sargenti, Kasofsky

**ABSENT:** Council Members Cervieri, Goldberg

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

**MAYOR'S STATEMENT**

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**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Municipal Court Administrator  
Ambulance Corps Stipend & Third Party  
Billing Administrator  
Police Department (Communications) - Chief  
Ripoli and Lt. Camille Milo in Attendance

Litigation: Borough of Fort Lee vs. Alfred Campo et al.

COAH - Borough's Third-Round Plan

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

##### Boundary Survey Proposal for Vacating a Portion of Euclid Road

Mayor Sokolich recused himself on this matter.

Ms. Thomas stated that Boswell McClave Engineering has submitted a proposal for surveying services with regard to determining the vacation limits of Euclid Road between Crescent Way and Buckingham Road.

A resolution accepting Boswell's proposal in the amount of \$6,100 will be placed on the October 16<sup>th</sup> regular meeting agenda.

#### GENERAL DISCUSSION

##### Request for Proposal (RFP) for Redevelopment Area 5

Ms. Thomas stated that Mr. Cohen's office sent out a draft of a RFP for the Mayor and Council to examine.

Mayor Sokolich added that this RFP is very important to the Borough's welfare and that he asked the governing body members to dissect it and respond with any questions/inquiries that they may have to Mr. Cohen.

**Proposed Ordinance for Clothing Bins**

Mr. Grant stated that the State has adopted laws with regard to the use and licensing of clothing bins for municipalities. He added that Mr. Cohen's office is in the midst of crafting an ordinance for the Borough.

**September 11<sup>th</sup> Memorial**

Mayor Sokolich asked the governing body if they are conceptually okay with creating a small 9/11 Memorial in the Borough. The type and location of the memorial will be determined at a later date. He said he would approach James Viola, VFW Post 2342 Commander, to get his input.

The governing body had no objections to the Mayor's request.

**Liquor License Transfer From KH&Y Corp (Inactive) to New Bangs Kitchen, Inc. at 1355 16<sup>th</sup> Street**

A resolution authorizing a person-to-person/place to place transfer for the aforementioned liquor license as reviewed and approved by the Building Department, Fire Prevention Bureau and Police Department will be placed on the October 16<sup>th</sup> regular meeting proposed consent agenda.

**Use of Municipal Parking Lot (Added on Item by Mr. Pohan)**

Mr. Pohan stated that applications are coming before the Board of Adjustment and Planning Board where there is insufficient parking and the applicant's state to the Boards that the insufficient parking can be cured by using the Municipal Parking Lot. Mr. Pohan wants to know when the Borough will run out of parking spaces based on the applications shortfalls with parking requirements. This is an issue beyond the Boards. The Borough has already asked Paul Phillips, Borough Planner, to look into increasing heights on the structures on Main Street which if it comes to fruition will cause even more spots being taken in the Municipal Lot.

Mayor Sokolich stated that he's also perplexed with the Borough's parking situation along with the Borough's Parking Improvement Program Developer Contribution Special Fund.

Mayor Sokolich stated that he will schedule a meeting with Ms. Thomas, along with Messrs. Pohan, Sohmer, Cohen, Phillips, and the Chairs of the Board of Adjustment and Planning Board to discuss this issue.

Ms. Thomas stated that Barbara Klein, Planning Administrator, has already asked both Boards to start looking into the parking contribution program.

**PUBLIC HEARINGS SCHEDULED FOR OCTOBER 16, 2008**

- Ord. #2008-43--Repealing Ordinance #2008-30 and Replacing by Amending Chapter 388, Sections 14 and 69 Handicapped Parking Space by the Post Office on the Corner of Anderson and Plateau Avenues
- Ord. #2008-44--Establishing Chapter 132 "Ambulance Services" Establishing the Fort Lee Municipal Ambulance Corps (FLMAC)

Mr. Pohan requested that an amendment be made to section 17 of the ordinance so that the Director shall have final responsibility over the EMS Program Coordinator. Mr. Cohen deemed it a minor amendment and will amend the ordinance accordingly.

Mr. Grant stated that a minor amendment to the Ordinance will be done at the time of the public hearing on October 16<sup>th</sup>.

**PUBLIC PARTICIPATION**

No one from the public spoke during this portion of the meeting.

There being no further discussion the meeting was adjourned **on motion by Councilwoman Kasofsky, seconded by Councilman Pohan,** at 8:20 p.m.

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, September 25, 2008 @ 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, Sargenti, Kasofsky, Cervieri

**ABSENT:** Councilman Goldberg

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

**MAYOR'S STATEMENT**

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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: Economic Development

Tax Appeal Litigation - Bank of America at 154 Main St.  
& 2088 Lemoine Avenue

Litigation: Board of Adjustment Appeal with Regard to  
Application #12-08 Church of the Madonna

Contracts: Regency Cooperative & Carriage House for  
Purposes of Installation of the Borough's New Radio  
Communication's System

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

#### Emergency Repairs Made to Hoefley's Lane & Casper Lane

Ms. Thomas stated that emergency manhole reconstruction repairs were made on September 2<sup>nd</sup>. The Borough is authorizing the payment to the vendor tonight.

A resolution authorizing payment to Gotthold Paving, LLC, for the emergency repairs they made to the Borough's sewer on Hoefley's and Casper Lane in the amount of \$10,470 will be placed on tonight's regular meeting proposed consent agenda.

#### GWB NJ Approach Roadway Repairs

Creamer-Sanzari has asked the Borough permission to work at night on certain approaches to the George Washington Bridge (GWB). The original request was sent to Erik Swanson who thought it best that the Mayor and Council make the decision on the matter.

Mr. Cervieri stated that the work being done above street level is relatively small compared to the rest of the work that they will be doing.

The Mayor and Council expressed no objections to Creamer-Sanzari making repairs at night on the New Jersey approach roadways to the GWB.

**GENERAL DISCUSSION**

**Awarding Contract for Third-Party Ambulance Billing**

Mayor Sokolich stated that the awarding of the contract is fulfilling the policy request that the Mayor and Council have authorized for third-party ambulance billing.

Mr. Cohen stated that the Borough is creating a new ordinance with regard to the Fort Lee Municipal Ambulance Corps. It's not changing their service.

Mr. Pohan asked if the award of contract should wait until the new ordinance is adopted.

Mr. Cohen replied that due to the amazing amount of paperwork and with applications having to be submitted to the State that there was no problem awarding the contract for the ambulance billing service. The contract states that the ordinance must be adopted before the contract is considered effective.

A resolution awarding contract to Ambulance Reimbursement Systems, Inc. to be the Borough's third-party provider for ambulance billing services for the Fort Lee Municipal Ambulance Corps will be placed on tonight's regular meeting proposed consent agenda.

**Old VHF Portable Radios - Potential Interlocal Agreements with City of Englewood and Teaneck**

Ms. Thomas stated that separate requests have come in from the City of Englewood and the Township of Teaneck to use the Borough's surplus VHF and motorcycle radios once the Borough's new communications system is installed.

Ms. Thomas added that the Borough's new system will be up and running by the end of this year.

Mr. Cervieri wants to make sure that if the Borough does donate the radios that Fort Lee receives positive publicity from Teaneck and Englewood for making the donation.

The Mayor and Council concurred that they conceptually agree that the Borough will donate its surplus radios to Teaneck and Englewood once the Borough's new communications system is up and running.

**Environmental Committee**

There was no discussion on this item tonight.

**Advertising for Bids for a Fire Department Escape System**

Ms. Thomas stated that this is a personal escape system that attaches to a firemen's belt. It can hook onto different devices so that a firefighter can get out through windows to safety.

Ms. Thomas believes that the purchase will be paid through a fire department grant.

The expected cost of escape system is approximately \$52,000. The training for the system which includes a trainer to teach the Fire Department members to use the system properly will run approximately \$31,000.

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise bids for an escape system for the Fire Department will be added to the proposed consent agenda for tonight's regular meeting.

**PUBLIC HEARINGS SCHEDULED FOR SEPTEMBER 25, 2008**

- Ord. #2008-39--Amending Chapter 388, Sections 14 and 69 Placement of Handicapped Parking Spaces by 1019 Glen Road and 459 Grandview Place
- Ord. #2008-40--Amending Chapter 339, Sections 5, 6 & 7 With Regard to Removal of Shopping Carts
- Ord. #2008-41--Amending Chapter 356, Section 25, Solid Waste, Source Separation of Leaves – Placement of Leaves in Brown Paper Bags Shall be Placed Curbside From October 15<sup>th</sup> to December 15th
- Ord. #2008-42--Amending Chapter 410, Sections 51.D(1), 51-E(1)(b), 52 and 53, Amendments to the Borough's Recently Updated Sign and Façade Ordinance

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Emergency Repairs to Hoefley's Lane	Ms. Thomas Mr. Cervieri

There being no further discussion the meeting was adjourned  
**on motion by Councilwoman Kasofsky, seconded by Councilman  
Sargenti, at 7:45: p.m.**

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, September 4, 2008 @ 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 3, 2008, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2008, 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 2008 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 (Communications)  
Recreation Dept. (Seasonal Employees)

Tax Appeal Litigation: Lemoine Investments at 2175  
Lemoine Avenue - Steve Muhlstock, Tax Appeals Esq., to  
Attend

Litigation: Vincent Surace vs. Borough of Fort Lee

Third Party Ambulance Billing Services

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

#### Pedestrian Walkway on Abbott Boulevard

Mr. Cervieri stated that the Borough has applied for a safe bicycles to schools pedestrian walkway grant for the entire length of Abbott Boulevard. He believes it will be a solution for joggers and walkers who walk on the street. He also would like to see the pedestrian path continue from Riverdale Drive to Firemen's Park. The path throughout would have to be about ten feet so that people can walk side-by side with carriages and still have enough for joggers to get by.

Mayor Sokolich estimated that on any given day between 200 to 300 people either walk, run or ride their bicycles on Abbott Boulevard.

Ms. Thomas added that an application for \$184,000 for the path has been applied for based on the cost estimate and survey work that was supplied by Ed Mignone. That figure does not include the additional area from Riverdale Drive to Firemen's Park.

Mr. Pohan stated some of the islands south of Route 5 have drops in them.

Mayor Sokolich asked the Council to look at the area in question for their input.

No further action is needed at this time.

GENERAL DISCUSSION

Site Plan Application of Hestia, Inc. at 1611 Palisade Avenue

Mayor Sokolich read a portion of the letter that he received from Paul Kaufman, Esq., who represents Hestia, Inc., (It's Greek to Me) who's requesting the placement of a canopy over the public sidewalk once It's Greek to Me is moved to the current location that's presently occupied by Shop Rite Liquors. He explained that Mr. Kaufman is asking the Mayor and Council to render a decision on this matter rather than the Planning Board because the Planning Board has indicated that they did not believe that they had jurisdiction in the matter because the canopy would be overhanging in a public right-of way.

Mr. Cervieri stated that this will open up the front of the building and that there will still be more than six feet in sidewalk clearance.

Mayor Sokolich added that this project is on point to what Fort Lee needs, an area more aesthetically pleasing which will also increase foot traffic.

Mr. Pohan stated that he believes the canopy requested is a permanent fixture.

The Mayor and Council agreed that Hestia, Inc. could build a permanent canopy over the public right-of way.

Mr. Cohen stated that he will prepare a resolution for the September 11<sup>th</sup> regular meeting authorizing the Mayor and Council's approval.

Environmental Committee

Ms. Thomas stated it has not been determined how the Borough is going to structure an environment committee if one is formed at all.

Mayor Sokolich added that he's still waiting to review documents with regard to this matter.

This item will be placed on the September 25<sup>th</sup> executive session agenda for discussion.

**Repairs to Fire Pumper Truck**

Jeff Bernard, Fire Chief was present for this portion of the meeting.

Mr. Sohmer received an e-mail from Chief Bernard on August 14<sup>th</sup> which indicated that it would cost approximately \$275,000 to \$300,000 to refurbish fire pumper FL-03. The short-term fix to repair FL-03 to make it road worthy is \$13,000. He believes it's better to go out to bid and purchase a new truck then spend close to \$300,000 to refurbish an old truck. He read from the e-mail that FL-03 has responded to 107 calls already this year. It's a truck that gets a lot of activity.

Mr. Cervieri stated that the Borough has a temporary fix with the use of a Bergen County fire truck.

Mayor Sokolich stated that with new technology the new foam pumper trucks do not rot from the inside rot as is the case with the older foam pumpers.

The estimated cost for a new truck is \$850,000. Ms. Thomas indicated that the eventual cost could be a little lower. She added that it takes close to a year to build a new truck once the order is placed.

Mayor Sokolich stated that in these current economic conditions he cannot support the spending of \$300,000 to refurbish an old truck. He agrees with Mr. Sohmer that the Fire Department should have a new foam pumper truck. He said that he's not happy with the Port Authority's general lack of help. He added that the Port Authority had no problem using the Borough's foam pumper, but as soon as they bought their own, they basically disowned the Borough.

It was agreed that a resolution authorizing specifications and the advertising of bids for a new truck be placed on the September 11<sup>th</sup> regular meeting proposed consent agenda. In addition Chief Bernard was given authorization to make the repairs in the amount of \$13,000.

**Parking Lot Across from In Napoli Restaurant**

Mr. Sohmer stated that In Napoli is looking for a parking lot where the Borough owns the property across the street from

In Napoli. He thought that a temporary surface lot could be put in. He indicated that the cost to create the lot would be somewhere in the range from \$50,000 to \$75,000.

Mr. Cervieri replied that he thought that the Parking Authority was supposed to do this a while back. He believes that the money would be recouped within a year or two, and that the Parking Authority has the money to do the job.

Mayor Sokolich said that he believes the DPW could do this work.

Mayor Sokolich left the room at this point in the meeting at 8:26 p.m.

Ms. Thomas stated that the Borough could rent a paving machine from United Rental.

The governing body agreed that the Borough's property across the street from In Napoli should be paved.

#### **Amendments to Sign Ordinance**

It was agreed that open house signs could be placed three hours before an event and be taken down immediately as soon as the event has ended. This will allow for temporary open house sign to be placed outside of private property lines.

An ordinance amending the Borough's newly created sign ordinance with this amendment, plus the changing of the total area of signage for all businesses will be placed on the September 11<sup>th</sup> regular meeting for introduction.

#### **Sign/Façade Review Committee Appointments**

It was agreed that the Mayor and Council will make their appointments and respective nominations to the sign/facade review committee at the September 11<sup>th</sup> regular meeting.

**R-1 - Authorizing Additional Termination and De-Designation of Redeveloper Based on the Notice of Default Sent June 9<sup>th</sup> Which Has Not Been Cured by Town & Country Developers at Fort Lee West, Inc.**

Mayor Sokolich returned to the meeting room at this point in the meeting.

Mr. Cervieri recused himself on this matter.

Mr. Cohen stated that this is a continuation and expansion of the default and de-designation that the Borough approved back at its June 12<sup>th</sup> regular meeting.

Mayor Sokolich added that this is consistent with the charges afforded by the prior resolution of June 12<sup>th</sup>.

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

WHEREAS, the Borough of Fort Lee (hereafter Athe Borough@), in accordance with the requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (hereafter the ALRHL@), 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 northerly border Bridge Plaza South, and its southerly border, Main Street, with the eastern border of the area being Lemoine Avenue, and the westerly border being Central Road; 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 ARedeveloper@) and the Redeveloper and the Borough entered into a certain Redevelopment Agreement dated September 30, 2004 (hereafter, the ARedevelopment Agreement@); 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 it proposed and for a subdivision of Redevelopment Area 5 into two lots, one to the east of Martha Washington Way (hereafter referred to as the AEast Parcel@) and constituting Block 4802, Lot 1; and the

second parcel (hereafter referred to as the AWest Parcel@) constituting Block 4801, Lot 1; and

WHEREAS, subsequently, pursuant to the provisions of the Redevelopment Agreement, the Redeveloper, for the 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, AFort Lee West@); and

WHEREAS, 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 transferred to Fort Lee West and financed separately; and

WHEREAS, the obligations of Redeveloper and Fort Lee West to the Borough of Fort Lee under the original Redevelopment Agreement were in all respects preserved; and

WHEREAS, the Borough, in anticipation of project completion based upon the original terms set forth in the Redevelopment Agreement, has engaged in regular progress meetings with Redeveloper for the purpose of determining when in fact the project will proceed as anticipated, and what issues, if any, needed to be resolved that were otherwise interfering with development; and

WHEREAS, notwithstanding the progress meetings had, Redeveloper and its affiliate company, Fort Lee West have in fact failed to maintain current tax payments to the Borough of Fort Lee for the property and have 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 constitute a breach of the agreements between Redeveloper and its affiliate with the Borough under the Redevelopment Agreement, and upon formal notice thereof, would constitute events of default; and the Borough has proceeded to provide appropriate notices under the Redevelopment Agreement to Redeveloper and its mortgagees; and

WHEREAS, among the notices provided by the Borough is a notice of May 2, 2008, advising Redeveloper of the pending default for failure to pay the utility relocation payment of \$186,283.50, and  
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also the failure to pay Impositions (taxes on the Town & Country properties) which if not paid within 90 days of the date of the May 2 letter would result in a condition of default, with subsequent Notice Of Default sent May 12, 2008, which default concerned the non-payment of the relocation of utility expense, and which default was not cured within 30 days and resulted in termination of the Redevelopment Agreement and de-designation of Redeveloper by action of the Mayor And Council on June 12, 2008; and

WHEREAS, pursuant to subsequent Resolution of the Mayor and Council of June 5, 2008, additional conditions of default were noticed which resulted in a Notice of Default issued June 9, 2008, which to the date of this Resolution, has not been cured, and exceeds the 30 days provided for cure under the Redevelopment Agreement; and

WHEREAS, the Borough has been named a defendant and has been 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, Block 4801, which is owned by Redeveloper-affiliated Fort Lee West; and

WHEREAS, in said Complaint it is alleged that Fort Lee West, in addition to its failure to pay taxes due to the Borough, has defaulted in both failing to pay its obligations and to address other matters under the mortgage documents/loan documents/agreements with Plaintiff, and the mortgage has been accelerated and is now due and payable with all additional costs and penalties permitted under the said mortgage documents; and

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

WHEREAS, the Redeveloper has breached its representation to the Borough that it has or will obtain all necessary financing for completion of the Project,

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WHEREAS, the Borough believes it is in the best interests of the Borough and its taxpayers to enforce the provisions of the Redevelopment Agreement for such defaults,

NOW, THEREFORE, BE IT RESOLVED, that the definitions and statements contained in the recitals of this Resolution be and the same are hereby deemed incorporated herein; and

BE IT FURTHER RESOLVED, that the Borough recognizes that the Redeveloper and its affiliate, Town & Country Developers at Fort Lee West, Inc., have failed in its/their obligation(s) and have failed and refused to pay taxes due on the East Parcel of the Redevelopment Project, notwithstanding prior notice of May 2, 2008, from the Borough, and the Borough further recognizing the passage of in excess of 90 days for the payment of that Imposition, as required by the Redevelopment Agreement, and consequently, notwithstanding the fact that the Redevelopment Agreement and designation of Redeveloper has been terminated by the Borough, the Borough directs an additional Notice of Default with a 30-day period to cure be sent to Redeveloper and its affiliate; and

BE IT FURTHER RESOLVED, that notwithstanding that the Borough has previously terminated the Redevelopment Agreement and designation of Redeveloper as aforesaid within the body of this Resolution, and prior Resolutions of this Borough, the Borough does hereby direct its counsel to send an additional Notice of Termination of the Redevelopment Agreement and De-Designation of Redeveloper status to the Redeveloper and its affiliated entity, Town & Country Developers at Fort Lee West, Inc., as and for additional justification and basis, in addition to prior acts taken by the Borough in accordance with the Redevelopment Agreement, to formally de-designate Redeveloper and its affiliate and to terminate the Redevelopment Agreement, which by this Resolution the Borough affirmatively reconfirms and repeats and the Borough authorizes this action because the Redeveloper has failed to cure the defaults outlined in the Resolution of June 5, 2008, and noticed to Redeveloper on June 9, 2008, said defaults concerning the breach of representation to obtain necessary financing for the completion of the Project, and suspension of payments of its obligations to the Plaintiff in Foreclosure on the West Parcel and the Borough; and

BE IT FURTHER RESOLVED, that the Borough authorizes its counsel to continue the monitoring of further defaults under the Redevelopment Agreement and to issue any such additional notices of default to Redeveloper and its affiliate as it may deem necessary  
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or prudent, without further formal action of the Borough required; and

BE IT FURTHER RESOLVED, that the Borough reserves its rights with respect to any and all other defaults of Redeveloper or its affiliate Fort Lee West, if any, and does not waive any such rights to seek cure of any such other non-monetary defaults; and

BE IT FURTHER RESOLVED, that this Resolution and the requirement for the issuance of the Notice of Default and the additional termination of Redeveloper and its affiliate shall take effect immediately.

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

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

**ABSENT: Councilman Cervieri**

#### **Amendment to Shopping Cart Ordinance**

Mr. Grant explained that the State has adopted a new law which changes the way municipalities must deal with the return of shopping carts.

An ordinance amending the Borough's shopping cart ordinance to be in compliance with State law will be placed on the September 11, 2008 regular meeting for introduction.

#### **Communications Vehicle**

Ms. Thomas stated that she spoke to Police Officer Carlos Cabrera who told her that a hybrid vehicle may not be ready until late 2009 for purchase. It was originally believed that a hybrid vehicle would be available in April or May of 2009.

Ms. Thomas and the governing body both concurred that the Borough should wait until a hybrid vehicle becomes available for purchase no matter how long it may take.

**Endorsing Four (4) Bergen County Community Development Grant  
Applications for The Fort Lee Housing Authority  
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Mr. Grant explained that these are grant applications the Fort Lee Housing Authority requests at this time every year. They are to make improvements to the Harry J. Holtje House and to cover operating expenses for the housing authority to run its FLASH Corporation.

Resolutions endorsing four Bergen County Community Development grant applications for the Fort Lee Housing Authority will be placed on the September 11<sup>th</sup> regular meeting proposed consent agenda.

**Placement of Handicapped Parking Spaces on Glen Road and Grandview Place**

Mr. Grant stated that two separate requests for handicapped parking spaces from residents have been reviewed and approved for implementation by the Police Department.

An ordinance creating handicapped parking spaces along the west curb line of Glen Road and north curb line of Grandview Place will be introduced at the September 11<sup>th</sup> regular meeting.

Mr. Sohmer asked if someone reviews the handicapped parking spaces to see if they are still needed after a period of time.

Mr. Grant explained that the Police Department reviews the code annually to make sure that the handicapped parking spaces that are part of the code are in fact being used by the original requestors.

**Billboards**

Mayor Sokolich stated that he engaged in a meeting with a billboard company that would put up an electronic band signs at the bottom of their billboards that would contain community messaging in exchange for an annual fee.

Mr. Pohan stated that he prefers that the Borough's website be used to get community messages across.

Mr. Cervieri said that the electronic billboard goes against the new sign ordinance the Borough recently adopted.

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**Licensing of AM Highway Advisory Radio**

Ms. Thomas stated that a request came in from the New York Department of Transportation to set-up a traffic alert radio station in the Bronx. They want to use the Borough's radio frequency. The Borough has enough trouble within its own frequency in getting reception for its radio signal.

The Mayor and Council agreed that it will not let the requestor share the Borough's frequency.

**Jack Alter Community Center Sign Dedication**

It was agreed that the unveiling of the Jack Alter Community Center Sign will commence at 11:30 a.m. on October 5<sup>th</sup>.

**R-2 - Settlement of Litigation Entitled Vincent Surace vs. Borough of Fort Lee (Added on Item)**

Mayor Sokolich recused himself on this matter.

Mr. Cohen explained that this is a matter that involved litigation with regard to the potential employment of Vincent Surace as a police officer. The case was amicably resolved at a cost of \$40,000. Waivers will be signed releasing both parties and no future application for police employment can be made by Mr. Surace. He added that he recommends the settlement as the cost of litigation would probably run more than the settlement.

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

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the litigation entitled: Vincent Surace vs. the Borough of Fort Lee, and docketed as In Re: Medical Review Panel Appeal of Vincent W. Surace (S9999D), DOP Docket No. 2005-3580, I/M/O Vicent W. Surace, App. Div. Docket A-6078,05T2; I/M/O Vincent Surance, Application to Permit Examination of Expunged Records, Supr. Ct. Law Div., Bergen County, (Consent Order, October 27, 2006); Surace v. Borough of Fort Lee, Chan. Div,

Docket No. BER-C-446-06; Surace v. Borough Fort Lee, App. Div.  
Docket No A-3418-06T2; and In Re Disqualification of Vincent  
Surace, (S9999D), DOP Docket No 2007-2906, List Removal; I/M/O  
Vincent Surace, OAL Docket No. CSVOT 09135-2007N; on advice of  
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Counsel and without admission of liability and responsibility is hereby settled and released, common pursuant to the terms and conditions of the Settlement Agreement, General Release and Waiver, attached hereto (Available in the Office of the Borough Clerk) and made a part hereof as if more fully set forth.

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

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

**PUBLIC HEARINGS SCHEDULED FOR SEPTEMBER 11, 2008**

Ord. #2008-37--Amending Chapter 388, Sections 14 and 69  
Placement of Handicapped Parking Space on Linwood Avenue,  
North of the Apex of the Northwest Corner of Main Street  
and Linwood Avenue

Ord. #2008-38--Amending Chapter 388, Section 43, Schedule I,  
No Parking Along a Portion of the East Curb of 12<sup>th</sup> Street  
Off of North Avenue

**PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Roy Sampath 2175 Hudson Terrace	.Lemoine Investments at 2175 Lemoine Avenue/Tax Appeal	Mayor Sokolich Ms. Thomas Mr. Cohen Mr. Pohan
Nina Levinson 1560 West St.	.Against Pedestrian Walkway for Abbott Boulevard	Mayor Sokolich
	.Port Authority/Lack of Payments to Borough for Services Borough Renders	Mayor Sokolich Peggy Thomas Mr. Cohen

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

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, August 14, 2008 @ 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  
Joseph Iannaconi, Chief Financial Officer

**MAYOR'S STATEMENT**

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

1. On January 3, 2008, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2008, 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 2008 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

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Personnel: Building Department  
Economic Development  
Police Department

Litigation: Settlement Agreement with Judy DeFelippis

Tax Appeal Litigation: Lemoine Investments at 2175  
Lemoine Avenue

Use of Fort Lee Community Center

Contract: Borough Website

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.

**Change Order #3 for Main Street/Hudson Terrace Road Improvement Project - Utility Relocation**

Mr. Mignone spoke to change order #3 with regard to the phase III utility relocation for the Hudson Terrace Road Improvement Project. The utility changes were contemplated, but were not included in the original contract of Creamer-Sanzari. A resolution authorizing a change order in the amount of \$98,500 will be placed on the August 21, 2008 regular meeting proposed consent agenda. There is also a materials charge resolution to be paid to PSE&G in the amount of \$120,000 that will also be placed on next week's meeting agenda.

Mr. Cervieri mentioned that the monies the Borough have been receiving from Bergen County and the Port Authority will pay for

the change orders. This is a permanent relocation of the utility lines.

Mr. Iannaconi replied that the Borough receives back a little more than one-half of what the cost is.

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Discussion ensued whether the project should be worked on at night, but Ms. Thomas indicated that it would be more costly if the work was done at night.

Mr. Mignone added that it should take about a week to complete the work and the area around Main Street and Martha Washington Way will not be entirely closed off.

### **Monitoring Service for the Borough's Sewers**

Mr. Mignone stated that the Borough is looking to install a permanent flow meter in one of the manholes in the Borough. This would monitor the amount of flow the Borough gets from the Borough of Cliffside Park. In addition he's recommending that the Borough have its three combined sewer overflow regulators inspected. This could result in a reduction in flow to the BCUA which could lower the Borough's costs to treat its wastewater. At the present time Cliffside Park is paying the Borough approximately \$500,000 per year. By installing the flow meter, the Borough will get a more accurate reading to what Cliffside Park should be paying.

On questioning from the Council, Mr Mignone, said this does not have to be done in Palisade Park as there is only one residential unit that affects the Borough.

Mr. Mignone stated that two resolutions will have to be approved. One is to Waterware Corp., to provide inspection services to the Borough's three combined overflow regulators at a cost of \$9,713 and the other is to Steadyflow Services, Inc. to provide flow monitoring services at a cost of \$12,255.

Resolutions awarding the aforementioned contracts will be prepared by Mr. Cohen's office and placed on the August 21<sup>st</sup> executive session agenda.

### **GENERAL DISCUSSION**

#### **Payment of Taxes Online**

Mr. Iannaconi stated that a lot of people have been requesting to pay their taxes online with a credit card. If implemented there would be a 2.5% convenience charge that the

**Executive Session**

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taxpayer will pay. The Borough will receive nothing for providing the service. One financial company will ultimately provide the service. He added that Kevin Conti from Mr. Cohen's office is still deciding if the process has to be done through request for proposals or through a bidding process.

### **Amending Leaf Removal Collection Policy**

Ms. Thomas stated that the DPW has requested and that she concurs that leaves should be placed in paper bags rather than collected loosely curbside. The NJDEP is going to be mandating that this be done within the next four years and that they would like to see communities begin to do this as soon as possible. She added that it will save the Borough a lot of time and money.

Mr. Cervieri asked what would happen if a homeowner doesn't bag their leaves properly.

Ms. Thomas replied that a summons could be issued to a homeowner that does not comply.

Mr. Pohan added that the Borough's ordinance on leaf removal might have to be changed to include enforcement powers as well as the bagging of the leaves.

Mr. Goldberg added that the bagging of the leaves will keep the Borough's sewers free of leaf debris.

Mr. Cohen to review the Borough's ordinance and to prepare an amending ordinance to take into the account the changes that were discussed tonight.

### **C-1 Commercial Zone - Paul Phillips, Borough Planner, in Attendance**

Mr. Sohmer stated that the Borough has too many banks. He believes that banks in general do not generate to having a good downtown area. It's his belief that so many banks have been a

hindrance to the Borough developing a lively and revitalized downtown area.

Mr. Phillips stated that banks are not inviting to pedestrians. It creates a lot of dead space. The Borough has 10% of it downtown covered with 14 banks on Main Street. The

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question is how the C-1 zone can be regulated including dealing with potential constitutional issues. The Village of Ridgewood considered regulating its downtown zone by eliminating banks, but they did not follow through on it. Banks could be considered as a conditional use with no drive through capabilities. In Red Bank banks are permitted, but they are not allowed frontage on their main street (Broad Street). The banks on Main Street could be considered non-conforming.

Mr. Goldberg asked if banks could be fronted on their side.

Mr. Phillips replied that it can be precluded.

Mr. Cervieri stated that in Mr. Phillip's proposal banks have limited hours, but that is not the case anymore with banks such as Commerce Bank.

Mr. Phillips concurred with Mr. Cervieri that Commerce Bank is an exception with regard to the hours that they are opened.

Mr. Cervieri believes that property owners should be able to rely on credit worthy tenants as opposed to mom and pop stores that may not make it long term.

Mayor Sokolich added that there is no Commerce Bank on Main Street and the heavy majority of banks have drive thru capabilities.

Ms. Thomas stated that the Borough's downtown as presently constructed is not vibrant.

Mr. Cervieri said that banks in general are not the problem. The Greater Fort Lee Chamber of Commerce needs to do a better job outreaching to potential businesses. He believes limiting banks is outside the purview of the Borough government.

Ms. Kasofsky asked Mr. Phillips what he believes the Borough should do.

Mr. Phillips replied that he would increase the height of the buildings on Main Street and make banks in the C-1 zone a conditional use.

Messrs. Sokolich and Cervieri both spoke to relaxing the parking requirements for Main Street. The Borough is putting up too many roadblocks for retailers.

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Mr. Pohan stated that no matter what kind of businesses come to the Borough that too many of the same type of business is not conducive to having a vibrant downtown area.

Mr. Phillips stated that other towns are having the same types of problem that the Borough is dealing with. The Township of Maplewood has limited the number of beauty and nail salons and their ordinance has not been challenged at this point.

Mr. Cervieri pointed out that the Borough has a small downtown area. No matter what type of tenant mix the Borough is trying to get to the owner of any particular business has their own economic interest at heart.

Mayor Sokolich stated that the Borough's fiduciary duties are for the entire town and not for a particular block and lot number. There is a bigger picture and after spending many hours with regard to the downtown rehabilitation, Do Chung, Borough Architect, said that one of the worst things a community can have is too many banks in any particular commercial area. He's trying to preserve and protect the masses. He believes that an ordinance to loosen up the parking, the ability to create a greater height for stores in the downtown area and making banks a conditional use is a good beginning to solve some of the Borough's ongoing problems.

Mr. Cervieri concurred with Mayor Sokolich. He added that one of the reasons the Borough has a municipal parking lot is to provide parking for retailers.

It was agreed that Mr. Phillips should begin preparation of an ordinance that would increase the height of structures on Main Street, make banks a conditional use within the C-1 zone and to ease parking requirements within the C-1 zone.

**Fire Pumper Truck**

There was no discussion on this matter. This item to be placed back on the September 4<sup>th</sup> executive session agenda.

### **Renovations to Borough Hall**

Ms. Thomas stated that renovations to the lower level of the Municipal Building to reconfigure the Municipal Court space and

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to provide additional office space will cost approximately \$210,000 based on the initial cost estimate provided by Paul Schmidt Architects. The Borough will have to go out to bond for this project.

Mr. Cervieri stated that it will make the Municipal Court compliant as required by the Administration of Courts and it will provide more efficient use of their court space.

Mr. Pohan asked Mr. Cervieri if this project can wait based on the hiring freeze the Borough has in place.

Mr. Cervieri expressed no objections to having this put off until 2009; however, the Mayor and Council agreed that a resolution authorizing the preparation of bid specifications be placed on the August 21<sup>st</sup> regular meeting proposed consent agenda. This will afford time for the architect to prepare the bid specifications so that the project can get started in early 2009.

### **Jack Alter Community Center Sign**

It was agreed to unveil the Jack Alter Community Center sign on Sunday, October 5<sup>th</sup>. This will coincide with the Fort Lee Education's Foundation Third Annual Tour de Fort Lee. The Tour starts at Fort Lee so everyone concurred that the unveiling of the sign should commence at 11:00 a.m.

### **Handicapped Parking Space on Linwood Avenue Southbound Near Corner of Main Street**

Mr. Grant stated that the handicapped parking space was requested by a resident in the area and that the Police Department reviewed and approved the request.

An ordinance creating the handicapped parking space on Linwood Avenue as requested and approved will be placed on the August 21<sup>st</sup> regular meeting agenda for introduction.

**No Parking Ordinance Along East Curb of 12<sup>th</sup> Street Off of North Avenue**

Mr. Grant stated that a resident on 12<sup>th</sup> Street complained that people are parking across his driveway illegally and he

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cannot back out of his garage. The Police Department reviewed the resident's complaint and agreed that a portion of 12<sup>th</sup> Street should be listed as no parking.

An ordinance creating no parking on a portion of 12<sup>th</sup> Street off of North Avenue will be placed on the August 21<sup>st</sup> regular meeting for introduction.

**PUBLIC HEARINGS SCHEDULED FOR AUGUST 21, 2008**

- Ord. #2008-34--Amending Chapter 345 "Site Plan Review and Chapter 410 "Zoning" of the Code of the Borough Design Standards and Guidelines in the C-1 Central Business District, Regulation of Non-Conforming Uses, Signage and Facades and General Sign Regulations and Formation of a Sign Committee
- Ord. #2008-35--Bond Ordinance for \$320,000 Improvements to Stillwell Avenue and 11<sup>th</sup> Street – Borough Awarded \$290,000 in State Grants from the New Jersey Department of Transportation
- Ord. #2008-36--Amending Chapter 410 Zoning Concerning the R-7A Mid-Rise Residential Zone

**PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Max Almenas Surburbanite Reporter	.Sewage/Meter Line	Mayor Sokolich Ms. Thomas Mr. Cervieri Mr. Sargenti
Nina Levinson 1560 West St.	.Bagging of Leaves/Composting Alternative	Ms. Thomas Mayor Sokolich Mr. Iannaconi
	.Environmental Opportunities	

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

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, July 17, 2008 @ 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  
Joseph Iannaconi, Chief Financial Officer

**MAYOR'S STATEMENT**

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

1. On January 3, 2008, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2008, 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 2008 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

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Personnel: Administration Intern  
Economic Development  
Municipal Court  
Parking Enforcement Officer  
Police Department Grant

Contract: Updating of Borough's Website (Virtual Town Pages)

Rent Leveling Appeal: Kaplan vs. Peter S. Wedeen

Police Department Table of Organization

Tax Appeal Litigation: Valley National Bank @ 1372 Palisade Avenue

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**

**Improvements to Stillwell Avenue & 11<sup>th</sup> Street**

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

Mr. Mignone presented a proposal from Boswell McClave to provide construction inspection services for improvements to Stillwell Avenue and 11<sup>th</sup> Street. The project will commence in the second week of August and should be completed before the

children go back to school in September. The project except for Boswell's costs is being paid through New Jersey Department of Transportation grants.

A resolution authorizing Boswell McClave Engineering to perform construction inspection services for the aforementioned project at a fee not to exceed \$22,500 will be placed on the July 24<sup>th</sup> regular meeting proposed consent agenda.

**Executive Session**

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**Authorization for Additional Services for Roadway & Traffic Signal Improvements for Main Street/Hudson Terrace**

Mr. Mignone stated that the area on lower Main Street at Prestige Motors needs to be redesigned because Prestige Motors has not been relocated. At this point a long-term temporary solution needs to be in place to make the road improvements on lower Main Street leading into Hudson Terrace.

Mr. Cervieri stated that the relocation has not been completed because there is supposed to be a swap of property where affordable housing may be built at the present site and en Prestige Motors then would relocate onto Route 4 eastbound.

Mr. Cohen spoke about certain monies in escrow with regard to the potential to build affordable housing at the current Prestige site.

Mr. Cohen recommended that this item be discussed in closed session after the open portion of the meeting has been completed.

Mr. Cervieri asked Mr. Mignone the cost to make the repairs.

Mr. Pohan asked how long will the interim solution be in place.

Mr. Mignone stated that the first two phases of the project will cost \$22,200, such services to be performed by Henry Ney who the Borough has a current contract with.

Ms. Thomas added that the interim period should be around eighteen months.

A resolution authorizing H. Ney Associates to begin revisions to the road plan at a fee not to exceed \$22,200 will be placed on the July 24<sup>th</sup> regular meeting proposed consent agenda.

### **Solar Panels (Added on Item)**

Ms. Thomas stated that the solar panels have been turned on and that the Borough will be receiving rebates.

Mayor Sokolich asked if the Borough receives certain rebates when will the Borough pay down its bonding for the project.

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Mr. Iannaconi replied that it should take approximately four months to get the rebates which monies will then be used to pay down the Borough's bond indebtedness.

### **Euclid Road Vacation (Added on Item)**

Mayor Sokolich recused himself on this matter.

Mr. Cervieri stated that if the Borough vacates a portion of Euclid Road by the rock outcropping then utility easements might be needed. The area in question is a dead end that is expected to stay that way in perpetuity.

Mr. Mignone asked Mr. Cohen to prepare the necessary documentation to begin the process of vacating the portion of Euclid Road in question.

Ms. Thomas added that the neighbors in the area think it's a good idea.

Mr. Cohen will prepare a vacation of street ordinance. Mr. Mignone will provide the required engineering description that must be attached to the ordinance.

## **GENERAL DISCUSSION**

### **Adoption of Municipal Budget**

Ms. Thomas explained the hand out that she presented to the Mayor and Council (See Appendix A)

Mr. Iannaconi stated that the Borough received no extraordinary aid and that the Borough has had to play catch up with the State with regard to its pension contribution.

Ms. Thomas added that the Borough lost more than \$345,000 in State aid. On an average assessment of \$465,000 the municipal portion of the budget will increase by \$331.00.

Mayor Sokolich stated that the fixed costs were very high and that the Borough did a good job in keeping all the other numbers down. He also spoke about the aggressive pay down of the Borough's bond indebtedness this year that will decrease the

**Executive Session**

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Borough's long term debt from \$76,000,000 to \$67,000,000 by the end of the year.

#### **Accepting Auditor's Report for 2007**

A resolution accepting the auditor's report for 2007 will be placed on the July 24<sup>th</sup> regular meeting proposed consent agenda.

#### **Change Order for Michael Anthony Signs for Painting of Lettering for the Jack Alter Community Center**

Ms. Thomas stated that the original sign was not made out of stainless steel. The old portion of the sign has to be painted to match the new portion. It should be completed in August when Mayor Alter's unveiling is also scheduled. The ceremony for the formal renaming of the Fort Lee Community Center to the Jack Alter Community Center will take place sometime in September.

A change order for the aforementioned project in the amount of \$5,600 will be placed on the July 24<sup>th</sup> regular meeting proposed consent agenda.

#### **GWB Streetscape**

Mayor Sokolich stated that the Port Authority has agreed to do some streetscaping of its sidewalks that they control. They will pay for their sidewalks onto or near the bridge at their crossings.

Ms. Sohmer mentioned that Fletcher Avenue would be a good place to start in conjunction with the work that the State is doing on the roadway.

Mr. Cervieri stated that he believes that the Port Authority overall has treated the Borough poorly and that they have been a bad reflection to its host community.

**Bond Ordinance for Portion of Improvements to Stillwell Avenue and 11<sup>th</sup> Street**

The bond ordinance will create an appropriation line for the improvements to Stillwell Avenue and 11<sup>th</sup> Street.

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A bond ordinance for the improvements to Stillwell Avenue and 11<sup>th</sup> Street will be introduced at the July 24<sup>th</sup> regular meeting. \$290,000 of the \$320,000 bond issue will be covered by New Jersey Department of Transportation grants.

**Execution of Developers Agreements for 2215 Route 4 Associates, LLC & Strictly Bicycles-2347 Hudson Terrace**

Resolutions entering into developers agreements with the aforementioned developers will be placed on the July 24<sup>th</sup> regular meeting proposed consent agenda if all the appropriate paperwork has been received by Mr. Grant's office.

Mr. Grant stated that at this point in time only Strictly Bicycles has submitted all of the required documents.

**Compliance With the Borough's Recently Enacted Taxi Rate Ordinance**

Conversation ensued with regard to enforcement of the Borough's recently enacted taxi rate ordinance.

Mr. Pohan asked if the Borough's ordinance for its taxi rates is a tariff, which if it is would be non-discretionary.

Mayor Sokolich stated that at a minimum the new fares need to be placed on the doors of the Borough's licensed taxicabs.

Mr. Cerveri stated that he believes competition is good for the consumer and that if the Borough's rates are not a tariff

then the company's should charge what they want to as long as they do not overcharge the Borough's maximum rates.

Mr. Cohen to meet with Mr. Grant to order to get a letter out to the taxicab companies explaining what they have to do to comply with the Borough's ordinance.

### **Sign Ordinance/Sign Committee**

An ordinance amending chapters 345 site plan and 410 zoning will be introduced at the July 24<sup>th</sup> regular meeting.

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Initial terms will be for one year expiring December 31, 2009 and then such term will be appointed annually for one year at the beginning of each calendar year.

Mayor Sokolich left at this point in the meeting at 9:00 p.m.

### **Amendment to Master Plan/Land Use Element**

Mr. Cervieri spoke about the elevation levels in the ordinance and asked that they be changed to reflect accurate numbers from the intersecting center lines of Kaufers Lane and Cedar Street. The ordinance as currently written looks a little nebulous.

Ms. Thomas and/or Mr. Grant should speak to the Borough Planner to get more information with regard to the ordinance.

An ordinance amending the Borough's R-7a zone will be placed on the July 24, 2008 regular meeting for introduction.

### **Banks in C-1 Zone**

Mr. Sohmer stated that Paul Phillips, Borough Planner, has come back with a recommendation with regard to reducing the number of banks in the Borough's C-1 zone.

Mr. Cervieri mentioned that all towns allow banks and quite a few of them are open on Saturday's and Sunday.

Mr. Sohmer replied that Mr. Phillips has recommended banks be made as a conditional use.

Mr. Cervieri asked and the governing body concurred that Mr. Phillips should attend the August 14<sup>th</sup> executive session for his input with regard to this matter.

### **Bergen County Community Development Grant Agreements**

Resolutions entering into grant agreements with Bergen County for BCCD and Open Space Trust Fund grants for Improvements to Stillwell Avenue to 8<sup>th</sup> Street and William T. Birch Park will

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be placed on the July 24<sup>th</sup> regular meeting proposed consent agenda.

### **Liquor License Transfer From Brinker New Jersey, Inc. to Fairview Equities LLC. (Inactive License)**

Mr. Grant stated that if the attorney's for the seller and buyer agree to a date of transfer that a resolution authorizing the aforementioned liquor license transfer will be placed on the July 24<sup>th</sup> regular meeting proposed consent agenda.

Mr. Grant added that the appropriate background check has been conducted and completed by the Police Department.

### **Advertising for Bids for a Communications Vehicle**

Ms. Thomas stated that Don Sauvageot's vehicle is inoperable as his engine blew up. He needs a new four wheel drive vehicle. There is money in an old capital account for the purchase. She indicated that she will try to purchase a hybrid vehicle, but they are not easily available.

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids or purchase through state contract for a new four wheel drive vehicle will be placed on the July 24<sup>th</sup> regular meeting proposed consent agenda.

Ms. Thomas added that the Fire Department is trying to increase their fleet by buying specialty vehicles. She's trying to keep them in check.

**PUBLIC HEARINGS SCHEDULED FOR JULY 24, 2008**

Ord. #2008-30--Amending Chapter 388, Sections 14 and 69  
Handicapped Parking Space by the Post Office on the  
Corner of Anderson Avenue and Plateau Avenue

Ord. #2008-31--Amending Chapter 406, Wreckers and  
Towing, Sections 15 and 22, Rates for Towing and  
Release of Vehicles

Ord. #2008-32--Amending Chapter 324 Rent Control, Sec  
58, Certain Rental Dwellings to be Exempt

Ord. #2008-33--Ordinance for Determining Positions  
Eligible for the Defined Contribution Retirement  
Program - State Mandated

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**PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Change to Master Plan R-7A	Ms. Thomas Mr. Pohan

**RESOLUTION FOR CLOSED SESSION**

**On motion by Councilman Cervieri, seconded by Councilman Goldberg** and approved **unanimously**, the meeting moved back into closed session at 9:07 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:

Property Acquisition with Regard to Improvements of  
Main Street and Hudson Terrace/Affordable Housing  
Issues

There being no further discussion the meeting was reopened publicly and adjourned **on motion by Councilman Cervieri, seconded by Councilman Pohan**, at 9:20 p.m.

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Executive Session

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**BOROUGH OF FORT LEE  
 2008 MUNICIPAL BUDGET  
 FINAL SUMMARY SHEET  
 (Appendix A)**

		Tax Rate
Total Appropriations 2007	\$59,948,939	
Total Appropriations 2008	<u>\$63,566,207</u>	
Increase	<u>\$ 3,617,268</u>	
Percentage	<u>5.69%</u>	
Tax Levy 2007	\$49,011,392	81.70
Tax Levy 2008	\$53,675,814	<u>88.82</u>
Increase	<u>4,664,422</u>	7.12
Percentage	<u>9.52%</u>	
<u>Appropriation Increases</u>		Average
Salaries and Wages - Police	354,250	Assessment
Salaries and Wages - Other	364,892	\$465,000
Health Benefits	449,600	Tax Increase
Other Insurance	115,767	\$331.08
Library	124,139	
Debt Service	530,873	
Pension	1,118,601	
BCUA	829,813	
Utilities	170,000	
Other Expenses	<u>-440,667)</u>	

3,617268

Revenue Reductions

Reserve from Payment of Debt	534,544
Court	110,100
Construction Fees	179,200
State Aid	<u>346,261</u>
	1,170,105

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, June 26, 2008 @ 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 3, 2008, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2008, 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 2008 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

On motion by Councilman Cervieri seconded by Councilman Goldberg 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: Economic Development  
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Fire Prevention Bureau  
Senior Citizens' Department

Contracts: Virtual Town Pages Proposal to Update the Borough's Web Site

Dennis Oury, Esq. - Economic Development

Radio Communications System - Kevin Conti,  
Esq., and Don Sauvageot in Attendance

Amending Rent Leveling Ordinance - Dwellings of 12 Units or Less Owned by the Fort Lee Housing Authority (FLASH)

Lease of Borough Property: Block 4701, Lot 2, by Plaza Diner

Lease of Borough Property: Across the Street from In Napoli Restaurant

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**

**Awarding Bid for Improvements to Stillwell Avenue and 11<sup>th</sup> Street**

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

A resolution awarding bid to English Paving Co. Inc., Ridgefield, New Jersey for the improvements to Stillwell Avenue and 11<sup>th</sup> Street at a cost of \$225,252.00 will be placed on tonight's regular meeting proposed consent agenda.

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Ms. Thomas and Mr. Mignone noted that the Borough has been awarded \$290,000 in grants from the New Jersey Department of Transportation for the project. The grants do not include the engineering costs which should run upwards to 10% of the project cost.

**GENERAL DISCUSSION**

**Liquor License Renewals for 2008-2009**

A resolution approving liquor license renewals for 2008-2009 will be placed on tonight's regular meeting proposed consent agenda.

**Environmental Commission**

Mayor Sokolich believes that the Borough should establish an environmental committee or commission.

Ms. Thomas stated that Mayor Alter had Fred Heller chairing his Green Committee and that Jay Scheiner sat in with Mr. Heller.

Messrs. Cervieri and Pohan both wanted to see a mission statement before agreeing to the formation of a formal committee by ordinance.

**Amendment to Sign Ordinance**

Don Porrino, Fort Lee Planning Board Member and Building Subcode Official for the City of Englewood, was present for this portion of the meeting.

The governing body asked that the new sign and facade ordinance be placed on the July 24<sup>th</sup> agenda for introduction. The council noted that they just received the ordinance today and because of the size of the ordinance they wanted to review it before introducing it.

Mr. Sohmer stated that new ordinance is slightly different than the draft he had received.

### **Executive Session**

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Mr. Porrino stated that the biggest issue the Borough has had has been enforcing its present code. The maximum letter size has been changed. He used the City of Englewood's ordinance as a guide to come up with 8" lettering with a 10" cap and a 12" logo. The highway business district would have 16" lettering. The new ordinance is pushing hard for awnings and channel lettering. The window signs in the Borough have been a problem for a long time. The sign committee that he was appointed to by the Mayor has been meeting every Thursday morning. Approximately twenty five signs have been reviewed to this point.

Mayor Sokolich stated that he needs to make the volunteer sign committee a formal committee of the Borough through an enabling ordinance.

Mr. Cohen to work on the draft of an ordinance that would be somewhat similar to the Borough's beautification ordinance in its makeup.

Mayor Sokolich praised the sign committee for their efforts and believes great strides have been made to having the Borough's signs to start to look uniform. This is the beginning of an ongoing process that will take a while before the final results are seen.

### **Regulation of Banks in C-1 Zone**

Mr. Sohmer stated that all he sees on Main Street is banks. He would like to limit the number of banks in the C-1 business zone.

Mayor Sokolich added that the Borough has thirty-nine banks and that he agrees that having so many banks inhibits the Borough from having a better night life downtown. He added that he will recuse himself from this point on because he's one of the founders of one of the banks that has branches in the Borough.

Ms. Thomas stated that it's hard to prevent banks from building downtown if they believe that it's in their best interest. It's a planning issue.

Mr. Cervieri added that he's a free market person. He noted that banks are now building joint facilities where there may be a bank and another business such as a Starbucks inside the same

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structure.

Mr. Sargenti stated that there is no room on Main Street for viable companies who may want to do business in the Borough.

Mr. Sohmer closed by asking that Paul Phillips, Borough Planner, be brought in to discuss his thoughts on this issue.

**Cameras and Digital Recording Equipment for the Fort Lee High School and Lewis F. Cole Middle School**

Ms. Thomas stated that the Fort Lee Board of Education is willing to pay for their fair share of the project.

Mr. Cervieri responded by stating that the Board of Education should be dealing with this issue.

The Mayor and Council had no further comment with regard to this matter.

**Authorizing Advertising for Bids for a DPW Sweeper Truck and DPW Aerial Device Truck**

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids for the aforementioned items will be place on tonight's regular meeting proposed consent agenda.

Ms. Thomas stated that the money for the trucks is from an older capital account.

Mr. Cervieri asked if the sweeper truck could be leased.

Ms. Thomas replied that the sweeper truck is a specialized piece of equipment.

### **Fire Pumper Truck (Added on Item)**

Mr. Sohmer stated that Steve Curry, Deputy Fire Chief, is still asking for a new foam pumper truck. There was another small accident last night that was solely a mechanical failure. The present truck needs major repairs.

### **Executive Session**

**June 26, 2008**

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Ms. Thomas said that a valve broke. She asked Mr. Curry to put a memo together with regard to the pumper.

Conversation ensued whether the Port Authority would potentially help the Borough purchase a new pumper and also it was noted that the Port Authority's brand new pumper cannot handle what they need.

### **Authorizing U.S Department of Justice COPS Technology Program Funding Grant Application**

A resolution endorsing an application for a grant to the U.S Department of Justice COPS Technology program will be placed on tonight's regular meeting proposed consent agenda.

The grant will be used to purchase twenty laptop computers as well as an explosive detector for the Police Department.

### **Handicapped Parking Space by Post Office on Anderson Avenue**

An ordinance creating a handicapped parking space by the Post Office on Anderson Avenue will be introduced at tonight's regular meeting. The request came from the Parking Authority which request has been reviewed by the Police Department.

Mr. Cervieri believes that the Main Street Post Office should be ADA compliant and that some pressure needs to be put on them to see this realized.

**Musco Lighting Proposal for Van Fleet Park**

A resolution authorizing Musco Lighting to alleviate the lighting/timing problems at Van Fleet Park in the amount of \$7,800 will be placed on the July 24<sup>th</sup> regular meeting proposed consent agenda.

**Ordinance for Determining Positions Eligible for the Defined Contribution Retirement Program-State Mandated**

An ordinance determining positions eligible for the State mandated defined contribution retirement program as prepared by

**Executive Session**

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Mr. Cohen's office will be placed on tonight's meeting for introduction.

**GWB Streetscape**

Mayor Sokolich asked that this item to be placed on the July 17<sup>th</sup> executive session for discussion.

**PUBLIC HEARING SCHEDULED FOR JUNE 26, 2008**

Ord. #2008-29- Appropriating a \$110,000 Grant from the Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund for Improvements to Constitution Park

**PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Environmental Committee/ Commission	Mayor Sokolich
	.Port Authority's Lack of Help Towards the Borough	

There being no further discussion the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, at 8:07: p.m.

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, June 5, 2008 @ 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 3, 2008, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2008, 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 2008 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:

**Executive Session**

**June 5, 2008**

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Personnel: Ambulance Corps Stipend Program  
Building Department  
Economic Development  
Fire Prevention  
Municipal Court  
Recreation Department Summer Counselors  
Senior Citizens

Use of the Fort Lee Community Center

Amending Rent Leveling Ordinance - Dwellings of 12  
Units Or Less Owned by the Fort Lee Housing Authority  
(FLASH)

Contract: Radio Communications Project

Town & Country Developers, Inc. (Centuria)

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.

### Stillwell Avenue/11<sup>th</sup> Street Road Improvement Project

Mr. Mignone stated that the Borough has two NJ Department of Transportation grants aimed at reconstructing the roadway at Stillwell Avenue; specifically, by the Recreation Center.

A resolution authorizing the Purchasing Consultant to advertise for bids for the project will be placed on the June 12<sup>th</sup> regular meeting proposed consent agenda.

**Executive Session**

**June 5, 2008**

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### Vacating a Portion of Euclid Road

Mayor Sokolich recused himself on this matter.

Mr. Cervieri stated that Euclid Road is bifurcated past Buckingham Road. It's 100 feet deep and runs west to east with a rock outcropping. It was never supposed to continue to Duncan Road and Crescent Way. The neighbors in the area have inquired whether the Borough would formally vacate that road. He's not sure about the sewers and utilities in the area. The vacation of the roadway would prevent a thru-area road. It would also keep traffic light by Briar Way. He told Dr. Ehret one of the neighbors in the area that he should send a letter to the Mayor and Council formally requesting for the street to be vacated.

Mr. Cervieri added that the vacated portion would go on the tax rolls and would be no longer than 150 feet and the width of Euclid Road.

Mr. Mignone stated that he's not sure there are sewers in the area in question.

Mr. Goldberg asked Mr. Mignone to provide pictures and a utility map of the location in question.

### Advertising for Bids for Palisades Terrace and Valley Street Pump Stations-Replacement of Pumps and Controls

Ms. Thomas stated that Borough needs new pumps and controls for the Palisade Terrace and Valley Street Pump Stations. Money is available from the Borough's 2007 capital account.

A resolution authorizing the Purchasing Consultant to advertise for bids for the pumps and controls for both pump stations will be placed on the June 12<sup>th</sup> regular meeting proposed consent agenda.

#### **Various Roadways (Added on Item)**

Mayor Sokolich stated that he's been receiving many complaints about the potholes and rough pavement of Anderson Avenue.

**Executive Session**

**June 5, 2008**

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Mr. Mignone replied that Bergen County is working on it, and that they will be repaving Anderson Avenue at some point in the near future.

Mayor Sokolich added that the Port Authority might pay for the paving of certain Borough roads. Mr. Mignone is readying a list of roads to the Port Authority to look at. The Port Authority has also expressed an interest in streetscaping portions of Fletcher Avenue, Lemoine Avenue and Center Avenue.

Mr. Cervieri added that if any roadways are improved bump outs should be provided for the picking up and discharging of bus passengers.

#### **GENERAL DISCUSSION**

#### **Bergen County Community Development Regional Committee and Open Space Trust Fund Representatives**

Resolutions appointing James Viola as the Council's representative to the Bergen County Community Development Regional Committee and Neil Grant as the Council's representative to the Bergen County Open Space Trust Fund will be placed on the June 12<sup>th</sup> regular meeting agenda.

Mayor Sokolich will also appoint one person as his representative to the Bergen County Community Development Regional Committee on June 12<sup>th</sup>.

### **Discussion of Request for Increase in Towing Fees**

The Mayor and Council suggested that Mr. Grant send the potential increased tow rates and backup material to the Police Department for their review.

### **Environmental Commission**

Mayor Sokolich requested that this item be placed back on the June 26<sup>th</sup> executive session agenda for discussion.

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**June 5, 2008  
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### **Highlands Water Protection and Planning Act**

Mr. Cervieri stated that the Borough does not get its water from the highlands and is not affected by the Highland Water Protection and Planning Act. He believes that the Borough should not get involved on this issue.

Mr. Pohan concurred with Mr. Cervieri.

Ms. Thomas added that only the Township of Mahwah and the Borough of Oakland are affected by the Highlands in Bergen County.

The governing body chose to take no action on this item.

### **Lights at Van Fleet Park**

Mr. Sohmer stated that the timer for the light at Van Fleet Park is still not working properly.

Ms. Thomas added that she has the Police Department checking on the lights as part of their shift duties.

Mr. Cervieri suggested placing a motion sensor on the timers that will automatically turn off the lights if no motion is made within a certain time period. He believes that the lights also could be monitored from the Police Department.

Mayor Sokolich added that the sports leagues have a hard time finding a responsible person to turn off the lights after a practice or game.

Ms. Thomas stated that the lights are shut-off by 10:30 p.m. The lights are locked up so they cannot be adjusted manually at this time.

Mr. Cervieri asked that Musco lighting be brought in to check out the situation and to make suggestions on how the shutting off of the lights should be accomplished.

Ms. Thomas will arrange a meeting with Musco lighting and the General Services Department.

#### **Executive Session**

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#### **Saint Rocco Italian American Mutual Aid Society Feast**

A resolution approving the Saint Rocco Italian American Mutual Aid Society festival for August 6<sup>th</sup> through August 10<sup>th</sup> at Martha Washington Way will be placed on the June 12<sup>th</sup> regular meeting proposed consent agenda.

#### **Opposing S-1137, Expands Scope of Negotiations**

A resolution opposing S-1137, which would expand the scope of negotiations with regard to collective bargaining issues which would impinge on local management prerogatives will be placed on the June 12<sup>th</sup> regular meeting proposed consent agenda.

#### **No Bids for Purchase of Borough Property: Block 4701, Lot 2**

Mr. Grant stated that no bids were received for a second time with regard to the lease of certain Borough property in the by the Plaza Diner's parking lot. The Borough may now enter into negotiations to lease the property out. No official action is required at this time.

#### **S-770/A-1645, Mandating a Qualified Certified Purchasing Agent**

A resolution opposing S-770/A-1645 which would mandate municipalities to appoint a qualified purchasing agent will be placed on the June 12<sup>th</sup> regular meeting proposed consent agenda.

Mr. Grant noted that if approved the Purchasing Agent will have certain powers that the Borough Administrator would not be able to have any input into.

**Proposal to Update the Borough's Web Site**

This item to be placed on the June 26<sup>th</sup> executive session agenda for discussion.

**Bergen Energy Cooperative**

Mr. Goldberg mentioned that the City of Clifton has joined twelve Bergen County Municipalities in a quest for lower energy

**Executive Session**

**June 5, 2008**

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rates.

Ms. Thomas stated that she will bring up this development when she next meets with the South Bergen Joint Insurance Fund.

**RESOLUTIONS**

**R-1 - Authorizing the Use of Competitive Contracting for the Procurement of a Third Party Billing Service Provider for Municipal Ambulance Services**

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

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE USE OF COMPETITIVE CONTRACTING FOR THE PROCUREMENT OF A THIRD PARTY BILLING SERVICE PROVIDER FOR MUNICIPAL AMBULANCE SERVICES.**

WHEREAS, the Borough of Fort Lee ("Borough") is interested in procuring a third party billing service provider for its municipal ambulance services; and

WHEREAS, in order to establish a process that affords the greatest degree of flexibility, the Borough sought, and obtained

by letter dated May 22, 2008, a determination from the New Jersey Department of Community Affairs that the procurement of a third party billing service provider for municipal ambulance services can be undertaken pursuant to competitive contracting, as set forth at N.J.S.A. 40A:11-4.1, et seq. and N.J.A.C. 5:34-4 et seq.; and

WHEREAS, the competitive contracting process will permit the Borough to evaluate proposals submitted on both qualitative and quantitative bases, thereby permitting the Borough to select and negotiate a services contract that will be cost-effective and best serve the Borough and the residents of Fort Lee,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the Borough may proceed with a competitive contracting process that complies with N.J.S.A. 40A:11-4.1 through 4.5 and N.J.A.C. 5:34-4 et seq. to procure a contract for a third party billing service provider for municipal ambulance services.

**Executive Session**

**June 5, 2008**

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

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

**R-2 - Authorizing an Additional Default Notice Against Town & Country Developers, Inc., as a Result of the Breach of Redeveloper's Representation to Obtain Financing for the Project Completion**

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

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 northerly border Bridge Plaza South, and its southerly border, Main Street, with the eastern border of the area being Lemoine Avenue, and the westerly border being Central Road; 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, 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 it proposed 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,

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**June 5, 2008**

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Lot 1; and the second parcel (hereafter referred to as the "West Parcel") constituting Block 4801, Lot 1; and

WHEREAS, subsequently, pursuant to the provisions of the Redevelopment Agreement, the Redeveloper, for the 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, 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 transferred to Fort Lee West and financed separately; and

WHEREAS, the obligations of Redeveloper and Fort Lee West to the Borough of Fort Lee under the original Redevelopment Agreement were in all respects preserved; and

WHEREAS, the Borough, in anticipation of project completion based upon the original terms set forth in the Redevelopment Agreement, has engaged in regular progress meetings with Redeveloper for the purpose of determining when in fact the project will proceed as anticipated, and what issues, if any, needed to be resolved that were otherwise interfering with development; and

WHEREAS, notwithstanding the progress meetings had, Redeveloper and its affiliate company, Fort Lee West have in fact failed to maintain current tax payments to the Borough of Fort Lee for the property and have 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 constitute a breach of the agreements between Redeveloper and its affiliate with the Borough under the Redevelopment Agreement, and upon formal notice thereof, would constitute events of default; and the Borough has proceeded to provide appropriate notices under the Redevelopment Agreement to Redeveloper and its mortgagees; and

WHEREAS, the Borough has been named a defendant and has been served with a Summons and Complaint in a foreclosure action

**Executive Session**

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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, Block 4801, which is owned by Redeveloper-affiliated Fort Lee West; and

WHEREAS, in said Complaint it is alleged that Fort Lee West, in addition to its failure to pay taxes due to the Borough, has defaulted in both failing to pay its obligations and to address other matters under the mortgage documents/loan documents/agreements with Plaintiff, and the mortgage has been accelerated and is now due and payable with all additional costs and penalties permitted under the said mortgage documents; and

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

WHEREAS, the Redeveloper has breached its representation to the Borough that it has or will obtain all necessary financing

for completion of the Project,

WHEREAS, the Borough believes it is in the best interests of the Borough and its taxpayers to enforce the provisions of the Redevelopment Agreement for such defaults,

NOW, THEREFORE, BE IT RESOLVED, that the definitions and statements contained in the recitals of this Resolution be and the same are hereby deemed incorporated herein; and

BE IT FURTHER RESOLVED that the Borough authorizes its counsel to issue to Redeveloper and Fort Lee West a formal Notice of Default based upon the breach by Redeveloper of the representation to the Borough to obtain necessary financing for the completion of the Project and suspension of payments of obligations to Plaintiff and the Borough, pursuant to the requirements of Article VIII of the Redevelopment Agreement, and providing to Redeveloper the applicable period of days for the cure thereof; and

**Executive Session**

**June 5, 2008**

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BE IT FURTHER RESOLVED, that the Borough reserves its rights with respect to any and all other defaults of Redeveloper or its affiliate Fort Lee West, if any, and does not waive any such rights to seek cure of any such other non-monetary defaults; and

BE IT FURTHER RESOLVED, that this Resolution and the requirement for the issuance of the Notice of Default shall take effect immediately.

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

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

**ABSTENTION: Councilman Cervieri**

**PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Kay Nest Parking Authority	.Municipal Parking Lot/ July 4 <sup>th</sup> Parking	
Nina Levinson 1560 West St.	.S-1137	Ms. Thomas Mayor Sokolich

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

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, May 22, 2008 @ 6:30 p.m.**

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

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

**ABSENT:** Councilman Sargenti

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

**MAYOR'S STATEMENT**

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

1. On January 3, 2008, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2008, 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 2008 to cover the cost of providing notice.

3. On May 15, 2008, a copy of said change in schedule time of this meeting was mailed all in listed #2 above.

### 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:

**Executive Session**

**May 22, 2008  
Page #2**

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

Personnel: Clean Communities

Use of the Fort Lee Community Center - Nelson Page in Attendance

Contract: Dental Insurance - Bergen Municipal Employee Benefits Fund (HIF)

Westgate Condominium Association, Inc. Agreement

Riverview Taxi Inc., Riverview Car Service Inc., and Rose Limousine Corp. Licenses

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

### **Third Party Ambulance Billing**

Ms. Thomas stated that she and Mr. Cohen will be meeting with two ambulance billing companies on June 5<sup>th</sup>. Both of the companies were recommended by the Borough Auditor. She added that when she met with the Ambulance Corps it went smoothly. They want to remain whole in some way. If the Borough makes a profit they would want some of the money so that they could make repairs and/or improvements to their facility and to help supplement monies they may no longer get during their annual fund drive. Ms. Thomas has asked the Ambulance Corps hierarchy to certify what they collect during a fund drive.

Mr. Goldberg praised Ms. Thomas and Mr. Cohen for doing a great job. He also suggested that Cliffside Park's third party billing person also be interviewed. It's important to get the numbers from every company that's going to be interviewed.

### **Executive Session**

**May 22, 2008**

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This item will be brought back for further discussion once Ms. Thomas and Mr. Cohen meet with the third party billing companies.

### **Estimated Tax Bills**

Ms. Thomas stated that the Borough will be sending out estimated tax bills based on the introduced budget, a 5% county tax rate increase and with the expectation of receiving no extraordinary aid from the State.

A resolution authorizing the tax collector to prepare and mail out estimated tax bills for the third quarter will be placed on the June 12<sup>th</sup> regular meeting proposed consent agenda.

### **CDBG Entitlement Program**

Ms. Thomas stated that the Borough will approve a resolution at tonight's regular meeting continuing its inclusion into the Bergen County Community Development Block Grant program for the years 2009 through 2012.

### **Bergen County Open Space Grant Application for June**

A resolution authorizing a Bergen County Open Space grant application for a skateboard park at Whitey Lang Park will be placed on the June 12<sup>th</sup> regular meeting proposed consent agenda.

#### **PropertyRoom.com (Various Borough Items for E-Auction)**

Mr. Grant added that PropertyRoom.com has been approved by the Division of Local Government Services (DOLGS) to conduct online auctions. A recent DOLGS Local Finance Notice 2008-9 supersedes any previous notices that the DOLGS has sent. It's very specific in the way local units must use certain procedures in order to do an online auction.

A resolution authorizing the Borough to auction off various items through PropertyRoom.com will be placed on the June 12<sup>th</sup> regular meeting proposed consent agenda.

**Executive Session**

**May 22, 2008  
Page #4**

#### **Homeland Security Committee**

Mayor Sokolich stated that he would like to form a Homeland Security committee to see if the Borough can obtain more Homeland Security funding than it has.

He appointed Ms. Kasofsky and Mr. Pohan as council liaisons to the committee. He also included Arlene Stern and Randy Kative to serve on the committee.

Mr. Cervieri suggested that Deputy Police Chief Jack Reuter be included in the committee.

Mayor Sokolich asked Ms. Thomas to contact the Police Department to see who they want to put on as their representative. The Police Department is familiar with how Homeland Security funding is distributed.

Mayor Sokolich added that the money is allocated federally to the States. The Governor's office plays a large part in controlling how the money is sent to individual municipalities. He closed by saying the Borough is definitely not getting its fair share of funding.

#### **Request for Increase in Towing Rates**

Mr. Grant indicated that this item will be discussed in detail at the June 5<sup>th</sup> executive session. He just wanted to make sure the Mayor and Council had received his letter of May 13<sup>th</sup> which detailed the towing companies request for a rate increase.

**PUBLIC HEARINGS SCHEDULED FOR MAY 22, 2008**

- Ord. #2008-23--Amending Chapter 388, Section 64, Schedule XVII, Placement of Mid-Block Crosswalk at 319 Main Street
- Ord. #2008-24--Amending Chapter 388, Section 43, Schedule I, No Parking Near the Driveway of 2469 First Street
- Ord. #2008-25--Amending Chapter 388, Section 43, Schedule I, No Parking Along the East Curb of Center Avenue by the VFW

**Executive Session**

**May 22, 2008**

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- Ord. #2008-26--Appropriating \$500,000 from the Reserve for the Main Street and Hudson Terrace Road Widening Improvements
- Ord. #2008-27--Amending Bond Ordinance #2003-13, as Amended by #2006-28 in Order to Amend the Description of the Project and the Period of Usefulness - Skateboard Park
- Ord. #2008-28--Amending Chapter 372, Section 24, Taxicabs and Limousines - Increase in Taxicab Rates Posted; Maximum Rates

**PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Postage for Estimated Tax Bills  .Open Space Grant	Ms. Thomas Mr. Cervieri
Charles Sobel 2150 Hudson Terrace	.Revision of Rent Control Ordinance/Affordable Housing	Mayor Sokolich

Mr. Cervieri asked Ms. Thomas to check on the Borough's safe routes to schools application.

Mr. Cervieri stated that the Housing Authority had requested a while ago that the Borough pass an Ordinance that shall make the rent control ordinance inapplicable to the Housing Authority on any structure of twelve units or less which they own and meets certain criteria. He feels that it's important to have affordable housing in the Borough for the people who need it the most.

Mr. Grant noted that this item has already been placed on the June 5<sup>th</sup> executive session for further discussion.

There being no further discussion the meeting was adjourned **on motion by Councilman Goldberg, seconded by Councilman Cervieri**, at 7:50 p.m.

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, May 1, 2008 @ 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

**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 3, 2008, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2008, 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 2008 to cover the cost of providing notice.

3. On April 18, 2008, a copy of said change in schedule time of this meeting was mailed all in listed #2 above.

### RESOLUTION FOR CLOSED SESSION

On motion by Councilman Sargenti, 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:

**Executive Session**

**May 1, 2008  
Page #2**

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  
Economic Development  
Engineering - Summer Help  
Fire Prevention  
Police Department - Summer Help  
Senior Citizens  
Tax Assessor - Summer Help

Litigation: Tax Appeal Settlement for 2017 Hudson  
Terrace - Block 4806, Lot 1

Amending Rent Leveling Ordinance - Dwellings of 12  
Units or Less Owned by the Fort Lee Housing Authority  
(FLASH)

Fort Lee Community Center Programming

Centuria Project

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.

#### **Skateboard Park/Repurposing of Bonds**

Ms. Thomas stated that in order to build a skateboard park the Borough is going to use old capital bonds that relate to parks. There will be an ordinance introduced at the May 8<sup>th</sup> meeting which will repurpose the old bonds. The estimated cost of the skateboard park is around \$200,000.

**Executive Session**

**May 1, 2008**

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Mayor Sokolich stated that this will not increase the Borough's overall bond indebtedness. This is just an administrative process to use old bond money that is available but has not yet been used.

#### **Change Order #2 for Main Street/Hudson Terrace Road Improvement Project - Utility Relocation**

Mr. Mignone and Ms. Thomas both stated that this change order wasn't covered under the original bid. This is for a phase II gas main utility replacement that had to be worked through PSE&G.

An ordinance appropriating \$500,000 from the reserve for the Main Street and Hudson Terrace road widening improvement project will be introduced at the May 8<sup>th</sup> regular meeting.

A resolution approving change order #2 for Creamer-Sanzari in the amount of \$475,000 will also be placed on the May 8<sup>th</sup> regular meeting proposed consent agenda.

#### **BCUA Sewer Charges**

Mayor Sokolich spoke to the BCUA's unfair billing practice regarding the Borough's combined sewer system. The BCUA does not read the actual meters. The BCUA has come up with a county average which has not taken into account the Borough's combined system. He along with Mr. Mignone met with the BCUA and he stated that he took a rather harsh position with them. He added that the Borough was able to defer \$350,000 on this year's BCUA bill. He's hopeful because of the deferred payment that maybe other positive things may occur with the BCUA; however he noted that the deferral is not a reduction in the Borough's overall sewer bill.

Mr. Cohen wants to review what has been happening with the BCUA before any potential litigation is filed.

Mayor Sokolich concurred that he wants Mr. Cohen to review the matter.

Mr. Mignone stated that every year the BCUA has to readopt their formula and that this year the Borough will definitely be

**Executive Session**

**May 1, 2008**

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attending their hearings and will be making comment with regard to the way the BCUA calculates their formula.

### **Update of Tax Maps**

Mr. Mignone stated that the Tax Assessor has requested a series of changes to update the Borough's new tax maps.

Ms. Thomas added that Boswell McClave sent in a proposal to do the updates at a fee not to exceed \$2,400.

A resolution authorizing Boswell McClave to update the Borough's tax maps will be placed on the May 8<sup>th</sup> regular meeting proposed consent agenda.

### **GENERAL DISCUSSION**

#### **Request by Taxi Companies for Taxi Fare Increase**

The Mayor and Council agreed to raise the taxi rates to \$2.75 for the first 4/9 of a mile and .35 for each additional 1/9 of a mile. In addition waiting time will be increased to \$1.50 for every three minutes of waiting time.

An ordinance increasing the taxi rates will be prepared by Mr. Cohen's office and will be placed for introduction at the May 8<sup>th</sup> regular meeting.

### **Request by Towing Companies for Towing Fee Increase**

Mayor Sokolich stated that the Borough will be using the New Jersey Turnpike Authority rates as the Borough's new rates for the Borough's tow companies who have requested a fee increase.

Mr. Cohen added that there is not a big disparity in the rates that the Turnpike Authority charges then what the Borough currently charges with its towing fee ordinance.

### **Borough's Website**

Ms. Kasofsky stated that she would like to review a few websites and she's looking to get proposals from new vendors.

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Mayor Sokolich formed a committee of Council Members Kasofsky and Sohmer along with Ms. Thomas to get proposals with regard to updating and/or changing the Borough's Website.

### **Recycling Tonnage Grant Application**

A resolution approving the Borough's application for a recycling tonnage grant will be placed on the May 8<sup>th</sup> regular meeting proposed consent agenda.

Mr. Sohmer stated that some people are not recycling at all and in general people do not recycle enough.

Ms. Thomas indicated that the Borough received \$9,800 last year for its recycling tonnage grant which monies were used for publicity to get people to recycle more.

### **Review of Bids for Cameras and Digital Recording Equipment**

Mayor Sokolich stated that he has a conflict on this matter and recused himself. He left the meeting room while this item was being discussed.

Mr. Cohen stated that there were objections made by two vendors on certain bids that were received by the Borough. After the objections were reviewed by his office, his office concluded that the first lowest bidder (TransNet Corporation) was non-compliant and that the bid should be awarded to the second lowest compliant bidder A.C. Daughtry Inc., at a cost of \$53,549.

Mr. Sargenti asked how many cameras are there and where are the cameras going to be placed with regard to this project.

A resolution awarding the bid to A.C. Daughtry Inc. will be placed on next week's regular meeting proposed consent agenda.

Mayor Sokolich returned to the meeting room at this point in the meeting.

### **Bid Discussion for Two (2) New Police Motorcycles**

Ms. Thomas stated that the cost for the two police motorcycles is \$36,033.80. The monies for the purchase of the motorcycles will be paid out of the confiscated funds account.

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This will bring the total number of motorcycles at the Police Department to ten.

A resolution awarding bid to Harley Davidson of Long Branch, Inc. for the purchase of two motorcycles will be placed on the May 8<sup>th</sup> regular meeting proposed consent agenda.

### **Approving Developer's Agreement for 2100 North Central Road**

Mr. Grant stated that he's awaiting final approval from the Borough Attorney's office to place a resolution approving a developer's agreement to 2100 North Central Road, LLC. on next week's regular meeting agenda. Certain insurance requirements still need to be met before a resolution can be approved by the Mayor and Council.

### **Crosswalk Ordinance at 319 Main Street**

Mr. Grant explained that the Borough approved an ordinance in 2007 for a placement of a mid-block crosswalk at 319 Main Street; however, the State turned down the Borough's request because there was another property that was also in the original

ordinance that the State objected to. A new ordinance has to be prepared and re-introduced.

An ordinance for the placement of a mid-block crosswalk at 319 Main Street will be introduced at next week's regular meeting.

#### **Purchase of Ford Expedition XLT for the Fire Department**

A resolution authorizing purchase of a Ford Expedition XLT from All American Ford through the Bergen County Cooperative purchasing system at a cost of \$26,243 will be placed on the May 8<sup>th</sup> regular meeting proposed consent agenda.

Ms. Thomas added that the cost of the purchase is being paid through Centuria's escrow fund that they set aside for the purchase of fire department equipment.

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#### **Amending No Parking Ordinance by the Driveway of 2469 First Street and Center Avenue by the VFW**

Ordinances creating no parking areas in the vicinity of 2469 First Street and Center Avenue by the VFW as approved by the Police Department will be introduced at the May 8th regular meeting.

#### **New Jersey State Film Commission Funding**

Mr. Pohan requested that the Borough approve a resolution that will put back funding in the New Jersey Motion Picture & Television Commission. The Bergen County Board of Freeholders has already passed a similar resolution.

Mr. Sohmer added that Mayor Bloomberg has been promoting filming in New York because of the money the City of New York receives for such filming.

A resolution urging the Government of the State of New Jersey and Governor Jon S. Corzine to reconsider the elimination of the New Jersey Motion Picture & Television Commission and

approve the \$500,000 line item that funds the commission will be placed on the May 8<sup>th</sup> regular meeting proposed consent agenda.

**RESOLUTION**

**R-1 - Centuria Project**

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

Mr. Cohen stated that there is a resolution offered before the Mayor and Council tonight that will put Centuria on notice with regard to a potential monetary default by them. Approval of the resolution will put Centuria on notice that they are now in a cure period.

The following resolution has been prepared by Redevelopment Counsel and has been reviewed by Mr. Cohen.

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

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"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 northerly border Bridge Plaza South, and its southerly border, Main Street, with the eastern border of the area being Lemoine Avenue, and the westerly border being Central Road; 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, 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 it proposed 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; and the second parcel (hereafter referred to as the "West Parcel") constituting Block 4801, Lot 1; and

WHEREAS, subsequently, pursuant to the provisions of the Redevelopment Agreement, the Redeveloper, for the 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, 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 transferred to Fort Lee West and financed separately; and

WHEREAS, the obligations of Redeveloper and Fort Lee West to the Borough of Fort Lee under the original Redevelopment

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Agreement were in all respects preserved; and

WHEREAS, the Borough, in anticipation of project completion based upon the original terms set forth in the Redevelopment Agreement, has engaged in regular progress meetings with Redeveloper for the purpose of determining when in fact the project will proceed as anticipated, and what issues, if any, needed to be resolved that were otherwise interfering with development; and

WHEREAS, notwithstanding the progress meetings had, Redeveloper and its affiliate company, Fort Lee West have in fact failed to maintain current tax payments to the Borough of Fort Lee for the property and have 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 constitute a breach of the agreements between Redeveloper and its affiliate with the Borough under the Redevelopment Agreement, and upon formal notice thereof, would constitute

events of default; and

WHEREAS, the Borough believes it is in the best interests of the Borough and its taxpayers to enforce the provisions of the Redevelopment Agreement for such monetary defaults,

NOW, THEREFORE, BE IT RESOLVED, that the definitions and statements contained in the recitals of this Resolution be and the same are hereby deemed incorporated herein; and

BE IT FURTHER RESOLVED, that the Borough has determined that the following taxes, as of May 1, 2008, are due from Redeveloper and/or Fort Lee West for the following properties and in the following amounts:

- A. Block 4802, Lot 1 (the West Parcel)  
Taxes for the second quarter due May 1, 2008 in the amount of \$332,964.00
  
- B. Block 4801, Lot 1 (the East Parcel)  
First quarter taxes delinquent \$175,493.00 due for tax payment

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\$7,859.69 due for interest to May 1  
Total for first quarter: \$183,352.69

Second quarter taxes due May 1 in the amount of \$175,493.00

All of said amounts subject to verification on the official records of the Tax Collector of the Borough of Fort Lee, the approximate total of all taxes due for both properties being the sum of (including interest to date) \$691,809.69; and

BE IT FURTHER RESOLVED that the said taxes and interest totaling \$691,809.69 are due and payable on May 1, a portion of the said sum being overdue and subject to interest charges, and the failure to make said payment constitutes the failure to pay an Imposition, as defined in the Redevelopment Agreement, and may be the subject of a Notice of Default with the applicable period to cure pursuant to Article VIII thereof; and

BE IT FURTHER RESOLVED, pursuant to that certain Memorandum of Agreement concerning costs for relocation of utilities (hereafter the "Memorandum of Agreement"), Redeveloper agreed to reimburse to the Borough the sum of \$186,283.50 for relocation of

utilities along the East Parcel upon receiving notice in accordance with the said Memorandum of Agreement, said payment was due within 10 business days of receipt of a request for payment provided by the Borough, said request having been made on March 11, 2008, and having been received by Redeveloper on March 12, 2008, said request for payment is significantly overdue and upon notice constitutes an event of default under the Memorandum of Agreement and the Redevelopment Agreement; and

BE IT FURTHER RESOLVED that notice has been provided to Redeveloper with respect to payment of delinquent taxes which notice has not resulted in the payment being made which further constitutes evidence of default; and

BE IT FURTHER RESOLVED that the Borough authorizes its counsel to issue to Redeveloper and Fort Lee West a formal Notice of Default based upon the monetary defaults discussed in these resolutions, to wit, taxes and interest due in the amount of \$691,809.69 and reimbursement for relocation of utilities in the amount of \$186,283.50, said total amount being \$878,092.69, more or less, pursuant to the requirements of Article VIII of the Redevelopment Agreement, and providing to Redeveloper the applicable period days for the cure thereof; and

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BE IT FURTHER RESOLVED, that the Borough reserves its rights with respect to any and all other defaults of Redeveloper or its affiliate Fort Lee West, if any, and does not waive any such rights to seek cure of any such other non-monetary defaults; and

BE IT FURTHER RESOLVED, that this Resolution and the requirement for the issuance of the Notice of Default shall take effect immediately.

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

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

Mayor Sokolich stated that the Borough has been well represented by Ms. Thomas and Mr. Cohen with regard to all of the meetings and issues that they have been involved in regarding the Centuria project.

**PUBLIC HEARING SCHEDULED FOR MAY 8, 2008**

Ord. #2008-22- Amending Chapter 406, Wreckers and Towing - Unlawful to Utilize a Locking Wheel Boot and/or Place a Front or Rear Windshield Parking Violation Sticker Upon a Vehicle Located in the Borough

Mr. Goldberg stated that he along with rest of the governing body should have been notified with regard to the PSE&G explosion last week on Main Street. He was getting calls from newspapers and he had no idea what was going on. He has previously asked the Police Chief to be kept informed on emergency matters within the Borough as he's the council liaison to the Police Department.

Ms. Thomas stated that she will contact Chief Ripoli with regard to having the council notified when emergencies occur within the Borough.

**Re-Appointment of Emergency Management Coordinator (Mayor's Appointment)**

Mr. Pohan briefly touched upon this subject.

**Executive Session**

**May 1, 2008**

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Mayor Sokolich stated that no action with regard to this matter will be taken tonight.

**PUBLIC PARTICIPATION**

Speaker

Subject

Response

Mayor Sokolich recused himself on this matter again and left the meeting room once Mr. Demiris began to speak about the camera and digital recorder system bid.

Dimitrios Demiris Principal Shareholder Integrated Security Technology, Inc. Wyckoff, N.J.	.Camera and Digital Recorder System Bid	Mr. Cohen
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Mayor Sokolich returned to the meeting room at this point in the meeting.

Nina Levinson

.Repurposing of Bonds

Ms. Thomas

1560 West St.

.Ford Expedition XLT  
(Centuria Funds)

Ms. Thomas

.Centuria Back Taxes

Mr. Cohen

Diane Sicheri  
1525 12th Street

.School Children Cutting  
Across Her Property

Ms. Thomas

There being no further discussion the meeting was adjourned  
**on motion by Councilman Goldberg, seconded by Councilwoman  
Kasofsky, at 8:07 p.m.**

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, April 3, 2008 @ 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, Sargenti, Kasofsky, Cervieri

**ABSENT:** Councilman Goldberg

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

**MAYOR'S STATEMENT**

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

1. On January 3, 2008, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2008, 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 2008 to cover the cost of providing notice.

## ENGINEERING DISCUSSION

### Little League Field Improvements

Ms. Thomas stated that the National League field belongs to the Fort Lee Board of Education. Boswell is going to prepare plans to fix only the American League field which property belongs to the Borough.

Mayor Sokolich stated that he believes that there is sentiment amongst everyone to acquire the National League field from the Board of Education.

**Executive Session**

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Mr. Sargenti said that the Borough is taking care of the National League field. There are issues with the field but new fencing is definitely needed.

Ms. Thomas pointed out that it was just recently that the Borough began to maintain the field.

Mr. Cervieri agreed that the Borough might as well own the field if it's already maintaining it.

Mayor Sokolich added that the Borough would be able to apply for grants if the Borough owned the field.

Ms. Thomas will write a letter to the Board of Education with regard to purchasing the field.

A resolution authorizing Boswell McClave to provide engineering services for improvements to the American Little League field at a fee not to exceed \$7,500 will be placed on the April 10<sup>th</sup> regular meeting proposed consent agenda.

### Safe Routes to School Program

Ms. Thomas stated that the Borough will be making application to the New Jersey Department of Transportation to place a walking/bicycle path on Abbott Boulevard, south of Route 5.

A resolution authorizing endorsement of the application will be placed on the April 10<sup>th</sup> regular meeting proposed consent agenda.

**Authorizing Payment to J. Fletcher Creamer and National Water Main Cleaning Company for Emergency Repairs to Eleventh and Twelfth Streets**

Everyone concurred that the money spent to make the final emergency repairs on eleventh and twelfth streets was money well spent.

Resolutions authorizing payment to J. Fletcher Creamer and National Water Main Cleaning Service in the amounts of \$26,200 and \$9,337.90 respectively will be placed on the April 10<sup>th</sup> regular meeting proposed consent agenda.

**Executive Session**

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**GENERAL DISCUSSION**

**Request by Taxi Companies for Taxi Fare Increase**

Ms. Thomas stated that letters were received from the various Fort Lee licensed taxi companies which requested taxi fares be raised from its current \$2.25 for the first 4/9 of a mile + 30 cents for each additional 1/9<sup>th</sup> of a mile to \$3.00 and 35 cents respectively.

Mr. Grant stated that the last increase was done in 2001.

The Mayor and Council requested that Mr. Grant obtain the taxi fee rates set by other municipalities to see how the Borough compares with its rates.

This item to be placed back on the April 24<sup>th</sup> executive session meeting agenda for further discussion.

**Request by Towing Companies for Towing Fee Increase**

Ms. Thomas to circulate the new towing rates that Mr. Cohen sent to her with regard to what the New Jersey Turnpike Authority charges for approved towing companies. This will be reviewed by the Mayor and Council and this item will be placed back on the April 24<sup>th</sup> executive session meeting agenda for further discussion.

Mayor Sokolich acknowledged Greg Makroulakis of ABC Towing, who pointed out that there has not been an increase of towing fees since 2000. Mr. Makroulakis added that other towns towing fees are a little higher than the Boroughs.

Mr. Pohan said that he does not want to have to look at the books of the towing companies to determine if the rates should be changed.

Mr. Makroulaskis said that he appreciates that towing company's have to licensed in the Borough. It's not like that in every community.

Kathy Dawson who represents A-1 Taxi and Statewide and Kelly Towing Services pointed out that her insurance and gas bills are out of control.

**Executive Session**

**April 3, 2008**

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Mayor Sokolich thanked everyone for their input and that this item will be slated for further discussion at the April 24<sup>th</sup> executive session meeting.

### **Anit-Booting Ordinance**

Mr. Cohen stated that he prepared an anti-booting ordinance in accordance with the Mayor and Council's previous directives.

Conversation ensued between Messrs. Cohen and Cervieri with regard to the size of stickers and where they should be placed on cars.

It was agreed that stickers could not be placed on the front and/or rear windshields of a vehicle.

An ordinance introducing an anti-booting ordinance along with where stickers can be placed for parking violators will be introduced at the April 10<sup>th</sup> regular meeting.

## **Bid for Purchase of Fire Truck**

Ms. Thomas stated that the fire truck bid was extended through April 16<sup>th</sup> for the purchase of a foam pumper fire truck. The current fire truck may need upward to \$150,000 in repairs and that there is no money in the budget to repair it. Mr. Thomas will check with bond counsel to see if repairs can be done through bonding.

Mr. Grant added that the vendor will not extend the bid deadline again.

Mr. Sohmer stated that the repairs may not be \$150,000 but repairs cost on an average of about \$60,000 a year. He added that the floor boards of the current fire truck are in bad shape and the piping for the foam has to be repaired.

Conversation ensued between Mayor Sokolich, Ms. Thomas and the governing body with regards to down payment, the rate the pumper is used, the use of fire equipment from the Port Authority and other municipalities, grants for fire equipment and the general lack of respect the Borough gets from the Port Authority.

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After the discussion it was concluded that a resolution authorizing the rejection of the fire truck bid will be placed on the April 10<sup>th</sup> regular meeting proposed consent agenda.

## **Amending Rent Leveling Ordinance - Dwellings Which are Owned by the Fort Lee Housing Authority**

Mr. Cervieri stated that Lillian Ciufu, Fort Lee Housing Authority Director, would like an ordinance introduced that would prohibit dwelling units in buildings of 12 units or less owned by the Housing Authority through its FLASH Corporation to be inapplicable to the Borough's rent control ordinance if certain conditions are met.

It was agreed to refer Ms. Ciufu's request to Ed Boccher, Esq. of Mr. Cohen's law firm for review.

Mr. Cervieri added that Kay Nest, Housing Authority Chairwoman, would like to see the ordinance put in place.

Mr. Pohan stated that it could present a problem.

### Operation of Buses Within the Borough

Mr. Cohen stated that the Borough can only regulate where buses stop in the Borough. The Borough cannot regulate omnibuses. The Police Department is limited to stopping the buses in that they can only make sure that the Borough's proper bus stops are being used. The omnibuses are required to have certificates of public conveyance and necessity from the State of New Jersey.

Mr. Cohen is doing further research with regard to this matter. No ordinance will be introduced at this time.

### Use of Fort Lee Community Center

Mr. Cohen stated that there is nothing illegal about letting religious organizations use the community center; however, the Borough has chosen to limit activities at the community center. If the Borough says yes to an organization it makes it very difficult to exclude other religious organizations.

### **Executive Session**

**April 3, 2008**

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Mayor Sokolich stated that this is a non recurring event.

Mr. Pohan stated that maybe one religious organization can use the community center once every few years if a major event is up-coming within a particular organization

Mr. Cervieri stated that Madonna is a Fort Lee home based organization.

Mr. Sohmer added that it's a community center. The Fort Lee Jewish Center wanted to hold their holy holidays there and were told no.

Mr. Cohen stated that invocations are okay, but religious ceremonies should not be conducted at the community center.

The Mayor and Council concurred that Madonna Church could use the Fort Lee Community Center in case of rain to celebrate their 150<sup>th</sup> anniversary.

**Liquor License Transfer from Marlin 102 Inc. to Linwood Wines & Liquors Inc.**

A resolution authorizing person-to-person transfer from Marlin 102 Inc. to Linwood Wines and Liquors Inc., at 102 Linwood Plaza will be placed on the April 10<sup>th</sup> regular meeting proposed consent agenda.

Mr. Grant stated that an appropriate background check of the applicant has been completed by the Police Department.

**Liquor License Transfer from Garden State Deli and Liquor, Inc. to Vin Romanee, LLC (Inactive License)**

A resolution authorizing person-to-person transfer from Garden State Deli and Liquor, Inc., to Vin Romanee, LLC (inactive status) will be placed on the April 10<sup>th</sup> regular meeting proposed consent agenda.

Mr. Grant stated that an appropriate background check of the applicant has been completed by the Police Department.

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**Approving Developers Agreement for 182 Myrtle Avenue**

A resolution approving a developers agreement as prepared by the Borough Attorney for Paula Kim at 182 Myrtle Avenue will be placed on the April 10<sup>th</sup> regular meeting proposed consent agenda.

**Borough's Website**

Ms. Thomas stated that the Borough has two proposals to update the Borough's Website. The current vendor would charge \$7,900 plus \$399.00 for monthly maintenance. The other vendor would charge \$7,500 plus \$50.00 per hour for maintenance and updates.

Ms. Thomas and Mr. Grant both recommended staying with the same vendor. They both said that they get a lot of inquiries and questions about and through the Website.

It was agreed that a resolution authorizing the hiring of Virtual Town Pages to revamp the Borough's Website would be placed on the April 10<sup>th</sup> regular meeting proposed consent agenda.

The Mayor and Council made it clear that they would review this item again in one year to see if they were satisfied with the updated Website and the service that the vendor is providing to the Borough.

### **Appeal of Abandonment of Certain Taxi and Limousine Licenses**

Mr. Grant stated that he abandoned one taxi license (Riverview Taxi Inc.) and two limousine licenses (Rose Limousine Corp. and Riverview Car Service, Inc.) for failing to renew their licenses by January 31<sup>st</sup> of this year. The licensee for all three licenses, John Sinisi, had explained to Mr. Grant that there was a communications failure between the Borough Clerk's office and his office.

The Mayor and Council agreed to reinstate all three licenses providing Mr. Sinisi provides Mr. Grant all of the things that are required by the Borough code within one month.

**Executive Session**

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### **Abandonment of Liquor License for Fire Company #2**

A resolution authorizing abandonment of Fire Company #2 liquor license will be placed on the April 10<sup>th</sup> regular meeting proposed consent agenda.

Mr. Grant stated that this is being done based on a request made in writing by the Fire Company #2 on April 2<sup>nd</sup>.

### **PUBLIC HEARINGS SCHEDULED FOR APRIL 10, 2008**

Ord. #2008-20--Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank  
(N.J.S.A. 40A:4-45.14)  
**MUNICIPAL BUDGET**

### **PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Charles Sobel 2175 Hudson Terrace	.HUD Building on 8th Street	Mr. Cervieri Ms. Thomas
Nina Levinson 1560 West St.	.Borough Website	Mr. Grant Mr. Cervieri

**RESOLUTION FOR CLOSED SESSION**

**On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky** and approved **unanimously**, the meeting moved into closed session at 8:05 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:

Use of the Fort Lee Community Center

Collective Bargaining: Economic Development  
**Executive Session**

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

There being no further discussion the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, at 8:25 p.m.

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, March 27, 2008 @ 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 3, 2008, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2008, 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 2008 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:

#### **Executive Session**

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Personnel: Municipal Court  
Police Department  
Recreation Department

Contracts: New World Insurance Services, LLC  
H. Ney Associates  
Administrative Purchasing Consultants

Request for Purchase/Auctioning of Borough Property:  
Block 4701, Lot 2

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, Assistant Borough Engineer, and Kevin Boswell, from Boswell Engineering, were present for this portion of the meeting.

### **Little League Field Improvements**

Mayor Sokolich stated that both the American and National Little league fields are in need of improvement. He's confident after speak to Kevin Boswell that something can be done with Green Acres funding and/or other available County and State grants to cover the majority of the costs.

Mr. Boswell stated that he met with the Mayor last December to discuss how to bring the fields into compliance with current insurance code requirements as well as discussing grant opportunities that may be available. Green Acres funding would cover 50% for design, construction and inspection assuming there is a recreation element in the Borough's Master Plan. The Borough can also apply for Open Space grants through Bergen County. The Borough would have to encumber money for concept plans and construction estimates. He mentioned that a \$2,100,000 multipurpose field in the City of Garfield that Boswell McClave was involved in was paid with \$1,950,000 in grants.

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Mayor Sokolich added that if the Borough received approximately 75% of the costs covered through grants both leagues could pay the balance of the cost with monies that they have. If two facilities could be greatly enhanced at a minimum cost he is of the belief that the Borough should try to get it done.

Mr. Cervieri asked what improvements need to be done.

Mr. Boswell stated that the American League field needs new turf. The National League field bleachers are in bad shape and there is a rock outcrop on the first base side that can be remediated. The geometry of the National League field needs to be changed. If changed it would increase the amount of room in foul territory. In addition new lighting may need to be put in place.

Mr. Boswell stated that the Borough should be able to get at a minimum 50% in grant reimbursement plus if necessary low interest loans for the additional 50% cost of the project.

Mr. Goldberg asked who applies for Green Acres funding.

Mr. Boswell replied that it depends if the fields are part of the Borough's recreation inventory.

Ms. Thomas stated that she believes the American League field on Anderson Avenue is the Borough's but she's going to check to see whether the Board of Education or the Borough owns the National League field.

Mayor Sokolich added that if certain provisions are met that he would like to see Boswell move forward with at least putting together a design plan for the fields.

Mr. Boswell stated that he has to run all the costs out. It would be include everything but the bid documents. He anticipates Boswell's initial cost to be \$15,000 which also includes paving the parking lot at the site of the National League field.

Mr. Pohan asked if the Borough could purchase the National League field from the Board of Education if in fact the Board of Education owns the field.

**Executive Session**

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This item is to be placed back on next weeks work session for further discussion.

### **2007/2008 NJDOT Local Aid Project**

Ms. Thomas stated that the Borough has received \$290,000 in State aid for improvements to Stillwell Avenue and Eleventh Street. Boswell has submitted a proposal of \$5,000 to prepare a survey and \$24,500 for design preparation.

A resolution authorizing acceptance of Boswell McClave's February 26<sup>th</sup> proposal to prepare a survey and design plan for the improvements to Stillwell Avenue and Eleventh Street at a fee not to exceed \$29,500 will be placed on the April 10<sup>th</sup> regular meeting proposed consent agenda.

## GENERAL DISCUSSION

### Approving Budget Appropriation Transfers

A resolution approving the final budget appropriation transfers for 2007 will be placed on tonight's regular meeting proposed consent agenda.

### Advertising for Bids for New Police Motorcycles

Ms. Thomas stated that the purchase of the police motorcycles is paid through confiscated funds. The two new motorcycles if approved would increase the size of the Police Department's motorcycle fleet.

Mr. Cervieri noted the tremendous benefit of having motorcycles at funerals and other public events. It builds to the spirit of the town. He inquired to how many police officers are qualified to ride motorcycles and the total number of motorcycles the police department has.

Ms. Thomas will speak to the Police Department with regard to Mr. Cervieri's request.

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

**Executive Session**

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motorcycles will be placed on tonight's regular meeting proposed consent agenda.

### Purchase of Three (3) Police Cars

Ms. Thomas stated that the Police Department has requested the purchase of four police cars. She has lowered the number to three which monies have been allocated in this year's budget.

Mr. Goldberg stated that this is one area the Borough has some control over and due to the budget crunch recommends that the purchase of the three vehicles be removed from tonight's regular meeting agenda. He inquired to how old, along with the mileage of the vehicles, that the Police Department wanted replaced.

The Mayor and Council concurred with Mr. Goldberg's request that the purchase of the police cars would be removed from tonight's regular meeting proposed consent agenda.

### **Bergen County First Responders Identification Card**

Ms. Thomas that the Borough will join a program in which there will be a standardized identification card for first responders within Bergen County. There is no cost to the Borough to participate in the program.

A resolution authorizing the Borough's participation in the Bergen County First Responders identification card program will be placed on tonight's regular meeting proposed consent agenda.

### **Opposing S-770 and A-1645 Mandating the Appointment of a Qualified Purchasing Agent**

A resolution opposing S-770 and A-1645 mandating the appointment of a qualified purchasing agent as recommended by the League of Municipalities will be placed on tonight's regular meeting proposed consent agenda.

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### **Purchase of Van for the Fire Department**

Ms. Thomas stated that Town & Country Developers has put \$50,000 in escrow towards Fire Department equipment. A Chief's vehicle has already been approved. Chief Bernard has requested that the balance of the money, approximately \$22,000 be used to purchase a Fire Department van which would be used to transport fire department members to various education classes.

Mayor Sokolich stated that the money has been set aside and the van would not cost the Borough anything to purchase.

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

This item will be labeled as CA-9 and will replace the purchase of the three police vehicles as previously discussed.

### **Cablevision Lightpath - NJ**

Ms. Thomas stated that Kevin Conti, Esq., from Lee's office researched this matter thoroughly and has written a letter in which the only thing the Borough can receive from Cablevision is a telecommunications audit. Cablevision Lightpath wants to provide commercial entities with a telecommunications network.

Lester Taylor, of the lawfirm Florio, Perrucci, Steinhardt & Fader, L.L.C. stated that Cablevision will place fiber-optic cable within the Borough's existing roadway. Cablevision will pay for all of the project costs and get the necessary permits as required.

Mr. Pohan asked how long the project will take to complete.

Mr. Taylor did not have a timeline as to how long the project would take to complete.

It was agreed to hold off on an endorsing resolution until April 10<sup>th</sup> which if approved would allow Cablevision Lightpath-NJ to install fiber-optic cable and related telecommunications equipment within the Borough's public rights-of-way.

**Executive Session**

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### **Use of the Fort Lee Community Center**

Mayor Sokolich stated that the Church of the Madonna will be having its 150<sup>th</sup> anniversary gala celebration in the near future. The church has inquired if they could use the Fort Lee Community Center in case of rain only.

Mr. Cohen stated that if the Borough gives Madonna approval to use the Community Center even under the condition of a rain date that it would be difficult to say no to other religious organizations that may also want to use the facility.

This item will be placed back on the April 3<sup>rd</sup> executive meeting agenda for further discussion.

**Amending Rent Control Ordinance (Added on Item)**

Mr. Cervieri stated that Lillian Ciufu, Executive Director of the Fort Lee Housing Authority, has requested that the Borough's Rent Control Ordinance be amended so that the ordinance shall be inapplicable to the Fort Lee Housing Authority if certain conditions are met.

This item will be placed back on the April 3<sup>rd</sup> executive meeting agenda for further discussion.

**PUBLIC HEARINGS SCHEDULED FOR MARCH 27, 2008**

Ord. #2008-15--Ordinance to Accept Jurisdiction of Bigler Street from Bergen County - **Motion to Table**

Mr. Grant stated that after speaking to Economic Development Counsel that it was recommended that this ordinance should be tabled tonight. Mr. Grant explained that Bergen County will be amending its ordinance and therefore the Borough will have to introduce an amended ordinance with regard to accepting jurisdiction of Bigler Street from Bergen County.

Ord. #2008-18--Amending Chapter 388, Section 22, Schedule IX, Placement of Stop Sign at Center Street at its Intersection with West Street

Ord. #2008-19--Amending Salary Ordinance #2007-6, for Department Heads - Fire Official/Fire Protection Sub-Code Official, Schedules A-1 and A-2

**Executive Session**

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Ord. #2008-21--Amending Chapter 316, Public Records, Article 1, Fees for Copies and Records - CD's and Special Requests

**PUBLIC PARTICIPATION**

Speaker

Subject

Response

Nina Levinson  
1560 West St.

.Eating of Food at the  
Community Center

Roy Sampath  
328 Bridge Plaza North

.Astroturf

Mayor Sokolich  
Ms. Thomas  
Mr. Pohan

There being no further discussion the meeting was adjourned  
**on motion by Councilman Cervieri, seconded by Councilman  
Sargenti, at 7:57 p.m.**

---

Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, March 6, 2008 @ 6:30 p.m.**

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

SS

**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

Joseph Iannaconi, Chief Financial Officer

**MAYOR'S STATEMENT**

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

1. On January 3, 2008, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2008, 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 2008 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:

**Executive Session**

**March 6, 2008**

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

Personnel: Fire Prevention Bureau

Interlocal Service Agreement with the Borough of Leonia

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

### Booting Ordinance - Kevin Mahon, Police Officer, in Attendance

Police Officer Mahon stated that the Attorney General's Office does not allow for the booting of vehicles by private property owners. It's disallowed by N.J.S.A. 39:4-49.

Mayor Sokolich stated that he met with the owner of the GWB Mall. The owner has agreed to stop booting vehicles and will go back to the old way of having vehicles towed off his lot.

Mr. Pohan reiterated that in absence of an ordinance private property owners cannot boot vehicles.

Mr. Cohen concurred with Mr. Pohan that private property owners have no legal authority to boot. If a vehicle was booted and someone complains the Police Department could issue a summons to the private property owner for interference with a motor vehicle.

Officer Mahon added that that if situation occurred there would be a probable cause hearing against the private property owner.

Mr. Sohmer stated that the Parking Authority can boot vehicles.

Mr. Grant stated that the Parking Authority can boot vehicles of scofflaw violators.

### **Executive Session**

**March 6, 2008**

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Mr. Cohen added that is covered under a different law.

There was a discussion as to whether the Borough should create an ordinance to prevent booting, but no final decision was reached.

### Municipal Budget 2008 - Steve Wielkocz, Borough Auditor, in Attendance

Mr. Wielkocz stated that the statutory deadline to introduce the budget is March 24<sup>th</sup>. The Borough will introduce the budget next week and file the necessary paperwork to apply for extraordinary aid.

(See Attached Appendix A - 2008 Municipal Budget Initial Summary Sheet)

Mr. Wielkotch elaborated that there is a 6.59% increase in spending. All other items that are controllable have decreased by \$18,000.

Mr. Cervieri stated that absent a reduction in personnel everything else has been decreased.

Mr. Wielkotch stated that there have been many uncontrollable events. Personnel would have to be let go to affect the appropriations line. The Borough's average assessment is \$465,000.

Mr. Golberg asked if the budget includes the eventual new police contract.

Ms. Thomas replied affirmatively.

Mr. Wielkotch added that the Borough is \$845,000 over the tax levy CAP this year. The Borough just this past week lost \$346,000 in State aid. If the Borough does not apply for a CAP waiver the tax increase will be reduced from \$395 to \$330.

Mayor Sokolich asked how other communities have been affected.

**Executive Session**

**March 6, 2008**

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Mr. Wielkotch pointed out the City of Englewood lost \$1,000,000 in State aid. Three state aid programs have been cut out.

Ms. Thomas added that the Borough has to get through this year first. Library exceptions to the CAP may shake out to put the Borough in a better place next year.

Mr. Wilkotch said that the five-year phase increase for the Police and Fire Departments pension systems will be leveled off next year.

Ms. Thomas stated that each tax point is \$604,000.

On questioning by Mayor Sokolich, Mr. Wielkotch stated that if the Borough did not bond for anything else this year the

Borough's bond indebtedness would be reduced by \$9,000,000. The Borough's bond rating of AA is a lot better than most of the other towns in Bergen County.

Mr. Wielkocz closed by stating that every town is experiencing the same problems with the real estate market, health benefits, contractual salary increases, and the required additional pension costs to the State.

### **Public Record Fees for CD's of Certain Board Meetings**

Mr. Grant stated that with the new recording system the Borough has the ability to make copies of CD's for people who request them for certain board meetings. He added that anyone who wants a copy of a CD will have to fill out an OPRA request.

It was agreed that the cost of a CD should be \$10.00.

Mr. Cohen will prepare an appropriate ordinance for introduction at the March 13<sup>th</sup> regular meeting.

### **Amending Chapter 388-22 Placement of Stop Sign on Center Street at Intersection of West Street**

An ordinance placing a stop sign on Center Street at the intersection of West Street westbound as requested by the Police Department for safety reasons will be placed on the March 13<sup>th</sup> regular meeting for introduction.

**Executive Session**

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### **Jitney Ordinance**

Mr. Cohen will draft an ordinance that will consider franchising or licensing fees for jitney buses that travel throughout the Borough.

### **Fire Pumper Truck**

The Mayor and Council requested an additional two month extension to the fire pumper truck bid because they are still determining if they want to spend and bond for \$900,000 for a new fire truck. The current one month bid extension gives the Borough until March 17<sup>th</sup> to either accept or reject the bid.

Mr. Grant will work with the Purchasing Consultant to see if the lone bidder, Sutphen Corporation, is willing to extend the bid an additional two months through May 16<sup>th</sup>.

### **Grants**

Mr. Sohmer stated that he believes the Borough is not receiving enough in the way of grants.

Ms. Thomas replied that Community Grants and Planning is preparing a list of grants that they have obtained for the Borough. She stated that the Borough also receives grants from Bergen County Community Development and the New Jersey Department of Transportation. In addition the Police Department procures various grants throughout the year. The Borough also received a \$600,000 grant for solar panels.

Ms. Thomas stated that once she receives the inventory of grants she will circulate it to the governing body.

Mr. Cervieri stated that he believes that a walkway and/or bicycle path should be constructed on Abbott Boulevard from Columbia Avenue to Route 5 which he believes could be paid for by obtaining grant money.

**Executive Session**

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### **Lemoine/Linwood/Fletcher Avenues Sidewalks and Trees - Port Authority**

Mayor Sokolich stated that he met with Cristina Lado, Port Authority Director of Government and Community Relations. He discussed with her the Borough's thoroughfares above the bridge, specifically the Lemoine Avenue overpass, which he believes looks horrible and should be beautified.

Mr. Cervieri suggested that someone should go around with a digital camera and show the residents the lack of aesthetics that the Port Authority has on their equipment which includes their monitoring cabinet on Bruce Reynolds Boulevard at Bridge Plaza North.

## **Bergen County Utilities Authority (BCUA) Billing**

Mayor Sokolich explained how the BCUA has changed the way they calculate their bills. It used to be the BCUA used real field measure data to calculate wastewater which cost much less to the Borough. The new bill assumes the same wastewater characteristics for all towns which has substantially increased the Borough's wastewater bill. He believes the Borough is being treated unfairly by the BCUA. He added that it would cost the Borough \$80,000,000 to uncombine its sewer system.

Mr. Pohan indicated that he would not be adverse to bringing suit against the BCUA because of how they changed their billing standards.

Mr. Cohen replied that the Borough could do it in conjunction with Ridgefield and Hackensack.

Mr. Cervieri concurred with Mr. Pohan.

Mayor Sokolich replied that he's not ready to file a lawsuit at this time. He wants to speak to Mr. Cohen about what the Borough's options are.

Mr. Cohen said that he could file a prerogative writ on the Borough's behalf.

Mr. Sohmer spoke about the south side of town where stormwater has been coming in from the Borough of Cliffside Park.

**Executive Session**

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In speaking to Ed Mignone, Assistant Borough Engineer, he said there is a certain average that the Borough has to monitor.

Ms. Thomas concurred that the Borough does monitor Cliffside Park's wastewater usage.

## **Sign Committee (Added on Item)**

Mr. Pohan stated that he is part of the Mayor's volunteer sign committee. He believes it would be a good idea if the group could sit in on a volunteer basis with the Building Department to discuss sign permits for applicants. He feels that it would create positive communication. He asked if anyone has an objection.

There were no objections to his request.

**Congestion Pricing (Added on Item)**

Mr. Pohan recused himself on this matter.

Mr. Cervieri requested that the governing body consider a resolution which would reduce the number of trucks during peak morning hours on the George Washington Bridge by doubling and tripling their tolls. He wants the resolution to be sent to the Port Authority for their consideration.

Mr. Cohen will prepare a resolution with regard to Mr. Cervieri's request.

**PUBLIC HEARINGS SCHEDULED FOR MARCH 13, 2008**

- Ord. #2008-15--Ordinance to Accept Jurisdiction of Bigler Street from Bergen County
- Ord. #2008-16--Bond Ordinance Providing for the Acquisition of Two Mini-Buses \$165,000 (\$160,000 Being Paid Through a Contribution by the Port Authority of New York and New Jersey)
- Ord. #2008-17--Refunding Bond Ordinance Providing for Refunding of a Prior Bond Issue in the Amount Not Exceeding \$6,850,000.00

**Executive Session**

**March 6, 2008  
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**PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.BCUA - Flow Measuring and Solids	Mr. Sohmer Mayor Sokolich Ms. Thomas
	.Municipal Budget Document	Mr. Grant

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

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Neil Grant, RMC  
Borough Clerk

**BOROUGH OF FORT LEE  
2008 MUNICIPAL BUDGET  
INITIAL SUMMARY SHEET  
(Appendix A)**

		Tax Rate
Total Appropriations 2007	\$59,948,939	
Total Appropriations 2008	\$64,179,707	
Increase	<u>\$ 4,230,768</u>	
Percentage	<u>6.59%</u>	
Tax Levy 2007	\$49,011,392	0.817
Tax Levy 2008	\$54,522,214	<u>0.902</u>
Increase	<u>5,510,822</u>	<u>0.085</u>
Percentage	<u>11.24%</u>	
		Average

<u>Appropriation Increases</u>		Assessment
Salaries and Wages - Police	545,250	465,000
Salaries and Wages - Other	364,892	
Health Benefits	449,600	Tax Increase
Other Insurance	115,767	\$395.25
Library	124,139	
Debt Service	530,873	
Pension	1,118,601	
BCUA	829,813	
Utilities	170,000	
Other Expenses	<u>(-18,167)</u>	
	4,230,768	

Revenue Reductions

Reserve from Payment of Debt	534,544
Court	110,100
Construction Fees	<u>179,200</u>
	823,844

Notes: Tax Levy CAP for 2008 is \$53,676,867  
 Borough is \$845,347 Over CAP

Tax Increase Will be Reduced to \$330.00 if  
 Borough Does Not Request a CAP Waiver From DCA

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, February 28, 2008 @ 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 3, 2008, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2008, 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 2008 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:

**Executive Session**

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Personnel: Hiring Review

Contracts: Administrative Purchasing Consultants, Inc.  
Bond Counsel

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.

**Bergen County Utilities Authority (BCUA) Wastewater Management Plan**

Mr. Mignone stated that the BCUA wastewater plan needs and is going to be updated. The report includes how water is collected and how sewage is treated. Part of the report includes expected flows including estimating twenty year flows. The BCUA is requesting the Borough approve a resolution that endorses the updated wastewater plan.

The Mayor and Council agreed to pass the BCUA's consenting resolution at their March 13<sup>th</sup> regular meeting.

**Little League Field Improvements**

There was no discussion on this item tonight.

**Emergency Repairs to the Field House at Van Fleet Park**

Ms. Thomas stated that there will be a resolution on tonight's regular meeting proposed consent agenda approving a resolution for Security Structures to make emergency repairs to the field house at Van Fleet Park. The cost of the repairs is \$43,650 which is being paid through the Borough's insurance carrier based on damages from a fire that occurred at the field house in December of 2007.

**Executive Session**

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**Change Order #1 for Arnold Roads, Inc. for 2006 Road Improvement Program**

Mr. Mignone stated that there is one change order needed for Arnold Roads in the amount of \$26,481 which is \$1,700 higher than originally listed on tonight's regular meeting agenda. There were bills from the Police Department that were not included with the original documentation, but everything relates to the as-built amounts. A portion of the project regarding curb cuts has been covered by grants from Bergen County Community Development.

The Mayor and Council concurred that they will pass the one and only change order for Arnold Roads in the amount of \$26,481 at tonight's regular meeting.

## GENERAL DISCUSSION

### 5K Fort Lee Turkey Trot Run/Thanksgiving Day

Linda McCue, Fort Lee Board of Education Trustee, was present for this portion of the meeting.

Ms. McCue stated that she and her husband are both advent runners. Other communities have road races and she hopes to begin a tradition in Fort Lee. The five kilometer race scheduled for the morning of Thanksgiving Day will be to promote health and fitness. The Police Department has approved her request regarding a race route. The race would begin at the Fort Lee Community Center. She will be getting sponsors to cover the cost of the race. She is aware that she will need insurance and that her organization will have to be incorporated.

Ms. Thomas stated that there will be some cost to the Borough associated with the race.

There is no longer a Thanksgiving high school football game in the Borough so the race will not be competing against any other town events.

The Mayor and Council voiced no objections to the race and asked her to work with the Borough Attorney so as to have everything in order.

**Executive Session**

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### Bonding for a New Fire Truck

Mayor Sokolich stated that he can't justify the \$900,000 that is needed for a new fire truck at this time because of the Borough's budget problems.

Mr. Grant replied that the bid has been extended until March 19<sup>th</sup>, but he will have to get another extension from the lone bidder if the Borough is interested in purchasing the fire truck based on the bid that was submitted in December of 2007.

### Refunding Bond Ordinance

Ms. Thomas stated that this refinancing is from callable bonds from 1999. The Borough will realize a net savings of \$246,000 by carrying out a refunding bond ordinance. The bonds will run through 2013.

#### **Advertising for Bids for a Building Department Vehicle**

Ms. Thomas stated that the Building Department has requested the purchase of one new inspector's vehicle. The current vehicle is old and is in need of replacement.

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids or purchase through state contract a Building Department vehicle will be placed on tonight's regular meeting proposed consent agenda.

#### **Replacement of a Fire Department Vehicle**

Ms. Thomas stated that the Borough has been funded \$50,000 by Town and Country developers with regard to replacing an older Fire Department vehicle.

The Mayor and Council concurred even though Town & Country has not moved forward with their project yet, that the Borough should spend the money that Town & Country has contractually agreed to give to the Fire Department for a new vehicle.

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids or purchase through

**Executive Session**

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State contract a Fire Department vehicle will be placed on tonight's regular meeting proposed consent agenda.

#### **Greater Fort Lee Chamber of Commerce 2008 Persons of the Year**

The Mayor and Council along with the Borough Administrator, Borough Clerk, Chief Financial Officer and Borough Attorney have agreed to take out a full page advertisement in honor of Chief Thomas Ripoli and Howard Joh as the Chambers 2008 Persons of the Year.

#### **Fort Lee Rotary Club Person of the Year**

The Mayor and Council chose not to place an advertisement this year.

### **Wrongful Death Legislation**

Ms. Thomas stated that she is recommending that the Borough approve a resolution tonight that urges the state legislature to exempt title 59 entities from any expansion of the wrongful death statute. If the legislation is adopted by the State it will increase premiums for municipalities from 6% to 7%.

A resolution urging the state legislature not to pass the pending bill will be placed on tonight's regular meeting proposed consent agenda.

### **Liquor License Transfer from Tai Kai Enterprises (Inactive) to Gam Na Moo, Inc. at 1645 Lemoine Avenue**

Mr. Grant stated that Police Department, Building Department and Fire Department have reviewed the liquor license transfer. All police checks with regard to the applicants came back negative and the building location has been approved by the Building and Fire Departments.

A resolution authorizing a person-to-person/place-to-place liquor license transfer from Tai Kai Enterprises, LLC to Gam Na Moo, Inc. at 1645 Lemoine Avenue will be placed on tonight's regular meeting proposed consent agenda.

**Executive Session**

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### **PUBLIC HEARINGS SCHEDULED FOR FEBRUARY 28, 2008**

- Ord. #2008-12--Amending Chapter 261, Section 31J, Land Use Procedures - Notice Requirements for Hearings - Updated Telephone Number and Sign Measurements
- Ord. #2008-13--Vacating Service Street and Portions of Hoyt Avenue and Central Road
- Ord. #2008-14--Vacating a Portion of Bruce Reynolds Boulevard Formerly Known AS Bridge Plaza South and South Marginal Road
- Ord. #2008-15--Ordinance to Accept Jurisdiction of Bigler Street from Bergen County (**Motion to Postpone**)

**Budget 2008 (Added on Item)**

It was agreed that next week's executive session meeting will commence at 6:30 p.m. Ms. Thomas stated that she, along with Joseph Iannaconi, Chief Financial Officer, and Steve Wielkocz, Borough Auditor, will go over the budget and be ready to answer any budget questions at next week's meeting.

Mr. Grant will send out the required public notice for the change in meeting time.

**Towing of Vehicles at GWB Plaza (Added on Item)**

Mayor Sokolich stated that he spoke to the owner of the GWB Plaza mall who has agreed to stop the booting of vehicles on his property.

**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 Councilwoman Kasofsky, seconded by Councilman Sohmer** at 7:50: p.m.

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, February 7, 2008 @ 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 3, 2008, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2008, 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 2008 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:

Contracts: Borough of Fort Lee/Port Authority Bus  
Agreements

**Executive Session**

**February 7, 2008**  
**Page #2**

Port Authority Request for Street Vacation  
Ordinance to its Service Road  
Guardian Service Industries, Inc. -  
Janitorial Maintenance Services  
Land Use LLC.

Litigation: Jabadou Inc. Liquor License

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, Ray Levy, Director of Economic Development and Lou Flora, Esq., were present for this portion of the meeting.

#### **Town & Country Developers at Fort Lee, Inc. for Temporary Utility Location, Easement & Agreement to Reimburse the Borough**

Mr. Cervieri recused himself and left the room for this portion of the meeting.

Mr. Flora stated that the Borough needs a temporary utility location resolution to maintain vital services to power the toll plazas. Town and Country and the Borough have to enter a temporary easement agreement which is expected to be placed on next week's regular meeting agenda for approval. The agreement will include Town & Country reimbursing the Borough \$186,283.50 which represents the costs for the temporary relocation of the utilities.

Mayor Sokolich stated that all utilities for this project are expected to be placed underground.

**Executive Session**

**February 7, 2008**

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#### **Town & Country Access Agreement Permitting for Two Monitoring Wells in the Municipal Parking Lot**

Mr. Flora stated that the former site of the drycleaners on Lemoine Avenue that is now part of the Centuria property has to be checked out for a one to two-year period for potential contamination as required by the New Jersey Department of Environmental Protection.

Mayor Sokolich asked if any parking spaces would be lost in the municipal parking lot if monitoring wells are placed there.

Ms. Thomas replied that no parking spaces would be lost once the monitoring wells are put in place.

A resolution authorizing the Borough to enter into an access agreement with Town & Country will also include the placement of monitoring wells in the municipal parking lot will be placed on the February 14<sup>th</sup> regular meeting agenda.

**Temporary Construction Easement for Whitehall Towers Access Agreement Along Central Road for Road Widening**

Mr. Flora stated that a temporary construction easement is needed with Whitehall Towers, LLC. The Bergen County Board of Chosen Freeholders at their recent meeting agreed that Bergen County will vacate the section of Bigler Street between Central Road and Bruce Reynolds Boulevard. It will be continued to be used as a public road. A section off of Main Street will still be a county road. The vacated section will be split between the two property owners, Whitehall Towers, LLC and the Park Court Apartments. Bergen Country has required an extension of Hudson Terrace be built before the closing off of Bigler Street.

Ordinances vacating Service Street and portions of Hoyt Avenue and Central Road and a portion of Bruce Reynolds Boulevard southbound along with the Borough accepting jurisdiction of Bigler Street from Bergen County will be introduced at the February 14<sup>th</sup> regular meeting of the Mayor and Council.

**Executive Session**

**February 7, 2008**

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**GENERAL DISCUSSION**

**Borough's Streetscape - Do Chung, Architect, in Attendance**

Ms. Thomas stated that Mr. Chung will be discussing the Borough's streetscape plans. The red streetscape pavers that are currently used are only being made for the Borough. No one else is using them.

Mayor Sokolich stated that there have been three to four meeting before Mr. Chung was brought in to discuss this issue with the entire governing body.

Mr. Chung gave an analysis as to why there is such dissatisfaction to the way the present streetscape looks. The sidewalks are narrow in the Borough and being divided by two colors makes it even look narrower. There is too much red. The streetscape should not be the focus when people are shopping in the area. The red brick shows all kinds of dirt and that a more neutral color should be used. The Borough is the only town that he knows that uses Belgian block curbing. Other towns require granite curbing which is expensive. There is a problem with the Belgian block when there is a lot of snow and the snow plows hit the curb.

Mr. Cervieri stated that he likes the Belgian block and does not mind that Fort Lee is different than other municipalities.

Mr. Sohmer stated that the roots of the trees are also lifting up which is causing problems.

Mr. Chung stated that the trees got too big. Trees should be light leaved so as not to block the views of the storefronts. The Borough street lighting is too big. A single head or solar lighting should be looked into. Underground cabling could be used but it's expensive.

Mr. Sargenti agreed that the streetscaping lighting in the Borough is too high.

Mr. Chung replied that the dark green poles are overwhelming and need to be changed to a less harsh slightly muted green color. Concrete with a score in it with an expansion joint would be better for the streetscape. Concrete is earthy in color and readily more acceptable.

**Executive Session**

**February 7, 2008  
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A brief discussion ensued about the scoring and size of the concrete.

Mayor Sokolich stated that the Borough is not replacing what it has. This would be for new areas including Centuria. He agreed with Mr. Chung that earth tones are pretty universal.

Mr. Chung said that would be easier to pour concrete in to fix the old streetscape if the Borough wanted to go in that direction.

Mr. Cervieri stated that the new streetscaping will be less expensive than the way the Borough initially proceeded.

Mayor Sokolich acknowledged that Centuria currently has to put in the current pavers that the Borough has in its streetscape plan. A change in the Borough's ordinance needs to be done to incorporate the new guidelines.

Mr. Sargenti declared that the Borough of Moonachie's streetscape is nice and it's important that sealers be placed on top of the concrete when the streetscape is initially done.

Ms. Thomas said that the streetscape does not have to be so elaborate.

Mr. Cervieri asked Mr. Chung about the Belgian block and curbing.

Mr. Chung acknowledged that he prefers granite curbing.

Ms. Thomas raised concerns about commercial property in residential areas. The streetscape should not be done piecemeal and it should be covered in the Borough's ordinance.

Mr. Cervieri spoke to the Borough's Master Plan.

Mayor Sokolich reiterated that the Borough needs to make a dramatic change and that he loves the new design.

Mr. Chung added that the streetscape does not have to look the same everywhere. There are lots of curb cuts in Fort Lee and having different looks is interesting.

**Executive Session**

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The Mayor and Council concurred that the Borough should go in the new direction that Mr. Chung has proposed.

Mr. Flora left after this portion of the meeting.

**Aesthetic Ordinance Jurisdiction**

Mayor Sokolich stated that the Borough's present ordinance has had no impact. He's trying to devise applicability quicker

than through site plan review or variance approval. He believes that a change in tenancy is too harsh of a requirement to get people to comply.

Mr. Cervieri stated that the expenditure of so many dollars by a property owner could be used as a standard. In addition an elevation plan that would encourage owners to add another story to their buildings without the required off-street parking requirements would be helpful.

Mr. Levy stated that most towns put out an incentive.

Mr. Cervieri stated that two property owners control ten storefronts on Main Street.

Mayor Sokolich stated that he wants the strength of an ordinance in place.

Mr. Sohmer stated that an owner might spend just enough to improve his property but spend less than a certain dollar threshold so as not to have an aesthetic ordinance apply to their property.

Mayor Sokolich stated that he's going to be meeting with the Borough Planner with regard to this continuing issue.

Mr. Levy left after this portion of the meeting.

### **Fireworks**

It was agreed that the Borough's fireworks display would be scheduled for Wednesday, July 2nd with a rain date of Thursday, July 3rd. It's expected that the Borough will once again use the Centuria property to shoot off the fireworks with spectator viewing on Lemoine Avenue.

### **Executive Session**

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Ms. Thomas added that overtime costs associated with fireworks is extreme.

### **Safe Routes to School Program**

Mayor Sokolich stated that he's waiting for the Police Department's response for this program.

Mr. Cervieri opined that making pathways on Abbott Boulevard in the center of the island continues to be a good idea.

### **Street Dedication in Memory of William T. Birch Way**

Mr. Cervieri stated that the street dedication in memory of Police Officer William T. Birch will be on Federespiel Street, the area that Police Officer Birch was raised in.

Ms. Thomas stated that the signs for the street dedication have been ordered.

### **Moving of George Washington Painting**

Mr. Sohmer stated that the Fort Lee Historical Society has requested that the painting of George Washington which is currently hanging on the second floor of Borough hall be moved behind the Mayor's chair in the Council Chambers.

Mayor Sokolich stated that he had no problem deferring to the governing body on this issue.

It was agreed that the picture would be moved to the Council Chambers on a forty-five day trial basis.

### **Bonding for New Fire Pumper Truck**

Mayor Sokolich requested that this item be placed back on the February 28<sup>th</sup> executive session for discussion.

The Mayor and Council agreed that they are not ready to take action at this time.

**Executive Session**

**February 7, 2008**

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Ms. Thomas stated that the Borough is not going to buy the extra equipment for the truck that the Fire Department has requested.

### **Renewing 2007-2008 Liquor License for the Great Atlantic & Pacific Tea Company Inc.**

Mr. Grant stated that the above licensee has received a tax clearance from the State of New Jersey and their liquor license can be renewed.

A resolution authorizing the renewal of license will be prepared by Mr. Grant and placed on the February 14<sup>th</sup> regular meeting proposed consent agenda.

### **Bid Discussion for Lease of Borough Property in the Municipal Parking Lot**

The Mayor and Council concurred that the minimum bid of \$2,000 for the lease of Borough property was too little and has requested that this item be rejected and be re-bid with a minimum bid of \$6,000 with an annual consumer price index increase added into the five year lease.

Mr. Cohen's office will prepare a resolution once the original bid documents have been reviewed by his office.

### **Bid Discussion for Custom Aluminum Sign at the Fort Lee Community Center**

Ms. Thomas stated that one bidder replied and the price was \$55,690.00. If the bid is deemed compliant by the Borough Attorney a resolution will be prepared awarding the bid for the February 24<sup>th</sup> regular meeting.

### **Life Trail Wellness Stations for the Parks Department**

Ms. Thomas stated that the Borough received a State grant for this project.

A resolution authorizing the purchase of outdoor wellness stations from Raymond Michael, LTD, through New Jersey State

**Executive Session**

**February 7, 2008**

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contract for use at Constitution Park at a total cost of \$25,749.00 will be placed on the February 14<sup>th</sup> regular meeting proposed consent agenda.

### **East Bergen Firefighters Mutual Aid Association**

A resolution authorizing the Fire Department's continuing association with the East Bergen Firefighters Mutual Aid Association will be placed on the February 14<sup>th</sup> regular meeting proposed consent agenda.

Mr. Cohen asked if the firefighters have an accident responding to within the East Bergen agreement whose insurance will cover the accident.

Ms. Thomas replied that the South Bergen Joint Insurance Fund (JIF) deals with these types of situations on a regular basis. She does not want to overcomplicate something that has worked out well for the Borough for many years.

Mr. Cervieri concurred with Ms. Thomas that this issue should be addressed at the JIF level.

Mr. Goldberg requested a clarification from the JIF with regard to this issue.

Ms. Thomas stated that she will send the resolution to the Vozza Agency, the Borough's risk manager, who will review it to make sure it's okay before the Mayor and Council take action next week.

### **Towing/Vehicle Immobilization Ordinance**

Mayor Sokolich stated that he's against the booting of vehicles. He said that he's supposed to be meeting with the owner of the GWB Mall about their practice of rigorously towing and booting of vehicles who they believe are parking illegally in their parking lot.

Messrs. Grant and Cohen pointed out that the towing of vehicles will soon be handled by the State as opposed to the municipalities.

**Executive Session**

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### **Day Laborers (Added on by Mayor Sokolich)**

Mayor Sokolich stated that the Police Department has been dispersing the day laborers in a professional manner.

### **Private Bus Lines (Added on by Mayor Sokolich)**

Mayor Sokolich stated that Mr. Cohen is working on this issue and will be crafting an ordinance in the near future.

**Parking and Speeding on Myrtle Avenue (Added on by Councilman Sargenti)**

Mr. Sargenti stated that parking violations and speeding vehicles on Myrtle Avenue continues to be an ongoing problem in that area.

Ms. Thomas stated that she will follow up these issues with the Police Department again and will also check into Mr. Sargenti's previous request about limiting parking on Linwood Avenue south of Bridge Plaza North in the mornings.

**PUBLIC HEARINGS SCHEDULED FOR FEBRUARY 14, 2008**

Ord. #2008-5-Amending Chapter 388, Article III, Section 37, Parking Prohibited When Road is Snow Covered - to Include the Southerly Side of Bridge Plaza North Between Lemoine Avenue and Center Avenue

Ord. #2008-6-Amending Chapter 372, Taxicabs and Limousines, Article II, Limousines, Section 36 License Fees - Transfer Fee of \$150.00

Ord. #2008-7-Amending Chapter 372, Taxicabs and Limousine, Article I, Taxicabs, Section 14 License Fees - Transfer Fee of \$150.00

Ord. #2008-8-Amending Chapter 388, Section 43, Schedule I, No Parking on a Certain Portion of Center Avenue South of Guntzer Street **(Minor Amendment Needed)**

Ord. #2008-9-Amending Chapter 388, Section 44, Schedule II, No Parking on Certain Portions of Main Street and Fletcher Avenue **(Minor Amendment Needed)**

**Executive Session**

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Ord. #2008-10-Amending Chapter 289, Sections 34H and 34K, Regulations Concerning Municipal Parking Lots - Meters Designated; Time Permitted and Operations of All Municipal Parking Lots on a Twenty Four Hour Basis

Ord. #2008-11-Amending Chapter 261, Land Use Procedures, Appendix B: Subsection D&E Application Fee Schedule and Escrow Schedule

**PUBLIC PARTICIPATION**

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, the public participation portion of the meeting commenced.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
James Viola VFW Main St.	.Streetscaping of VFW	Mayor Sokolich
Charles Sobel 2175 Hudson Terrace	.Hudson Terrace Sidewalks	Mr. Cervieri

There being no further discussion the meeting was adjourned on motion by Councilman Sargenti, seconded by Councilwoman Kasofsky, at 9:30 p.m.

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, January 24, 2008 @ 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  
J. Sheldon Cohen, Borough Attorney

**MAYOR'S STATEMENT**

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

1. On January 3, 2008, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2008, 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 2008 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

**Executive Session**

**January 24, 2008  
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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

### Proposal for Architectural Services for Borough Hall Renovations

Ms. Thomas stated that Ronald Schmidt & Associates submitted a proposal on January 4<sup>th</sup> for Borough Hall renovations, specifically to enlarge the Municipal Court Administration Offices. Their fees include preliminary design development, construction documentation, bidding and construction administration. The total cost is \$39,250.00 which does not include reimbursable expenses.

Mr. Grant stated that before a resolution can be approved a request for qualifications has to be done.

The Mayor and Council concurred that this service should be done under the non-fair and open process.

Mr. Grant added that if he receives all of the required legal paperwork in his office ten days before the February 14<sup>th</sup> regular meeting then a resolution can be approved awarding a contract to Ronald Schmidt & Associates.

### Amending Ord. 289-34 Parking Meter Duration and Effectiveness for All Municipal Parking Lots

An ordinance amending all metered parking spaces within the municipal park lots so that all spaces within the municipal parking lots shall operate and be metered for a twenty four hour period shall be introduced at tonight's regular meeting.

### Redevelopment Area 4 Proposed Ordinance

This item to be placed back on the February 7<sup>th</sup> executive session meeting for further discussion.

**Executive Session**

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### Authorizing Advertising for Bids for Garbage/Recycling Services

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids for garbage/recycling services for the Borough will be placed on tonight's regular meeting proposed consent agenda.

Ms. Thomas added that some alternatives with regard to garbage pickup will be put into the bid specifications.

**Developmental Notification Signage - Ord. #2002-47**

Mayor Sokolich asked if the developmental notification signage is actually working.

Messrs. Cervieri and Sohmer both concurred that a smaller sign on a post could be used instead of the large cardboard signs that are currently being used. All property owners within 200 feet of a developmental project are already notified by certified mail so the signage is just an additional way of getting the word out to people who do not live within the 200 feet.

**Sign Ordinance Committee**

Mayor Sokolich asked if anyone wants to be on a sign committee that he's going to be forming.

Mr. Pohan said that he would sit on the committee.

Mr. Sohmer suggested that Donald Porrino be added to the committee.

**Private Jitney Bus Owners/Bus Stops**

Mayor Sokolich stated that the Borough cannot forbid the private jitney buses from stopping at the bus stops that are in the Borough code.

Mr. Cohen's office will work on an ordinance that will require the private jitney bus owners to stop at the required New Jersey Transit bus stops except where they may be picking up people who have disabilities.

**Regular Meeting**

**January 24, 2008**

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**Special Improvement District (SID) Advisory Council**

Mayor Sokolich stated that he preliminary wants to look at the statutes with regard to establishing a SID. Anything he considers at this point would be non-binding. Everyone's opinion and ideas shall be considered.

Mr. Cohen stated that seven people are needed at a minimum.

Mr. Cerveri replied that the Borough is ten years behind in the times. He was a council designee with regard to forming a SID before he became a councilman.

Mr. Sohmer agreed to sit on the SID Advisory Council.

Ms. Thomas stated that the Borough does not have many merchants.

Mr. Cervieri stated that he's against the idea of forming a SID because the merchants are paying too much already. He mentioned that the City of Englewood SID began over 25 years ago. It was not an overnight success. Fort Lee has a streetscape plan and aesthetic ordinance and is going in the right direction without establishing a SID.

Mayor Sokolich asked the governing body to make recommendations.

Mr. Cervieri suggested that Howard Joh, Board of Adjustment member, be included in Mayor Sokolich's advisory committee.

### **Aesthetic Ordinance Jurisdiction**

Mayor Sokolich wants to change jurisdiction so that the aesthetic ordinance would kick in upon a change in tenant.

He added that banks have community responsibility to have low interest loans available to business owners.

Mr. Cerveri replied that he believes rather than doing it with a change in tenant, he would be apt to have the ordinance kick in when a certain dollar threshold to make improvements on the property is done.

### **Executive Session**

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Mr. Sohmer stated that the ordinance presently written has not worked.

Mayor Sokolich is not adverse to having a different threshold used.

It was agreed by the Mayor and Council to bring this item back for further discussion at the February 7<sup>th</sup> executive session meeting.

### **Board of Adjustment/Planning Board Special Meeting Fees**

It was agreed to add a special meetings fee when either the Board of Adjustment or Planning Board have to meet on a special date.

The Mayor and Council recommended that a special meeting fee of \$500.00 with a special meetings escrow account of \$1,500.00 be established.

Mr. Grant stated that he will include these fees in the ordinance that is being introduced tonight that amends the Borough's application and escrow fees schedules.

### **Life Trail Wellness Stations for the Parks Department**

Ms. Thomas stated that the wellness stations are placed in the parks for people exercising.

This item to be placed back on the February 7<sup>th</sup> executive session for further discussion.

### **Fireworks Display**

Mayor Sokolich stated that he's inclined to have a July 4<sup>th</sup> fireworks display.

It was agreed to discuss this item again at the February 7<sup>th</sup> executive session.

**Executive Session**

**January 24, 2008**

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### **New Jersey Transit Request for Additional Bus Stops at Main Street by Lemoine Avenue and Schlosser Street**

The Mayor and Council concurred that the request by New Jersey Transit to place additional bus stops at Main Street by Lemoine Avenue and Schlosser Street be denied.

Both locations are located on very narrow streets and would affect traffic and the removal of the Borough's parking meters.

**PUBLIC HEARINGS SCHEDULED FOR JANUARY 24, 2008**

Ord. #2008-1--Amending Salary Ord. #2006-46 for White Collar Bargaining Unit Employees - Recreation Program Specialist

Ord. #2008-2--Amending Salary Ord. #2006-47 and #2007-46 (Schedule C) for Certain Non-Union Employees - Mayor & Council

Ord. #2008-3--Amending Salary Ord. #2004-22 and #2005-13 (Schedule B) for Certain Non-Union Employees - Borough Attorney, Labor Attorney and Board of Adjustment Attorney

A minor amendment to remove the Borough Attorney's salary from the Borough's salary ordinance will be done before the public hearing is opened tonight. The Borough Attorney's salary will now be done through voucher.

Ord. #2008-4--Amending Chapter 42, Advisory Committee for the Disabled - Section 2, Composition to Include Position of Legal Advisor

**PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Sanghwan Hahn, Esq. For Mr. Jung 2175 Lemoine Avenue	.Redevelopment Area 4	Mr. Grant

There being no further discussion the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, at 8:00 p.m.

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

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, January 10, 2008 @ 6:30 p.m.**

The Executive Session of the Mayor and Council of the Borough of Fort Lee was held on the above date in Executive

Conference Room #201, Memorial Municipal Building, 309 Main Street, Fort Lee, New Jersey.

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

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

#### MAYOR'S STATEMENT

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

1. On January 3, 2008, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 4, 2008, 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 2008 to cover the cost of providing notice.

#### RESOLUTION FOR CLOSED SESSION

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

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

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

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Personnel: Building Maintenance  
Fire Prevention Bureau  
Police Department  
Community Center  
Salary Reviews

Litigation: Liquor Licenses - Jabadou Inc. & Hanger Inc.

RFQ's: Computer Consultant  
Purchasing Consultant  
Borough Planner  
Traffic Engineer

Contract: Port Authority Agreement

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 at 7:10 p.m.

### **ENGINEERING DISCUSSION**

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

#### **Change Order #1 for Utility Relocation for Main Street/Hudson Terrace Road Improvement Project**

Mr. Cervieri recused himself from this portion of the meeting.

Ed Mignone explained that the change order was to relocate the gas and water mains. It was not part of the executed developer's agreement with Centuria.

Mayor Sokolich asked Mr. Mignone if the change order is reasonable.

Mr. Mignone replied affirmatively.

A resolution approving change order #1 for Creamer-Sanzari

**Executive Session**

**January 10, 2008  
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for roadway and traffic signal improvements to Main Street and Hudson Terrace for the relocation of gas service and the water main at the Central Road Bridge at a cost of \$64,200 will be placed on tonight's regular meeting proposed consent agenda.

## **Updating Tax Maps for 2008**

Mr. Mignone stated once the State approved the Borough's updated tax maps and the Borough actually began using them in 2008 that a resolution is not required; however, to make everyone aware that the new tax maps are actually being used, it's a good idea to officially approve a resolution.

A resolution officially updating the Borough's tax maps will be placed on the January 24<sup>th</sup> regular meeting proposed consent agenda.

## **Drainage North of the GWB Mall (Added on Item)**

Messrs. Cervieri and Mignone discussed the catch basins and lack of drainage on Lemoine Avenue by Mr. Jung's property.

Mr. Mignone stated that the catch basins are not the only issue. Capacity issues would require more study from the State and they are not making it a priority. He added that Mr. Jung's property is back-pitched and that he has no gutters so the water drains onto his sidewalk.

## **GENERAL DISCUSSION**

### **Proposal for Upgrading the Borough's Website**

The Mayor and Council agreed that the Borough should get more proposals with regard to upgrading the Borough's Website other than the one from the Borough's current Website provider.

### **Enforsays Police Systems - Proprietary Software**

Ms. Thomas stated that the Borough has received a \$33,000 grant for the Police Department proprietary software.

## **Executive Session**

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Mr. Grant stated that a RFQ has to be done before a resolution can be approved.

The Mayor and Council voiced no objection to doing the RFQ through a non-fair and open process.

Mr. Grant will send out the appropriate paperwork to Enforsays to comply with the State pay-to-play laws.

A resolution authorizing the purchase of the software will be placed on a future regular meeting proposed consent agenda once Mr. Grant receives back the appropriate paperwork from Enforsays.

### **Bid Summary for Three (3) SUV's**

A resolution awarding bid to the lowest responsible bidder Winner Ford of Cherry Hill, New Jersey, for the purchase of three 4x4 sport utility vehicles for the Police Department and Fire Prevention Bureau at a cost of \$68,544 will be placed on the January 24<sup>th</sup> regular meeting proposed consent agenda.

Mayor Sokolich asked if this is being paid out of confiscated funds.

Ms. Thomas replied that the money for the SUV's is not paid out of confiscated funds.

### **Bid Summary for Two (2) New Dump Trucks**

Mr. Grant indicated that Mr. Cohen's office is still reviewing the bid. It has been indicated to him by Kevin Conti, Esq. that both bids may not be in compliance.

This item to be brought back for further discussion once Mr. Conti's review of the bid has been completed.

### **Bid Summary for New Fire Pumper Truck/Bond Ordinance**

Ms. Thomas stated that the cost for the fire pumper truck is \$805,000.

**Executive Session**

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Before a resolution for the purchase of the fire pumper can be prepared a bond ordinance will have to be put in place by the Borough.

Mr. Sargenti asked if the Port Authority is going to be helping the Borough with the cost of the fire truck.

Mayor Sokolich replied that the Port Authority purchased their own fire foam pumper truck. They are not interested in helping with the Borough's purchase. They indicated that they would consider helping the Borough pay for other equipment. Their fire truck has to be available to them during certain hours. It would not be feasible for the Borough to be able to share that piece of equipment when the Borough could not use it under many circumstances.

#### **Amending Chapter 42, Advisory Committee for the Disabled**

An ordinance creating the unpaid position of legal advisor for the Borough's Advisory Committee for the Disabled will be introduced at tonight's regular meeting.

#### **Amending No Parking Ordinance for Various Streets**

The Mayor and Council requested that the Parking Authority who is making the request for no parking on certain portions of Main Street and Fletcher Avenue provide a map of the locations before an ordinance is placed on the January 24<sup>th</sup> regular meeting agenda for introduction.

Mr. Sargenti requested that Ms. Thomas check with the Police Department about having limited parking on Linwood Avenue, north of Linwood Avenue at the intersection of Bridge Plaza North.

#### **Amending No Parking Ordinance for Certain Snow Streets**

An ordinance prohibiting parking when the Borough's roads are snow covered to include the southerly side of Bridge Plaza North between Lemoine Avenue and Center Avenue will be introduced at the January 24<sup>th</sup> regular meeting.

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#### **Amending Chapter 261, Land Use Ordinance - Application Fee & Escrow Schedule**

An ordinance amending the Borough's application fee and escrow schedule will be introduced at the January 24<sup>th</sup> regular meeting.

Mr. Grant indicated that when the ordinance was adopted in December of 2007 that the numbers used were taken from an old ordinance rather than the ordinance from 2006 which had raised the application fees and escrow schedule at that point.

### **Cablevision Lightpath-NJ Request For Permission to Install a Telecommunications Network Within the Borough's Right-of-Way**

Ms. Thomas stated that Cablevision Lightpath-NJ has requested to install wiring within the Borough's right-of-way for use for business customers. This is not a cable service.

Mr. Cohen added that the Borough could ask for some money to let Cablevision do the work. He will contact Cablevision.

### **Main Street Revitalization**

Mr. Goldberg stated that that Borough needs to be concerned about revitalizing all of its business districts.

Mayor Sokolich stated that he's reviewing many sign ordinances from other towns. He added that Michael Maggiano, Esq. whose property burnt down on Main Street seems fully committed to doing something that will help Main Street and begin the revitalization process.

### **Aesthetic Ordinance (Added on Item)**

Mayor Sokolich stated that he would like to see jurisdiction kick in once there is a change in tenancy. He wants to broaden the jurisdiction so that the Borough's aesthetic ordinance actually has some teeth.

Mr. Pohan said that before the Borough's aesthetic ordinance that there were some applications. It has been limited since the Borough's ordinance was put in place.

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He added that the gum and filthy condition of Main Street along with the lack of enforcement and clarity of the Borough's

sign ordinance are three major issues that the Borough has to contend with on Main Street.

Mr. Goldberg stated that the Borough's ordinances have to be enforced.

Ms. Thomas replied that the sign ordinance is being enforced; however, as soon as the paper signs are taken down they are being put right back up by owners.

Mr. Sohmer said that that when applicants are before the Board of Adjustment and Planning Board that the language in the resolutions needs to be clear so as to compel the applicants to fix up their properties.

Mr. Goldberg asked who's responsible for maintaining their property.

Ms. Thomas replied that the property owner is supposed to maintain their property.

Ms. Kasofsky did a walking tour before the election and stated that the streetscape is in bad condition.

Ms. Thomas added that the Borough has used a gum buster to help clean Main Street but the process is very labor intensive.

Mayor Sokolich requested that this item be placed on the January 24<sup>th</sup> executive session for further discussion.

**Approving Limousine License for Korea Express U.S.A. Inc. at 2021 Lemoine Avenue**

A resolution approving the transfer from Koreana Transport Inc. to Korea Express U.S.A. Inc. for a limousine service at 2021 Lemoine Avenue will be placed on the January 24<sup>th</sup> regular meeting proposed consent agenda.

Mr. Grant stated the Police Department, Building Department and Fire Department have all reviewed and approved the applicant and business location.

Mr. Cervieri requested that an ordinance be created that would establish a \$150.00 person-to-person transfer fee for a limousine and/or taxi license service.

Mr. Cohen's office will prepare an appropriate ordinance to be introduced at the January 24<sup>th</sup> regular meeting.

**Nine (9) Panasonic Toughbook 30 w/Accessories for the Police Department (Computer Equipment)**

The Mayor and Council indicated that the purchase price of \$44,989.29 for the purchase of the computer equipment for the Police Department seemed a little high; however, they agreed that a resolution authorizing the purchase of the nine Panasonic notebook computers should be approved.

A resolution authorizing the purchase of the notebook computers with accessories via state contract from CDW Government Inc., Vernon Hills, Illinois will be placed on the January 24<sup>th</sup> regular meeting proposed consent agenda.

**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 Sargenti, seconded by Councilwoman Kasofsky** at 7:50 p.m.

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Neil Grant, RMC  
Borough Clerk