

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, May 1, 2014 @ 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: Alfred Restaino, Borough Administrator
Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney

MAYOR'S STATEMENT

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

1. On January 2, 2014, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 3, 2014 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 2013 to cover the cost of providing notice.

RESOLUTION FOR CLOSED SESSION

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

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

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

Personnel: Police Department
Police Department Civilian Positions (4)

New Theater/Museum - H3 Architects in Attendance

Boswell McClave Proposal for Construction Inspection Services for Lower Main Pump Station & Force Main With Main Street Street Revitalization Project - Kevin Boswell 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

Boswell McClave Proposal for Construction Inspection Services for Lower Main Pump Station & Force Main With Main Street Street Revitalization Project

This item was discussed in closed session. Action will be taken at the May 8th regular meeting.

GENERAL DISCUSSION

Historic Preservation Commission Appointments

The Mayor and Council requested that Mr. Grant forward the list given to him by Tom Meyers.

Once the Mayor and Council review the list it's expected that appointments to the Historic Preservation Commission will be made at the May 8th regular meeting.

Interlocal Agreement with Palisades Park Swim Club

Mr. Grant stated that the Borough of Palisades Park has already approved a resolution and an interlocal agreement and that the Borough needs to do the same on its end.

A resolution for authorizing execution of a shared services agreement with the Borough of Palisades Park for the use of the Palisades Park Swim Club by residents of the Borough of Fort Lee will be placed on the May 8th regular meeting.

Estimated Tax Bills

Mr. Grant stated that at the request of Joseph Iannaconi, Chief Financial Officer, estimated tax bills be sent to the residents beginning for the third quarter. This is based on the State not adopting its budget in a timely fashion.

A resolution authorizing the estimated tax bills will be prepared by Mr. Iannaconi and be placed on the June 12th regular meeting proposed consent agenda.

Proposed Bus Stop on Central Avenue (White Hall Towers)

A resolution and ordinance creating a bus stop on a municipal roadway at the above location as approved by New Jersey Transit will be placed for expected action at the May 8th regular meeting.

Request for Proposals (RFP's) for Debt Collection Services for the Municipal Court

Mr. Grant stated that RFP's were received on April 30th for the aforementioned services. There were four (4) proposers and Mr. Cohen's firm is reviewing the proposals.

It's expected that action will ultimately taken at the June 12th regular meeting on this matter.

New Jersey Department of Transportation (NJDOT) Grant Application for 2014 Transportation Alternative Program for Main Street Beautification Program

A resolution authorizing approval to submit a grant application and execute a grant agreement with the NJDOT for the 2014 Transportation Alternative Program for the Main Street Beautification Project will be on the May 8th regular meeting proposed consent agenda.

Council on Affordable Housing (COAH) - Revised Municipal Affordable Housing Trust Fund Spending Plan

Mr. Cohen stated that this is an mended spending plan.

A resolution approving review and approval by COAH of a revised municipal affordable housing trust fund spending plan will be placed on the May 8th regular meeting proposed consent agenda.

Employee Manual Amendments

Mr. Cohen's firm will be preparing a resolution which makes some amendments to the Borough's employee manual.

A resolution will be placed on the May 8th regular meeting proposed consent agenda.

Place-to-Place Liquor License Transfer for Jabadou Inc., at 2027 Lemoine Avenue (Outdoor Seating)

Mr. Grant stated that the aforementioned location above has added an outdoor seating area. In order to get café permit from the Building Department a place-to-place liquor license transfer has to be approved for the new outdoor seating area.

Mr. Cohen mentioned that when the liquor license is renewed in June that the current special conditions on the license should be reviewed to include amended conditions with regard to the outdoor seating area.

Mr. Grant replied that once the place-to-place transfer is approved he will forward the resolution to the Police Department.

Mr. Grant added that the approvals for the transfer have already been received from the Building Department and Fire Prevention Bureau.

A resolution approving the place-to-place transfer will be placed on the May 8th regular meeting proposed consent agenda once Mr. Grant receives the affidavit of publication from the applicant.

Place-to-Place Liquor License Transfer for Angry Chick LLC, at 1642 Schlosser Street (Outdoor Seating)

Mr. Grant stated that the aforementioned location above has added an outdoor seating area. In order to get café permit from the Building Department a place-to-place liquor license transfer has to be approved for the new outdoor seating area.

Mr. Grant added that the approval for the transfer has been received from the Building Department, but there are some issues with the Fire Prevention Bureau.

It's expected that no action will be taken on this transfer until the issues with the Fire Prevention Bureau are rectified.

PUBLIC HEARINGS SCHEDULED FOR MAY 8, 2014

- Ord. #2014-17--Establishing Chapter 350, "Smoking" – Prohibiting Smoking in Public Parks and Recreational Facilities
- Ord. #2014-18--Amending Chapter 293, Parks and Recreation Summer Camp Fees and Miscellaneous Ministerial Changes
- Ord. #2014-19--Establishing Chapter 198, Criminal Background Checks for Youth Coaches and Volunteers (**Minor Amendments Needed**)
- Ord. #2014-20--Amending Chapter 388, Section 57, Schedule XIII, Bus Stops, on Route 9W Northbound on Myrtle Avenue and Washington Avenue

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

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Charles Sobel 2175 Hudson Terrace	.Rent Leveling Amendments	Mayor Sokolich

Mayor Sokolich and the governing body agreed to have this item discussed in July and to hopefully to reach a conclusion at that time with regard to the above matter.

There being no further discussion the meeting moved back into closed session **on motion by Councilman Cervieri, seconded by Councilman Kasofsky,** at 8:57 p.m.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky and approved unanimously, the meeting moved back into closed session at 8:58 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:

Personnel: DPW
OEM

Contracts: Advanced Data Processing, Inc. (Intermedix) for Third-Party Ambulance Billing Services

Litigation: Board of Adjustment Appeal for Property at 2040 Hoefley's Lane, Block 4951, Lot 5

Potential Litigation: COAH - Inclusionary Zoning Requirements for Affordable Housing and Repealing Existing Set-Aside Ordinances and the Residential Development Fee Ordinance

Authorizing Revisions to Current and New Developers Agreements to Address the Requirements of the Council on Affordable Housing (COAH) Regarding Compliance with the Municipality's Prior Round and Third Round Affordable Housing Obligations

Borough Right-of-Ways on Central 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.

There being no further discussion the meeting door room was opened and the meeting was reopened to the public **on motion by Councilman Cervieri, seconded by Councilwoman Kasofsky** to take action on the following matter.

RESOLUTION

R-1 - Authorizing Revisions to Current and New Developers Agreements to Address the Requirements of the Council on Affordable Housing (COAH) Regarding Compliance with the Municipality's Prior Round and Third Round Affordable Housing Obligations (Action May be Taken)

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

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING REVISIONS TO CURRENT DEVELOPERS AGREEMENT AND NEW DEVELOPERS AGREEMENT TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE MUNICIPALITY'S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Borough has approved developers agreements which include affordable housing requirements for 20% set aside; and

WHEREAS, the Borough intends to address the requirements of COAH regarding compliance with the municipality's prior round and third round affordable housing obligations; and

WHEREAS, the Borough proposes requiring developers to meet affordable housing requirements for 10% set aside and any other requirements that might be applicable pursuant to the proposed COAH regulations to be published on June 2, 2014,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council, that they authorize revisions to current developers agreement approved and/or executed over the last six months and any new developers agreements to include affordable housing requirements for a 10% set aside and any other requirements that might be applicable pursuant to the proposed COAH regulations to be published on June 2, 2014.

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

The Resolution was **approved unanimously**.

There being no further discussion and no public present the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, at 9:25 p.m.

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, April 3, 2014 @ 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: Alfred Restaino, Borough Administrator
Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney
Keith Bendul, Police Chief

MAYOR'S STATEMENT

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

1. On January 2, 2014, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 3, 2014 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 2013 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: Office of Emergency Management
Communications

Public Safety Issue: Fletcher Avenue Dedicated Left-Turn Signal - Keith Bendul, Police Chief in Attendance

Contract: Port Authority Street Sweeping and Snow Removal Contracts

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

Northbound Bus Stops on 9W/Myrtle Avenue and 9W/Washington Avenue

Zeffrey Rodrigues, 2461 8th Street, handed out a 1992 certification that he had requested and received from the NJDOT that approved bus stops at the far side of Myrtle Avenue and the near side of Washington Avenue. He said that if Joe DeMauro, NJ Transit representative, can live with one parking meter removed only at the near side of Washington Avenue then no one has to go to the State for more approvals.

Mayor Sokolich asked Mr. Grant to explain where the Borough is at with this ongoing situation.

Mr. Grant stated that a couple of weeks ago he along with Messrs. Restaino and DeMauro went to both Myrtle Avenue and Washington Avenue to review the situation. There is no problem with regard to removing three meters on the far side of Myrtle Avenue and making that area a bus stop. However, Mr. DeMauro indicated that three meters would have to be removed at Washington Avenue in order to place a bus stop there.

Mr. Grant added that once Myrtle Avenue becomes a bus stop it will be up to New Jersey Transit to decide if they will stop at the existing Wall Street bus stop as the Myrtle Avenue stop is only separated by approximately two blocks.

Christina Yoo, 142 Washington Avenue, confirmed Mr. Rodrigues' statement.

Mayor Sokolich told Mr. Rodrigues the Borough will make the near side of Washington Avenue a bus stop if only one meter has to be removed.

Mr. Rodrigues stated based on Mr. Grant previously telling him that it could take close to a year to install a new bus stop based on the wait for State approval that he does not want to wait that long and that he wants the near side of Washington Avenue installed as a temporary bus stop until such time the far side of Washington Avenue becomes a permanent bus stop, or if only one meter has to be removed on the near side of Washington Avenue to make that that the permanent bus stop. He believes that the certification letter he received from the NJDOT will expedite the situation.

Municipal Parking Lot Garage Project - Tom Helmer, Architect from Tim Haahs & Associates Inc., in Attendance

Vicky Gagliano, Parking Specialist & Chris Gray Director of operations also from Tim Haahs' firm, were also present for this portion of the meeting.

Mr. Helmer stated that a study supply and demand study for potential need and demand along with a financial analysis, initial cost estimate for the structure, operational costs and a pro-forma are all necessary with regard to a potential new municipal parking lot.

Ms. Gagliano stated that back in January Tim Haahs firm was looking at different parking counts within the boundary areas. There are 1032 public spaces on and off street combined. The peak hour was a weekday at 12:00 noon with 74% of the spaces taken. There was a surplus of 142 spaces at the peak hour. She also broke it down through a zone analysis. The central and east zone has the majority of the parking. There is a shortage in the center. The occupancy count done in January is the tenth lowest month. They are looking to build the garage at an 85% percentile. Ten months would be okay and two months would be tight. Different time periods were looked at. She spoke to demand in the next five years particularly with regard to Redevelopment Area 5 built out.

Mr. Pohan asked if spaces are going to be lost on Lemoine Avenue.

Mayor Sokolich stated that there is a 126 space shortfall on the east side and the west side was not as bad as the 100 space shortfall in the other two sectors.

Ms. Gagliano spoke to the east side development impacting east and central zones. Weekend evening parking will be short even with the decking of the lot.

Mr. Helmer stated that the best file would be a three bay y parking garage with vehicular circulation with direct access to the garage. Potential sliding of the deck can be accomplished which will have better pedestrian connectivity. There are currently 419 existing parking spaces in the municipal lot. A five level garage would have a net gain of 550 spaces and a six level garage would have a net gain of 737 spaces. On the ground there would be the ability to have some small retail component like a Dunkin Donuts. The garage built would use the existing surface grade.

Ms. Sohmer spoke to a major sewer line under the current parking lot.

Mr. Helmer replied the design would be for expansion horizontally which will keep the cost down later.

Mr. Cervieri stated that the biggest part of the expansion would be closer to Main Street which won't affect the Port Authority.

Mayor Sokolich stated that a clear pedestrian path is needed.

Mr. Helmer concurred with the Mayor and the design would encompass sustainable materials, with pre-cast concrete and up to date technology. He will be able to generate an architectural rendering.

Mayor Sokolich stated that there are two major decisions one being a five or six story lot and how many rows of existing fencing would be used.

Mr. Helmer stated that the right size is important, but the location is most important.

Mr. Pohan asked where the people are going to once in the garage.

Mr. Helmer replied south to Main Street and northeast to Lemoine Avenue.

Mr. Cervieri replying to the Mayor's comments earlier said he's in favor of a six level garage.

Mayor Sokolich asked for an analysis of the money that would come into the garage structure.

Mr. Helmer stated that he would provide that to the Mayor and Council in the near future.

Mayor Sokolich stated that the Borough doesn't want a concrete box especially on the side facing Main Street.

Mr. Cervieri stated that the SID would also get involved with this issue specifically with regard to the design.

Mr. Helmer stated that the parking lot is efficient to the cost design. The stair towers maintain as much transparency with glass. This is a great branding opportunity.

Mayor Sokolich asked that the postmaster general be reached out to so that the post office is aware what the Borough is intending to do.

Mayor Sokolich left at this point in the meeting at 8:58 p.m.

Council President Pohan chaired the remainder of this meeting from this point forward.

Mr. Restaino said he would reach out to the Main Street postmaster.

Mr. Pohan asked that the six floor design plan, the overall cost and pro-forma be prepared for the Mayor and Council.

Mr. Cervieri stated that the south park of the garage will be part open and therefore ready for expansion if needed.

ENGINEERING DISCUSSION

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

Matrix Design Group for Police Department Fiber Optics

Mr. Mignone explained that this is an off-shoot of the force main project. This is to add extra conduit to the existing camera system. With the two new developments under way more cameras will be needed. Matrix Design Group submitted a proposal in the amount of \$15,200.00.

Mr. Grant added that if the price goes over \$17,500.00 a non-fair and open procurement will have to be done.

A resolution accepting Matrix's engineering proposal for the municipal private fiber optic wide area network for the police department camera system at a fee not to exceed \$15,200.00 will be placed on the April 10th regular meeting proposed consent agenda.

2013 NJDOT Local Aid Project for Whiteman Street

Mr. Mignone stated that the Borough has been approved for a \$150,000 NJDOT grant for roadway improvements to Whiteman Street. The improvements are from Center Avenue going east to Palisade Avenue.

A resolution accepting Boswell McClave's engineering proposal for construction inspection services in an amount not to exceed \$15,000.00 as well as authorizing the Purchasing Consultant to prepare bid specifications and advertise for bids for the roadway improvements will be placed on the April 10th regular meeting proposed consent agenda.

Bids for Borough Hall Roof Reconstruction

Mr. Mignone stated that two bids were received. The lowest bid was \$439,000.00. There is \$100,000 in contingencies that were part of bid for electrical work and reducing the number of rooftop air conditioning units from seventeen to eight. The bid

came in \$20,000.00 less than was expected. This is a complete tear down and rebuild of the roof at 309 Main Street.

Mr. Cohen's office is reviewing the bid for compliance and if there are no issues it's expected that a resolution awarding the bid to Mak Group, LLC, Clifton, New Jersey in the amount of \$439,000.000 will be placed on the April 10th regular meeting proposed consent agenda.

Mr. Cervieri asked where the money is coming from.

Mr. Grant stated that no bonding is needed for this project.

Mr. Restaino stated that once the roof is replaced, masonry work will commence as well as new windows being installed.

Bids for Police Department Emergency Vehicle Garage

Two bids were received for this project which is being built in the northwest corner of the existing police facility.

The low bidder was Security Structures Inc. The Police Department is waiting for approval from the Bergen County Prosecutor's Office to use its confiscated funds for this project. If an approval letter is received before next week's meeting and if the low bid is compliant then a resolution awarding the bid to Security Structures in the amount of \$332,482.00 will be placed on the April 10th regular meeting proposed consent agenda.

GENERAL DISCUSSION CONTINUED

Municipal Court - Private Collection Agency

Mr. Restaino stated that the Borough has received approval from the Administration of Courts to go out for request for proposals for third party collection billing of outstanding municipal court unpaid summonses. He added that the percentage charged goes directly to the person who has not paid their summonses. The Borough does not pay any percentage with regard to any revenue ultimately received.

A resolution authorizing the use of competitive contracting for the specialized service of a private collector of Municipal

Court debt will be placed on the April 10th regular meeting proposed consent agenda.

Charitable Foundation for Fort Lee Inc.

Mr. Restaino stated that the Charitable Foundation of Fort Lee, Inc. has received its certificate of incorporation.

A resolution officially establishing the charitable foundation will be placed on the April 10th regular meeting proposed consent agenda.

Municipal Recycling Tonnage Grant Application for 2013

Mr. Grant explained that this is required to be done every year for the previous recycling year and is ministerial in nature.

A resolution authorizing the DPW Superintendent to file a 2013 application for a municipal recycling tonnage grant with The New Jersey Department of Environmental Protection will be placed on the April 10th regular meeting proposed consent agenda.

Auctioning of Various Police Department Property

A resolution authorizing the sale of the Borough's surplus property from the Police Department through the public use of an online auction website (PropertyRoom.com) will be placed on the April 10th regular meeting proposed consent agenda.

Mr. Grant will send out the required legal notice of publication of the auction once the enabling resolution is approved by the governing body.

Upgrades to the Motor Vehicle Recorders for Motor Vehicle Stops for the Police Department

Chief Bendul stated that the onboard camera system for the police vehicles needs upgrading. A lot of the key fobs are no longer manufactured and are outdated. The technology has changed a great deal in the last five years.

A resolution awarding a contract to L3 Mobile-Vision, Inc., Boonton, New Jersey, to replaced the Police Department's backend server and to upgrade the original twenty five flash back hardware units through State Contract #A81311 at a cost of \$101,165.41 will be placed on the April 10th regular meeting proposed consent agenda.

Bids for Police Department Emergency Vehicle Garage

Chief Bendul stated that the garage will house the mobile command unit, EUS vehicles with heavy weapons as well as the motorcycle mechanic and the new light tower equipment. In short the new garage will protect expensive equipment.

Mr. Cervieri asked if the new garage matches the current design of the police facility.

Chief Bendul replied in the affirmative.

Mr. Mignone stated that Security Structures Inc. was the apparent low bidder in the amount of \$333,482.00.

Chief Bendul stated that the Police Department is awaiting an approval letter from the Bergen County Prosecutor's Office (BCPO) for the use confiscated funds for this procurement. The Borough cannot award the bid without this approval.

A resolution awarding bid to Security Structures, Basking Ridge, New Jersey, for the construction of an emergency vehicle garage at the existing police facility in the amount of \$332,482.00 will be placed on the April 10th regular meeting proposed consent agenda if the bid is found to be compliant as well as if the Borough has received an approval letter from BCPO for use of its confiscated funds.

Bergen County Employee Assistance Program

A resolution authorizing a professional services agreement for 2014 with the Bergen County Employees Assistance Program at a cost of \$19.00 per employee will be placed on the April 10th regular meeting proposed consent agenda.

RESOLUTION

R-1 - Port Authority Street Sweeping and Snow Removal Contract
(Added on Item)

Mr. Cohen stated that this is a three-year extension of an existing contract through June 30, 2017. The Port Authority owes the Borough approximately \$105,000 in back payments for roadway sweeping and snow removal services that the Borough has undertaken based on the current agreement.

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

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE
AUTHORIZING THE EXTENSION OF THE AGREEMENT WITH THE PORT
AUTHORITY OF NEW YORK AND NEW JERSEY AS AND FOR CERTAIN ROADWAY
SWEEPING SERVICES AND SNOW REMOVAL AND DE-ICING SERVICES**

WHEREAS, the Mayor and the Council of the Borough of Fort Lee, New Jersey ("Borough") previously entered into an agreement with the Port Authority of New York and New Jersey (the "Port Authority"), wherein the Port Authority agreed to pay the Borough for the Borough to perform roadway sweeping services and snow removal and de-icing services (the "Work") on certain roadways within Fort Lee, in the vicinity of the George Washington Bridge (the "Agreement"); and

WHEREAS, the Borough and the Port Authority wish to enter into an extension of the Agreement for the fees and services previously agreed upon (the "Extension Agreement"); and

WHEREAS, the Extension Agreement shall be effective as of July 1, 2012 and shall remain in effect through June 30, 2017; and

WHEREAS, as the Council believes it to be in the best interest of the Borough to extend the Agreement between the Borough and the Port Authority for those previously agreed upon fees and services; and

NOW THEREFORE, BE IT RESOLVED, on this 10th day of April, 2014, that the Council of the Borough does hereby authorize the Mayor to execute and the Clerk to witness the Extension Agreement with the Port Authority, effective as of July 1, 2012 and which shall remain in effect through June 30, 2017.

This resolution shall take effect immediately upon the approval and publication of adoption as may be provided by law.

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

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

PUBLIC HEARINGS SCHEDULED FOR APRIL 10, 2014

Ord. #2014-11--Amending Chapter 356A – The Fort Lee Special Improvement District within the Borough of Fort Lee and Designating a District Management Corporation

Ord. #2014-12--Amending Chapter 388, Sections 14 and 69, Schedule XXIII – Elimination of Certain Handicapped Parking Spaces at 1593 Palisade Avenue, 240 & 263 Warren Avenue and William Street

Ord. #2014-13--Amending Chapter 388, Section 43, Schedule I, No Parking Along the West Curb Line of 13th and Extending to its Terminus at 15th Street

Ord. #2014-14--Approving Amended Redevelopment Plan for Redevelopment Area 6, Block 5452, Lots 3.01 through 3.06 and 4

Ord. #2014-15--Repealing and Replacing Chapter 64 Historic Site, Structure, Cultural & Landmark Committee and Replacing it with The Historic Preservation Commission

Ord. #2014-16--Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A.40A:4- 45.14)

2014 Municipal Budget

2014 Borough of Fort Lee Special Improvement District Budget

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

PUBLIC PARTICIPATION

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

There being no further discussion the meeting was adjourned
**on motion by Councilman Cervieri, seconded by Councilman
Sargenti, at 9:21 p.m.**

Neil Grant, RMC
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, March 20, 2014 @ 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: Alfred Restaino, Borough Administrator
Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney

MAYOR'S STATEMENT

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

1. On January 2, 2014, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 3, 2014 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 2013 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 Department Stipend
Recreation Department/Community Center -
Seasonal Employees
Planning & Zoning Board Recording Clerk

Contract: RFQ for Health Benefits Consultant

Tax Appeal Litigation - C&K Holdings vs. Borough
at 2117 Route 4 East, Block 4952, Lot 10

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

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

GENERAL DISCUSSION

Display of Sculpture - Ernest R. Liberatore Jr. of Veridian Consultants, LLC in Attendance

Anne Stanner, Arts Student League of New York instructor, was also present for this portion of the meeting.

Mayor Sokolich stated that Mr. Liberatore used to run the local Edgewater Chamber of Commerce.

Mr. Liberatore's proposal is to work with the Borough so as to install the monumental sculpture created by Ms. Stanner in one of its parks. The sculpture known as "Wave" is a metal sculpture currently being displayed in Riverside Park South in Manhattan and would be available around June 1st. The cost would be \$15,000 for the purchase and the Borough would also be responsible for picking up the piece from Riverside Park and for its reinstallation in the Borough.

He added that the artwork represents water and ongoing storm water management and environmental issues. The Arts Student League is a 136 year old organization. He came to Fort Lee with this proposal due to his previous and ongoing relationship he has with the Borough. Photographs of the sculpture were shown to the Mayor and Council.

Mayor Sokolich stated that the proposer wants the Borough to buy the artwork and then display it in the Borough.

Ms. Stanner stated that her work is designed for a river environment. Her sculpture has stripped bass which represents a cycle of life. She spoke to the failed New York Westway project thirty years that never came to fruition as environmental groups fought it.

She thought Fort Lee would be an ideal location for her artwork. The Arts Student League of New York actually owns the artwork. The sculpture is 9.5 feet high, 6 feet wide and 7 feet deep.

Mr. Pohan stated that the Borough is not a waterfront community. Hoboken, Jersey City and/or Weehawken communities that got hit hard during Hurricane Sandy are examples of communities where the sculpture could be placed.

Mr. Cervieri stated that the Palisades Interstate Parkway (PIP) controls the only waterfront property in the Borough down in Ross' dock.

Mr. Liberatore replied that the art work doesn't necessarily have to be in a waterfront community. The symbolism is very important. This is an awareness campaign for water management solutions.

Mr. Cervieri suggested that the requestors should also get in touch with the Bergen County Utilities Authority who deals with all the communities in Bergen County with regard to water and sewage.

Mayor Sokolich stated that he and the governing body are in charge of public dollars and he's in favor of education and arts; however, he has to be careful with regard to buying art with taxpayer's money. He spoke about Tucker's development on the west side of Redevelopment Area 5 as well as the three acre park being built between the two towers on the east side of Redevelopment Area 5. He said he would give Mr. Liberatore the developer's contact information so he could in touch with them about potentially placing certain artwork in the new parks being built.

Smokefree Parks

Karen Blumenfeld, Esq. Executive Director for Global Advisors on Smokefree Parks (GASP) and Cindy Meakem, Coordinator for Tobacco Free for a Healthy NJ, were also present tonight.

Mayor Sokolich stated that the Mayor and Council all seem to be in agreement to ban smoking in the parks. Cigarette butts continue to be one of the largest trash items in the parks.

Mr. Goldberg was not at the last meeting so this item was placed back on this meeting to get final confirmation to create an ordinance to ban smoking in the borough's parks.

An ordinance establishing an ordinance to ban smoking in all of the borough's parks will be prepared by the borough attorney and be placed on the April 10th regular meeting for introduction. The public hearing will be set for May 8th.

Ms. Blumenfeld stated that she appreciates the Mayor and Council going forward with this initiative and that the World Health's Organization "World No Tobacco Day" is scheduled for May 31st so the timing of this ordinance is very good. She said she would speak to Mr. Grant with regard to how many signs the Borough will need for all of its parks and she's hopeful that Borough Officials will hold a ribbon cutting ceremony in one of its parks to formalize the action they will be undertaking.

Northbound Bus Stops Along Route 9W

Mayor Sokolich stated that he met with the residents on March 7th at the bus stop in question. He supported what Mr. Grant had previously informed the Mayor and Council at the March 6th executive session. He mentioned that the residents he met with want the creation of a Route 9W northbound bus stop on the far side of Myrtle Avenue, but he believes that it would block traffic at the intersection/traffic signal on Myrtle Avenue and that additional parking meters would also have to be taken out.

The Mayor and Council agreed that the bus stop on the far side of Route 9W northbound of Washington Avenue should be created with the understanding that three parking meters will have to be removed.

The Mayor and Council agreed that Mr. Restaino should sign the NJDOT approval authorization form sent to him by New Jersey Transit which will create a permanent bus stop at the aforementioned location.

Background Checks for Youth Sports Coaches

Mr. Sargenti stated that Mr. Restaino and Cheryl Westeyn, Recreation Director, brought the above issue to everyone's attention and he believes it would be in the Borough's best interest to pursue and implement background checks for volunteer coaches.

Mayor Sokolich stated that background checks are much more streamlined than they used to be. He's also supportive of the measure.

Mr. Restaino explained that for \$299.00 the Borough hosts a link on its website which volunteer coaches process online and either a "yes" or "no" background check clearance comes back. Certain criteria would have to be established when a "no" is received. If the charge that eliminated someone from coaching was a long time ago as well as the type of infraction would have to be looked at. He added that the cost is \$9.00 per person and the background check comes back with state and national results.

Mr. Pohan asked if the results come back with a negative result how a potential volunteer would proceed to challenge the result.

Mr. Sargenti said that the Borough can set the standard.

Mr. Restaino replied that he has a standards list from other municipalities that the Borough could use as a guide.

Mayor Sokolich believes items like domestic violence may come up on some checks and that some people are going to be disqualified.

Mr. Cervieri replied it's based on people being convicted, not charged.

Mr. Sohmer asked who would pay for the cost.

Mayor Sokolich replied that he believes its incumbent upon government to pay for the background check.

Mr. Pohan asked if the Borough's insurance carrier, The South Bergen Joint Insurance Fund (JIF), has any opinion or standards on this issue.

Messrs. Restaino and/or Grant will reach out to the JIF with regard to Mr. Pohan's inquiry.

The Mayor and Council authorized Mr. Restaino to go forward on this issue.

Mr. Cohen stated that if implemented the Borough should pass at a minimum a resolution updating its employee handbook.

Mayor Sokolich stated that if the leagues use a volunteer coach who has failed the background check then the Borough would have to let the league know it would not be able to use the Borough's facilities. This is predicated on that the Borough already gives the various sports league a certain amount of funding every year.

Mayor Sokolich asked that this item be placed back on the April 3rd executive session agenda for further discussion.

Municipal Court - Private Collection Agency

Mr. Restaino stated that even though this item was placed on the agenda, it's not ready to be discussed tonight as certain details are still unclear.

Mr. Cohen stated that the Administration of Courts has guidelines with regard to private collection agencies.

This item will be brought back at a future executive session.

2004 Highlands Water Protection and Planning Act

The Mayor and Council took no action on this item.

Fletcher Avenue - Dedicated Left Hand Turn Signal Southbound by Kelby Street (Added on Item)

Mr. Pohan asked that Keith Bendul, Police Chief, be brought in to discuss this issue. There seems to be confusion to the governing bodies request for a dedicated left-turn signal at the above listed location.

Messrs. Restaino or Grant will contact the Chief Bendul to have him attend the April 3rd executive session.

On motion by Councilman Cervieri, 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>
Charles Sobel 2175 Hudson Terrace	.Rent Leveling	Mayor Sokolich

There being no further discussion the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Pohan,** at 8:57 p.m.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky and approved **unanimously,** the meeting moved back into closed session at 8:58 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:

Potential Litigation/Redevelopment Area 5 - Tucker Development

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

There being no further discussion the meeting room door was opened and with no one from the public present the meeting was adjourned **on motion by Councilman Goldberg, seconded by Councilman Sargenti**, at 9:20 p.m.

Neil Grant
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, March 6, 2014 @ 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: Alfred Restaino, Borough Administrator
Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney

MAYOR'S STATEMENT

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

1. On January 2, 2014, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 3, 2014 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 2013 to cover the cost of providing notice.

3. On February 13, 2014, a written notice of the change in starting time for this meeting was posted at the Municipal Building, 309 Main Street, Fort Lee, New Jersey. Copies have also been mailed to all persons who have requested same and who have prepaid the \$10.00 fee for the year 2014 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: Borough Clerk

Contract: Health Benefits Consultant - Vozza Agency, Inc., & Reliance Insurance Group in Attendance

Affordable Housing Project - Shari Depalma in Attendance

Contracts Continued - Tim Donohue (Arleo, Donohue & Biancamano) - Mayor's Attorney - GWB Lane Closures

Personnel: Fire Prevention Bureau/Fire Department Stipend - William Chiappane, Fire Chief and Steven Curry, Fire Prevention Sub-Code Official and Other Fire Prevention Bureau and Fire Department Officials in Attendance

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

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

GENERAL DISCUSSION

Washington Avenue Northbound Bus Stop

Mr. Cervieri stated that there have been a number of e-mails sent to Mr. Grant who in responding back to the residents has received e-mails that have not been deserved. The question comes down to what the Borough can do to take into account transit riders as well as businesses that rely on having certain metered parking. The State makes the final decision with regard to placement of bus stops on State highways. With that said the Police Department when making their reports take into account site lines and overall safety issues in determining where a bus

stop could be potentially placed? He added that there is a lack of overall parking in the Coytesville section of the Borough. Three meters will have to be taken out and he expressed his opinion that the business owners will come forward expressing their dissatisfaction at losing parking the same way a number of residents are present tonight expressing their need to having a bus stop added.

Mr. Grant explained that currently there is a bus stop northbound at Wall Street and then the next stop is Bayview Avenue in Englewood Cliffs. He said that leaves a large gap for commuters. He added that the route 9W, Washington Avenue northbound bus stop may have been previously a courtesy bus stop, but he said he could not find any record in the Borough Code indicating that. Through the years he has spoken to the managers at the bus depot in Fairview and has asked that the drivers stop at Washington Avenue; however, New Jersey Transit frowns upon their drivers stopping at areas that have not been approved by the Borough and/or State in this situation because Route 9W is a State highway. Mr. Grant added that he met with Joseph DeMauro, the Borough's NJ Transit representative, who measured out the area in front of 2460 Lemoine Avenue which would allow for a bus stop on the far side of the traffic light at Washington Avenue which is approximately 60 yards north of the current traffic signal. The Parking Authority would have to remove three meters to have the bus stop installed. He said that many years ago the buses were smaller so having stops on the far side of traffic signals was more common as the buses were not blocking intersections, but over the years the majority of the New Jersey transit buses are tandem buses.

Mr. Rodrigues, 2461 Eighth Street, representing him and other mass transit users, stated that this is a quality of life issue. He expressed his displeasure with the potential bus location at Washington Avenue. He would like to see a bus stop on the near side of Washington Avenue traffic signal. He also indicated that he would like to see a bus stop on the far side of Myrtle Avenue which many years ago there was before the Wall Street stop came into play. He added that the Commissioner of Transportation has ordered designated bus stops on Route 9W at the intersections of Myrtle Avenue and Washington Avenue.

Mr. Grant confirmed that the northbound Myrtle Avenue, far side bus stop did exist, but was removed when the Wall Street stop was added years ago. Mr. Grant asked Mr. Rodrigues to

please remove his petition that he placed in the bus shelters on the southbound side of the area in question as the residents have made themselves heard and that the Mayor and Council are now fully aware of the situation.

Mr. Sargenti explained that transit vehicles cannot be blocking intersections. He believes that putting in the bus stop far side of Washington Avenue northbound is the best solution.

Mayor Sokolich stated that he would meet with Mr. Rodrigues and anyone else who was interested at 7:30 a.m. tomorrow morning at the area in question.

This item will be placed back for further discussion at the March 20th executive session so the Mayor can report what he observed and heard from the residents after reviewing the situation in further detail tomorrow morning.

Municipal Budget 2014 - Steve Wielkocz, Borough Auditor in Attendance

Mr. Wielkocz handed out the attached 2014 budget summary handout sheet. (Appendix A)

Mr. Wielkocz stated that based on the average assessment of \$467,000 residents will see an increase of \$48.36 for 2014. He added that debt service is down \$375,000 from last year's budget based on the refinancing of bonds. The biggest increase still remains the BCUA assessment against the Borough.

Other items briefly discussed were deferred charges based on Hurricane Sandy and the cost of overtime related to snow removal.

The budget will be officially introduced at the March 13th regular meeting of the Mayor and Council with the public hearing scheduled to be heard at the April 10th regular meeting.

ENGINEERING DISCUSSION

Kevin Boswell, Boswell McClave Engineering, was present for this portion of the meeting.

Boswell McClave - Force Main Project - Finalized Design Criteria

Mr. Boswell explained that a major issue with the Borough's sewer system is that the Palisade Terrace Pump Station is directly connected to the Lower Main Street Pump Station. This additional flow results in higher velocities than desirable in the existing force main and puts stresses on the pipe. The new force main will result in independent operation of the Lower Main Street Pump Station and the Palisade Terrace Pump Station. The new force main will run up through Main Street until around Anderson Avenue where it will then run by gravity along Linwood Avenue to its final connection around Fletcher Ave/Edwin Ave. The entirety of Redevelopment Area 5 (both "The Modern" and "Hudson Lights" projects) will have completely separate storm and sanitary sewers with a net result of 16 acres of area being removed from the combined sewer system. Mr. Boswell will also be speaking to Ed Mignone, Borough's Assistant Engineer, about separating any remaining combined systems on Main Street should it be discovered that some buildings may still have roof leaders that may not have been separated during previous projects affecting Main Street.

Mayor Sokolich stated that this is a big project and is the first step that will be coinciding with pedestrian improvements along Main Street and in the municipal parking lot which Mr. Boswell will be discussing in more detail.

Boswell Proposal for ADA Curb Cuts Along Main Street

Mr. Boswell spoke about this project in conjunction with the Borough's Main Street revitalization streetscape project.

A total of 67 barrier sidewalk ramps will be upgraded for portions of Main Street as defined by Bergen County.

A resolution accepting Boswell McClave's engineering proposal for the design and construction phase for curb ramp improvements to Main Street in conjunction with the American Disabilities Act at a fee not exceed \$5,750 for the design phase and a fee not to exceed \$16,800 for the construction phase will be placed on the March 13th regular meeting proposed consent agenda.

Boswell Proposal for Main Street Revitalization Streetscape Project

Mr. Boswell spoke about south side of Main Street and how narrow it currently is. He met with Mr. Restaino and the Fort Lee Special Improvement District (SID) members last month. There are some real challenges to make Main Street pedestrian friendly so that they will comply with New Jersey Transportation standards. The goal is to add sidewalk place so that the sidewalks are eight feet wide. He spoke to the current 668 parking spaces in the municipal lot. He gave a presentation to what Main Street will look like in the future and spoke to potential funding mechanisms.

Mayor Sokolich stated that the Borough is looking for a wow affect. The plan will be done in two phases in which Bergen County will pay the Borough back 100% of its costs after the Borough has laid out the money. The goal is for the work to be done by the end of the year and then everything would get paved in the spring. This is part of the force main project that will start near Parker Avenue and run through Main Street. The streetscape improvements will be in conjunction with the building of the force main. Including the expected parking deck in the municipal lot there will be a lot of activity which will definitely cause some inconveniences for a short time, but once all the entire projects are tied in, Main Street will have a new look and should be a boon for the entire business community as well as to the residents.

Mr. Cervieri asked how long would the disruptions last.

Mr. Boswell replied that there will be eight months of construction.

Mr. Restaino stated that the Borough will try not to disrupt the merchants particularly during the holiday shopping season. He added that Mr. Boswell ran the plan through the SID members last week and they were very supportive of the overall plan. There will be a pre-construction meeting with PSE&G next week and the Borough's portion of the project will be about six to eight weeks behind PSE&G'S required work.

A resolution accepting Boswell's engineering proposal for various professional services with regard to the Main Street

Revitalization Streetscape project which includes renovation of the Main Street corridor between Lemoine Avenue and Center Avenue for an amount not to exceed \$70,000 will be placed on the March 13th regular meeting proposed consent agenda.

GENERAL DISCUSSION CONTINUED

Smokefree Parks - Karen Blumenfeld, Esq. Executive Director for Global Advisors on Smokefree Parks (GASP) in Attendance

Albert Ferrara, Jr., Bergen County Department of Health Services, Community Tobacco Program Coordinator and Cindy Meakem, Coordinator for Tobacco Free for a Healthy NJ, were also present tonight.

Ms. Blumenfeld stated that her organization is an education resource. There are 200 municipalities in the State and so far 24 in Bergen County have ordinances to ban smoking in public parks. She has worked with Steve Wielkocz, Health Officer for the Borough. The Borough through its Health Code currently has in place, no smoking in its wading pools as well as no smoking on their tennis courts. She believes that no smoking in the Borough's parks is just the next logical step. She recommended the Mayor and Council consider taking that step.

Mr. Ferrara, Jr. stated that different counties join together and Bergen County is working with Hudson County. With core intervention for smokefree parks and recreation ordinances it has been shown that smoking levels have dropped. It's an environmental initiative. It sends a message to the kids that smoking is harmful.

Ms. Meakem stated that she's an alcohol and drug counselor and that her organization tries to promote healthy living. It has been proven that cigarettes are a gateway drug and children usually start smoking between the ages of fourteen through eighteen.

Mayor Sokolich stated that he's part of the 15% who do smoke, but he's supportive of this initiative. Cigarette butts remain one of the biggest trash items the Borough has in its parks.

Mr. Cervieri added that even if the Borough does agree to have a smokefree park ordinance people will still be able to step outside of the park if they so desire to smoke.

Ms. Blumenfeld stated that her organization offers a free health line phone number and also gives a free two week supply of the patch and counseling services. Signs can be placed in multiple languages.

Ms. Blumenfeld added that Brian Yeandle, Assistant Superintendent of Recreation, has also been supportive with regard to this issue. In addition the Borough would receive points from Sustainable New Jersey if it agrees to have no smoking in its parks.

The Mayor and Council all seemed to be in agreement to adopt an ordinance prohibiting smoking in the Borough's public parks, but because Mr. Goldberg was not present tonight it was agreed that this item should be placed back on the March 20th executive session for expected finalization of the issue.

Amending Chapter 356A Fort Lee Special Improvement District (FLID) & Authorizing CFO to Issue Check to SID

An ordinance amending the original FLID that was adopted November 14, 2013 will be introduced at the March 13th regular meeting of the Mayor and Council.

In addition the Chief Financial Officer will not authorize a check to the FLID until such time the amended ordinance and FLID budget is officially adopted which is expected to be on April 10, 2014.

Endorsing Support for Northern Branch Corridor Project

A resolution endorsing support for the above project as requested by District 37 Senator Loretta Weinberg and District 37 Assemblyman Gordon Johnson will be placed on the March 13th regular meeting proposed consent agenda.

Gran Fondo New York Bicycle Tour

The Gran Fondo bicycle challenge will be held on May 18, 2014. This year's finish will take place in Ross' Dock picnic area and Historic Park will be used as a return shuttle drop-off point. The Police Department is aware of the event and will be handling traffic control for the event.

Elimination of Certain Handicapped Parking Spaces No Longer Being Used by Respective Requestors

An ordinance eliminating certain handicapped parking spaces as requested by the Police Department in their report of February 19th will be deleted from the Borough's ordinances.

An ordinance as prepared by Mr. Grant will be placed for introduction at the March 13th regular meeting.

No Parking Zone - Portion of Thirteenth Street

Mr. Grant stated the Police Department submitted a report on February 19th requesting that an additional no parking zone be placed on a portion of Thirteenth Street.

An ordinance amending the borough's current code to include the no parking area as prepared by Mr. Grant will be placed on the March 13th regular meeting for introduction.

Amending Redevelopment Plan for Redevelopment Area 6

An ordinance amending the original redevelopment plan for Redevelopment Area 6 will be introduced at the March 13th regular meeting of the Mayor and Council. The amendment has taken into account that the developer has downsized his project. Once introduced, Mr. Grant will send copies of the ordinance and redevelopment plan to the planning board members and planning board attorney for their review.

Amending Recreation Department Fees and Section 293, Parks and Recreation Ordinance

Mr. Restaino stated that Cheryl Westeyn, Recreation Director, has requested that the recreation summer camp fees be increased from \$25.00 to \$50.00. This is the first time in many years that there is going to be an increase. He added that there will also be a volume discount with a family has more than one member attending camp.

He added that there are a few other items that Ms. Westeyn has requested be updated in the Borough code. She has forwarded her requested updates to Mr. Grant who is working with Mr. Cohen's firm so as to update the Borough code within the next month or so.

Mr. Sargenti stated that even at \$50.00 the Borough's summer camp fee is very affordable and much less expensive than just about any community that he's aware of.

Extended Borough Hall Hours

Mr. Sargenti spoke to potentially a few departments being open one night a week in order to provide better service to the residents. He's been speaking to Mr. Restaino recently to see how a plan could be implemented. Certain departments such as the building and fire department would shift their employee hours so as to cover the one or maybe two nights they would be open.

Mayor Sokolich stated that fifteen years ago before certain technology had been implemented that this would have been very important, but it's not quite as important as it used to be as many applications and forms are available on the Borough's website.

Repealing and Replacing Chapter 64, Historic Site et al Ordinance

Mr. Sohmer stated that Tom Meyers, Director of Cultural & Heritage Affairs, has been working with him and the borough attorney to create an historic overlay district. It's being done so that historical artifacts found in the area around Constitution Park can be preserved pursuant to the criteria identified in survey reports as which shall be consistent with the National Register criteria. The newly created Historic

Preservation Commission will be able to make recommendations to the planning board.

Mayor Sokolich stated that he has received a phone call from the Palisades Interstate Parkway Commission who expressed interest in a historic dig on Lower Main Street.

Mr. Cohen added that the Historic Preservation Commission will be able to make recommendations to the planning board and that the planning board could implement certain conditions based on the reports they get from the Commission; however, the Commission, does not have the power to tell the planning board to place conditions on applicants who may have applications with regard to property that will be identified in the Historic Preservation Commission Ordinance.

An ordinance amending Chapter 64, repealing the current Historic Site et al. committee and replacing it with a Historic Preservation Committee as prepared by Mr. Cohen's office will be introduced at the March 13th regular meeting.

Liquor License Transfer from Fort Lee Four LLC to Hangar Inc.

Mr. Grant explained that the above transfer will be placed on a future regular meeting once the police department report has been completed and the required tax clearance certificate has been received from the State of New Jersey.

Charitable Foundation for Fort Lee Inc.

Mayor Sokolich stated that this is important because the Borough will be able to qualify for certain grants it has not been able to apply for in the past by establishing a charitable foundation.

Mr. Restaino stated that this item is just about ready to be voted on. The charitable foundation will have 503c tax status. He added that initially the Mayor and Council can be named as trustee members and then the trustees can be modified at some point in time, if need be.

Mr. Cohen will prepare a resolution for the Mayor and Council to vote on the establishment of the charitable foundation in the near future.

RESOLUTION

R-1 - New Jersey Transit 5310 Grant Application

Mr. Grant explained that the Borough through the Parking Authority is applying for buses through a New Jersey Transit Grant. Because the entire application needs to be completed and received by the State by March 14th action is expected to be taken on this item at tonight's meeting.

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

BE IT RESOLVED, by the Council of the Borough of Fort Lee on this 6th day of March 2014, that the Mayor and Borough Clerk be and hereby are, authorized to execute a grant application in connection with the NJ Transit - FTA Section 5310 Grant Program,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk be and hereby are authorized to execute any additional documents in connection with said grant program.

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

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

PUBLIC HEARINGS SCHEDULED FOR MARCH 13, 2014

Ord. #2014-7--Amending Bond Ordinance #2013-20, Providing a Supplemental Appropriation of \$250,000 for a Replacement of a Generator for the Police Station and Authorizing the Issuance of \$238,095 Bonds or Notes of the Borough

Ord. #2014-8--Bond Ordinance for Inwood Terrace Park Improvements - Appropriating \$125,000 and Authorizing \$119,047 Bonds or Notes of the Borough - Borough Receiving \$32,000 Bergen County Open Space Grant

Ord. #2014-9--Bond Ordinance for Whiteman Street Improvements - Authorizing the Issuance of \$225,000 Bonds or Notes of the Borough - Borough Expected to Receive \$150,000 NJDOT Grant

Ord. #2014-10--Amending Chapter 388, Section 37, Schedule XXII, Parking Prohibited When Road is Snow Covered - South Street, Entire Length of West Side

On motion by Councilman Sargenti, seconded by Councilwoman Kasofsky 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 Sargenti**, at 9:40 p.m.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky and approved **unanimously**, the meeting moved back into closed session at 9:41 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:

Personnel: Borough Administrator Contract
Building Department
Human Services
Police Department

Contracts - Interlocal Agreement with the Borough of Palisades Park for Use of Palisade Park Municipal Swimming Pool

Fastcom Consulting Services, LLC - Small Cell Sites on Borough Property

Tax Appeal Litigation: CHI 2200 Fletcher Avenue vs. Borough, Block 5854, Lot 1

South Pole LLC vs. Borough, 222 Bridge Plaza South, Block 4751, Lot 1

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

There being no further discussion the meeting room door was open and with no one from the public present the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, at 9:50 p.m.

Neil Grant
Borough Clerk

**BOROUGH OF FORT LEE
2014 MUNICIPAL BUDGET
INITIAL SUMMARY SHEET
(Appendix A)*****

Total Appropriations 2013	\$71,440,482	
Total Appropriations 2014	\$72,012,454	
Increase	<u>\$571,972</u>	
Percentage	<u>0.79%</u>	
Tax Levy 2013	\$60,289,544	99.1
Tax Levy 2014	\$61,053,915	100.14
Increase	<u>764,371</u>	1.040
Percentage	<u>1.27%</u>	

Tax Point = \$609,684

\$48.36 Increase on a Typical \$467,000 Home

Appropriation Increases

Salaries and Wages - Police	236,225
Salaries and Wages - Other	488,716
Health Benefits	(199,200)
Other Insurance	38,603
BCUA	543,934
Utilities	10,000
Debt Service	(375,125)
Pension	145,817
Legal	71,000
Capital Improvement Fund	150,000
Garbage and Trash	249,000
Prior Year Deferred Charges	(965,771)
Social Security	28,000
Buildings and Grounds Other	45,400
Road-Other Expenses	37,100
All Other Expenses	<u>68,273</u>
	\$571,972

***** Editor's Note - These Figures are Not the Guaranteed Final Adoption Budget Figures**

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, February 6, 2014 @ 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: Alfred Restaino, Borough Administrator
Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney

MAYOR'S STATEMENT

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

1. On January 2, 2014, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 3, 2014 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 2013 to cover the cost of providing notice.

3. On January 16, 2014, 2014 a copy of said change in scheduled starting 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 2014 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: Borough Clerk

Potential Litigation: GWB Lane Closures

Contracts: Health Benefits Consultant - Brown & Brown Metro, Inc. and Alamo Insurance Group in Attendance

Fire Prevention Bureau

Fire Department Stipend - William Chiappane,
Fire Chief in Attendance

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

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

ENGINEERING DISCUSSION

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

D.S. Meyer Enterprises, LLC - (-13,719.08) Change Order for 2013 CDBG Road Resurfacing Program

Mr. Mignone stated that the as-built quantities were significantly lower than expected so there is a change order that reduced the project amount by \$13,719.08. This was for the road resurfacing of Gerome Avenue and Beverly Hills Road.

A resolution approving the change order will be placed on the February 13th regular meeting proposed consent agenda.

Orchard Holdings, LLC - (-18,867.50) Change Order for Main Street/Center Avenue Pedestrian Safety Project

Mr. Mignone stated that there was less excavation needed than expected so therefore the as-built quantities were lower. This was for the Main Street/Center Avenue countdown timers.

A resolution approving the change order will be placed on the February 13th regular meeting proposed consent agenda.

SSP Architectural Group Inc. - Proposal for Roof Reconstruction and Replacement at 309 Main Street

Mr. Mignone stated that SSP has submitted a proposal for design and construction inspection services for the replacement of the borough's roof at 309 Main Street.

Mr. Cervieri asked about the time-frame with regard to the roof replacement.

Mr. Mignone replied that it's expected that bids for the roof replacement will be received in March with expected approval and reconstruction to commence sometime in April.

HDR Engineering Inc. - Proposal for Additional Flow Metering Services

Mr. Mignone stated that this is part of the sewer meter flow monitoring investigation related to the borough's sewer use billing methodology with the Bergen County Utilities Authority. A couple of meters are being added by Executive Park and by the Linwood Avenue apartments which is part of the overall collection system. There may be a need at some point for additional flow monitoring.

A resolution authorizing a contract amendment with HDR Engineering to monitor the additional flow metering services at a fee of \$14,800.00 will be placed on the February 13th regular meeting proposed consent agenda.

GENERAL DISCUSSION

St. Rocco's Italian Mutual Aid Society - Phil Arfuso, Rocco Palia and Sal Luppino in Attendance

Mr. Arfuso stated that St. Rocco's once again is asking for help and permission to hold the feast in Fort Lee. It's the 85th anniversary of the feast. The feast is scheduled from Wednesday, August 6th through Sunday, August 10th.

Discussion ensued about the borough's required force main project which relates to Redevelopment Area 5.

Mr. Sohmer asked when is the force main project expected to commence and where does it start from.

Mr. Mignone stated that the project will start on Old Palisades Road on Parker Avenue, but when it starts hasn't been decided yet.

Mayor Sokolich stated that the timing will probably work out for this year as the first tower is not expected to be completed until the end of the year.

Mr. Arfuso stated that he will work closely with the merchants on Main Street and he also requested that a staging area be allowed on Martha Washington Way.

The Mayor and Council replied affirmatively to Mr. Arfuso's request with regard to the staging area and they voiced no objections to the feast being held on Main Street, commencing east of Parker Avenue and continuing to Central Road where it will run north onto the borough's newly paved parking lot on Central Road.

Government Energy Aggregation Program

Mr. Restaino stated that he mentioned that numerous companies have come forward to inquire if the borough is interested in joining various energy aggregation programs that could affect residents energy rated. He added that people no longer have to be serviced just by PSE&G.

The Mayor and Council were not in favor of taking any action. The borough is already part of an energy aggregation group through the South Bergen Joint Insurance Fund.

Developer's Agreement Between the Borough and TGS Development LLC at 159, 165 & 167 Cedar Street

Mayor Sokolich recused himself on this matter and left the meeting room.

Council President Pohan chaired this portion of the meeting.

Mr. Grant stated that the developer's agreement and resolution were prepared by conflict counsel. Mr. Grant has been dealing with the developer's attorney who wanted to make some minor changes to the developer's agreement, but it won't have any effect with regard to passing an endorsing resolution.

A resolution approving the developer's agreement will be placed on the February 13th regular meeting agenda.

Mayor Sokolich returned to the meeting room at this point in the meeting and chaired the remainder the meeting of the meeting.

Route US 9W - No Passing Zone Through Out Borough (New Jersey Department of Transportation (NJDOT Request)

Mr. Grant stated that the State NJDOT has requested that the borough approve a resolution that will continue to keep the existing centerline markings along Route 9W in the borough a "No Passing Zone".

After a brief conversation amongst the Mayor and Council it was agreed that the police department should send a confirming letter to the Mayor and Council agreeing to the recommendations of the NJDOT.

If such letter is received before next week's regular meeting then a resolution supporting the recommendation of the NJDOT will be placed on the February 13th regular meeting proposed consent agenda.

HGAC Interlocal Contract for Cooperative Purchasing

Mr. Grant stated that the borough is expected to pass a resolution to join the Houston-Galveston Area Council (H-GAC) cooperative purchasing program out of Houston, Texas. He added that Kevin Conti, Esq. is reviewing the paperwork submitted by Maureen Holtje, Purchasing Consultant, to make sure the cooperative offers the best price related to the item below.

It's expected that a resolution authorizing the ratifying of an application to join H-GAC will be placed on the February 13th regular meeting proposed consent agenda.

Purchase of Tandem Vibratory Roller for the DPW

Mr. Grant stated that vibratory roller may be purchased once the borough officially joins the H-GAC purchasing cooperative and it's also deemed that the borough can get the best possible price for the equipment through H-GAC.

Supporting Bergen County Mutual Aid Plan and Rapid Deployment Force as Submitted by the Bergen County Chief's Association.

Mr. Grant stated that numerous municipalities have passed resolutions supporting the above program.

Mr. Grant added that Chief Bendul is reviewing the plans and there is a chance that he may request to bifurcate the above into two resolutions as there are two separate and distinct programs that are related to the above.

Once the Chief has made a final review it's expected that the Mayor and Council will endorse potentially two resolutions related to the above.

RESOLUTION (Action is Expected to be Taken)

R-1 - GWB Lane Closures - Designating Legal Counsel for Mayor Sokolich

R-1 - Awarding Contract to Tim Donahue, Esq. of Arleo, Donohue & Biancamano, LLC as Special Legal Counsel With Regard to the Port Authority of NY-NJ Toll Lane Diversions on and About September 9th Through September 13th - Fee Not to Exceed \$17,000.00

Mayor Sokolich recused himself on this matter and left the meeting room.

Council President Pohan chaired this portion of the meeting.

Mr. Cohen stated that this would be a normal and customary hiring based on this type of situation. The City of Hoboken has done this on behalf of Mayor Zimmer. There are currently four different investigations going on as follows: (Inspector General, special Assembly-Senate committee/United States Attorney and a proto investigation from the United States Senate.

Mr. Cohen added that the borough needs someone to coordinate responses and conflicting issues amongst the various jurisdictions and that there are attorney-client privileges involved. He strongly suggests the governing body award a contract for specialized counsel for the Mayor. Mr. Donohue has reduced his normal hourly fee of \$600.00 to \$350.00 and there will be cap on his overall fee not to exceed \$17,000.

Mr. Cervieri asked if Mr. Donohue is representing anyone else in this matter.

Mr. Cohen replied that Mr. Donohue is required to be conflict free on this matter which he confirmed that Mr. Donohue is.

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

A RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF FORT LEE TO AUTHORIZE THE AWARD OF A PROFESSIONAL SERVICE CONTRACT WITH TIM DONAHUE, ESQ., OF ARLEO, DONOHUE & BIANCAMANO, LLC AS SPECIAL LEGAL COUNSEL WITH REGARD TO THE PORT AUTHORITY OF NY-NJ TOLL LANE DIVERSIONS, ON AND ABOUT SEPTEMBER 9-13, 2013, AND RELATED MATTERS PURSUANT TO THE PROVISIONS OF CHAPTER 40 OF THE CODE OF THE BOROUGH OF FORT LEE

WHEREAS, the Borough Attorney has recommended providing additional legal advice, representation and/or indemnification, pursuant to the terms of Chapter 40 of the Borough Code, in connection with those legal matters which may arise from, in connection with or in relation to, the events of September 9-13, 2013, with regard to the Port Authority of NY and NJ's toll lane diversions from the George Washington Bridge access points located in the Borough;

WHEREAS, service to the Borough as Special Legal Counsel is recognized as "professional services" as same shall be rendered by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instruction and study, pursuant to and in accordance with N.J.S.A. 40A:11-2(6) and N.J.S.A. 40A:11-5(1); and

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

WHEREAS, the Borough, upon the determination of the Borough Attorney, wishes to retain the services of Tim Donahue, Esq., of Arleo, Donohue & Biancamano, LLC (collectively, "Donohue") to perform, on behalf of the Mayor, such professional legal services in connection with or in relation to the events of September 9-13, 2013, with regard to the Port Authority of NY and NJ's toll lane diversions from the George Washington Bridge access points located in the Borough; and

WHEREAS, Donohue possesses the requisite expertise and skilled personnel required to provide such professional legal services; and

WHEREAS, the Governing Body of the Borough, on the recommendation of the Borough Attorney, is desirous of awarding a contract for professional legal services to Donohue in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

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

WHEREAS, the retention of Donohue to provide professional legal services is pursuant to a non-fair and open process in accordance with the provisions of New Jersey Local Unit Pay-To-Play Law; and

WHEREAS, the award of a contract for professional legal services is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough,

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

1. That Donohue of, 622 Eagle Rock Avenue, West Orange, New Jersey 07052 shall be and is hereby appointed Special Legal Counsel to perform professional legal services in connection with those legal matters which may arise from, in connection with or in relation to, the events of September 9-13, 2013, with regard to the Port Authority of NY and NJ's toll lane diversions from the George Washington Bridge access points located in the Borough.

2. That the Borough Attorney is authorized to negotiate and that the Council President is hereby authorized to execute a contract to appoint Donohue of as Special Legal Counsel to perform professional legal services on behalf of the Mayor, in connection with those legal matters which may arise from, in connection with or in relation to, the events of September 9-13, 2013, with regard to the Port Authority of NY and NJ's toll lane diversions from the George Washington Bridge access points located in the Borough, for a term to commence February 6, 2014 and expire February 5, 2015, for an initial sum total **not to exceed amount of Seventeen Thousand (\$17,000) Dollars;** and

3. The contract shall include the usual and customary terms of retention, including but not limited to hourly rates; and

4. This contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts law, N.J.S.A. 40A:11-5(1) since this contract is for services performed by a business authorized to practice a recognized profession and it was not necessary to obtain competitive bidding; and

5. The contract shall expressly state that said firm shall be obligated to provide notice to the Borough when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the Borough shall have no liability for payment of funds in excess of the not to exceed amount; and

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

7. That a notice of this 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.

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

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

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

Mayor Sokolich returned to the meeting room and chaired the remainder of the meeting.

PUBLIC HEARINGS SCHEDULED FOR FEBRUARY 13, 2014

Ord. #2014-1--Amending Salary Ordinance #2013-12 Establishing Salaries and Wages for Non-Union Personnel, Schedule (B) for the Borough Administrator for 2014-2016

Ord. #2014-2--Amending Salary Ordinance #2013-25 Establishing Salaries and Wages for White Collar Employees – Public Health Nurse Supervisor

Ord. #2014-3--Amending Salary Ordinance #2011-4 for the Chief of Police and Establishing Salary for the Chief of Police from 2013-2019 and for the Deputy Chief of Police from 2013-2015

Ord. #2014-4--Amending Chapter 388, Section 37, Schedule XXII, Parking Prohibited When Road is Snow Covered – Morningside Lane East Side from Route 5 to Bluff Road

Ord. #2014-5--Deleting Chapter 388, Section 10 & Section 48, Schedule V: Time Limit Parking

Ord. #2014-6--Amending Chapter 1, Section 17, Article III, Penalties for Failure to Remove Snow and Ice from Various Types of Properties

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

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 chose to speak during this portion of the meeting.

There being no further discussion the meeting was adjourned on motion by Councilman Cervieri, seconded by Councilman Sargenti, at 8:30 p.m.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Pohan, seconded by Councilwoman Kasofsky and approved unanimously, the meeting moved back into closed session at 8:31 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:

Contract: Administrative Purchasing Consultants

Personnel: Payroll
Police Department
Police Department Crossing Guards

Local Assistance Board

Tax Appeal Litigation: Lofaro vs. Fort Lee at 1568
John Street, Block 3754 Lot 3

Carsalve Corp vs. Fort Lee at 2152 Lemoine Avenue,
Block 6151, Lot 9

Lease of Real Property

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

There being no further discussion the meeting room door was open and with no one from the public present the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilman Kasofsky**, at 8:57 p.m.

Neil Grant
Borough Clerk

EXECUTIVE SESSION

MAYOR AND COUNCIL

Thursday, January 9, 2014 @ 7:00 p.m.

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

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

ABSENT: Councilman Goldberg

ALSO PRESENT: Alfred Restaino, Borough Administrator
Neil Grant, Borough Clerk
J. Sheldon Cohen, Borough Attorney

MAYOR'S STATEMENT

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

1. On January 2, 2014, this body by resolution adopted a schedule of regular meetings. The time, date and location of this meeting was accurately set forth therein.

2. On January 3, 2014 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 2013 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 Department Stipend
Building Department
DPW
Health Department
Police Department Extra Duty Employment
Senior Citizen Center

Affordable Housing Project - Shari DePalma and Tom
Toronto in Attendance

Contracts: Borough Planner
Conflict Counsel
Health Benefits
Purchasing Consultant
Traffic Engineer
McNerney & Associates, Inc.

Lease of Real Property

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 Engineering Proposal for Emergency Generator for the Police Department

Mr. Restaino stated that Boswell McClave has submitted an engineering proposal in order to install an emergency generator at the police facility. Boswell's cost is \$9,600.00 which covers all phases of the project.

A resolution accepting Boswell's proposal will be placed on the January 16th regular meeting proposed consent agenda.

Bond Ordinance for Inwood Terrace Park Improvements

A bond ordinance in the amount of \$100,000.00 of which the Borough will be receiving a \$32,000.00 grant from the Bergen County Open Space Trust Fund will be placed on next week's

regular meeting agenda or at the February 13th regular meeting of the Mayor and Council.

Bond Ordinance for Whiteman Street Improvements

A bond ordinance in the amount of \$200,000.00 of which the Borough will be receiving a \$150,000.00 grant from the New Jersey Department of Transportation will be placed on next week's regular meeting agenda or at the February 13th regular meeting of the Mayor and Council.

Gotthold Paving - Emergency Sewer Repairs to 2169 Route 4 East on December 27th

Mayor Sokolich recused himself on this matter.

A resolution authorizing payment to Gotthold Paving at a cost of \$19,500.00 for emergency sewer repairs made at the above listed location on December 27th will be placed on the January 16, 2014 regular meeting agenda for approval.

PSE&G Energy Strong Program

Mr. Restaino stated that PSE&G has asked the Borough to endorse their energy strong program which deals with energy related issues. There is no cost to the Borough.

A resolution endorsing the PSE&G resolution will be placed on the January 16th regular meeting proposed consent agenda.

GENERAL DISCUSSION

Bond Ordinance to Re-appropriate Police Department Capital Budget for Generators et al.

Mayor Sokolich explained that this needs to be done for administrative reasons.

Joseph Iannconi, CFO, will review the accounts that need to be re-appropriated and a bond ordinance is expected to be introduced at the February 13th regular meeting of the Mayor and Council.

RESOLUTIONS

R-1 - Commissioners for South Bergen JIF, Bergen Municipal Employees Benefits Fund and New Jersey Sustainable Energy Meeting

Mr. Restaino explained that he will be replacing Ms. Thomas as the Borough's representative on the above listed committees. An enabling resolution needs to be approved tonight because there is a JIF meeting next Wednesday and the Mayor and Council don't meet again until next Thursday. The JIF will not let him sit on the committee until such time a resolution has been approved.

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

WHEREAS, the Borough of Fort Lee belongs to the South Bergen Municipal Joint Insurance Fund, the Bergen Municipal Employee Benefits Fund and the New Jersey Sustainable Energy Joint Meeting; and

WHEREAS, the by-laws of these entities require that each member municipality appoint a Commissioner,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Fort Lee appoint Alfred Restaino, Jr. as Commissioner of the South Bergen Municipal Joint Insurance Fund, the Bergen Municipal Employee Benefits Fund and the New Jersey Sustainable Energy Joint Meeting.

The Resolution was **approved unanimously.**

GENERAL DISCUSSION CONTINUED

Borough Administrator - Hearing Officer

Mr. Grant stated that Ms. Thomas was the hearing office for all taxi and limousine license appeals. Mr. Grant will check his records to see if the previous resolution listed the Borough Administrator or Ms. Thomas specifically as the hearing officer. If the previous resolution was for the Borough Administrator then no further action will be required.

Mayor Sokolich added that a contract for Mr. Restaino needs to be worked on.

Removal of Snow and Ice Penalties

Mr. Restaino stated that Brian Ribarro, Building Sub-Code Official, sent a memo to the Mayor and Council requesting increased fees for property owners who fail to remove and snow and ice from their properties within the required time frame to do so.

An ordinance as prepared by the Borough Attorney will be placed for introduction on the January 16th regular meeting of the Mayor and Council.

Amending Snow Streets to Include No Parking on East Side of Morningside Lane to Bluff Road

An ordinance to include no parking when the road is snow covered on the east side of Morningside Lane between Route 5 and Bluff Road will be placed on the January 16th regular meeting for introduction.

This was requested by a resident of the street and then reviewed and agreed to by the Parking Authority.

Amending Chapter 388-10, Schedule V: Time Lime Parking

Mr. Grant explained that this ordinance is going to be deleted because it conflicts with the borough's residential permit parking program which allows people to park for two hours throughout the Borough. The above ordinance existed before the borough included every street to be part of the residential permit parking program.

He added that this has been discussed with Gloria Gallo, Parking Authority Administrator, who is in concurrence of the ordinance being deleted.

An ordinance deleting the above section of the Borough code will be introduced at the January 16th regular meeting of the Mayor and Council.

Holy Name EMS Billing Agreement

Mr. Restaino stated that there is a desire and need to enter into a new EMS billing agreement with Holy Name Hospital otherwise Holy Name would be billing borough residents directly.

A resolution authorizing the billing agreement with Holy Name Hospital will be prepared by the Borough Attorney and is expected to be placed for action on the February 13th regular meeting of the Mayor and Council.

Proclamation to Honor Joanne Santiglia

Mr. Pohan stated that New York 1 is terminating its New Jersey news segment. Joanne Santiglia, host of the show over the years, has always promoted the interests of the town and he believes she should be recognized with a proclamation presented to her at a public meeting.

The Mayor and Council concurred with Mr. Pohan and it was agreed that a proclamation honoring Ms. Santiglia will be presented at the February 13th regular meeting of the Mayor and Council.

Fire Department Command Vehicle

Mr. Sohmer stated that the Fire Department has requested replacing a 2007 vehicle with 75,000 miles on it. The old vehicle will be turned over to the DPW which will then get rid of a 1983 vehicle. Monies for the vehicle will be paid out of their dedicated penalties fund.

The Mayor and Council voiced no objection over the purchase.

It's expected the purchase of the command car will be under \$36,000.00 and is being purchased under State contract so therefore no formal Mayor and Council approval will be needed.

Developer's Agreement Between the Borough and Torosian Construction, LLC at 147 Cedar Street

A resolution approving a developer's agreement as prepared by conflict counsel will be placed for action on the January 16th regular meeting agenda.

Developer's Agreement Between the Borough and Cedar Street Associates, LLC at 140 Cedar Street and 1639 Federspiel Street

A resolution approving a developer's agreement as prepared by conflict counsel will be placed for action on the January 16th regular meeting agenda.

Liquor License Transfer From Rodem House Inc. to Joe & Max Inc. at 1629 Schlosser Street

Mr. Grant explained that this license is being transferred back to the old owner because the previous transfer approved in November fell through at the closing. Legally, the original licensee had to go through the complete transfer application process in order to get the license back in his name.

A resolution approving the above listed liquor license transfer will be placed for action on the January 16th regular meeting proposed consent agenda.

GWB Lane Closures (Added on Item)

With regard to the ongoing GWB lane closures Mayor Sokolich thanked everyone for their support guidance, and friendship. It has meant a lot to him as he continues to serve the community in the best interests of the people of Fort Lee.

Mr. Cervieri stated that the Mayor has done a great job representing the Borough during this period.

PUBLIC PARTICIPATION

On motion by Councilman Pohan, 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>
Charles Sobel 2175 Hudson Terr.	.Rent Control	Mayor Sokolich
Doug Sugarman 2100 Linwood Ave.	.Time Warner Cable Taking North Jersey News Off the Air - He Asked Governing Body to Express Their Displeasure Over the Loss of the Show	

Mayor Sokolich said that he would send a letter asking Time Warner Cable to reconsider.

There being no further discussion the meeting was adjourned on motion by Councilman Cervieri, seconded by Councilman Sargenti, at 8:41: p.m.

Neil Grant, RMC
Borough Clerk