

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, December 5, 2012 @ 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, (Arrived at 8:15 p.m.) 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 5, 2012, 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 6, 2012, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2012 to cover the cost of providing notice.

3. On November 26, 2012 a copy of said change in scheduled date was posted at 309 Main Street, Fort Lee, New Jersey. On the same date, copies of the change in meeting date were also mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2012 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

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

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

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

Personnel: Police Department Records Room
Police Department - New Hires
Fire Prevention Bureau
Emergency Management

Tax Appeal Litigation - Verizon NJ vs. Borough of Fort Lee at 502 Main Street, Block 3655, Lot 4

Litigation: Cecilo Aguado and Adela Robles vs. Borough of Fort Lee - Regarding 1033 Palisade Avenue Site Plan Variance Application

Affordable Housing Project - Shari DePalma and Tom Toronto 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.

Council President Cervieri chaired the meeting until the Mayor's arrival at 8:15 p.m.

ENGINEERING DISCUSSION

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

Sewer Easement for Kamil Homsy for 330 New York Avenue

Mr. Mignone stated that a subdivision of the above property was previously approved by the Planning Board. The applicant's attorney has requested that the Borough accept the deed of easement.

A resolution accepting the easement related to the Borough's sanitary sewer system for the property owned by Kamil Homsy will be placed on the December 20th regular meeting agenda.

New Jersey Sustainable Land Use Pledge

Mr. Mignone stated that to become a New Jersey sustainable community seven policy objectives have to be met such as the previous approved complete streets policy. He's requesting the Borough approve a New Jersey land use pledge resolution which will take into consideration land-use decisions that will continue to make the Borough a truly sustainable community. The principals set forth in the resolution should be included in the next master plan revision.

GENERAL DISCUSSION

Amending Developers Agreement with Dyker Ridge LLC for Property Located at 2142 North Central Road

A resolution amending certain terms and conditions with regard to a developers agreement executed with Dyker Ridge LLC from 2009 will be placed on the December 20th regular meeting agenda.

Request by Chabad Fort Lee to Place Menorah at the Jack Alter Fort Lee Community Center

Ms. Thomas stated that the Mayor spoke to the rabbi from Chabad Fort Lee and they agreed that there would not be a menorah placed at the Jack Alter Fort Lee Community Center.

Chapter 159 Additional Revenue - Year End Drive Sober Program

The Borough is in receipt of a \$4,400 grant for the "Year End Drive Sober Program". Because the budget has been adopted any additional revenue received must be done by resolution.

A Chapter 159 resolution for the additional revenue will be placed on the December 20th regular meeting consent agenda for approval.

Liquor License Transfer from Mac-On Inc. (Pocket) to Kerrspo LLC (Pocket)

Mr. Grant stated that he's still waiting for the Police Department investigation to be completed. He added that he will place the liquor license transfer on the December 20th regular meeting if all the paperwork is in order by the time of the meeting.

Replacement of Six Police Laptop Computers for Various Police Vehicles

A resolution authorizing the purchase of six (6) Panasonic Toughbook Computers and related equipment for various police vehicles from Insight Public Sector, Tempe, Arizona through the Western State Contracting Alliance at a total cost of \$38,834.04 from the Police Department's capital account will be placed on the December 20th regular meeting proposed consent agenda.

Fire Hydrants for The Modern

Mr. Cervieri recused himself on this matter and left the meeting room.

Ms. Thomas stated that Steve Curry, Fire Sub-Code Official, reviewed the hydrant locations for the two towers being placed by FLRA and concurred with their location.

A resolution approving the hydrant locations as requested by United Water will be placed on the December 20th regular meeting agenda.

Ambulance Corp Request for New Ambulance

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

Ms. Thomas stated that she wanted to discuss this matter with the governing body before the actual bid document was prepared. She stated that there is money in the Ambulance Corps capital ordinance account.

Discussed ensued whether a smaller or normal sized ambulance would be purchased.

Mr. Goldberg stated that the smaller ambulances bounce all over the road and do not have much power to get up hills.

Ms. Thomas further stated that she spoke to Cathi Goldfischer, Ambulance Corp Chief, who assured her that a larger sized ambulance is within her capital budget.

Mr. Sargenti asked what happens with the older ambulances.

Ms. Thomas replied that they are usually auctioned off.

Awarding Bid for Police Motorcycles

On questioning from Mr. Cervieri, Mr. Grant said he would look at the bid and see how much the Borough was receiving for the traded-in motorcycles.

A resolution awarding bid to Harley Davidson of Long Branch for the provision of five Harley Davidson motorcycles for the Police Department at a cost of \$38,070.00 which includes the cost of six traded-in police motorcycles will be placed on the December 20th regular meeting agenda.

Awarding Bid for Lease of Borough Property

Mr. Grant stated that one compliant bid was received from 2045 Lemoine Avenue LLC for the lease of Borough property which is inside the Plaza Dinner parking lot.

A resolution as prepared by Mr. Cohen's office for a five year lease of Borough property in the amount of \$6,000 annually will be placed on the December 20th regular meeting proposed consent agenda.

Extension of Bid Time for Ambulatory Buses

Mr. Pohan recused himself on this matter.

Ms. Thomas stated that the Borough has requested additional time from the bidders to award to the bid because the Borough is

still waiting to make sure the buses are being paid for by the Port Authority.

Winning Student Filmmakers from Fort Lee

Mr. Goldberg stated that for the first time Fort Lee students won the young filmmakers competition. He would like to give the filmmakers proclamations and in addition he would like them to show their seven minute winning film at the December 20th regular meeting.

It was agreed that the December 20th meeting time will be changed from 8:00 p.m. to 6:0 p.m. to deal with the police promotions as well as the showing of the film.

December 20th Regular Meeting Starting Time

The governing body agreed to change the starting time for the December 20th regular meeting from 8:00 p.m. to 6:00 p.m.

Mr. Grant will send out the required legal notices for the change in meeting time.

Reorganization Meeting Date and Time

Mayor Sokolich arrived at this point in the meeting at 8:15 p.m. and chaired the meeting from this point forward.

The Mayor and Council agreed to hold the Reorganization Meeting on Thursday, January 3, 2013 beginning at 6:00 p.m.

Mr. Grant will send out the required legal notice for the scheduling of the January 3, 2013 Reorganization Meeting.

PUBLIC HEARING

Ordinance #2012-43 - Bond Ordinance for Financing for the Acquisition of Land at 183 Main Street, Block 4851, Lot 5 - Settlement of a Civil Action Entitled 183 Main Street Realty Associates, LLC vs. Borough of Fort Lee - \$2,050,000

Mr. Cervieri recused himself on this matter as well as R-1 listed below and left the meeting room.

On motion by Councilwoman Kasofsky, seconded by Councilman Sohmer and carried, the public hearing was opened relative to **Ord. #2012-43** entitled, "BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF LAND IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN NEW JERSEY, APPROPRIATING \$2,050,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,982,380 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF."

Charles Sobel, 2175 Hudson Terrace asked what the property is going to be used for.

Mayor Sokolich replied that it will be used as a park.

Mr. Sobel further asked who pays for the demolition of the bak and who owns the land.

Mayor Sokolich replied that Tucker Development will pay for any demolition costs and that the Borough will own a perpetual easement.

Mr. Cohen stated that will settles the condemnation suit.

Mayor Sokolich all litigation will be dropped with prejudice. The Borough's \$2,000,000 has nothing to do with the lawsuit.

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

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

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

R-1 - Authorizing Settlement of Litigation Entitled 183 Main Street Realty Associates, LLC vs. Borough of Fort Lee, et al Docket No. BER-L-2324-12

Mr. Cervieri recused himself on this matter and left the meeting room.

Councilwoman Kasofsky 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 AN 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 183 MAIN STREET REALTY ASSOCIATES, LLC ("183 MAIN") FOR THE SETTLEMENT OF LITIGATION REGARDING THE ACQUISITION OF 183 MAIN STREET LOCATED IN THE BOROUGH OF FORT LEE, NEW JERSEY

WHEREAS, Tucker owns property known as Block 4851, Lot 1.01 located in Redevelopment Area 5 (the "West Parcel"); and

WHEREAS, the Borough and Tucker executed a redevelopment agreement on March 15, 2012 for the West Parcel (the "Redevelopment Agreement"); and

WHEREAS, pursuant to the Redevelopment Agreement, the Borough is pursuing the acquisition of property known as 183 Main Street for public open space (the "Property"); and

WHEREAS, the parties have been involved in active negotiations to settle the acquisition of the Property, and the Parties are desirous of settling same; and

WHEREAS, in further consideration for the settlement, to be provided by 183 Main, for the acquisition of the Property, the parties have agreed to the terms and conditions of an agreement to settle a lawsuit entitled 183 Main Street Realty Associates, LLC vs. Borough of Fort Lee, et al. (Docket #BER-L-2324-12) (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, the settlement of the acquisition of the Property and Litigation will advance the Borough's goals for public open space,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council, that it hereby approves and authorizes the execution of the Settlement Agreement for the acquisition of the Property and Litigation in the form attached hereto by the appropriate Borough officials; and

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

Mr. Pohan stated that this is considered a friendly Condemnation

Mr. Cohen added that all the conditions of the settlement are set forth in the redevelopment agreement

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

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

ABSENT: Councilman Cervieri

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

PUBLIC HEARINGS SCHEDULED FOR DECEMBER 20, 2012

Ord. #2012-39--Amending Chapter 388, Sections 14 and 69 Placement of Handicapped Parking Space by 1241 Anderson Avenue

Ord. #2012-40--Amending Chapter 388, Section 43, Section I, to Include a No Parking Zone on Crescent Way (West Side) from its Apex with Bridle Way to its Intersection With Crescent Court

Ord. #2012-41--Authorizing a Special Emergency Appropriation for Accumulated Sick, Vacation and Related Expenses in Connection With the Retirement of Borough Employees - \$368,908.00

Ord. #2012-42--Amending Chapter 388, Sections 14 and 69 Deletion of Certain Handicapped Parking Spaces on Cedar Street and Glen Road

Ord. #2012-44--Amending Chapter 90-2 Police Department Formation and Rank

Holiday Tree Lighting Ceremony (Added on Item)

Mayor Sokolich stated that he and Ms. Thomas got a sneak peek at what tomorrow's tree lighting ceremony is going to look like. He said it's really nice and praised the Borough employees for their tremendous effort. He added that tomorrow night is going to be another great event for the community.

Mayor Sokolich also announced that the annual Menorah Lighting will be held on Saturday, December 9th commencing at 6:00 p.m. on Main Street/Lemoine Avenue.

On motion by Councilman Pohan, seconded by Councilman Sohmer, and carried unanimously, the meeting was opened to the public for discussion.

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 Sohmer, at 8:28 p.m.

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, November 1, 2012 @ 7:00 p.m.

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

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

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

MAYOR'S STATEMENT

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

1. On January 5, 2012, 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 6, 2012, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2012 to cover the cost of providing notice.

3. On October 26, 2012 a copy of said change in scheduled 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 2012 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

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

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

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

Personnel: Police Department - Captain Bendul and Captain Ford in Attendance

Status of Negotiations and Litigation: Rosenberg/Woori Bank/Tucker

Contracts: RFQ's for Professional Services for 2012

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

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

PUBLIC HEARINGS SCHEDULED FOR NOVEMBER 8, 2012

Ord. #2012-33--Amending Chapter 159 Builders and Contractors - to Comply With N.J.S.A. 56:8-136 Contractors Registration Act

Ord. #2012-34--Amending Chapter 258 Landscapers and Snowplowing Contractors - To Comply With N.J.S.A. 56:8-136 Contractor's Registration Act

Ord. #2012-35--Appropriating \$71,700.00 for Inwood Terrace Park Improvements and Authorizing the Issuance of \$35,150.00 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Ord. #2012-36--Authorizing the Acquisition by Negotiated Purchase or Eminent Domain of Property at 183 Main Street, Block 4851, Lot 5 for the Purposes of Creating Additional Public Parkland and Open Space (**Minor Amendment Needed**)

Ord. #2012-37--Amending Chapter 289, Parking, Article IV Parking Meters et al. Section 15 Parking Meter Zones Established (17) Lewis Street and (20) Fletcher Avenue - Hours on Meters from Three Hours to Nine Hours and One Hour to Nine Hours Respectively

Ord. #2012-38--Amending Chapter 289 Parking, Article IV Parking Meters et al. Section 36 Residential Permit Parking - Certain Streets to be Restricted to Parking for Residents Only on Saturday, Sunday and Holidays

Mayor Sokolich and Stephen Ferraro, Emergency Management Coordinator, declared a State of Emergency in the Borough of Fort Lee on October 30th based on the damage and repairs that need to be made in the Borough from Hurricane Sandy.

One of the declarations in the State of Emergency of no garbage collection in the Borough until further notice is now officially rescinded. People can resume normal garbage collection schedules as long as the garbage trucks can get down the street. At this time all of the other conditions of the State of Emergency remain in effect.

PUBLIC PARTICIPATION

On motion by Councilman Goldberg, seconded by Councilman Cervieri, and carried unanimously, the meeting was opened to the public for discussion.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Diane Sicheri 1525 12th Street	.Hurricane Sandy - Looking for More Communication Feels Cut-Off	Mayor Sokolich Mr. Sargenti
Nina Levinson 1560 West St.	.Hurricane Sandy - Lack of Communication	
John Sicheri 1525 12th St.	.Requested Closing of North Avenue Until Power is Restored	Mayor Sokolich

There being no further discussion the meeting was adjourned **on motion by Councilman Goldberg, seconded by Councilman Cervieri** at 8:05 p.m.

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, October 18, 2012 @ 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 (Left at 7:45 p.m.)

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 5, 2012, 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 6, 2012, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2011 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

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

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

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

Personnel: Police Department - Table of Organization

Affordable Housing Project - (No Discussion on This Item Tonight)

Status of Negotiations and Litigation: Rosenberg/Woori Bank/Tucker

Contracts: Energy Survey - Clark McCain, Brad Jenkins, Edward Castelli and Leonard Abruzzo - Rexel Representatives in Attendance)
Radio Expert - Installation of Radio Receiver and Transmitter Equipment in All Newly Constructed Buildings

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.

Naming Environmental Committee as Green Team for Sustainable Jersey Program

Mr. Mignone stated that a resolution designating the Borough's Environmental & Beautification Committee as the Borough's Green Team will be placed on the November 8th regular meeting agenda. This is required for the Borough to be certified by the Sustainable New Jersey Program.

A Complete Streets Policy for the Borough - Department of Transportation (DOT) Criteria

Mr. Mignone stated that the DOT has a statement of policy which takes into account all users. There are two purposes for having a complete streets policy. One it gives the Borough extra points on DOT applications and it gets the Borough closer to certification under the Sustainable New Jersey Program.

Ms. Kasofsky stated that the Borough is getting closer to the 150 point requirement for the bronze level of sustainability which level was initially set at 100 points but then raised to 150 points.

A resolution authorizing adoption of a complete streets policy implementing planning, design, construction, maintenance and operation of new and retrofit transportation facilities within the public rights-of-way in the Borough will be placed on the November 8th regular meeting proposed consent agenda.

Stormwater Training for Borough Officials

Mr. Mignone stated that the Mayor and Council will have to view a short video which he will download to their I-pads. The video is required as a condition for the Borough's required compliance with its NJDEP stormwater permit.

GENERAL DISCUSSION

Mayor and Council Ethics Training

Mayor Sokolich stated that the Borough has been doing better than a lot of other municipalities with regard to the State's Best Practices list. One of the items on the list is for the governing body to take ethics training classes. He will be sending the governing body a link so they can take the training online.

Ms. Thomas stated that last year a course was given to the Mayor and Council before an executive session but the person spoke more about a hostile work environment rather than ethic's training.

Council on Affordable Housing (COAH) Spending Plan

Ms. Thomas stated that the Borough's revised COAH spending plan has been prepared by the Borough Planner and that over \$500,000.00 has been dedicated to the Fort Lee Housing Authority.

A resolution as prepared by Mr. Cohen's office approving the Borough's request for review and approval from the Council on Affordable Housing for its revised municipal affordable housing

trust fund spending plan will be placed on the November 8th regular meeting proposed consent agenda.

Recycling Bins for the PBA

Ms. Thomas stated that Police Officer Kevin Kosuda, Fort Lee PBA 245 President, has made a request on behalf of Michael Conway whose company American Recycling Tech Co. already has recycling bins in the Borough. Mr. Conway would like to put more bins in public areas and turn the profits over to the PBA.

The Mayor and Council expressed concerns that other companies have made this request already and that the Borough has not moved forward because the bins are obtrusive and sometimes not well maintained and the Borough would prefer not to have these types of bins in public areas such as the Municipal Parking Lot and by the Jack Alter Fort Lee Community Center.

Opinion was expressed that maybe one bid could be put in a public area as a test bin to see how it would look as well as being maintained before a final decision is made on multiple bins.

Constitution Park - Dog Walking Pilot Program

Ms. Thomas stated that except for one complaint it has worked out well.

The Mayor and Council agreed to extend the dog walking PILOT program it currently has at Constitution Park.

Handicapped Parking Space Request by 1241 Anderson Avenue

An ordinance placing a handicapped parking space by 1241 Anderson Avenue as requested through the Police Department will be introduced at the November 8th regular meeting.

Crescent Way/Bridle Way/Crescent Court Parking

Ms. Thomas stated this ordinance was originally tabled on August 23, 2012. Since then the Police Department have done a

survey with regard to the area in question and it's difficult for emergency vehicles to get through unless parking is prohibited on the west side of Crescent Way. The Police Department has spoken to the residents in the area explaining the situation to them.

The Mayor and Council voiced no objections to re-introducing the ordinance prohibiting parking of vehicles on the west side of Crescent Way. Such ordinance will be re-introduced at the November 8th regular meeting.

PUBLIC PARTICIPATION

On motion by Councilman Goldberg, seconded by Councilwoman Kasofsky, and carried unanimously, the meeting was opened to the public for discussion.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Park Avenue/Martha Washington Way (MWW) Requested that the Name MWW be Maintained in Perpetuity	Mayor Sokolich

There being no further discussion the meeting was adjourned **on motion by Councilman Sargenti, seconded by Councilwoman Kasofsky,** at 8:48 p.m.

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, October 4, 2012 @ 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, (Left after Closed Session at 8:15 p.m.) Sargenti, Kasofsky, Cervieri

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

MAYOR'S STATEMENT

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RESOLUTION FOR CLOSED SESSION

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

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

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

Personnel: Police Department
Police Department - School Crossing Guards
Sign Inspector

Status of Negotiations and Litigation: Rosenberg/Woori
Bank/Tucker

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

Winter Overnight Parking Regulations/Anderson Avenue

Mayor Sokolich stated that with regard to this matter he's speaking in his capacity as an attorney for a private client. Residents of Plateau Gardens have been complaining to him with regard to the winter overnight parking rules that prohibit cars from parking on Anderson Avenue overnight from December 1st to March 31st whether or not snow is on the ground. He believes that they are severely inconvenienced. He understands when snow is on the ground that no one should be parking; however, he believes there should be some solution that would keep the residents of this large community from scrambling to find parking spots on side streets.

After a brief conversation it was agreed that because it's a county roadway which Bergen County deals with snow removal and also Borough enforcement of ordinances that the Mayor along with the Council should discuss this issue with the Parking Authority as well as Mike Maresca, DPW Assistant Superintendent.

Ambulance Parking

Mr. Cervieri stated that the Borough has come to agreement with Madonna Church to use a portion of their parking lot for ambulance parking. Basically eight spots can be used everyday except when church services are being held on Sunday morning. It will be a ten year lease.

Mayor Sokolich added that at some point the Borough will build a path with a gate for easier access from the Ambulance Corp to the parking area.

Capital Ordinance for Inwood Terrace Park Improvements

Ms. Thomas stated that Bergen County approved \$34,700.00 in funds through the Open Space Program (50-50 Match) to make improvements to Inwood Terrace Park. A bond ordinance needs to be put in place for the grant.

A bond ordinance as prepared by bond counsel will be introduced at the October 11th regular meeting.

Amending Residential Permit Parking Ordinance

Ms. Thomas stated that the Parking Authority in response to neighbor complaints has requested that the Borough pass a "resident only parking" ordinance for the weekends. The streets would include Myrtle Avenue, Washington Avenue, Wall Street, Prospect Street, 5th Street, 6th Street, 7th Street, 8th Street, Merkle Street, Sylvan Avenue, North Central Road, Hudson Street, Bigler Street, Central Road and Central Avenue. All of these streets will enforced east of Lemoine Avenue and north of Main Street.

Mayor Sokolich stated that this ordinance should resolve a lot of problems for residents who have been having trouble parking their vehicles on weekends due to all of the non-residents parking their cars on the side streets and then are taking their bicycles onto Hudson Terrace and Route 9W.

An ordinance creating the "residents only parking" by making amendment to Chapter 289, Section 36, (Residential Permit Parking) will be introduced at the October 11th regular meeting.

Amending Hours on Meters - Fletcher Avenue & Lewis Street

Ms. Thomas read a memo from the Parking Authority requesting that Chapter 289 be amended to allow for nine hour meters on Fletcher Avenue & Lewis Street. Fletcher Avenue would be amended from one hour to nine hours and Lewis Street would be amended from three hours to nine hours.

Douglas Sugarman, 2100 Linwood Avenue, asked about changing the meters on Linwood Avenue to nine hours.

The governing body expressed concern that if that was done then the Linwood Avenue meters would be tied up by daily commuters and therefore would not be helping the Mediterranean complex residents with people who may be visiting in the complex.

Mr. Sugarman said he would speak to the Parking Authority about his request.

It was agreed that an ordinance amending the meter hours for both Fletcher Avenue and Lewis Street will be introduced at the October 11th regular meeting.

Bid from Southbridge Park - Lease of Borough Property

Messrs. Pohan and Cohen recused themselves on this matter and left the meeting room.

Mr. Grant explained that one compliant bid was received from Southbridge Park Inc. for the lease of Borough property.

Mr. Grant added that the first year price will be \$3,000.00 which will escalate annually based on the CPI which price will be added into the base price for each year of the ten-year lease.

A resolution awarding the bid to Southbridge Park Inc. for a ten-year lease of Borough property will be placed on the October 11th regular meeting agenda.

Request for Trade-In/Purchase of Police Department Motorcycles

Ms Thomas stated that the Police Department is looking to trade in six motorcycles and purchase five new ones. Each motorcycle with a trade-in would cost approximately \$13,000.00 but public bidding is required.

Mr. Sargenti stated that the Mayor and Council approved six motorcycles last year with the trade-in program. The Police Department won a new Harley at a police benefit so they are looking to only purchase five motorcycles. This will give them twelve motorcycles in total. He believes with parts becoming hard

to find that trading in the remaining older motorcycles is a good idea.

The Mayor and Council concurred that the Police Department should trade-in six used motorcycles and purchase five new motorcycles. Such purchase will be ultimately paid thorough the Police Department's confiscated funds account.

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for the trade-in and purchase of five (5) new police motorcycles will be placed on the October 11th regular meeting proposed consent agenda.

World Trade Center Beam (1 of 9) Location

Mayor Sokolich stated that two of the nine beams are up at Fire House #4 and the Fort Lee High School who did a great job in displaying their beam in their courtyard.

Ms. Thomas stated that the Borough will be placing its beam in the Jack Alter Fort Lee Community Center. It will be placed in the glass window which will light up. In addition there will be an etching of the World Trade Center. There will also be a plaque placed in the window giving details about the beam and 9/11.

PUBLIC HEARINGS SCHEDULED FOR OCTOBER 11, 2012

Ord. #2012-28--Amending Chapter 126, Section 2, Alarm Consoles – Rescinding Paragraph E, Establishing Annual Registration Fees

Ord. #2012-29--Amending Ordinance #2012-15 (Adopted 5/10/12) Providing for a Conveyance to Redeveloper of Property Designated as Block 4851, Lots 2 and 3 in Redevelopment Area 5 in Accordance with the Redevelopment Law Subject to Public Roadway Easement Dedicated to County of Bergen

Ord. #2012-30--Amending Chapter 388, Vehicles and Traffic, Article V Schedules, Section 64 Schedule XVII Crosswalks – Establishing Various Mid-Block Crosswalks

Ord. #2012-31--Amending Chapter 372, Section 2, Paragraph (3) Licensing of Taxicabs Required – Possession of a Valid New Jersey Driver's License

Ord. #2012-32--Amending Chapter 193, Section 2, Schedule B, Fire Sub-Code Fees

Mr. Cervieri spoke to the passing of his friend, Nat Infurna, who died this past Monday. He stated that Nat has

served on multiple boards and committees for the State and the Borough. His wake is scheduled for tomorrow from 3:00 p.m. to 5:00 p.m. and 7:00 p.m. to 9:00 p.m. at Frank Patti Funeral Home. The funeral mass will be held on Saturday at 11:00 a.m. at the Madonna Church. He added that he will be sorely missed.

Mayor Sokolich stated that Mr. Cervieri has had a very close relationship with Nat and that over the last few years he helped Nat out greatly.

Mayor Sokolich offered a moment of silence in the memory of Nat Infurna at this time.

PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the meeting was opened to the public for discussion.

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

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

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, September 20, 2012 @ 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

MAYOR'S STATEMENT

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

1. On January 5, 2012, 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 6, 2012, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2012 to cover the cost of providing notice.

3. On September 10, 2012 a copy of said change in scheduled 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 2012 to cover the cost of providing notice.

4. On September 18, 2012 a copy of said change in scheduled time for the open portion of the meeting was posted at 309 Main Street, Fort Lee, New Jersey. On the same date, copies of the change in meeting time for the open portion of the meeting were also mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2012 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

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

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

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

Personnel: Police Department - Thomas Ripoli, Police Chief in Attendance
Rent Leveling

Tax Appeal Litigation: Slumber Inc., 2339 Route 4 East vs. Borough

Contract: Englewood Hospital

Status of Negotiations and Litigation: Rosenberg/Woori Bank/Tucker

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

Contractors Registration Act

Ms. Thomas stated that the Borough's Builders and Contractors as well as Snowplowing and Landscaping Ordinance need to be amended to reflect the State's adoption of the Contractors Registration Act.

Two ordinances amending Chapters 159 and 258 of the Borough Code to reflect State statute will be introduced at the October 8th regular meeting.

Purchase of Fire Department Equipment

Ms. Thomas stated that the Fire Department has requested the purchase of extrication equipment. Money is in their capital budget for the expenditure

A resolution authorizing the purchase of the extrication equipment from State Line Fire & Safety Inc., Park Ridge, New Jersey, through New Jersey State Contract #A80968 at a cost of \$58,989.00 will be placed on the October 11th regular meeting proposed consent agenda.

Beams of the World Trade Center - Borough Hall

Mayor Sokolich stated that the Borough was bestowed the privilege of having the fifteen foot beam of the World Trade Center in Constitution Park. There was an additional beam that was cut into nine pieces that has been distributed to different Borough places. Ultimately all the beams will be displayed with plaques and will be numbered 1 through 9. The Borough's piece will be number 1. Currently only two out of the nine pieces are up and are being displayed. The rest of the beams need to be put up and displayed in the near future.

Ms. Thomas expressed concern about having the beam placed outside because the beam is not that large. She will look at the Jack Alter Fort Lee Community Center and Borough Hall as possible locations to place the beam. Ms. Thomas will report back to the Mayor and Council once she has reviewed potential sites.

PUBLIC PARTICIPATION

On motion by Councilman Goldberg, seconded by Councilwoman Kasofsky, and carried unanimously, the meeting was opened to the public for discussion.

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 Goldberg, seconded by Councilwoman Kasofsky** at 7:15 p.m.

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, September 6, 2012 @ 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 5, 2012, 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 6, 2012, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2012 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

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

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

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

Personnel: Police Department
General Services
Recreation Department

Affordable Housing Project - Shari DePalma in Attendance

Contract: DMV/DRS Creative Services Inc. - Special Improvement District

Corrective Deed - Redevelopment Area 5 - Block 4851, Lots 2 & 3

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 Main Street/Hudson Terrace Roadway Improvements

Ms. Thomas stated that proposal is to expand and level the roadway on Main Street/Hudson Terrace. The location is by Prestige Auto Body.

A resolution authorizing Boswell McClave to prepare construction plans, technical specifications and to give an engineer's estimate of the project at a cost not to exceed \$45,000.00 will be placed on the September 13th regular meeting proposed consent agenda.

Van Fleet Park Field Improvements

Ms. Thomas stated that there will be a resolution placed on next week's regular meeting for new field turf, fencing and lighting for Van Fleet Park. The purchase is being done through a national purchasing cooperative program. Money is in place through this year's capital budget which bond ordinance was approved previously on July 19th.

GENERAL DISCUSSION

Advertising for Bids (RFP) for Third Party Billing Services for the Fort Lee Municipal Ambulance Corps

Ms. Thomas stated the Borough will advertise for a request for proposal for this service.

Mr. Pohan spoke to a decline in billings.

Mayor Sokolich stated that there needs to be a strong interrelationship with the hospitals as they are more than 120 days behind in billing.

Ms. Thomas stated that Holy Name Hospital billings are slow but not nearly as much as Englewood Hospital.

Mr. Grant added that the contact for the Borough's current third party service provider expires at the end of the year so a resolution is needed to prepare a new Request for Proposal (RFP) for the third-party billing service.

A resolution authorizing the RFP will be placed on the September 13th regular meeting proposed consent agenda.

Lease of Borough Property Portion of Municipal Parking Lot - Block 4751, Lot 8 (Plaza Diner Back Fence)

Mr. Grant explained that the five year lease ends at the end of 2012. The current annual lease price is \$5,200.00.

The Mayor and Council agreed that the bid specifications should include language that will raise the annual lease fee of \$6,000 annually for five years which is still lower than if the Parking Authority was leasing the spots out.

Mr. Grant will prepare a resolution advertising for bids for the lease of Borough property which will be placed on the September 12th regular meeting proposed consent agenda.

Amending Chapter 372-2 Licensing of Taxicab Drivers - Possession of a Valid New Jersey Driver's License

An ordinance amending Chapter 372, Section 2, Paragraph (e) will be amended so that the current language of requiring a valid New Jersey Driver's license will be amended to reflect any valid State license.

The ordinance to be prepared by Mr. Cohen's office will be introduced at the September 13th regular meeting.

School Funding Formula

Mr. Pohan stated that being consistent in other instances when he has opposed other resolutions that don't affect the business of the town itself, he will continue to maintain as he always has that this item is not appropriate subject matter for the Mayor and Council.

Mayor Sokolich concurred that that the Board of Education has acted on the matter and that the Borough does not try to impose itself on each others day-to-day policy decisions.

Mr. Cervieri stated that the Board of Education was the appropriate party to handle the matter and they acted on it accordingly.

There was no further action taken by the Mayor and Council.

Mid-Block Crosswalk Ordinance

An ordinance amending Chapter 388, Section 64, Schedule XVII will be amended to include various mid-block crosswalks that the Police Department has given to the Borough Clerk to be put into the Borough Code.

An ordinance will be prepared by Mr. Cohen's office and will be introduced at the September 13th regular meeting.

Retreat to Victory Signs

After a brief conversation following up on this matter which was initially discussed at the August 16th executive session the Mayor and Council concurred that the signs will be consistent in

shape and size that Bergen County has previously installed in other municipalities.

Mayor Sokolich stated that the signs are being paid by three donors which include himself. It will add to the history of the Borough.

It's hopeful the first sign will be up by November 20th which will coincide with the Revolutionary War Annual Retreat to Victory route festivities.

Purchase of Fire Department Gear (Protective Clothing)

Ms. Thomas stated that the Fire Department has requested the purchase of protective clothing for its members. Money is in their capital budget for the expenditure.

A resolution authorizing the purchase of the protective clothing from Hi-Tech Fire & Safety Inc., Farmingdale, New York, Through New Jersey State Contract #A76359 at a cost of \$47,703.08 will be placed on the September 13th regular meeting proposed consent agenda.

Auctioning of Various Borough Police Property

A resolution auctioning various Borough police department property through propertyroom.com will be placed on the September 13th regular meeting proposed consent agenda.

The majority of the property has been confiscated by the Police Department,

Starting Time for October 11th Regular Meeting

The starting time for the October 11th regular meeting will remain unchanged at 8:00 p.m.

The starting time for the November 8th regular meeting of the Mayor and Council will be changed from 8:00 p.m. to 7:00 p.m. so the Police Department can start their Merit Board ceremony earlier.

Ordinance 2012-23 No Parking on Crescent Way (West Side) Tabled August 23rd

Ms. Thomas stated that the Mayor and Council received a memo from Police Officer Glenn Ifrate who is holding off with regard to placing no parking restriction in the area in question.

Mr. Grant explained that because the ordinance was tabled and is not being brought back at the next regular meeting that the ordinance would have to be re-introduced at a later day if the Mayor and Council are so inclined.

PUBLIC HEARINGS SCHEDULED FOR SEPTEMBER 13, 2012

Ord. #2012-26--Amending Chapter 406 Wreckers and Towing Service – Licensing Limitation for Police Call List to the Six Current Licensees

Ord. #2012-27--Authorizing the Mayor and Borough Clerk Pursuant to N.J.S.A. 40A:20-1 Et Seq. and/or N.J.S.A. 55:14K-1 et seq. to Execute a Financial Agreement by and Between the Borough and Assad Y. Daibes Memorial Foundation for Special Needs, Inc. for Property Located on Main Street, Know as a Portion of Lot 13 and Lots 17, 18 & 19, Block 4355 As Shown on the Official Tax Map of the Borough for a Mixed Income Residential Project

PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilman Sargenti, and carried unanimously, the meeting was opened to the public for discussion.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.DMV/DRS Contract	Ms. Thomas Mayor Sokolich Mr. Cervieri
	.Board of Education Surplus/School Field Turf	
Charles Sobel 2175 Hudson Terr.	.Rent Leveling	Mr. Cervieri

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

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, August 16, 2012 @ 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 5, 2012, 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 6, 2012, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2012 to cover the cost of providing notice.

3. On August 9, 2012, a copy of said change in schedule meeting time was posted at 309 Main Street and a copy of said schedule change was also mailed to all persons listed in #2 above.

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 - Roy Bortolus, Police Captain, in Attendance

Fire Prevention Bureau
General Services
Recreation Department

Police Department Retirement and Resignation

Contracts: Holy Name and Englewood Hospitals

Redevelopment Area 5 - Status of Litigation and Negotiations

Fort Lee Redevelopment Associates Developers Agreement Amendments

Daibes Affordable Housing Project - In Need of Referral to Planning Board for Redevelopment Assessment

Daibes Enterprises Developers Agreement

Hearing Results: Appeal for Denial of Taxi Driver's License

Tax Appeal Litigation - 100 Old Palisade Road

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.

Application for Open Space Trust Fund for 2012-2013

Mr. Mignone stated that the Borough is applying for open space funds (50-50 Borough Match) for improvements to the basketball court and for a second gazebo at Inwood Terrace Park. He added that the allocation of open space monies is expected to be less than last year.

A resolution authorizing submittal of the open space application in the amount of \$35,000.00 will be placed on the August 23rd regular meeting proposed consent agenda.

Boswell Proposal for Additional Handicap Accessible Ramps

Mr. Mignone stated that there are additional community development block grant funds from the county to add about an additional fifteen new handicap accessible ramps in the Borough. Boswell McClave Engineering has made a proposal to perform construction inspection services for the additional ramps in the amount of \$7,500.00.

Mr. Mignone deemed their proposal reasonable.

A resolution approving Boswell's proposal for construction inspection services in the amount of \$7,500.00 will be placed on the August 23rd regular meeting proposed consent.

Boswell Proposal for Traffic Signal Modifications to Main Street and Center Avenue

Mr. Mignone stated that Boswell McClave has made a proposal for design and construction inspection services to make traffic signal modifications at Main Street and Center Avenue which will include countdown timers being installed.

Mr. Mignone deemed their proposal reasonable.

A resolution approving Boswell's proposal for design and construction inspection services in the amount of \$7,000.00 will be placed on the August 23rd regular meeting proposed consent.

Ms. Thomas is hopeful that the Police Department's confiscated fund account can be used to pay for the traffic signal modifications.

NJDOT FY 2013 - Municipal Aid Grant

A resolution authorizing Boswell McClave Engineering to submit a NJDOT 2013 Municipal Aid Grant application for roadway improvements to Whiteman Street will be placed on the August 23rd regular meeting proposed consent agenda.

ADA Cooperative Curb Ramp Construction Grant Program and ADA Cooperative Engineering Design Grant Program

Mr. Mignone stated that Bergen County is asking the Borough to enter into two agreements that the Borough may avail itself to in the future with the county for ADA curb ramp construction and an engineering design grant program.

Resolutions entering into agreements with Bergen County for the above listed programs will be placed on the August 23rd regular meeting proposed consent agenda.

Ordinance for Various Mid-Block Crosswalks

Mr. Grant stated that an ordinance will be crafted to place various mid-block crosswalks into the Borough's code.

Mr. Grant added that he's waiting for a formal list from the Police Department of the various mid-block crosswalks the Borough current has.

An ordinance is expected to be introduced at the September 13th regular meeting once the Police Department has forwarded the list of crosswalks to Mr. Grant.

Van Fleet Park

Ms. Thomas stated that a new backstop, fencing and lighting are just some of the things that need to be done at Van Fleet Park. She added that there is money in the capital account to make the repairs and to purchase new field turf. The Borough

will be going through a purchasing cooperative with regard to the installation of new field turf.

GENERAL DISCUSSION

Amendment to Fire Sub-Code Fees/Plan Review

Steve Curry, Fire Sub-Code Official, was present for this portion of the meeting.

Mr. Curry explained the hand out (available in the Office of the Borough Clerk) and the recommendations made by him and Brian Ribarro, Building Sub-Code Official, as well as the recommendations made by Mr. Cervieri which are included in the hand-out. He added that the plan review fees have not been charged properly for years.

The Mayor and Council all agreed that the 20% cost of plan review will have to be eliminated because the cost would be way too high for the developers with the upcoming large projects coming on board with Redevelopment Area 5.

Mayor Sokolich added that even the one-family plan review fee of \$890.00 would also be too expensive using Messrs. Curry and Ribarro's numbers.

Mr. Pohan stated that the fees are being increased substantially even using Mr. Cervieri's recommendations, but he believes that's the better option and the way to proceed. The Borough will be still coming out ahead because the fee collections haven't been done properly.

The Mayor and Council concurred that the fees recommended by Mr. Cervieri shall replace the current fees and such ordinance shall be introduced at the September 13th regular meeting.

It was also requested by Mr. Curry that the \$10.00 annual alarm registration fee be repealed. Alarm registration will still be required through the Fire Prevention Bureau.

The Mayor and Council voiced no objection to repealing the \$10.00 annual fee.

An ordinance amending Chapter 126 alarm systems will be placed on the September 13th regular meeting for introduction.

Gospel 4 Fort Lee

Rev. Rick Spenst was in attendance for this portion of the meeting.

Ms. Thomas stated that Gosepl 4 Fort Lee which incorporates four churches has requested to use Constitution Park on Sunday, September 16, 2012 for a service.

Rev. Spenst stated that he expects upwards to 300 people to attend the service.

Mr. Cervieri asked about the religious component of the event.

Rev. Spenst stated that the service combines four inter-denominational groups; however, no one who shows up would be excluded from the event. The event would run from 10:00 a.m. to 2:00 p.m.

Mayor Sokolich there is always concern for government with regard to separation of church and state.

Mr. Cohen added that Constitution Park is a limited venue for specific charges and/or events and that religious ceremonies being held there would open up the possibility of any organization asking to use the park for any religious or other type event.

Mayor Sokolich stated that he will work with Rev. Spenst on trying to find another location for the event.

Towing Ordinance

Mr. Cervieri expressed his concern about limiting the number of towing licenses to the current license holders. He didn't want to create overall equity for them.

Mayor Sokolich recommended that only the six current towing licenses on the police call list be allowed. He added that the Mayor and Council always have the authority to make additional towing licenses available if someone makes application and requests to amend the Borough's towing ordinance.

The Mayor and Council agreed that the towing ordinance should be amended to reflect that only the six current towing licenses on the police tow list shall be allowed.

Purchase of Three (3) Police Vehicles

Ms. Thomas stated that the vehicles are in the current budget and that the cost of \$85,341.00 for all three vehicles will be made from Winner Ford, Cherry Hill, New Jersey through a Bergen County Cooperative purchasing program.

Mr. Goldberg stated that he doesn't understand the purchase of the new vehicles with so many police vehicles just sitting in the police lot.

Messrs. Cervieri and Sohmer asked if the vehicles are necessary.

Mayor Sokolich requested that Ms. Thomas get an inventory listing of the Police Department's vehicles.

Endorsing Five (5) Bergen County Community Development Applications for the Fort Lee Housing Authority

Resolutions endorsing five Bergen County Community Development applications for the Fort Lee Housing Authority will be placed on the August 23rd regular meeting agenda.

Liquor License Transfer from Kim and Yoon Inc. to James Kim (Pocket License)

Mr. Grant stated that he's still waiting for State tax clearance on the above liquor license transfer. If the clearance certificate is received by next Thursday a resolution approving the person-to-person transfer will be placed on the August 23rd regular meeting proposed consent agenda.

Mr. Grant added that the Police Department has reviewed the applicant and made no objection to the transfer of the liquor license.

Approving Liquor Licenses for 442 Main Street LLC (Pocket License) & Picco Inc. (Debtor in Possession)

A resolution approving renewal of the above liquor licenses for 2012-2013 will be placed on the August 23rd regular meeting proposed consent agenda.

Mr. Grant explained that Picco Inc. license has been taken by the State for failure by the owner to pay taxes and that it's being renewed so that the State can auction the license if the owner doesn't pay his back taxes.

Mr. Grant added that other licenses may be renewed if certain paperwork from the State is received before next week's regular meeting.

Dedication by Riders

Ms. Thomas explained that Steve Wielkocz, Borough Auditor, has asked that the Borough to approve five resolutions requesting approval from the New Jersey Division of Local Government Services for Dedication by Riders for the Borough's COAH Funds, the Police Donation Trust Fund, the Parking Offense Adjudication Fund, the Unemployment Compensation Trust Fund and the Developers Escrow Trust Fund.

The above resolutions will be placed on the August 23rd regular meeting proposed consent agenda.

Developers Agreement for Fort Lee Plaza LLC at 1640 Schlosser Street

There was no discussion on this item tonight.

Retreat to Victory Signs

Mayor Sokolich stated that he's looking to put up historical placards to give the Borough history with regard to the retreat route used during the Revolutionary War. Each placard will have a different statement of history. It will be identifiable and become part of the jitney tour that the Cultural & Heritage Affairs Department is in charge of. He has a \$2,500 donation and expects to have two additional donors so that the signs can be

put up at no cost to the Borough.

He added that verbiage has to be pre-approved by a historian and the art work has to be approved. All three signs would be consistent in size and shape.

Ms. Thomas stated that Bergen County wanted to do it at one time for the Borough and the Mayor and Council chose not to do at that time.

Mr. Pohan asked to check if the signs in other municipalities are of a standard shape and size.

Mr. Grant replied that he will check with other municipalities as well as Bergen County with regard to the signs that are in other towns with regard to the retreat route.

Mayor Sokolich stated that if the signs that track the retreat are consistent in each town then he will follow the protocol for the new signs the Borough will be installing.

Editor's Note: Because the Borough signs are expected to have more verbiage specific to the Borough, the signs may have to be larger than the signs Bergen County put up in other towns. The signs that Bergen County put up came out of the Bergen County Bicentennial Commission and do not discuss the history of any specific community with regard to the retreat.

RESOLUTION

R-1 - Authorizing the Execution of Various Document for the Assignment and Assumption by New Redevelopment Entities of the Redevelopment Agreement by and Between the Borough of Fort Lee and Fort Lee Redevelopment Associates, LLC, Dated February 2, 2012, and for the Amendment to Said Redevelopment Agreement Regarding the Redevelopment 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

Mr. Cervieri recused himself on this matter and left the meeting room.

Mayor Sokolich explained the resolution to the public. He stated that the resolution conforms the people who are investing money to meet certain requirements and conditions in the loan documents. In addition the Redevelopment team has changed.

Mr. Cohen added that it's more than just financing. There are large equity contributions being made by the new redevelopment team.

Mayor Sokolich added that in such large-scale projects this is fairly standard and he has never felt more confident that construction on the east portion of the project will soon commence.

Councilman Pohan 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 VARIOUS DOCUMENTS FOR THE ASSIGNMENT AND ASSUMPTION BY NEW REDEVELOPMENT ENTITIES OF THE REDEVELOPMENT AGREEMENT BY AND BETWEEN THE BOROUGH OF FORT LEE AND FORT LEE REDEVELOPMENT ASSOCIATES, LLC, DATED FEBRUARY 2, 2012, AND FOR THE AMENDMENT TO SAID REDEVELOPMENT AGREEMENT REGARDING THE REDEVELOPMENT 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, 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, which Redevelopment Plan was last amended on February 2, 2012; and

WHEREAS, on February 2, 2012, the Borough entered into a redevelopment agreement (the "Redevelopment Agreement") with Fort Lee Redevelopment Associates, LLC ("FLRA") as redeveloper of the East Parcel of Redevelopment Area 5 (the "East Parcel") located in the Borough of Fort Lee, County of Bergen, State of New Jersey for a mixed use project with 900 residential units, commercial space, a public park and other public amenities (the "Project"); and

WHEREAS, on March 26, 2012, FLRA obtained preliminary and final site plan and subdivision approval from the Borough

Planning Board for the Project, which includes the subdivision of the East Parcel into four (4) new lots; and

WHEREAS, the Redevelopment Agreement contemplated the Project to be developed in Phases

- **"Phase One"** will encompass the construction on Lot 1 of the Residential Component consisting of the 47-story "North Tower" and associated parking garage structure, including the elements of the Project applicable to Phase One set forth in Section 2.04 of the Redevelopment Agreement.
- **"Phase Two"** will encompass (i) the construction on Lot 4 of the Residential Component consisting of the 47-story "South Tower" and associated parking garage structure, (ii) the construction on Lot 4 of the Applicable Space consisting of a theatre building and an adjoining museum building for the Borough's use, (iii) the construction on Lot 3 of a restaurant building, together with an appurtenant dining terrace and a separate, café-style kiosk on Lot 2, and (iv) the construction of the Public Park Component on Lot 2, to be dedicated to the Borough for public use as the "Central Green", including the elements of the Project applicable to Phase Two set forth in Section 2.04 of the Redevelopment Agreement.

and

WHEREAS, certain institutional investors, including Prudential Insurance Company of America and The Northwestern Mutual Life Insurance Company, have agreed to participate with FLRA in the Project as indirect owners of interests in the Phase One Redeveloper and the Phase Two Redeveloper, which have been formed as single-purpose entities to accommodate such participation; and

WHEREAS, the Phase One Redeveloper intends to take title to Lot 1 and develop the Project Improvements comprising Phase One, while the Phase Two Redeveloper intends take title to Lots 2, 3 and 4 and develop the Project Improvements comprising Phase Two; and

WHEREAS, FLRA, the Phase One Redeveloper and the Phase Two Redeveloper have proposed to enter into an Assignment and Assumption of the Redevelopment Agreement and Covenants in order

to effectuate the transfer to, and the assumption by, (i) the Phase One Redeveloper of all of the respective rights, obligations, covenants, duties and liabilities of FLRA as Redeveloper under the Redevelopment Agreement corresponding to Phase One (collectively, the "Phase One Portfolio") and (ii) the Phase Two Redeveloper of all of the respective rights, obligations, covenants, duties and liabilities of FLRA as Redeveloper under the Redevelopment Agreement corresponding to Phase Two (collectively, the "Phase Two Portfolio"); and

WHEREAS, the assignment and assumption of the Phase One Portfolio and the Phase Two Portfolio constitutes a Transfer which is subject to the consent of the Borough under Article XIV of the Redevelopment Agreement and FLRA has requested that he Borough approve and execute the agreement for the limited purpose of evidencing such consent; and

WHEREAS, the Phase One Redeveloper intends to obtain construction loan financing for Phase One from a consortium of institutional lenders, including PNC Bank and Wells Fargo Bank, to be secured by a mortgage lien and security interests in the portion of the East Parcel and the Project Improvements comprising Phase One; and

WHEREAS, FLRA has requested clarification and revision of certain provisions in the Redevelopment Agreement as more fully set forth in the attached Amendment #1 to Redevelopment Agreement and Covenants; and

WHEREAS, the Parties have negotiated and agreed to certain terms and conditions required by various documents for the transactions contemplated herein, which were requested by FLRA with respect to the redevelopment of the East Parcel, the construction of the improvements and the payment of certain costs in connection therewith.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council that it hereby approves and authorizes the execution of Amendment #1 to Redevelopment Agreement and Covenants and the Assignment and Assumption of the Redevelopment Agreement and Covenants and other related documents, for the redevelopment of Block 4851, Lot 1.02, as subdivided, also known as the East Parcel located in Redevelopment Area 5 in the Borough of Fort Lee, County of Bergen, State of New Jersey.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute any and all documents necessary or convenient to the transaction(s) contemplated and authorized hereby, including but not limited to, Amendment #1 to Redevelopment Agreement and Covenants and the Assignment and Assumption of the Redevelopment Agreement and Covenants attached hereto in substantially similar forms, to effectuate the completion and implementation of the redevelopment of the East Parcel, subject to final review and approval by the Borough Attorney as to legal form and content.

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**

ABSENT: Councilman Cervieri

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

PUBLIC HEARINGS SCHEDULED FOR AUGUST 23, 2012

- Ord. #2012-22--Amending Chapter 388, Sections 14 and 69 Placement of Handicapped Parking Spaces Near the Front Entrance of 2175 Hudson Terrace
- Ord. #2012-23--Amending Chapter 388, Section 43, Section I, to Include a No Parking Zone on Crescent Way (West Side) from its Apex with Bridle Way to its Intersection With Crescent Court
- Ord. #2012-24--Amending Chapter 90, Police Department – Borough Administrator is Designated as the Appropriate Authority for the Adoption and Promulgation of Rules and Regulations for the Police Department
- Ord. #2012-25--Amending Chapter 372, Article I, Taxicabs, Clarifying the Definition of an Operation of a Taxicab and Penalties Associated with Failure to Comply With Same

On motion by Councilman Sargenti, seconded by Councilwoman Kasofsky, and carried unanimously, the meeting was opened to the public for discussion.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Lenore Javier 2339 Hudson Terrace	.Mosquitoes in Coytesville Park	Mayor Sokolich Ms. Kasofsky
Nina Levinson 1560 West Street	.Low Income Housing/Senior Citizen Housing Income Derived by Borough	Mayor Sokolich
	.Amendment to Fire Sub-Code Fees/Plan Review - CCO's	Mr. Cervieri
Charles Sobel 2175 Hudson Terrace	.CCO's - Corporate Licensed Apartments	

There being no further discussion the meeting was adjourned
on motion by Councilman Sargenti seconded by Councilman Cervieri,
at 9:11 p.m.

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, July 12, 2012 @ 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, (Portion of Closed Session Only)
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 5, 2012, 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 6, 2012, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2012 to cover the cost of providing notice.

3. On July 5, 2012, a copy of said change in schedule meeting time was posted at 309 Main Street and a copy of said schedule change was also mailed to all persons listed in #2 above.

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: Building Department
Police Department - Captain Ford to Attend
Police Department Telecommunicator

Affordable Housing Project - Tom Toronto & Shari DePalma in Attendance

Affordable Housing Project - Lillian Ciufu, Housing Authority Executive Director in Attendance

Tax Appeal Litigation: Morgan NJ Holdings vs. Borough at 2175 Lemoine Avenue

CCM Co. vs. Borough of Fort Lee at 475 Main Street

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

Council President Cervieri chaired the open portion of the meeting in the Mayor's absence.

Hudson Terrace Residential Parking

Mr. Sohmer stated that the Borough's current residential parking ordinance is only on the books for Monday through Friday. Due to the current problem of a multitude of bicyclists parking their vehicles on Hudson Terrace during the weekends he would like to see the ordinance amended to include weekends.

Mr. Sargenti confirmed that on weekends Hudson Terrace and the surrounding side streets are mobbed. This has made it increasingly difficult for residents to park their own vehicles on the street that they live on.

Mr. Cervieri stated that this should information should be forwarded to the Parking Authority as soon as possible so they can address it and make recommendations to change the current Borough ordinance.

This item will be placed back on the August 16th executive session agenda for further discussion.

No Parking on Bridle Way/Crescent Court-Crescent Way

An ordinance as requested by the Police Department to limit parking on the west side of Crescent Way will be introduced at the July 19th regular meeting.

Currently vehicles backing out of their driveway cannot get out because the street is very tight.

Designating Borough Administrator as Appropriate Authority for Adoption of Police Rules

Mr. Cohen stated that designating the Borough Administrator as the appropriate authority for police rules is basically formalizing of what is been being currently done. Under this ordinance Ms. Thomas has been handling mainly disciplinary actions that come before her rather than the Mayor and Council handling them.

An ordinance designating the Borough Administrator to be the appropriate authority for the adoption of police rules as prepared by the Borough Attorney will be introduced at the July 10th regular meeting.

Amendment to Fire Sub-Code Fees/Plan Review

Mr. Cervieri stated that Steve Curry, Fire Sub-Code official just brought in an amended Fire-Sub Code fee proposal. In addition Mr. Curry has set up a spread sheet for plan review fees which indicate the existing fees, what his and Brian Ribarro, Building Sub-Code Official are recommending, and what Mr. Cervieri is recommending.

Ms. Sohmer asked if the fees being proposed are in line with the surrounding communities.

Mr. Cervieri stated that the fees being proposed correspond with other towns that are similar to Fort Lee are charging such as Hackensack and Teaneck.

Mr. Sargenti asked Mr. Cervieri if the recommendations are his recommendations.

Mr. Cervieri stated that he along with Messrs. Curry and Ribarro as well as Ms. Thomas have been working on this together.

Ms. Thomas stated that the impact of the new fees is minimal until the large-scale projects go forward.

It was agreed that item is to be brought back for further discussion and potential finalization at the August 16th executive session meeting once the Mayor and governing body members have had a chance to review the proposals being offered.

Approving Limousine Owners License for Elite Car and Limo Service LLC at 1605 John Street

Mr. Grant stated that he's waiting for Brian Ribarro to approve the 1605 John Street location for the applicant Mario Polanco. If the location is approved before next week's meeting a resolution approving the limousine license for Elite Car and Limo Service LLC will be placed on the July 19th regular meeting proposed consent agenda. The police background check has already been conducted and approved for the applicant.

Towing Ordinance

After a brief conversation it was agreed by the majority of the governing body members to limit the number of towing licenses to the current six that the Borough presently has; however, when the ordinance is amended it shall be reflected that any applicant applying for a towing license who can meet the Borough's criteria will have the opportunity to be added to the six current licenses.

Accepting Annual Audit Report for 2011

The acceptance of the 2011 audit as prepared by the Borough Auditor will be approved at the July 19th regular meeting.

Mr. Grant added that the audit synopsis has been published in accordance with the law and that the audit has been posted on the Borough's website.

Amending Taxi Ordinance - Penalties to Taxicab Owners for Unlicensed Drivers

After a brief conversation the governing body agreed that the taxi ordinance shall be amended so that any company that allows any taxicab driver who has not received a taxicab driver's license through the Police Department may be given a summons for allowing such unlicensed taxi driver to work for them. The fine for such summons if found guilty of such violation in the municipal court shall be left to the borough's judges discretion based on the current state statute which is part of the Borough code.

PUBLIC HEARINGS SCHEDULED FOR JULY 19, 2012

Ord. #2012-18--Granting Municipal Consent to the Renewal of a Franchise to Time Warner Entertainment Company, L.P., d/b/a Time Warner Cable

Ord. #2012-19--Bond Ordinance for Roadway Improvements to Brinkerhoff Avenue – Appropriating \$180,500.00 and Authorizing the Issuance of \$34,000.00 in Bonds or Notes

Ord. #2012-20--Amending Chapter 388, Article V, Section 56, Schedule XII Penalties for Violation of Taxi Stands

Ord. #2012-21--Appropriating \$2,693,000.00 for Various Capital Improvements and Authorizing the Issuance of \$2,558,350.00 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

RESOLUTION

R-1 - Authorizing the Conditional Commitment of Public Funds to Address the Borough's Affordable Housing Obligation and to Authorize Application to COAH for Approval of Spending Plan Amendments

Mr. Cervieri explained that Lillian Ciufu, Executive Director of the Fort Lee Housing Authority, appeared before the

governing body in closed session to discuss the utilization of \$500,000.00 in COAH funds which if not dispersed immediately such monies could be lost to the Borough. There is currently a hearing set tomorrow at the appellate division regarding the affordable housing trust funds and potential extension of time for their use. In anticipation that the four year window could be closed on the Borough as early as July 14th it was agreed that the Borough will commit **\$593,000.00** to the Housing Authority which will rehab part of its existing structure as well as creating two special need units on Eighth Street.

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

A RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE CONDITIONAL COMMITMENT OF PUBLIC FUNDS TO ADDRESS THE BOROUGH'S AFFORDABLE HOUSING OBLIGATION AND TO AUTHORIZE APPLICATION TO COAH FOR APPROVAL OF SPENDING PLAN AMENDMENTS

WHEREAS, the Governing Body of the Borough of Fort Lee ("Borough" or "Governing Body") petitioned the New Jersey Council on Affordable Housing for substantive certification on December 30, 2008; and

WHEREAS, the Borough received initial approval from COAH of its development fee ordinance on or about November 1, 1996 and has been thereafter amended; and

WHEREAS, the development fee ordinance established on Affordable Housing Trust Fund ("Trust Fund") that includes development fees from developers in lieu of constructing affordable unite on-site and/or barrier free escrow funds, rental income, repayments from affordable housing loans, recapture funds, proceeds from the sale of affordable housing program loans, proceeds from the sale of affordable units and/or a current balance of +/- **\$3,578.516.00**; and

WHEREAS, the Governing Body desires to commit all or a portion of the funds available in its Trust Fund, conditionally, to satisfy in whole or part its Affordable Housing obligations as follows:

1) The sum of **\$593,000.00** to the Fort Lee Housing Authority, an entity with an established track record of constructing and administering affordable housing in the Borough, for the purpose(s) of rehabilitation of existing affordable housing and creation of new special needs housing, subject to the conditions precedent that:

A) COAH approves a spending plan amendment concerning the said expenditure and;

B) The following additional conditions precedent are met as follows: Entry into necessary and proper contractual arrangements for specifics to be enumerated therein; and

WHEREAS, N.J.S.C. 5:97-8.10 requires a spending plan to include various stated details, the Governing Body thereby authorizes the Borough Attorney, with the assistance of the Borough Planner to prepare and submit to COAH for its approval, spending plan amendments concerning the expenditure of Borough Trust Funds for the purposes stated herein. The Governing Body further authorized the Mayor, Borough Administrator, Borough Clerk and other Borough officers and employees, to execute such documents as are necessary or desirable to carry out the purposes of this Resolution.

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

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

PUBLIC PARTICIPATION

On motion by Councilman Sargenti, seconded by Councilman Pohan, and carried unanimously, the meeting was opened to the public for discussion.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West Street	.2175 Lemoine Avenue Tax Appeal	Mr. Cervieri

	.475 Main Street Tax Appeal	Ms. Thomas Mr. Cervieri
	.Parking Laws/Enforcement	
Diane Sicheri 1525 12th Street	.Residential Parking Laws	Mr. Sargenti
	.Dog Park	Mr. Cervieri Mr. Sargenti Ms. Thomas
Dave Rowan 2329 Hudson Terrace	.Residential Parking on Hudson Terrace/Pictures and Signage of Area	Mr. Cervieri

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

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, June 21, 2012 @ 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, 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 5, 2012, 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 6, 2012, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2012 to cover the cost of providing notice.

3. On June 15, 2012, a copy of said change in schedule meeting time was posted at 309 Main Street and a copy of said schedule change was also mailed to all persons listed in #2 above.

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 - Captain Keith Bendul in Attendance

Contracts: Affordable Housing Project

Redevelopment Agreement with FLRA (East Parcel)

Police Denial of a Taxi Driver's License

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

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

GENERAL DISCUSSION

Towing Ordinance - Potential Limit on Licenses

Mr. Grant explained the request that would limit the number of towing licenses to the current towing owners and then anyone else who applied and who qualified could only be added if one of the existing owners sold their business or went out of business. A limit on taxi and limousine licenses already exists in the Borough.

After a very short discussion no action was taken on the matter.

This item will be placed back on the July 12th executive session meeting for further discussion.

Request for Handicapped Parking Spaces by 2175 Hudson Terrace

An ordinance creating two handicapped parking spaces near the entrance of 2175 Hudson Terrace as reviewed and approved by

the Police Department will be placed on the July 19th regular meeting for introduction.

Amendment to Fire Sub-Code Fees - Plan Review

Ms. Thomas stated that Brian Ribarro, Building Sub-Code Official, and Steve Curry, Fire Sub-Code Official, have requested an increase in the uniform construction fees for the Borough with regard to plan review. They are requesting leaving the 20% of the cost but with a maximum of \$10,000 per individual system.

Mr. Cervieri believes what they are requesting is an outrageous amount specifically as it may effect major large-scale projects.

Mayor Sokolich concurred that less expensive numbers should be looked at.

Mr. Cervieri as Council Liaison will speak to Messrs. Ribarro and Curry.

This item will be placed back to the July 12th executive session for further discussion.

Abandoned Property Toolkit

Ms. Thomas stated that Brian Ribarro has requested a formalized toolkit be used to deal with abandoned properties.

Mayor Sokolich spoke about the targeted properties that Mr. Ribarro had sent to everyone. He stated that a targeted abandoned property would have a lien put upon it and is treated as a first mortgage. The owners are not going to like it, but the Borough is not making any money on this. The lien would be then incorporated into the sales price of the property.

Mr. Cervieri added that the Borough has the ability to demolish properties that are in disrepair.

Ms. Thomas stated that Mr. Cohen should put the legislative piece together for introduction of an ordinance that will name Mr. Ribarro as the enforcement agent for abandoned properties.

Constitution Park

Ms. Thomas stated that at this point the Borough has only received one nasty complaint with regard to allowing dogs on the pathways at Constitution Park.

Safety Committee Meeting/Countdown Timers (Added on Item)

Mr. Cervieri recommended that the corner of Main Street and Center Avenue have countdown timers installed.

Ms. Thomas stated that the intersection has been previously looked at for countdown timers, but the cost to install was \$100,000 due to both corners of the areas in question would have to be dug up.

Ms. Thomas will have Ed Mignone, Borough Assistant Engineer, to work with Boswell McClave Engineering to potentially to place the timers on both corners.

In addition Ms. Thomas to check with the Police Department about potentially using confiscated funds to put the timers in.

RESOLUTIONS (Action is Expected to be Taken)

R-1 - Approving Various Liquor License Renewals for 2012-2013

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

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that plenary retail consumption licenses and plenary retail distribution licenses, for the year **2012/2013** be issued to each of the applicants listed on the attached page for premises designated opposite their respective names for the distribution or sale of alcoholic beverages.

STATE LICENSE #	LICENSEE	TRADE NAME
0219-33-005-003	PLAZA DINER LIQUOR, LLC	PLAZA DINER
0219-33-025-005	ARAXTHOS INC.	20/20 BAR & GRILL

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 Club Soho, 2027 Lemoine Avenue, for the licensing year July 1, 2012 - June 30, 2013 be renewed for the sale of alcoholic beverages with the following Special Conditions imposed on the license:

1. (Licensed) "Premises" as referenced herein is deemed to include the building(s) of the operation, adjacent and accessory premises including, but not limited to the parking area(s), adjacent streets, sidewalks, pedestrian walking areas and the like.

2. 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.

3. Security personnel must be clearly identifiable and display their full name and photographic identification on their outer most garments. The word "SECURITY" in large 8" print must be prominently displayed on the back of the outermost garment of each security guard. Furthermore, each security guard must also have the word "SECURITY" in large 3" print prominently displayed on the front of the outermost garment of each security guard. 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.

4. A minimum of (7) seven dedicated security personnel shall be employed and on duty during hours of operation and an additional (3) three per 100 patrons after the 1st 100. Security is to remain on duty until all patrons have safely left the Premises. Personnel shall include both male and female security. Security shall keep and record an accurate and continuous real time count of the number of persons present in the facility and shall accurately and immediately report that number upon any inquiry of a Fort Lee Police Officer or other Public Health or Safety Official. Licensee must designate, with prior written notice to the Fort Lee Police Department on each day of operation, one person in charge of all operations during all operating hours and until all patrons have left the Premises. That responsible person shall remain on site and shall insure occupancy load compliance and all safety and security issues.

5. Licensee must immediately contact and report to the Fort Lee Police Department, with details, any and all action taken by security which involves the use of physical force to restrain and/or remove any patron, visitor, or employee. All personnel working for or with Licensee, shall be required to immediately report to Licensee and the Borough, all criminal activity in, on or about the Premises.

6. Licensee shall not conduct promotional events on the Premises including but not limited to: discount offerings based on dress, social status, race, gender, ethnicity, etc. There shall be no promotional or sponsored events in coordination with media outlets, private disc jockeys, sports or entertainment related events, without (7) seven days prior written approval from the Fort Lee Police Department.

7. The Licensee's Premises, including but not limited to its building(s) parking areas, pedestrian walkways, and adjacent street and sidewalks all shall be secured and patrolled by Licensee's security personnel to assist in the orderly exiting of patrons.

8. Licensee shall provide such security and safety controls as requested by the Fort Lee Police Department (FLPD). In the event the Licensee fails to provide such control, the Borough shall have the right to prohibit operation.

9. Patrons and employees shall be immediately barred from the Premises if they are wearing gang related clothing jewelry or other accessories or are gesturing in a fashion commonly associated with gang related activity.

10. Management shall assign security personnel to all restrooms to monitor for any unsafe conditions.

11. Licensee shall provide exterior cleaning to the Premises every Saturday and Sunday morning prior to 9:00 a.m.

12. Licensee shall, on the first day or each month or on the first day of operation thereafter, 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.

13. Licensee shall, prior to operations commencing and at all times thereafter, improve and maintain its 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 Premises' building(s), car parking areas and adjacent pedestrian walkways, to the satisfaction of the Fort Lee Police Department. Real time and password computer access to all audio/visual systems shall be provided to the Fort Lee Police Department and 90 day retention of video images, shall be provided, prior to commencing operations.

14. Licensee shall provide such additional security or other health and safety controls as may be, from time to time, requested by the Fort Lee Police Department.

15 No admittance into the establishment aft 1:45 a.m. Last call 2:40 a.m. All patrons off premises by 3:00 a.m.

16. Occupancy of the Premises shall not exceed five hundred-fifty (550) persons at any given time. With the exception of up to eight (8) articulated events agreed upon annually under separate amendment, on which occasions, occupancy of 650 persons will be permitted.

17. No valet parking is to be provided/offered.

18. 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**.

PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilman Sargenti, and carried unanimously, the meeting was opened to the public for discussion.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Leonor Javier Hudson Terrace	.Drop-Off of Passengers at GWB - Leave it Alone	Mayor Sokolich

Nina Levinson
1560 West St.

.Port Authority Property
Previously Owned by
Borough

Mayor Sokolich

Diane Sicheri
1525 12th St.

.FLRA Item Listed on
Tonight's Agenda

Ms. Thomas
(No Discussion)

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

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, June 7, 2012 @ 7:00 p.m.

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

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

ABSENT: Councilman Cervieri

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

MAYOR'S STATEMENT

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

1. On January 5, 2012, 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 6, 2012, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2012 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

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

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

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

Personnel: Police Department
Recreation Department Summer Counselors

Potential Litigation: Relocation Expenses for Plaza Gardens

Litigation Settlement: Borough of Leonia vs. Borough of Fort Lee

Negotiation/Potential Litigation: Two Liquor Licenses With Special Conditions Imposed

Contracts: Fort Lee Housing Authority Request for Use of Borough's Affordable Housing Fund for Senior Building Project - Lillian Ciufu, FLHA Executive Director in Attendance

Redevelopment Agreement with FLRA (East Parcel)

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.

Bid for Pump for Palisade Terrace Pump Station

Mr. Mignone stated that the Borough has an NJ EAP grant for a pump. Rapid Pump and Meter Inc. was the sole bidder on the project. He added that the Borough Attorney has reviewed the sole bid and that the bid was compliant.

A resolution awarding the bid to Rapid Pump for the purchase and installation of a pump for the Palisade Terrace Pump Station in the amount of \$39,480.00 will be placed on the June 14th regular meeting proposed consent agenda.

Bids for Roadway Improvements to Brinkerhoff Avenue

Mr. Mignone stated that the Borough has a NDOT grant in the amount of \$146,000.00 for this project. He added that five bids were received on May 30th and that the bids were reviewed by the Borough Attorney for compliance. It was deemed that the lowest bid received from Reggio Construction Inc. was compliant.

A resolution awarding the bid to Reggio in the amount of \$155,572.46 will be placed on the June 14th regular meeting proposed consent agenda.

Boswell Proposal for Construction Inspection Services for Brinkerhoff Avenue

Mr. Mignone stated that he reviewed Boswell McClave's proposal for construction inspection services for Brinkerhoff Avenue and that their proposal was acceptable to him.

A resolution accepting their proposal in an amount not to exceed \$20,000.000 based on a time and material basis will be placed on the June 14th regular meeting proposed consent agenda.

Sewer Emergency for Various Sewer Lines that Lead Into the Borough of Leonia

Mr. Mignone stated that there were was a sewer emergency by the Leonia border with regard to various leaking sanitary sewer lines which Allstate Power Vac, Rahway, New Jersey made repairs to.

A resolution authorizing payment to Allstate Power Vac, for the repairs made in an amount not to exceed \$52,600.00 will be placed on the June 14th regular meeting proposed consent agenda.

Additional Engineering Items Discussed

1. DOT with regard to turn signals on Fletcher Avenue.
2. PSE&G repairs on State roadway on Palisade Avenue by the Atrium and the poor condition that the road has been left in for a long period of time and the lack of response by PSE&G.

3. Staking out of new dog park at the bottom of Stillwell Avenue by Alan Sugarman Field.

GENERAL DISCUSSION

Change Order for Sutphen Corporation for Fire Truck Foam Pumper Purchased - Upgrade of Motor Engine

Ms. Thomas explained even though the Borough has had the fire truck since 2011 there was an additional \$13,000 spent on an upgraded motor which was never approved by the Mayor and Council.

A resolution approving a change order in the amount of \$13,000.00 for Sutphen Corporation will be placed on the June 14th regular meeting proposed consent agenda.

2012 Capital Ordinance

Ms. Thomas noted that she sent the Mayor and Council a copy of the capital budget for review.

Ms. Thomas touched upon the Ambulance Corp line that she has put \$200,000 away for a new smaller ambulance. If the Ambulance Corp needs a larger vehicle they can supplement it from their funds.

Ms. Thomas spoke about Tom Meyer's request for a hi-definition digital projector which costs approximately \$50,000.00. She thought it might be better to rent one for the summer season and see how it works out.

Messrs. Sokolich and Goldberg both concurred with Ms. Thomas.

Ms. Thomas stated that she has also put \$400,000.00 into the capital line for much needed turf repairs to Van Fleet Park. She's hopeful that the price will be only \$320,000.00 because the Borough is part of a joint purchasing cooperative.

Mr. Sargenti stated that the underlay is already in place so only the turf has to be replaced. He added some tar may have to be ripped up by the light pole.

Mayor Sokolich stated that the field is currently in disrepair

Mr. Sargenti said that the manufacturer of the original turf said the Borough should get no more than ten years of use. With the amount of use the field got the Borough has been lucky that is lasted as long as it did.

It was agreed that the capital budget ordinance should be introduced at the June 14th regular meeting.

Bond Ordinance for Improvements to Brinkerhoff Avenue

Ms. Thomas stated that the Borough is receiving a \$146,000.00 DOT grant for the project but the bond ordinance will be a little more to cover the bid and engineering costs associated with the project.

A bond ordinance appropriating \$180,500.00 and authorizing the issuance of \$34,000.00 in bonds or notes will be introduced at the June 14th regular meeting.

Purchase of F-350 Pickup Truck for the Police Department Traffic Bureau

Ms. Thomas stated that the Police Department has requested a purchase of a specialty truck which will be utilized to transport five large trailers that contain water barricades, pedestrian gates, cones and a motorcycle trailer. The vehicle is available through State contract from Winner Ford.

Mayor Sokolich asked how the vehicle is being purchased.

Ms. Thomas explained that approximately half of the cost of \$36,946.00 is coming from an insurance reimbursement check for a police vehicle that was previously involved in an accident and the rest will come out of the Police Department's current account.

A resolution authorizing purchase of the pickup truck from Winner Ford, Cherry Hill, New Jersey at a cost of \$36,946.00 will be placed on the June 14th regular meeting proposed consent agenda.

Estimated Tax Bills

Ms. Thomas estimated tax bills may be needed because even though the county budget was approved last night, it might not be certified in time.

A resolution authorizing estimated tax bills to be potentially mailed out for the third quarter will be placed on the June 14th regular meeting proposed consent agenda.

Liquor License Renewals for 2012-2013

Mr. Grant stated that the liquor license renewals will be approved by resolution at both the June 14th regular meeting and June 21 executive session meeting as needed.

Community Development and Open Space Trust Fund Appointments for 2012-2013

The Mayor and Council agreed to appoint Messrs. Mignone and Grant as their community development representatives for 2012-2013 and the governing body will also appoint Mr. Mignone as their 2012-2013 open space trust fund representative.

Approving Limousine Owners License for Elite Car and Limo Service at 1605 John Street

Mr. Grant stated that there is discrepancy in the paper work at this time and no action is going to be taken.

PUBLIC HEARING SCHEDULED FOR JUNE 14, 2012

Ord. #2012-17--Amending Chapter 406, Wreckers and Towing Service
- Accessory Uses and Fees for Towing of Automobiles

Crosswalks and Repair of Palisade Avenue by the Atrium (Added on Items)

Conversation ensued about crosswalks and that putting them up requires approval from the county and state when it involves county and state roadways. Mid-block crosswalks are generally not approved.

Mayor Sokolich reiterating the earlier conversation about the bad stretch of roadway on Palisade Avenue asked Mr. Mignone to please see what the delay is in getting the roadway repaired by the Atrium that PSE&G repaired a couple of months ago. The Mayor added that the residents sometimes get angry and he understands their frustration when they are told it's a county or state roadway and that the Borough does not have jurisdiction over repairing it, such as in this case.

PUBLIC PARTICIPATION

On motion by Councilwoman Kasofsky, seconded by Councilman Sohmer, and carried unanimously, the meeting was opened to the public for discussion.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Crosswalks	

There being no further discussion the meeting was adjourned **on motion by Councilman Goldberg, seconded by Councilman Sargenti,** at 9:03: p.m.

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, May 17, 2012 @ 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 5, 2012, 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 6, 2012, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2012 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

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

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

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

Personnel: Police Department

Contract: Fort Lee Housing Authority Request for Use of Borough's Affordable Housing Fund for Senior Building Project

Contract: Parking Authority

Potential Litigation: Relocation Expenses

Police Department Denial of Taxi Driver's License for Two Applicants

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 in Meeting Time for June 14th Regular Meeting

Mr. Grant stated that there will be a required public hearing by the Board of Public Utilities with regards to the Borough's franchise agreement with Time Warner Cable on June 14th.

The Mayor and Council concurred to change the starting time of the regular meeting from 8:00 p.m. to 7:00 p.m. to allow for comment with regard to the franchise agreement.

Mr. Grant will send out the required legal notice.

Various Computer Equipment Upgrade for the Police Department Traffic Camera Network

Ms. Thomas stated that the Police Department will be purchasing computer equipment to upgrade its traffic camera network from Hewlett-Packard through State Contract. The purchase will be paid out of the Police Department's Capital Account at a total cost of \$47,174.68.

Amending Taxi Stand Ordinance - Violations and Penalties

Mr. Grant stated that Police Department has recommended that a violations and penalty ordinance be established for violations of the taxi stands with the Borough. Some of the taxi companies have not been adhering to the allowed number of taxis at the taxi stands.

An ordinance as prepared by Mr. Cohen's office will be placed on the June 14th regular meeting for introduction.

Dogs in Parks

Ms. Thomas stated that currently there is no ordinance that allows for dogs in parks. Based on the discussion two weeks ago she just wanted to confirmation from the Mayor and Council how they wanted to craft the legislation.

After a brief discussion it was agreed that a Pilot Program shall be undertaken that will allow for the walking of dogs at Constitution Park with certain restrictions, that include dogs must be leashed and on the pathways within the park. In addition the dogs must be properly licensed through the Board of Health which is in conjunction with the current Health Code for dog licensing. The test period will commence on Memorial Day and go through Labor Day.

A resolution authorizing the Pilot Program shall be prepared by Mr. Cohen's firm.

Prescription Drug Services - Benecard Services Inc.

Ms. Thomas stated that this item was discussed two weeks ago and that a resolution is expected to be approved tonight. If the resolution is approved it will take forty-five to sixty days to implement the prescription program which will be for an eighteen month period commencing on July 1st.

On questioning from Mayor Sokolich, Mr. Goldberg stated that he has dealt with Benecard before and they were difficult to deal with. They had contract information that they did not share. He asked that before any contract is executed that a contract review be undertaken.

The Mayor and Council concurred with Mr. Goldberg's recommendation.

RESOLUTION

R-1 - Authorizing Benecard Services Inc. to be the Provider of Prescription Drug Services for Borough Employees

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

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING A CHANGE IN THE PROVIDER FOR PRESCRIPTION DRUG INSURANCE SERVICES

WHEREAS, on prior occasion, the Borough of Fort Lee ("Borough") awarded a contract to Brown & Brown Metro, Inc. ("Brown") for the performance of health benefit insurance consulting services; and

WHEREAS, the Borough currently provides prescription drug benefits for employees and retirees; and

WHEREAS, in its role as the Borough's health insurance broker, Brown solicited competitive proposals from the insurance marketplace for fully-insured and self-insured prescription drug programs; and

WHEREAS, the procurement of insurance, including the purchase of insurance coverage and consultant services, may be awarded without public bidding pursuant to and in accordance with the Local Public Contracts Law and, specifically, N.J.S.A. 40A:11-5(m); and

WHEREAS, Benecard Services, Inc. ("Benecard") submitted a proposal, dated April 5, 2012, for the policy period July 1, 2012 to December 1, 2013 for a total program cost, based upon current enrollment, of \$2,987,988.00; and

WHEREAS, based upon the Benecard proposal, the Borough will not be at risk for upward cost fluctuations unlike the current self-funded arrangement, and Benecard will increase the Borough's recovery of retiree program costs; and

WHEREAS, the award of a contract to Benecard will improve prescription drug coverage from the coverage furnished by the Borough's previous provider to the benefit of the Borough's active employees, retired employees, and eligible dependents of active/retired employees; and

WHEREAS, the contract with Benecard to provide prescription drug services was pursuant to a non-fair and open process in accordance with the provisions of New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, pursuant to the New Jersey Local Unit Pay-To-Play Law, Benecard is required to complete and submit prior to the award of a contract a Political Contribution Disclosure Form in accordance with N.J.S.A. 19:44A-20.26, a Stockholder Disclosure Certification, and a Business Entity Disclosure Certification, certifying that it has not made any reportable contributions to a political or candidate committee in the prior year, and that the contract will prohibit it from making any reportable contributions through the term of the contract; and

WHEREAS, the Political Contribution Disclosure Form, Stockholder Disclosure Certification, and Business Entity Disclosure Certificate and the certification have been submitted by Benecard and shall be placed and maintained on file at the office of the Borough Clerk;

WHEREAS, the Borough has determined that a change in pharmacy benefit managers to Benecard is in the best interest of the Borough,

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

1. That Benecard Services, Inc. shall be and is hereby appointed, pursuant to a "non-fair and open" procurement process, to perform prescription drug services in accordance with its proposal, dated April 5, 2012, submitted to Brown, expressly subject to and contingent upon the execution of an agreement in form and substance satisfactory to the Borough.

2. That the Mayor shall be and is hereby authorized to execute a contract, and such other documents as may be necessary, between the Borough and Benecard, memorializing the scope of work and such other terms and conditions as may be necessary.

3. 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.

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

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

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

AYES: Council Members Pohan, Sohmer, Kasofsky, Cervieri

NAY: Councilman Goldberg

Other Items (Added on)

Brief discussions ensued about the upcoming USA Ironman Triathlon, the lack of teacher parking at School #4, the paving of the Central Road Parking Lot, the maintenance of abandoned properties and proper signage for pedestrian crosswalks.

In addition Mayor Sokolich touched on the number of foreign and national interviews he has done with regard to the Police Department issuing summonses for people walking and texting within and outside of crosswalks.

With regard to the teacher parking it was agreed that Ms. Thomas should speak to Gloria Gallo at the Parking Authority about having a business permit license issued for teachers to be able to park in residential areas during school hours only.

PUBLIC PARTICIPATION

On motion by Councilman Goldberg seconded by Councilman Pohan, and carried unanimously, the meeting was opened to the public for discussion.

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
Goldberg, at 8:35 p.m.**

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, May 3, 2012 @ 6:30 p.m.

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

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

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

MAYOR'S STATEMENT

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

1. On January 5, 2012, 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 6, 2012, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2012 to cover the cost of providing notice.

3. On May 1, 2012, a copy of said change in schedule meeting time was posted at 309 Main Street and a copy of said schedule change was also mailed to all persons listed in #2 above.

RESOLUTION FOR CLOSED SESSION

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

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

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

Personnel: Clean Communities
Senior Citizen Center

Collective Bargaining: Union Negotiations

Contracts: Global RX (Prescription Plan)
Parking Authority
Additional & Clarifying Terms to
Supplementary Agreement with FLRA & Tucker
BCUA

RFP for Red Light Traffic Camera System

Tax Appeal Litigation: Bank of America v. Borough at
154 Main Street

Contract: Fort Lee Special Needs Affordable Housing
Proposal - Shari DePalma & Tom Toronto 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.

Treatment Works Approval (TWA) for FLRA for Sanitary Sewer Service

Mr. Cervieri recused himself on this matter.

Mr. Mignone stated that the Borough needs to endorse the TWA application to be sent to the DEP for modifications to the sanitary sewer system related to Redevelopment Area 5.

A resolution approving the TWA will be placed on the May 10th regular meeting agenda.

Authorization to Advertise for Bids for Roadway Improvements for Brinkerhoff Avenue and a Pump for the Palisade Terrace Pump Station

Mr. Mignone stated that the roadway improvements to Brinkerhoff Avenue will be for about ½ of the roadway based on the grant funding the Borough is receiving from the New Jersey Department of Transportation. In addition a new pump is needed for the Palisade Terrace pump station which the Borough is receiving grant funding from the United States Environmental Protection Agency.

Mr. Cervieri asked if the new pump has anything to do with Redevelopment Area 5.

Mr. Mignone and Ms. Thomas both explained that the Palisade Terrace Pump has nothing to do directly with Redevelopment Area 5 as the pump being put in has an overall effect with the Borough's sewer flow not just Redevelopment Area 5.

Other Items Discussed (Added on)

Mayor Sokolich explained that the Borough has not received any response about changing traffic signals at Fletcher Avenue after numerous attempts by the Borough.

He said he would craft a letter to Debbie Hirt at the NJDOT.

A discussion ensued about the repairs PSE&G made in front of the Atrium on Palisade Avenue and that the roadway needs to be paved.

Mr. Cervieri asked about making roadway repairs on Whiteman Street between Center and Anderson Avenue.

Ms, Thomas stated that a lot of the Borough roadways need repairs and she will include Whiteman Street as part of the Borough's annual roadway improvement project.

Mr. Cervieri asked Mr. Mignone to speak to Ron Schmidt, architect for the library, about the revolving door at the library entrance that is stopping.

Mr. Mignone said it's a sensor problem and that he will contact Mr. Schmidt.

GENERAL DISCUSSION

Dog Park

Mr. Mignone stated that the bottom of Stillwell Avenue is a good location as it has a pump station and pre-existing fencing. He looked at the cost about a year ago based on Overpeck Park's dog areas. Based on a 4,800 square foot area the cost would be around \$18,000.00 to \$20,000.00. This would include additional fencing, water and a stanchion for bags. Based on guidelines from the American Kennel Club granite dust needs to be laid down plus multiple benches are needed. There would be two areas to separate small and large dog and all liquids would dissipate into the ground.

Mr. Cervieri said that he likes the location but a time other than dawn to dusk may be needed as people who get home in the early evening need to walk their dogs even when it's dark outside. He believes a good ending time may be around 8:00 p.m. In addition the park might need to be policed.

Parking Lease Agreement With Southbridge Park (Plaza) - Advertise for Bids

Mr. Pohan and Mr. Cohen recused themselves from this matter.

Mr. Grant explained that the ten-year lease with Southbridge Park expired at the end of 2011.

Mr. Cervieri explained that the contract had a Consumer Price Index (CPI) clause which was compounded into each year of the contract. The CPI is subject to a definable term.

A resolution authorizing the Borough to advertise for bids for a ten-year lease of Borough property, Block 3253, Lot 3, by the Plaza will be placed on the May 10th regular meeting proposed consent agenda.

Towing Ordinance Amendments

An ordinance amending the Borough's towing ordinance to create one fee for automobile tows and to license Fort Lee companies who tow as an accessory use, who are not on the police call list as reviewed with the Borough Attorney, Police Department and Building Department will be placed on the May 10th regular meeting for introduction.

Awarding Bid for Police Service Weapons

Ms. Thomas stated that bids were received for items 1-3 by two vendors and items 4-21 by one vendor.

The bids were reviewed by Mr. Cohen's firm for compliance.

A resolution awarding contracts to AmChar Wholesale, Inc., Rochester, New York for items 1-3 at a cost of \$122,585.70 and to Atlantic Tactical Inc., New Cumberland, Pennsylvania at a cost of \$79,026.90 for items 4-21 will be placed on the May 10th regular meeting proposed consent agenda.

The money for the contracts will be coming from the Police Department's confiscated fund account.

Liquor License Transfer from Madelemily LLC to PHI Enterprises LLC (Inactive License)

A resolution approving person-to-person liquor license transfer from Madelemily LLC to PHI Enterprises LLC will be placed on the May 10th regular meeting proposed consent agenda if the Tax Clearance Certificate has been received from the State before the meeting date.

Special Improvement District

Mayor Sokolich stated that Main Street is equally important as Redevelopment Area 5 is to the Borough.

Mayor Sokolich formed a committee of himself along with Mr. Cervieri and Ms. Kasofsky along with Ms. Thomas to meet with Don Smart/DMV/DRS Creative Services, Inc., who has been contracted

by the Borough to provide professional consulting services to assist the Borough with regard to potentially forming a Business Improvement District.

Renaming of Martha Washington Way to Park Place

Mayor Sokolich requested that this item remain tabled.

Action is Expected to be Take on the Following Item

R-1 Approving Additional & Clarifying Terms to Supplementary Agreement with FLRA & Tucker

Mr. Cervieri recused himself on this matter.

Mr. Cohen explained the clarifying terms to the original agreement approved in April.

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

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the Mayor is hereby authorized to execute, on behalf of the Borough, the attached letter agreement which adds and clarifies terms and conditions, to the April 5, 2012 Supplementary Agreement, previously executed by the Borough, Fort Lee Redevelopment Associates and TDC Fort Lee, LLC and Tucker Development and Acquisition Fund, LP c/o Tucker Development Corporation. Said modification letter agreement is also authorized by the other parties thereto as evidenced by the attachments hereto.

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

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

ABSENT: Councilman Cervieri

PUBLIC HEARINGS SCHEDULED FOR MAY 10, 2012

Ord. #2012-9--Amending Chapter 216, Section 72, Fire Prevention Additional Registration Fees

- Ord. #2012-10--Amending Chapter 388, Sections 14 and 69 Placement of a Handicapped Parking Space by 422 Jane Street
- Ord. #2012-11--Amending Chapter 388, Section 43, Schedule I, Amending No Parking Zones on Jane Street North and South Sides
- Ord. #2012-12--Authorizing the Acquisition by Negotiated Purchase or Eminent Domain for Property at 179 Main Street, (Cosmos) Block, 4851, Lot 4 for the Purpose of Establishing a New Public Street
- Ord. #2012-13--Providing for the Conveyance to the Redeveloper of Property Designated as Block 4851, Lots 2 and 3 in Redevelopment Area 5 in Accordance With the Redevelopment Law Subject to a Public Roadway Easement Dedicated to Bergen County
- Ord. #2012-14--Vacating Paper Roads A,B and C Unimproved Roads Located in Redevelopment Area 5
- Ord. #2012-15--Vacating a Portion of Central Road and Conveying Such Vacated Land, Together With Remainder, to Adjacent Property Owners

On motion by Councilman Goldberg, seconded by Councilwoman Kasofsky, and carried unanimously, the meeting was opened to the public for discussion.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Karen Silberman 2100 Linwood Avenue	.Dog Park - Proponent Physical and Emotional Benefit - Change of Ordinance Requesting Dogs to be Allowed in Parks	Mayor Sokolich Mr. Sohmer Mr. Sargenti Mr. Cervieri Mr. Pohan Mr. Goldberg
Joyce Shelling 2000 Linwood Avenue	.Passive Use of Park With Dog	
Nina Levinson 1560 West St.	.Spoke to Cleaning of Animals/Constitution Park .R-1 Supplementary Agreement .2012-13 .Red Light Cameras - Countdown Lights .Fire Prevention Fees	Mr. Cervieri Mr. Cohen Mr. Cohen
Vinnie Spina 2186 Linwood Ave.	.For Dogs in Parks	Mayor Sokolich

Mary Grace Sicheri .Read Letter Requesting
1525 12th St. that Martha Washington
Way Not be Renamed

Diane Sicheri .Brinkerhoff Avenue Mr. Mignone
1525 12th St. Improvements

Karen Silberman .Streetscaping
2100 Linwood Ave.

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the meeting moved back into closed session at the request of Mr. Cervieri to discuss the matter listed below at 8:47 p.m.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Cervieri, seconded by Councilman Sargenti and approved **unanimously**, the meeting moved into closed session at 8:48 p.m.

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

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

Denial of Taxi Driver's License by Police Department

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

There being no further discussion the meeting door was opened and with no public present the meeting was adjourned **on motion by Councilman Goldberg, seconded by Councilman Cervieri** at 8:53 p.m.

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, April 19, 2012 @ 7:50 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 (Closed Portion Only) Kasofsky, Cervieri

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

MAYOR'S STATEMENT

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

1. On January 5, 2012, 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 6, 2012, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2012 to cover the cost of providing notice.

3. On March 2, 2012, a copy of said change in schedule meeting time was posted at 309 Main Street and a copy of said schedule change was also mailed to all persons listed in #2 above.

RESOLUTION FOR CLOSED SESSION

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

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

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

Personnel: Senior Citizens

Contract Negotiations: Parking Authority

Fort Lee Housing Authority Request for Use of Borough's Affordable Housing Fund

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

Dog Park

Mayor Sokolich stated that he's hopeful to do something in getting a dog park put up somewhere in town. He believes it would be a great service for the residents. He's looking to meet with some of the Council over the weekend to check out potential viable areas.

Amending Personnel Policies Manual

Ms. Thomas stated that the personnel policies manual is being updated in accordance with the South Bergen Joint Insurance Fund recommendation that reflect ADA and technology policies.

A resolution approving the amended manual will be done during the regular meeting later tonight.

PUBLIC HEARINGS SCHEDULED FOR APRIL 19, 2012

Ord. #2012-6--Amending Chapter 388, Sections 14 and 69 Placement of Four (4) Handicapped Parking Spaces at 1325 Inwood Terrace (Municipal/Police Department Parking Lot)

Ord. #2012-7--Bond Ordinance for Installation of Various Handicap Accessible Ramps –
Appropriating \$225,000.00 and Authorizing \$213,750.00 in Bonds and/or Notes

Ord. #2012-8--Ordinance to Exceed the Municipal Budget Appropriation Limits and to
Establish a CAP Bank (N.J.S.A.40A:4- 45.14)

Municipal Budget 2012

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

Mr. Wielkocz stated that the State approved the Borough's budget this afternoon with little comment so the governing body has the authorization it needs to adopt the 2012 budget tonight. The budget is up 1.91% on the tax side and 1.86% on the revenue side. This would result in a \$110.00 increase on a property assessed at \$465,000.00. The Borough has been paying down its debt more rapidly in the last few years. The Borough recently did its third bond refunding over the last fifteen months. The latest refunding of 2005 bonds will result in a \$287,000.00 interest savings after costs and over \$1,000,000 has been saved in the last fifteen months. He said that the Borough's Moody's rating is still very strong based on strong management, its current tax base and the potential for new tax ratables. The Borough also has \$4,000,000.00 in its appropriation cap and \$3,500,000 in its tax levy cap bank. The Borough is under all of the State required CAP numbers.

Mr. Pohan asked about prospective budget relief from the Bergen County Utilities Authority (BCUA) with regard to the Borough's sewer monitoring.

Mr. Cohen replied that the prospective BCUA settlement should be forthcoming soon from their senior staff and legal counsel. He said it will bring the Borough relief, but it would not be part of the 2012 budget.

Ms. Thomas stated once the proposal is finalized and a sewer meter is put in place any savings realized would be part of the 2013 budget.

PUBLIC PARTICIPATION

On motion by Councilman Goldberg, seconded by Councilman Sohmer, and carried unanimously, the meeting was opened to the public for discussion.

The public chose not to comment during this portion of the meeting.

There being no further discussion the meeting was adjourned **on motion by Councilman Sohmer, seconded by Councilwoman Kasofsky** at 7:52 p.m.

On motion by Councilman Goldberg, seconded by Councilwoman Kasofsky, the meeting moved into closed session at the request of Mr. Cohen to discuss the following matter at 7:52 p.m.

RESOLUTION FOR CLOSED SESSION

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

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

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

Litigation: Cosmos Boutique vs. Borough of Fort Lee and Tucker Development

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

There being no further discussion the meeting door was opened and with no public present the meeting was adjourned **on motion by Councilman Sohmer, seconded by Councilman Pohan** at 7:56 p.m.

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, April 5, 2012 @ 7:00 p.m.

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

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

ABSENT: Council Members Goldberg, 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 5, 2012, 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 6, 2012, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2012 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

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

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

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

Personnel: Police Department
Recreation Department Seasonal Employees
Health Department

Contract: Special Improvement District

Potential Litigation: Acquisition of Negotiated
Property or Use of Eminent Domain of 179 Main Street,
Block 4851, Lot 4

Litigation: Borough of Fort Lee v. Dennis M. Sammarone
and Dennis M. Sammarone v. Borough of Fort Lee

Cosmos Realty LLC v. Borough of Fort Lee Council and
Planning Board

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 Engineering Proposal for Design Phase for 2012 NJDOT Project for Improvements to Brinkerhoff Avenue

Ms. Thomas stated that that Borough has received a NJDOT grant to make repairs on Brinkerhoff Avenue from the Palisades Park border to Twelfth Street. Boswell has put in an engineering proposal to do the design phase of the project which includes the preparation of bid documents. Ms. Thomas added that the grant received was less than the Borough hoped for so only a portion of Brinkerhoff Avenue can be done at this time.

A resolution accepting Boswell's design proposal at a cost not to exceed \$12,500.00 will be placed on the April 19th regular meeting proposed consent agenda.

Boswell Proposal for Improvements to Palisade Terrace Pump Station

Ms. Thomas stated that Boswell has submitted a proposal for design specifications for improvement to the Palisade Terrace Pump Station.

A resolution accepting Boswell's design proposal at a cost not to exceed \$4,000.00 will be placed on the April 19th regular meeting proposed consent agenda.

Boswell Proposal for Rehabilitation of Lower Main Street Pumping Station and Sanitary Sewer Design Services from Lower Main Street to BCUA Trunk Line at Lewis Street

Ms. Thomas stated that this related to Redevelopment Area 5. The money to do this project is being paid for by the redevelopers. This is part of the \$2,500,000 force main sewer upgrade which is needed for the new development. Boswell has estimated that on a time and material cost their fee will be \$320,000.00.

A resolution approving Boswell's proposal will be placed on the April 19th regular meeting agenda.

GENERAL DISCUSSION

Series of Ordinances Related to Redevelopment Area 5 - Vacation of Paper Roads - Conveyance of Borough Parcels - Vacating a Portion of Central Road

Mr. Cohen stated that the Borough is obligated under the approved redevelopment agreements to transfer excess parcels so that the developers can build their projects.

A series of three ordinances as prepared by Mr. Cohen's firm will be placed on the April 19th regular meeting for introduction.

Proposed Renaming of Martha Washington Way

Mayor Sokolich stated that Fort Lee Redevelopment Associates (FLRA) has requested that Martha Washington Way (MWW) be renamed

to Park Avenue. The Mayor added that this issue has spurred more debate than he expected. He said that MWW is part of the history of the town, but the developers which includes FLRA and Tucker are putting ½ billion dollars into the community and FLRA has requested the name be changed. He said he's inclined to make the name change and said that some other area could be renamed MWW.

William Harrison, Tucker Esq. who was present at the meeting, stated that Tucker Development had no objection to the name change.

Mayor Sokolich stated that once the project is started the name could be changed go to Park Avenue.

Mr. Cohen to prepare an Ordinance for the street name change which is expected to be introduced at the April 19th regular meeting.

Dog Park

Mayor Sokolich requested that this item be discussed at the April 19th executive session meeting to give Messrs. Cervieri and Goldberg an opportunity to comment on the matter.

Dogs in Public Parks

Mayor Sokolich stated that he would like to allow for dogs in certain parks and he's aware that certain sanitary situations will have to be dealt with including needing a bag station so as to allow owners to properly clean up after their dogs.

This item will also be discussed further at the April 19th executive session meeting.

Request for Handicapped Parking Space by 422 Jane Street

An ordinance creating a handicapped parking space by 422 Jane Street as reviewed and approved by the Police Department will be introduced at the April 19th regular meeting.

Amending No Parking Zones on North and South Sides of Jane Street

An ordinance creating additional no parking zones on Jane Street to allow for easier access of the DPW vehicles into the DPW yard will be introduced at the April 19th regular meeting.

United Water - Request for Water Main Extension for 2103 Hudson Terrace

A resolution approving application by 2103 Hudson Terrace LLC to install an extension to United Water's distributing system (Water Main) as requested by United Water and to be paid for by the developer will be placed on the April 19th regular meeting proposed consent agenda.

Amending Ordinance for Life Hazard Registration Fees and Other Registration Fees

Ms. Thomas stated that she received a memo from Council President Cervieri that shows the municipalities of Leonia, Englewood and Edgewater charge higher fire registration fees than the Borough is currently charging. In addition the new fee schedule will simplify the current fee schedule.

The new fees deal with commercial properties only.

An ordinance as prepared by Mr. Cohen's office amending certain registration fees for the Fire Prevention Bureau will be placed on the April 19th regular meeting for introduction.

Countywide Emergency Notification System

There was no discussion on this item tonight. Ms. Thomas sent this item over for the Police Department to review.

Fort Lee Housing Authority Request for Use of Fort Lee's Affordable Housing Fund

Ms. Thomas stated that she received a memo from Lillian Ciufo, Housing Authority Director, who has a senior housing project she would like to commence. She's asking to use some of the Borough's affordable funds.

Mr. Pohan asked how much money is the Housing Authority requesting. There might be an opportunity to use the money to get double the housing credits.

Ms. Thomas replied that she will get further details about the project and it will be placed back on the April 19th executive session meeting for further discussion.

Mr. Cohen stated that any commitment to use the Borough's housing funds can be done by some form of contract.

Historic Committee - Request for Replacement of Committee Member

Mr. Grant stated that Tom Meyers has requested that Bert Lief be removed from the Historic Committee as he has not appeared at a meeting for at least nine months. Mr. Grant added that any mail he has sent to Mr. Lief has been sent back as undeliverable and that he and Mr. Meyers have not been able to get in touch with him.

Mr. Sohmer requested that Robert Donohue be appointed to replace Mr. Lief's on the Historic Committee for his unexpired term through December 31, 2014.

Mayor Sokolich will nominate Mr. Donohue at the April 19th regular meeting.

R-1 - Authorizing Settlement and Mutual General Release Agreement in Litigation Entitled Borough of Fort Lee v. Dennis M. Sammarone and Dennis M. Sammarone v. Borough of Fort Lee

Mayor Sokolich explained that this dealt with a judgment against Town & Country's owner, James Bolvino. Fort Lee was not a defendant in the lawsuit. This settlement takes the Borough totally out of the picture.

Mr. Cohen added that it exculpates the Borough and there is no cost to the Borough.

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

**RESOLUTION OF THE BOROUGH OF FORT LEE
SETTLING LITIGATION WITHOUT COST OR
EXPENSE TO THE BOROUGH OF FORT LEE**

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee (“Borough”) that the Mayor is hereby authorized to execute the attached Settlement and Mutual General Release Agreement and any associated and contemplated mutual general releases and documents necessary to dismiss with prejudice, the lawsuits entitled Borough of Fort Lee v. Dennis M. Sammarone, Docket No. BER-L-7129-11 and Dennis M. Sammarone v. Borough of Fort Lee, Docket No. BER-L-7169-11, both docketed in the Superior Court of New Jersey, Bergen County, which are acceptable to the Borough Attorney in form and content. The entire settlement and dismissal with prejudice, shall be without cost or expense to/from the Borough; and

BE IT FINALLY RESOLVED that the Borough Attorney in his reasonable discretion, is also authorized to hold in escrow and thereafter release (upon satisfaction of required conditions precedent) the aforesaid settlement, release and dismissal documents.

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

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

**R-2 - Authorizing Settlement and Mutual General Release
Agreement in Litigation Entitled Cosmos Realty LLC v. Borough of
Fort Lee Council and Planning Board**

Mayor Sokolich stated that this authorizes him to execute the signature page of the general release agreement. He offered his thanks to Tucker Development in getting this settlement.

Mr. Cohen stated that there is no cost to the Borough.

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

**RESOLUTION OF THE BOROUGH OF FORT LEE
SETTLING LITIGATION WITHOUT COST OR
EXPENSE TO THE BOROUGH OF FORT LEE**

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee (“Borough”) that the Mayor is hereby authorized to execute the attached Settlement and Mutual General Release Agreement and any associated and contemplated mutual general releases and documents necessary to dismiss with prejudice, the lawsuits entitled Cosmos Realty, LLC and Cosmos Boutique, Ltd vs. Borough of Fort Lee, Borough of Fort Lee Council, and Planning Board of the Borough of Fort Lee, BER-L-734-12, docketed in the Superior Court of New Jersey, Bergen County, which is

acceptable to the Borough Attorney in form and content. The entire settlement and dismissal with prejudice, shall be without cost or expense to/from the Borough; and

BE IT FINALLY RESOLVED that the Borough Attorney in his reasonable discretion, is also authorized to hold in escrow and thereafter release (upon satisfaction of required conditions precedent) the aforesaid settlement, release and dismissal documents; and

BE IT FINALLY RESOLVED that the Borough hereby designates TDC Fort Lee, LLC as its Designee hereunder for the sole purpose of acquiring the property which is the subject of this Resolution but not for litigation purposes.

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

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

**R-3 - Authorizing Entering Into a Supplementary Agreement with
FLRA and Tucker Development to Allow for the Purchase of the
Cosmos Property at 179 Main Street and When and How the Money
Should be Spent**

Mayor Sokolich explained that this is a tri-party agreement. It obligates Tucker Development and FLRA to pay monies out to Cosmos within certain time frames. If not done it would have had a negative effect on Tucker's project and FLRA's approved development application.

Mr. Cohen stated that there is no cost to the borough.

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

WHEREAS, the Borough of Fort Lee ("the Borough") has designated Redevelopment Area 5 as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law and has adopted a Redevelopment Plan for Redevelopment Area 5 specifying the development that is authorized to occur in said Redevelopment Area (the "Area 5 Redevelopment Project"), said Redevelopment Plan dividing Redevelopment Area 5 into two (2) parcels, the East Parcel and the West Parcel; and

WHEREAS, the Borough has designated Fort Lee Redevelopment Associates ("FLRA") as the Redeveloper of the East Parcel and designated TDC Fort Lee, LLC and Tucker Development and

Acquisition Fund, LP (collectively "Tucker") as the Redeveloper of the West Parcel; and

WHEREAS, the Borough has entered into a Redevelopment Agreement with FLRA concerning Redevelopment of the East Parcel and has entered into a Redevelopment Agreement with Tucker concerning Redevelopment for the West Parcel; and

WHEREAS, the Area 5 Redevelopment Project will require sanitary sewer infrastructure upgrades and FLRA and Tucker have each agreed to contribute up to \$1.5 million for said sanitary sewer infrastructure improvements; and

WHEREAS, property owned by Cosmos Realty, LLC and leased by Cosmos Boutique, LTD, (the Cosmos Property") was included in Redevelopment Area 5 by the Borough, to facilitate the development of the necessary roads and utilities consistent with the Redevelopment Plan for the Area 5 Redevelopment Project; and

WHEREAS, Cosmos Realty, LLC and Cosmos Boutique, LTD ("Cosmos") have filed suit against the Borough and the Planning Board of the Borough challenging the inclusion of the Cosmos Property in Redevelopment Area 5 and Cosmos has now agreed to dismiss its lawsuit with prejudice if the Borough purchases its property for \$3.1 million; and

WHEREAS, FLRA and Tucker have each verbally agreed to allow the Borough to reassign the sum of \$250,000 from each of FLRA's and Tucker's respective, agreed upon, contributions of up to \$1.5 million for sanitary sewer infrastructure upgrades; and

WHEREAS, Tucker has agreed to pay the remaining \$2.6 million of the purchase price following the payment of said \$250,000 each by both FLRA and Tucker to the Borough; and

WHEREAS, the Borough, FLRA and Tucker want to memorialize in writing their agreement concerning the purchase of the Cosmos Parcel so that the Cosmos litigation will be dismissed with prejudice,

NOW, THEREFORE, BE IT RESOLVED, that the Borough, FLRA and Tucker hereby agree to the following:

Both FLRA and Tucker hereby affirm their prior consent and agreement (given orally) to allow the Borough to reassign the sum of \$250,000 from each of FLRA's and Tucker's respective, agreed

upon, contributions of up to \$1,500,000.00 each for sanitary sewer infrastructure upgrades for Area 5 Redevelopment Project, to be used in:

1. the acquisition of the Cosmos Property (and, in such event, their respective maximum contribution for the sanitary sewer upgrades shall be reduced to \$1,250,000);
2. Both Tucker and FLRA shall contemporaneously provide the said sum of \$250,000 each, immediately, time of the essence, on notice by the Borough to both Redevelopers, for use as set forth herein, without need of further agreement or authorization;
3. Upon receipt of the \$250,000 each from FLRA and Tucker, the Borough shall place the money in escrow (to be used solely to acquire the Cosmos Property) and notify FLRA and Tucker that the money has been received;
4. Borough shall execute as soon as practicable, time of the essence, a purchase agreement for acquisition of the Cosmos parcel (Lot 4) for the previously agreed purchase price upon execution of which the Borough shall provide notice to FLRA and Tucker;
5. Tucker agrees to timely supply the Borough the balance of the purchase price of \$2.6 million for the Cosmos Property within 21 days of receipt of notice by the Borough that it has received and placed into escrow the \$250,000 from FLRA and that the Borough has executed the purchase agreement for the Cosmos property.
6. This Agreement may be executed in one or more counterparts, including facsimile counterparts, each of which, when taken together, shall be deemed one and the same instruments.

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

AYES: Council Members Pohan, Sohmer, Sargenti, Kasofsky

PUBLIC HEARINGS SCHEDULED FOR APRIL 12, 2012

Ord. #2012-6--Amending Chapter 388, Sections 14 and 69 Placement of Four (4) Handicapped Parking Spaces at 1325 Inwood Terrace (Municipal/Police Department Parking Lot)

Ord. #2012-7--Bond Ordinance for Installation of Various Handicapped Accessible Ramps – Appropriating \$225,000.00 and Authorizing \$213,750.00 in Bonds and/or Notes

Ord. #2012-8--Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A.40A:4- 45.14)

Municipal Budget 2012

PUBLIC PARTICIPATION

On motion by Councilman Pohan, seconded by Councilman Sargenti, and carried unanimously, the meeting was opened to the public for discussion.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Against Changing MWW to Park Place/Name Chosen by School Children In Contest	Mayor Sokolich Mr. Sohmer
	.Non-Binding Referendum Question on Name Change	
	.Life Hazard Registration Fees	Mayor Sokolich
	.R-3 Listed on Tonight's Agenda	Mayor Sokolich Mr. Cohen
	.Resolutions on Executive Session/Meeting Schedule	Mayor Sokolich Mr. Cohen
Doug Sugarman 2100 Linwood Ave.	.Proximity of NYC with Regard to Name Change	

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

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, March 15, 2012 @ 7:00 p.m.

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

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

ABSENT: Councilman Pohan

ALSO PRESENT: Peggy Thomas, Borough Administrator
Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney
Joseph Iannaconi, CFO (Closed Session Only)

MAYOR'S STATEMENT

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

1. On January 5, 2012, 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 6, 2012, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2012 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

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

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

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

Personnel: Fire Prevention Bureau
Purchasing

Contracts: Time Warner Cable Franchise
ADP/Action Data - Representatives of Both
Companies in Attendance

Alcoholic Beverage Law - Municipal Board of Alcoholic
Beverage Control

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

Approving Developers Agreement with V&R Developers at 2103 Hudson Terrace

Mayor Sokolich recused himself on this matter.

Council President Cervieri chaired this portion of the meeting.

Mr. Cohen stated that the developer's agreement was prepared by his office.

A resolution approving the developer's agreement will be done when the action portion of the meeting is undertaken.

Liquor License Transfer from New Bang's Kitchen to Baden Fort Lee Inc. at 799 Abbott Boulevard

Mr. Sohmer stated that he's not in favor of transferring the license if the licensee is connected to Baden, Baden in Palisades Park.

It was unclear whether this owner is the same owner of Baden, Baden in Palisades Park.

Mr. Grant stated the police department investigated the applicant and recommended the issuance of the transfer.

A resolution authorizing the transfer will be done when the action portion of the meeting is undertaken.

*** Editor's Note: On March 16th, Mr. Grant spoke to Cliff Rotolo, Esq. for Baden Fort Lee, Inc., Esq. and was informed that Ms. Kay Park is in fact the owner of both Baden, Baden in Palisades Park and Baden Fort Lee Inc.**

Approving the Form and Other Details of Not to Exceed \$10,500,000 of General Obligation Refunding Bonds of the Borough

Mayor Sokolich explained that this is existing debt, not new debt being created. The savings is expected to net \$300,000 over a ten year period.

A resolution approving the form and other details of the refunding bonds will be done when the action portion of the meeting is undertaken

Discussion of Bids for New 2012 Loader Backhoe

Ms. Thomas stated the money for the purchase is in place through the Borough's capital account.

Mr. Grant stated that there were two compliant bids and that Trico Equipment Services, Inc. will be awarded the bid later when the action portion of the meeting is undertaken.

Proprietary Bid for Police Department Service Weapons

Ms. Thomas stated that the Borough has previously authorized the Borough to go out to bid for service weapons. The Police Department requested that a proprietary bid be done instead of a regular bid.

Mayor Sokolich stated that a proprietary bid is designed for one response.

Mr. Cohen replied that the provisions of the bid laws allow for it if certain criteria are met.

Ms. Thomas added that Kevin Conti, Esq., for Mr. Cohen's firm was completely satisfied with the written response he received from the Police Department to allow for a proprietary bid.

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

A resolution approving the proprietary bid will be done later when the action portion of the meeting is undertaken.

RESOLUTIONS

R-1 - Approving Developers Agreement with V&R Developers at 2103 Hudson Terrace

Mayor Sokolich recused himself on this matter.

Council President Cervieri chaired this portion of the meeting.

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

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE APPROVING AND AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BETWEEN THE BOROUGH OF FORT LEE AND V&R DEVELOPERS, INC.

WHEREAS, the Zoning Board of Adjustment of the Borough of Fort Lee adopted a resolution approving a development by V&R Developers, Inc. (the "Developer"), for property located at Block 4856, Lots 2, 3, 4 and 7 on the Official Tax Map of the Borough of Fort Lee, also know as 2103 Hudson Terrace, Fort Lee, New Jersey (the "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 with the Borough of Fort Lee; and

WHEREAS, a Developer's Agreement has been prepared by the Borough Attorney; and

WHEREAS, proof of insurance coverage has been provided and a performance bond does not need to be provided,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the Developer's Agreement with the Developer is approved and the Mayor and Borough Clerk be and are hereby authorized to execute the Developer's Agreement with the Developer; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be filed in the Office of the Borough Clerk.

The Resolution was **approved unanimously**.

Mayor Sokolich chaired the remainder of the meeting from this point forward.

R-2 - Approving Person-to-Person/Place-Place Liquor License Transfer from New Bang's Kitchen at 1355 16th Street to Baden Fort Lee Inc. at 799 Abbott Boulevard, Suite 1

Councilman Cervieri introduced, and Councilman Sargenti 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 **0219-33-022-004**, heretofore issued to **New Bang's Kitchen, Inc.** a New Jersey corporation for premises located at **1355 16th Street Fort Lee, New Jersey**; and

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

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

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

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

WHEREAS, said application has also been approved by the Building Department Sub-Code Official and the Fire Prevention Bureau Sub-Code Official Inspector for place-to-place transfer,

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 **Baden Fort Lee, Inc. at 799 Abbott Boulevard, Fort Lee, New Jersey 07024** effective **March 15, 2012** and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership.

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

AYES: Council Members Goldberg, Sargenti, Kasofsky, Cervieri

NAY: Councilman Sohmer

R-3 - Approving the Form and Other Details of Not to Exceed \$10,500,000 of General Obligation Refunding Bonds of the Borough

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

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT TO EXCEED \$10,500,000 OF GENERAL OBLIGATION REFUNDING BONDS OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY OR SUCH OTHER AMOUNT AS DETERMINED BY THE CHIEF FINANCIAL OFFICER TO ACCOMPLISH THE REFUNDING ON THE TERMS APPROVED BY THE LOCAL FINANCE BOARD CONSISTENT WITH THE REFUNDING PROVISIONS OF THE INTERNAL REVENUE CODE AND PROVIDING FOR THE SALE AND THE DELIVERY OF SUCH BONDS TO NW CAPITAL MARKETS INC.

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

Section 1. An amount not to exceed \$10,500,000 of General Obligation Refunding Bonds of the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough"), in specific amounts to be determined as provided herein and as more fully described in a bond ordinance finally adopted by the Borough pursuant to the Local Bond Law on March 15, 2012, and 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 2005 of the Borough, Appropriating \$10,500,000 Therefor and Authorizing the Issuance by the Borough of Refunding Bonds in the Aggregate Principal Amount of Not Exceeding \$10,500,000 for Financing the Cost Thereof” shall be issued as “General Obligation Refunding Bonds, Series 2012” (the “Bonds”).

Section 2. The Bonds are hereby authorized to be sold to NW Capital Markets Inc. (the “Underwriter”) at a purchase price determined by the parameters set forth below and otherwise consistent with the terms included in the approval by the Local Finance Board in the Department of Community Affairs, State of New Jersey (the “Local Finance Board”):

- (a) the principal amount of the Bonds does not exceed \$10,500,000;
- (b) the Net Interest Cost of the Bonds does not exceed an interest rate that would enable the Borough to complete the refunding within the parameters established by the Local Finance Board;
- (c) the Underwriter’s discount does not exceed the amount referenced in the approved Local Finance Board application;
- (d) the maturity structure or weighted average maturity for the Bonds is substantially similar to the structure submitted to and approved by the Local Finance Board together with any adjustments recommended by the Underwriter on the sale date designed to reduce the total costs of the borrowing to the Borough;
- (e) all conditions required by the Local Finance Board for the sale of the Bonds are satisfied.

Section 3. The Chief Financial Officer is hereby authorized and directed, without further authorization, to enter into and execute a purchase contract (the “Purchase Contract”) on behalf of the Borough with the Underwriter in the form satisfactory to bond counsel to the Borough and upon terms consistent with the above parameters. Upon execution of the Purchase Contract, the signature of the Mayor and/or the Chief Financial Officer shall be conclusively presumed to evidence any necessary approvals for the sale of the Bonds. If the Chief Financial Officer, after consultation with the Underwriter, determines that the above parameters cannot be satisfied in the present market, the Bonds shall not be sold until such time as said parameters may be amended, in whole or in part, or a sale on different terms is otherwise approved by resolution of this Borough Council.

Section 4. (a) The Bonds shall be issued in the par amounts consistent with the parameters set forth in Section 2 hereof and determined by the Chief Financial Officer to be necessary to pay costs of issuance and to provide an escrow fund that, when invested, will be sufficient to provide for the timely payment of the principal and redemption premium, if any, of and interest on all or a portion of the \$8,990,000 outstanding principal amount of its General Obligation Bonds, Series 2005, dated July 15, 2005, originally issued in the aggregate principal amount of \$16,115,000,

which outstanding principal amount matures on July 15 in each of the years 2015 through 2020, inclusive (the "Refunded Bonds").

(b) The Bonds shall be dated and shall bear interest at the rates per annum as the Chief Financial Officer shall determine.

(c) The Bonds shall be numbered and have such prefix or prefixes as determined necessary by the Chief Financial Officer and be sold and issued with such serial maturities or with such term bond maturities payable from mandatory sinking fund payments made by the Borough as determined in the Purchase Contract.

(d) The Bonds shall mature in each of the years 2015 to 2020, inclusive, or such other dates deemed consistent with the approved Local Finance Board resolution and in the principal amounts as may be determined by the Chief Financial Officer and shall bear interest on the dates as may be determined by the Chief Financial Officer.

(e) The Bonds shall not be subject to redemption prior to their stated maturities.

(f) The Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of Bonds maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of CEDE & Co., as nominee of The Depository Trust Company, New York, New York, which will act as securities depository (the "Securities Depository"). The certificates will be on deposit with the Securities Depository. The Securities Depository will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000 or any integral multiple thereof through book-entries made on the books and the records of the Securities Depository and its participants except that an amount maturing in any one year in excess of the largest principal amount thereof equaling a multiple of \$5,000 will be in the denominations of \$1,000 or any integral multiple thereof.

(g) The principal of and the interest due on the Bonds will be paid to the Securities Depository by the Borough on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of the Securities Depository as listed on the records of the Securities Depository as of the 15th next preceding each maturity date (the "Record Dates" for the Bonds). The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal of the Borough (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Clerk.

Section 5. The Bonds shall be substantially in the following forms with such additions, deletions and omissions as may be necessary for the Borough to market the Bonds:

REGISTERED
No. GORB-___

REGISTERED
\$_____

UNITED STATES OF AMERICA
STATE OF NEW JERSEY

BOROUGH OF FORT LEE

GENERAL OBLIGATION REFUNDING BOND, SERIES 2012

DATED DATE:	MATURITY DATE:	RATE OF INTEREST PER ANNUM:	CUSIP:
___/___/12	___/___/___	_____ %	_____

BOROUGH OF FORT LEE, a municipal corporation of the State of New Jersey (the "Borough"), hereby acknowledges itself indebted and for value received promises to pay to CEDE & Co., as nominee of The Depository Trust Company which will act as Security Depository on the Maturity Date specified above, upon presentation and surrender of this bond, the principal sum of _____ DOLLARS (\$_____), and to pay interest on such sum from the Dated Date stated above until it matures at the Rate of Interest Per Annum specified above semiannually on the first day of _____ and _____ in each year until maturity, commencing _____. Principal of and interest on this bond will be paid to the Security Depository by the Borough and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the _____ and _____ next preceding the date of such payments (the "Record Dates"). The principal of and interest on this bond are payable in lawful money of the United States of America.

This bond is not transferable as to principal or interest. The participants are responsible for maintaining the records regarding the beneficial ownership interest in the bonds on behalf of the individual purchasers except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants.

This bond is not subject to redemption prior to its stated maturity.

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of the State of New Jersey, a bond ordinance of the Borough finally adopted March 15, 2012, and 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 \$10,500,000 Therefor and Authorizing the Issuance by the Borough of Refunding Bonds in the Aggregate Principal Amount of Not Exceeding \$10,500,000 for Financing the Cost Thereof" and a resolution of the Borough adopted March 15, 2012.

As long as The Depository Trust Company is the depository for the Bonds as provided herein, the procedures of The Depository Trust Company will determine the method of selection for redemption within a maturity. Otherwise, it will be by lot or by a similar method.

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such constitution or statutes.

IN WITNESS WHEREOF, the Borough has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual or facsimile signature of its Clerk and this bond to be dated the Dated Date as specified above.

BOROUGH OF FORT LEE

ATTEST:

Mark. J. Sokolich, Mayor

Neil Grant, Borough Clerk

Joseph Iannaconi, CFO

Section 6. The law firm of McManimon & Scotland, L.L.C. is authorized to arrange for the printing of the Bonds. The proper officials of the Borough are hereby authorized and directed to execute the Bonds and to deliver them to the purchaser upon receipt of payment therefor.

Section 7. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by the law firm of McManimon & Scotland, L.L.C., complete except for omission of its date. The Clerk is hereby authorized and directed to certify the truth and the correctness of the copy of such opinion by executing on each of the Bonds by facsimile signature a certificate in form satisfactory to that law firm and to file a signed duplicate of such written opinion in the Clerk's office. Alternatively, each Bond may be accompanied by the signed legal opinion or copy thereof.

Section 8. The Bonds are being issued to refund the Refunded Bonds. The Chief Financial Officer shall take all steps necessary to call the Refunded Bonds on the first available call date at the applicable redemption price, deposit the proceeds of the Bonds with a bank for the purpose of defeasing the Refunded Bonds, invest the proceeds of the Bonds for this purpose and assist with the redemption of the Refunded Bonds. The Chief Financial Officer is hereby authorized to enter into an agreement with a bank (the "Escrow Deposit Agreement") to effectuate the purpose of this Section 8.

Section 9. The Borough hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code") in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net

investment earnings on the gross proceeds above the yield on the Bonds, and that it will refrain from taking any action that would adversely affect the tax exemption of the Bonds under the Code.

Section 10. The Borough hereby approves the preparation and the distribution of the Preliminary Official Statement on behalf of the Borough in the form approved or to be approved by the Chief Financial Officer. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Borough by the Mayor or the Chief Financial Officer. The Preliminary Official Statement shall be prepared in final form in connection with the issuance of the Bonds and the Mayor and/or the Chief Financial Officer of the Borough are authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Final Official Statements shall be delivered to the Underwriter of the Bonds within the earlier of seven business days following the sale of the Bonds or to accompany the Underwriter's confirmations that request payment for the Bonds.

Section 11. The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with the Securities Depository, as may be necessary in order to provide that the Bonds will be eligible for deposit with the Securities Depository and to satisfy any obligation undertaken in connection therewith.

Section 12. In the event that the Securities Depository may determine to discontinue providing its service with respect to the Bonds or is removed by the Borough and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds (the "Registered Bonds") in denominations of \$5,000, or any integral multiple thereof, except that an amount maturing in any one year in excess of the largest principal amount thereof equaling a multiple of \$5,000 will be in denominations of \$1,000, or any integral multiple thereof. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of such Registered Bonds. The Borough shall be obligated to provide for the execution and delivery of the Registered Bonds in certificate form.

Section 13. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Borough shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to 270 days from the end of each fiscal year, beginning with the fiscal year ending December 31, 2012, to the Municipal Securities Rulemaking Board through the Electronic Municipal Market Access Dataport (the "MSRB"), or any other designated nationally recognized municipal securities information repository ("State Repository"), if any, annual financial information with respect to the Borough consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Borough and certain financial information and operating data consisting of (i) Borough and overlapping indebtedness including a

schedule of outstanding debt issued by the Borough, (ii) the Borough's most current adopted budget, (iii) property valuation information, and (iv) tax rate, levy and collection data. The audited financial information will be prepared in accordance with modified cash accounting as mandated by State of New Jersey statutory principles in effect from time to time or with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law and shall be filed electronically and accompanied by identifying information with the National Repository;

(b) in a timely manner not in excess of ten business days after the occurrence of the event, to the MSRB, and to the State Repository, if any, notice of any of the following events with respect to the Bonds (herein "Material Events"):

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the obligated person;
- (13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

For the purposes of the event identified in subparagraph (12) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or

the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

(c) in a timely manner to the MSRB, and to the State Repository if any, notice of failure of the Borough to provide required annual financial information on or before the date specified in this resolution.

(d) If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provisions of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

(e) The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Borough prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

(f) In the event that the Borough fails to comply with the Rule requirements or the written contracts or undertakings specified in this certificate, the Borough shall not be liable for monetary damages. The sole remedy is hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 14. If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

Section 15. The Chief Financial Officer shall determine, in consultation with bond counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Borough prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

Section 16. In the event that the Borough fails to comply with the Rule requirements or the written contracts or undertakings specified in this resolution, the Borough shall not be liable for any monetary damages, remedy of the beneficial owners of the Bonds being hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 17. The undertaking may be amended by the Borough from time to time, without the consent of the Bondholders or the beneficial owners of the Bonds, in order to make modifications

required in connection with a change in legal requirements or change in law, which in the opinion of nationally recognized bond counsel complies with the Rule.

Section 18. There can be no assurance that there will be a secondary market for the sale or purchase of the Bonds. Such factors as prevailing market conditions, financial condition or market position of firms who may make the secondary market and the financial condition of the Borough may affect the future liquidity of the Bonds.

Section 19. The Mayor, the Chief Financial Officer, the Clerk and other appropriate representatives of the Borough are hereby authorized to take all steps necessary to provide for the issuance of the Bonds and the refunding of the Refunded Bonds, including preparing and executing such agreements and documents on behalf of the Borough, satisfying in full the requirements of notice of redemption of the Refunded Bonds and taking all steps necessary or desirable to implement this resolution, such agreements and documents as may be necessary and appropriate and the transactions contemplated thereby.

Section 20. The Mayor and/or Chief Financial Officer are each hereby authorized and directed to pay all costs of issuance in connection with the sale of the Bonds pursuant to a certificate of the Mayor and/or Chief Financial Officer to be executed upon delivery of the Bonds in an aggregate amount not to exceed the amount set forth in the application submitted to and approved by the Local Finance Board or, if any greater amount, only upon the prior approval of the Borough in accordance with the customary procedure for approval and payment of bills.

Section 21. This resolution shall take effect immediately.

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

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

**R-4 - Awarding Bid to Trico Equipment Services, Inc.,
Vineland, New Jersey for a New 2012 Loader Backhoe - \$105,394.00**

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 PURCHASE AND DELIVERY OF A 2012 LOADER BACKHOE**

WHEREAS, there exists a need for the Borough to purchase a 2012 Loader Backhoe for use by the Borough in providing essential municipal services to its citizens; 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 purchase and delivery of a 2012 Loader Backhoe; and

WHEREAS, on March 7, 2012, bids were received in response to the Borough's public solicitation from the following bidders:

Trico Equipment Services, Inc.	\$105,394.00
Jesco, Inc.	\$110,877.00

; and

WHEREAS, the Borough has determined that the bid submitted by Trico Equipment Services, Inc. is in compliance with the requirements of the bid specifications and that Trico Equipment Services, Inc. constitutes the lowest responsible and complying bidder for the purchase and delivery of a 2012 Loader Backhoe; and

WHEREAS, the Borough has reviewed its available funds and has determined that sufficient funds are available to award a contract for the purchase and delivery of a 2012 Loader Backhoe; 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 Trico Equipment Services, Inc., 551 N. Harding Highway, Vineland, New Jersey, 08360, is the lowest responsible and complying bidder and is awarded the contract for the purchase and delivery of a 2012 Loader Backhoe in the amount of **\$105,394.00**, 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 Trico Equipment Services, Inc. for the purchase and delivery of a 2012 Loader Backhoe; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available for the purchase and delivery of a 2012 Loader Backhoe; and

BE IT FURTHER RESOLVED that the bid security of the remaining bidder 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.

The Resolution was **approved unanimously.**

R-5 - Authorizing Purchasing Consultant to Prepare Specifications and Advertise for Bids for a Proprietary Bid for Police Department Service Weapons

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 ISSUANCE OF A BID FOR PROPRIETARY GOODS AND SERVICES

WHEREAS, it is necessary for the Mayor and Council of the Borough of Fort Lee ("Borough") to procure and purchase handguns and related equipment to be utilized by the Borough's Police Department in the performance of its law enforcement duties; and

WHEREAS, the Borough is desirous of procuring handguns and related equipment in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and its implementing regulations promulgated by the New Jersey Department of Community Affairs; and

WHEREAS, consistent with a letter certification from the Executive Officer of the Firearms Committee of the Borough's Police Department, the unique characteristics of the Heckler & Koch 45 compact handgun and related equipment not only meet the specific needs of the Police Department and its officers in carrying out its public safety responsibilities, but are also so compelling as to justify public bidding for only this particular handgun and related equipment; and

WHEREAS, the Local Public Contracts Law provides at N.J.S.A. 40A:11-2(39) that goods or services are deemed proprietary if they are of a "specialized nature, that may be made or marketed by a person or persons having the exclusive right to make or sell them, when the need for such goods or services has been certified

in writing by the governing body of the contracting unit to be necessary for the conduct of its affairs;" and

WHEREAS, the letter certification from the Executive Officer of the Firearms Committee of the Borough's Police Department reveals there is a special need for Heckler & Koch 45 compact handgun that is directly related to the performance of the Police Department's responsibilities in protecting the public; and

WHEREAS, the regulations implementing the Local Public Contracts Law, and specifically N.J.A.C. 5:34-9.1(a), provide that goods or services are of a "specialized nature" when they possess unique characteristics that only such goods or services of a specific vendor are capable of meeting the contracting unit's needs, and are "necessary for the conduct of its affairs" when the public need for a proprietary designation is of such a compelling nature that the value to the public gained by the proprietary designation overshadows the public benefit of permitting brand name or equivalent competition; and

WHEREAS, the Mayor and Council of the Borough are convinced of the specialized nature of the firearms and related equipment in the performance of the Police Department's responsibilities in protecting the public and the Heckler & Koch 45 compact handgun and related equipment are necessary for the efficient operation of the Police Department, and the proper conduct of the Borough's affairs,

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 the Heckler & Koch 45 compact handgun and related equipment are of a specialized nature and are necessary in the performance of the Police Department's responsibilities in protecting the public and this specific equipment is necessary for the efficient operation of the Police Department, and the proper conduct of the Borough's affairs.

2. That the Borough Administrator is hereby authorized to procure such equipment by public bidding as proprietary goods and services pursuant to and in accordance with the requirements of the Local Public Contracts Law and its implementing regulations.

The Resolution was **approved unanimously**.

PUBLIC HEARING

Ordinance #2012-5 - Providing for the Refunding of All or a Portion of Certain General Obligation Bonds, Series 2005 - \$10,500,000.00

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky and carried, the public hearing was opened relative to Ord. #2012-5 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 2005 OF THE BOROUGH, APPROPRIATING \$10,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE BOROUGH OF REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$10,500,000 FOR FINANCING THE COST THEREOF."

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

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

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

Temporary Sign on Central Boulevard - No Turn on Red - (Added on Item)

Mr. Cervieri stated this is a one way street traveling east to west. He has been questioned as to why there is a no turn on red message board sign along with a temporary barrier at the corner of Central Boulevard and Main Street. He said that the light is relatively long on a street that does not get a lot of use.

Ms. Thomas replied that this was an initiative from the Police Chief who has been very concerned about pedestrian traffic safety. The Bergen County Police Department did a traffic detail and pulled over numerous people on one night who were making the turn on red. Lt. Ottina, Supervisor of the Traffic Division, then called the County Police and asked them to back off with regard to such aggressive enforcement.

Mr. Sohmer stated that he and Captain Bendul timed the light a couple of months ago and it was approximately two minutes. He added that the issue should be revisited. He said he would speak to Lt. Ottina.

PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the meeting was opened to the public for discussion.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Diane Sicheri 1525 12th St.	.Asked for the Location of the Approved Developers Agreement (R-1)	Mr. Cervieri Mr. Cohen
Nina Levinson 1560 West St.	.Asked if Development Agreement is for a Multi-Family Development	Mr. Cervieri

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

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, March 1, 2012 @ 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
Joseph Iannaconi, CFO

MAYOR'S STATEMENT

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

1. On January 5, 2012, 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 6, 2012, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2012 to cover the cost of providing notice.

3. On February 28, 2012 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 2012 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:

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 to JAK Construction Corp. t/a Diamond Contracting, Brick, New Jersey, for Various Handicap Accessible Ramp Installations - \$186,766.25

Mayor Sokolich briefly spoke about the water emergency last week on Palisades Avenue/Bluff Road. He was pleased with the response by United Water.

Mr. Mignone stated that the Borough is receiving \$200,000 from Bergen County Community Development for this project. There are seventy two ramps. The State has become much stricter in terms of having the ramps surveyed as well as having intensive inspection procedures in place. He had no objection to Boswell's proposal of \$22,000 for construction inspection services which is listed further down in the minutes.

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 THE CONSTRUCTION OF HANDICAP RAMP INSTALLATIONS

WHEREAS, the Borough of Fort Lee ("Borough") has been approved to receive Community Development Block Grant funds for the construction of handicap ramp installations in the Borough; and

WHEREAS, there exists a need for the Borough to retain the services of a licensed contractor to perform construction services as to handicap ramp installations at various locations in 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 construction of handicap ramp installations in the Borough; and

WHEREAS, on February 1, 2012, bids were received in response to the Borough's public solicitation from the following bidders:

JAK Construction Corp. t/a Diamond Contracting	\$186,766.25
Arnold's Roads, Inc.	\$203,720.00
Reggio Construction, Inc.	\$205,000.00
Tony's Concrete Construction, Inc.	\$207,728.50
P.A. Contractors, Inc.	\$236,405.00
D&S Land Development	\$253,705.00
Gemrose utility, LLC	\$258,942.76
Cifelli & Son General Construction, Inc.	\$261,050.00
Midwest Construction, Inc.	\$336,870.50
Cypreco Industries, Inc.	\$384,690.00

; and

WHEREAS, the Borough has determined that the bid submitted by JAK Construction Corp. t/a Diamond Contracting, Inc. is in compliance with the requirements of the bid specifications and

that JAK Construction Corp. t/a Diamond Contracting, Inc. constitutes the lowest responsible and complying bidder for the construction of handicap ramp installations 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 construction of handicap ramp installations 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 JAK Construction Corp. t/a Diamond Contracting, Inc., 35 Beaverson Boulevard, Suite 12C, Brick, New Jersey, 08723, is the lowest responsible and complying bidder and is awarded the contract for the construction of handicap ramp installations in the Borough in the amount of \$186,766.25, 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 JAK Construction Corp. t/a Diamond Contracting, Inc. for the construction of handicap ramp installations in the Borough; and

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available for the construction of handicap ramp installations in the Borough; 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.; and

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

The Resolution was **approved unanimously**.

**R-2 - Community Development Revised Resolution Approved
October 6, 2011 - Reallocation of Previous Grant Awards for
Stillwell Avenue so as to Reallocate for the Installation of ADA
Compliant Barrier Free Curb Ramps**

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

WHEREAS, the Borough of Fort Lee in 2008 applied for and received a Bergen Community Development Block Grant of \$100,0000 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 \$100,0000 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, in the amount of \$200,000, 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 approves submission of a revised CDBG application reflecting same; 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.**

ENGINEERING DISCUSSION CONTINUED

Boswell Proposal for Construction Inspections Services for Various Accessible Handicap Ramp Installations

A resolution accepting Boswell McClave's proposal for construction inspection services for various accessible handicap accessible ramp installations in the amount of \$22,000.00 will be placed on the March 8th regular meeting proposed consent agenda.

Bond Ordinance for Various Handicap Accessible Ramp Installations

A bond ordinance providing for the installation of various handicap accessible ramps in the amount of \$225,000 which the Borough is expecting to receive a grant for \$200,000 from a Bergen County Community Development Block Grant will be introduced at the March 8th regular meeting.

Authorizing Emergency Sewer Repairs to Hoefley's Lane and Lower Main Street Sanitary Pump Station

Resolutions authorizing payment to Gotthold Paving LLC, Edgewater, New Jersey for repairs made to a sewer emergency on Hoefley's Lane in the amount not to exceed \$50,000.00 and to Academy Electrical Contractors, Inc., Westwood, New Jersey for repairs made to the Lower Main Street Sanitary Sewer Pumping Station in the amount of \$104,998.00 will be placed on the March 8th regular meeting proposed consent agenda.

Once the bill is received from Gotthold Paving the March 8th regular meeting agenda will reflect the actual cost of the repair.

Advertising for Bids for Bluff Road and Valley Street Pump Stations

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids for a new generator for Bluff Road and to relocate the Bluff Road generator to the Valley Street Pump Station will be placed on the March 8th regular meeting proposed consent agenda.

Bigler Street Parking Lot

Mayor Sokolich stated that a surface lot is going to be built to create more parking. This will be done under the direction of Mike Maresca, Assistant DPW Superintendent and Mr. Mignone. He's hopeful that FLRA the redeveloper for the east side will eventually pay for the lot. It will be the Borough's design and it will be decked. A good safe lot is needed in the area.

Ms. Thomas added that solar panels will be used for the parking meter machine.

Route 5 Wall and Traffic Light at Martha Washington Way and Palisades Avenue (Added on Items)

The governing body asked Mr. Mignone to check into the above items, specifically why there is no dedicated turn signal traveling northbound so as to make a left turn onto Main Street at Martha Washington Way.

GENERAL DISCUSSION

Budget 2012

Mayor Sokolich stated that the budget will be introduced on March 8th with the public hearing being held on April 19th. Steven Wielkocz, Borough Auditor, will be in attendance on both dates.

Refunding Bonds 2005

Mayor Sokolich stated that the Borough will be refinancing a series of 2005 bonds. The Borough will be taking advantage of historical low interest rates. The Borough is expected to save \$300,000.00 over a ten year period including all costs.

Budget Appropriation Transfers

A resolution as prepared by Mr. Iannaconi's office as required by law before the end of March will be placed on the March 8th regular meeting proposed consent agenda.

Global Pharmaceuticals Benefits, LLC

J. Robert Grodman, Global Representative and Michelle Kent, Account Vice President for Brown & Brown, Metro, Inc. the Borough's Health Benefits Coordinator, were present for this portion of the meeting

Ms. Kent presented a hand-out (attached as part of the March 1st executive session meeting folder).

Ms. Kent stated that the prescription plan mirrors the state health plan for retirees. There are three co-pay variations.

Ms. Kent added that retirees pay a maximum of \$1,351 for their prescription plan.

Mr. Grodman stated that the more generic drugs are used will result in lower prescription costs for the Borough.

Ms. Kent stated that the Borough uses more generic drugs, but brand costs overwhelm.

Mr. Pohan stated that 60% of the subscriptions drugs are generic, but it's only 12% of the overall cost.

Ms. Thomas stated that they're different levels of benefits depending when people retired.

Mr. Grodman spoke to the Rx Tax which has just been instituted.

Mayor Sokolich stated that there was a heavy emphasis the Borough would be getting rebates. He asked if the Borough has received any rebates.

Ms. Thomas replied that the Borough has received about \$10,000.00 in rebates.

Ms. Kent asked Mr. Grodman how rebates are derived.

Mr. Grodman replied that it's based on contracts with manufacturers. He added if all drugs taken were generic then the costs would be lower and the Borough would receive no rebates.

Mayor Sokolich ascertained from Mr. Grodman's statement that having no or a small amount in rebates should be read as a positive.

Mr. Cervieri said the rebates are based on preferred medications as Ms. Kent said earlier.

Ms. Kent stated that rebates for ninety day mail supplies are the same as each thirty day subscription at the retail level.

Mayor Sokolich reiterated that Global stated the Borough would be receiving a lot more in rebates than the Borough has received.

Ms. Kent stated that the first check was \$9,900 and a second check to the Borough is due shortly.

Mr. Goldberg also spoke about a lack of rebates.

Mr. Pohan spoke about raising co-pays for brand name drugs and lower the co-pays for generic drugs.

Mr. Grodman spoke about DAW-2.

Ms. Thomas stated that DAW-2 is a collective bargaining issue. Currently, the Borough is spending more money than it thought it would.

Messrs. Sokolich and Goldberg spoke about the Borough's reinsurance plan. They concurred that because the new prescription plan started last May and a full year has not been covered yet, the Borough's reinsurance plan hasn't kicked in yet.

Ms. Kent spoke about the Borough's RX Experience Sheet.

Mr. Iannaconi stated that the average prescription cost was \$34,000 a week over an eight month period, but the cost has been averaging \$43,000 a week the first few months of this year.

Mr. Grodman stated that the tax laws have changed which has been increasing the price of prescription drugs.

Ms. Kent stated that it's too late for this year to reduce the utilization costs. The plan year ends on April 30th.

Ms. Thomas stated that the Borough has to budget the costs.

Mr. Iannaconi stated that the Borough is presently \$200,000 over what it expected to be at this time with regard to prescription costs.

Mr. Grodman spoke to simple letter black box warnings.

Ms. Thomas stated that people are seriously ill when taking some medications and the Borough doesn't get involved with doctor/patient issues.

It was agreed that Global Pharmaceutical should come in during normal business hours to meet with Mayor Sokolich, Mr. Goldberg, Ms. Thomas and Mr. Iannaconi.

2012 Ford F550 for Fire Department

Ms. Thomas stated that a memo was received from the Fire Chief requesting to replace a van that has 72,000 miles on it. The vehicle is a pumper utility truck which gets a lot of use during storms when resident's basements get flooded. She added that money for the purchase of a truck is available through the Borough's Capital Account.

A resolution authorizing the purchase of a 2012 Ford F550 Chassis Cab from Ditschman/Flemington Ford, Flemington, New Jersey through State Contract #A79113 at a cost of \$50,829.00 will be placed on the March 8th regular meeting proposed consent agenda.

Purchase of Computer Equipment for the Police Department

Ms. Thomas stated that the Police Department have a Department of Justice Technology grant for the purchase of various computer equipment so as update their servers. In addition the balance of the money will be paid through the Police Department's confiscated funds account.

A resolution authorizing the purchase of the equipment from Hewlett-Packard Company, Omaha, Nebraska, through State Contract #70262 at a cost of \$180,654.88 will be placed on the March 8th regular meeting proposed consent agenda.

**Handicapped Parking Spaces at 1325 Inwood Terrace -
(Municipal/Police Department Parking Lot)**

The Police Department requested that four handicapped parking spaces be placed in the northwest corner of the 1325 Inwood Terrace Parking Lot. The handicapped spaces have been

posted, but they had not yet been codified into the Borough's ordinances.

Mr. Cervieri stated that he would appreciate if the Police Department doesn't assume that they will automatically get approvals from the Mayor and Council before an item has had a chance to be discussed by the Mayor and Council.

An ordinance amending Chapter 388, Section 69, Schedule I, to include the four handicapped parking spaces will be introduced at the March 8th regular meeting agenda.

New Jersey Healthy Town

Ms. Thomas stated that the Health Department is requesting that the Mayor and Council support an initiative to make the Borough a New Jersey Healthy Town.

A resolution endorsing and supporting what is known as the Mayor's Wellness Campaign will be approved on the March 8th regular meeting proposed consent agenda.

Rescheduling of April 12th Regular Meeting

The Mayor and Council agreed that the April 12th regular meeting should be cancelled and rescheduled to April 19th. This will also be the day of the public hearing for the 2012 municipal budget. In addition the April 19th executive session starting time will commence at 6:30 p.m. rather than it's normal meeting time of 7:00 p.m.

Mr. Grant will send out the required legal notice.

RESOLUTIONS CONTINUED

R-3 - Authorizing Application to the Local Finance Board for the Issuance of Refunding All or a Portion of the Borough's Outstanding General Obligation Bonds, Series 2005

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

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

WHEREAS, the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") desires to make application to the Local Finance Board for its review and approval of a proposed refunding bond ordinance authorizing the refunding of all or a portion of the Borough's outstanding General Obligation Bonds, Series 2005;

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.

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-4 - Amending Temporary Capital Budget

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

WHEREAS, the Borough of Fort Lee desires to establish the 2012 Temporary Capital Budget of said municipality by inserting therein the following project,

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

Section 1. The 2012 Temporary Capital Budget of the Borough of Fort Lee is hereby established by the adoption of the schedule to read as follows:

Temporary Capital Budget of the
Borough of Fort Lee
County of Bergen
Projects Scheduled for 2012
Method of Financing

<u>Project</u>	<u>Est. Costs</u>	<u>Grants</u>
Refunding of Bonds	\$1,510,000	\$1,510,000

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services Department of Community Affairs, State of New Jersey, within three days after the adoption of this project for 2012 Temporary Capital Budget, to be included in the 2012 Permanent Capital Budget as adopted.

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

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

R-5 - Awarding Bid to The Rodgers Group, LLC for the Provision of Police Department Accreditation Services - \$47,000.00

Ms. Thomas stated that once done this improves the Borough's liability coverage. There is a great deal of work involved to become accredited.

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

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AWARDING A CONTRACT FOR THE PROVISION OF POLICE DEPARTMENT ACCREDITATION SERVICES

WHEREAS, there exists a need for the Borough of Fort Lee ("Borough") to secure services for the accreditation of the Borough's Police Department; and

WHEREAS, on prior occasion, pursuant to resolution and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough solicited bids for the provision of accreditation services for the Borough's Police Department; and

WHEREAS, on February 22, 2012 the Borough received a single bid from the following bidder:

The Rodgers Group, LLC	\$47,000.00
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WHEREAS, after a review of the bid submitted by The Rodgers Group, LLC ("Rodgers"), the Borough determined that Rodgers is in compliance with the requirements of the bid specifications and constitutes the lowest responsible and complying bidder for the provision of accreditation services for the Borough's Police Department; and

WHEREAS, the Borough has reviewed its available funds and has determined that sufficient funds are available to award contracts for the provision of accreditation services for the Borough's Police Department; and

WHEREAS, the Borough has determined that the award of a contract to Rodgers for the provision of accreditation services for the Borough's Police Department is necessary for the Borough's efficient operations,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey, that a contract be and is hereby awarded to The Rodgers Group, LLC, P.O. Box 831, Island Heights, New Jersey 08732 in the amount of **\$47,000.00** for the provision of accreditation services for the Borough's Police Department, consistent with the requirements of the Bid Specifications; and

BE IT FURTHER RESOLVED that the Mayor be and is hereby is authorized to execute a contract with The Rodgers Group, LLC, consistent with the requirements of the Bid Specifications, and pursuant to and in accordance with the provisions of N.J.S.A. 40A:11-1 et seq., for the The Rodgers Group, LLC; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately; and

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

The Resolution was **approved unanimously**.

INTRODUCTION OF ORDINANCE

Ordinance #2012-5 - Providing for the Refunding of All or a Portion of Certain General Obligation Bonds, Series 2005 - \$10,500,000.00

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried, Ord. #2012-5 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 2005 OF THE BOROUGH, APPROPRIATING \$10,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE BOROUGH OF REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$10,500,000 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 **March 15, 2012**.

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

PUBLIC HEARING SCHEDULED FOR MARCH 8, 2012

Ord. #2012-4--Amending Chapter 388, Vehicles and Traffic, Article V Schedules, Section 56, Schedule XII, Taxi Stands

PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilman Sargenti, and carried unanimously, the meeting was opened to the public for discussion.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Water Emergency	Mayor Sokolich
	.Redevelopment Area 5 Litigation	Mr. Cohen
	.Rent Leveling	
Charles Sobel 2175 Hudson Terr.	.Rent Leveling	Mr. Pohan Mr. Cervieri

There being no further discussion the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti,** at 9:11 p.m.

Neil Grant, RMC
Borough Clerk

**BOROUGH OF FORT LEE
2012 MUNICIPAL BUDGET
INITIAL SUMMARY SHEET
(Appendix A)*****

Total Appropriations 2011	\$68,065,649	
Total Appropriations 2012	\$69,391,674	
Increase	<u>\$1,326,025</u>	
Percentage	<u>1.91%</u>	
Tax Levy 2011	\$57,609,951	0.9409
Tax Levy 2012	\$58,700,923	0.9645
Increase	<u>1,090,972</u>	0.2360
Percentage	<u>1.86%</u>	

Tax Point = \$608,609,00

\$110.00 Increase on a Typical \$465,000 Home

Appropriation Increases

Salaries and Wages - Police	618,729
Salaries and Wages - Other	71,044
Health Benefits	814,386
Other Insurance	(47,022)
BCUA	136,292
Debt Service	419,260
Pension	(472,287)
Reserve for Uncollected Taxes	82,500
Other Expenses	<u>(296,877)</u>
	\$1,326,025

***** Editor's Note - These Figures are Not the Guaranteed Final Adoption Budget Figures**

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, February 2, 2012 @ 7:00 p.m.

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

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

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

ABSENT: Council Members Pohan, Kasofsky

MAYOR'S STATEMENT

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

1. On January 5, 2012, 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 6, 2012, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2012 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

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

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

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

Personnel: DPW
Accounts Payable
Planning/Zoning Administrator
Police Department Civilian Position

Contracts: Special Improvement District
Conflict Counsel

Collective Bargaining: PBA Contract (MSOK)

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

Request for Increase in Municipal Court Change Fund

A resolution increasing the Municipal Court change fund from \$200.00 to \$400.00 will be placed on the February 9, 2012 regular meeting proposed consent agenda.

Once the resolution is approved it will be sent to the State of New Jersey, Department of Community Affairs, for final approval.

Korean-American Part-Time Liaison

There was no discussion on this item tonight.

Parking Permit for Commercial Vehicles

After a brief discussion the Mayor and Council recommended that Parking Authority should charge a \$20.00 per year contractor fee.

The Parking Authority will be notified of the Mayor and Council's recommendation so that they can discuss it amongst their commissioners.

Amending Chapter 388, Section 56, Schedule XII - Taxi Stand Ordinance

Mr. Grant explained that the Police Department has recommended creating a second taxi stand on Lemoine Avenue northbound, near side of Bruce Reynolds Boulevard. In addition the current taxi stand on Bridge Plaza North will be reduced by two spaces and metered parking will be installed which is needed in that area. Between both stands there will be parking for fourteen taxis which is the maximum number for the eight companies that operate in the Borough. He mentioned that one of the licensed companies rarely puts any of their vehicles on the current taxi stand as they operate out of multiple towns.

An ordinance as recommended by the Police Department and prepared by Mr. Cohen's office will be introduced at the February 9th regular meeting.

Police Department Motorcycle Bids (January 18, 2012)

A resolution awarding bid to Liberty Harley-Davidson, Rahway, New Jersey, for the purchase of five new motorcycles for the Police Department at a cost of \$42,625.00 which includes the trade-in value of \$35,200.00 for five motorcycles will be placed on the February 9, 2012 regular meeting proposed consent agenda.

The bids were reviewed by the Purchasing Consultant and Mr. Cohen's office for compliance.

Approving Limousine Application for Maxon Limousine Inc. at 2445 Lemoine Avenue

A resolution approving the above limousine license as approved by the Police Department, Building Department and Fire Prevention Bureau will be placed on the February 9th regular meeting proposed consent agenda.

Liquor License Person-to-Person Transfer From Anastasios Papvasiliou to Kiritkua Rana (Inactive License)

Mr. Grant stated that he's still waiting for the police report and will only put this item on if the report has been completed before the February 9th meeting. Mr. Grant also noted that this license is inactive and the applicant will not be activating the license at this time.

A resolution approving the license transfer as approved by the Police Department if received in a timely fashion will be placed on the February 9th regular meeting proposed consent agenda.

Liquor License Place-to-Place Transfer From 2151 Lemoine Avenue to 89 Main Street for Queens Recipe Inc.

A resolution approving the above license transfer as approved by the Building Department and Fire Prevention Bureau will be placed on the February 9th regular meeting proposed consent agenda.

ADA Compliance Officer

Ms. Sohmer spoke about Steve Negri, Building Inspector, becoming the compliance officer for the Advisory Committee for the Disabled.

Ms. Thomas and Mr. Grant both pointed out that Mr. Negri is already on the committee and if the ADA wants to make him the compliance officer they should do it by vote at their meeting.

PUBLIC HEARINGS SCHEDULED FOR FEBRUARY 9, 2012

Ord. #2012-1--Amending Salary Ordinance #2010-16 Establishing Salaries for Department Heads (Supervisor of Senior Citizen Activities) - \$67,500.00
Ord. #2012-2--Amending Chapter 289-15 Parking Meter Zones Established by Adding Metered Spaces on Center Avenue and Anderson Avenue at 1400 Anderson Avenue – Eight (8) Meters

Ord. #2012-3--Amending Redevelopment Plan for Redevelopment Area 5 Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

RESOLUTIONS

R-1 - Awarding Contract to AXA Equitable Life Insurance
for Voluntary Deferred Compensation Plan Services to be Offered
to Municipal Employees

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

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH
OF FORT LEE AUTHORIZING THE ADOPTION OF AN ALTERNATIVE
DEFERRED COMPENSATION PLAN AND PROTOTYPICAL SERVICE
AGREEMENT TO AXA EQUITABLE LIFE INSURANCE COMPANY**

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, on September 22, 2011, the Borough issued a Request for Qualifications/Proposals ("RFP") for the provision of a deferred compensation plan and service agreement; and

WHEREAS, on October 18, 2011, the Borough issued Addendum No. 1 to the RFP with respect to the investment of funds not needed for the immediate payment of benefits; and

WHEREAS, on October 26, 2011, the Borough received proposals from the following companies for the deferred compensation services:

AXA Equitable Life Insurance Company
Secaucus, New Jersey
78-SA-Equitable-100410
66-PD-Equitable-053107

Metropolitan Life Insurance Company
New York, New York

Nationwide Retirement Solutions, Inc.
Dublin, Ohio

Lincoln Financial Group
Fort Wayne, Indiana

WHEREAS, the Borough has reviewed the proposal from each company and determined that all proposals are in compliance with the requirements of the RFP, and that each company is fully experienced and capable of administering and servicing the proposed deferred compensation program; and

WHEREAS, the Borough is desirous of selecting all four companies to provide deferred compensation services in order to offer Borough employees a wide range of choices as an alternative to the deferred compensation plan currently available to Borough employees from VALIC; and

WHEREAS, the Borough has determined the adoption of deferred compensation plans in accordance with the proposals submitted by each company in response to the RFP, and the corresponding Prototypical Service Agreements, as alternative deferred compensation plans 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:

1. That the deferred compensation plan submitted by AXA Equitable Life Insurance Company, Secaucus, New Jersey, in its proposal in response to the Borough's RFP, is hereby adopted as an alternative plan to the deferred compensation plan presently provided by VALIC, and a contract is hereby awarded consistent with AXA Equitable Life Insurance Company'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 of the AXA Equitable Life Insurance Company, 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 of the AXA Equitable Life Insurance Company 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 the AXA Equitable Life Insurance Company, 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 Agreements in order to implement the deferred compensation plan proposed by the AXA Equitable Life Insurance Company in response to the Borough's RFP.

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

The Resolution was **approved unanimously**.

R-2 - Awarding Contract to Metropolitan Life Insurance Company, for Voluntary Deferred Compensation Plan Services to be Offered to Municipal Employees

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

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE ADOPTION OF AN ALTERNATIVE DEFERRED COMPENSATION PLAN AND PROTOTYPICAL SERVICE AGREEMENT TO LINCOLN FINANCIAL GROUP

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, on September 22, 2011, the Borough issued a Request for Qualifications/Proposals ("RFP") for the provision of a deferred compensation plan and service agreement; and

WHEREAS, on October 18, 2011, the Borough issued Addendum No. 1 to the RFP with respect to the investment of funds not needed for the immediate payment of benefits; and

WHEREAS, on October 26, 2011, the Borough received proposals from the following companies for the deferred compensation services:

AXA Equitable Life Insurance Company
Secaucus, New Jersey

Metropolitan Life Insurance Company
New York, New York

Nationwide Retirement Solutions, Inc.
Dublin, Ohio

Lincoln Financial Group
Fort Wayne, Indiana
12-SA-Lincoln-072595
76-PD-Lincoln-120709

WHEREAS, the Borough has reviewed the proposal from each company and determined that all proposals are in compliance with the requirements of the RFP, and that each company is fully experienced and capable of administering and servicing the proposed deferred compensation program; and

WHEREAS, the Borough is desirous of selecting all four companies to provide deferred compensation services in order to offer Borough employees a wide range of choices as an alternative to the deferred compensation plan currently available to Borough employees from VALIC; and

WHEREAS, the Borough has determined the adoption of deferred compensation plans in accordance with the proposals submitted by each company in response to the RFP, and the corresponding Prototypical Service Agreements, as alternative deferred compensation plans 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:

1. That the deferred compensation plan submitted by Lincoln Financial Group, Fort Wayne, Indiana in its proposal in response to the Borough's RFP, is hereby adopted as an alternative plan to the deferred compensation plan presently provided by VALIC, and a contract is hereby awarded consistent with Lincoln Financial Group'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 of the Lincoln Financial Group, 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 of the Lincoln Financial Group 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 the Lincoln Financial Group, 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 Agreements in order to implement the deferred compensation plan proposed by the Lincoln Financial Group in response to the Borough's RFP.

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

The Resolution was **approved unanimously**.

R-3 - Awarding Contract to Lincoln Financial Group for Voluntary Deferred Compensation Plan Services to be Offered to Municipal Employees

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

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE ADOPTION OF AN ALTERNATIVE DEFERRED COMPENSATION PLAN AND PROTOTYPICAL SERVICE AGREEMENT TO METROPOLITAN LIFE INSURANCE COMPANY

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, on September 22, 2011, the Borough issued a Request for Qualifications/Proposals ("RFP") for the provision of a deferred compensation plan and service agreement; and

WHEREAS, on October 18, 2011, the Borough issued Addendum No. 1 to the RFP with respect to the investment of funds not needed for the immediate payment of benefits; and

WHEREAS, on October 26, 2011, the Borough received proposals from the following companies for the deferred compensation services:

AXA Equitable Life Insurance Company
Secaucus, New Jersey

Metropolitan Life Insurance Company
New York, New York
62-PD-MetLife-032106
62-SA-MetLife-032106

Nationwide Retirement Solutions, Inc.
Dublin, Ohio

Lincoln Financial Group
Fort Wayne, Indiana

WHEREAS, the Borough has reviewed the proposal from each company and determined that all proposals are in compliance with the requirements of the RFP, and that each company is fully experienced and capable of administering and servicing the proposed deferred compensation program; and

WHEREAS, the Borough is desirous of selecting all four companies to provide deferred compensation services in order to offer Borough employees a wide range of choices as an alternative to the deferred compensation plan currently available to Borough employees from VALIC; and

WHEREAS, the Borough has determined the adoption of deferred compensation plans in accordance with the proposals submitted by each company in response to the RFP, and the corresponding Prototypical Service Agreements, as alternative deferred compensation plans 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:

1. That the deferred compensation plan submitted by Metropolitan Life Insurance Company, New York, New York, in its proposal in response to the Borough's RFP, is hereby adopted as an alternative plan to the deferred compensation plan presently provided by VALIC, and a contract is hereby awarded consistent with Metropolitan Life Insurance Company'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 of the Metropolitan Life Insurance Company, 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 of the Metropolitan Life Insurance Company 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 the Metropolitan Life Insurance Company, 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 Agreements in order to implement the deferred compensation plan proposed by the Metropolitan Life Insurance Company in response to the Borough's RFP.

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

The Resolution was **approved unanimously.**

R-4 - Awarding Contract to Nationwide Retirement Solutions, Inc. for Voluntary Deferred Compensation Plan Services to be Offered to Municipal Employees

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

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE ADOPTION OF AN ALTERNATIVE DEFERRED COMPENSATION PLAN AND PROTOTYPICAL SERVICE AGREEMENT TO NATIONWIDE RETIREMENT SOLUTIONS, INC.

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, on September 22, 2011, the Borough issued a Request for Qualifications/Proposals ("RFP") for the provision of a deferred compensation plan and service agreement; and

WHEREAS, on October 18, 2011, the Borough issued Addendum No. 1 to the RFP with respect to the investment of funds not needed for the immediate payment of benefits; and

WHEREAS, on October 26, 2011, the Borough received proposals from the following companies for the deferred compensation services:

AXA Equitable Life Insurance Company
Secaucus, New Jersey

Metropolitan Life Insurance Company
New York, New York

Nationwide Retirement Solutions, Inc.
Dublin, Ohio
07-SA-USCM/PEBSCO-041895
59-PD-USCM/PEBSCO-012606

Lincoln Financial Group
Fort Wayne, Indiana

WHEREAS, the Borough has reviewed the proposal from each company and determined that all proposals are in compliance with the requirements of the RFP, and that each company is fully experienced and capable of administering and servicing the proposed deferred compensation program; and

WHEREAS, the Borough is desirous of selecting all four companies to provide deferred compensation services in order to offer Borough employees a wide range of choices as an alternative to the deferred compensation plan currently available to Borough employees from VALIC; and

WHEREAS, the Borough has determined the adoption of deferred compensation plans in accordance with the proposals submitted by each company in response to the RFP, and the corresponding Prototypical Service Agreements, as alternative deferred compensation plans 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:

1. That the deferred compensation plan submitted by Nationwide Retirement Solutions, Inc., Dublin, Ohio, in its proposal in response to the Borough's RFP, is hereby adopted as an alternative plan to the deferred compensation plan presently provided by VALIC, and a contract is hereby awarded consistent with Nationwide Retirement Solutions, Inc.'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 of the Nationwide Retirement Solutions, Inc., 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 of the Nationwide Retirement Solutions, Inc. 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 the Nationwide Retirement Solutions, Inc., 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 Agreements in order to implement the deferred compensation plan proposed by the Nationwide Retirement Solutions, Inc. in response to the Borough's RFP.

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

The Resolution was **approved unanimously**.

111 Merkle Street Memo/Port Authority Property (Added on by Mr. Cervieri)

Mr. Cervieri stated that the Port Authority is requesting to use Borough property to store equipment.

Mr. Cervieri described where the Merkle Street property is and that the Port Authority has 1.5 acres of other land that the Borough gave to them when they were going to put an helix on Central Road that was going to lead to the lower level of the George Washington Bridge.

Mayor Sokolich said he has been trying to arrange a meeting with the Port Authority's Executive Director, Bill Baroni, to discuss car pooling issues. He would also want to discuss this issue as well.

Mr. Cervieri stated that all of the Port Authority properties are in disrepair. They should be paying the Borough taxes.

Mr. Cohen replied that would be difficult to do; even though, he understands where Mr. Cervieri is coming from.

Mr. Sohmer added that they should give the Borough the land they took back that they never utilized.

Mr. Cohen suggested that the Port Authority should lease the property it received from the Borough for a \$1.00 a year until such time they actually utilize the property.

PUBLIC PARTICIPATION

No one from the public was present for tonight's meeting.

There being no further discussion the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, at 7:20 p.m.

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, January 12, 2012 @ 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
Frank Regan, 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 5, 2012, 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 6, 2012, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and TIME WARNER CABLE and filed with the Borough Clerk. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2012 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

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

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

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

Personnel: Emergency Telecommunicator
Police Department
Senior Citizens Director
DPW

RFQ'S: Special Conflict Counsel
Borough Planner
Purchasing Consultant
Traffic Engineer

Contracts: Port Authority Roadway Sweeping Agreement
Bergen County Employee Assistance Program
Special Improvement District
ADP
Half Moon House @ 2400 Hudson Terrace -
Fire Watch

Collective Bargaining: PBA Contract

Tax Appeal Litigation: 459 Main Street LLC, Block 4551,
Lots 3-5
2300 Route 4 West, Block 6451,
Lot 1, (Best Western)

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.

Lime Energy Audit - Direct Install Program

Mr. Mignone stated that a couple of years ago the Borough received a block grant from the Department of Energy in the amount of \$155,000.00 which grant is nearing expiration. The

Direct Install Program through the Lime Energy Audit deals with making HVAC repairs, boiler repairs and lighting upgrades of the Borough's facilities. Certain HVAC and lighting will be replaced with higher efficiency units and fluorescents. The total cost to do the work is \$200,000.00 of which the State is paying \$120,000.00 and an additional \$80,000.00 is being paid out of the \$155,000.00 Department of Energy Grant. The balance of the energy grant can be used for other purposes.

Mr. Cervieri asked about the payback period.

Mr. Mignone replied that the payback period is two to four years. There is an \$80,000 initial cost which will be reimbursed to the Borough.

GENERAL DISCUSSION

Health Benefits - Michelle Kent from Brown & Brown Insurance in Attendance

Ms. Kent presented a handout which is attached and part of the official minutes of this meeting. (See Addendum {A} Attached)

She gave an overview of the Borough's health experience and had backup exhibits from Horizon Blue Cross to make sure the numbers made sense. The Borough's health experience has improved the last two months and was used to decrease health care rates.

She explained stop-loss claims up to \$150,000 and the Borough's re-insurance mechanism.

She spoke about the age of the Borough workers and that there are 481 participants active and retired. She spoke about run-out claims which are about one month from the time the Borough transitioned its pharmacy coverage from Horizon to Global RX.

Mr. Pohan asked about the short-rating.

Ms. Kent said there is none. She believes the Borough's position with Global would have been the same if the Borough hadn't switched its prescription benefits away from Horizon Blue Cross.

Mr. Goldberg requested that Ms. Thomas reach out to Global RX and ask them to attend an executive session in the near future.

Ms Thomas stated that health care costs are expected to rise in the next six months to one year. The Borough is looking for less costly options for the employees including higher deductibles all in the name of keeping health costs lower.

Mayor Sokolich stated that there were some small bumps in the road during the transition but it had to deal mostly with the retired workers.

Police Department Service Duty Weapons

Ms. Thomas stated that \$225,000.00 will be coming out of the Police Department's confiscated funds account.

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids will be placed on the January 19th regular meeting proposed consent agenda.

Police Department Accreditation

Ms. Thomas stated that the South Bergen Joint Insurance Fund is putting up a \$25,000 grant for the consultant the Borough will need to get the accreditation done. The rest of the money will come out of the Police Department's confiscated funds account. The total cost is expected to be between \$55,000.00 and \$60,000.00.

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids will be placed on the January 19th regular meeting proposed consent agenda

Amending Rates for Ambulance Reimbursement Program

Ms. Thomas stated that basic life support transport service is going to be increased from \$650.00 to \$700.00 and that the loaded mileage charge is being increased from \$12.00 to \$14.00 per mile. This is more in line with what other municipalities are presently charging.

A resolution amending the rates for the Ambulance Reimbursement Program will be placed on the January 19th regular meeting proposed consent agenda.

Authorization to Issue a Request for Proposals (RFP) for "Red Light" Program

Mayor Sokolich requested permission to explore a red light traffic program by issuing a RFP. It's exploratory in nature to get as much information as possible before a final decision is made whether or not to institute a red light traffic program for the Borough.

A resolution authorizing the RFP will be placed on the January 19th regular meeting proposed consent agenda.

Establishment of an Ironman USA Championship Committee

Mayor Sokolich stated that the Borough will be the host committee for the Ironman USA Championship which is taking place on Sunday, August 11th. He mentioned that there was a preliminary meeting with Ironman USA before Christmas that was attended by many of the Borough departments that will be involved during the event. He's putting together a citizen's committee which will include Craig Weinstein and Max Almenas. In addition there is a push on to have St. Rocco's move their carnival back one week so that it will coincide with the championship. This will allow for the expected large crowds who are following their favorite athletes to have a place to congregate during the event.

Angelo Nigro Family Trust at 1400 Anderson Avenue

Ms. Thomas stated that its been agreed by the Police Department that there should be four metered spaces on Center Avenue and four metered spaces on Anderson Avenue. At one time the spaces were going to be split up five and three.

Mayor Sokolich stated he would like the applicant to amend his plans accordingly and proceed to the Planning Board. He also gave a brief history with regard to the property about the offsite metered parking spaces.

The Mayor and Council concurred that a ordinance needs to be prepared to allow for a total of four metered parking spaces on Center Avenue, west side and four metered parking spaces on Anderson Avenue, east side.

Mr. Cohen's office will prepare the ordinance which will be introduced at the January 19th regular meeting.

Commemorative Street Naming - Universal Studio Way - Corner of Main Street and Jones Road and Carl Laemmle Way - Corner of Fifth Street and Washington Avenue

Tom Meyers, Director of Cultural & Heritage Affairs, gave a brief overview of why he's requesting the commemorative street naming on Main Street/Jones Road and then spoke to the potential of having a commemorative street naming on Fifth Street/Washington Avenue.

Mayor Sokolich told Mr. Meyers that he has no problem with having both streets commemoratively named as there are no physical address changes involved for the residents who live in the areas in question.

It was agreed by the Mayor and Council that two resolutions will be prepared and approved at the February 9th regular meeting with regard to the aforementioned commemorative street names.

Endorsing Bergen County Community Development Grant for VFW Post #2343 for a New Roof

A resolution endorsing a Bergen County Community Grant for a new roof for the VFW at 250 Main Street in the amount of \$50,000.00 will be placed on the January 19th regular meeting proposed consent agenda.

Sign/Façade Review Committee Appointments

Mayor Sokolich stated that he would send the resume of Jason Oh for the governing body to review before next week's regular meeting. It's expected that the Mayor will nominate Mr. Oh to one of the open positions on the Sign/Façade Review Committt.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Tom Bennett Riverdale Drive	Red Light Camera Program Spoke About More Injuries w/Cameras & Constitutionality	Mayor Sokolich
Keith Jensen 2 Drury Way	Sign Committee Resume Environmental/Beautification Committee Police Weapons	Mayor Sokolich Mr. Sohmer Ms. Thomas
	Boards/Committee Fort Lee Residents Requested M&C to Adopt Fair School Funding Legislation	
Martha Cohen 1530 Palisade Ave.	Red-Light Program - State Approval/RFP Process Medical Costs for Employees	Mr. Cervieri Mayor Sokolich
Angelo Nigro	Parking Spaces for Building Gave History of Property	Mayor Sokolich
Dave Cohen 1530 Palisade Ave.	RFP Red Light Program - Advocacy Groups Against Program	Mayor Sokolich Mr. Cervieri
	45 Caliber Police Weapons	Mr. Sohmer

RESOLUTIONR-1 - Authorizing Re-Issuance of a RFQ for Special Conflict Counsel

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

RESOLUTION REJECTING ALL QUALIFICATION STATEMENTS FOR CONFLICT COUNSEL SERVICES AND AUTHORIZING THE RE-ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR SAME

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

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

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

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

WHEREAS, the Borough previously authorized the issuance of an RFQ for Conflict Counsel services, with a return date for Qualification Statements of December 22, 2011; and

WHEREAS, the Borough expressly reserved the right in the RFQ documents to reject any or all Qualification Statements in its sole discretion; and

WHEREAS, the Borough has determined that is in the Borough's best interest to reject all of the Qualification Statements received for Conflict Counsel services; and

WHEREAS, the Borough has determined it necessary to reissue RFQ documents for Conflict Counsel services pursuant to a "fair and open" process; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Fort Lee, County of Bergen and State of New Jersey, that all Qualification Statements received on December 22, 2011 for Conflict Counsel services be rejected.

BE IT FURTHER RESOLVED, that RFQs for professional services for the following professional services for the Borough and its agencies are hereby authorized:

1. Conflict Counsel services

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

The Resolution was **approved unanimously.**

Mayor Sokolich spoke to the extra security and police patrols that are currently being given to the Borough's synagogues based on the recent rash of hates crimes that have occurred in Rutherford and Paramus.

There being no further discussion the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, at 8:32: p.m.

Neil Grant, RMC
Borough Clerk