

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, December 8, 2011 @ 5:00 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
Frank Regan, Esq.
Paul Phillips, Borough Planner

MAYOR'S STATEMENT

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

1. On January 6, 2011, 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 7, 2011, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2011 to cover the cost of providing notice.

3. On November 29, 2011 a copy of said change in the scheduled meeting time was posted at 309 Main Street, Fort Lee, New Jersey. On the same date, copies of the change in meeting time were also mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2011 to cover the cost of providing notice.

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:

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
Police Department Crossing Guards

Redevelopment Area 5 Settlement Agreement and
Conditional Designations

Contracts: Special Improvement District
Port Authority Roadway Sweeping Agreement
Police Department
Health Insurance

Appeal: Denial of Taxi Drivers License

Tax Appeal Litigation: 2100 North Central Road LLC vs.
Borough of Fort Lee

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

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

GENERAL DISCUSSION

Petition for an Ordinance Amending Chapter 289 Parking, Article IV, Parking Meters, Section 15 (Angelo Nigro Family Trust at 1400 Anderson Avenue)

Sam Cereste, Esq. for Mr. Nigro was present for this portion of the meeting.

Mr. Nigro spoke about his and his wife's personal history in Fort Lee over the past forty years. He discussed previous businesses he and his wife have owned such as Michelle's Bakery and Fastop which was on the property now in question. He believes that the parking issue has become a political football. The plans were originally reviewed by Borough officials and Bergen County officials and that two approvals were needed with

The county approvals more stringent than the Borough's. He believed that everything had been approved according to law. He asked why the safety issues are being reviewed again. All the necessary changes were made and Planning Board approval was originally given unanimously. In addition there was a Parking Authority resolution approved for six spaces on Center Avenue and five spaces on Anderson Avenue. He spent millions to upgrade the property and he relied on the approvals. The question that has come up is why didn't the Parking Authority have its resolution vetted by the Mayor and Council? Mr. Cereste has done this plenty of times before where the Parking Authority would take its resolutions to the Mayor and Council. Three years later he's forced to re-visit an issue which is crucial to leasing of his business space which he hasn't been able to rent. He added that he's not alone with regard to being able to rent out space in the Borough; however, the parking aspect continues to be the most crucial aspect.

Mayor Sokolich stated that the Parking Authority provides recommendations. He thought overtures were made to go to the right body. A parking variance was granted but under the Borough ordinance it triggers a higher parking ratio. There was a meeting convened with the Police Department with a recommendation to lower the number of parking spaces from an overall total of eleven to eight.

Mr. Pohan stated that before this meeting the Planning Board turned down the last request for a variance. He and the Mayor met with the Police Department and there were traffic safety concerns.

Mayor Sokolich asked for more time to review the issues as he has just recently gotten intimate with the project. From his perspective the property upgrades are an incredible improvement, with beautiful landscaped areas. He expects at that some point it will be thriving but there are traffic safety considerations to deal with.

Mr. Nigro thanked everyone for their time.

Mr. Cereste spoke about a redesign plan on Anderson Avenue which includes twenty five foot setbacks to comply with statutory requirements.

Mrs. Nigro said there was never any parking issues when the Fastop was there which she worked for a while.

Mayor Sokolich spoke about some pre-existing non-conformities. The Mayor said he would be discussing the new plans with Police Officer Ifrate and hopefully the new plan will bring this issue to conclusion with a desired result.

ENGINEERING DISCUSSION

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

Boswell McClave Engineering Proposal for Jack Alter Fort Lee Community Center

Mr. Mignone stated that with the mat hoist a structural evaluation needs to be done with hanging lighting on fixtures.

A resolution authorizing Boswell McClave to inspect and evaluate the existing roof framing for the purpose of installing a mat hoist in the amount of \$3,300.00 will be placed on the December 15th regular meeting proposed consent agenda.

GENERAL DISCUSSION CONTINUED

Approving Developers Agreement for Slumber Inc. (Holiday Inn)

Mayor Sokolich recused himself on this matter and Council President Pohan chaired this portion of the meeting.

Mr. Grant stated that a resolution approving a developer's agreement for Slumber Inc. as prepared by the Borough Attorney's office will be placed on the December 15, 2011 regular meeting agenda.

Auctioning of Police Property

A resolution authorizing the auctioning of various police property (list available in the Office of the Borough Clerk) through propertyroom.com will be placed on the December 15th regular meeting proposed consent agenda.

Review of RFP's for Deferred Compensation Services

Ms. Thomas stated that the Borough is in receipt of four proposals with regard to offering voluntary deferred compensation services for Borough employees. All of the proposals were compliant except two out of the four companies did not have a Business Registration Certificates (BRC) which is required before a contract can be awarded.

The Mayor and Council agreed that all four proposers should be awarded contracts as long as their proposals comply with the law.

A resolution awarding the contracts will be placed on the December 15th regular meeting proposed consent.

Mr. Grant will reach out to the two companies that did not have their BRC to make sure they are sent into the Borough by the time the contracts are awarded next Thursday night.

Person-to-Person Liquor License Transfer from 143 West 99th Street Corp to West 99th Street Corp (Inactive)

Mr. Grant explained that this license is being transferred to a new corporation that eliminated one of three partners. The other two partners remain unchanged so police background checks were not needed; however, all other legal requirements were provided.

A resolution approving the person-to-person liquor license transfer listed in the title above will be placed on the December 15th regular meeting proposed consent agenda.

Affordable Housing Trust Fund

Ms. Thomas stated that Ed Boccher, Esq. from Mr. Cohen's firm sent a memo (Available in the Office of the Borough Clerk) on December 2, 2011 outlining a variety of purposes Affordable Housing Trust Funds can be used.

Reorganization Meeting Date

The Mayor and Council agreed that the Reorganization Meeting will be held on Thursday, January 5, 2012 at 6:00 p.m.

Mr. Grant will send out the required legal notice after the December 15th regular meeting is held.

RESOLUTION

R-1 - Resolution of the Borough Council of the Borough of Fort Lee, Determining that the Area Generally Known as Tax Block 4851, Lots 2,3 and 4, and a Portion of Block 4855, Lot 2, as Well as the Lands Within the Street Right-of-Way That Were Vacated by the Realignment of Central Road With Federspiel Street Which was Part of the Main Street Widening Project as Shown on the Tax Map of the Borough of Fort Lee Qualify and are Determined as an Area in Need of Redevelopment Pursuant to the Provisions of the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 Et Seq.) and Shall Become Part of Redevelopment Area 5

Councilman Cervieri recused himself on this matter.

Mr. Grant read the above title before the resolution was introduced.

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

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE, COUNTY OF BERGEN, STATE OF NEW JERSEY DETERMINING THAT THE AREA GENERALLY KNOWN AS TAX BLOCK 4851, LOTS 2, 3 AND 4, AND A PORTION OF BLOCK 4855, LOT 2, AS WELL AS THE LANDS WITHIN THE STREET RIGHT-OF-WAY THAT WERE VACATED BY THE REALIGNMENT OF CENTRAL ROAD WITH FEDERSPIEL STREET WHICH WAS PART OF THE MAIN STREET WIDENING PROJECT AS SHOWN ON THE TAX MAP OF THE BOROUGH OF FORT LEE QUALIFY AND ARE DETERMINED AS AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE PROVISIONS OF THE LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1 ET SEQ.) AND SHALL BECOME PART OF REDEVELOPMENT AREA 5

WHEREAS, by resolution, adopted on or about July, 2004, the Borough Council of the Borough of Fort Lee (the "Borough Council") determined that certain lands, including those known as Block 4801, Lots 1, 3, 7, 8, 9, 10 & 11; Block 4802, Lot 1; and Block

4803, Lot 1 as shown on the official tax map of the Borough of Fort Lee were "an area in need of redevelopment" pursuant to Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-5 and 6 and to be known as Redevelopment Area 5; and

WHEREAS, N.J.S.A. 40A:12A-6 provides that "No area of a municipality shall be determined to be a redevelopment area unless the Governing Body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5;" and

WHEREAS, on September 8, 2010 the Borough Council, by way of resolution, did authorize the Fort Lee Planning Board to undertake a preliminary investigation with regard to the properties known as Block 4851, Lots 2, 3 and 4, and a portion of Block 4855, Lot 2, as well as lands within the street right-of-way that were vacated by the realignment of Central Road with Federspiel Street which was part of the Main Street widening project (the "Study Area") may be deemed "an area in need of redevelopment" and to add same to Redevelopment Area 5; and

WHEREAS, the Planning Board has conducted a preliminary investigation of the Study Area in accordance with the guidelines set forth in N.J.S.A. 40A:12A-6 to determine whether the Study Area is an "area in need of redevelopment" according to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, pursuant to the requirements set forth in N.J.S.A. 40A:12A-6 and current case law, the Planning Board caused notice of the hearing to be published and caused a copy of the notice to be mailed, at least ten days prior to the date set for the hearing, to the last owner of the properties within the Study Area according to the assessment records of the Borough; and

WHEREAS, the Planning Board conducted a public hearing on this matter on November 30, 2011; and

WHEREAS, a report, dated November 2011, was prepared by Phillips Preiss Grygiel, LLC, which is incorporated herein by reference, and presented to the Planning Board that set forth certain findings with respect to the eligibility of the Study Area as an "area in need of redevelopment" in accordance with the provisions N.J.S.A 40A:12A-5; and

WHEREAS, Paul Phillips of Phillips Preiss Grygiel, LLC, a licensed professional planner was accepted as an expert and presented extensive testimony supporting and supplementing the aforesaid report and addressing the statutory criteria at each of the public hearings; and

WHEREAS, no written objections were received; and

WHEREAS, testimony was presented by members of the public, including the owner of Block 4851, Lot 4 and its legal representative, as well as a legal representative of Tucker Development and Acquisition Fund, LLP and TDC Fort Lee, LLC, one of the conditional redevelopers of Redevelopment Area 5; and

WHEREAS, as a result of its finding of fact, the Planning Board, by action taken on November 30, 2011, concluded, based on the evaluations, findings and conclusions set forth in the November 2011 report on the Study Area prepared by Phillips Preiss Grygiel, LLC and the testimony of Paul Phillips of Phillips Preiss Grygiel, LLC, a licensed professional planner that:

1. Certain properties in the Study area exhibit the discontinuance of the former commercial uses and all the respective buildings and ancillary structures have been demolished.
2. Certain properties in the Study Area are now municipally owned and due to their small size and location adjacent to the larger redevelopment area have little or no practical utility.
3. The properties in the Study Area meet the definition set forth in N.J.S.A. 40A:12A-3 which states that a redevelopment area may include lands, buildings, or improvements which themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area which they are part. The properties in the Study Area are needed for the effective redevelopment of the area which they are part.
4. Designating the Study Area for redevelopment will encourage private investment that will contribute to the economic well-being of the community by providing employment and tax ratables for the betterment of the community.

WHEREAS, the Planning Board recommends, based on its preliminary investigation and the factual findings made by the Planning Board, that the Study Area be designated an "area in need of redevelopment" pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Fort Lee, hereby accepts the findings of the Planning Board as set forth in the Planning Board Resolution and determines that Block 4851, Lots 2, 3 and 4, and a portion of Block 4855, Lot 2, as well as lands within the street right-of-way that were vacated by the realignment of Central Road with Federspiel Street which was part of the Main Street widening project as shown on the Tax Map of the Borough of Fort Lee, referred to herein as the Study Area, qualifies as an "area in need of redevelopment" pursuant to the provisions of the Local Redevelopment Act and Housing Law, N.J.S.A. 40A:12A-1 et seq.

BE IT FURTHER RESOLVED, that upon adoption of this resolution, the Borough Clerk shall transmit a copy of this resolution to the Commissioner of Community Affairs for the State of New Jersey for review pursuant to N.J.S.A. 40A:12A-6.b.(5).

BE IT FURTHER RESOLVED, that within ten (10) days of the approval of the determination that certain properties comprising of Block 4851, Lots 2, 3 and 4, and a portion Block Lots 4855, Lot 2, as well as lands within the street right-of-way that were vacated by the realignment of Central Road with Federspiel Street which was part of the Main Street widening project, as shown on the Tax Map of the Borough of Fort Lee qualifies as an "area in need of redevelopment" pursuant to the provisions of the Local Redevelopment Act and Housing Law (N.J.S.A. 40A:12A-1 et seq.), the Borough Clerk shall serve, a notice of the determination, upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of determination may be sent.

BE IT FURTHER RESOLVED, that upon the adoption of this Resolution, the Borough Clerk shall serve a notice of the determination upon the last owner of the properties within the Study Area according to the assessment records of the Borough, which notice shall be in accordance with the requirements set forth in *Harrison Redevelopment Agency v. DeRose*, 398 N.J. Super. 361 (App. Div. 2008).

BE IT FURTHER RESOLVED, that this determination shall be binding and conclusive upon all persons affected by such determination.

BE IT FURTHER RESOLVED, that no redevelopment project shall be undertaken or carried out by the Borough except in accordance

with a redevelopment plan adopted by ordinance pursuant to the provisions and criteria set forth in N.J.S.A. 40A:12A-7.

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

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

ABSENT: Councilman Cervieri

INTRODUCTION OF ORDINANCE

**Ordinance #2011-25 - Adopting the Amended Redevelopment Plan for
Redevelopment Area 5 Pursuant to the Local Redevelopment and
Housing Law, N.J.S.A 40A:12A-et seq.**

Councilman Cervieri recused himself on this matter.

Mr. Grant read the title of the ordinance before it was introduced.

On motion by Councilman Sohmer, seconded by Councilman Pohan, and carried, Ord. #2011-25 entitled, "AN ORDINANCE OF THE BOROUGH OF FORT LEE ADOPTING THE AMENDED REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA 5 PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 et seq." was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call and the public hearing relative to this ordinance was scheduled for a special meeting of the Mayor and Council on **December 22, 2011** at **8:00 p.m.** in the Council Chambers,

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

ABSENT: Councilman Cervieri

PUBLIC HEARINGS SCHEDULED FOR DECEMBER 15, 2011

Ord. #2011-19--Amending Chapter 388, Sections 14 and 69 Placement of a Handicapped Parking Space by 343 Tremont Avenue

Ord. #2011-20--Amending Chapter 388, Section 43, Schedule I, No Parking, by Deleting Section (a) Briar Way, East Side

- Ord. #2011-21--Bond Ordinance for Various Capital Improvements –
Appropriating \$375,000.00 and Authorizing the Issuance of \$356,250.00
Bonds or Notes
- Ord. #2011-22--Amending Chapter 372 Taxicabs and Limousines, Article 1,
Taxicabs
- Ord. #2011-23--Amending Chapter 289, Section 36B, Schedule I, to Include All
Streets Located Within the Borough as Part of the Residential Permit Zone
- Ord. #2011-24--Amending Chapter 410 Zoning, Section 49, General Regulations,
Article XII, Signage and Façades 410-51 Rules and Regulations **(To be Tabled)**

Mr. Pohan mentioned that ordinance #2011-24 listed above is expected to be tabled as the Planning Board continues to meet with regard to making major changes to the Borough's zoning code which changes are expected to come to the Mayor and Council in the beginning of the new year.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Bill Harrison, Esq. for Tucker Development	Offered Thanks With Regard to Ordinance and Resolution Approved Tonight	
George Porto 450 Central Blvd.	Ordinance/Resolution Regarding Area 5 - Special Meeting of December 22, 2011	Mayor Sokolich Mr. Cohen
Charles Sobel 2175 Hudson Terr.	Also Asked About Special Meeting of December 22nd	Mr. Cohen Mayor Sokolich Mr. Goldberg
	Rent Leveling	Mayor Sokolich Mr. Pohan Mr. Cervieri

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

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, November 3, 2011 @ 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 6, 2011, 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 7, 2011, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2011 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 Manpower
Police Department Grievances

Redevelopment Area 5 Settlement Agreement and
Conditional Designations

Collective Bargaining: PBA Contract

Contracts: ADP Payroll Company
GTBM Inc. - E-Ticketing
Ambulance Reimbursement Systems Inc.

Litigation and Negotiations: Affordable Housing Fund
and Land Acquisition

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

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

ENGINEERING DISCUSSION

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

Boswell McClave Proposals for Pump Station Rehabilitations and Handicap Ramp Improvements at Various Locations

Mr. Mignone stated that the pump station rehabilitations will be discussed at the December 8th executive session.

Mr. Mignone noted that Boswell's design proposal for ADA ramp improvements at a cost of \$8,000 should be approved. Boswell's proposal for construction inspection services will be brought back at a future executive session for discussion.

A resolution approving Boswell's design specification for the ramp project will be placed on the November 10th regular meeting proposed consent agenda.

Acceptance of Crescent Court as a Borough Street

Mr. Mignone stated that this was a sub-division that was done several years ago. A resolution and/or ordinance need to be done to accept Crescent Court as a borough right-of-way.

Mr. Cohen stated that he wasn't 100% sure if both a resolution and ordinance need to be done.

Action is expected to be taken on this item at the November 10th regular meeting.

Bond Ordinance for Two Bergen County Community Development Grants

Ms. Mignone stated that last month the Borough re-purposed two grants from Bergen County. A bond ordinance in the amount of \$375,000 needs to be created to set-up an account for the monies the Borough will be receiving.

Mayor Sokolich confirmed with Mr. Mignone that the bond ordinance is a mechanism for the monies the Borough will be spending from the grant money it's receiving from Bergen County.

Ambulance Generator (Added on by Councilman Goldberg)

On questioning from Mr. Goldberg, Mr. Mignone stated the Borough Attorney's office is dealing with the contractor in terms of an agreement to address the contractor's failure to timely complete the installation consistent with the bid specifications and contract award with regard to installing a generator at the ambulance corps building.

GENERAL DISCUSSION

Constitution Park Regulations

Two residents who live in Mediterranean North who own small dogs came in to request that Constitution Park be opened up to small dogs. One of the speakers said that she has been severely harassed when walking her dog in the park.

Mayor Sokolich stated that if anyone is every being harassed they should immediately contact the Police Department.

The Mayor and Council agreed that if it opened up Constitution Park to dogs all the other Borough parks would have to be opened up and if they just picked certain parks the Mayor and Council would have to explain their rationale to all of the residents as to why some parks were chosen as opposed to others.

It was also noted that if the dogs are service dogs they are allowed in any park by Federal Law.

Mr. Cohen mentioned that Delta Society.org has a program that is not nearly as difficult to be able to have a dog certified as a service dog.

9-1-1 Backup Plan

Conversation ensued between the Messrs. Sokolich, Sohmer and Ms. Thomas regarding the power outage last weekend and specifically the issues at 201 Bridge Plaza North where there was a transformer fire this past Monday and the Regency Cooperative where the Borough has installed a generator which is gas fed and takes care of three elevators in case of power loss. The Regency is also paid a monthly fee by the Borough for hosting the Borough's radio communication signals.

Ms. Thomas will follow-up with Nixle to see if Borough residents were receiving updated notices with regard to the recent power outages.

It was also discussed that backup generators are used so that elevator service and hallway lighting stays on in case of power loss.

RFP's for Deferred Compensation Services

Ms. Thomas stated that four companies sent in their proposals and the Borough Attorney's office is reviewing their proposals.

Mr. Grant stated that action is expected to be taken on this matter at the December 15th regular meeting.

RFQ's for Professional Services for 2012

A resolution authorizing the requests for qualifications for profession services for 2012 as prepared by the Borough Attorney and Borough Clerk will be placed on the November 10th regular meeting agenda.

Approving Developer's Agreement - Fort Lee Athletic Club at 2029 Lemoine Avenue

Mayor Sokolich recused himself on this matter.

Conversation ensued as why certain preliminary work was done at the site without a developer's agreement and why there was a delay in getting the developer's agreement executed.

A resolution approving the developer's agreement for the Fort Lee Athletic Club will be placed on the November 10th regular meeting agenda.

Brown Wine Bar (JD'S Steak Pit) LLC Place-to-Place Transfer (Expansion of Premises)

A resolution approving place-to-place transfer for outdoor seating at JD's will be placed on the November 10th regular meeting proposed consent agenda.

Amendment to Personnel Policies and Procedures Manual

Ms. Thomas stated that the Borough will be amending its personnel policies and procedure manual by clarifying that only full time employees are eligible for short-term disability insurance.

A resolution amending the procedures manual will be placed on the November 10th regular meeting proposed consent agenda.

Amending Taxi Ordinance to Comply With A-1471

An ordinance as prepared by Mr. Cohen's office amending the Borough's Taxi Ordinance to comply with A-1471 which made sundry changes to taxicab laws as signed by Governor Christie will be

placed for introduction on the November 10th regular meeting agenda.

Amendment to Zoning (Sign) Ordinance

Ms. Thomas stated that one issue regarding the use of white neon signs was not settled yet with regard to the Borough introducing an amended sign ordinance.

The Mayor and Council concurred that it should not limit neon window signage to just white.

An extensive ordinance amending the Borough's sign ordinance as recommended by the Sign/Façade Committee and reviewed by the Mayor, Borough Administrator and Building Sub-Code Official and prepared by the Borough Attorney will be introduced at the November 10th regular meeting.

Police Department Motorcycles

Ms. Thomas stated that she was sent a voucher from the Police Department to purchase seven new motorcycles through federal confiscated funds which she has to sign off on.

Mayor Sokolich stated that police motorcycles have been discussed by the Mayor and Council previously but no final decision was made to how many motorcycles should be replaced at one time as well as the total number of motorcycles the Police Department should have overall.

After a very brief discussion the Mayor and Council agreed that five new motorcycles could be purchased at this time.

A resolution authorizing the purchases of the motorcycles if there is a State contract and/or authorizing the advertising of bids will be placed on the November 10th regular meeting.

Approval of New Ownership for Babe's Taxi Which Consists of Three Taxi Licenses

A resolution approving transfer of East Coast Car Corp, 640 Car Corp and Bridge Corp d/b/a Babe's Taxi to Konstantinos

Staikos who will be operating the businesses as Hudson Cab LLC, Babes Taxi LLC and GNG Car Service LLC at the current address of 185 Bridge Plaza North, Suite 200 will be placed on the November 10th regular meeting proposed consent agenda.

Mr. Grant noted that the Police Department has investigated the applicant and that the current owners of Babe's Taxi have consented to the transfer of their three (3) taxi licenses.

Additional Streets for Residential Street Parking

Ms. Thomas noted that the Parking Authority has requested that Dorincourt Road and Cumbermeade Road be named as additional streets for residential street parking.

The Mayor and Council concurred that all of the Borough streets should be named as residential street parking areas.

Ms. Thomas to speak to the Parking Authority about having all the streets listed as residential street parking.

Once a letter is received by the Parking Authority agreeing to the above an amending ordinance will be introduced.

Handicapped Parking Space by 343 Tremont Avenue

An ordinance creating a handicapped parking space by 343 Tremont Avenue as approved by the Police Department will be placed on the November 10th regular meeting for introduction.

Amending Chapter 388, Section 43, No Parking, to Allow for Parking on Briar Way (East Side)

An ordinance amending Chapter 388, Section 43, to allow for parking on Briar Way, east side only, as approved by the Police Department will be placed on the November 10th regular meeting for introduction.

RESOLUTIONS

R-1 - Reaffirming Resolution Concerning the Borough and 65 Main Street Associates, LLC

Mr. Cervieri recused himself on this matter.

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

Mayor asked Mr. Cohen about the nunc pron tunc language in the body of the resolution.

Mr. Cohen explained to the Mayor and Council why the language was included.

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE APPROVING AND REAPPROVING THE EXECUTION, NUNC PRO TUNC, OF THE FINAL REAMENDED AND RESTATED DEVELOPMENT AGREEMENTS(S) BETWEEN THE BOROUGH OF FORT LEE AND THE ASSAD Y. DAIBES MEMORIAL FOUNDATION FOR SPECIAL NEEDS, INC. (A NOT FOR PROFIT NEW JERSEY CORPORATION), SUBSTITUTED DEVELOPER FOR 65 MAIN STREET ASSOCIATES LLC, AND FOR RELATED AMENDMENTS

WHEREAS, on or about November 19, 2009, the Borough of Fort Lee (the "Borough") and 65 Main Street Associates, LLC (the "Developer") entered into a Development Agreement concerning certain properties situated in the Borough, designated Block 4305, Lots 23, 25, 27 and 30 of the Borough's Tax Map and commonly known as the Action Motors Property (the "Property"); and

WHEREAS, on August 11, 2011, the Borough authorized execution of an amended Development Agreement with 65 Main Street Associates, LLC concerning the Property on amended terms and conditions; and

WHEREAS, the Superior Court of New Jersey having orally ruled (written decision pending) that \$2,295,000 deposited in the Borough's Affordable Housing Trust Fund by Town & Country Developers at Fort Lee, LLC was the property of the Borough as statutory Trustee of the said Trust Fund to be employed for the statutory purpose of improving and expanding affordable housing in the Borough. Approving the availability of Affordable Housing in the Borough and the Governing Body having been informed of and having discussed the said litigation and decision; and

WHEREAS, the owner(s) of the Property had issued a "time of the essence" letter demand to the Developer to acquire the Property; and

WHEREAS, the New Jersey Council on Affordable Housing, by Resolution dated April 21, 2010, had previously approved the expenditure by the Borough of \$3,100,000 from its Affordable Housing Trust Fund to acquire the Property for the purpose of constructing Affordable Housing Units; and

WHEREAS, the Borough having again negotiated with the Developer to expand the project to include 20 Special Needs housing along with additional Affordable Housing units to bring the total to 140 units, generating 160 Affordable Housing unit credits, 45 of which shall be immediately credited to the Borough and the balance of which to be available for acquisition by Fort Lee developers only, to meet affordable housing obligation; and

WHEREAS, the Borough will receive security for its investment in the form of a first lien mortgage of the Property and a personal guarantee from Fred Diabes ("Guarantor"), to be later converted to an irrevocable letter of credit drawn on a responsible bank in the State of New Jersey; and

WHEREAS, these amendments are and were within the ambit contemplated in the prior authorizing Resolution adopted on August 11, 2011 and the Governing Body, on due notice, being aware of the litigation and its inherent risks, and the Assad Y. Daibes Memorial Fund for Special Needs, Inc. being a substituted developer for maintaining the Project as a not-for-profit entity and the Guarantor being the same principal as the Principal in 65 (nee 69) Main Street Associates, and the Governing Body having previously decided that this transaction was a substantial benefit to the interest of the Borough and its citizens,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough, does hereby reapprove, reaffirm, reauthorize and ratify the amended Development Agreement, acquisition document and ancillary documents for the acquisition of the Property and the previously authorized \$3,100,00 expenditure, therefore, from the Borough's Affordable Housing Trust Fund, all as accomplished by the Borough's representatives on November 3, 2011.

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

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

ABSENT: Councilman Cervieri

PUBLIC HEARING SCHEDULED FOR NOVEMBER 10, 2011
Ord. #2011-18--Refunding Bond Ordinance of Certain General Obligation Bonds,
Series 2004 - \$7,500,000

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 Councilman Cervieri**, at 8:45p.m.

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, October 6, 2011 @ 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 6, 2011, 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 7, 2011, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2011 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

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

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

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

Personnel: EMT's
Police Department Civilian Position
Senior Citizen Director

Tax Appeal Litigation: LI Trust, Block 1551, Lot 1
Enterprise 46, Inc. at 1630 Bergen Boulevard

Redevelopment Area 5 Settlement Agreement and
Conditional Designations

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.

RESOLUTIONS

R-1 - Awarding Bid for Improvements to 12th Street Pump Station (Rapid Pump & Meter Service) - \$112,490.00

Mr. Mignone stated that the Borough has community development block grant monies for this project.

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

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AWARDING A CONTRACT FOR THE PROVISION OF IMPROVEMENTS TO THE 12th STREET PUMP STATION

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("Borough") have determined that improvements to the 12th Street Pump Station are necessary for its efficient operation and the provision of sewerage services to the citizens of the Borough; and

WHEREAS, on prior occasion, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough solicited bids for the provision of improvements to the 12th Pump Station; and

WHEREAS, on September 20, 2011, bids were received from the following companies in response to the Borough's bid specifications and public solicitation:

Rapid Pump and Meter Service Co. Paterson, NJ	\$112,490.00
CFM Construction, Inc. Stirling, NJ	\$134,500.00
DEE-EN Electrical Contracting, Inc. Linden, NJ	\$139,870.00
Jogi Construction, Inc. Edison, NJ	\$152,400.00
J.A. Alexander, Inc. Bloomfield, NJ	\$202,000.00

; and

WHEREAS, the Borough has determined that the bid submitted by the ostensible low bidder, Rapid Pump and Meter Service Co. ("Rapid") is in compliance with the requirements of the bid specifications and that Rapid constitutes the lowest responsible and complying bidder for the provision of improvements to the 12th Street Pump Station; and

WHEREAS, the Borough's Chief Financial Officer has reviewed the Borough's available funds and has determined that sufficient funds are available to award a contract for the provision of improvements to the 12th Street Pump Station; and

WHEREAS, the Borough has determined that the award of this contract is necessary for the continued efficient operations of the 12th Street Pump Station in providing vital municipal services and the citizens of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Rapid Pump and Meter Service Co., 285 Straight Street, Paterson, New Jersey 07509, is hereby

determined to be the lowest responsible and complying bidder and is awarded the contract for the provision of improvements to the 12th Street Pump Station in the amount of **\$112,490.00** in accordance with the applicable bid documents and specifications; and

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized to execute a contract with Rapid for the provision of improvements to the 12th Street Pump Station; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for the provision of improvements to the 12th Pump Station; and

BE IT FURTHER RESOLVED that the bid security of the remaining bidders be returned in accordance with N.J.S.A. 40A:11-1 et seq.;

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

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

The Resolution was **approved unanimously**.

**R-2 - Accepting Proposal From Boswell McClave-Construction
Inspection Services for 12th Street Pump Station - Fee Not to
Exceed \$12,500.00**

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

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH
OF FORT LEE AUTHORIZING THE AWARD OF A CONTRACT FOR
PROFESSIONAL ENGINEERING SERVICES**

WHEREAS, on prior occasion pursuant to duly adopted resolution, the Borough authorized the award of a contract to Boswell McClave Engineering ("Boswell") to provide engineering services related to the installation of an electric grinder and back-up generator at the 12th Street Pump Station in the Borough; and

WHEREAS, there exists a need for the Borough to retain the services of a licensed engineer to provide additional engineering services for construction inspection and shop drawing review related to the installation of an electric grinder and back-up generator at the 12th Street Pump Station in the Borough; and

WHEREAS, said services are recognized as "professional services" as same shall be rendered by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instruction and study, pursuant to and in accordance with N.J.S.A. 40A:11-2(6); and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, the Borough wishes to retain the services of Boswell to perform such professional engineer services in accordance with its proposal, dated September 21, 2011, attached hereto; and

WHEREAS, Boswell possesses the requisite expertise and skilled personnel required to provide additional engineering services for construction inspection and shop drawing review related to the installation of an electric grinder and back-up generator at the 12th Street Pump Station in the Borough; and

WHEREAS, the Mayor and Council of the Borough are desirous of awarding a contract for professional engineering services to Boswell in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the contract for professional engineering services to be performed by Boswell is awarded pursuant to a "fair and open" process in accordance with the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Mayor and Council have determined that funds are available for this purpose; and

WHEREAS, the Borough's Chief Financial Officer has certified that sufficient funds are available to award this contract for professional engineering services; and

WHEREAS, the award of a contract for the provision of additional engineering services for construction inspection and shop drawing review related to the installation of an electric grinder and back-up generator at the 12th Street Pump Station is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

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

1. That Boswell shall be and is hereby appointed to provide additional engineering services for construction inspection and shop drawing review related to the installation of an electric grinder and back-up generator at the 12th Street Pump Station in the Borough, in accordance with its proposal, dated September 21, 2011, attached hereto and made a part hereof, and the terms and provisions of the agreement by and between Boswell and the Borough for consulting engineering services, at a cost not-to-exceed **\$12,500.00** on the basis of time and materials.

2. That upon 80% completion of the engineering work pursuant to this Resolution, Boswell shall provide written notice to the Borough Clerk as to whether the services will be completed within the budget established for the services. If the services are expected to exceed the budget, Boswell shall submit a detailed cost overrun schedule for review and consideration by the Borough.

3. That Boswell is specifically placed on notice that it will be required to comply with the Affirmative Action regulations of P.L. 1975 c. 127.

4. That a notice of the contract award shall be published, and this resolution must be available for public inspection, in accordance with the requirements of N.J.S.A. 40A:11-1 et seq.

5. That no further action of the Borough shall be required.

The Resolution was **approved unanimously**.

R-3 - Accepting Proposal From Boswell McClave for a Sanitary Sewer Conveyance Study - Fee Not to Exceed - \$22,000.00

Mr. Cervieri recused himself on this matter.

Ms. Thomas stated that the fees for this project will be paid out the Redevelopment Area 5 escrow fund. The project is needed so as to evaluate the force main for Redevelopment Area 5.

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

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES

WHEREAS, there exists a need for the Borough of Fort Lee ("Borough") to retain the services of a licensed engineer to perform a sanitary sewer conveyance study to determine the conveyance capacity of the existing 16-inch force main, the operation of a proposed pumping station, and the impact on the hydraulics of the sewer system; and

WHEREAS, the study is necessary to evaluate whether the force main can properly maintain the expected flow from a 900 residential unit building and a 140 residential unit mixed use building development proposed by SJB Properties; and

WHEREAS, said services are recognized as "professional services" as same shall be rendered by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instruction and study, pursuant to and in accordance with N.J.S.A. 40A:11-2(6); and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the

Borough may determine to be necessary for its efficient operation; and

WHEREAS, the Borough wishes to retain the services of Boswell McClave Engineering ("Boswell") to perform such professional engineer services in accordance with its proposal, dated September 30, 2011, attached hereto; and

WHEREAS, Boswell possesses the requisite expertise and skilled personnel required to provide professional engineering services related to the performance of a sanitary sewer conveyance study survey; and

WHEREAS, the Mayor and Council of the Borough are desirous of awarding a contract for professional engineering services to Boswell in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. requires that the resolution awarding contracts for "professional services" without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, the professional engineering services will be performed by Boswell at a cost not-to-exceed \$22,000, and the contract for such professional engineering services is awarded pursuant to a "fair and open" process in accordance with the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Mayor and Council have determined that funds are available for this purpose, and

WHEREAS, the award of a contract for the provision of professional engineering services to perform a sanitary sewer conveyance study to determine the conveyance capacity of the existing 16-inch force main, the operation of a proposed pumping station, and the impact on the hydraulics of the sewer system with regard to a development proposed by SJB Properties is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

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

1. That Boswell shall be and is hereby appointed to provide professional engineering services related to the performance of a sanitary sewer conveyance study to determine the conveyance capacity of the existing 16-inch force main, the operation of a proposed pumping station, and the impact on the hydraulics of the sewer system, in accordance with its proposal, dated September 30, 2011, attached hereto and made a part hereof, for a **cost not-to-exceed \$22,000.00**, and the terms and provisions of the agreement by and between Boswell and the Borough, dated as of January 1, 2011, for services as the Borough Engineer.

2. That upon 80% completion of the engineering work pursuant to this resolution, Boswell shall provide written notice to the Borough Clerk as to whether the services will be completed within the budget established for the services. If the services are expected to exceed the budget, Boswell shall submit a detailed cost overrun schedule for review and consideration by the Borough.

3. That Boswell is specifically placed on notice that it will be required to comply with the Affirmative Action regulations of P.L. 1975 c. 127.

4. That a notice of the contract award shall be published, and this resolution must be available for public inspection, in accordance with the requirements of N.J.S.A. 40A:11-1 et seq.

5. That the Chief Financial Officer has certified that funds are available for this purpose.

6. That no further action of the Borough shall be required.

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

AYES: Council Members Pohan, Sohmer, Goldberg, Kasofsky

ABSENT: Councilman Cervieri

R-4 - Approving Change Order #1 for Rapid Pump and Meter Service Co. for Palisade Terrace Pump Station Improvements - \$3,690.00

Mr. Mignone stated that this one and only change order closes out the project.

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

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

GENERAL CONSTRUCTION: Palisade Terrace Pump Station
Improvements

ENGINEER: Boswell McClave Engineering

CONTRACTOR: Rapid Pump and Meter Service Co.
285 Straight Street
Paterson, New Jersey 07509

CHANGE ORDER #: 1

ORIGINAL CONTRACT COST: \$ 134,390.00

COST OF CHANGE ORDER \$ 3,690.00

NEW CONTRACT SUM: \$138,080.00

NATURE OF CHANGES: Additional Concrete Work for the
Door

CAPITAL ACCOUNT # 04-2150-55-1024-081

The Resolution was **approved unanimously.**

R-5 - Approving Community Development Grant Application for Improvements to Whiteman Street, Beverly Hills Road and Gerome Avenue

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

BE IT RESOLVED, that the Mayor and Council of the Borough of Fort Lee wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$100,000 in 2011-2012 Community Development Block Grant funds for various street and road improvements to Whiteman Street, Beverly Hills Road and Gerome Avenue in the Borough of Fort Lee; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorizes Mark J. Sokolich, Mayor, to be a signatory for the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Joseph Iannaconi, Chief Financial Officer, to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Fort Lee is liable for any funds not spent in accordance with the Grant Agreement; and that liability of the Mayor and Council is in accordance with the U.S. Department of Housing and Urban Development requirements.

The Resolution was **approved unanimously**.

R-6 - Bergen Community Development Funding - Change of Use for a Grant for ADA Ramp Installation/Upgrades at Various Locations

Mr. Mignone explained the change of use for the project with regard to funding being provided by community development.

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

WHEREAS, the Borough of Fort Lee in 2009 applied for and received a Bergen Community Development Block Grant of \$100,000 for improvements to Stillwell Avenue/8th Street Phase II; and

WHEREAS, the Borough of Fort Lee in 2010 applied for and received a Bergen Community Development Block Grant of \$100,000 for improvements to the Little League Field at Whitey Lang Park and

WHEREAS, the Borough is requesting approval from Bergen County to reallocate funds from both awards (\$75,000 from the 2009 award and the entirety of the \$100,000 2010 award) towards a secondary use of the Block Grant application for the installation of ADA compliant, barrier-free curb ramps at various locations within the Borough,

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Fort Lee, hereby confirms endorsement of the change of use of the aforesaid project; and

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

The Resolution was **approved unanimously**.

R-6A - Authorizing Payment to Gotthold Paving for Emergency Repairs to a Storm Sewer Line on Hoefley's Lane

Mayor Sokolich recused himself on this matter.

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

WHEREAS, an emergency condition exists to the safety and welfare of the public in the 3 house connection to a storm line on Hoefly's Lane; and

WHEREAS, said repairs to be and declared an emergency; and

WHEREAS, on the recommendation of the Superintendent of the Department of Public Works, and the Supervisor of Sewers, Gotthold Paving has been retained on an emergency basis,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee authorizes payment in an amount not expected to exceed **\$15,000.00** to Gotthold Paving, P.O. Box 205, Edgewater NJ 07020; and

BE IT FURTHER RESOLVED that the Chief Financial Officer's certificate of availability of funds is on file in the Office of the Borough Clerk and funds are available under the capital account #04-2150-55-1023-021

The Resolution was **approved unanimously**.

R-6B - Approving TWA Application to the NJDEP for Sanitary Sewer Improvements Along Edsall Boulevard and Fifteenth Street

Mr. Mignone explained the sewer situation on Edsall and 15th Street and how the developer Berkley Palisades Park, LLC will be connecting into the Borough's sewer.

Mr. Cervieri asked if the developer will be responsible for all the costs.

Mr. Mignone stated that the developer is responsible for all costs and added that the first year a water meter can be used and then a totalizer can be placed so as to know exactly how much sewerage is being used. He added that the sewer flows will not be that large.

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

WHEREAS, the Berkeley Palisades Park, LLC has received approval from the Borough of Palisades Paqrk to construct a 140 unit residential development; and

WHEREAS, to successfully complete the project, approximately 642 feet of sanitary sewer force main and 595 feet of gravity sanitary sewer will need to constructed within Edsall Boulevard and Fifteenth Street within the municipal borders of the Borough of Fort Lee; and

WHEREAS, in order to install the new sanitary force main and gravity sewer, a New Jersey Department of Environmental Protection (NJDEP) Treatment Works Approval is required; and

WHEREAS, Boswell McClave Engineering has prepared a Treatment Works Approval (TWA) application prepared on behalf of the Borough of Fort Lee and has been reviewed by Edward Mignone, Assistant Engineer for the Borough of Fort Lee,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Fort Lee, County of Bergen, State of New Jersey, consents to the submission of a Treatment Works Approval application to the NJDEP for sanitary sewer improvements along Edsall Boulevard and Fifteenth Street and authorizes the Mayor or Borough Administrator to execute same.

The Resolution was **approved unanimously**.

Mr. Cervieri stated that Mr. Mignone has volunteered to be the owner's representative with regard to construction that the library is undertaking at their front entrance.

Mr. Cervieri also asked Mr. Mignone to check into ongoing sewer problems on Lewis Street and Edwin Avenue.

GENERAL DISCUSSION

R-7 - Transfer of Limousine License From Bridgeview Limousine Inc. to DeTrop Enterprises at 1696 Bergen Boulevard

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

WHEREAS, an application has been filed by **Peter DeSheplo and Jason Tropea**, to establish and operate **Detrop Enterprises LLC. @ 1696 Bergen Boulevard, Fort Lee, New Jersey** a limousine business in the Borough of Fort Lee; and

WHEREAS, the applicants are going to be buying the existing limousine license of Bridgeview Limousine Inc. owned by Ronald Tropea and Stanley Morrow and operating at **1696 Bergen Boulevard**; and

WHEREAS, the owners of Bridgeview Limousine Inc. have consented to the transfer of the license in writing,

WHEREAS, local ordinance provides that only twelve (12) such companies can operate within the Borough of Fort Lee and currently there are nine (9) limousine businesses operating; and

WHEREAS, the applicant and business location has been reviewed and approved by the Fort Lee Police Department, Building Department and Fire Department; and

NOW, THEREFORE, BE IT RESOLVED that upon payment of the applicable transfer and license fees, the Borough Clerk is hereby authorized and directed to issue a limousine business owner's license to **Detrop Enterprises LLC.** for the operation of a limousine service from **1696 Bergen Boulevard** to include parking of vehicle(s) at the same address.

The Resolution was **approved unanimously.**

R-8 - Liquor License Person-to-Person Transfer from Palave Associates Inc. to Zenex Enterprise Inc. at a Mailing Address of 1550 Lemoine Avenue

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

WHEREAS, an application has been filed for a person-to-person transfer of plenary retail consumption license **0219-33-019-006**, heretofore issued to **Palave Associates Inc. (Pocket License)** a New Jersey corporation located at a mailing address of **260 Marietta Street, Englewood Cliffs, New Jersey 07632**; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Fort Lee does hereby approve the person-to-person transfer of the aforesaid plenary retail consumption license to **Zenex Enterprise Inc.** at a mailing address of **1550 Lemoine Avenue, Fort Lee, New Jersey 07024** effective **October 13, 2011** and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership.

The Resolution was **approved unanimously.**

R-9 - Approving Renewal of Liquor License for Fairview Equities LLC (Pocket License) for 2011-2012

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

WHEREAS, on September 29, 2011 a Special Ruling was granted from the State of New Jersey, Division of Alcoholic Beverage Control, to permit consideration of a liquor license renewal for one (1) plenary retail consumption license for the period of one year for 2011-2012; and

WHEREAS, the renewal application for 2011-2012 has been filed in the Borough Clerk's Office in a timely manner,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the following inactive (pocket) license shall be renewed for the licensing year **2011-2012**.

Liquor License # Licensee

- 1. 0219-33-044-007 Fairview Equities LLC

The Resolution was **approved unanimously**.

R-10 - Approving Renewal of Liquor License for Hae H. Kim (Pocket License) for 2011-2012

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

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the following plenary retail consumption license for the year **2011/2012** be issued to the applicant listed below on the attached page for premises designated opposite their respective names for the distribution or sale of alcoholic beverages.

STATE LICENSE #	LICENSEE	TRADE NAME
0219-33-046-009	HAE H KIM (Pocket License)	n/a

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

The Resolution was **approved unanimously**.

R-11 - Authorizing Hiring of Five Emergency Medical Technicians - \$17.81 Hourly

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

WHEREAS, there are Emergency Medical Technician vacancies in the Fort Lee Ambulance Corps and the Mayor and Council have determined that this vacancy should be filled,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that **Roger Damon, Anthony Painchaud, Joseph Biggy, Kelly Thompkins** and **Kenny Mah** be hired as part-time Emergency Medical Technicians with the Fort Lee Ambulance Corps, with an effective date of October 13, 2011; and

BE IT FURTHER RESOLVED that this appointment be provisional pending certification from the New Jersey Department of Personnel. This position shall be at the wage of **\$17.81 per hour**, not to exceed 19.5 hours per week.

The Resolution was **approved unanimously**.

R-12 - Authorizing Settlement of Tax Appeal Litigation Entitled LI Trust (Vacant Parcel) Block 1551, Lot 1, for Tax Years 2010 and 2011

Mayor Sokolich recused himself on this matter.

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

WHEREAS, LI Trust is the owner and taxpayer of property located at 500 Palisades Boulevard, also known as Block 1551, Lot 1; and

WHEREAS, the taxpayer filed tax appeals for 2010 and 2011 against the Borough of Fort Lee in a matter entitled LI Trust vs. Borough of Fort Lee, which is presently pending in the Tax Court; and

WHEREAS, it has been recommended by the Tax Appeal Attorney, the Borough Appraiser and the Borough Assessor that the matter be settled at this time, and that such settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the Tax Appeal Attorney be and he is **Executive Session** **October 6, 2011**

hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled LI Trust vs. Borough of Fort Lee, so that the assessments for tax years 2010 and 2011 will be reduced from \$280,000 to \$165,000, and

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

The Resolution was **approved unanimously**.

R-13 - Authorizing a 4th Amendment to the Settlement Agreement With FLRA and Tucker Extending the Time Period for Adoption of Amendments to the Redevelopment Plan for Redevelopment Area 5

Mr. Cervieri recused himself on the following matters with regard to R-13, R-14 and R-15.

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

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE APPROVING AND AUTHORIZING THE EXECUTION OF A FOURTH AMENDMENT TO THE SETTLEMENT AND ESCROW AGREEMENT BY AND AMONG THE BOROUGH OF FORT LEE (THE "BOROUGH"), TDC FORT LEE, LLC AND TUCKER DEVELOPMENT AND ACQUISITION FUND, L.P. ("TUCKER") AND FORT LEE REDEVELOPMENT ASSOCIATES, LLC ("FLRA") DATED APRIL 15, 2011 REGARDING REDEVELOPMENT AREA 5 LOCATED IN THE BOROUGH OF FORT LEE, NEW JERSEY

WHEREAS, the Parties entered into a Settlement and Escrow Agreement (the "Agreement") on April 14, 2011; and

WHEREAS, Section 1.iv. of the Agreement includes a condition that within sixty (60) days of the designations of Tucker as conditional redeveloper of the West Parcel and of FLRA as conditional redeveloper of the East Parcel, the Borough shall adopt amendments to the redevelopment plan for Redevelopment Area 5 (the "Redevelopment Plan") incorporating the Additional Terms and Conditions in Section 2 of this Agreement set forth hereinafter, which amended Redevelopment Plan shall also contain a provision that prior to submission of any application to the Borough Planning Board for development approvals, FLRA or Tucker,
Executive Session **October 6, 2011**

individually as the case may be, must have entered into a fully executed redevelopment agreement with the Borough pursuant to Sections 3 and 4 of this Agreement, as the case may be. The Parties shall not execute any redevelopment agreements until the process to amend the Redevelopment Plan has been completed; and

WHEREAS, on June 10, 2011, the Parties entered into an Amendment to the Settlement and Escrow Agreement extending the timeframe for the Borough to adopt amendments to the Redevelopment Plan for Redevelopment Area 5 from sixty (60) days to ninety (90) days; and

WHEREAS, on July 14, 2011, the Parties entered into a Second Amendment to the Settlement and Escrow Agreement extending the timeframe for the Borough to adopt amendments to the Redevelopment Plan for Redevelopment Area 5 for an additional sixty (60) days until September 15, 2011; and

WHEREAS, on September 15, 2011, the Parties entered into a Third Amendment to the Settlement and Escrow Agreement extending the timeframe for the Borough to adopt amendments to the Redevelopment Plan for Redevelopment Area 5 for an additional thirty (30) days until October 15, 2011; and

WHEREAS, Sections 3 and 4 of the Agreement includes a condition that the Borough, FLRA and Tucker shall employ their best efforts to negotiate and execute the respective redevelopment agreements within ninety (90) days of the respective designations of Tucker and FLRA as conditional redevelopers by the Borough; and

WHEREAS, the Parties have been working diligently to meet the terms and conditions of the Agreement, including those contained in Sections 1.iv., 3 and 4 of the Agreement, additional time is required for the Borough to adopt amendments to the redevelopment plan for Redevelopment Area 5 and negotiate and execute redevelopment agreements with FLRA and Tucker; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council that it hereby approves and authorizes the execution, by the appropriate Borough officials, of a Fourth Amendment to the Settlement and Escrow Agreement, for a further extension of the timeframe set forth in Sections 1.iv., 3 and 4 of the Settlement and Escrow Agreement for an additional period, which will expire on November 10, 2011.

BE IT FURTHER RESOLVED, that the Fourth Amendment shall be in the form similar to that attached hereto, subject to the execution of such amendment by the others parties.

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

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

AYES: Council Members Pohan, Sohmer, Goldberg, Kasofsky

ABSENT: Councilman Cervieri

R-14 - Authorizing the Extending the Conditional Designation of Tucker as Redeveloper for the West Parcel

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

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE EXTENDING THE DESIGNATION OF TUCKER DEVELOPMENT AND ACQUISITION FUND, L.P. AND TDC FORT LEE, LLC AS CONDITIONAL REDEVELOPER OF BLOCK 4851, LOT 1.01, ALSO KNOWN AS THE WEST PARCEL, LOCATED IN REDEVELOPMENT AREA 5, IN THE BOROUGH OF FORT LEE, NEW JERSEY

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

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

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

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

WHEREAS, as part of an earlier effort to redevelop the Redevelopment Area 5, the Planning Board of the Borough of Fort Lee approved a subdivision of Redevelopment Area 5 into two lots for financing purposes only, one to the east of Martha Washington Way (hereafter referred to as the "East Parcel") and constituting Block 4802, Lot 1 (now known as Block 4851, Lot 1.02); and the second parcel (hereafter referred to as the "West Parcel") constituting Block 4801, Lot 1 (now known as Block 4851, Lot 1.01); and

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

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

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

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

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

WHEREAS, the Borough retained professionals in the areas of law, planning, finance and engineering to review the proposals and these professionals met with each proposer and also requested

additional information from each of the proposers as a result thereof; and

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

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

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

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

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

WHEREAS, after a thorough and comprehensive review of each of the four (4) proposals and additional information submitted in response to the Borough's requests for such information, review of the public presentations made by each proposer, consideration of public comments provided at each public presentation and subsequent public meetings, review and consideration of the individual meetings with each proposer, and after consultation with its entire professional team, including final reports from its planner and financial consultant, on April 15, 2010, the Borough designated Fort Lee Redevelopment Associates, LLC as conditional redeveloper of Redevelopment Area 5 located in the Borough of Fort Lee, County of Bergen, State of New Jersey for a mixed use smart growth project, subject to the conditions set forth in the resolution adopted by the Borough Council; and

WHEREAS, on August 12, 2010 and on December 9, 2010, the Borough extended the designation of Fort Lee Redevelopment Associates, LLC as conditional redeveloper of Redevelopment Area

5 located in the Borough of Fort Lee, County of Bergen, State of New Jersey for a mixed use smart growth project subject to the conditions set forth in the resolutions adopted by the Borough Council; and

WHEREAS, on or about May 17, 2010, Tucker filed a complaint in lieu of prerogative writs entitled Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC vs. Borough of Fort Lee, et al. (including FLRA) Docket #BER-L-5024-10 raising multiple issues (the "Redevelopment Litigation"); and

WHEREAS, on or about January 4, 2011, the Court granted the Borough and FLRA's motion for summary judgment on counts six through nine of the Redevelopment Litigation regarding the Borough's 2004 blight designation of Redevelopment Area 5; and

WHEREAS, on or about June 21, 2010, Tucker filed a complaint and order to show cause entitled Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC vs. Borough of Fort Lee, Docket #BER-L-5940-10 alleging violations of the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and common law right of access to public records (the "OPRA Litigation"); and

WHEREAS, the Borough, FLRA, Tucker Development Acquisition Fund, L.P. and TDC Fort Lee, LLC (the "Parties") have been involved in active negotiations to settle the Redevelopment Litigation and the OPRA Litigation (collectively, the "Litigation") and in furtherance of settlement of the Litigation, the Parties have agreed to the terms and conditions of an agreement to settle the Litigation, which agreement also sets forth the parties' understanding and agreement on actions to be taken by the parties (the "Settlement Agreement"); and

WHEREAS, one of the actions to be taken pursuant to the Settlement Agreement is the designation of Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC as conditional redeveloper of the West Parcel only; and

WHEREAS, on April 14, 2011, the Borough adopted a resolution authorizing the designation of Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC, 799 Central Avenue, Suite 300, Highland Park, IL, as conditional redeveloper of Block 4851, Lot 1.01, also known as the West Parcel, located in Redevelopment Area 5 in the Borough of Fort Lee, County of Bergen, State of New Jersey; and

WHEREAS, on July 14, 2011, the Borough adopted a resolution authorizing an extension of the designation of Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC as conditional redeveloper of Block 4851, Lot 1.01, also known as the West Parcel, located in Redevelopment Area 5 in the Borough of Fort Lee, County of Bergen, State of New Jersey; and

WHEREAS, on September 8, 2011, the Borough adopted a resolution authorizing an extension of the designation of Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC as conditional redeveloper of Block 4851, Lot 1.01, also known as the West Parcel, located in Redevelopment Area 5 in the Borough of Fort Lee, County of Bergen, State of New Jersey until October 15, 2011; and

WHEREAS, the Parties have been working diligently to meet the terms and conditions of the Settlement Agreement, including amendments to the Redevelopment Plan for Redevelopment Area 5 and the Redevelopment Agreement, additional time is required for the Parties to finalize these documents.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council, that it hereby extends the designation of Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC, 799 Central Avenue, Suite 300, Highland Park, IL, as conditional redeveloper of Block 4851, Lot 1.01, also known as the West Parcel, located in Redevelopment Area 5 in the Borough of Fort Lee, County of Bergen, State of New Jersey for the reasons set forth herein.

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

1. The Conditional Designation is limited to a period from October 15, 2011 until November 10, 2011 at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any obligation to the other, except as to final payment of Borough costs under the Escrow Agreement required herein. The Borough may, in its sole discretion, extend and re-extend the Conditional Designation provided sufficient progress is being in negotiation of a redevelopment agreement, which determination is at the sole discretion of the Borough and which extension must be in the form of a duly adopted Resolution of the Borough Council.

2. That Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC and the Borough shall negotiate and agree upon the terms and conditions of a redevelopment agreement within the period of the conditional designation, as such period may be extended by the Borough in its sole discretion.
3. That Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC shall comply with the terms and conditions of the Settlement Agreement.
4. That Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC agree to pay any and all costs incurred by the Borough from the date of the Conditional Designation (April 14, 2011) to execution of a redevelopment agreement or termination of the redeveloper designation, as set forth in the Settlement Agreement.

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

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

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

AYES: Council Members Pohan, Sohmer, Goldberg, Kasofsky

ABSENT: Councilman Cervieri

R-15 - Authorizing the Extending the Conditional Designation of FLRA as Redeveloper for the East Parcel

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

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE EXTENDING THE DESIGNATION OF FORT LEE REDEVELOPMENT ASSOCIATES, LLC AS CONDITIONAL REDEVELOPER OF BLOCK 4851, LOT 1.02, ALSO KNOWN AS THE EAST PARCEL, LOCATED IN REDEVELOPMENT AREA 5, IN THE BOROUGH OF FORT LEE, NEW JERSEY

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

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

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

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

WHEREAS, as part of an earlier effort to redevelop the Redevelopment Area 5, the Planning Board of the Borough of Fort Lee approved a subdivision of Redevelopment Area 5 into two lots for financing purposes only, one to the east of Martha Washington Way (hereafter referred to as the "East Parcel") and constituting Block 4802, Lot 1 (now known as Block 4851, Lot 1.02); and the second parcel (hereafter referred to as the "West Parcel") constituting Block 4801, Lot 1 (now known as Block 4851, Lot 1.01); and

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, after a thorough and comprehensive review of each of the four (4) proposals and additional information submitted in response to the Borough's requests for such information, review of the public presentations made by each proposer, consideration of public comments provided at each public presentation and subsequent public meetings, review and consideration of the individual meetings with each proposer, and after consultation with its entire professional team, including final reports from its planner and financial consultant, on April 15, 2010, the Borough designated Fort Lee Redevelopment Associates, LLC as conditional redeveloper of Redevelopment Area 5 located in the Borough of Fort Lee, County of Bergen, State of New Jersey for a mixed use smart growth project, subject to the conditions set forth in the resolution adopted by the Borough Council; and

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

WHEREAS, on August 12, 2010 and on December 9, 2010, the Borough extended the designation of Fort Lee Redevelopment Associates, LLC ("FLRA") as conditional redeveloper of Redevelopment Area 5 located in the Borough of Fort Lee, County of Bergen, State of New Jersey for a mixed use smart growth project subject to the conditions set forth in the resolutions adopted by the Borough Council; and

WHEREAS, on or about May 17, 2010, Tucker filed a complaint in lieu of prerogative writs entitled **Tucker Development Acquisition Fund, L.P. and TDC Fort Lee, LLC vs. Borough of Fort Lee, et al. (including FLRA) Docket #BER-L-5024-10** raising multiple issues (the "Redevelopment Litigation"); and

WHEREAS, on or about January 4, 2011, the Court granted the Borough and FLRA's motion for summary judgment on counts six through nine of the Redevelopment Litigation regarding the Borough's 2004 blight designation of Redevelopment Area 5; and

WHEREAS, on or about June 21, 2010, Tucker filed a complaint and order to show cause entitled **Tucker Development Acquisition Fund, L.P. and TDC Fort Lee, LLC vs. Borough of Fort Lee, Docket #BER-L-5940-10** alleging violations of the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and common law right of access to public records (the "OPRA Litigation"); and

WHEREAS, the Borough, FLRA, Tucker Development Acquisition Fund, L.P. and TDC Fort Lee, LLC (the "Parties") have been involved in active negotiations to settle the Redevelopment Litigation and the OPRA Litigation (collectively, the "Litigation") and in furtherance of settlement of the Litigation, the Parties have agreed to the terms and conditions of an agreement to settle the Litigation, which agreement also sets forth the parties' understanding and agreement on actions to be taken by the parties (the "Settlement Agreement"); and

WHEREAS, one of the actions to be taken pursuant to the Settlement Agreement is the de-designation of FLRA as conditional redeveloper of the East and West Parcels and designation of FLRA as conditional redeveloper of the East Parcel only; and

WHEREAS, on April 14, 2011, the Borough adopted a resolution authorizing the de-designation of FLRA as conditional redeveloper of the entirety of Redevelopment Area 5 and designating FLRA as conditional redeveloper of Block 4851, Lot 1.02, also known as the East Parcel, located in Redevelopment Area 5 in the Borough of Fort Lee, County of Bergen, State of New Jersey; and

WHEREAS, on July 14, 2011, the Borough adopted a resolution authorizing an extension of the designation of FLRA as conditional redeveloper of Block 4851, Lot 1.02, also known as the East Parcel, located in Redevelopment Area 5 in the Borough of Fort Lee, County of Bergen, State of New Jersey; and

WHEREAS, on September 8, 2011, the Borough adopted a resolution authorizing an extension of the designation of FLRA as conditional redeveloper of Block 4851, Lot 1.02, also known as the East Parcel, located in Redevelopment Area 5 in the Borough of Fort Lee, County of Bergen, State of New Jersey until October 15, 2011; and

WHEREAS, the Parties have been working diligently to meet the terms and conditions of the Settlement Agreement, including amendments to the Redevelopment Plan for Redevelopment Area 5 and the Redevelopment Agreement, additional time is required for the Parties to finalize these documents.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council that it hereby extends the designation of Fort Lee Redevelopment Associates, LLC c/o SJP Residential Properties, whose address is 379 Interpace Parkway, Parsippany, New Jersey 07054 as conditional redeveloper of Block 4851, Lot 1.02, also known as the

East Parcel located in Redevelopment Area 5 in the Borough of Fort Lee, County of Bergen, State of New Jersey for the reasons set forth herein.

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

5. The Conditional Designation is limited to a period from October 15, 2011 until November 10, 2011 at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any obligation to the other, except as to final payment of Borough costs under the Escrow Agreement required herein. The Borough may, in its sole discretion, extend and re-extend the Conditional Designation provided sufficient progress is being in negotiation of a redevelopment agreement, which determination is at the sole discretion of the Borough and which extension must be in the form of a duly adopted Resolution of the Borough Council.
6. That Fort Lee Redevelopment Associates, LLC and the Borough shall negotiate and agree upon the terms and conditions of a redevelopment agreement within the period of the conditional designation, as such period may be extended by the Borough in its sole discretion.
7. That Fort Lee Redevelopment Associates, LLC shall comply with the terms and conditions of the Settlement Agreement.
8. That Fort Lee Redevelopment Associates, LLC shall continue to pay any and all costs incurred by the Borough from the date of the initial Conditional Designation (April 15, 2010) to execution of a redevelopment agreement or termination of the redeveloper designation, as set forth in the Escrow Agreement.
9. That the Escrow Agreement executed by Fort Lee Redevelopment Associates, LLC and the Borough shall remain in full force and effect and if necessary, shall be amended and re-executed by the parties consistent with the terms of this Resolution and the Settlement Agreement.

BE IT FURTHER RESOLVED, that upon completion of negotiations on a redevelopment agreement the Mayor and Borough Council shall review and may authorize execution of any and all related documents which the Borough Council may consider necessary or

useful in order to effectuate the completion and implementation of the project.

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

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

AYES: Council Members Pohan, Sohmer, Goldberg, Kasofsky

ABSENT: Councilman Cervieri

To Kill a Mockingbird 50th Anniversary Production - Request for Use of Council Chambers

The Mayor and Council agreed to let the Hudson Shakespeare Company use the Council Chambers on April 14th and April 15th of 2012 in order to put on a small production of "To Kill a Mockingbird".

Sign/Façade Committee Request for Revisions to the Borough Zoning (Sign) Ordinance

Ms. Thomas stated that she and the Mayor along with Brian Ribarro, Building Sub-code Official and Don Porrino, Chairman of the Sign/Façade Committee met and compiled a list of changes to be made to the Borough's Zoning Ordinance with regard to signage.

Mayor Sokolich added that the sign ordinance is constantly a work-in-progress and will be amended accordingly when needed.

An ordinance making various changes to the Borough's Zoning (Sign) Ordinance will be introduced at the November 10th regular meeting.

Mayor and Council Scheduled Meetings of October 13th, October 20th and November 3rd

It was agreed at this time that the October 13th and October 20th meetings of the Mayor and Council would be cancelled.

Mr. Grant will put out the required legal notices.

PUBLIC HEARING SCHEDULED FOR OCTOBER 13, 2011
Ord. #2011-18 - Refunding Bond Ordinance of Certain General Obligation Bonds,
Series 2004 - \$7,500,000 (To be Postponed Until November 10th)

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Meeting Scheduled .4 th Amendment (Time Period)	Mr. Grant Mr. Cohen Mayor Sokolich
Charles Sobel 2175 Hudson Terr.	.Shakespeare Theater in Madison Production of "To Kill a Mockingbird"	

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

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, September 22, 2011 @ 7:30 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 6, 2011, 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 7, 2011, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2011 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:

Affordable Housing Obligations - 2103 Hudson Terrace
(V&R Developers)

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

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

GENERAL DISCUSSION

Change Order for Improvements to Palisade Terrace Pump Station

Ms. Thomas stated that Rapid Pump and Meter Service Co. Inc. had to put additional concrete by the door by the Palisade Terrace Pump Station.

A resolution approving the only change order for this project in the amount of \$3,690 will be placed on the October 13th regular meeting proposed consent agenda.

SavWatt Eco Pole Led Lights

Mr. Goldberg stated that SavWatt Eco Pole provides a service where their lights are not connected to the electric grid; however, each pole has a cost of \$14,000. He added that the Port Authority is considering installing some poles. New York City is going to LED lighting.

Mayor Sokolich stated that PSE&G would have to change all their sockets to LED. The technology is becoming more readily adaptable.

The Mayor and Council chose not to take any action on this item at this time due to the expensive cost.

RESOLUTIONS

R-1 - Authorizing Request Making Application to the Local Finance Board for the Borough's Outstanding General Obligation Bonds, Series 2004

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

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

WHEREAS, the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") desires to make application to the Local Finance Board for its review and approval of a proposed refunding bond ordinance authorizing the refunding of all or a portion of the Borough's outstanding General Obligation Bonds, Series 2004;

WHEREAS, the Borough believes that:

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

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

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

(d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

NOW THEREFORE, BE IT RESOLVED BY BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY AS FOLLOWS:

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

Section 2. The Clerk of the Borough is hereby directed to prepare and file a copy of the introduced refunding bond ordinance and this resolution with the Local Finance Board as part of such application.

Executive Session

September 22, 2011

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Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

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

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

R-2 - Amending Capital Budget

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

WHEREAS, the local capital budget for the year 2011 was amended on the 9th day of June 2011; and

WHEREAS, it is desired to amend said adopted capital budget section,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Fort Lee, County of Bergen, that the following amendment(s) to the adopted capital budget section of the 2011 Budget be made:

FROM CAPITAL BUDGET (CURRENT YEAR ACTION 2011)

Project	Estimated Total Cost	Capital Improvement Fund	Grants in Aid and Other Funds	Debt Authorized	To Be Funded In Future Years
Total All Projects	\$6,928,500	96,425	n/a	1,832,075	5,000,000

**6 YEAR CAPITAL PROGRAM 2011-2016
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENT**

Funding Amounts Per Year

Project	Estimated Total Cost	Estimated Completion Time	Budget Year 2011	Budget Year 2012	Budget Year 2013	Budget Year 2014	Budget Year 2015	Budget Year 2016
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Total All Projects 6,928,500 n/a 1,928,500 1,000,000 1,000,000 1,000,000 1,000,000 1,000,000

Executive Session

September 22, 2011

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**6 YEAR CAPITAL PROGRAM 2011-2016
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

Project	Estimated Total Cost	Capital Improvement Fund	Grants in Aid and Other Funds	Bonds and Notes General
Total All Projects	6,928,500	346,425	n/a	6,582,075

TO CAPITAL BUDGET (CURRENT YEAR ACTION 2011)

Project	Project Number	Estimated Total Cost	Capital Improvement Fund	Grants in Aid and Other Funds	Debt Authorized	To Be Funded In Future Years
Refunding . Bonds	2011-2	7,500,000	n/a	n/a	7,500,000	n/a
Total All Projects		14,428,500	96,425	n/a	9,332,075	5,000,000

**6 YEAR CAPITAL PROGRAM 2011-2016
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS**

Project	Project #	Estimated Total Cost	Estimated Completion Time	Budget Year 2011	<u>Funding Amounts Per Year</u>				
					Budget Year 2012	Budget Year 2013	Budget Year 2014	Budget Year 2015	Budget Year 2016
Refunding Bonds	2011-2	7,500,000		7,500,000					
Total All Projects		14,428,500		9,428,500					

**6 YEAR CAPITAL PROGRAM 2011-2016
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

Project	Estimated Total Cost	Capital Improvement Fund	Grants in Aid and Other Funds	Bonds and Notes General
2011-2	7,500,000	n/a	n/a	7,500,000
Total All Projects	14,428,500	346,425	n/a	14,082,075

BE IT FURTHER RESOLVED that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

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

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

R-3 - Awarding Bid to Pritchard Industries, Inc., New York, New York for Janitorial and Maintenance Services to the Police Department Facility and the Jack Alter Fort Lee Community Center - \$353,597.00 Total for Three Year Contract

It was noted that the bids had been reviewed by the Borough Attorney's office for compliance.

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

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE AWARD OF A CONTRACT FOR THE PERFORMANCE OF JANITORIAL AND MAINTENANCE SERVICES

WHEREAS, there exists a need for the Borough to retain the services of a licensed maintenance services contractor to perform janitorial and maintenance services for the Fort Lee Police Department and the Jack Alter Fort Lee Community Center; and

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

WHEREAS, on June 29, 2011, bids were received in response to the Borough's public solicitation from the following bidders:

J. S. Stephens Commercial Cleaning, Inc.	\$270,000
Maverick Building Services, Inc.	\$286,200
Pritchard Industries, Inc.	\$353,597
Oriental Pacific Maintenance Co, Inc.	\$471,600

; and

WHEREAS, the Borough's review of the bid from the ostensible low bidder, J. S. Stephens Commercial Cleaning, Inc., revealed that, among other things, it failed to submit a consent

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of surety from a surety company, contrary to the requirements of the Bid Specifications; and

WHEREAS, the failure to submit a consent of surety from a surety company meeting the minimum qualifications set forth in the Bid Specifications warrants a rejection of the bid as non-complying and non-responsive under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

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

WHEREAS, the Borough has determined that the overall price bid submitted by the ostensible second low bidder, Maverick Building Services, Inc., failed to cover the cost of labor required in the bid specifications at the minimum wage rates in compliance with federal law and, therefore, must be rejected as a non-complying bid; and

WHEREAS, the Borough's bid specifications particularly provided in Section 6 Laws and Regulations that "[t]he successful bidder is required to keep himself informed of and to comply with all applicable Federal and State Statutes and Municipal Ordinance applicable;" and

WHEREAS, the Borough has determined that an award of a contract to Maverick Building Services, Inc. would undermine the principles of fair and competitive bidding by disregarding an express requirement of its bid specifications for the contract; and

WHEREAS, Oriental Pacific Maintenance Co. filed a letter with the Borough on July 5, 2011, protesting to the bids submitted by the other three bidders for the services; and

WHEREAS, the Borough has carefully reviewed the letter from Oriental Pacific Maintenance Co. and the bids, and determined

that the protest is without merit with respect to the bid submitted by Pritchard Industries, Inc.; and

WHEREAS, the Borough has determined that the bid submitted by the ostensible third low bidder, Pritchard Industries, Inc., is in compliance with the requirements of the bid specifications

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and that Pritchard Industries, Inc. constitutes the lowest responsible and complying bidder for the provision of janitorial and maintenance services in the Borough; and

WHEREAS, the Borough has reviewed its available funds and has determined that sufficient funds are available to award a contract for the provision of janitorial and maintenance services in the Borough; and

WHEREAS, the Borough has determined that the award of this contract is necessary for its efficient operations,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the bids submitted by J. S. Stephens Commercial Cleaning, Inc. and Maverick Building Services, Inc. should be and are hereby rejected as non-complying and non-responsive under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

BE IT FURTHER RESOLVED, that Pritchard Industries, Inc., 147 Columbia Turnpike, Florham Park, New Jersey, 07932, is the lowest responsible and complying bidder and is awarded the contract for the provision of janitorial and maintenance services in the Borough in the amount of **\$353,597.02**, in accordance with the applicable bid documents and specifications; and

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized to execute a contract with Pritchard Industries, Inc. for the provision of janitorial and maintenance services in the Borough; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for the provision of janitorial and maintenance services in the Borough;

BE IT FURTHER RESOLVED that the bid security of the remaining bidders be returned in accordance with N.J.S.A. 40A:11-1 et seq.; and

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

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Mr. Pohan asked if the Borough had set a cost in writing for the procurement.

Ms. Thomas replied that the Borough did not establish a cost in writing for this project.

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

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

INTRODUCTION OF ORDINANCE

Ordinance #2011-18 - Refunding Bond Ordinance of Certain 2004 General Obligation Bonds - \$7,500,000.00

On motion by Councilman Pohan, seconded by Councilman Sargenti, and carried, Ord. #2011-18 entitled, "REFUNDING BOND ORDINANCE OF THE BOROUGH OF FORT LEE IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF CERTAIN GENERAL OBLIGATION BONDS, SERIES 2004 OF THE BOROUGH APPROPRIATING \$7,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE BOROUGH OF REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$7,500,000 FOR FINANCING THE COST THEREOF," was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **October 13, 2011**.

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

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 Councilman Pohan,** at 8:18 p.m.

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, September 8, 2011 @ 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 6, 2011, 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 7, 2011, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2011 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

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

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

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

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Personnel: Recreation Department Seasonal Employees
Police Department Crossing Guards

Redevelopment Area 5 Settlement Agreement and
Conditional Designations

Tax Appeal Litigation: One Bridge Plaza Realty at One
Bridge Plaza North, Block 6153, Lot 2

Rent Leveling Appeal: Hekmat v. RTV Realty, Inc.

PBA Contract

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.

New Jersey Department of Transportation (NJDOT) Grant Application for Roadway Improvements to Brinkerhoff Avenue

Mr. Mignone stated that the Borough is applying for a NJDOT grant to repave Brinkerhoff Avenue from Anderson Avenue to Palisades Park in the amount of \$264,500. Based on the money ultimately approved the Borough will phase the project to make sure the roadway improvements are covered by the grant money.

A resolution approving the grant application will be placed on the September 15th regular meeting proposed consent agenda.

Emergency Sewer Repairs to Manatauck Avenue

Ms. Thomas noted that there were emergency sewer repairs done on Manatauck Avenue on August 18th.

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A resolution authorizing payment to Gotthold Paving LLC, Edgewater, New Jersey who made the necessary sewer repairs at a cost of \$23,810.00 will be placed on the September 15th regular meeting proposed consent agenda.

Bid for Ambulance Corps Garage Floor

Ms. Thomas stated that the sole bid is non-compliant based on the Purchasing Consultant and Borough Attorney's review of the bid documents and such bid will be rejected at next week's regular meeting. At this time there will not be a rebid as Mr. Mignone will be looking at the garage to see if repairs need to be done based on the size of any new ambulance being purchased.

GENERAL DISCUSSION

Municipal Alliance Committee Application for 2012

Ms. Thomas stated that the Borough will be allocating \$3,940.00 for the after school program which represents 25% of the funds the Municipal Alliance Committee will be requesting for 2012.

Janitorial and Maintenance Service for Police Facility and Community Center

Ms. Thomas stated that there are two compliant bids which the Borough Attorney is still reviewing.

It's expected a resolution awarding the service will be approved at the September 15, 2011 regular meeting.

Fair School Funding Plan

Keith Jensen, 2 Drury Lane, presented how the Fair School Funding Plan (long time active bill) could lower taxes for Borough residents.

The presentation which consisted of twenty-eight pages (available in the Office of the Borough Clerk) had been sent to the Mayor and Council before the meeting for review.

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Mr. Jensen discussed how the current system for school funding helps 31 Abbott School Districts, but burdens the other 85% of the municipalities. He compared Asbury Park which is an Abbott District to Fort Lee and how if the funding plan was changed, how much more aid the Borough would receive then it is currently receiving.

Mayor Sokolich asked Mr. Jensen if he has made this presentation to the Fort Lee Board of Education.

Mr. Jensen applied affirmatively. He wants the Mayor and Council to get behind this bill. It was also noted that the City of Garfield is the only Abbott District in Bergen County.

Mr. Jensen added that the towns of Tenafly, Saddle Brook and Closter have signed off on it. He believes if approved property taxes could be lowered by one-third.

Mr. Goldberg pointed out that Court approval is needed to change the Abbott Districts and the school funding formula used by Trenton.

Everyone concurred that an amendment to the State Constitution would have to be approved for any changes to be made to the current funding formula.

Mr. Goldberg added that he has no problem with what Mr. Jensen presented, but believes his group really needs to go to Court to make anything happen.

Mr. Pohan stated that if the State Legislature passed the bill it would get slapped down in the courts. The Courts are going to invoke the Constitution Amendment. Case after case has proven it's a monumental task. He used the Mt. Laurel decision as something towns may not always be happy with, but the Borough is legally obligated to deal with it.

Mr. Cohen stated that the State has constitutionally been consistent throughout the years.

Messrs. Sokolich and Goldberg both stated that the Borough would also take the school board's opinion under consideration.

No action was taken on the item.

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RFP for Voluntary Deferred Compensation Program

A resolution authorizing the Borough to do go out for requests for proposals for alternates to its current voluntary deferred compensation program (457 Plan) will be placed on the September 15th regular meeting proposed consent agenda.

The Borough can then choose as few or as many alternatives to its current plan once the RFP process is completed and the State also authorizes its approval.

Bounce Transportation Limousine Company - Name Change

Mr. Grant noted that the above named entity will be changing its business name to Omar Hudson which is the name of the owner.

A resolution approving the business name change will be placed on the September 15th regular meeting proposed consent agenda.

Police Department Merit Board Ceremony

The Mayor and Council concurred that the ceremony for the Police Department will be held on Thursday, November 10th.

Mr. Grant will send out the required legal notice to begin the meeting at 7:00 p.m. which is one hour earlier than the regular 8:00 p.m. starting time.

RESOLUTIONS

R-1 - Authorizing a 3rd Amendment to the Settlement Agreement With FLRA and Tucker Extending the Time Period for Adoption of Amendments to the Redevelopment Plan for Redevelopment Area 5

Councilman Cervieri recused himself with regard to R-1, R-2 R-3 and R-4 pertaining to Redevelopment Area 5.

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

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE
APPROVING AND AUTHORIZING THE EXECUTION OF A THIRD AMENDMENT TO
Executive Session**

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**THE SETTLEMENT AND ESCROW AGREEMENT BY AND AMONG THE BOROUGH OF
FORT LEE (THE "BOROUGH"), TDC FORT LEE, LLC AND TUCKER
DEVELOPMENT AND ACQUISITION FUND, L.P. ("TUCKER") AND FORT LEE
REDEVELOPMENT ASSOCIATES, LLC ("FLRA") DATED APRIL 15, 2011
REGARDING REDEVELOPMENT AREA 5 LOCATED IN THE BOROUGH OF FORT
LEE, NEW JERSEY**

WHEREAS, the Parties entered into a Settlement and Escrow Agreement (the "Agreement") on April 14, 2011; and

WHEREAS, Section 1.iv. of the Agreement includes a condition that within sixty (60) days of the designations of Tucker as conditional redeveloper of the West Parcel and of FLRA as conditional redeveloper of the East Parcel, the Borough shall adopt amendments to the redevelopment plan for Redevelopment Area 5 (the "Redevelopment Plan") incorporating the Additional Terms and Conditions in Section 2 of this Agreement set forth hereinafter, which amended Redevelopment Plan shall also contain a provision that prior to submission of any application to the Borough Planning Board for development approvals, FLRA or Tucker, individually as the case may be, must have entered into a fully executed redevelopment agreement with the Borough pursuant to Sections 3 and 4 of this Agreement, as the case may be. The Parties shall not execute any redevelopment agreements until the process to amend the Redevelopment Plan has been completed; and

WHEREAS, on June 10, 2011, the Parties entered into an Amendment to the Settlement and Escrow Agreement extending the timeframe for the Borough to adopt amendments to the Redevelopment Plan for Redevelopment Area 5 from sixty (60) days to ninety (90) days; and

WHEREAS, on July 14, 2011, the Parties entered into a Second Amendment to the Settlement and Escrow Agreement extending the timeframe for the Borough to adopt amendments to the Redevelopment Plan for Redevelopment Area 5 for an additional sixty (60) days until September 15, 2011; and

WHEREAS, Sections 3 and 4 of the Agreement includes a condition that the Borough, FLRA and Tucker shall employ their best efforts to negotiate and execute the respective redevelopment agreements within ninety (90) days of the respective designations of Tucker and FLRA as conditional redevelopers by the Borough; and

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WHEREAS, the Parties have been working diligently to meet the terms and conditions of the Agreement, including those contained in Sections 1.iv., 3 and 4 of the Agreement, additional time is required for the Borough to adopt amendments to the redevelopment plan for Redevelopment Area 5 and negotiate and execute redevelopment agreements with FLRA and Tucker; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council that it hereby approves and authorizes the execution, by the appropriate Borough officials, of a Third Amendment to the Settlement and Escrow Agreement, for a further extension of the timeframe set forth in Sections 1.iv., 3 and 4 of the Settlement and Escrow Agreement for an additional thirty (30) days, which will expire on **October 15, 2011**.

BE IT FURTHER RESOLVED, that the Second Amendment shall be in the form similar to that attached hereto, subject to the execution of such amendment by the others parties.

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

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

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

R-2 - Authorizing the Extending the Conditional Designation of Tucker as Redeveloper for the West Parcel

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

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE EXTENDING THE DESIGNATION OF TUCKER DEVELOPMENT AND ACQUISITION FUND, L.P. AND TDC FORT LEE, LLC AS CONDITIONAL REDEVELOPER OF

BLOCK 4851, LOT 1.01, ALSO KNOWN AS THE WEST PARCEL, LOCATED IN REDEVELOPMENT AREA 5, IN THE BOROUGH OF FORT LEE, NEW JERSEY

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

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

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

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

WHEREAS, as part of an earlier effort to redevelop the Redevelopment Area 5, the Planning Board of the Borough of Fort Lee approved a subdivision of Redevelopment Area 5 into two lots for financing purposes only, one to the east of Martha Washington Way (hereafter referred to as the "East Parcel") and constituting Block 4802, Lot 1 (now known as Block 4851, Lot 1.02); and the second parcel (hereafter referred to as the "West Parcel") constituting Block 4801, Lot 1 (now known as Block 4851, Lot 1.01); and

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

WHEREAS, the process that the Borough proposed to seek a new redeveloper(s) for Redevelopment Area 5 was through the issuance of a Request for Qualifications/Proposals ("RFQ/P"), which RFQ/P was issued by the Borough on February 18, 2009 with an initial

submission date of June 17, 2009, which was subsequently extended to July 31, 2009; and

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

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

- The Taubman/Silverstein Properties, Inc. for the East and West Parcels

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- Amerea Development, LLC for the East and West Parcels
- Fort Lee Redevelopment Associates, LLC for East Parcel
- Tucker Development and Acquisition Fund, L.P. for West Parcel; and

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

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

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

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

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

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

WHEREAS, after a thorough and comprehensive review of each of the four (4) proposals and additional information submitted in response to the Borough's requests for such information, review of the public presentations made by each proposer, consideration of public comments provided at each public presentation and subsequent public meetings, review and consideration of the individual meetings with each proposer, and after consultation with its entire professional team, including final reports from its planner and financial consultant, on April 15, 2010, the
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Borough designated Fort Lee Redevelopment Associates, LLC as conditional redeveloper of Redevelopment Area 5 located in the Borough of Fort Lee, County of Bergen, State of New Jersey for a mixed use smart growth project, subject to the conditions set forth in the resolution adopted by the Borough Council; and

WHEREAS, on August 12, 2010 and on December 9, 2010, the Borough extended the designation of Fort Lee Redevelopment Associates, LLC as conditional redeveloper of Redevelopment Area 5 located in the Borough of Fort Lee, County of Bergen, State of New Jersey for a mixed use smart growth project subject to the conditions set forth in the resolutions adopted by the Borough Council; and

WHEREAS, on or about May 17, 2010, Tucker filed a complaint in lieu of prerogative writs entitled **Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC vs. Borough of Fort Lee, et al. (including FLRA) Docket #BER-L-5024-10** raising multiple issues (the "Redevelopment Litigation"); and

WHEREAS, on or about January 4, 2011, the Court granted the Borough and FLRA's motion for summary judgment on counts six through nine of the Redevelopment Litigation regarding the Borough's 2004 blight designation of Redevelopment Area 5; and

WHEREAS, on or about June 21, 2010, Tucker filed a complaint and order to show cause entitled **Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC vs. Borough of Fort Lee, Docket #BER-L-5940-10** alleging violations of the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and common law right of access to public records (the "OPRA Litigation"); and

WHEREAS, the Borough, FLRA, Tucker Development Acquisition Fund, L.P. and TDC Fort Lee, LLC (the "Parties") have been involved in active negotiations to settle the Redevelopment

Litigation and the OPRA Litigation (collectively, the "Litigation") and in furtherance of settlement of the Litigation, the Parties have agreed to the terms and conditions of an agreement to settle the Litigation, which agreement also sets forth the parties' understanding and agreement on actions to be taken by the parties (the "Settlement Agreement"); and

WHEREAS, one of the actions to be taken pursuant to the Settlement Agreement is the designation of Tucker Development and

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Acquisition Fund, L.P. and TDC Fort Lee, LLC as conditional redeveloper of the West Parcel only; and

WHEREAS, on April 14, 2011, the Borough adopted a resolution authorizing the designation of Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC, 799 Central Avenue, Suite 300, Highland Park, IL, as conditional redeveloper of Block 4851, Lot 1.01, also known as the West Parcel, located in Redevelopment Area 5 in the Borough of Fort Lee, County of Bergen, State of New Jersey; and

WHEREAS, on July 14, 2011, the Borough adopted a resolution authorizing an extension of the designation of Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC as conditional redeveloper of Block 4851, Lot 1.01, also known as the West Parcel, located in Redevelopment Area 5 in the Borough of Fort Lee, County of Bergen, State of New Jersey; and

WHEREAS, the Parties have been working diligently to meet the terms and conditions of the Settlement Agreement, including amendments to the Redevelopment Plan for Redevelopment Area 5 and the Redevelopment Agreement, additional time is required for the Parties to finalize these documents.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council that it hereby extends the designation of Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC, 799 Central Avenue, Suite 300, Highland Park, IL, as conditional redeveloper of Block 4851, Lot 1.01, also known as the West Parcel, located in Redevelopment Area 5 in the Borough of Fort Lee, County of Bergen, State of New Jersey for the reasons set forth herein.

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

10. The Conditional Designation is limited to a period of thirty (30) days from the date of September 15, 2011 until **October 15, 2011** at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any obligation to the other, except as to final payment of Borough costs under the Escrow Agreement required herein. The Borough may, in its sole discretion, extend and re-extend the Conditional Designation provided sufficient progress is being in negotiation of a redevelopment agreement, which determination is at

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11. the sole discretion of the Borough and which extension must be in the form of a duly adopted Resolution of the Borough Council.
12. That Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC and the Borough shall negotiate and agree upon the terms and conditions of a redevelopment agreement within the period of the conditional designation, as such period may be extended by the Borough in its sole discretion.
13. That Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC shall comply with the terms and conditions of the Settlement Agreement.
14. That Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC agree to pay any and all costs incurred by the Borough from the date of the Conditional Designation (April 14, 2011) to execution of a redevelopment agreement or termination of the redeveloper designation, as set forth in the Settlement Agreement.

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

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

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

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

**R-3 - Authorizing the Extending the Conditional Designation of
FLRA as Redeveloper for the East Parcel**

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

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE
EXTENDING THE DESIGNATION OF FORT LEE REDEVELOPMENT ASSOCIATES,
LLC AS CONDITIONAL REDEVELOPER OF BLOCK 4851, LOT 1.02, ALSO**

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**KNOWN AS THE EAST PARCEL, LOCATED IN REDEVELOPMENT AREA 5, IN THE
BOROUGH OF FORT LEE, NEW JERSEY**

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

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

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

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

WHEREAS, as part of an earlier effort to redevelop the Redevelopment Area 5, the Planning Board of the Borough of Fort Lee approved a subdivision of Redevelopment Area 5 into two lots for financing purposes only, one to the east of Martha Washington Way (hereafter referred to as the "East Parcel") and constituting Block 4802, Lot 1 (now known as Block 4851, Lot 1.02); and the second parcel (hereafter referred to as the "West Parcel") constituting Block 4801, Lot 1 (now known as Block 4851, Lot 1.01); and

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

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

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

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

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

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

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

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

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

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

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

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WHEREAS, after a thorough and comprehensive review of each of the four (4) proposals and additional information submitted in response to the Borough's requests for such information, review of the public presentations made by each proposer, consideration of public comments provided at each public presentation and subsequent public meetings, review and consideration of the individual meetings with each proposer, and after consultation with its entire professional team, including final reports from its planner and financial consultant, on April 15, 2010, the Borough designated Fort Lee Redevelopment Associates, LLC as conditional redeveloper of Redevelopment Area 5 located in the Borough of Fort Lee, County of Bergen, State of New Jersey for a mixed use smart growth project, subject to the conditions set forth in the resolution adopted by the Borough Council; and

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

WHEREAS, on August 12, 2010 and on December 9, 2010, the Borough extended the designation of Fort Lee Redevelopment Associates, LLC ("FLRA") as conditional redeveloper of Redevelopment Area 5 located in the Borough of Fort Lee, County of Bergen, State of New Jersey for a mixed use smart growth project subject to the conditions set forth in the resolutions adopted by the Borough Council; and

WHEREAS, on or about May 17, 2010, Tucker filed a complaint in lieu of prerogative writs entitled **Tucker Development Acquisition Fund, L.P. and TDC Fort Lee, LLC vs. Borough of Fort Lee, et al. (including FLRA) Docket #BER-L-5024-10** raising multiple issues (the "Redevelopment Litigation"); and

WHEREAS, on or about January 4, 2011, the Court granted the Borough and FLRA's motion for summary judgment on counts six

through nine of the Redevelopment Litigation regarding the Borough's 2004 blight designation of Redevelopment Area 5; and

WHEREAS, on or about June 21, 2010, Tucker filed a complaint and order to show cause entitled **Tucker Development Acquisition Fund, L.P. and TDC Fort Lee, LLC vs. Borough of Fort Lee, Docket #BER-L-5940-10** alleging violations of the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and common law right of access to public records (the "OPRA Litigation"); and

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WHEREAS, the Borough, FLRA, Tucker Development Acquisition Fund, L.P. and TDC Fort Lee, LLC (the "Parties") have been involved in active negotiations to settle the Redevelopment Litigation and the OPRA Litigation (collectively, the "Litigation") and in furtherance of settlement of the Litigation, the Parties have agreed to the terms and conditions of an agreement to settle the Litigation, which agreement also sets forth the parties' understanding and agreement on actions to be taken by the parties (the "Settlement Agreement"); and

WHEREAS, one of the actions to be taken pursuant to the Settlement Agreement is the de-designation of FLRA as conditional redeveloper of the East and West Parcels and designation of FLRA as conditional redeveloper of the East Parcel only; and

WHEREAS, on April 14, 2011, the Borough adopted a resolution authorizing the de-designation of FLRA as conditional redeveloper of the entirety of Redevelopment Area 5 and designating FLRA as conditional redeveloper of Block 4851, Lot 1.02, also known as the East Parcel, located in Redevelopment Area 5 in the Borough of Fort Lee, County of Bergen, State of New Jersey; and

WHEREAS, on July 14, 2011, the Borough adopted a resolution authorizing an extension of the designation of FLRA as conditional redeveloper of Block 4851, Lot 1.02, also known as the East Parcel, located in Redevelopment Area 5 in the Borough of Fort Lee, County of Bergen, State of New Jersey; and

WHEREAS, the Parties have been working diligently to meet the terms and conditions of the Settlement Agreement, including amendments to the Redevelopment Plan for Redevelopment Area 5 and the Redevelopment Agreement, additional time is required for the Parties to finalize these documents.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council that it hereby extends the designation of Fort Lee Redevelopment Associates, LLC c/o SJP Residential Properties, whose address is 379 Interpace Parkway, Parsippany, New Jersey 07054 as conditional redeveloper of Block 4851, Lot 1.02, also known as the East Parcel located in Redevelopment Area 5 in the Borough of Fort Lee, County of Bergen, State of New Jersey for the reasons set forth herein.

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

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15. The Conditional Designation is limited to a period of thirty (30) days from the date of September 15, 2011 until **October 15, 2011** at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any
16. obligation to the other, except as to final payment of Borough costs under the Escrow Agreement required herein. The Borough may, in its sole discretion, extend and re-extend the Conditional Designation provided sufficient progress is being in negotiation of a redevelopment agreement, which determination is at the sole discretion of the Borough and which extension must be in the form of a duly adopted Resolution of the Borough Council.
17. That Fort Lee Redevelopment Associates, LLC and the Borough shall negotiate and agree upon the terms and conditions of a redevelopment agreement within the period of the conditional designation, as such period may be extended by the Borough in its sole discretion.
18. That Fort Lee Redevelopment Associates, LLC shall comply with the terms and conditions of the Settlement Agreement.
19. That Fort Lee Redevelopment Associates, LLC shall continue to pay any and all costs incurred by the Borough from the date of the initial Conditional Designation (April 15, 2010) to execution of a redevelopment agreement or termination of the redeveloper designation, as set forth in the Escrow Agreement.
20. That the Escrow Agreement executed by Fort Lee Redevelopment Associates, LLC and the Borough shall remain in full force and effect and if necessary, shall be amended and re-executed by the parties consistent

with the terms of this Resolution and the Settlement Agreement.

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

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

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

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

R-4 - Authorizing the Planning Board to Undertake a Preliminary Investigation to Include Additional Properties in Redevelopment Area 5

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

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE BOROUGH OF FORT LEE TO EXAMINE WHETHER CERTAIN LANDS, IN PARTICULAR, BLOCK 4351, LOTS 2, 3 AND 4, AS WELL AS PORTIONS OF LAND ACQUIRED BY THE BOROUGH OF FORT LEE AS PART OF THE MAIN STREET WIDENING PROJECT, SHOULD BE DETERMINED TO BE AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ. AND INCLUDED AS PART OF REDEVELOPMENT AREA 5 LOCATED IN THE BOROUGH OF FORT LEE, NEW JERSEY

WHEREAS, the Borough of Fort Lee (the "Borough") has identified certain properties located adjacent to Redevelopment Area 5 to be considered for designation as an area "in need of redevelopment", pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, before an area may be declared in need of redevelopment, it is legally necessary for the adoption of a resolution authorizing the Planning Board of a given municipality to undertake a preliminary study to determine whether the

proposed area meets the criteria for designation as a redevelopment area pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the Borough desires that the Borough Planning Board undertake an examination as to whether Block 4851, Lots 2, 3 and 4, including portions of land acquired by the Borough as part of the Main Street widening project, may be deemed "an area in need of redevelopment".

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council, that the Borough Planning Board is hereby directed and authorized to examine whether the lands comprising Block 4851,
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Lots 2, 3 and 4, including portions of land acquired by the Borough as part of the Main Street widening project, should be determined "an area in need of redevelopment" pursuant to N.J.S.A. 40A:12A-3.

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

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

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

R-5 - Authorizing Hiring of Four (4) School Crossing Guards

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

BE IT RESOLVED by the Governing Body of the Borough of Fort Lee that the following be appointed as **school crossing guards** in the Borough of Fort Lee without authority to carry a firearm effective September 12, 2011.

Deborah A. DeVito
1106 Anderson Avenue
Fort Lee, New Jersey 07024

Fred Davidson
2175 Hudson Terrace
Fort Lee, New Jersey 07024

Albert Martinetti

132 Myrtle Avenue
Fort Lee, New Jersey 07024

Anna Percontino
400 2nd Street
Palisades Park, New Jersey 07650

The Resolution was **approved unanimously.**

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**Sign and Façade Committee - Brian Ribarro, Building Sub-Code
Official and Donald Porrino, Howard Joh, Andrew Kim, Frank Patti
and Michael Villano (Members of Sign/Facade Committee in
Attendance)**

Mayor Sokolich offered a brief history of the establishment of the Borough's Sign/Façade Committee. On behalf of himself and the Council he extended his thanks to the committee. He said it's a thankless position and that its impact would not be felt for a while, but slowly but surely progress is being made and is now being reflected in the Borough's business areas.

The committee presented pictures of different businesses in town to indicate that awnings and signs are now more consistent and more aesthetically pleasing. They also showed examples of storefronts that are not complying to the Borough's Zoning Code.

Mr. Porrino spoke to accomplishments of the committee. He noted that the committee is only a recommendation committee. He and the committee expressed concerns of things that they believe need to be addressed in order to see more uniformity. One of the main areas discussed was enforcement after certificates of occupancy have been issued. The committee continues to look for continuity in multiple story buildings and that they have been dealing with awnings more than signage.

Mr. Porrino asked that some type of window signage and coverage be incorporated into the Borough's Zoning Code.

Mr. Patti believes constant enforcement is important and would like to see someone from the Building Department be given the responsibilities ten hours a week. There are a lot of

vacancies and he believes that some of these sites are becoming eyesores.

Mayor Sokolich added that it's up to the landlords to be responsible for their tenants.

Mr. Cervieri mentioned that the Borough used to have code enforcement meetings which were helpful.

Mr. Kim stated that progress has been slow, but believes its going in the right direction.

Mr. Cervieri also recognized the good job the committee has been doing.

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Mayor Sokolich stated that this is a continuing work in progress. Different trends occur and the Borough's ordinance will be continued to be monitored and tweaked where necessary

Ms. Thomas along with Messrs. Sokolich, Porrino and Ribarro are to get together to discuss potential changes to the ordinance that the sign/façade committee would like to see implemented.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
David Sarnoff 5 Horizon Road	.Fair School Funding Plan .Crisis Situation/ Overcrowding of Schools Since 1991 - Brought Up Different Negative Scenarios .Special Need Students	Mr. Cohen Mayor Sokolich Mayor Sokolich
Diane Sichari 1525 12th Street	.Redevelopment Area 5/ Planning Study for Potential Number of School Age Children that Could Potentially be in the Fort Lee School System .Believes Developers Should Give Something Back to Community	Mr. Cohen Mayor Sokolich
Lenore Javier/ 2339 Hudson Terrace Representing	.Port Authority Tickets/ Picking up of Passengers at GWB Bus Area to Receive	Mr. Cervieri Mr. Pohan Mr. Sokolich

Multiple Residents Reduced Toll Rate

Mr. Sargenti

There being no further discussion the meeting was adjourned
**on motion by Councilman Cervieri, seconded by Councilman
Sargenti, at 9:37 p.m.**

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, August 11, 2011 @ 6:00 p.m.

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

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

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

MAYOR'S STATEMENT

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

1. On January 6, 2011, 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 7, 2011, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2011 to cover the cost of providing notice.

3. On August 3, 2011 a copy of said change in the scheduled meeting time was posted at 309 Main Street, Fort Lee, New Jersey. On the same date, copies of the change in meeting time were also mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2011 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.

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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: Redevelopment Plan for Redevelopment Area 5

Amended Developers Agreement Between 65 Main Street Associates, LLC for the Affordable Housing Project on Main Street (Action Motors)

Personnel: Tax Collector's Office
Building Department
Police Department
Library Board of Trustees (JC)

Municipal Services Act - Kensington Park Condominium Association, Inc. and Royal Buckingham

Rent Leveling

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

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

ENGINEERING DISCUSSION

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

Boswell McClave Proposal for Construction Engineering & Inspection Services for Roadway Improvements to Linwood Avenue

A resolution accepting Boswell's McClave's engineering proposal, for construction engineering and inspection services for roadway improvements to Linwood Avenue at a cost of \$13,900 will be placed on the August 18th regular meeting proposed consent agenda.

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It was noted that the project has been completed but Boswell inadvertently had not submitted their proposal for the work that they did on this portion of the project

Boswell McClave Proposal for a Mat Hoist for the Jack Alter Fort Lee Community Center

A resolution accepting Boswell's McClave's engineering proposal for the installation of a mat hoist at the Jack Alter Fort Lee Community Center at a cost of \$5,000 will be placed on the August 18th regular meeting proposed consent agenda.

Mayor Sokolich noted that Boswell has greatly reduced their fee knowing this a project that would positively affect the wrestling program (school age children) within the Borough.

GENERAL DISCUSSION

Janitorial Service Contract Bids

Mr. Cohen's office is still reviewing the bids for compliance.

RFP for Banking Services/Additional Depository

There was no discussion on this matter.

Best Practices Checklist

Ms. Thomas stated that the Borough has sent in the required completed list to the State which list this year has been reduced from eighty questions to fifty questions. The Borough faired very well with the questions. The questions answered and reviewed by the State affect funding municipalities receive from the State.

Opposing Potential Toll Hikes by the Port Authority of New York/New Jersey

Mr. Pohan recused himself on this matter.

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A resolution opposing potential toll hikes by the Port Authority of New York and New Jersey will be placed on the August 18th regular meeting.

Parking on Arcadian Way/Claremont Road

The Police Department is currently reviewing this situation as there is a neighborhood dispute on-going with regard to outside business people parking by or near people's driveways in the area in question.

U.S. Senate Measure to Establish Nationwide September 11th Moment of Remembrance

The Mayor and Council concurred that a resolution supporting Senator Frank Lautenberg's request to the U.S. Senate which would establish a nationwide September 11th moment of remembrance will be placed on the August 18th regular meeting proposed consent agenda.

Endorsing Six (6) Bergen County Community Development Applications for the Fort Lee Housing Authority

Resolutions endorsing various applications submitted by the Fort Lee Housing Authority for Bergen County Community

Development grant money will be placed on the August 18th regular meeting proposed consent agenda.

AXA Equitable (457 Plan)

The Borough has expressed an interest in offering an alternative to its current voluntary deferred compensation service (457 plan) for its employees.

The Borough is awaiting State approval to see if this service can be offered to any viable company without doing a request for proposal.

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Snowplowing Services for County Roadways Within the Borough

A resolution authorizing the Borough to prepare specifications and advertise for bids for snowplowing services for county roadways within the Borough will be placed on the August 18th regular meeting proposed consent agenda.

Bergen County will be reimbursing the Borough to provide this service. This will give the Borough more control of its roadways during snow incidents.

Bergen Municipal Employee Benefits/Indemnify and Trust Agreement

A resolution approving renewal of membership with the Bergen Municipal Employee Benefits Fund (Gateway BMED Fund) and authorizing execution of an indemnity and trust agreement will be placed on the August 18th regular meeting proposed consent agenda.

Library Board of Trustees

Mr. Cervieri stated that he along with Paige Soltano, Library Board of Trustees President, interviewed Jacqueline Seewald, for an open position on the Library Board. He added that Ms. Seewald is well-qualified to serve on the Board. Harold Desner who has served the Board for many years has resigned his position.

The Mayor and Council voiced no objection to Ms. Seewald.

Ms. Seewald's appointment will be placed on the August 18th regular meeting for action.

Providing General Liability Insurance for Certain Quasi-Public Entities - Fort Lee Film Commission

A resolution providing general liability insurance for certain quasi-public entities in this case the Fort Lee Film Commission will be placed on the August 18th regular meeting proposed consent agenda.

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Rent Leveling

Conversation ensued between Charles Sobel, 2175 Hudson Terrace, Matt Shapiro, 500 Linwood Drive, both long-time rent control advocates, and the Mayor and Council with regard to potentially changing the Borough's current ordinance with regard to the maximum allowable percentage rate increase for renters other than those who are protected by the Borough's current ordinance.

It was discussed if lowering the maximum 5% increase to a maximum of 4% would be fair for both renters and owners of the property. Also discussed was the MAP (Maximum Allowable Percentage Formula)

Mayor Sokolich appointed a committee which included Council Members Pohan and Cervieri to study the issue and make recommendations if necessary.

It was agreed that no action would be taken at this meeting and that this item would be placed back for further discussion at a future executive session.

Action is Expected to be Taken on the Following Items:

RESOLUTIONS

R-1 - Approving Liquor License Person-to-Person/Place-to-Place Transfer from Zenex Enterprises Inc. (Inactive) to FNF Inc. t/a Totowah at 1550 Lemoine Avenue (Suite 109)

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

WHEREAS, an application has been filed for a person-to-person and place-to-place transfer of plenary retail consumption license **0219-33-028-007**, heretofore issued to **Zenex Enterprise Inc., (Pocket License)** a New Jersey corporation for premises located at mailing address of **1512 Palisade Avenue, Fort Lee, New Jersey**; and

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

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

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

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

WHEREAS, said application has also been approved by the Building Sub-Code Official and Fire Sub-Code Official,

NOW, THEREFORE, BE IT RESOLVED that the Fort Lee Governing Body does hereby approve the person-to-person/place-to-place transfer of the aforesaid plenary retail consumption license to **FNF Inc/., t/a Totowah at 1550 Lemoine Avenue, Suite 109, Fort Lee, New Jersey 07024** effective **August 11, 2011** and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership.

The Resolution was **approved unanimously**.

Street Associates, LLC for Affordable Housing Project on Main Street (Action Motors)

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

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE APPROVING AND AUTHORIZING THE EXECUTION OF AMENDMENTS TO THE DEVELOPMENT AGREEMENT BETWEEN THE BOROUGH OF FORT LEE AND 65 MAIN STREET ASSOCIATES, LLC, DATED NOVEMBER 19, 2009

WHEREAS, on November 19, 2009, the Borough of Fort Lee (the "Borough") and 65 Main Street Associates, LLC (hereinafter referred to as the "Developer") entered into a Development Agreement for an affordable housing project to be developed on

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certain properties located within the Borough, designated as Block 4305, Lots 23, 25, 27 and 30 on the borough Tax Map and commonly known as the Action Motors property, ("the Property"); and

WHEREAS, the original project consisted of 140 residential rental units (90 affordable and 50 market rate) and the amended project is proposed to consist of 120 residential rental unit, all of which will be affordable; and

WHEREAS, the Borough originally committed to providing a loan to the Developer of \$3,000,000 from the Borough's affordable housing trust fund to support development of the project and the loan amount is proposed to be increased to \$3,100,000 to cover part of the costs for relocation of Action Motors, the business currently located on the Property; and

WHEREAS, the Council on Affordable Housing ("COAH") has previously approved the amendments; and

WHEREAS, the Development Agreement required that the loan disbursement to the Developer by the Borough was to occur upon issuance of the first building permit for the project and now it is proposed to occur upon the Developer's closing on the purchase of the Property subject to the Developer providing the Borough with the required security i.e. signed loan agreement and note, and irrevocable direct pay letter of credit, payable upon demand by the Borough in the amount of \$3,100,000; and

WHEREAS, the loan agreement and note is proposed to be

revised accordingly to address the increase in amount of loan and timing of the loan disbursement, and the terms of the irrevocable direct pay letter of credit are proposed to be revised to provide the Borough with greater rights to demand payment of the letter of credit in a default by the Developer and termination of the Agreement; and

WHEREAS, the Borough and Developer agree to amend the Development Agreement for the purpose of revising their respective undertakings, rights and obligations in connection with the construction of the Project, all in accordance with applicable law and the terms and conditions of the amendments to the Development Agreement.

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NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the Mayor and Borough Clerk are authorized to execute amendments to the Development Agreement with 65 Main Street Associates, LLC on behalf of the Borough of Fort Lee, which amendments shall be in a form and content subject to the review and approval by the Borough Attorney.

The Resolution was **approved unanimously**.

PUBLIC HEARINGS SCHEDULED FOR AUGUST 18, 2011

Ord. #2011-16--Appropriating a \$155,100 Grant from the U.S. Department of Energy for the Preparation and Implementation of an Energy Efficiency Strategy
Ord. #2011-17--Amending Chapter 216 Fire Prevention, Article I, Adoption of Standards, Section 6 Amendments to Fire Prevention Code of the Borough of Fort Lee to Authorize the Building Department Sub-Code Official and Code Enforcement Officials of the Building Department to Have Enforcement Powers for Sub- Sections (35) and (36) (Fire Zones)

PUBLIC PARTICIPATION

No one from the public choose 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 approximately 9:05 p.m.

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, July 14, 2011 @ 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 6, 2011, 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 7, 2011, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have

prepaid the \$10.00 fee for the year 2011 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

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

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

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

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Personnel: Police Department (Civilian Positions)
Clean Communities
PBA Appeal Decision

Tax Appeal Litigation: Linwood Realty at 2115 Linwood Avenue
AAC Fort Lee Plaza at 2151 Lemoine Avenue
Ashkenazy Acquisitions at 1638-1642 Schlosser Street
Weiss & Frankel at 100 Old Palisade Road, Unit 1403

Redevelopment Area 5 Settlement Agreement and
Conditional Designations

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

Clothing Bins

Michael Conway, representative of American Recycling Technologies Inc., was present for this portion of the meeting.

Mr. Conway said that that his firm has recently placed clothing bins in Edgewater, Emerson and Fire Co. #3. The price

normally paid for each bin placed is \$1,200. His workers are paid by the hour to remove the contents of the bins. There is GPS sensors on the workers vehicles so that his firm knows exactly where their workers are at all times. Currently, there are containers in the Plaza West Mall on Route 46 and at Madonna Church. His firm is offering the Borough \$1,800 annually which monies would be paid upfront.

Mr. Sohmer asked about the contents of the bins.

Mr. Conway stated that what can't be sold goes overseas. His company deals directly with Texas and then the money goes to Mexico. His company needs a letter from the Borough to be on Borough property. His firm also does a tonnage report every February which towns may use for credit or points for various environmental grants they may be looking into.

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Mr. Pohan asked if Mr. Conway's company wants a time commitment for the bins that would be placed on Borough property.

Mr. Conway replied that if the Borough is not happy with a bin in a certain location they will take it out right away. He added that his firm likes the bins to be in placed that have a high rate of usage such as shopping malls.

Mayor Sokolich thanked Mr. Conway for his time and said the Mayor and Council need to review the information given to them and that they will get back to Mr. Conway at a future point.

Estimated Tax Bills

Ms. Thomas stated that the County and State do not have certified numbers so the Borough must send out estimated tax bills; however, the estimated bills will reflect the actual tax bill for each property.

A resolution authorizing the Borough to send out estimated tax bills will be placed on the July 21, 2011 regular meeting proposed consent agenda.

Mat Hoist for the Jack Alter Fort Lee Community Center

There was no discussion on this item. This item to be placed on the August 11th executive session agenda for discussion.

Solar Panels for Utility Poles

Ms. Thomas notified the Mayor and Council that PSE&G are placing solar panels on various brown light poles throughout the Borough. They have an easement so there is nothing the Borough can do.

Ms. Sohmer stated that the solar panels look terrible.

Mayor Sokolich mentioned that maybe PSE&G could help the Borough with regard to the eternal light the Borough is placing on its 9/11 Memorial in Constitution Park.

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Ambulance Corps Garage Floor

Mr. Pohan noted that Cathi Goldfisher, Deputy Ambulance Corps Chief, reviewed the plans and changed the specifications regarding modifications to the Ambulance Corps garage floor. He added that there is a budget regarding this item and that any plans with regard to engineering should be going through Ms. Thomas and Ed Mignone, Assistant Borough Engineer.

Ms. Thomas thought that Mr. Mignone was going to sign off on the project, but Ms. Goldfisher wanted the entire floor lowered to one level. This option if chosen will necessitate one wall to be shored up.

Ms. Thomas stated that she will be talk to Ed Mignone about the project. This way Mr. Mignone can speak to Pulice/Williams architects, about any potential design plan changes.

Mayor Sokolich stated that any bids advertised should have alternates so the Borough can have price options so that the budget for the project is maintained.

This item may be brought back to the table for further discussion.

Capital Ordinance for Department of Energy Grant

Ms. Thomas stated that the Borough will be receiving a \$155,100 energy grant for hybrid cars. A capital ordinance will be introduced at the July 21st regular meeting. This sets up an account from which the Borough will draw down from the grant money it will be receiving.

Girl Scouts Event on November 13th

After a short conversation the Mayor and Council agreed that the Girl Scouts could use Martha Washington Way (MWW) as a staging area for their large scale event on Sunday, November 13th from 11:00 a.m. to 3:00 p.m.

Mayor Sokolich asked about any potential police overtime.

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Ms. Thomas replied that any police department overtime would be paid for by the event holder which is Full House Events, LLC out of Morristown.

Request to Rename Martha Washington Way

Mr. Cervieri recused himself with regard to this matter.

Ms. Thomas stated that Fort Lee Redevelopment Associates is requesting a name change for Martha Washington Way.

Mr. Cohen stated that there are two redevelopers for this project.

Mayor Sokolich stated that the matter needs to be looked into. Any name chosen will be part of a multiple residential area. People will not want to be confused by an address.

Mr. Pohan stated that if he was a developer he would be looking for a shorter name than Martha Washington Way.

Mayor Sokolich stated that he will deal with this matter.

Sustainable New Jersey Grant

A resolution endorsing a Sustainable New Jersey Grant sponsored by Walmart for recycling bins for Main Street in the amount of \$10,000 will be placed on the July 21st regular meeting proposed consent agenda.

Limousine License Application for Bounce Transportation Inc. at 2175 Bridge Plaza North

Mr. Grant stated that the Police Department, Building Department and Fire Prevention Bureau approved the limousine license application and location of 2175 Bridge Plaza North for Bounce Transportation.

A resolution approving a limousine owner's license to the owner of Bounce Transportation will be placed on the July 21st regular meeting proposed consent agenda.

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Auctioning of Borough Property

Mr. Grant stated that the property being disposed of consists of such items as laptop computers, typewriters and fax machines that the Police Department has requested to be auctioned off.

A resolution authorizing the sale of the Borough's surplus property no longer needed for public use on Propertyroom.com an online auction website and publication of such notice of the online auction will be placed on the July 21st regular meeting proposed consent agenda.

Amending Chapter 216, Section 6, Sub-Sections 35 & 36 of the Fire Prevention Code (Fire Lanes)

Steve Curry, Fire Sub-code Official and Brian Ribarro, Building Sub-code Official both recommended that the Building Department have certain enforcement powers with regard to fire zones.

An ordinance authorizing the Building Department to have certain enforcement powers which the Police Department and Fire Prevention Bureau currently have regarding fire zones will be introduced at the July 21st regular meeting.

RESOLUTIONS

**R-1 - Authorizing a 2nd Amendment to the Settlement Agreement
Extending the Time Period for 60 Days to September 11, 2011 for
Adoption of Amendments to the Redevelopment Plan for
Redevelopment Area 5**

Councilman Cervieri recused himself with regard to R-1, R-2 and R-3 pertaining to Redevelopment Area 5.

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

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE APPROVING AND AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THE SETTLEMENT AND ESCROW AGREEMENT BY AND AMONG THE BOROUGH OF FORT LEE (THE "BOROUGH"), TDC FORT LEE, LLC AND TUCKER DEVELOPMENT AND ACQUISITION FUND, L.P. ("TUCKER") AND FORT LEE

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**REDEVELOPMENT ASSOCIATES, LLC ("FLRA") DATED APRIL 15, 2011
REGARDING REDEVELOPMENT AREA 5 LOCATED IN THE BOROUGH OF FORT
LEE, NEW JERSEY**

WHEREAS, the Parties entered into a Settlement and Escrow Agreement (the "Agreement") on April 14, 2011; and

WHEREAS, Section 1.iv. of the Agreement includes a condition that within sixty (60) days of the designations of Tucker as conditional redeveloper of the West Parcel and of FLRA as conditional redeveloper of the East Parcel, the Borough shall adopt amendments to the redevelopment plan for Redevelopment Area 5 (the "Redevelopment Plan") incorporating the Additional Terms and Conditions in Section 2 of this Agreement set forth hereinafter, which amended Redevelopment Plan shall also contain a provision that prior to submission of any application to the Borough Planning Board for development approvals, FLRA or Tucker, individually as the case may be, must have entered into a fully executed redevelopment agreement with the Borough pursuant to Sections 3 and 4 of this Agreement, as the case may be. The Parties shall not execute any redevelopment agreements until the process to amend the Redevelopment Plan has been completed; and

WHEREAS, on June 10, 2011, the Parties entered into an Amendment to the Settlement and Escrow Agreement extending the timeframe for the Borough to adopt amendments to the

Redevelopment Plan for Redevelopment Area 5 from sixty (60) days to ninety (90) days; and

WHEREAS, Sections 3 and 4 of the Agreement includes a condition that the Borough, FLRA and Tucker shall employ their best efforts to negotiate and execute the respective redevelopment agreements within ninety (90) days of the respective designations of Tucker and FLRA as conditional redevelopers by the Borough; and

WHEREAS, the Parties have been working diligently to meet the terms and conditions of the Agreement, including those contained in Sections 1.iv., 3 and 4 of the Agreement, additional time is required for the Borough to adopt amendments to the redevelopment plan for Redevelopment Area 5 and negotiate and execute redevelopment agreements with FLRA and Tucker; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council that it hereby approves and authorizes the execution, by the appropriate Borough officials, of a Second Amendment to the

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Settlement and Escrow Agreement, for a further extension of the timeframe set forth in Sections 1.iv., 3 and 4 of the Settlement and Escrow Agreement for an additional sixty (60) days, which will expire on September 15, 2011.

BE IT FURTHER RESOLVED that the Second Amendment shall be in the form similar to that attached hereto, subject to the execution of such amendment by the others parties.

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

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

AYES: Council Members Pohan, Sohmer, Goldberg, Kasofsky

R-2 - Authorizing the Extending the Conditional Designation of FLRA as Redeveloper for the East Parcel for 60 Days Until September 11, 2011

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

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE EXTENDING THE DESIGNATION OF FORT LEE REDEVELOPMENT ASSOCIATES,

LLC AS CONDITIONAL REDEVELOPER OF BLOCK 4851, LOT 1.02, ALSO KNOWN AS THE EAST PARCEL, LOCATED IN REDEVELOPMENT AREA 5, IN THE BOROUGH OF FORT LEE, NEW JERSEY

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

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

WHEREAS, pursuant to an Ordinance No. 2004-29 adopted by the Borough on August 4, 2004, the Borough adopted a Redevelopment Plan for Redevelopment Area 5 and did further amend the zoning map of

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the Borough of Fort Lee to so indicate that area; and

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

WHEREAS, as part of an earlier effort to redevelop the Redevelopment Area 5, the Planning Board of the Borough of Fort Lee approved a subdivision of Redevelopment Area 5 into two lots for financing purposes only, one to the east of Martha Washington Way (hereafter referred to as the "East Parcel") and constituting Block 4802, Lot 1 (now known as Block 4851, Lot 1.02); and the second parcel (hereafter referred to as the "West Parcel") constituting Block 4801, Lot 1 (now known as Block 4851, Lot 1.01); and

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Borough did not meet individually with The Taubman/Silverstein Properties, Inc., due to their refusal to

consider changes to their proposal requested by the Borough to more closely follow the requirements in the RFQ/P; and

WHEREAS, after a thorough and comprehensive review of each of the four (4) proposals and additional information submitted in response to the Borough's requests for such information, review of the public presentations made by each proposer, consideration of public comments provided at each public presentation and subsequent public meetings, review and consideration of the individual meetings with each proposer, and after consultation with its entire professional team, including final reports from its planner and financial consultant, on April 15, 2010, the

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

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

WHEREAS, on August 12, 2010 and on December 9, 2010, the Borough extended the designation of Fort Lee Redevelopment Associates, LLC ("FLRA") as conditional redeveloper of Redevelopment Area 5 located in the Borough of Fort Lee, County of Bergen, State of New Jersey for a mixed use smart growth project subject to the conditions set forth in the resolutions adopted by the Borough Council; and

WHEREAS, on or about May 17, 2010, Tucker filed a complaint in lieu of prerogative writs entitled **Tucker Development Acquisition Fund, L.P. and TDC Fort Lee, LLC vs. Borough of Fort Lee, et al. (including FLRA) Docket #BER-L-5024-10** raising multiple issues (the "Redevelopment Litigation"); and

WHEREAS, on or about January 4, 2011, the Court granted the Borough and FLRA's motion for summary judgment on counts six through nine of the Redevelopment Litigation regarding the Borough's 2004 blight designation of Redevelopment Area 5; and

WHEREAS, on or about June 21, 2010, Tucker filed a complaint and order to show cause entitled **Tucker Development Acquisition**

Fund, L.P. and TDC Fort Lee, LLC vs. Borough of Fort Lee, Docket #BER-L-5940-10 alleging violations of the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and common law right of access to public records (the "OPRA Litigation"); and

WHEREAS, the Borough, FLRA, Tucker Development Acquisition Fund, L.P. and TDC Fort Lee, LLC (the "Parties") have been involved in active negotiations to settle the Redevelopment Litigation and the OPRA Litigation (collectively, the "Litigation") and in furtherance of settlement of the Litigation, the Parties have agreed to the terms and conditions of an agreement to settle the Litigation, which agreement also sets

forth the parties' understanding and agreement on actions to be taken by the parties (the "Settlement Agreement"); and

WHEREAS, one of the actions to be taken pursuant to the Settlement Agreement is the de-designation of FLRA as conditional redeveloper of the East and West Parcels and designation of FLRA as conditional redeveloper of the East Parcel only; and

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WHEREAS, on April 14, 2011, the Borough adopted a resolution authorizing the de-designation of FLRA as conditional redeveloper of the entirety of Redevelopment Area 5 and designating FLRA as conditional redeveloper of Block 4851, Lot 1.02, also known as the East Parcel, located in Redevelopment Area 5 in the Borough of Fort Lee, County of Bergen, State of New Jersey; and

WHEREAS, the Parties have been working diligently to meet the terms and conditions of the Settlement Agreement, including amendments to the Redevelopment Plan for Redevelopment Area 5 and the Redevelopment Agreement, additional time is required for the Parties to finalize these documents.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council, that it hereby extends the designation of Fort Lee Redevelopment Associates, LLC c/o SJP Residential Properties, whose address is 379 Interpace Parkway, Parsippany, New Jersey 07054 as conditional redeveloper of Block 4851, Lot 1.02, also known as the East Parcel located in Redevelopment Area 5 in the Borough of Fort Lee, County of Bergen, State of New Jersey for the reasons set forth herein.

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

21. The Conditional Designation is limited to a period of sixty (60) days from the date of this Resolution (July 14, 2011) until September 15, 2011 at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any obligation to the other, except as to final payment of Borough costs under the Escrow Agreement required herein. The Borough may, in its sole discretion, extend and re-extend the Conditional Designation provided sufficient progress is being in negotiation of a redevelopment agreement, which determination is at the sole discretion of the Borough and which extension must be in the form of a duly adopted Resolution of the Borough Council.
22. That Fort Lee Redevelopment Associates, LLC and the Borough shall negotiate and agree upon the terms and conditions of a redevelopment agreement within the period of the conditional designation, as such period may be extended by the Borough in its sole discretion.

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- 3 That Fort Lee Redevelopment Associates, LLC shall comply with the terms and conditions of the Settlement Agreement.
- 4 That Fort Lee Redevelopment Associates, LLC shall continue to pay any and all costs incurred by the Borough from the date of the initial Conditional Designation (April 15, 2010) to execution of a redevelopment agreement or termination of the redeveloper designation, as set forth in the Escrow Agreement.
- 5 That the Escrow Agreement executed by Fort Lee Redevelopment Associates, LLC and the Borough shall remain in full force and effect and if necessary, shall be amended and re-executed by the parties consistent with the terms of this Resolution and the Settlement Agreement.

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

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

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

AYES: Council Members Pohan, Sohmer, Goldberg, Kasofsky

R-3 - Authorizing the Extending the Conditional Designation of Tucker as Redeveloper for the West Parcel for 60 Days Until September 11, 2011

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

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE EXTENDING THE DESIGNATION OF TUCKER DEVELOPMENT AND ACQUISITION FUND, L.P. AND TDC FORT LEE, LLC AS CONDITIONAL REDEVELOPER OF BLOCK 4851, LOT 1.01, ALSO KNOWN AS THE WEST PARCEL, LOCATED IN REDEVELOPMENT AREA 5, IN THE BOROUGH OF FORT LEE, NEW JERSEY

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

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

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

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

WHEREAS, as part of an earlier effort to redevelop the Redevelopment Area 5, the Planning Board of the Borough of Fort

Lee approved a subdivision of Redevelopment Area 5 into two lots for financing purposes only, one to the east of Martha Washington Way (hereafter referred to as the "East Parcel") and constituting Block 4802, Lot 1 (now known as Block 4851, Lot 1.02); and the second parcel (hereafter referred to as the "West Parcel") constituting Block 4801, Lot 1 (now known as Block 4851, Lot 1.01); and

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

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

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

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

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

WHEREAS, the Borough retained professionals in the areas of law, planning, finance and engineering to review the proposals

and these professionals met with each proposer and also requested additional information from each of the proposers as a result thereof; and

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

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

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

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

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

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WHEREAS, after a thorough and comprehensive review of each of the four (4) proposals and additional information submitted in response to the Borough's requests for such information, review of the public presentations made by each proposer, consideration of public comments provided at each public presentation and subsequent public meetings, review and consideration of the individual meetings with each proposer, and after consultation with its entire professional team, including final reports from its planner and financial consultant, on April 15, 2010, the Borough designated Fort Lee Redevelopment Associates, LLC as conditional redeveloper of Redevelopment Area 5 located in the Borough of Fort Lee, County of Bergen, State of New Jersey for a mixed use smart growth project, subject to the conditions set forth in the resolution adopted by the Borough Council; and

WHEREAS, on August 12, 2010 and on December 9, 2010, the Borough extended the designation of Fort Lee Redevelopment Associates, LLC as conditional redeveloper of Redevelopment Area 5 located in the Borough of Fort Lee, County of Bergen, State of New Jersey for a mixed use smart growth project subject to the conditions set forth in the resolutions adopted by the Borough Council; and

WHEREAS, on or about May 17, 2010, Tucker filed a complaint in lieu of prerogative writs entitled **Tucker Development and**

Acquisition Fund, L.P. and TDC Fort Lee, LLC vs. Borough of Fort Lee, et al. (including FLRA) Docket #BER-L-5024-10 raising multiple issues (the "Redevelopment Litigation"); and

WHEREAS, on or about January 4, 2011, the Court granted the Borough and FLRA's motion for summary judgment on counts six through nine of the Redevelopment Litigation regarding the Borough's 2004 blight designation of Redevelopment Area 5; and

WHEREAS, on or about June 21, 2010, Tucker filed a complaint and order to show cause entitled Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC vs. Borough of Fort Lee, Docket #BER-L-5940-10 alleging violations of the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and common law right of access to public records (the "OPRA Litigation"); and

WHEREAS, the Borough, FLRA, Tucker Development Acquisition Fund, L.P. and TDC Fort Lee, LLC (the "Parties") have been involved in active negotiations to settle the Redevelopment Litigation and the OPRA Litigation (collectively, the **Executive Session**

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"Litigation") and in furtherance of settlement of the Litigation, the Parties have agreed to the terms and conditions of an agreement to settle the Litigation, which agreement also sets forth the parties' understanding and agreement on actions to be taken by the parties (the "Settlement Agreement"); and

WHEREAS, one of the actions to be taken pursuant to the Settlement Agreement is the designation of Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC as conditional redeveloper of the West Parcel only; and

WHEREAS, on April 14, 2011, the Borough adopted a resolution authorizing the designation of Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC, 799 Central Avenue, Suite 300, Highland Park, IL, as conditional redeveloper of Block 4851, Lot

1.01, also known as the West Parcel, located in Redevelopment Area 5 in the Borough of Fort Lee, County of Bergen, State of New Jersey; and

WHEREAS, the Parties have been working diligently to meet the terms and conditions of the Settlement Agreement, including amendments to the Redevelopment Plan for Redevelopment Area 5 and the Redevelopment Agreement, additional time is required for the Parties to finalize these documents.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council that it hereby extends the designation of Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC, 799 Central Avenue, Suite 300, Highland Park, IL, as conditional redeveloper of Block 4851, Lot 1.01, also known as the West Parcel, located in Redevelopment Area 5 in the Borough of Fort Lee, County of Bergen, State of New Jersey for the reasons set forth herein.

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

- 1 The Conditional Designation is limited to a period of sixty (60) days from the date of this Resolution (July 14, 2011) until September 15, 2011 at which time it will automatically expire and be of no further force and effect, and the parties will no longer have any obligation to the other, except as to final payment of Borough costs under the Escrow Agreement required herein. The Borough may, in its sole discretion, extend and re-extend the Conditional Designation provided sufficient progress is being in negotiation

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of a redevelopment agreement, which determination is at the sole discretion of the Borough and which extension must be in the form of a duly adopted Resolution of the Borough Council.

2. That Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC and the Borough shall negotiate and agree upon the terms and conditions of a redevelopment agreement within the period of the conditional designation, as such period may be extended by the Borough in its sole discretion.
23. That Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC shall comply with the terms and conditions of the Settlement Agreement.
24. That Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC agree to pay any and all costs incurred by the Borough from the date of the Conditional Designation (April 14, 2011) to execution of a redevelopment agreement or termination of the redeveloper designation, as set forth in the Settlement Agreement.

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

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

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

AYES: Council Members Pohan, Sohmer, Goldberg, Kasofsky

R-4 - Approving Person-to-Person/Place-to-Place Liquor License Transfer from Nippan Daido USA Inc. (Inactive) to Bella Ashton Corp at 1175 Palisade Avenue

Councilman Cervieri returned to the table to participate in the remainder of the meeting.

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

WHEREAS, an application has been filed for a person to person and place to place transfer of plenary retail distribution license **0219-44-014-003**, heretofore issued to **Nippan Daido USA, Inc., (Pocket License)** a New Jersey corporation at a mailing address of 113 19 14th Road, College Point, New York 11356; and

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

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

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

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

WHEREAS, said application has been approved by the Building Sub-Code Official and Fire Sub-Code Official,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Fort Lee does hereby approve the person-to-person/place-to-place transfer of the aforesaid plenary retail consumption license to **Bella Ashton Inc., t/a Banner Liquor III** at **1175 Palisade Avenue, Fort Lee, New Jersey 07024** effective **July 14, 2011** and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership.

The Resolution was **approved unanimously**.

R-5 - Awarding Contract for a Voluntary Deferred Compensation Program for Borough Employees

Councilman Cervieri introduced, and Councilman Sohmer seconded, the following Resolution:
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A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE ADOPTION OF AN ALTERNATIVE DEFERRED COMPENSATION PLAN AND SERVICE AGREEMENT

WHEREAS, the Borough of Fort Lee ("Borough") continues to desire to attract and retain qualified employees and, as a means thereof, make available to these employees the benefits of a deferred compensation plan; and

WHEREAS, on prior occasion pursuant to a duly adopted resolution, the Mayor and Council of the Borough adopted a deferred compensation plan offered by the Variable Annuity Life Insurance Company ("VALIC") for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, MetLife Resources, a division of Metropolitan Life Insurance Company ("MetLife"), has submitted to the Borough for consideration a proposal, dated July 5, 2011, for a variable annuity deferred compensation plan entitled Financial Freedom Select; and

WHEREAS, the Borough has reviewed the MetLife proposal and compared the proposal with documentation from VALIC, and has determined that MetLife is fully experienced and capable of administering and servicing the proposed deferred compensation program; and

WHEREAS, the Borough is desirous of adopting a deferred compensation plan to serve as an alternative to the deferred compensation plan currently available to Borough employees from VALIC; and

WHEREAS, the Borough has determined the adoption of the deferred compensation plan in accordance with the July 5, 2011 proposal from MetLife, and the corresponding Prototypical Service Agreement, as an alternative deferred compensation plan is in the best interests of the Borough and its employees, and the efficient operation of the Borough,

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

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1. That the Financial Freedom Select variable annuity deferred compensation plan, in accordance with the July 5, 2011 proposal from MetLife, is hereby adopted as an alternative to the deferred compensation plan presently provided by VALIC, and a contract is hereby awarded consistent with MetLife's corresponding Prototypical Service Agreement.

2. That the Borough Administrator, Peggy Thomas, shall be designated as the local plan administrator with regard to the implementation and administration of the deferred compensation plan, and shall be authorized to execute such agreements and documents as are necessary to implement and administer the plan.

3. That the Borough certifies that the deferred compensation plan is substantially similar to the plan on which a satisfactory Internal Revenue Service private letter ruling has been obtained, and that the use of the ruling is for guidance only and that for purposes of the Internal Revenue Service, the ruling of another employer is not to be considered precedential.

4. That the Borough certifies that there has been no collusion, or evidence or appearance of collusion, between any

official or employee of the Borough and any official, employee or representative of MetLife in the adoption of the deferred compensation plan or award of a contract.

5. That a certified copy of this Resolution shall be forwarded to the Director of Local Government Services in the Department of Community Affairs consistent with the requirements of N.J.A.C. 5:37-1.1 et seq.

6. That upon receipt of any required approvals from the Director of Local Government Services in the Department of Community Affairs, the Borough Administrator shall be authorized to execute the Prototypical Service Agreement in order to implement the deferred compensation plan proposed by MetLife.

7. That no further action of the Borough shall be required.

The Resolution was **approved unanimously.**

PUBLIC HEARINGS SCHEDULED FOR JULY 21, 2011

Ord. #2011-13--Amending Chapter 289, Section 15, Article IV, Parking Meters, Subsection (18)(b) to Include One Hour Parking Meters on Edwin Avenue, East and West Sides, Fletcher Avenue to Summit Avenue

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Ord. #2011-14--Appropriating \$1,928,500 for Various Capital Improvements and Authorizing the Issuance of \$1,832,075 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Ord. #2011-15--Amending and Supplementing the Redevelopment Plan for Redevelopment Area 6 in the Borough of Fort Lee, Dated August 2006

PUBLIC PARTICIPATION

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

Mayor Sokolich stated that a non-binding poll may be taken at the August 11th executive session to see if rent leveling is going to be dealt with.

Mr. Grant before the next executive session meeting will hand out Councilman Cervieri's rent leveling proposal from 2009 as well as Mr. Pohan proposal which ordinance proposal was tabled by the Mayor and Council back in 2004.

Keith Jensen
2 Drury Lane

.Solar Panels on Telephone
Poles
.Underground Wiring and
Telephone Poles

Mayor Sokolich
Mr. Goldberg
Mr. Cervieri

There being no further discussion the meeting was adjourned
on motion by Councilman Cervieri, seconded by Councilman Pohan,
at 8:55 p.m.

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, June 16, 2011 @ 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 6, 2011, 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 7, 2011, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2011 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

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

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

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

Executive Session

June 16, 2011

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Personnel: Clean Communities

Municipal Services Act - Kensington Park Condominium Association, Inc. and Royal Buckingham

Potential Litigation: Fort Lee Four LLC (Studio 4)

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

Sewer Emergency on Old Palisade Avenue

Ms. Thomas stated that that there was a 12 inch force main break that was repaired on May 23rd by J. Fletcher Creamer & Son, Inc. in the amount of \$9,141.43.

A resolution authorizing payment to J. Fletcher Creamer is scheduled to be approved during the action part of the meeting and is listed as R-7 on tonight's agenda.

GENERAL DISCUSSION

Bergen Community College (BCC) - Dr. G. Jeremiah Ryan, President in Attendance

Mr. Cohen recused himself on this matter as his firm is Counsel to Bergen Community College.

Dr. Ryan handed out a four page fact pamphlet about BCC. (Available in the Office of the Borough Clerk)

He mentioned that BCC has been offering classes at the high school and he hopes to be able to offer more classes in the near future. The Korean community has been very involved in the classes.

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**June 16, 2011
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His overall goal is hopefully in the near future be able to secure space for the college in order to have ten or twelve classrooms available to students in Fort Lee and the surrounding areas. On questioning from Mr. Cervieri he stated that he would need to be able to secure about 25,000 square feet of space. He would like the location to be centrally located where parking would not be a problem. He spoke to the different campuses the college has including the newest one in Lyndhurst which has over 2,500 students. He added that having satellite locations for the college is good economically for the towns involved.

Dr. Ryan mentioned that BCC students after they graduate are transferring to many prestigious schools as well as the local four-year colleges. BCC has 369 full time faculty members and over 600 adjunct faculty teachers. There is also a service learning program for not-for-profit work. BCC thrives on volunteerism with over eighty clubs and forty sports teams. The new student facility center has changed the face of BCC.

He spoke to the original financing in 1965 when the school opened where students would pay 1/3, and the county and state would subsidize 2/3 of the payments. This has changed dramatically where currently students pay 80% and the county and state chip in just 10% each.

Mr. Pohan asked about the percentage breakdown of students going during the day and night.

Dr. Ryan stated that it's about 50-50 with most of the younger aged students going during the day.

Mr. Cervieri pointed out that BCC owning its own facility like it does in Lyndhurst would give it tax exempt status.

Dr. Ryan stated that a location in Fort Lee would attract people from other communities.

Mayor Sokolich stated that he appreciates the efforts of BCC in trying to get a location in Fort Lee. This would be a good thing for everyone in the community. Finding the location is the hardest thing to do at this point. He mentioned that there is potentially alternative square footage within Redevelopment Area 5 and that he would give Dr. Ryan a contact to reach out to.

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Mr. Cervieri pointed out that the Housing Authorities very successful FSS Program has been overseen by their steering committee which has BCC members on the committee.

David Sarnoff, 5 Horizon Road, asked Dr. Ryan about the potential for sharing space with the Fort Lee Public Schools as there are currently some physical infrastructure problems within the school system.

Nina Levinson, 1560 West Street asked the Mayor and Council about the potential for school space to be allocated within the Redevelopment Area 5 project.

Junior Wrestling Program

Mayor Sokolich stated that the Fort Lee Junior Wrestling Program would like to place their wrestling mats on the wall at the Jack Alter Fort Lee Community Center. Currently, the mats

have to be brought in by van which makes it difficult. Ed Mignone is going to do a structural assessment to make sure the walls at the community center can hold the mats, but it's the current belief that the mats will be able to be placed on the wall without affecting any other aspect of the community center. Because the mats are gray they will also blend in with the color scheme of the community center.

There were no objections from the governing body with regard to the Mayor's request.

RESOLUTIONS

R-1 - Authorizing Continuing Participation in the Bergen County Community Development Block Grant Program for Program Years 2012 Through June 30, 2015 (Commencing July 8, 2011)

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

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended and HOME Investment Partnership Act of 1990, as amended; and

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WHEREAS, the current Interlocal Services Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS, by July 8, 2011 each municipality must notify the Bergen County Division of Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

WHEREAS, it is in the best interest of the Borough of Fort Lee and its residents to participate in said programs; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that it hereby notifies the Bergen County Division of Community Development of its decision to be included as a participant municipality in the Urban County entitlement programs being the Community Development Block Grant Program and Home Investment Partnership Act Program for the Program Years 2012, 2013, 2014, (July 1, 2012 - June 30, 2015); and

BE IT FURTHER RESOLVED, that a copy to this resolution be forwarded to the Bergen County Division of Community Development no later than July 8, 2011.

The Resolution was **approved unanimously**.

R-2 - Approving a Special Two Year Bingo License for the 475 Senior Association at 475 Main Street

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

A special two year bingo license for the Senior Association at 475 Main Street was approved.

The Resolution was **approved unanimously**.

R-3 - Approving Liquor Licenses for 2011-2012

Mr. Grant explained why the licenses need to be approved by the end of June.

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

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BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that plenary retail consumption licenses, plenary retail distribution licenses, plenary retail consumption w/broad package privilege, and club licenses for the year **2011/2012** be issued to each of the applicants listed on the attached pages for premises designated opposite their respective names for the distribution or sale of alcoholic beverages.

STATE LICENSE #	LICENSEE	TRADE NAME
0219-33-001-009	PICCO INC. (Debtor in Possession)	MADANGSUI
0219-33-002-002	143 WEST 99TH ST. CORP.	AIELLO'S HILLTOP
0219-33-004-008	442 MAIN STREET LLC (Two-Year Special Ruling Received from the State of NJ, ABC on August 19, 2010 for 2010-2011 and 2011-2012 License Terms)	

0219-33-005-003	PLAZA DINER LIQUOR, LLC	PLAZA DINER
0219-33-007-013	POONG LIM LLC	POONG LIM
0219-33-008-010	KIM & YOON INC.	SAN CHON RESTAURANT
0219-44-009-003	9W WINES & SPIRITS LLC	QUENCH WINES & SPIRITS
0219-33-010-008	SUNBICHON RESTAURANT INC.	MASIL HOUSE
0219-44-011-004	B.L.W. WORLD INC.	WINE KING LIQUORS
0219-33-012-003	FORT LEE BCD INC.	BCD TOFU HOUSE
0219-33-013-014	YK II INC.	RAKU IZAKAYA
0219-44-014-003	NIPPAN DAIDO USA INC. (Two-Year Special Ruling Received from the State of NJ, ABC on October 7, 2010 for 2010-2011 and 2011-2012 License Terms)	
0219-44-015-004	MADELEMILY LLC	
0219-33-016-005	CHRISOVALANTIS INC.	RED OAK DINER
0219-33-019-006	PALAVE ASSOCIATES INC.	

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0219-33-020-004	NEW GARDEN WEST CORP.	SILVER POND SEAFOOD RESTAURANT
0219-33-022-004	NEW BANG'S KITCHEN INC.	
0219-44-023-004	GREAT ATLANTIC & PACIFIC TEA CO. (Debtor in Possession)	A&P WINES AND SPIRITS
0219-33-024-003	STUNI INC.	HIRAM'S ROADSTAND
0219-33-025-005	ARAXTHOS INC.	20/20 BAR & GRILL
0219-33-026-003	PIZZA CHEF, INC.	ARMANDO'S
0219-32-027-007	FRANCO B. INC.	FRANCOS METRO RESTAURANT
0219-33-028-007	ZENEX ENTERPRISE CORP.	CHING HWA ROO

0219-44-029-011	FAIRWAY MARKET, INC.	FAIRWAY MARKET GIFT BASKETS
0219-33-030-005	GAM NA MOO, INC.	PHO 32 & SHA BU
0219-44-031-009	LINWOOD WINES & LIQUORS INC.	
0219-33-033-010	NAMPO LLC.	
0219-33-034-004	SLUMBER INC.	HOLIDAY INN - GWB
0219-44-035-005	ANASTASIOS PAPAVALIIOU (Two Year Special Ruling Received from the State of NJ, ABC on May 20, 2011 for 2011-2012 and 2012-2013)	
0219-33-037-003	177 NORTH MARGINAL ROAD INC.	SIGGY'S
0219-44-038-004	K&S DRUG & SURGICAL INC.	JUNCTION DRUGS
0219-44-039-005	VIN ROMANEE, LLC (Two-Year Special Ruling Received from the State of NJ, ABC on September 16, 2010 for 2010-2011 and 2011-2012 License Terms)	

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0219-33-041-011	JOE & MAX INC.	SO KYO SEAFOOD
0219-33-043-006	MEMRIES INC.	IN NAPOLI
0219-33-047-008	ASIA EXPLORERS LLC	MOON JAR
0219-33-049-003	GAM ME OK, INC.	
0219-33-050-004	QUEENS RECIPE, INC.	MAHARANI INDIAN CUISINE
0219-44-051-006	BK FORT LEE INC.	GOOD NATURE FORT LEE MARKET - HMART FRESH
0219-33-052-007	BROWN WINE BAR, LLC	
0219-31-054-001	FORT LEE ATHLETIC CLUB INC.	FORT LEE ATHLETIC CLUB

0219-31-057-001 HOOK & LADDER CO. #3 INC. HOOK & LADDER CO. #3
0219-44-060-014 THE HUDSON WINE MARKET, INC.
0219-36-062-004 FORT LEE HOTEL DOUBLE TREE FORT LEE
MANAGEMENT INC.

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

The Resolution was **approved unanimously**.

R-4 - Authorizing Renewal of Liquor License for Jabadou Inc., at 2027 Lemoine Avenue for 2011-2012 With Special Conditions Imposed

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

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE 0219-33-006-011, JABADOU INC., t/a TRIBECCA, 2027 LEMOINE AVENUE, FOR THE SALE OF ALCOHOLIC BEVERAGES, FOR THE LICENSING YEAR JULY 1, 2011 - JUNE 30, 2012.

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WHEREAS, Jabadou, Inc. t/a Tribeca ("Tribeca") is the owner and was the holder of a plenary retail consumption liquor license for property known as the Tribeca Night Club; and

WHEREAS, Tribeca had applied to the Governing Body of the Borough of Fort Lee ("Fort Lee") for the reissuance of the liquor license for the subject property; and

WHEREAS, Tribeca has taken appropriate measures to significantly improve their operations and to minimize the negative impacts that were previously prevalent; and

WHEREAS, the Borough Attorney ("Attorney") and the Fort Lee Police Department ("FLPD") have reviewed the current operating conditions of Tribeca and have submitted proposed operating conditions for the premises which would have the effect of significantly improving the use and operation of the Night Club,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that plenary retail consumption license 0219-33-006-011, Jabadou Inc., t/a Tribecca, 2027 Lemoine Avenue, for the licensing year July 1, 2011 - June 30, 2012 be renewed for the sale of alcoholic beverages with the following Special Conditions imposed on the license:

- a) No patron under 21 years of age shall be permitted on the premises when alcohol is being distributed, to include employees as well;
- b) Security ID's shall be displayed prominently by all employees. The word "Security" shall be printed on the back of the outermost garment.
- c) No admittance into the establishment after 1:45 AM with last call at 2:40 AM. All patrons shall be off the premises no later than 3:00 AM.
- d) The licensee's parking lot and adjacent sidewalks shall be secured and patrolled by licensee's security personnel to assist in the orderly exiting of patrons.
- e) Licensee shall provide such security control as requested by the Fort Lee Police Department (FLPD). In the event the licensee fails to provide such control Fort Lee shall have the right to prohibit operations.

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- f) The "licensed premises" shall be deemed to include adjacent and accessory premises included, but not limited to, the parking lot(s), street, sidewalk and the like.
- g) The video recording system shall be maintained and upgraded as directed by the FLPD, with a minimum hold of 30 days before being re-used or erased.
- h) The licensee shall provide monthly updates to the FLPD of current employee lists, including photographs.
- i) No valet parking shall be provided or offered by licensee.
- j) Licensee shall provide exterior clearing of premises every Saturday and Sunday morning prior to 9:00 AM.
- k) Licensee shall not conduct promotion events on the premises including, but not limited to: discount offerings based on

dress, social status, race, ethnicity and the like. There shall be no promotion or sponsored events in coordination with media outlets or private disc jockeys without two weeks prior approval from the FLPD. Further, there shall be no teen nights. Also, there shall be no sports or entertainment related events without two weeks prior approval from the FLPD.

- l) Patrons and employees shall be immediately barred from the premises if they are wearing gang related clothing or gesture in a fashion commonly associated with gang related activity.
- m) Licensee shall immediately notify the FLPD of any action that involves the use of physical force to restrain and/or remove a patron.
- n) Occupancy shall be limited to 550 persons at any given time. With the exception of up to eight (8) articulated events agreed upon annually under separate amendment between Licensee and Fort Lee, occupancy limited to 650 will be permitted.
- o) A minimum of 3 dedicated security personnel shall be employed and on duty during all hours of operation, and an addition 2 security personnel per 100 patrons after the initial 100 patrons.

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- p) Failure to comply with any portion of these stipulation shall subject licensee to liability for any cost incurred by such non-compliance, including but not limited to, cost of additional police or other security, and to the revocation of liquor license.

The Resolution was **approved unanimously**.

R-5 - Authorizing Renewal of Liquor License for Fort Lee Four LLC, 2143 Route 4 East for 2011-2012 With Special Conditions Imposed

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

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE 0219-33-042-009, FORT LEE FOUR LLC., AT 2143 ROUTE 4 EAST, FOR THE SALE OF ALCOHOLIC BEVERAGES, FOR THE LICENSING YEAR JULY 1, 2011 - JUNE 30, 2012.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that plenary retail consumption license 0219-33-042-009, Fort Lee Four LLC, 2143 Route 4 East, for the licensing year July 1, 2011 - June 30, 2012 be renewed for the sale of alcoholic beverages with the following Special Conditions imposed on the license:

1. No person(s) under the age of 21 (including employees) are permitted on premises when alcohol is being distributed. "Teen" nights or "Special Events" allowing persons under age 21 access to the establishment shall not be permitted.
2. Licensee shall maintain at its sole cost and expense, a minimum ratio of one security person for every twenty five (25) patrons during operating hours. The minimum number of security personnel to be maintained, on any given day of operation, shall not be less than twenty (20).
3. Security personnel must be clearly identifiable and display name and photographic identification on their outer most garments.

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4. Licensee must immediately contact and report to the Fort Lee Police Department, any and all action taken by security which involves the use of physical force to restrain and/or remove a patron or potential patron.
5. Licensee must designate, with prior notice to the Police Department, one person to be responsible for monitoring New Jersey fire code load occupancy requirements. Management must pre-designate and identify to the Fort Lee Police Department, who will be responsible for keeping a running patron count. Occupancy shall not exceed five hundred (500) patrons.
6. Licensee will notify the Fort Lee Police Department, in writing, of any planned special event, no less than 7 days prior to the event being held. Management will also cooperate with the Borough, to their fullest extent, to ensure a safe environment.

7. Licensee shall provide such additional security controls as may be, from time to time, requested by the Fort Lee Police Department. Licensee is required to make available to the Fort Lee Police Department, upon request, a list and contact information of and for personnel employed by Licensee for the premises.

8. The Licensed Premise(s) is deemed to include adjacent and accessory premises, including but not limited to the parking lot, street and side walks.

9. Licensee shall, prior to operations commencing and at all times thereafter, improve and maintain the video camera system to include (fully operable) digital quality surveillance of the interior and the exterior area of the front, rear and sides of the building, to the satisfaction of the Fort Lee Police Department. Password computer access for Police Department and 90 day retention of video images, shall be provided, prior to commencing operations.

10. Licensee shall provide monthly updates, in writing, to the Fort Lee Police Department, of employee turnover including photographs and contact information of all current and new employees.

11. Licensee shall eliminate the practice of valet parking, which, by design, funnels a large number of people into a confined area for a protracted period of time and creates an unsafe traffic condition on Rt. 4 East.

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12. Licensee shall provide exterior cleaning every Saturday and Sunday morning, to be completed before 9:00 a.m.

13. Management shall assign security personnel to all restrooms to monitor for any unsafe conditions. Personnel must report any criminal activity immediately.

14. Management and operation of the premises and establishment must be maintained by a majority owner (not less than 51%).

15. No patron shall be admitted or readmitted to the premises after 2:00 a.m. "Last call" for food or beverage service shall be 2:15 a.m. Premises shall be closed and all patrons exited, not later than 2:45 a.m.

16. Licensee shall maintain adequate noise abatement measures so as to insure that surrounding premises are not unduly inconvenienced.

17. Failure to comply with any portion of the above stated terms and conditions shall subject Licensee to liability for any reasonable cost of enforcement or abatement incurred as a result of such non-compliance, including but not limited to, cost of additional police or other emergency service personnel, and may subject Licensee to the revocation of its liquor license.

The Resolution was **approved unanimously**.

R-6 - Authorizing Purchasing Consultant to Advertise for Bids for a New Floor for the Ambulance Corps

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

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

. Ambulance Corps Floor

The Resolution was **approved unanimously**.

Executive Session

**June 16, 2011
Page #14**

R-7 - Authorizing Payment to J. Fletcher Creamer, Hackensack, New Jersey for Emergency Sewer Repairs Completed on Old Palisade Road - \$9,141.43

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

WHEREAS, an emergency condition existed to the safety and welfare of the public by the way of a broken force main on Old Palisade Road;

WHEREAS, said repairs to the force main was declared an extreme emergency; and

WHEREAS, on the recommendation of the Superintendent of the Department of Public Works and the Supervisor of Sewers, J. Fletcher Creamer was contacted immediately to excavate and expose the 12" main, cut and install 8LF of 12" of D.L.P. and 12" dresser couplings, backfill, pave and cleanup,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee authorizes payment to J. Fletcher Creamer of 101 East Broadway, Hackensack, New Jersey 07601, in the amount of \$9,141.43; and

BE IT FURTHER RESOLVED that the Chief Financial Officer's certificate of availability of funds is on file in the Office of the Borough Clerk and such funds are available under the capital account #04-2150-55-1024-081.

The Resolution was **approved unanimously.**

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West Street	.Thanked the Mayor for Speaking at United Homeowners Meeting on Wednesday, June 16th	
Charles Sobel 2175 Hudson Terrace	.Rent Leveling	Mayor Sokolich

Executive Session

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David Sarnoff 5 Horizon Road	.Public School Children Confronted on Anderson Avenue on June 15th - Police Department Professionalism on Handling Situation
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There being no further discussion the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, at 8:38 p.m.

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, June 2, 2011 @ 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 6, 2011, 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 7, 2011, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2011 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

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

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

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

Executive Session

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Personnel: Recreation Department Seasonal Employees

Contract: Brown & Brown Metro, Inc. (Borough's Prescription Plan)

Tax Appeal Litigation: CCM Co. at 475 Main Street
Klein & Tran, 1025 Route 5, Block 260, Lot 22
Valerie Anavim - 100 Old Palisade Road - Unit PL02
Eric Kim - 100 Old Palisade Road - Unit 3902
Tracy Lin - 100 Old Palisade Road - Unit PL03
Michael Suh - 100 Old Palisade Road - Unit 3711
Song Won Suh - 100 Old Palisade Road - Unit 2710

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

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

ENGINEERING DISCUSSION

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

Boswell Engineering Proposal for 2010 Bergen County Road Resurfacing Program

Ms. Thomas stated that Boswell McClave has requested an additional \$6,500 for the engineering work they did with regard to the handicapped ramp program undertaken by Bergen County on Anderson Avenue and Center Avenue.

Mr. Mignone confirmed there were issues with the Department of Transportation (DOT) and Bergen County which led Boswell McClave to certify and re-certify additional and required reports.

Mayor Sokolich asked Mr. Mignone if Boswell's amended fee proposal was reasonable.

Mr. Mignone applied affirmatively. The DOT demanded that everything had to be done according to certain specifications. which increased the costs to the county.

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A resolution amending Boswell's fee proposal by \$6,500 which increased their original proposal from \$8,400 to \$14,900 will be placed on the June 9th regular meeting proposed consent agenda.

Treatment Works Approval (TWA) for Redevelopment Area 6 and Amendment to Redevelopers Agreement (Sapthagiri LLC)

Paul Kaufman, Esq. was present for this portion of the meeting.

Mr. Mignone stated that an NJDEP TWA for a sewer extension is required for the residential subdivision on Jones Road and for

the hotel portion of the project which sewer lines will go directly into the Bergen County Utility Authority sewer system.

Mr. Kaufman stated that the project will be done in phases but the property for the Sheraton Hotel has not been acquired yet. He added that the Planning Board Attorney opined that the redevelopment plan should be amended as a potential condition. The Redevelopment Agreement will crystallize the condition. He and his client have gone along with everything that the Planning Board and the Planning Board Attorney have suggested.

Mayor Sokolich stated that Mr. Kaufman will be accommodating by doing a reasonable phase-in plan.

A resolution approving the two TWA's and an Ordinance amending the August 2006 Redevelopment Plan for Redevelopment Area 6 will be placed on the June 9th regular meeting agenda.

In addition a resolution amending the redevelopment agreement with Sapthagiri LLC will be placed on the July 21st regular meeting agenda which will be the same date as the public hearing for the amendment the Redevelopment Plan for Redevelopment Area 6.

The appropriate resolutions and ordinance will be prepared by the Borough Attorney's office.

**Community Development Appointments and Open Space Trust
Fund Appointment**

The Mayor and Council concurred that Ed Mignone would be appointed to Community Development and Open Space Trust Fund

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Committee and that the Council would appoint James Viola as its representative to Community Development.

Resolutions facilitating the appointments will be prepared and placed on the June 9th regular meeting agenda for action.

GENERAL DISCUSSION

Red Light Camera Enforcement Program - American Traffic Solutions (ATS), Inc., - Paul Kaufman, Esq. and Charles Callari, Business Development Director for American Traffic Solutions, Inc in Attendance

Mayor Sokolich stated that this type of project was discussed briefly a couple of years ago, but at the time the Mayor and Council thought collectively it might be a little premature at the time to go forward. Since then some communities have done very well and others haven't with regard to a red light camera enforcement program.

Mr. Kaufman stated that ATS is the largest vendor in the United States and in New Jersey. They cover approximately 60% of the market. Safety factor mounts cameras on lights and records people running red lights. It can be statutorily permitted by Borough Ordinance. It needs DOT and/or Bergen County approval. The cost to the Borough is nothing. A Police Officer or Special Officer must enforce the issuance of any ticket issued. He mentioned the more it costs for the police department to review any tickets issued, more than likely will mean more tickets are being issued and therefore more potential revenue to the Borough.

Mayor Sokolich asked Mr. Callari where the nearest community closest to Fort Lee has implemented the system.

Mr. Callari replied that the closest location is Palisades Park. The cameras are 150 feet back of the intersection. There is an independent pole 35 feet in the air to see over buses. There is sensing device equipment. He pointed out some misconceptions about going through red lights. Under this system there are no speeding violations. The images capture four tires beyond the stop sign (shot a) and then (shot b) a sensor would then trigger and there is a twelve second video clip. Included are two still shots and a jpeg image.

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Mayor Sokolich stated that what the Borough has lost in the way of manpower it can make up with some of today's modern technology.

Mr. Callari explained that the images are sent to the main offices in Arizona via a hard drive and then it interfaces with the law enforcement agency. The Police Department pulls down an IP address, which would be singular in Fort Lee. It's encrypted. The Police Department pulls down the transaction and they have the necessary information on the owner of the vehicle. The images can be rejected by the Police Department. No points can be imposed. It becomes a New Jersey Title 39 violation with no points and does not show up on a driver's motor vehicle abstract.

If the owner is not driving the vehicle than the person driving the vehicle must file an affidavit to name the other person. The collection pay rate on these violations is about 83% which is a very high rate of percentage.

Mayor Sokolich asked if this is strictly for red light violators as well as asking for the breakdown on tickets issued.

Mr. Callari stated that based on the video the Police Department could impose other violations. There is an \$85.00 fine which the municipality collects \$46.00, the county collects \$27.50 and the state collects \$11.50. The county has to pay the vendor fees if it participates in the program.

Mr. Kaufman added that the information collected could be used in a civil suit.

Mr. Callari stated that the test analysis in Palisades Park showed that on average there will be 1,100 to 1,500 tickets issued a month at their locations. This will generate about \$75,000 to \$125,000 in monthly revenue. A municipality can enter into a fixed fee pricing model or through a percentage of the tickets issued.

Mayor Sokolich stated there are eight cameras in Palisades Park. He asked what would be the start-up cost to the Borough if the Borough implemented eight cameras.

Mr. Kaufman replied that there is no start-up cost to the Borough.

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Mayor Sokolich asked what the minimum contract time is and what are the consequences if the Borough broke off its contract in mid-term?

Mr. Kaufman said ATS would like to enter into a five-year contract with the Borough.

Mr. Calleri added that after the first year revenue decreases by 30% to 50% because of the public safety aspect as well as the awareness of the local community knowing where the cameras are set-up.

Mayor Sokolich asked if the red light camera system can interface with the e-ticket program.

Mr. Calleri replied that the AOC did e-ticketing and the red light camera program at the same time.

Ms. Thomas asked if the tickets are appealable.

Mr. Calleri replied that they can be but data collected shows they are appealed at a very small rate.

He added that it costs ATS \$600,000 to install its equipment at each intersection which consists of four cameras.

Mayor Sokolich and Ms. Kasofsky asked if the fine changes for multiple violations.

Mr. Calleri replied that the ticket price does not deviate based on the number of times someone is caught violating the system.

He added that a file is created by the Administration of Courts (AOC). It's on their docket to process through NJ Direct and then wired to Municipal Court on a regular basis. For this statute it's ninety days rather than the normal thirty days. A typical time line is seven to ten days.

Mr. Calleri stated that support is needed from the Mayor and Council. Then a traffic analysis, a site selection model and on-site analysis could be done.

Mayor Sokolich replied that this issue will have to be discussed with the Police Department.

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Mr. Kaufman stated that an RFP is required to be done for this type of service/procurement.

Mr. Pohan stated that the last time this subject was broached only Brick Township in Ocean County had the system. He asked about other companies such as Red Flex and inquired as to why ATS would be a good fit for the Borough.

Mr. Calleri stated that 12 out of 17 municipalities in New Jersey are using ATS. He said that their single camera solution has the highest megapixel rate and makes it much easier to read license plates than other companies.

Mayor Sokolich stated that he and the governing body need to read the literature and then deliberate and analyze whether the Borough wants to move forward.

Ms. Thomas asked how long is the New Jersey Department of Transportation (NJDOT) process to be approved for the red light camera system.

Mr. Kaufman said the NJDOT process takes a long time and citation counts from the Police Department would also be needed. ATS would handle the application process through the DOT.

Mr. Kaufman added that ATS has an office in Staten Island, New York.

Capital Budget

Ms. Thomas stated that she had over \$2,700,000 in capital requests from various departments which she has reduced to \$1,931,500.

Ms. Thomas explained that she cut a large portion of requests made by the Ambulance Corps and Fire Department. An ordinance for equipment was done separately last year for the Fire Department.

An ordinance introducing the 2011 capital budget for \$1,931,500 will be placed on the June 9th regular meeting agenda for introduction.

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Police Department Table of Organization Correction

There was no discussion on this item tonight.

Accepting Annual Audit Report for 2010

Councilman Pohan found an error in the audit on page 40 with regard to equalized values. A correction will be made by the Borough Auditor.

A resolution accepting the annual audit report which has been published according to law by Mr. Grant will be placed on the June 9th regular meeting proposed consent agenda.

Additional Depository - First Constitution Bank

Mayor Sokolich requested that First Constitution Bank be added to the list of depositories that the Borough uses.

He added that they have done a good job in trying to stay involved in the community by offering certain programs.

A resolution authorizing First Constitution Bank to be included as a Borough depository will be placed on next week's regular meeting proposed consent agenda.

Request for Proposal (RFP) for Banking Services

Ms. Thomas stated that PNC Bank has been paying for the Borough's payroll services, but a lot of the big banks including PNC are now walking away from municipal government.

Ms. Thomas stated that the Borough will have to do a RFP for banking services.

A resolution authorizing the RFP will be placed on the June 9th regular meeting proposed consent agenda.

Mayor Sokolich added that big banks are supposed to have a community reinvestment plan in order to give back to their local communities. Some of the banks are not doing this.

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Amending Chapter 289, Section 15.B Parking Meters on Edwin Avenue East and West Sides from Fletcher Avenue to Summit Avenue

The Parking Authority suggested that a change be made to the Borough's parking meter section of its code after talking to the owners of the dry cleaning establishment. Residents are parking by the dry cleaners and then leaving their cars all day while they go to work in New York City which is leaving limited parking for its customers.

An ordinance amending Chapter 289, Section 15.b Parking Meters in order to place three one-hour parking meters by One Stop Cleaners will be introduced at next week's meeting.

PSE&G Ornamental Light Poles

Ms. Thomas stated that the goal is to have the ornamental light poles stay lit. The Borough is hoping to meet with PSE&G representatives in the near future to resolve an issue that has been problematic since the Borough had the ornamental poles placed in 2000 or shortly thereafter.

Limousine Application for Harmony Limo Service LLC at 2033 Lemoine Avenue

Mr. Grant told the Mayor and Council that the Police Department has denied the limousine application for Harmony Limo Service.

Mr. Grant will notify the applicant of the Police Department's decision not to approve the license application.

Municipal Alliance Committee

A resolution authorizing execution of a Fort Lee Municipal Alliance application and allocating a 25% match of said funding by the Borough in the amount of \$3,940 will be placed on the June 9th executive session meeting agenda.

Ms. Thomas added that the \$3,940 was not anticipated in this year's budget and a small emergency resolution to put the money in the budget can be done at the end of the year.

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PUBLIC HEARING SCHEDULED FOR JUNE 9, 2011

Ord. #2011-12--Amending Chapter 193, Section 2, Construction Code Fees, to Include the Uniform Construction Code of the State of New Jersey Elevator Fees Into the Borough's General Code

PUBLIC PARTICIPATION

Speaker

Subject

Response

Nina Levinson
1560 West St.

Ornamental Lights

Ms. Thomas

Keith Jensen
4 Drury Lane

Revenue With Regard to
Red Light Cameras &
Contesting of Tickets

Mayor Sokolich
Mr. Cohen

Special Police Officers
to Handle Red Light Camera
Summonses Issued

There being no further discussion the meeting was adjourned
**on motion by Councilman Cervieri, seconded by Councilman
Sargenti, at 9:05: p.m.**

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, May 5, 2011 @ 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 6, 2011, 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 7, 2011, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2011 to cover the cost of providing notice.

3. On April 29, 2011 a copy of said change in the scheduled meeting time was posted at 309 Main Street, Fort Lee, New Jersey. On the same date, copies of the change in meeting time were also mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2011 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

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

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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: General Services

Litigation: Borough of Leonia vs. Borough of Fort Lee

NJDOT Response

Tax Appeal Litigation: 2100 North Central Road, Block 6155, Lot 1 vs. Borough of Fort Lee - Steve Muhlstock, Esq. to Attend

2050 Center Avenue - Block 4751, Lot 33 vs. Borough of Fort Lee

Shtark at 1170 Cumbermeade Road, Block 1351, Lot 12

Litigation: Creamer-Sanzari, A Joint Venture - Request for Binding Arbitration

Contract: Fort Lee Municipal Garden Complex Project - TBMK Development LLC - Tommy Kang in Attendance

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

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

ENGINEERING DISCUSSION

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

Bids for Linwood Avenue Roadway Improvements

Ed Mignone stated that the Borough has received a NJDOT Grant for the project in the amount of \$150,000.00. The lowest bidder is D.L.S. Contracting, Inc., Fairfield, New Jersey, in the amount of \$139,310.00. The bids have been reviewed by Boswell

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Engineering and the Borough Attorney's Office and D.L.S. bid has been deemed compliant.

A resolution awarding the bid to D.L.S. will be placed on the May 12th regular meeting proposed consent agenda.

Mr. Mignone added that the project will take about one month to do. It's anticipated it will begin in late June.

Bid for Asphalt Milling Service

Ms. Thomas stated that D.L.S. was the lone complaint bidder for asphalt milling services which is done on as-needed basis by when requested by the Borough. The cost is \$18,000 per eight hour day estimated at 6,000 square years of asphalt, per street.

A resolution awarding the bid to D.L.S. will be placed on the May 12th regular meeting proposed consent agenda.

Potholes on Portion of Anderson Avenue (Added on Item)

Mayor Sokolich stated that the roadway on Anderson Avenue before Columbia Avenue is still in major disrepair. He said that if the county does not make the repairs soon it may be worth doing by the Borough. He reminded everyone that Anderson Avenue is a county roadway.

Mr. Mignone stated that the ADA handicap curb cuts that the county has undertaken on Anderson Avenue has taken a lot longer than anticipated due to more stringent laws being in place. Once the curb cuts are done, it's expected that the county will repair the roadway that is in disrepair.

Authorization to Bid for New Roof for Borough Hall

Ms. Thomas and Mr. Mignone concurred that the roof at Borough Hall is beyond repair.

Conversation ensued about the roof with regard to potential solar panels, pitching of the roof and core samples that have been taken which indicated that the roof has rotted away.

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Mr. Mignone stated that there is not enough surface area for a solar roof and that a modified built-up traditional roof is the best way to go. He expects that a new roof will come with a twenty year warranty.

Ms. Thomas added that the Borough will be looking for a lighter covered roof.

Mr. Mignone added that a reflective coating will also be used on any new roof that is placed at Borough Hall.

A resolution authorizing the Borough to go out to bids for a new roof will be placed on the May 12th regular meeting proposed consent agenda.

Survey Descriptions for Dedication and Vacation by Central Road

Mr. Mignone spoke to the needed survey descriptions for dedication and vacation of the roadway between the original Central Road and the relocated Central Road, along with the existing Borough-owned lots to the east of Martha Washington Way.

A resolution awarding a contract to Boswell McClave to do a boundary survey, deed and map research, boundary analysis, preparation of legal documents and legal size maps and sketches at a fee not to exceed \$6,400.00 will be placed on the May 12th regular meeting proposed consent agenda.

Other Engineering Items (Added on)

Mr. Cervieri spoke to the property the Borough gave to the Port Authority for the roadway extension for the new helix for the lower level of the George Washing Bridge. The project was supposed to be operational by 2009; however the project was never started and the project is no longer being considered. He wants to know if the Borough can tax the Port Authority for a project that was supposed to be for a public purpose and that is not even being considered anymore.

Mayor Sokolich stated that he has been asking for a meeting with the Port Authority Commissioners. The Port Authority only wants him to attend the meeting. He has several things he wants to discuss with them including why there are only two tollbooths opened on Saturday nights as well to discuss the Port Authority

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Police Department manning certain traffic posts as well as the paving of some roads. He would like the Council to convey their sentiments to him so that he can relay their thoughts to the Port Authority Commissioners.

Mr. Cervieri requested that Mr. Mignone check with the county with regard to putting a dedicated left turn signal onto Main Street from Palisade Avenue northbound at Martha Washington Way (MWW). Currently, there is no dedicated signal and the road backs up northbound as all the traffic from MWW flows southbound.

It was noted that this request had been made almost four years ago and nothing ever came to fruition.

GENERAL DISCUSSION

Clothing Bins

Ms. Kasofsky stated that Michael Conway, American Recycling Technologies, was unable to attend tonight's meeting. She requested that this item be placed back at the May 19th executive session meeting for discussion.

Use of Constitution Park

There was no discussion on this item.

E-Tickets

Mr. Cervieri stated that Councilman Goldberg who was unable to attend tonight's meeting due to illness, would like to see this project begin. Through e-ticketing accuracy and efficiency of parking and traffic violation would be greatly enhanced.

Mayor Sokolich noted when this was first discussed a couple of years ago the technology was not as good. The State now recognizes certain companies to be able to perform e-ticketing as the technology has been greatly enhanced in the last couple of years.

Mayor Sokolich also brought up the potential of placing cameras on certain critical streets where tickets for speeding could be issued. The Police Department has lost manpower, but by

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having cameras in critical areas some of the loss in manpower could be made up by technology. He added that a trained police officer would review the tapes before any ticket would be sent out. In addition any summons issued would be a no point violation. He pointed out that this has now become a large moneymaker for some communities.

Mr. Pohan stated that when this idea was brought to the Police Department's attention two to three years ago they had a

negative outlook on it. However, numerous towns are now implementing cameras in various roadways.

Mr. Cohen stated that these types of cameras are now common place in Maryland. The owner of the car is issued the ticket even if someone else is driving it; however if someone wants to plead not-guilty, the driver of the vehicle when the summons was written would have to be identified.

Janitorial Services for the Police Department Facility and Jack Alter Fort Lee Community Center

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids for the above titled service will be placed on the May 12, 2011 regular meeting proposed consent agenda.

Tobacco Use in Fort Lee Parks/Tennis Courts

Ms. Thomas stated that the Board of Health is going to pass a resolution prohibiting tobacco use on the Borough's tennis courts.

Building Department Fee Schedule Changes

Ms. Thomas stated that Brian Ribarro, Building Sub-Code Official, has requested that the elevator fees which are part of the UCC code be added to the Borough local fee ordinance.

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Mr. Cohen's office will prepare an ordinance amending the Borough's fee schedule which will be introduced at the May 12th regular meeting.

Request by the Borough of Woodcliff Lake Fire Department to Enter Into an Agreement to Borrow the Borough's Mobile Cascade System

Ms. Thomas stated that a resolution will be prepared by Mr. Cohen's office whereby the Borough of Woodcliff Lake will enter into an interlocal agreement with the Borough for use of Fort Lee's Fire Department mobile cascade system.

Mr. Grant added that the Mayor and Council wanted certain terms written into the agreement which protects the Borough's interest.

Mr. Cohen's office will review the paperwork sent by the Borough of Woodcliff Lake and then will prepare an appropriate resolution that will be placed on the May 12th regular meeting proposed consent agenda.

GENERAL DISCUSSION CONTINUED/RESOLUTIONS

R-1 - Approving Developers Agreement for Main Violin LLC at 523 Summit Avenue

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

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE EXECUTION OF A DEVELOPERS AGREEMENT BETWEEN THE BOROUGH OF FORT LEE AND MAIN VIOLIN, LLC

WHEREAS, the Zoning Board of Adjustment of the Borough of Fort Lee adopted a resolution approving a development by Main Violin, LLC ("Developer"), for property located at Block 4451, Lot 10 on the Official Tax Map of the Borough of Fort Lee, also know as 523 Summit Avenue, Fort Lee, New Jersey ("Property"); and

WHEREAS, the resolution was approved subject to the Developer adhering to certain conditions, including, but not limited to, the Developer entering into a Developer's Agreement

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with the Borough of Fort Lee and the posting of the necessary insurance coverage and performance bond; and

WHEREAS, a Developer's Agreement has been prepared by the Borough Attorney; and

WHEREAS, proof of insurance coverage together with an a performance bond must be provided,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the Mayor and Borough Clerk be and are hereby authorized to execute the Developer's Agreement with the Developer.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Fort Lee that proof of insurance coverage and receipt of a performance bond must be provided to the satisfaction of the Borough Attorney prior to the issuance of a building permit.

BE IT FURTHER RESOLVED that a copy of this resolution shall be filed in the Office of the Borough Clerk.

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

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

**R-2 - Approving Developers Agreement for Young Israel of Fort Lee
Inc. at 1610 Parker Avenue**

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

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH
OF FORT LEE AUTHORIZING THE EXECUTION OF A DEVELOPERS
AGREEMENT BETWEEN THE BOROUGH OF FORT LEE AND YOUNG
ISRAEL OF FORT LEE, INC.**

WHEREAS, the Zoning Board of Adjustment of the Borough of Fort Lee adopted a resolution approving a development by Young Israel of Fort Lee, Inc. ("Developer"), for property located at Block 4354, Lot 12 on the Official Tax Map of the Borough of Fort Lee, also know as 1610 Parker Avenue, Fort Lee, New Jersey ("Property"); and

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WHEREAS, the resolution was approved subject to the Developer adhering to certain conditions, including, but not limited to, the Developer entering into a Developer's Agreement with the Borough of Fort Lee and the posting of the necessary insurance coverage and performance bond; and

WHEREAS, a Developer's Agreement has been prepared by the Borough Attorney; and

WHEREAS, proof of insurance coverage together with an a performance bond must be provided,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the Mayor and Borough Clerk be and are hereby authorized to execute the Developer's Agreement with the Developer.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Fort Lee that proof of insurance coverage and receipt of a performance bond must be provided to the satisfaction of the Borough Attorney prior to the issuance of a building permit.

BE IT FURTHER RESOLVED that a copy of this resolution shall be filed in the Office of the Borough Clerk.

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

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

R-3 - Authorizing Settlement of Litigation: Creamer-Sanzari, A Joint Venture for Main Street/Hudson Terrace Roadway Improvements

Councilman Cervieri recused himself on this matter.

Mayor Sokolich stated that Creamer-Sanzari was looking for \$900,000.00 in fees. After an expansive investigation it has been agreed upon that the case be settled for \$450,000.00. There is \$225,000.00 remaining in the Borough's road account. An additional \$225,000 will be matched by the Port Authority.

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

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE APPROVING AND AUTHORIZING THE SETTLEMENT OF
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LITIGATION/ARBITRATION BETWEEN THE BOROUGH OF FORT LEE (THE "BOROUGH") AND CREAMER-SANZARI, A JOINT VENTURE BETWEEN J. FLETCHER CREAMER & SONS, INC. AND JOSEPH M. SANZARI, INC. ("CREAMER-SANZARI") AND APPROVING AND AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT BY AND AMONG THE BOROUGH AND CREAMER-SANZARI

WHEREAS, on prior occasion, the Borough authorized by resolution the procurement of bids pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., for the provision of roadway and traffic signal improvements on Main Street and Hudson Terrace (the "Improvement Project"); and

WHEREAS, on October 23, 2006, the Borough received three bids for the provision of services for the Improvement Project in response to its public procurement; and

WHEREAS, the Borough sought and obtained from all bidders written and executed consent to extend their bids beyond the 60-day time frame mandated for the award of a contract as a result of public bidding pursuant to N.J.S.A. 40A:11-24; and

WHEREAS, the Borough determined that the bid submitted by Creamer-Sanzari complied with the requirements of the bid specifications and, therefore, constituted the lowest responsible and complying bidder for the Improvement Project; and

WHEREAS, the Borough accepted Creamer-Sanzari's bid as the lowest responsible and complying bid submitted, and, by Resolution CA-17, dated January 25, 2007, awarded a contract to Creamer-Sanzari pursuant to law; and

WHEREAS, on or about July 25, 2007, the Borough and Creamer-Sanzari executed a written agreement, setting forth the services to be rendered and the compensation to be paid to Creamer-Sanzari in connection with the Improvement Project (the "Agreement"); and

WHEREAS, in 2008, the Borough approved three separate Change Orders to the Improvement Project, which in turn increased the amount of compensation paid to Creamer-Sanzari; and

WHEREAS, subsequent to 2008, a dispute arose between Creamer-Sanzari and the Borough as to whether Creamer-Sanzari was entitled to additional compensation as a result of alleged delays in the completion of the Improvement Project; and

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WHEREAS, on or about April 11, 2011, Creamer-Sanzari filed a Demand for Arbitration with the American Arbitration Association, wherein Creamer-Sanzari sought to recover from the Borough the various damages that Creamer-Sanzari allegedly suffered because of the delays in the completion of the Improvement Project, and this arbitration was captioned Creamer-Sanzari, a Joint Venture v. the Borough of Fort Lee, and assigned Case Number 18-110-

00429-11 (the "Litigation/Arbitration"); and

WHEREAS, the Borough and Creamer-Sanzari have been involved in active negotiations to settle the Litigation/Arbitration and the Borough and Creamer-Sanzari are desirous of settling same; and

WHEREAS, in furtherance of settlement of the Litigation/Arbitration, the parties will execute a formal, written Settlement Agreement that sets forth the parties' understanding and agreement on actions to be taken by the parties (the "Settlement Agreement"); and

WHEREAS, the Borough acknowledges and agrees that it is within its best interests and the best interests of its citizens to settle the Litigation/Arbitration upon the terms and conditions set forth below,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council, that it hereby approves and authorizes the settlement of the Litigation/Arbitration upon the following terms and conditions: (a) the Borough will pay Creamer-Sanzari the sum of FOUR HUNDRED FIFTY THOUSAND (\$450,000.00) DOLLARS in full and final satisfaction of any and all actions, debts, claims, counterclaims, defenses, demands, liabilities, damages, causes of action, costs, expenses, and compensation of every kind and nature whatsoever, in law or in equity, that Creamer-Sanzari or any of its affiliated or related persons/entities may have or ever had, or may have or claim to have in the future, from the beginning of time to and including the date of a fully-executed written Settlement Agreement, that relate in any way to the Improvement Project or any related project; (b) Creamer-Sanzari will provide the Borough with a complete and full written release of any and all actions, debts, claims, counterclaims, defenses, demands, liabilities, damages, causes of action, costs, expenses, and compensation of every kind and nature whatsoever, in law or in equity, that Creamer-Sanzari or any of its affiliated or related persons/entities may have or ever had, or may have or claim to have in the future, from the beginning of time to and including

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the date of a fully-executed written Settlement Agreement, that relate in any way to the Improvement Project or any related project, and will likewise execute a written Settlement Agreement with the Borough; (c) the complete and full written release and the Settlement Agreement will be in a form and content acceptable to the Borough attorney in his discretion.

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

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

AYES: Council Members Pohan, Sohmer, Sargenti, Kasofsky

APPOINTMENT

A-1 - Rent Leveling Board

Mayor Sokolich nominated William Caruso to serve as a member of the **Rent Leveling Board** for an unexpired term through **December 31, 2011**.

On motion by Councilman Cervieri, seconded by Councilman Pohan, the nomination was confirmed unanimously.

PUBLIC HEARING SCHEDULED FOR MAY 12, 2011

Ord. #2011-11--Amending Chapter 388, Sections 14 and 69 Placement of a Handicapped Parking Space by 263 Warren Avenue

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson	.Item Listed in Closed Session (Municipal Parking Lot)	Mayor Sokolich
1560 West St.	.Janitorial Services	Ms. Thomas Mr. Sohmer

There being no further discussion the meeting was adjourned **on motion by Councilman Sargenti, seconded by Councilman Cervieri Sargenti, at 8:37 p.m.**

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, March 17, 2011 @ 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 6, 2011, 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 7, 2011, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2011 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

**March 17, 2011
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Personnel: Police Department Vehicle Maintenance -
Thomas Ripoli, Police Chief in Attendance

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

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

GENERAL DISCUSSION

Handicapped Parking Space by 263 Warren Avenue

An ordinance to create to handicapped parking space as recommended by the Police Department will be placed on the April 14th regular meeting for introduction.

RESOLUTIONS

R-1 - Approving Budget Appropriation Transfers

Ms. Thomas noted that these are the final budget appropriation transfer reserves from 2010.

Mr. Grant added that legally the transfers must be completed by the end of March and with no other scheduled meetings remaining in March action should be taken tonight.

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

See Page 3 for Breakdown:

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From:

To:

Other Insurance	\$34,000.00	A&E O/E	\$6,419.00
Garbage	118,000.00	Mayor & Council O/E	1,610.00
Public Buildings & Grounds S/W	25,000.00	Collection of Taxes O/E	864.00
		Assessment of Taxes O/E	1,300.00

Board of Health O/E	40,000.00	Legal O/E	105,806.00
Electricity	16,132.00	Office of Economic Dev O/E	1,356.00
		Engineering O/E	60.00
		Mt. Laurel Housing O/E	1,679.00
		Construction Code Official O/E	889.00
		Police O/E	16,932.00
		EMT O/E	3,266.00
		Fire Prevention O/E	1,013.00
		Fire Protection O/E	1,080.00
		Road Repair O/E	3,379.00
		Public Buildings & Grounds O/E	1,944.00
		General Services O/E	830.00
		Auto Repair O/E	25,358.00
		Senior Citizens O/E	19,863.00
		Community Center O/E	1,599.00
		Parks & Playgrounds O/E	74.00
		Street Lights	32,430.00
		Sewer System O/E	4,181.00
		Gasoline O/E	1,200.00
TOTAL:	\$ 233,132.00		\$ 233,132.00

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

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

**R-2 - Authorizing the Purchasing Consultant to Prepare
Specifications and Advertise for Bids for Police Motorcycles and
E-Tickets**

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March 17, 2011

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The Mayor and Council agreed that the police motorcycles would not be advertised for bids at this time. It was agreed that the matter would be placed on the April 7th executive session agenda for further discussion. Chief Ripoli will attend the meeting along with an officer of his choosing who his well versed with regard to the motorcycle fleet.

Mayor Sokolich added that if motorcycles are purchased they should be bought in staggered periods.

Mr. Pohan spoke briefly about having a fleet management program.

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

Mr. Goldberg asked if the contract the Borough has with Enforsis, the Police Department's current police records system, could be amended to include e-ticketing.

Mr. Cohen replied that it could not be done and that the procurement of e-tickets for the Police Department's vehicles need to be done through the bid process.

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

. E-Tickets for the Police Department

The Resolution was **approved unanimously.**

Mayor Sokolich spoke to the possibility down the road to having cameras on certain intersections in the Borough. This could have positive financial benefit to the Borough as he found out by speaking the City of Newark's Mayor Corey Booker who told him that it has a positive financial benefit to his city.

Request by the Borough of Woodcliff Lake Fire Department to Enter Into an Agreement to Borrow the Borough's Mobile Cascade System

Ms. Thomas stated that is a Fire Department vehicle that was purchased with a grant in 2004 that has had very limited use. The Woodcliff Lake Fire Department has asked to borrow the vehicle.

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Jeff Silver, Fire Chief, stated that the unit is actually an SCBA fill station on wheels. Firehouse #2 is used as the actual fill station for all of the Fire Department's SCBA units.

On questioning by Mayor Sokolich, Chief Silver stated that the unit is not readily accessible to the fire department members and it has been rarely used. He added that Woodcliff Lake does

not have a permanent fill station and it's costing them a lot of money to fill their bottles with a vendor.

Mr. Cervieri asked if there is any other municipality that is part of the Fire Department's mutual aid group that would want to use it.

Chief Silver replied negatively. He added that if the Borough needed the unit immediately they would be able to get it back from Woodcliff Lake. In addition the Fire Department in case of an emergency would be able to use other neighboring towns such as the City of Hackensack's unit.

The Mayor and Council agreed that they would loan the unit to Woodcliff Lake once a written agreement is reached.

Mr. Cohen to prepare an agreement which will include an insurance waiver as well language that states Woodcliff Lake would be responsible for all repairs to the mobile cascade system. Once an agreement is executed a resolution authorizing the Borough of Fort Lee to let the Woodcliff Lake Fire Department borrow the mobile cascade system will be placed on a future regular meeting agenda.

PUBLIC HEARING SCHEDULED FOR APRIL 14, 2011
Ord. #2011-10--Amending Chapter 316-1 Public Record Fees

PUBLIC PARTICIPATION

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

March 12th Fatal Fire on McCloud Drive (Added on Item)

Mayor Sokolich spoke to the incredible effort and bravery of the Fire Department members. It reconfirmed the Borough's commitment to provide the necessary resources to all of the

Executive Session

March 17, 2011

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Borough's emergency services. He saw the fire first hand and he's very grateful and proud to all of the Fire Department members including all of the mutual aid members who responded to the fire.

Chief Silver stated that after every major fire a review is done which includes the brushing up members tactical skills.

Chief Silver added that one fireman was injured and his injuries were a result of steam burns.

On motion by Councilman Cervieri, seconded by Councilman Sargenti at 7:50 p.m. and approved **unanimously**, the meeting moved back into closed session to discuss the following items that had not been discussed during the earlier closed portion of the meeting.

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:

Recreation Department: Seasonal Employees

Tax Appeal Litigation: ALJ Properties LLC at 2048
Center Avenue

H&Z Auto Body & Service Co., LLC at 2205 Route 4 East

Balazas & Denlinger at 1040 Arcadian Way

100 Old Palisade Road - Ten Units

Contracts: Holy Name Hospital and Englewood Hospital
Billing Agreements

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 closed portion of the meeting was adjourned. The meeting moved back into open session and with no one from the public present, the meeting was

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adjourned on motion by Councilman Cervieri, and seconded by Councilman Sohmer, at 8:35 p.m.

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, March 3, 2011 @ 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 6, 2011, 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 7, 2011, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2011 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:

Executive Session

**March 3, 2011
Page #2**

Personnel: Zoning Officer
Police Department Vehicle Maintenance

Tax Appeal Litigation: Simmtech, 2160 North Central
Road and Balazas & Denlinger, 1040 Arcadian Way

Contract: Police Department Website - Virtual Town

Pages

Litigation: Anup Tamakuwala vs. Fort Lee

Potential Litigation: Lease of Property: Youth
Consultation Services School Facility

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

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

ENGINEERING DISCUSSION

Boswell McClave Proposal for Roadway Improvements to Linwood Avenue

Ms. Thomas stated that the Borough has a grant in the amount of \$150,000 for the roadway improvements. Boswell's proposal for the design phase is \$12,500.

A resolution accepting Boswell's proposal to do the design portion of the project will be placed on the March 10th regular meeting proposed consent agenda.

Mayor Sokolich stated that Ed Mignone, Borough Assistant Engineer, wasn't feeling well and when he went to the hospital he had an 80% heart blockage so a stent was put in.

Ms. Thomas added that on top of the heart issue there might be some gallbladder problems.

Mayor Sokolich stated that Ed is indispensable. He offered his best wishes and is praying for his speedy recovery.

Executive Session

March 3, 2011

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Boswell McClave Proposal for Palisade Terrace Pump Station Improvements

Ms. Thomas stated that the Boswell has prepared a proposal for construction engineering services in an amount not to exceed \$10,000.

Mayor Sokolich added that the repairs to the pump station have to be done.

A resolution accepting Boswell's proposal to handle the construction engineering portion of the project will be placed on the March 10th regular meeting proposed consent agenda.

Milling Service Contract (Advertise for Bids)

Mayor Sokolich stated that if Bergen County does not fix up a portion of the roadway on Anderson Avenue southbound by Bluff Road which is in horrible condition then the Borough may have to fix it.

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids for a (two to five year) asphalt milling service contract will be placed on the March 10th regular meeting proposed consent agenda.

Bids for Palisade Terrace Pump Station Improvements

Ms. Thomas stated that a resolution accepting Rapid Pump and Meter Service, Inc., Paterson, New Jersey, complying bid for improvements to the Palisade Terrace Pump Station in the amount of \$134,390 will be placed on the March 10th regular meeting proposed consent agenda.

12th Street Pump Station Improvements

Ms. Thomas stated that the Boswell has prepared a proposal to perform design services in an amount not to exceed \$10,000.

A resolution accepting Boswell's proposal to do the design portion of the project will be placed on the March 10th regular meeting proposed consent agenda.

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March 3, 2011

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GENERAL DISCUSSION

National Health Insurance Bill

Mr. Pohan stated that he doesn't usually like to pass resolutions on national legislation issues; however, a group of people approached him advocating for a single payer health care

system. Current employers do not like the national health care system and he doesn't believe that the current system on employers is the right approach. He's endorsing supporting for HR 676 The United States National Health Insurance Bill. (Expanded and Improved Medicare for All)

The Mayor and Council voiced their support for endorsing Mr. Pohan's position and it was agreed that a resolution supporting HR 676 will be placed on the March 10th regular meeting proposed consent agenda.

Bid for Pre-Action FM-200 Suppression System

Ms. Thomas stated that the Borough will be awarding a bid to K&D Contractors, LLC, Kenilworth, New Jersey, for a fire suppression system so that the Police Department's records in their computer and radio rooms would not be destroyed if there was a fire. It's a dry suppression system that will not destroy equipment.

A resolution awarding the bid to K&D Contractors at a cost of \$86,600.00 will be placed on the March 10th regular meeting proposed consent agenda.

Ambulance Vehicle Bid

Ms. Thomas stated that Borough has money in place through its capital account for a new ambulance.

A resolution awarding a bid to Bay Head Investments, Inc., Berlin, New Jersey, for the purchase of a 2011 ambulance in the amount of \$269,744.00 will be placed on the March 10th regular meeting proposed consent agenda.

Executive Session

**March 3, 2011
Page #5**

SCBA (Self-Contained Breathing Apparatus) Bid for the Fire Department

Mayor Sokolich stated that the SCBA equipment goes bad after a certain amount of time.

Ms. Thomas stated that the federal guidelines changed and the federal guidelines are revamped fairly often.

Jeff Silver, Fire Chief, stated that the current bottles were out of their warranty period and that there could be liability issues. The last time new SCBA equipment was bought was ten to fifteen years ago.

Mr. Cohen added that the Borough would lose its Tort claims immunity if there were problems and the Borough was sued by someone using out of warranty equipment.

A resolution awarding a bid to New Jersey Fire Equipment Company, Green Brook, New Jersey for SCBA in the amount of \$167,500 for (200 {30} minute units at \$731 each and 20 {60} minutes units at \$1,065 each) will be placed on the March 10th regular meeting proposed consent agenda,

Ambulance Corps Stipend Guidelines

Ms. Thomas stated that several months ago former Chief Cathi Goldfischer sent a memo out requesting to allow for out of town residents to provide emergency services without waiting for a qualifying year to pass in able to receive a stipend.

Mayor Sokolich stated this will allow the Ambulance Corps to attract more people to perform Ambulance services. This does not change any budget numbers.

Ms. Thomas confirmed that the Ambulance Corps stipend numbers are set within the budget and this will not impact the total budget ceiling that has been set.

A resolution amending the Ambulance Corps stipend guidelines to allow for out-of-town residents to qualify for a stipend without an initial one-year period will be placed on the March 10th regular meeting proposed consent agenda.

Executive Session

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Advertising for Bids for Police Motorcycles

Ms. Thomas stated that the Police Department has requested that twelve motorcycles be bought by trading in their current fleet of eleven motorcycles. This is something that has been done in the past, but not to this extent. The motorcycles if

approved to be bought will be paid for through the Police Department's confiscated funds account.

The Mayor and Council agreed that no action will be taken on this item tonight and that Chief Ripoli should be brought in at the March 17th executive session to discuss this issue.

Amending Chapter 316 Public Record Fees

Mayor Sokolich explained that the new fees are being set to conform with the State's OPRA laws.

An ordinance as prepared by the Borough Attorney will be placed on the March 10th regular meeting for introduction.

RESOLUTIONS

R-1 - Awarding Contract to Global RX to Provide Pharmacy Benefit Management Services to the Borough (Action May be Taken on This Item)

R-2 - Awarding Contract to Pan American Life to Provide Aggregate Stop Loss Insurance

Mr. Cohen explained that because the paperwork is not complete action will not be taken on the above two items (resolutions) until the March 10th regular meeting.

Mr. Goldberg explained that the Borough received a proposal from CVS Caremark for \$1,800,000 for its pharmacy services this year but in the last twelve months spent \$1,400,000 on actually pharmacy spending so the conclusion was reached that the Borough can save money by self-funding its pharmacy benefits. For further protection the Borough is taking out a reinsurance plan which would cover the difference for the money the Borough could spend over the \$1,800,000. The re-insurance policy will cost a little more than \$15,000. This is a small risk with potentially a large reward to the taxpayers.

Executive Session

March 3, 2011

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Mr. Cervieri added that the Borough is basically capping its downside by taking out the reinsurance policy.

Mr. Goldberg stated that in addition pharmacy rebates will be going back to the Borough at about 7%. Ultimately, the

program is being undertaken to save money and still provide the employees and retirees the same benefits they currently have.

Mayor Sokolich added that the Borough will only receive rebates when brand name drugs are used. Generic drugs are not part of the rebate program.

PUBLIC HEARINGS SCHEDULED FOR MARCH 10, 2011

Ord. #2011-7--Amending Chapter 410-49 Zoning, Section (E) Sign/Façade Review Committee to Include Staggered Terms of Appointment

Ord. #2011-8--Amending Chapter 388, Sections 14 and 69 Placement of a Handicapped Parking Space by 1010 Harvard Place

Ord. #2011-9--Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A.40A:4- 45.14)

2011 Municipal Budget

Ms. Thomas stated that the Borough is ready to adopt its budget next week after the public hearing is held.

Zoning Change (Added on Item)

Mr. Cervieri asked that the Borough amend its zoning code so as to increase the height requirements for the Madonna Church Mausoleum on Jones Road.

Mr. Cohen stated that the Borough Planner should prepare language changes to the Borough's current zoning ordinance.

Ms. Thomas stated that she will call Paul Phillips, Borough Planner, with regard to this issue.

Executive Session

March 3, 2011

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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 9:03 p.m.**

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, February 17, 2011 @ 7:25 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
Sharon Scheiner, Assistant 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 6, 2011, 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 7, 2011, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2011 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

**February 17, 2011
Page #2**

Personnel: Building Maintenance
Communications
Shared Services/Library Part-Time Position

Contracts: Health Benefits - Borough Prescription Plan

Fort Lee Municipal Garden Complex Project - TBMK
Development LLC Representatives, in Attendance
Attend

Potential Litigation: Change Order for Creamer Sanzari
With Regard to Main Street/Hudson Terrace Roadway
Improvements

Litigation: Borough of Leonia vs. Borough of Fort Lee

Lease of Property: Ambulance Corps Parking at Madonna
Church

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

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

GENERAL DISCUSSION

Community Center Parking Lot

Mr. Goldberg stated that Cheryl Westeyn had informed him that parking by Jack Alter Community Center has become very tight, due to people shopping nearby are parking their vehicles at the community center.

Ms. Thomas noted that people shopping at the Blue Ribbon Market are parking their cars at the Community Center.

Mr. Goldberg recommended an ordinance that reads parking for the "Jack Alter Community Center Parking Only" be established.

Executive Session

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National Health Insurance Act

There was no discussion on this item tonight. This item will be placed back on the March 3, 2011 executive session agenda.

Liquor License Transfer From Aster Corp. to Plaza Diner Liquor, LLC.

A resolution for liquor license transfer from Aster Corp. to Plaza Diner Liquor, LLC will be placed on the March 10th regular meeting proposed consent agenda for approval.

RESOLUTIONS

R-1 - Authorizing Purchase of Three (3) 2011 Ford Crown Vic Police Units from Winner Ford, Cherry Hill, New Jersey Through State Contract #A72467 - \$74,967.00 (\$24,989.00 Per Unit) Which Includes Five Year Warranty

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

WHEREAS, the Police Department has requested the purchase of three (3) 2011 Ford Crown Victoria Police Units; and

WHEREAS, the vehicles are available through Winner Ford, via New Jersey State Contract #A72467; and

WHEREAS, the cost of the vehicles is over the bid threshold amount of \$36,000.00 and the expenditure must be authorized by resolution of the governing body; and

WHEREAS, this contract may be awarded without competitive bidding as a recognized exception under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., since the goods and/or services are to be provided as a result of a contract to be entered into with the State of New Jersey, pursuant to and in accordance with N.J.S.A. 40A:11-5(2); and

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Fort Lee authorizes the Police Department to purchase the three (3) aforementioned 2011 Ford Crown Victoria

Executive Session

**February 17, 2011
Page #4**

Police Unit by purchase order from Winner Ford, 250 Haddonfield - Berlin Road, Cherry Hill, New Jersey, 08034 in the amount of **\$73,917.00** which includes the cost of warranties for the vehicles.

The Resolution was **approved unanimously.**

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Municipal Parking Lot Project	Mayor Sokolich
	.Leonia vs Fort Lee/Closing of Local Roadways	Ms. Thomas Mayor Sokolich
	.Purchase of Police Department Vehicles	Ms. Thomas
	.Parking at Community Center	Ms. Thomas
Susan Moeller Reporter for Suburbanite	.Police Department Vehicles	Ms. Thomas Mayor Sokolich

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

Sharon Scheiner
Assistant Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, February 3, 2011 @ 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: Council Members Pohan, Sohmer, Goldberg, Sargenti, Kasofsky, Cervieri

ABSENT: Mayor Sokolich

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

MAYOR'S STATEMENT

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

1. On January 6, 2011, 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 7, 2011, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2011 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:

Executive Session

**February 3, 2011
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: Communications

DPW
Building and Grounds

Contract: Administrative Purchasing Consultants

Litigation: Borough of Leonia vs. Borough of Fort Lee

Collective Bargaining: Fort Lee PBA Local No. 245

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

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

Council President Pohan chaired the meeting in the Mayor's absence.

ENGINEERING DISCUSSION

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

Interlocal Agreement for Sanitary Sewer Line with The Borough of Palisades Park

Mr. Mignone stated that the Borough of Fort Lee was approached by the Borough of Palisades Park so as to connect into the Borough's sanitary sewer line on Tenth Street for a sixteen unit residential unit development that is being built on top of Tenth Street in Palisades Park. A minimal amount of flow will be used. It's anticipated that the cost would be \$2,500 per year, but the cost would be based on actual numbers the BCUA uses in its flow calculations. He added that the project does not touch any of the Borough's roadways.

A resolution authorizing the Borough to enter into an interlocal agreement with the Palisades Park with regard to Palisades Park connecting into the Borough's sewer line on Tenth

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Street will be placed on the February 10, 2011 regular meeting proposed consent agenda.

Amending Application for Inwood Terrace Open Space Trust Fund

Mr. Mignone stated that the Borough applied for a \$150,000 grant back in September 2010. The Borough was informed by Bergen County that funding for open space projects has been greatly reduced this year and that the county has requested the Borough change its scope of the project and resubmit an amended application in the amount of \$80,000 which is a dollar for dollar match. The Borough will be able to upgrade the wood mulch and make the park ADA compliant, but will not be able to put in spray pads.

A resolution authorizing the amended open space trust fund application be resubmitted to Bergen County in the amount of \$80,000 will be placed on the February 10, 2011 regular meeting proposed consent agenda.

GENERAL DISCUSSION

2011 Municipal Budget - Steve Wielkocz, Borough Auditor in Attendance

See Addendum (A) attached at the end of the minutes with regard to the Borough's initial summary sheet for the 2011 budget.

Conversation ensued about permanent financing of \$23,000,000 of the Borough's debt using the Bergen County's AAA bond rating which saved the Borough \$1,000,000. The Borough currently has \$61,847,000 in authorized debt and \$14,000,000 in debt that been authorized but not issued.

Mr. Wielkocz explained that the budget being presented increases taxes by 8/10 of 1%. This equates to a \$37.20 increase on a home that is valued at \$465,000. He added that the Borough will have a little more surplus in 2011 than it did in 2010.

He stated that surrounding municipalities are struggling with the 2% mandated levy CAP as well as their budgets in general.

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Ms. Thomas stated that more money has been added into the snow account because of all the storms, but the Borough has applied for FEMA money and she believes the Borough will be awarded funding.

Mr. Iannaconi added that any money received from FEMA would have a positive effect on this and/or 2012 budget.

Ms. Thomas stated that there has been a lot of work to get the budget to such a good place at this point.

Mr. Cervieri asked what would have been the effect if the Borough had deferred its pension payments. This was offered by the State to municipalities two years ago.

Mr. Wielkocz responded that there would not have been an effect this year, but in 2012 the Borough's pension payments would have doubled.

It was agreed that the Borough would introduce its 2011 municipal budget at the February 10th regular meeting. The public hearing on the budget will be held on March 10th. In addition an ordinance to exceed the municipal budget appropriation limits and to establish a CAP bank will also be introduced as prepared by Mr. Wielkocz at next week's meeting.

Shared Services/Library Part-Time Position

Mr. Pohan stated because this item was a personal matter that it was discussed in closed session.

E-Tickets

Mr. Goldberg stated that hand held computers would be placed into police vehicles which would allow for the printing of e-tickets. It would take all the manual work out of the current process. He has presented two contracts, one for six licenses and one for forty licenses. He stated that this service has been approved by the State. The six license contract requires no upfront fees and would be for a trial period of ninety days. The forty license contract requires a \$52,850 upfront fee, but such fee could be paid out of the Police Department's forfeiture fund account. He believes that productivity will go up as the information would be relayed to the courts instantly and would

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eliminate the need for hand written tickets to be brought to the courts which at times depending on officer's schedules has led to delays in having tickets implemented into the municipal court computer system. The contract if approved needs to be with the Borough and not the Police Department.

Mr. Cohen stated that the type of procurement for the e-tickets has to be figured out to see if it can be done by State contract or if it potentially has to be done as an extraordinary unspecifiable service (EUS).

A resolution entering into a contract with GTBM Inc. for outfitting six police vehicles with e-ticket capability will be completed once Mr. Cohen has reviewed the type of procurement the Borough has to undertake.

Denial of Towing License Application for TCB Towing

There was no discussion on this item tonight.

Saint Rocco Italian American Mutual Aid Society Festival

It was agreed that St. Rocco's could hold their annual festival which runs on August 3rd through August 7th on Martha Washington Way.

A resolution approving the dates and location of the festival will be placed on the February 10, 2011 regular meeting proposed consent.

PUBLIC HEARINGS SCHEDULED FOR FEBRUARY 10, 2011

- Ord. #2011-1--Amending and Supplementing Chapter 388, Sections 14 and 69 of the Code of the Borough of Fort Lee by Deleting Handicapped Spaces at 1227 Inwood Terrace and 1625 Ponsi Street
- Ord. #2011-2--Amending Salary Ordinance #2009-2 Establishing Salaries for Certain Non-Union Employees – Borough Prosecutor and Public Defender
- Ord. #2011-3--Amending Chapter 193, Uniform Construction Code, Section 2, Fees
- Ord. #2011-4--Amending Salary Ordinance #2006-50 for the Chief of Police
- Ord. #2011-5--Amending Chapter 90-2 Police Department Formation and Rank
- Ord. #2011-6--Amending Chapter 64-2 Historic Site, et al Committee; Members Terms to Include a Non-Voting High School Junior Student
- Ord. #2011-7--Amending Chapter 410-49 Zoning, Section (E) Sign/Façade Review Committee to Include Staggered Terms of Appointment

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Use of Credit Cards in Building Department and Fire Prevention Bureau (Add on Item)

Mr. Cervieri stated that with the Municipal Court taking credit cards and the potential use of e-tickets there is no

reason that the Building Department and Fire Prevention Bureau should not be accepting credit cards for permit fees.

Ms. Thomas stated that she would talk to Brian Ribarro and Steve Curry, Department Heads, about implanting the use of accepting credit cards for their respective departments.

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 8:37 p.m.

Neil Grant, RMC
Borough Clerk

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**BOROUGH OF FORT LEE
2011 MUNICIPAL BUDGET
INITIAL SUMMARY SHEET
(Appendix A)**

Total Appropriations 2010	\$66,586,203	
Total Appropriations 2011	\$67,611,873	
Increase	<u>\$1,025,670</u>	
Percentage	<u>1.52%</u>	
Tax Levy 2010	\$57,096,086	0.933
Tax Levy 2011	\$57,609,951	0.941
Increase	<u>\$513,865</u>	0.030
Percentage	<u>.089%</u>	

Tax Point = \$612,260

\$37.20 Increase on a Typical \$465,000 House

Appropriation Increases

Salaries and Wages - Police	(\$-1,852,429)
Salaries and Wages - Other	116,118
Health Benefits	610,814
Other Insurance	7,535
5 Year Payout of Retirees	380,000
Debt Service	1,127,811
Pension	783,731
Other Expenses	<u>(127,910)</u>
	\$1,025,670

Revenue Changes

Surplus	294,500
Court	(\$-169,991)
Cliffside Sewer	(\$-51,572)
Construction Code	125,000
Grants	146,960
Other Misc Revenues	(\$-307,412)
Interfund	302,069
Ambulance Fees	<u>172,251</u>
	\$511,805

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, January 13, 2011 @ 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, Sargenti, Kasofsky

ABSENT: Council Members Goldberg and Cervieri

ALSO PRESENT: Peggy Thomas, Borough Administrator
Neil Grant, Borough Clerk
Steve Mannion, Esq. for Borough Attorney

MAYOR'S STATEMENT

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

1. On January 6, 2011, 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 7, 2011, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, THE PRESS JOURNAL and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2011 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: Police Department Table of Organization
Police Department Promotions
Police Department Crossing Guards

Police Chief Contract
Medical Director for Ambulance Services
Building and Grounds (Added on)

RFQ'S/Contracts: Ambulance Billing Reimbursement
Program (ARS)
Special Conflict Counsel
Borough Planner
Purchasing Consultant/QPA
Traffic Engineer

Tax Appeal Litigation: 1 Bridge Plaza, Block 6153, Lot
2 & 2205 Route 4 East, Block 5552, Lot 7 - Non-Fair
and Open Contract - McNerney & Associates, Inc.

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

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

ENGINEERING DISCUSSION

Interlocal Agreement for Sanitary Sewer Line with the Borough of Palisades Park

Ms. Thomas stated that Ed Mignone, Assistant Engineer for the Borough, was unable to attend tonight's meeting.

No action was taken on this item tonight. This item to be placed back on the February 3, 2011 executive session meeting agenda for discussion

GENERAL DISCUSSION

Municipal Services Agreement With Westgate Condominium Association Inc.

Ms. Thomas stated that the Borough's current municipal services agreement with the Westgate Condominium Association will

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continue for the next three years at the current cost of \$17,686 per year, which monies the Borough pays the condominium

association for costs associated with street lighting, cleaning, snow removal, maintenance, etc.

A resolution approving the continuing municipal services agreement with Westgate Condominium Association will be placed on the January 20th regular meeting proposed consent agenda.

Ambulance Corps Stipend Guidelines

Mayor Sokolich stated that with two council members absent tonight he will hold off discussing this item until the February 3rd executive session.

Amending Chapter 193-2 Construction Code Fees

Ms. Thomas stated that Brian Ribarro, Building Subcode Official, has requested that certain construction fees be amended. He previously sent everyone a copy of the fees that he would like to change.

Mr. Sohmer added that Mr. Ribarro has also taken certain redundancies out of the Borough's current construction code fee ordinance.

An ordinance amending the current construction code fees as prepared by the Borough Attorney will be introduced at the January 20th regular meeting.

Amending Chapter 64-2 Historic Site, et al. Committee Members Terms (High School Student)

Mayor Sokolich noted that Mr. Cohen is working on an ordinance which will allow for a non-voting high school junior representative to sit on the above named committee. The term of office will be from July 1st through June 30th which fits in with the school year.

An ordinance amending the Historic Site, et al. Committee will be introduced as soon as possible at a regular meeting once it's prepared by the Borough Attorney.

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Amending Chapter 410-49 Sign/Façade Review Committee Terms of Appointment

Mayor Sokolich stated that the terms of appointment for the above committee will be changed so that two appointments will be for two years and one for one year. He also has two Mayor's designees and/or representatives whose terms will remain unchanged at one year which he appoints annually.

An ordinance amending the Sign/Façade Review Committee will be introduced as soon as possible at a regular meeting once it's prepared by the Borough Attorney.

Amending Salary Ordinance for New Borough Prosecutor and Public Defender

Mr. Grant stated that a salary ordinance will be introduced at the January 20th regular meeting which will include the names and salary of one new prosecutor as well as the new public defender.

Mayor Sokolich added that the ordinance being introduced does not reflect any salary increase from the previous people who held the aforementioned positions.

Purchase of 4x4 Pickup Truck for the Fire Department

A resolution authorizing the purchase of a Ford 4x4 pickup truck from Ditschman/Flemington Ford for the Fire Department via New Jersey State contract at a cost of \$41,490 will be placed on the January 20th regular meeting consent agenda.

Ms. Thomas added that the funds for the purchase are available through the Borough's capital account for the Fire Department.

Denial of Towing License Application for TCB Towing

Mr. Grant explained the reason why the Police Department denied the amending towing location. He added that the applicant's attorney has requested that this matter be discussed at the February 3rd executive session.

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Liquor License Transfer from Young J. Yim to Yk II, Inc., t/a Raku Izakaya at 209 Main Street

Mr. Grant explained that the owner, a sole proprietor, is transferring the business to himself in the form of a corporation.

Mayor Sokolich stated that the Police Department have done the associated background check and have approved the transfer pending the governing bodies vote.

A resolution approving the person-to-person liquor license transfer will be placed on the January 20th regular meeting proposed consent agenda.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Charles Sobel 2175 Hudson Terr.	.Rent Leveling Ordinance	Mr. Pohan

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

Neil Grant, RMC
Borough Clerk