

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, December 4, 2003**

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 Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Voss, Cervieri

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Neil Grant, Borough Clerk  
Steve Muhlstock, 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 1, 2003, 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 2, 2003, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and PALISADIAN 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 2003 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

**On motion by Councilwoman Voss, 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: EMT's  
Municipal Court  
Finance Department  
Police Department  
Recreation Department

Liquor License Disciplinary Proceedings Against  
Mac-On Inc. (Reflecting State Action Taken)

Contracts: Schoor DePalma  
Bergen County Economic Development Corp.

Non-Filing of Financial Disclosure Forms

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

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

**ENGINEERING DISCUSSION**

**Emergency Repair of River Road Pump Station**

Ms. Thomas stated that a resolution authorizing payment of \$29,350 to the contractor for emergency repairs to the River Road pump station will be placed on the December 18, 2003 regular meeting proposed consent agenda.

Ms. Thomas added that insurance is covering \$28,000 of the cost. Repairs to the roof and shoring up of a structural wall were needed due to trees hitting the pump station during the storm on November 13th.

Mr. Sargenti inquired as to the additional cost of fixing up the entire pump station building.

Mr. Cervieri asked Ms. Thomas to have someone look at the stone wall north of Claremont Road. The stone wall is breaking down.

**Emergency Repair on Fletcher Avenue by Red Oak Diner**

Ms. Thomas stated that the sewer line was backed up with grease.

Mr. Sargenti asked who was responsible for the problem.

Ms. Thomas said that J. Fletcher Creamer & Son did the emergency repair work which included putting in ninety feet of new pipe. She indicated that it is the Borough's sewer line. The cost of the job was \$54,000.

Mr. Cervieri asked how often are the grease traps inspected.

Mr. Sargenti replied that the grease traps are now being inspected once a week.

Mr. Cervieri pointed out that the Health Inspector is also doing grease trap inspections in an adjacent town. He should make sure that he is inspecting Fort Lee's grease traps in a timely fashion.

Mr. Muhlstock stated that the Borough could put in a claim against the property owner who caused the problem if the Health Inspector says that the problem was caused by the restaurant.

### **Camera Surveillance Project**

Mayor Alter stated that the camera surveillance project is working out pretty well.

A resolution authorizing a change order to IR Security and Safety (formerly Integrated Access) in the amount of \$1,800 for the placement of another quad screen at the Police Department will be placed on the December 18<sup>th</sup> regular meeting proposed consent agenda.

Mayor Alter added that he will try to get the Port Authority to interface with the Borough's cameras. This would cover a greater area than just Fort Lee.

### **Electrical Upgrade for Emergency Power at Police Department**

Ms. Thomas stated that Calgi Construction Company, Inc. reviewed quotes from a few companies with regard to providing an electrical upgrade for HVAC/emergency power at the Police Department.

A resolution awarding a contract to A-1 Industrial Electrical Company in the amount of \$17,250 will be placed on the December 18<sup>th</sup> regular meeting proposed consent agenda.

Mr. Muhlstock added that he is awaiting a final report with regard to the claim the Borough will be filing against all the parties that were involved when the police facility was built. The claim for damages should be in the area of \$700,000 to \$750,000.

**GENERAL DISCUSSION**

**Centennial Committee - Main Street Closure for Arts Festival**

Ms. Thomas stated that the Greater Fort Lee Chamber of Commerce and the Centennial Committee want to have a spring festival. They are looking to shut down a portion of Main Street for the event.

There were no objections from the Mayor and Council.

**Location of Centennial Clock**

Ms. Voss stated that the Centennial Committee has agreed that the centennial clock that the Chamber is giving to the Borough should go adjacent to the Fort Lee Post Office on Main Street by the entrance of the municipal parking lot.

Mayor Alter reminded Ms. Voss that the street is in the plans to be realigned.

Ms. Voss and the Council understand that the location of the clock may have to be changed at a later date.

**Old Police Department Property - Removal of Certain Trees**

Ms. Thomas explained that there are three trees by the Police Department that should be taken down and replaced with new trees. The pollen from the trees is plugging certain vents at the Police Department.

Mayor Alter replied that he is not necessarily in agreement with destroying trees.

Ms. Thomas reiterated that the trees will be replaced with new trees.

**Borough Hall Expansion**

There was no discussion on this item tonight. This item to be brought back at a future work session at the beginning of next year.

**Englewood Hospital**

Ms. Thomas stated that Joseph Licata, Emergency Management Coordinator, wants the Borough to enter an agreement with

Englewood Hospital to provide them with generators in case of an emergency.

Mayor Alter commented that the Borough would help them as necessary but that no formal agreement should be entered into.

The governing body concurred with Mayor Alter.

**Records Retention of Certain Public Hearings**

Mayor Alter stated that Dennis Oury, Special Economic Development Counsel, has indicated to him by memorandum that the Borough should keep Planning Board and Board of Adjustment tapes for three years along with the related files to the tapes.

Mayor Alter believes that the tapes should be kept for ten years. He added that a secure filing system needs to be in place.

Mr. Cervieri said that the Borough will soon begin working with digital documentation which should ease some space requirements for files.

Mr. Grant told Mayor Alter that he will supply him with what the Division of Archives and Records Management recommends as to how long planning board and zoning files should be kept.

**Liquor License Reports**

Mayor Alter stated that liquor license reports generated by the Police Department should also include recommendations from them as to possible sanctions the governing body should make on licensees.

Ms. Thomas to write a letter to Chief Tessaro expressing the Mayor and Council's aforementioned request.

**Volunteer Firefighters' Parking Spaces**

Mayor Alter said that this is not the first time that there has been a request made to the governing body. The governing body has felt that the granting of this request would also lead to a similar request on behalf of ambulance volunteers, Fort Lee Police, Office of Emergency Management volunteers and others. There is a severe shortage of parking in the Borough and creating all these reserve spaces would further make a difficult situation worse. The firefighter volunteers are certainly free to take any

available space. The governing body has not heard of it being a major problem. The request again has been denied.

**Palisades Interstate Parkway (PIP) Auditorium Upgrade Agreement**

A resolution approving a revised agreement with the PIP and the Borough to make upgrades to the PIP auditorium will be placed on the December 18<sup>th</sup> regular meeting proposed consent agenda.

**Intermediate School Field (Added on Item)**

Mayor Alter stated there is some disagreement with the Fort Lee Board of Education about when they are going to start resurfacing the Lewis F. Cole Middle School field. They were not supposed to start until July 5, 2003 but they are now saying that if they start July 5<sup>th</sup>, the field will not be ready for the fall sports season. He noted that he has filed an objection with the Board of Education. If the field is not available for the Borough to use for its July 4<sup>th</sup> fireworks display, then the fireworks will have to be held at Constitution Park or possibly at Fort Lee Historic Park.

**Transfer of Liquor License to The Hudson Wine Market, Inc. (Binn and Sung Lee) - (Inactive License)**

A resolution authorizing person to person transfer license of plenary retail distribution license from Hyeseung Enterprises LLC, (inactive license) to The Hudson Wine Market, Inc. (inactive license) will be placed on the December 18<sup>th</sup> regular meeting proposed consent agenda.

**Public Utility Services, Inc. (Street Lighting Costs)**

A resolution awarding a four-year contract to Public Utility Services, Inc., Freehold, New Jersey, to investigate public street lighting and traffic signal costs will be placed on the December 18<sup>th</sup> regular meeting proposed consent agenda.

There is no cash outlay to be made by the Borough. The Public Utility Services fee is based on any savings realized by the Borough due to reduction of street light or traffic signalization costs.

**Awarding Bid for Traffic Striping and Pavement Markings**

Ms. Thomas to check with Steve Monetti as to why this bid

award is going through the Borough and not the Parking Authority.

Editor's note: After the meeting it was realized that the bid award is for the DPW to have streets lined on an as-needed basis. It is an open-ended three year contract.

**Awarding Bid for Refurbishing of Tennis Courts**

Ms. Thomas stated that the refurbishing of tennis courts and new lighting will be part of the bid award. Money has been placed in the capital account the last few years in anticipation of this project.

A resolution awarding the bid will be placed on the December 18<sup>th</sup> regular meeting proposed consent agenda.

**Reorganization Meeting Date**

It was agreed that the Reorganization meeting will be held on Sunday, January 4<sup>th</sup>, beginning at 12:00 noon.

Mr. Grant to notify the various local newspapers and Time Warner Cable of the meeting date.

**Street Lighting Requests - Tremont Avenue and Perimeter of Future Recreation Center**

Mr. Grant explained various requests for additional street lighting.

A resolution approving the street lighting will be placed on the December 18<sup>th</sup> regular meeting proposed consent agenda.

**PUBLIC HEARINGS SCHEDULED FOR DECEMBER 18, 2003**

Ord. #2003-39--Capital Ordinance - Agreement With Bergen County Community Development for a Non-Medical Handicapped Van - \$50,000

Ord. #2003-40--Amending Chapter 388, Section 65, Schedule XIX: Vehicle Movement on Private Property Open to the Public

Ord. #2003-41--Amending Chapter 388, Section 69, Eliminating Handicapped Parking Space at 1657 Maple Street

Ord. #2003-42--Amending Chapter 328, Section 20, Hours of Operation for Outdoor Cafés - March 1<sup>st</sup> Through December 31<sup>st</sup>

Ord. #2003-43--Amending Chapter 388, Section 40,  
"Vehicles and Traffic" Fee Schedule and Other Sections  
of the Borough Code to Increase the Fines for  
Violations and Penalties by \$3.00

**Other Items Discussed**

1. Trees on commercial properties
2. Borough easements as to ownership/maintenance of trees within ten feet of curb.

**PUBLIC PARTICIPATION**

**On motion by Councilman Cervieri, seconded by Councilman Villano,** the meeting moved into public participation.

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

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

There being no further discussion, the meeting was adjourned **on motion by Councilwoman Voss, seconded by Councilwoman Kasofsky,** at 8:40 p.m.

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Neil Grant, RMC  
Municipal Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, November 6, 2003**

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 Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Voss

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Neil Grant, Borough Clerk  
Steve Muhlstock, Borough Attorney

**ABSENT:** Councilman Cervieri

**MAYOR'S STATEMENT**

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

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**RESOLUTION FOR CLOSED SESSION**

**On motion by Councilman Villano, 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: Municipal Court  
Recreation Department  
Rent Leveling

Police Chief and Police Administrators

Litigation: East Palisade Boulevard L.L.C, Rosenshein Associates, et al v. Planning Board of Fort Lee

Potential Litigation: TPK (Fort Lee Towne Center)

Contract: H.C. Inc. (Garbage and Recycling)

Property Acquisition

Interlocal Agreement: Board of Education

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

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

#### **ENGINEERING DISCUSSION**

Steve Boswell and Edward Mignone, from Boswell McClave were present for this portion of the meeting.

#### **Palisade Avenue Streetscape**

Mayor Alter asked when the project is going to commence.

Mr. Boswell replied that the project will begin in January and should be completed by June 2004. He added that his fee is for full-time inspection services. This project involves streetscaping and sewer repair on Palisade Avenue from Main Street to the triangle on Lemoine Avenue. There are penalties in the construction contract if completion dates are not met. Zuccaro will be allowed to work weekends with permission.

Ms. Thomas said that there will be some on-duty police enforcement when the project commences.

A resolution awarding a contract to Boswell McClave for construction inspection services for roadway and streetscape improvements to Palisade Avenue at a cost not to exceed \$105,000 will be placed on the November 13<sup>th</sup> regular meeting proposed consent agenda.

#### **Van Fleet Park Clubhouse**

Mr. Mignone stated that two concept plans with regard to the clubhouse will be reviewed next Monday. A prefabricated

building with separate bathrooms is in the works. He expects that the project will be completed by next April or May.

Ms. Thomas said that the Borough has received a Green Acres grant for the project.

Mayor Alter indicated that the grant could be used to offset existing expenses at the site.

**540 Main Street Property**

Ms. Thomas to speak to this item at the next work session when Mr. Cervieri is present.

**Advertising for Bids for Retaining Wall at DPW**

Ms. Thomas stated that the retaining wall at 540 Main Street is failing. She wants to make sure that the wall is on Borough property.

Mr. Mignone said that Boswell has a survey of the property. Fletcher Creamer indicated that it would cost \$300,000 to repair.

**GENERAL DISCUSSION**

**Taxation of Billboards**

Mayor Alter said that the Borough should have the ability to collect taxes for the use of billboards.

Mr. Muhlstock indicated that he does not believe the Borough needs an ordinance.

Ms. Thomas to write a letter to Tim Leodori, Tax Assessor, to start the process.

**Public Utility Services, Inc.**

Mayor Alter formed a committee of Messrs. Sargenti and Pohan to look into the above service with regard to streetlight costs.

**Red Cross Shelter Agreement**

Ms. Thomas said that Joseph Licata, Emergency Management Coordinator, is requesting the Borough to approve a resolution

that allows the Red Cross to use Borough facilities when there is a crisis.

Mayor Alter stated that the Borough does not want a legal agreement with the Red Cross.

Mr. Grant to look for the previous agreement that was done.

**Outdoor Café Ordinance**

It was agreed that an ordinance amending the time that café style restaurants can place tables on the street will be introduced at the November 13<sup>th</sup> regular meeting.

The amending ordinance will allow for restaurants to place tables on the street annually from March 1<sup>st</sup> through December 31<sup>st</sup>. A permit will still be required from the Building Department.

**Awarding Bid for Fire Truck**

Ms. Thomas stated that when the Fire Department reviewed the bids for the new aerial fire truck, they determined that only Seagrave's bid met the original bid specifications.

Mr. Muhlstock concurred with Ms. Thomas and agreed that the bid could be awarded to Seagrave even though they were not the low bidder.

A resolution awarding bid to Seagrave, South Plainfield, New Jersey for a new aerial fire truck at a cost of \$634,847.02 will be placed on the November 13<sup>th</sup> regular meeting proposed consent agenda.

**Amending Ordinance #388-65 - Vehicle Movement on Private Property Open to the Public**

Mr. Grant explained that he has been working with the Police Department to have some of the Borough's traffic ordinances updated. This ordinance is to correct certain discrepancies with regard to vehicle movement on private property which is open to the public.

An ordinance making the appropriate amendments will be introduced at the November 13<sup>th</sup> regular meeting.

**Eliminating Handicapped Parking Space at 1657 Maple Street**

Mr. Grant explained that the Police Department reviewed the 1657 Maple Street location and it was determined that the person who had requested the handicapped space originally had moved out.

An ordinance eliminating the handicapped parking space at the location will be introduced at the November 13<sup>th</sup> regular meeting.

Mayor Alter asked Mr. Grant to find out how the Police Department does its inspections with regard to amendments to the Borough Code.

**Developers Agreement for McDonald's Corporation at 2143 and 2145 Hudson Street**

A resolution approving a developers agreement for McDonald's Corporation as prepared by the Borough Attorney will be placed on the November 13<sup>th</sup> regular meeting proposed consent agenda.

**Advertising for Bids for Video Recording System for Police Department**

A resolution authorizing the Purchasing Consultant to advertise for bids for a video recording system for the Police Department will be placed on the November 13<sup>th</sup> regular meeting proposed consent agenda.

**Testing of Floors at Fire Department and Ambulance Corp**

A resolution authorizing additional funding to have the floors at fire houses #1 and #2 and the ambulance corps' tested by Sor Testing Laboratories, Inc. will be placed on the November 13<sup>th</sup> regular meeting proposed consent agenda.

The total cost of the testing will be \$3,125.

**Amending Fine for Various Borough Traffic Violations**

Ms. Thomas stated that the State will be increasing its penalties for statewide and local violations by an additional \$2.00 for a DNA Laboratory Fund and \$1.00 for the Autism and Medical Research and Treatment Fund.

After a short discussion, it was agreed that an ordinance to increase the Borough's fee by a total of \$3.00 for municipal traffic violations will be introduced at the November 13<sup>th</sup> regular meeting.

**PUBLIC HEARINGS SCHEDULED FOR NOVEMBER 13, 2003**

Ord. #2003-38--Amending Chapter 388, Section 18, Trucks Over Three (3) Tons Prohibited on Old Palisade Road Between Main Street and Federspiel Street

**Miscellaneous Items Discussed**

1. Anderson Avenue (Painting of crosswalk)
2. Mr. Grant to speak to political parties with regard to having all political signs removed by November 14<sup>th</sup> as required by the Borough's code.
3. Ms. Thomas read memo from the Port Authority with regard to traffic changes on the George Washington Bridge because of the ongoing painting of the bridge.

**On motion by Councilman Cervieri, seconded by Councilwoman Voss,** the meeting moved into public participation.

**PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Charles Sobel	.Congratulated Successful Electoral Candidates	

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

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Neil Grant, RMC  
Municipal Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, October 16, 2003**

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 Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Voss, Cervieri

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Neil Grant, Borough Clerk  
Steve Muhlstock, Borough Attorney

**MAYOR'S STATEMENT**

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**RESOLUTION FOR CLOSED SESSION**

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

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

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

Litigation: CIT Group vs. Fort Lee

Fort Lee vs. Palma Inc. - Resurfacing of  
Ambulance Corps and Fire Co. #1 Floors

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**

**Camera Surveillance Project Change Order**

Ms. Thomas stated that there are outstanding change orders for approximately \$21,000 that have not been officially authorized for payment to Integrated Access with regard to the Borough's camera surveillance project. This includes the upgrading of equipment, Ms. Thomas' monitor and a custom made bracket for the Parker Plaza building.

Mr. Grant to prepare the appropriate resolution for placement on the October 23<sup>rd</sup> regular meeting proposed consent agenda.

**GENERAL DISCUSSION**

**Parking Lot by 1450 Palisade Terrace Condominium - Steve Monetti in Attendance**

Mr. Monetti stated that he has met with the board members of the Palisade Terrace Condominium Association with regard to off-street parking on the south side of their building. They need an additional forty-four parking spaces. The Borough would pay for the capital costs and in return charge \$50.00 per space per month through an interlocal agreement.

Mayor Alter asked how much the capital costs are for the parking. He added that the building lost parking spaces when the Commerce Bank was built.

Mr. Monetti replied that if the Borough's labor force is used it would cost \$200,000. He added that if the Borough wants to keep the garbage compactor, the cost of the work and the planned look of the project would be a little different.

Mr. Monetti is looking for Mayor and Council approval for an interlocal agreement between the Borough and 1450 Palisade Terrace Condominium.

Ms. Thomas expressed concern that the Borough's DPW workers are already stretched out and undertaking this project would further stress them out.

Mr. Monetti replied that without the DPW workers doing the work, the project would cost \$500,000.

Mayor Alter asked how fast will it take to do the work.

Mr. Monetti indicated that the project would be completed in the spring of 2004.

Ms. Thomas asked if the Parking Authority can float bonds.

Mayor Alter replied that they could, but that the Borough would have to guarantee the bonds.

Ms. Thomas wanted to know if parking would be affected at the Police Department pistol range.

Mr. Monetti replied that parking would not be affected.

**Capital Ordinance for Parking Authority Bus**

A resolution accepting up to \$50,000 through a Bergen County Community Development Block grant for a non-medical handicapped transport van will be placed on the October 23<sup>rd</sup> regular meeting proposed consent agenda.

A capital ordinance will also need to be placed on the Borough's books.

**Security Structures, Inc. Maintenance Bond**

Mr. Muhlstock stated that Security Structures, Inc., the entity that built the new DPW garage, has requested a reduction in the maintenance bond. He indicated that the bid specifications, called for a maintenance bond that covered 100% of the project cost which was approximately \$1,000,000.

Mr. Muhlstock said that he doesn't have the legal authority to reduce the bond and he believes that the governing body should not reduce the bond. The bond is for two years.

Mayor Alter said that maybe after one year the governing body will consider reviewing it.

Mr. Muhlstock to contact Security Structures to inform them of the governing body's decision.

**Route 4 Renovation - Resolution of Support**

Mayor Alter stated that he has sent information to Lieutenant Luke Guglielmo with regard to the proposed widening of Route 4 in Englewood and Teaneck. DMJM, an engineering firm hired by the New Jersey Department of Transportation, is looking for endorsing resolutions from surrounding municipalities for the project.

Mayor Alter would like the Police Department's opinion before possibly placing an endorsing resolution on a regular meeting agenda.

**Cleanliness of Main Street**

Mr. Cervieri stated that according to Mr. Monetti, he has hired someone to remove gum off the sidewalks on Main Street.

Mr. Villano suggested that the Borough hire high school kids to scrape the gum and keep the area clean at \$8.00 per hour.

**Trucks Excluded From Using Portion of Old Palisade Road**

It was agreed that an ordinance will be introduced at the October 23<sup>rd</sup> regular meeting that prohibits trucks from using the hill on Old Palisade Road between lower Main Street and Federspiel Street.

**Street Lighting on 11<sup>th</sup> Street Off North Avenue**

Mr. Grant explained that he reviewed the area at 1539 11<sup>th</sup> Street and concluded that the area needs street lighting.

A resolution authorizing PSE&G to install street lighting at that area at a cost of \$7.00 per month to the Borough will be placed on the October 23<sup>rd</sup> regular meeting.

**Palisades Interstate Parkway (PIP) Agreement**

This agreement is with regard to the upgrading of the PIP auditorium.

Mr. Muhlstock sent a first draft to the PIP for review. Their superintendent has proposed some changes to the draft.

**PUBLIC HEARINGS SCHEDULED FOR OCTOBER 23, 2003**

- Ord. #2003-35--Amending Chapter 156, Section 5 - Tree Removal and Replacement
- Ord. #2003-36--Amending Chapter 388, Section 14 - Handicapped Parking Spaces - Increase in Fine Amount
- Ord. #2003-37--Establishing Chapter 40, Providing for Defense and Indemnification of Municipal Officials and Employees

**PUBLIC PARTICIPATION**

**On motion by Councilman Cervieri, seconded by Councilwoman Voss,** the meeting moved into public participation.

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Salvaging of Old Borough Furniture	Ms. Thomas

There being no further public or council discussion, the meeting was adjourned **on motion by Councilwoman Voss, seconded by Councilman Sargenti,** at 8:28 p.m.

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Neil Grant, RMC  
Municipal Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, October 2, 2003**

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 Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Cervieri

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Maryanne Sutera, for Borough Clerk  
Steve Muhlstock, Borough Attorney

**ABSENT:** Joan Voss, Councilwoman  
Neil Grant, Municipal Clerk

**MAYOR'S STATEMENT**

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**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Police Department  
Police Promotions  
Senior Citizens' Department

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

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

**ENGINEERING DISCUSSION**

Edward Mignone, Boswell McClave Engineering representative, was present for this portion of the meeting.

**Awarding Bid for Palisade Avenue Streetscape**

Mr. Mignone stated that there were four bids received for this project. Zuccaro & Sons, Inc. was the low bidder at an amount of \$1,054,442.50. He pointed out that there are two phases to this project and that two Department of Transportation grants have been combined for the project.

Mayor Alter commented that it was his understanding of the original plan that \$1,000,000 would be spent on this project.

Mr. Villano spoke to the sewer separation project and indicated that is the reason why this project was pushed ahead.

A resolution awarding the bid to Zuccaro & Sons, Inc. in the above amount will be placed on the October 9<sup>th</sup> regular meeting proposed consent agenda.

**Eleventh Street Flooding**

Ms. Kasofsky asked Mr. Mignone what plan is going to be undertaken to alleviate the problem.

Mr. Mignone explained that a plan was given to the DPW regarding diverting the water flow from 13<sup>th</sup> Street directly to the Longswamp area. The proposal, estimating that the loading would be reduced by one-half, will not be a permanent solution. A lot of runoff will still be coming off the field, once the artificial turf is installed by the Middle School, so there will still be a problem; however, this would still be an important first step.

Ms. Thomas spoke to the \$83,000 cost estimate to make certain repairs. She stated that a pump was brought in because of the hurricane, but unfortunately, during the last rain storm, there was still a problem.

Mr. Cervieri asked Mr. Mignone if this area was declared a flood zone.

Mr. Mignone replied that it was not.

Ms. Kasofsky questioned if flooding had occurred prior to all of the development in Palisades Park.

Mr. Mignone explained that the residents have had problems since Hurricane Floyd in 1999.

Ms. Kasofsky, Mr. Mignone and Ms. Thomas spoke about the Mosquito Commission and whether dredging the swamp is a solution.

Mayor Alter stated that the Borough is either going to mitigate the problem or not. He referenced the testimony in a report from the engineer that the flooded homes should have been built on higher grade.

Mr. Mignone added that a full solution would be to build a pump station.

Mr. Cervieri responded by saying that if building a pump station would prevent those residents from enduring flooding, then the Borough should build it. He indicated that he would like to go back into closed session later with regard to this topic.

A emergency resolution authorizing Gotthold Paving to perform emergency drainage repairs to the storm sewer on 12<sup>th</sup> and 13<sup>th</sup> streets to help alleviate the flooding on 11<sup>th</sup> street at a cost of \$83,000 will be placed on the October 9<sup>th</sup> regular meeting proposed consent agenda.

**Van Fleet Park Proposed Clubhouse (Added on Item)**

A topographic survey and boundary survey need to be done before the clubhouse can be built.

Mr. Sargenti spoke to the Flynn property.

Mayor Alter thought the Flynn house was at a higher elevation.

Ms. Thomas originally thought the same thing as the Mayor until she went to the site to inspect the area.

Mr. Mignone stated that Boswell's fee to prepare a boundary and topographic survey and conceptual site plan for the clubhouse would be \$7,000.

Mr. Muhlstock to prepare a resolution to be placed on the October 9<sup>th</sup> regular meeting proposed consent agenda.

**GENERAL DISCUSSION**

**Awarding Bid for Leaf Removal Services**

Ms. Thomas announced that Miele Sanitation Co., Inc. was the low bidder for this project. They will be charging \$6.00 per cubic yard. It is a three year contract.

A resolution awarding bid to Miele will be placed on the October 9<sup>th</sup> regular meeting proposed consent agenda.

**Awarding Bid for New Fire Truck**

Ms. Thomas stated that the Fire Department committee is still reviewing the bids.

This item to be brought back for further discussion at the October 16<sup>th</sup> executive session.

**Support of Bergen County Open Space Public Question on November 4<sup>th</sup> Ballot**

A resolution supporting the continuation of the Bergen County Open Space program will be placed on the October 9<sup>th</sup> regular meeting proposed consent agenda.

**New Fort Lee Phone Directory**

Mayor Alter stated that he was approached by a resident who indicated to him that years ago, there was a phone directory circulated to the residents listing all the Borough departments with their phone numbers.

Ms. Thomas replied that there is an annual phone directory, which Don Sauvageot circulates, and it would be mailed to any resident upon request.

Mayor Alter explained that a private company would come in and prepare a directory.

Ms. Thomas recollected that the Borough had done previous listings some time ago, and that the Greater Fort Lee Chamber of Commerce also publishes Borough information including phone

numbers.

Mayor Alter asked Mr. Cervieri to look into this item further.

**Senate Bill 838 - Punitive Damages Against Public Agencies (Conscientious Employee Protection Act)**

Mayor Alter spoke to what the courts have decided, and he believes that it would discourage anyone from serving in government. He explained that the League of Municipalities is requesting that a letter be sent.

Councilman Pohan concurred with Mayor Alter.

Mr. Muhlstock questioned whether there was such an ordinance in place for the protection of public officials.

Mayor Alter noted that court cases are capricious.

Mr. Muhlstock to prepare an ordinance protecting municipal employees and public officials from punitive damages.

**Telecommunications Services Tax**

Mayor Alter said that a letter was received from the League of Municipalities, stating that if someone is using the Internet for communication, it is a tax-exempt service. The League is requesting a support letter to be sent.

Mayor Alter to send a support letter.

**Home Health Care Bills**

Mayor Alter stated that Ms. Voss wanted to convey that she is in favor of a resolution to be passed, because she feels that the pending State bill has to be rethought.

Mr. Pohan stated that he has not seen the bill, but he believes the governing body should not support any bill that does not support the government.

Mr. Cervieri mentioned that he requested last week's speaker, Mr. Karr, to reach out to the League of Municipalities for an opinion. Mr. Cervieri noted that the governing body received a summary of pending bills from the League.

Mayor Alter will forward a letter to the Executive Director of the League of Municipalities to review the documentation, for the benefit of their opinion.

**Mount Laurel Development Fees**

Ms. Thomas explained that she wrote a letter to the Mayor and Council, because it was a procedural process.

Mr. Muhlstock to prepare a resolution authorizing usage of funds from the Fort Lee Affordable Housing Trust Fund to be paid in the connection with the settlement of litigation entitled Fort Lee vs. Juba and Orso. The resolution will be on next week's regular meeting proposed consent agenda.

**Radio System License Agreements**

Ms. Thomas stated that a meeting was held with Messrs. Pohan, Villano and herself with potential consultants with regard to the Borough's radio system. One of the consultants was Emil Vogel, from Vogel Consulting Group, who noted that a fifth radio band would be needed.

Mr. Pohan explained that a trunking system is critical.

Ms. Thomas explained that Vogel's proposal of \$5,500 is for a Slow Growth application filed with the F.C.C. and that the Borough would keep the four bands currently in place, and then a method will be implemented once the fifth band is installed.

Mr. Muhlstock to prepare a resolution for next week's regular meeting proposed consent agenda awarding a contract to Vogel in the amount of \$5,500 to secure the fifth radio band.

**Fire Department Clothing (Added on Item)**

Ms. Thomas stated that a resolution authorizing the purchase of Fire Department clothing in the amount of \$34,100 will be placed on next week's regular meeting agenda.

Mayor and Council approval is required because the amount authorized is over the bid threshold.

**Office of Emergency Management (OEM) Drill (Added on Item)**

Ms. Kasofsky informed everyone that the OEM has scheduled a

drill for this Saturday, October 4<sup>th</sup> at Martha Washington Way, which will include the staging of a bus accident.

**Handicapped Parking Fine Ordinance - Added on Item**

Mr. Muhlstock stated that an amendatory ordinance, based on the revised New Jersey State statute, which allows the Borough to retain all of the money derived from violations of handicapped parking as long as the Borough's ordinance conforms correctly, will be placed on the October 9<sup>th</sup> regular meeting agenda for introduction. The new ordinance increases the fine to \$250 for parking illegally in a handicapped parking space.

**PUBLIC HEARINGS SCHEDULED FOR OCTOBER 9, 2003**

- Ord. #2003-33--Amending Chapter 388, Section 43, Schedule I, No Parking on East and West Side of Center Avenue Along the Southerly Curblin of Lincoln Avenue
- Ord. #2003-34--Bond Ordinance for Traffic Light on Palisade Avenue at Angioletti Place - \$125,000

**PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Fort Lee Pass Program "Do Not Enter" Sign on North Avenue	Mayor Alter

**RESOLUTION FOR CLOSED SESSION**

On motion by Councilman Cervieri, seconded by Councilman Villano and approved unanimously, the meeting moved back into closed session at 8:50 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:

Litigation: Fort Lee vs. Palisades Park

2. The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined

that the need for confidentiality has been satisfied.

There being no further discussion, the meeting was reopened into open session and was adjourned **on motion by Councilman Cervieri, seconded by Councilman Sargenti**, at 8:52 p.m.

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Maryanne Sutera  
for Municipal Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, September 25, 2003 @7:35 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 Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Voss, Cervieri

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Neil Grant, Borough Clerk  
Steve Muhlstock, 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 1, 2003, 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 2, 2003, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and PALISADIAN 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 2003 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

**On motion by Councilman Sargenti, seconded by Councilwoman Voss** 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  
Ambulance Corps Stipend  
Rent Leveling  
Senior Citizens' Department

Litigation: Fort Lee vs. Juba and Orso (Settlement for  
Condemnation of Property - Federspiel St.)  
AT&T Settlement

Helmsley Property Update - Ray Levy, Director of  
Economic Development, 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**

#### **Centennial Committee Update**

Ms. Voss presented a logo that is going to be used for the Borough's Centennial. It incorporates a lot of themes.

#### **Tree Ordinance**

Mr. Villano stated that he believes the tree ordinance is working. However, he suggested that the homeowner fee be waived if the home is owner occupied. He believes that a permit is still necessary but with no fee. He added that one free cutdown should be allowed every three years.

Mayor Alter suggested that one free cutdown should be allowed over a five year period. After discussion it was agreed to allow a free cutdown every three years.

Steve Muhlstock to prepare an amended tree ordinance for introduction at the October 9<sup>th</sup> regular meeting.

#### **Utility Management Contract for Public Street Lighting and Traffic Signals**

Mr. Grant explained that this contract is to have the cost of street lighting bills and traffic signals reviewed. There is no cash outlay on the Borough's part. Any money saved will be paid to the contractor on a 50-50 basis. The contractor has been recommended by the Chief Financial Officer.

The Mayor and Council concurred that the contract should not be open-ended. They asked Mr. Grant to see if the contractor would change his contract to a one year contract with a renewable option if both parties are happy.

Mr. Cervieri also asked if any savings could be split, with one-third going to the contractor and two-thirds going to Fort Lee.

Mr. Grant to followup with the contractor about getting a one year contract and a different split on any savings realized.

The pending resolution scheduled for tonight's regular meeting agenda will be removed until Mr. Grant speaks to the contractor and reports back to the Mayor and Council.

**Amending No Parking on East and West Side of Center Avenue -  
(Corner of Lincoln Avenue)**

Mr. Grant explained that this ordinance has been recommended by the Police Department as it will make cars travel more safely when the road goes from a one-way street to a two-way road at Lincoln Avenue.

An ordinance amending the no parking regulations on the east and west side of Center Avenue off the southerly curblineline of Lincoln Avenue will be introduced at tonight's regular meeting.

**Bond Ordinance for Traffic Signal on Palisade Avenue at  
Angioletti Place**

A bond ordinance of \$125,000 to fund the traffic signal along with associated engineering costs for the light on Palisade Avenue at Angioletti Place will be introduced at tonight's regular meeting.

**Donation From Mediterranean South**

Mayor Alter asked the Council how the \$1,000 donation being given to the Borough by Med. South should be split up.

It was agreed that the money would be split evenly between the Fire Department, Ambulance Corps and Office of Emergency Management.

**Taxation of Billboards**

Mr. Cervieri recused himself from this discussion.

Mayor Alter recommended that real estate taxes should pay for the use of billboards. They pollute the visual environment.

Steve Muhlstock to prepare an ordinance for introduction at the October 9<sup>th</sup> regular meeting.

**Abbott Boulevard Speeding (Added on Item)**

Ms. Thomas stated that the Police Department has compiled a report that accounts for car speed for 2000 trips on Abbott Boulevard. The vast majority of the cars are going between 26 miles per hour (mph) to 30 mph. This falls into a safe range.

Mayor Alter stated that anyone who might want to discuss this issue tonight will be held to the five minute public participation limit.

**Van Fleet Park**

Mr. Sargenti stated that the final walk-through for the new playing surface at Van Fleet Park is scheduled for tomorrow at 2:00 p.m.

Mr. Cervieri stated that any of the old sprinkler heads that were used with the grass field are valuable and should be stored in a safe place.

**PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Mr. Jung 2169 Lemoine Avenue	.Helmsley Property Plans	Mayor Alter
	.Environmental Issues	Mayor Alter
	.Center Avenue Parking	Mayor Alter

There being no further discussion, the meeting was adjourned **on motion by Councilwoman Voss, seconded by Councilman Cervieri** at 7:53 p.m.

\_\_\_\_\_  
Neil Grant, RMC  
Municipal Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, September 4, 2003**

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 Alter, Council Members Pohan, Kasofsky, Sargenti, Voss, Cervieri

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Neil Grant, Borough Clerk  
Steve Muhlstock, Borough Attorney

**ABSENT:** Councilman Villano

**MAYOR'S STATEMENT**

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

1. On January 1, 2003, 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 2, 2003, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and PALISADIAN 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 2003 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: Ambulance Corps - Cathi Goldfischer,  
Ambulance Corps Chief, and Paul Favia,  
Deputy Chief, Were in Attendance

Building Department  
Fire Prevention Bureau  
Recreation Department

Contract: Bergen County Economic Development Corp.

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**

Edward Mignone, Boswell McClave Engineering representative, was present for this portion of the meeting.

#### **Palisade Avenue Streetscape Bids**

Mr. Mignone stated that the original Palisade Avenue streetscape bids which were due Monday, September 8<sup>th</sup> are going to be cancelled and rescheduled for another date in the near future. The bid specifications called for the project to be done in too short of a period of time, so the bid specifications are being rewritten. Steve Monetti, Executive Director of the Parking Authority is aware of the situation. There also have been concerns about the streetscaping being done in conjunction with the new traffic light at Angioletti Place. Mr. Mignone will be working with Schoor DePalma, the Borough Engineer, with regard to the new traffic signal and the streetscape project.

#### **Eleventh Street Flooding**

Mr. Mignone stated that the flooding on Eleventh Street is a complicated issue. There are several problems, including the sheer volume of rainwater during the last storm. The geographic location is at the bottom of a huge bowl. Draining needs to be done for approximately 150 acres of Fort Lee and Palisades Park. After looking at the drainage structure, he believes a comprehensive study for drainage needs to be done. The discharge point is the Long Swamp and it is silted in. At first glance, cleaning the sediment in Palisades Park would help. There is also not enough slope for proper drainage. The DEP wants to see

that there is a problem before they will get involved. He also spoke to a wetland clearing permit, stream encroachment and the possibility of the county mosquito commission getting involved.

Mayor Alter asked what is he going to tell the people on Eleventh Street.

Conversation ensued with regard to the use of sump pumps to alleviate the flooding. Mr. Mignone spoke to the shallow curve and the pitch of the flooded properties involved. The sump pump takes the water to the lawn, not through a catch basin.

Ms. Kasofsky stated that a lot of the major flooding problems have occurred after Windsor Square was built in Palisades Park. She added that some type of solution needs to occur quickly.

Mr. Pohan agreed that Windsor Square and the silting of Long Swamp have exacerbated the problem. The cleaning of the Long Swamp area would be helpful.

Mr. Mignone stated that sewer systems silt over time.

Ms. Thomas replied that cleaning the Long Swamp is only a short-term solution.

Mr. Mignone stated that the catch basins need to be cleaned and flushed.

Mayor Alter authorized Mr. Mignone to clean and flush the catch basins.

Mr. Mignone responded that the lines can be viewed to see if anything is collapsed that may be causing blockages.

Mr. Cervieri asked if the area in question has been designated a flood zone.

#### **540 Main Street Topographical Survey**

Mr. Mignone has been talking with the Department of Public Works to see what their needs are. He will soon be preparing a written concept plan for the property.

Mr. Cervieri stated that he would like to be included in the process. Ms. Thomas will set up a meeting with Messrs. Cervieri, Mignone, Tony Lione, DPW/Park's Superintendent, and herself.

Mr. Cervieri asked when is the DPW lot going to be paved.

Mr. Mignone stated once the concept plan is completed the detail design will be worked on. He added that the retaining wall by Cedar Court will have to be looked at.

**New Jersey Pollutant Discharge Elimination System**

Ms. Thomas stated that the New Jersey Department of Environmental Protection is changing their regulations with regard to the New Jersey pollutant discharge elimination system which will have an effect on the Borough's CSO.

Mr. Mignone stated that he has not seen the final draft yet. The DEP originally thought that all CSO's could be eliminated but they now realize that may not be possible.

He added that it is an inequitable system. The City of Newark has thirty CSO's and Fort Lee has two. New York City did not separate their sewers but they are putting protective treatments in their sewers.

**Van Fleet Park Clubhouse**

Mr. Sargenti stated that he has met with Mr. Mignone and John Englese, Fort Lee's lead inspector from Boswell. They all concurred at their meeting that the Play Turf is ready to be installed at Van Fleet Park.

Mr. Sargenti stated that a modular clubhouse seems to be the best way to go. It will include bathrooms, a concession stand and an ATM machine. Walls will also be built. The former "Flynn Property" is the best place to put it as it will stabilize parking and be close enough to the field.

Mr. Mignone replied that survey work may need to be done at the site. He also has to find out if a company can provide a slab.

**Demolition of 540 Main Street Building and Extension of Federspiel Street (Added on Items)**

Both subjects were briefly discussed at the meeting.

**GENERAL DISCUSSION**

**Police Department Communications Radio System**

Mr. Pohan stated that he, along with the Mayor, Ms. Thomas, Ms. Voss, Don Sauvageot and the Police Chief, recently attended a meeting with his industrial engineer regarding what type of radio equipment the Borough will need for all of its emergency services. He explained that a global positioning system (GPS) is an important component; however, it is not the total answer. His industrial engineer concurred that what Don said in the meeting was accurate. The Borough's system is soon to be antiquated. Motorola is not making parts. The Borough has to perfect its radio frequencies by the end of the year. Entire coverage is not guaranteed no matter what system is used. Time of day and the number of calls being made affect any system that is used.

Mayor Alter stated that cell phone frequency has to be included. The GPS would be a great addition to a system.

Mr. Pohan replied that with GPS, radio traffic communications would be limited, which is an added benefit.

Mr. Cervieri stated that one of the proposals would still use analog technology along with digital.

Ms. Thomas responded that low frequency would stay on analog, high frequency on digital. The Borough's radio frequency expert has raised some questions.

Messrs. Cervieri and Alter concurred that the Borough has to do the right thing and that it needs to be done rather quickly.

**Appointments for Film Commission and Historic Committee**

Mayor Alter will nominate one member to the Film Commission and two members to the Historic Committee at next week's regular meeting.

**Retrofit Generator Ordinance**

Ms. Thomas stated that Jim Carney, Fire Subcode Official, has formally recommended that buildings seven stories or higher be retrofitted with emergency generators.

Mr. Cervieri replied that this is not a good idea.

Mayor Alter stated that every building should have elevators and hall lights working when emergency situations arise.

Mr. Cervieri feels that government should not have to be involved in this matter.

Mayor Alter replied that the government is involved with new construction and why would this matter be any different.

Messrs. Alter and Cervieri discussed recovery and tax abatement possibilities for the money invested to retrofit old buildings.

Mr. Muhlstock stated that the Borough cannot legally offer tax abatements.

Mr. Pohan asked if the Borough has the authority to have buildings retrofitted.

Mr. Muhlstock replied that he believes it is preempted and the Borough does not have the authority.

The governing body agreed not to go forward with this issue.

Mayor Alter asked Mr. Muhlstock to write a letter to Mr. Carney explaining the legality and Council's decision on the matter.

### **Cell Phone Ordinance**

Mayor Alter has told residents who have complained to him that the Council's position is that the Borough should not implement an ordinance with regard to using car cell phones with only a hands free device.

Mr. Cervieri stated that the New Jersey Department of Transportation should take a position on this issue. He recommended that the governing body pass a resolution that asks the NJ DOT to take a position on this matter.

Mr. Grant to find out what the League of Municipalities position is at the borough clerks' convention in two weeks. Mr. Grant to report back to Mayor and Council with his findings before a formal resolution is done.

### **Expansion of Borough Hall**

This item was carried to the September 25<sup>th</sup> executive session.

**Vehicle for Health Department**

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids for a vehicle for the Health Department will be placed on the September 11<sup>th</sup> regular meeting proposed consent agenda.

**Renaming of Street in Honor of Celia Cruz**

The Mayor and Council concurred that because Celia Cruz had just recently moved to Fort Lee before she passed away, there would be no street renamed in her honor.

**Centennial Slogan & Centennial Clock**

Ms. Voss reported that the centennial logo will be similar to that of the Borough seal with some added embellishment.

Ms. Voss stated that the County and State are using the "Retreat to Victory" slogan. The Centennial Committee is trying to be consistent with the County and State.

The governing body reluctantly agreed that the slogan "Retreat to Victory" should be used for the Borough's Centennial.

Ms. Thomas handed out a letter from Stacey Goldberg, Greater Fort Lee Chamber of Commerce President, that asked the Mayor and Council to make a decision whether they want the town clock that is being offered by the Chamber in honor of the Borough's Centennial. The letter also stated that the repair of the old "First National Bank Clock" is not a project they are considering.

Ms. Thomas stated that Kay Nest believes the First National Bank clock can be resurrected.

Ms. Voss added this way the Coytesville section and the middle of town will both have clocks.

Mayor Alter stated that the Borough will be delighted to accept the Chamber's offer of a new Centennial clock.

**Developers Agreement for Enterprise 46, Inc.**

A resolution approving a developers agreement with Enterprise 46, Inc., at property located at 1620 Route 46 East as prepared by the Borough Attorney will be placed on the September 11<sup>th</sup> regular meeting proposed consent agenda.

**Endorsing Community Development Grants for Fort Lee Housing Authority**

Four resolutions endorsing Bergen County Community Development block grants for the Fort Lee Housing Authority will be placed on the September 11<sup>th</sup> regular meeting proposed consent agenda.

Mr. Grant to prepare the appropriate resolutions and distribute to the Mayor and Council before next week's regular meeting.

**PUBLIC HEARINGS SCHEDULED FOR SEPTEMBER 11, 2003**

- Ord. #2003-29--Bond Ordinance for Purchase of New Fire Truck - \$640,000
- Ord. #2003-30--Amending Chapter 130, Section 5D - Alcoholic Beverage License Fees
- Ord. #2003-31--Amending Chapter 388, Section 69, Handicapped Parking Space by 16 Short Street
- Ord. #2003-32--Capital Ordinance - Agreement With Bergen County Freeholders to Resolve Drainage Problems at Columbia Avenue/Anderson Avenue - \$208,000 to be Reimbursed by Bergen County

**Carriage House - Police Antenna (Added on Item)**

Mr. Muhlstock stated that the owner of the Carriage House would rather not retrofit their building for the Police antenna. It would be a building code violation, and a little intrusive. A microwave link has been suggested to Don Sauvageot, Communications Superintendent. Mr. Sauvageot will be reviewing that proposal. He has to see how inclement weather could affect it. Mr. Muhlstock reminded everyone that this is for the Police Department's backup communications system only.

**Borough Pagers (Added on Item)**

Ms. Kasofsky asked Ms. Thomas to check with Don Sauvageot, about old pagers that he has had for a long time but has not handed out.

**Renaming of Borough Streets (Added on Item)**

Mayor Alter asked Ms. Voss and Mr. Cervieri about the possibility of renaming one of the Borough streets in honor of

John Knapp who recently passed away and who gave willingly of himself to the Borough.

**PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Sewage Backup & Flooding Check Valves on 11 <sup>th</sup> Street	Mayor Alter
	.Centennial Clock at New Recreation Facility	Mayor Alter

There being no further discussion, the meeting was adjourned **on motion by Councilwoman Voss, seconded by Councilman Cervieri,** at 9:06 p.m.

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Neil Grant, RMC  
Municipal Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, August 21, 2003 @ 2:10 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 Alter, Council Members Pohan, Villano, Voss, Cervieri

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Neil Grant, Borough Clerk  
Steve Muhlstock, Borough Attorney

**ABSENT:** Council Members Kasofsky, Sargenti

**MAYOR'S STATEMENT**

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

1. On January 1, 2003, 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 2, 2003, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and PALISADIAN 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 2003 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

**On motion by Councilman Villano, seconded by Councilwoman Voss** 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:

Property Acquisition (Added on Item) - Ray Levy,  
Director of Economic Development, 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**

**Centennial Report**

Ms. Voss stated that Tom Meyers, Centennial Committee member would like banners to be put on poles.

Mr. Cervieri would like the signs to read as "Path to Victory" as opposed to "Retreat to Victory".

Conversation ensued as to what kind of logo should be used for the Borough's centennial.

Mayor Alter added that the Centennial is not the same as the Revolution and as many aspects of what the Borough represents should be included in the logo.

Ms. Voss mentioned that there will be a Centennial Ball held next March 27<sup>th</sup> at the Hilton. There will be some Centennial event held every month beginning next year. The high school students will be included in some of these events.

Ms. Voss added that several months ago Mr. Meyers mentioned doing an archaeological dig at Monument Park. Mr. Meyers has sent a letter to Anthony Cavanna, Fort Lee School Board Superintendent. The cost to the Borough to do the dig is approximately \$7,000.

It was agreed that the dig would not be undertaken by the Borough at this time.

Ms. Thomas will respond to the Centennial Committee's request.

Mayor Alter told Ms. Voss, that the Centennial Committee consists of fifteen people chosen by him. Mr. Meyers may not invite people to the meetings without Ms. Voss' permission.

**Liquor License Renewals 2003-2004 (Special Rulings)**

A resolution approving special rulings by the Division of

Alcoholic Beverage Control for the renewal of liquor licenses will be placed on tonight's regular meeting proposed consent agenda.

**Liquor License Transfers**

A resolution authorizing person-to-person/place-to-place liquor license transfer from Daniel Kim (inactive status) to Adana Group, LLC at 1645 Lemoine Avenue will be placed on tonight's regular meeting proposed consent agenda.

A resolution authorizing place-to-place transfer from Tai Kai Enterprises (inactive status) to 1550 Lemoine Avenue will be placed on tonight's regular meeting proposed consent agenda.

**Handicapped Parking Space Near 16 Short Street**

An ordinance to place a handicapped parking space near 16 Short Street will be introduced at tonight's regular meeting.

The potential handicapped parking space was reviewed and approved by the Police Department.

**Camera Surveillance Contract - Change Orders**

Ms. Thomas stated that the Borough is looking to enter into an agreement with the Fort Lee Board of Education so that they can be included with the fiber optics that the Borough is currently laying down. The Board would pay the \$70,000 that is required for the change order for Verizon Connected.

A resolution for a \$70,000 change order for Verizon Connected will be placed on tonight's regular meeting proposed consent agenda.

Mr. Cervieri stated that the Borough should not absorb any cost with regard to this agreement.

Mayor Alter agreed that all of the obvious costs should be absorbed by the Board, but if there are some small amounts that the Borough has to pay, it should not be a problem. The taxpayers still have to pay whether it is the Borough or Board's budget.

Mr. Cervieri stated that the Board has their own budget, but he did concur with the Mayor that small amounts being picked up by the Borough are not a problem.

Ms. Voss added that the communication lines should be clear between the Borough and the Board of Education.

Mayor Alter concluded that the Borough will be as helpful as possible to the Board of Education.

**Property Tax Reimbursement Program for Seniors**

Mayor Alter wanted to make the Council aware that some municipalities have passed resolutions against the property tax reimbursement program for seniors due to the cost.

The Mayor and Council took no further action on this matter.

**Compactor - Behind the Plaza Cooperative**

Mayor Alter stated there is a rusty compactor behind his building. He mentioned that the 1450 Palisade Avenue complex needs parking. It is conceivable to fill in the area and pave it over for more parking spaces for 1450 Palisade Avenue. The Borough could grade the property and lease it to them. Any lease would have to be legally advertised.

Mr. Cervieri asked how many cars could fit in if the area was paved over.

Mayor Alter estimated that fifteen to twenty cars could be parked there.

Mr. Pohan mentioned that Steve Monetti, Executive Director of the Parking Authority, is doing a survey at that site which will be considering the development of parking there.

Ms. Thomas added that the Police Department is looking for additional parking.

Ms. Thomas to check with Steve Monetti with regard to the survey he is undertaking.

**Community Resource Council of Bergen County Renewal Membership**

Mayor Alter stated that there is a \$75.00 annual membership fee due for the above organization.

The governing body made no decision as to whether to renew the Borough's membership for 2003-2004.

**Expansion of Borough Hall**

Mr. Cervieri suggested that the Borough have a feasibility study prepared for the upward expansion of Borough Hall.

Mr. Cervieri stated that the elevator could go up another floor. This would be part of a long-term planning project. He does not want to be caught down the road needing more space for Borough facilities.

Mayor Alter replied that he sees nothing wrong with conducting a study.

Mr. Cervieri and Ms. Voss said that the Richard A. Nest Senior Building could also be looked at for expansion purposes.

Mr. Villano would like to see this item postponed for the time being.

Mr. Cervieri agreed that this item could be carried to the next executive session meeting.

**Chamber of Commerce Donation of Centennial Town Clock**

This item to be sent back to the Centennial Committee for their input.

**Command Officer Training for Mock Drills**

Ms. Thomas stated that Joseph Licata, Emergency Management Coordinator, is planning a mock training drill for the Borough's emergency services to plan in case of a catastrophe. Mr. Licata has received a grant for \$8,000 to do a practice drill with all of the emergency services. Currently, the Borough participates with the Port Authority, but the drills are shaped for bridge responses.

The Mayor and Council voiced approval for the mock drills. A consultant will be hired to help prepare for the drill.

**Authorizing Purchasing Consultant to Advertise for Bids for Various Borough Projects**

A resolution authorizing the Purchasing Consultant to obtain specifications and advertise for bids for various borough projects will be placed on tonight's regular meeting proposed consent agenda. (project list available in the office of the

Borough Clerk)

**Developers Agreement - Shri Ganesh @ 1560 Bergen Blvd.**

A resolution approving a developer's agreement for Shri Ganesh, Inc., d/b/a Skyview Motel at 1560 Bergen Boulevard as prepared by the Borough Attorney will be placed on tonight's regular meeting proposed consent agenda.

**Palisade Interstate Parkway Historic Park Auditorium Upgrades**

Mr. Pohan stated that Mr. Meyers, Nelsen Page, Film Commission Member, and a General Services representative met with Jim Hall, PIP Superintendent. The PIP is putting up \$5,000. The Borough's expense will include the installation of the chairs that were previously bought, the rigging of the projectors and the cost of the projectors. Those items will cost approximately \$20,000 so the Borough's overall cost would be about \$15,000.

Mayor Alter believes it is a good idea for Fort Lee.

Mr. Cervieri questioned as to why the Borough's staff would have to do the work. He stated that they have their own personnel.

Mayor Alter said that the cost is still relatively inexpensive even if the cost reaches \$25,000.

Mr. Cervieri said that he was okay with the Borough absorbing up to \$25,000.

Mr. Cervieri added that the PIP could rent the facility to the Borough.

Mayor Alter concurred that the facility could be rented, but he believes that the Borough has plenty of reasons to use the facility for the benefits of the residents.

**Van Fleet Park (Added on Item)**

Ms. Thomas stated that the field turf for the renovation of Van Fleet Park is to be installed shortly. It needs to be done on a Saturday and Sunday.

Ms. Thomas to speak to Erik Swanson, Building Sub-code Official, to get his permission for a weekend work permit.

**Constitution Park Commemorative Sign Marked (Added on Item)**

Ms. Thomas handed out a diagram as prepared by Ralph Porrino, Fire Chief, that showed where the Fire Department wants to place a commemorative sign marker in honor of fallen firefighter, Fred Cavailere, in Constitution Park.

**PUBLIC HEARINGS SCHEDULED FOR AUGUST 21, 2003**

Ord. #2003-25--Amending Chapter 388, Section 69,  
Handicapped Parking Space by 150 Cedar Street and  
Deleting Space at 253 McCloud Drive

Ord. #2003-26--Amending Salary Ordinance #2003-6 -  
Salaries for Certain Non-Union Employees Municipal  
Prosecutor

Ord. #2003-27--An Ordinance Establishing Chapter 370,  
Article 1, "Taxation" - Hotel and Motel Room Occupancy  
Tax as Authorized by P.L., 2003, C. 114

Ord. #2003-28--An Ordinance Repealing Chapter 145,  
Apartment Houses and Building Developments

**PUBLIC PARTICIPATION**

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

**RESOLUTION FOR CLOSED SESSION**

**On motion by Councilman Cervieri, seconded by Councilman Pohan** and approved **unanimously**, the meeting moved back into closed session at 3:10 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: Emergency Medical Technician  
DPW/Park's Department  
Economic Development  
Municipal Court

Agreements: Fort Lee Board of Education and Borough of Fort Lee With Regard to Improvements to Middle School Field and Fiber Optic Cabling

Lease Agreement: New Prince Construction

Contract: Calgi Construction - HVAC & Camera  
Surveillance Projects

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 moved into open session and was adjourned **on motion by Councilwoman Voss, seconded by Councilman Cervieri**, at 3:30 p.m.

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Neil Grant, RMC  
Municipal Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, July 24, 2003 @ 3:00 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 Alter, Council Members Kasofsky, Villano, Sargenti, Voss, Cervieri

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Neil Grant, Borough Clerk  
Steve Muhlstock, Borough Attorney

**ABSENT:** Councilman Pohan

**MAYOR'S STATEMENT**

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

1. On January 1, 2003, 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 2, 2003, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and PALISADIAN 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 2003 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Municipal Prosecutor  
Building Department  
Building & Grounds  
Summer Seasonal Employees

Ambulance Corps - Guideline Request for  
Updated Stipend  
Economic Development  
EMT  
General Salary Reviews

Contracts: Construction Supervision for New Recreation  
Facility

Fort Lee Police Antenna Agreement With Carriage House

Potential Litigation: Borough Ordinance Chapter 145  
Fingerprinting of Employees in Apartment Houses, et al

Potential Litigation: Tollgate Motel

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**

**Bid for Traffic Signal - Palisade Avenue/Angioletti Place**

A resolution awarding bid to Petrocelli Electric of New Jersey, Rahway, New Jersey for traffic signalization at Palisade Avenue and Angioletti Place at a cost of \$79,994.10 will be placed on tonight's regular meeting proposed consent agenda.

**TWA Permit - Sewer Extension Application for Whitehall Tower, Block 4801, Lots 1-11**

A resolution authorizing execution of a Treatment Works Approval (TWA) application to the State of New Jersey, Department of Environmental Protection, for the Whitehall Towers Project, Block 4804, Lots 1 Thru 11 will be placed on tonight's regular meeting.

Mr. Grant spoke to Justin Lizza, of Schoor DePalma, Borough Engineer for the project, who voiced no objections to authorizing the TWA application.

**Amending Costa Contract, Phase II, Inspection Work of Pedestrian Improvement Project**

A resolution amending the contract for Costa Engineering Corporation for final inspection work and sign-off processing for the completed phase II streetscape project at a cost of \$5,000 will be placed on tonight's regular meeting proposed consent agenda.

Mr. Grant stated that Steve Monetti, Parking Authority Executive Director, had written a memo stating that he had no objections to Costa's request.

**Amending Costa Contract, Phase IIA Design Phase of Streetscape Pedestrian Improvement Project**

A resolution amending the contract with Costa Construction Corporation for the design phase of the IIA streetscape project (Main Street to Anderson and Linwood Avenue) at a cost of \$20,000 will be placed on tonight's regular meeting proposed consent agenda.

Mr. Grant stated that Mr. Monetti had written a memo stating that he had no objections to Costa's request.

**Amending Contract for Schoor DePalma**

A resolution amending the contract of Schoor DePalma, Manalapan, New Jersey, as traffic consultants, for preliminary engineering documentation for roadway improvements to the Borough at a cost of \$27,692.81 will be placed on tonight's regular meeting proposed consent agenda.

**GENERAL DISCUSSION**

**Handicapped Parking Space by 150 Cedar Street and Rescinding Handicapped Space at 253 McCloud Drive**

An ordinance creating a handicapped parking space by 150 Cedar Drive and rescinding a handicapped parking space at 253 McCloud Drive will be introduced at tonight's regular meeting.

Approval for the above were based on reports received from the Police Department's traffic division.

**Amendment and Adoption of Municipal Budget**

Ms. Thomas stated that the municipal budget tax rate is being raised by 1.59%.

Mayor Alter said that the actual percentage increase is 1.3%. The County budget is slightly down this year and the School Board budget is up by about three points. A tax point is \$308,000. He added that it is an excellent municipal budget.

Resolutions amending and authorizing final adoption of the municipal budget will be on tonight's regular meeting agenda.

**Accepting 2002 Audit**

A resolution accepting the 2002 audit will be placed on tonight's regular meeting proposed consent agenda.

**Developer's Agreement for Armando's Restaurant**

A resolution approving a developer's agreement for Armando's, 144 Main Street, Block 4301, Lots 1 and 2, as prepared by the Borough Attorney will be placed on tonight's regular meeting proposed consent agenda.

**Advertising for Bids for Streetscape Construction on Palisade Avenue and Leaf Removal Services**

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

**Awarding Bid for Police Body Armor**

A resolution awarding bid to Ray's Sport Shop, Inc., North Plainfield, New Jersey, for Police Department Non-Concealed Body Armor at a cost of \$30,068,92 will be placed on tonight's regular meeting proposed consent agenda.

**2004 Police Pedestrian Grant - \$18,000**

A resolution endorsing a 2004 Pedestrian Grant Reimbursement for the Police Department from the New Jersey Division of Highway Traffic Safety for \$18,000 will be placed on tonight's regular meeting proposed consent agenda.

**Municipal Hotel & Motel Occupancy Tax**

An ordinance establishing a hotel and motel room occupancy

tax as authorized by P.L. 2003, C-114 will be introduced at tonight's regular meeting.

Mr. Grant estimated that the Borough would receive approximately \$19,000 in the first full year and \$57,000 every year after.

**ABC Municipal Licensing Fees**

An ordinance authorizing an increase in liquor license fees will be introduced at the August 21, 2003 regular public meeting.

Mr. Grant indicated that raising the license fees by the State's allowable increase of twenty percent would raise an additional \$16,000 annually for the Borough.

Mayor Alter added that with the amount of calls the Police Department has to make to liquor license establishments, the increase is justifiable.

**Red Cross Shelters**

Joseph Licata, Emergency Management Coordinator, has asked that the American Red Cross be able to set up a shelter at the Recreation Center in case of an emergency.

Mr. Muhlstock indicated that a resolution should be approved authorizing Mayor Alter to sign a shelter agreement with the Red Cross.

**Ambulance Corps Building Feasibility Study**

Ms. Thomas stated that the cost of the feasibility study is \$34,200. The firm that would be doing the work is DMR Architects. They are located in Maywood. She indicated that any resolution done should indicate that the cost of the study will be split equally between the Borough and the Ambulance Corps.

Mr. Cervieri asked that references from other projects that DMR has done be given to him before any vote is taken at the regular meeting tonight.

**New Jersey State Early Retirement Incentives**

Mayor Alter stated that the Borough has the local option of choosing to enter into the program.

Mr. Cervieri asked when does it have to be approved by.

Mr. Grant stated that the governing body can pass a resolution as late as August 2004.

Mayor Alter stated that he doesn't believe it should be done at this time.

There was no dissent from the Council.

**Use of Constitution Park by Fire Department**

Ms. Thomas stated that the Film Commission will tell the story of Fred Cavailere, who was killed in the 1920's while fighting a fire in Fort Lee at the present site of Constitution Park.

Mr. Villano added that the film studio that he was killed in is now Constitution Park.

Mayor Alter stated that he wants to see the location of the proposed memorial and signage in the park. Everything regarding this project should be subject to siting approval from the council.

Ms. Thomas added that name of Lewis Street will now have secondary signage indicating that it will also be called Cavailere Way.

**Meeting Time Change for August 21<sup>st</sup> Executive Session**

The Mayor and Council concurred that the August 21, 2003 executive session meeting time of 7:00 p.m. should be changed to 2:00 p.m.

Mr. Grant to send out the appropriate required legal notice of the change in meeting time in August.

**Palisades Interstate Parkway Historic Park Auditorium Upgrades**

Ms. Thomas stated that Councilman Pohan called saying he supports the proposal of the PIP. Jim Hall of the PIP and Tom Meyers have met. The PIP's contribution would be between \$5,000 and \$10,000. The Borough's allocation for the project will be lowered due to the expected work that the Borough's General Services Department would handle.

Ms. Thomas added that because the personnel of the General Services department are booked for numerous projects, the PIP project would have to wait. Mr. Pohan told her that he does not have a problem if the project has to wait.

Mr. Cervieri requested that this item be tabled to the next meeting.

Mayor Alter stated that the Borough needs the auditorium and the upgrades would be beneficial.

Ms. Thomas read a list of things that Fort Lee will receive from the PIP.

It was agreed that this item would be placed back on the August 21<sup>st</sup> executive agenda.

**Borough Security/NYC**

This item was discussed earlier during the closed session portion of the meeting.

**PUBLIC HEARINGS SCHEDULED FOR JULY 24, 2003**

Ord. #2003-20 - Amending Chapter 388, Section 69, Handicapped Parking Space By 3040 Edwin Avenue

Ord. #2003-21 - Amending Chapter 388, Section 43, to Include "No Parking" Next to 570 North Avenue Driveway

Ord. #2003-22 - Amending Chapter 52, Section 2, "Film Commission" to Include the Director of the Office of Cultural & Heritage Affairs as a Member

Ord. #2003-23 - Amending Chapter 64, Section 2, "Historic Site, Structure, Cultural and Landmark Committee" to Include the Director of the Office of Cultural & Heritage Affairs as a Member

Mayor Alter stated that both ordinances 2003-22 and 2003-23 need clarification.

It was agreed that the words "of the library" should be added after the words "Director of the Office of Cultural & Heritage Affairs" to both ordinances.

Mr. Muhlstock deemed the amendments to be minor in nature and that both ordinances could be legally amended at tonight's regular meeting.

Ord. #2003-24 - Bond Ordinance for Capital Improvements  
- \$1,978,000

**Il Limoncello Restaurant (Added on Item)**

Mayor Alter stated that people are expressing their opinion about the potential for a nightclub at Il Limoncello.

Mr. Muhlstock stated that they have an application before the Board of Adjustment for a continuing certificate of occupancy for a restaurant.

Mayor Alter stated that they might be looking for a zoning change.

Mr. Muhlstock replied that he has spoken to Joel Ellis, Esq, attorney for the Horizon House complex. Back in 1968 a use variance was granted with restrictions. It limited the hours a restaurant could be opened at that site. Part of the approval was for off-site parking, at Horizon House, which leases the restaurant a certain amount of parking spaces.

Ms. Thomas stated that Erik Swanson has not issued a certificate of occupancy. He has been waiting to receive information from Mr. Muhlstock with regard to the 1968 use variance.

Mr. Cervieri stated that all of the enforcement issues have to be looked into.

**PUBLIC PARTICIPATION**

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

**On motion by Councilman Cervieri, seconded by Councilwoman Voss,** the meeting moved back into closed session at 3:35 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: Building and Grounds  
Police Department Communications Equipment

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.

**On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and approved unanimously,** the meeting moved back into open session and was adjourned at 3:50 p.m.

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Neil Grant, RMC  
Municipal Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, June 19, 2003 @ 8:25 p.m.**

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

**PRESENT:** Mayor Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Voss, Cervieri

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Neil Grant, Borough Clerk  
Steve Muhlstock, 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 1, 2003, 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 2, 2003, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and PALISADIAN 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 2003 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Police Department - Thomas Tessaro, Police Chief in Attendance  
Senior Citizens Department

Port Authority Negotiations - Ray Levy, Director of Economic Development, 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**

Edward Mignone, Boswell McClave Engineering representative, was present for this portion of the meeting.

**Columbia Avenue/Anderson Avenue Drainage Bypass Project**

Mr. Mignone stated that Boswell has put in a proposal for construction inspection and for an as-built survey for the above project. The cost should be paid by Bergen County; however, the contract from Bergen County indicates that the Borough has to pay the cost.

Mr. Grant stated that he will be speaking to County Counsel to rectify the situation. He explained that new counsel arrived in 2003 and the original agreement with Bergen County was done in 2002.

Mr. Cervieri said the Borough should not be disadvantaged.

A resolution awarding a contract to Boswell McClave for construction inspection and the survey work at a cost of \$22,500 will be placed on the June 26<sup>th</sup> regular meeting proposed consent agenda.

A resolution authorizing the purchasing consultant to obtain specifications and advertise for bids will also be placed on the June 26<sup>th</sup> regular meeting proposed consent agenda.

**Palisade Avenue Streetscape (Added on Item)**

Mr. Cervieri asked when streetscape construction is going to begin on Palisade Avenue.

Mr. Mignone replied that he expects construction to begin in the middle of September. He will be meeting with the merchants in the next couple of weeks and still has to go before the Planning Board.

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

construction of Palisade Avenue will be placed on the July 24<sup>th</sup> regular meeting proposed consent agenda.

**GENERAL DISCUSSION**

**Relocation of Ambulance Corps Building**

Cathi Goldfischer, Ambulance Corps Chief, and Janet Cooney, Ambulance Corps founding member, were present for this portion of the meeting.

Ms. Goldfischer gave the history of the Ambulance Corps and the present facility that is used on the corner of Main Street and Anderson Avenue. She stated that the facility is not handicapped accessible, and that the current building is insufficient in many other respects. A deal to acquire more land from Madonna Church on the east side of the property recently fell through. She is asking that a feasibility study be done to see whether the building can be fully upgraded or if an alternate site is needed. She is requesting that the Borough pay one-half of the cost for the study.

Mayor Alter stated that the Borough has a vested interest because it does pay a stipend to the Ambulance Corps members and that Emergency Medical Technicians are paid for by the Borough.

Ms. Voss said that she believes the Corps does need a new location and that 540 Main Street would be a good place to build a new facility.

Mr. Pohan asked how much land would be needed at the current location to properly upgrade it. He added that a proper configuration and a location are two separate issues and that the same person should not be doing both studies.

Mr. Cervieri stated that 308 Main Street is the geographic center of town so that the current facility was built in the right spot to serve all of its residents.

Ms. Goldfischer explained that with the new ambulances that are being used, the garage bays are inadequate.

Mr. Cervieri asked Ms. Goldfischer what other communities have the same type of ambulances as Fort Lee.

Ms. Goldfischer replied that Teaneck, Hackensack and East Rutherford use the same type of ambulances that Fort Lee has.

Mr. Cervieri concurred that a feasibility study would be a good idea.

The Mayor and Council agreed to pay for one-half of the cost for a feasibility study.

**Capital Budget Ordinance for 2003**

Ms. Thomas stated that she previously circulated the draft of the capital improvement ordinance. She has had feedback from one council member. She added that there is enough money in the down payment account so that the approximate \$2,000,000 capital budget can be introduced.

Mr. Cervieri recommended that the \$250,000 cost for a scanner program for the Building Department be included in the capital budget. He added that it will be money well spent so as to keep the immense amount of plans the Building Department has in an orderly fashion.

Mayor Alter requested that the capital ordinance be ready for introduction next week.

Mr. Grant to send the information that Ms. Thomas has prepared to the bond counsel so that the appropriate capital improvement ordinance can be introduced at the June 26<sup>th</sup> regular meeting.

**Award Bid for New Park and Community Center**

Mayor Alter asked that this item be done by a separate resolution.

A resolution awarding the bid to APS Contracting Inc., for the construction of the new open space park and community center will be on the June 26<sup>th</sup> regular meeting agenda.

**Award Bid for Demolition of 540 Main Street Building**

A resolution awarding the bid to Central Jersey Wrecking & Recycling, Inc., North Brunswick, New Jersey, for the demolition of the Borough -owned 540 Main Street building at a cost of \$47,200 will be placed on the June 26<sup>th</sup> regular meeting proposed consent agenda.

**Planning Board Approved Redevelopment Areas 3 and 4**

Mr. Cervieri requested that a separate resolution be done for this item.

A resolution accepting the findings of the Planning Board so as to let them prepare a redevelopment plan for areas 3 and 4 will be placed on the June 26<sup>th</sup> regular meeting agenda.

**Lease of Municipal Property - Block 4701, Lots 2,8,10**

Mr. Grant explained that bids were authorized twice for this item. No bids were received. The Borough may legally enter into a contract with B.L.M Holding Corp. which previously has had a contract with the Borough for the lease of municipal parking spaces used by the Plaza Diner.

It was agreed that the new contract should be for five years retroactive to January 1, 2003 at the same cost as the old contract of \$1,800 annually.

Mr. Muhlstock to prepare the appropriate resolution and contract.

**Regulating Use of Cell Phones in Motor Vehicles**

Mayor Alter stated that he believes that the time is right to regulate the use of cell phones in motor vehicles as some other municipalities have done.

Mr. Cervieri disagreed with the Mayor.

Mr. Pohan said that he believes that it is very confusing to the public that some municipalities have regulations and others do not. He agreed that the municipality should not enact an ordinance

Mr. Villano sided with Mayor Alter.

Because there were not enough votes for introduction, Mayor Alter agreed that he would not go forward with the subject.

**Tree Replacement for Linwood Park Cooperative**

Mayor Alter stated that the Linwood Park Cooperative Board is looking to replace trees in their complex. He would entertain their request.

Mr. Villano added that the Linwood Park cooperative is doing a great job.

Because there was not unanimous consent among the governing body to pay for the trees with Borough funds, Mayor Alter stated that he would pay for it personally.

Mayor Alter added that he would divert funds from the Mayor's marriage fund for a tree replacement program for Linwood Park. He added that the council would have to vote for the use of the funds at a public meeting.

**Amend Film Commission and Historic Committee Ordinances**

Mr. Grant stated that Tom Meyers, Director of Cultural and Heritage Affairs, requested two weeks ago that the Film Commission and Historic Committee include his position as a permanent member of both boards. This would create one extra position on each volunteer board.

The Mayor and Council concurred with his request.

Ordinances amending the film commission and historic site, structure, cultural and landmark committee membership will be introduced at the June 26<sup>th</sup> regular meeting.

**Bergen County Open Space Trust Fund Municipal Program**

A resolution endorsing a Bergen County Open Space Trust Fund grant application for Anderson Point Park for \$75,000 will be placed on the July 24<sup>th</sup> regular meeting proposed consent agenda.

Mr. Grant to prepare the grant application and appropriate resolution.

**Cost Analysis for Palisade Interstate Parkway (PIP) Historic Park Auditorium Upgrade**

Ms. Thomas stated that the estimated cost to upgrade the PIP Historic Park auditorium will be \$50,000.

Mr. Pohan stated that the new recreation facility will have a projection room.

Mr. Cervieri suggested that the PIP match the Borough dollar for dollar for renovation of their screening room.

The Mayor and Council concurred with Mr. Cervieri's suggestion.

Ms. Thomas to notify Mr. Meyers of the governing body's decision.

**Liquor License Renewals 2003-2004**

A resolution authorizing the renewal of liquor licenses for 2003-2004 will be placed on the June 26<sup>th</sup> regular meeting proposed consent agenda.

**No Parking Zone Along 570 North Avenue**

Mr. Grant explained that the Police Department has recommended that a no parking area be added west of the driveway entrance on the south curb of 570 North Avenue. Cars coming out of the 570 North Avenue driveway cannot see clearly when pulling out of the driveway.

Mayor Alter asked Mr. Grant to speak to the Board of Directors at Mediterranean West to make sure that they have no problem with the Police Department's recommendation.

If there are no problems, an ordinance creating a no parking zone will be placed for introduction at the June 26<sup>th</sup> regular meeting.

**Handicapped Parking Space by 3040 Edwin Avenue**

Mr. Grant explained that a resident of 3040 Edwin Avenue had requested a handicapped parking space be placed near his apartment in the Linwood Park Cooperative complex.

Mr. Grant added that the Police Department recommends that a handicapped parking space should be placed near the 3040 Edwin Avenue apartment complex. The handicapped parking space could be used by anyone who has a handicapped placard.

An ordinance creating the handicapped parking space will be placed for introduction at the June 26<sup>th</sup> regular meeting proposed consent agenda.

**July 24<sup>th</sup> Executive Session - Change in Meeting Time**

The Mayor and Council concurred that the July 24<sup>th</sup> executive session meeting time of 7:00 p.m. should be changed to 2:00 p.m.

Mr. Grant to send out the appropriate notice of the change in meeting time in July.

**PUBLIC HEARINGS SCHEDULED FOR JUNE 26, 2003**

Ord. #2003-17--Bond Ordinance for Demolition of 540 Main Street Building - \$175,000

Ord. #2003-19--Amending Chapter 388, Section 69,  
Handicapped Parking Spaces for 1232A Inwood Terrace  
and 2215 Center Avenue

**PUBLIC PARTICIPATION**

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

**RESOLUTION FOR CLOSED SESSION**

**On motion by Councilman Cervieri, seconded by Councilwoman Voss** and approved **unanimously**, the meeting moved back into closed session at 9:07 p.m.

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

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

Supervision of Recreation Center Construction

Litigation: Fire Company #1 Floors  
Valley National Bank

Contract: Harvey Brickman, P.E.

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

There being no further discussion, the meeting was adjourned **on motion by Councilwoman Voss, seconded by Councilman Sargenti**, at 9:50 p.m.

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Neil Grant  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, June 5, 2003 @ 8:25 p.m.**

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

**PRESENT:** Mayor Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Voss, Cervieri

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Neil Grant, Borough Clerk  
Steve Muhlstock, 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 1, 2003, 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 2, 2003, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and PALISADIAN 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 2003 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Clean Community Hires  
DPW/Parks Department  
Municipal Court  
Police Department Hirings  
Recreation Department - Summer Help

Fire Department Public Safety

Litigation: Police Department Antenna

Potential Litigation: Bids for New Park and Community Center

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**

Edward Mignone, Boswell McClave Engineering representative, was present for this portion of the meeting.

#### **Bids for New Park and Community Center**

Mayor Alter stated that because a number of council members will be missing at next week's regular meeting, the award of the bid for the new park and community center will be postponed until the June 26<sup>th</sup> regular meeting. Because of the importance of the item, he felt that all the council members should be present for the award of the park bid.

#### **Cumbermeade Road DOT Application**

Mr. Mignone stated that the Borough has been awarded a grant for 2003 for improvement to Cumbermeade Road. Because the winter weather was not good the project is going to cost more than originally anticipated. The Borough has scoped the sanitary sewer line and it appears the line needs to be replaced. It is anticipated that the cost of the sewer would be \$300,000 and that the road work would cost \$350,000. He added that the road work could be split into two phases and that the Borough could ask the Department of Transportation for another \$125,000 grant.

A resolution awarding a contract to Boswell McClave to prepare the grant application for the 2004 Municipal Aid Program in the amount of \$1,000 will be placed on the June 12<sup>th</sup> regular meeting proposed consent agenda.

#### **Change Order for Allied Services of N.E., Inc.**

Ms. Thomas stated that a resolution for a second change order for Allied Services at a cost of approximately \$1,900 will be placed on the June 12<sup>th</sup> regular meeting proposed consent agenda.

Mayor Alter asked about the claim that the Borough is pursuing against the original architects of the new police facility.

Mr. Muhlstock stated that he is still awaiting the expert's report.

**GENERAL DISCUSSION**

**Commemorative Street Signs**

Mr. Pohan stated that the governing body authorized the taking down of the secondary Theda Bara sign on Linwood Avenue and Main Street. The Historic Committee was upset that it came down. They want it to be put back. Tom Meyers, Office of Cultural and Heritage Affairs, mentioned to him that the sign could be made a different color so that people will not be confused as to what the street name actually is.

Mayor Alter stated that this sign is a forerunner for a wave of commemorative signs.

Mr. Cervieri added that the rental fees that the Fort Lee Film Commission would have to pay to show films are waived by the film studio when the Borough lets the commemorative signs be placed on a street. The people benefit financially.

Mayor Alter stated that the Borough has some cultural aspects as a film center. He asked is Fort Lee going to make every street commemorative.

Mr. Cervieri stated that each request will be considered on its own merits.

**Handicapped Parking Spaces for Two Locations**

An ordinance to include two handicapped parking spaces at 1232A Inwood Terrace and 2215 Center Avenue as prepared by the Police Department will be introduced at the June 12<sup>th</sup> regular meeting.

**Developers Agreement for 1290 Anderson Avenue**

A resolution approving a developers agreement with John and Antoniette Pappalardo at 1290 Anderson Avenue as prepared by the Borough Attorney will be placed on the June 12<sup>th</sup> regular meeting proposed consent agenda.

**Bergen County Community Development Appointments**

Mayor Alter will reappoint Julia Ticola as the Mayor's representative to the Bergen County Community Development Committee and the governing body will reappoint James Viola as its representative to the same committee by resolution at the June 12th regular meeting.

**Bergen County Open Space Trust Fund Appointment**

Mr. Grant will be reappointed by the governing body to the Bergen County Open Space Recreation, Farmland and Historic Preservation Trust Fund at the June 12<sup>th</sup> regular meeting.

**Resilient Tiles for Constitution Park**

Mr. Grant explained that the bids were received twice for the purchase of resilient tiles for the playground area in Constitution Park. Both times the bids were over the budgetary amount set by the Borough. The Borough is legally now allowed to enter into a contract for the purchase and installation of the tiles.

A resolution awarding contracts to Ben Shaffer & Associates, Inc., Lake Hopatcong, New Jersey and Corby Associates, Inc., Ridgefield, New Jersey for materials and installation of resilient tiles for Constitution Park at a cost of \$45,596.50 for the materials and \$13,935 for installation will be placed on the June 26<sup>th</sup> regular meeting proposed consent agenda.

**Vending Machines for Constitution Park**

There was no discussion on this item tonight.

**Borough Auction**

A resolution authorizing Dingman and James, professional auctioneers, to conduct the auction for the sale of Borough property will be placed on the June 12<sup>th</sup> regular meeting proposed consent agenda.

The auction is scheduled for July and will consist mostly of Borough vehicles and some Borough property that is no longer being used.

**Centennial Display Cases**

Mr. Meyers stated that there are museum display cases available from the Thomas Edison National Historic Site in West Orange.

Mayor Alter asked where would the display cases go.

Ms. Thomas stated that they can be used to display items for the Borough's centennial celebration next year.

There were no objections from the Mayor and Council to get the display cases. There is no cost to purchase the cases.

**RESOLUTIONS**

**R-1 - Approving Raffle License #938 for Gilda's Club Northern New Jersey**

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

WHEREAS, Gilda's Club Northern New Jersey, 575 Main Street, Hackensack, New Jersey, has submitted a raffle application for June 23, 2003; and

WHEREAS, the governing body has determined that their license application is complete in all respects,

NOW, THEREFORE, BE IT RESOLVED that the governing body hereby approves raffle application #938, pending final approval from the Legalized Games of Chance Control Commission.

The Resolution was **approved unanimously.**

**R-2 - Approving Raffle Licenses #939 and #940 for Saint Rocco Italian American Mutual Aid Society**

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

WHEREAS, Saint Rocco Italian American Mutual Aid Society, 110 Main Street, Fort Lee, New Jersey, has submitted a raffle

application for August 10, 2003 and a second raffle application for August 6<sup>th</sup> through August 10, 2003; and

WHEREAS, the governing body has determined that their license applications are complete in all respects,

NOW, THEREFORE, BE IT RESOLVED that the governing body hereby approves raffle applications #939 and #940, pending final approval from the Legalized Games of Chance Control Commission.

The Resolution was **approved unanimously**.

Mayor Alter left the meeting at this point at 8:40 p.m.

**PUBLIC HEARINGS SCHEDULED FOR JUNE 12, 2003**

Ord. #2003-14--Amending Chapter 261 "Land Use Procedures", Chapter 345 "Site Plan Review", Chapter 365 "Subdivision of Land" and Chapter 410 "Zoning" - Checklist for Applications for Development Made to the Planning Board and Zoning Board of Adjustment  
**(To Be Amended)**

Ord. #2003-15--Amending Chapter 388, Section 53, Schedule IX: Stop Intersections - Old Palisade Road

Ord. #2003-16--Vacating a Portion of Prospect Street

Ord. #2003-17--Bond Ordinance for Demolition of 540 Main Street Building - \$175,000

Mr. Grant stated that because only three council members will be present at next week's regular meeting, Bond Ordinance #2003-17 will have to be postponed until June 26th.

**Awarding Bid for Demolition of 540 Main Street Building**

A resolution awarding bid for the demolition of the 540 Main Street building will be placed on the June 26<sup>th</sup> regular meeting proposed consent agenda.

**PUBLIC HEARINGS FOR JUNE 12<sup>TH</sup> CONTINUED**

Ord. #2003-18--Amending Chapter 410 "Zoning" so as to Regulate Placement and Screening of Antennas (Exception One and Two-Family Homes)

**PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Tom Meyers Office of Cultural and Heritage Affairs	.Amending Film Commission and Historic Committee Ordinance	

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

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Neil Grant, RMC  
Municipal Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, May 15, 2003 @8:20 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 Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Voss, Cervieri

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Neil Grant, Borough Clerk  
Steve Muhlstock, 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 1, 2003, 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 2, 2003, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and PALISADIAN 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 2003 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

**On motion by Councilwoman Voss, 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: Reappointment of Municipal Court Judge  
Communications - Spring/Summer Employee

Litigation: AT&T Monopole - Dennis Oury, Esq., and Ray Levy in Attendance

Contracts: Schoor De Palma  
Abeles, Phillips, Preiss & Shapiro  
Harvey Brickman, P.E.

Vacation of Prospect Street

Fire Department/Fire Prevention Bureau - Safety  
Response

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**

Edward Mignone, Boswell McClave Engineering representative, was present for this portion of the meeting.

**Van Fleet Park Bids**

Mr. Mignone stated that ten bid packages were handed out and six companies bid on Tuesday. The bids ranged from \$455,000 to \$684,000.

Mayor Alter asked what the anticipated bid amount was.

Mr. Mignone anticipated \$350,000 to \$400,000. He added that several line items were underestimated.

Mr. Mignone said that stone fill came in \$15.00 a yard extra and bedding for the field was \$30,000 higher than anticipated.

Mayor Alter reiterated Stephen Boswell's original claim that the field could be done for \$250,000. He added that the Borough then was told it would be closer to \$500,000 and finally the Borough was told it would cost approximately \$350,000.

Mr. Mignone said that he thought that the estimated cost would be \$400,000.

Mr. Sargenti said that the stone work and drainage came in higher than anticipated.

Mayor Alter asked the council what should be done.

Mr. Cervieri suggested rejecting the bids.

Mayor Alter stated that the sports leagues and kids are not being represented. In their view the Borough has not done a good job. He doesn't believe that if the bids are redone that they will come in less expensive.

Mr. Mignone added that he doesn't believe that the bids will be any better if they are rebid at this time in the year.

Mr. Pohan said that when the \$350,000 figure was quoted drainage might not have been included.

Mr. Cervieri said that it was.

Mayor Alter asked if the low bidder is qualified.

Mr. Mignone replied affirmatively. Boswell has had a lot of experience with the low bidder Dakota Excavating Contractor. The base bid was close to \$455,000. They will be using Astro Play turf.

Mr. Villano asked how similar Astro Play turf is to Field Turf.

Mr. Mignone stated that Boswell considers the two types of turf interchangeable. They are doing Frank Sinatra Field.

Mayor Alter said that the Borough has to move on this. He doesn't want to have to face the leagues and tell them they have to wait another year.

Mr. Mignone stated that Boswell's cost for the engineering will be between \$20,000 and \$25,000.

Mr. Cervieri stated that he is not happy with the outcome.

A resolution awarding a bid to Dakota Excavating Contractor at a cost of approximately \$455,00 will be placed on the May 22<sup>nd</sup> regular meeting proposed consent agenda.

### **Anderson Avenue and Columbia Avenue Drainage Project**

This item was not discussed tonight.

### **Civil Engineering Service - 540 Main Street (DPW Yard)**

Ms. Thomas spoke to the site work that needs to be done at the DPW Yard. She circulated proposals, which concluded that Boswell's proposal was less expensive to due a topographical survey and conceptual site plan work at the yard.

Mr. Mignone stated that he had an overview meeting with Tony Lione and Mike Maresca. They discussed relocating salt sheds, having concrete pads for materials, drainage issues and having certain connections for the DPW yard.

Mayor Alter stated that the Borough is interested in their wish list, but it doesn't necessarily mean everything they ask for will get done.

Boswell's proposal called for \$7,300 for the boundary and topographical survey and \$12,000 total if a conceptual site plan is included.

Mr. Cervieri suggested that Boswell charge only \$10,000 to do both jobs.

Mr. Mignone concurred.

Mr. Pohan requested to see their layout of the yard.

Mr. Cervieri wants to see if some equipment can be stored in sheds outside. He thought a survey should be done with equipment included.

Mr. Villano stated that the DPW should move in and then the equipment issues can be discussed and/or tweaked accordingly.

Mr. Sargenti stated that he visited the site. He just wants things to be done logically. The vehicles all should have numbers and be placed in the proper bays accordingly.

Ms. Thomas handed out a diagram of the facility.

A resolution authorizing Boswell McClave Engineering to do the topographical survey and conceptual site plan for the DPW yard at a cost of \$10,000 will be placed on the May 22<sup>nd</sup> regular meeting proposed consent agenda.

### **GENERAL DISCUSSION**

#### **Borough-Owned Properties**

Mr. Cervieri stated that back in October, Ms. Thomas gave an overview of Borough-owned properties. He wanted to know in what direction the Borough is going with its assets.

Ms. Thomas handed out a diagram of the Borough's assets and their intended uses.

Ms. Thomas spoke to the intended uses of Borough properties located at 540 Main Street, Guntzer Street and the former "Flynn" property on Myrtle Avenue.

**Rent Leveling - MAP Formula**

Mayor Alter stated that the MAP formula is one of the most difficult things to tweak.

Mr. Villano suggested that the Borough's ordinance be changed so that increases would be lowered from 5% to 4.5% a year. He said that he had spoken to Mr. Pohan who wrote the original ordinance.

Mayor Alter stated that any change will encourage an abnormal amount of protest.

Mr. Villano stated that the five percent increases over the last five to six years have not been fair to tenants.

Mayor Alter replied that the MAP formula has a number of elements. The Borough has previously fought for tenants' rights all the way to federal court. He does not want the federal courts to re-examine this. He was not sure during the last piece of litigation if there was a housing stock. The MAP formula takes into account what landlords originally paid for the property. It's a very complicated problem.

Mr. Cervieri stated that New York City has not been much different than the Borough has. They increased five percent for one year and 7.5% for two years.

Mr. Villano said that the MAP formula takes care of everything and five percent is a cap.

Mr. Cervieri stated that a means test should be done like in New York City. Most people should be paying more than twenty-five percent of their salary into their housing costs.

Mayor Alter stated that he doesn't believe that the ordinance should be tweaked. It could lead to a lot of problems.

**Financing for New Fire Truck and Demolition of 540 Main Street Building**

Ms. Thomas stated that separate bonds will be introduced at the next few regular meetings of the Mayor and Council to cover the cost of a new fire truck and demolition of 540 Main Street.

**Municipal Welcome Sign Program**

No action was taken on this item tonight.

**Potential Centennial Committee Members**

Mayor Alter stated that originally Mr. Meyers had named people without discussing it formally with the Mayor and Council.

He added that he will give a list of fifteen people to Mr. Meyers shortly. Ms. Thomas will be on that list.

Mr. Grant volunteered to be on the committee.

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

Mr. Cervieri suggested that the St. Rocco organization have their feast on Central Road off of Main Street and to use the newly streetscaped Federspiel Street which is adjacent to St. Rocco's. He noted that only three families live on Central Road between the Bridge Plaza and Main Street. His second suggestion was for them to use Constitution Park. He does not want them to use Martha Washington Way.

Mayor Alter stated that the Borough has had no problems with them using Martha Washington Way over the last five years.

The Mayor and Council, except for Mr. Cervieri, agreed that the St. Rocco's organization can use Martha Washington Way. A resolution authorizing the use of Martha Washington Way for St. Rocco's use will be placed on the May 22<sup>nd</sup> regular meeting.

**Vending Machines at Constitution Park**

Ms. Thomas stated that there had been a request from a vendor to place vending machines in Constitution Park.

There also had been a request from someone to run the concession stand at Constitution Park.

Mr. Grant stated that because the concession stand is owned by the Borough, the Borough would have to advertise for bids for the use of the concession stand.

The Mayor and Council agreed that the bid specifications should include a price that will be not more than \$100.00 a month to anyone wishing to run the stand.

(Editor's Note:) Mr. Grant was informed by the Purchasing Consultant on May 20, 2003 that no formal bids are required. Award of the lease may be done by obtaining two written quotes.

Bids would only need to be done if the lease amount exceeded the current bid threshold of \$17,500.

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

A resolution authorizing the purchase of concealed type body armor for the Police Department at a cost of \$21,254.11 from Ray's Sport Shop in Plainfield, New Jersey will be placed on the May 22<sup>nd</sup> regular meeting proposed consent agenda.

Fifty percent of the payment will be reimbursed to the Borough from the federal government.

**Renaming of Street for Firefighter**

Ms. Thomas stated that the Fire Department has requested the renaming of Lewis Street to Cavaliere Street in honor of deceased fireman Fred Cavaliere who was killed in the line of duty in the 1920's.

Mr. Cervieri suggested that Lewis Street should have two signs, one indicating its current name and a second sign showing it as Cavaliere Way.

**Signage - (Additional Item)**

The Mayor and Council asked Mr. Grant to have the Theda Bara Way sign removed from the corner of Main Street and Linwood Avenue.

**Fort Lee Girls' Soccer**

This item was discussed in closed session.

**PUBLIC HEARINGS SCHEDULED FOR MAY 22, 2003**

Ord. #2003-11--Amending Chapter 388, Sections 24 & 55, "Loading Zones" to Include New Loading Zone at a Point 120 Feet South of the Intersection of Main and Schlosser Streets and Extending 42 Feet in a Southerly Direction on Schlosser Street

Ord. #2003-13--Bond Ordinance for Construction of a  
Community Center and Sports Fields and Other Related  
Expenses - \$13,500,000

**PUBLIC PARTICIPATION**

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

**RESOLUTION FOR CLOSED SESSION**

**On motion by Councilwoman Voss, seconded by Councilman  
Sargenti** and approved **unanimously**, the meeting moved back into  
closed session at 9:10 p.m.

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

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

Property Acquisition

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 returned to  
open session and was adjourned **on motion by Councilwoman Voss,  
seconded by Councilman Cervieri** at 9:20 p.m.

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Neil Grant, RMC  
Municipal Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, May 1, 2003**

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 Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Voss, Cervieri

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Neil Grant, Borough Clerk  
Steve Muhlstock, 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 1, 2003, 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 2, 2003, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and PALISADIAN 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 2003 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Police Department - Thomas Tessaro, Police Chief, in Attendance  
Emergency Medical Technician  
Fire Prevention Bureau  
Senior Citizens' Department  
Part-time Summer Employees

Potential Property Acquisition (Appraisals) - Ray Levy,  
Director of Economic Development in Attendance

AT&T Monopole

Litigation - Signage

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**

Edward Mignone, Boswell McClave Engineering representative, was present for this portion of the meeting.

**Fiscal Year 2004 Municipal Aid Program**

Mr. Mignone stated that he's looking for suggestions as to what streets the Borough might want to repair as part of the State's 2004 Municipal Aid Program.

Messrs. Cervieri and Alter both discussed improving the south end of Federspiel Street.

Mr. Mignone added that the State usually allocates between \$125,000 - \$200,000 for this program. Lighting can be done as part of a sidewalk improvement program. The basis of the program is for construction-type improvements.

**Hudson Technologies Contract for HVAC Work at Police Facility**

Mr. Grant explained that Calgi Inc. had hired Hudson Technologies to make repairs to the police facility's HVAC system, without first having the Borough enter into a contract with them.

It was agreed that a resolution awarding a contract to Hudson Technologies for the decontamination work of the HVAC system that they performed in the amount of \$12,864 will be placed on the May 8<sup>th</sup> regular meeting proposed consent agenda.

**GENERAL DISCUSSION**

**Sports League's Budgets**

Ms. Thomas handed out the sports league's proposed 2003 budget for the Mayor and Council to review. (See Addendum A)

The budget has gone up from \$58,800 in 2002 to \$61,100 in 2003.

**Advertising for Bid for Purchase of Body Armor for Police Department**

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids for body armor for the Police Department will be placed on the May 8<sup>th</sup> regular meeting proposed consent agenda.

**Bid for Resilient Tiles for Constitution Park**

Mr. Grant explained that no bids were received for this project. Because this was the second set of bids advertised, a contract can now be negotiated with any of the previous bidders for this project.

(Editor's Note:) Mr. Grant was informed by the Purchasing Consultant on May 5, 2003 that there was actually one bidder for this project. Because Frye's Athletic Surfaces, Inc. bid was over the Borough's cost estimate for the goods or services for the project, their bid will be rejected at the May 8<sup>th</sup> regular meeting.

**Potential Centennial Committee Members**

Mayor Alter stated that twenty-five people on this committee are too many. He would like to see the list pared down to fifteen.

Ms. Kasofsky asked who prepared the list of potential committee members.

Mayor Alter replied that it was Tom Meyers.

This item to be discussed at the next work session.

**New Planning Board/Zoning Board of Adjustment Checklist**

An extensive ordinance establishing a developmental checklist for the Planning Board and Board of Adjustment as prepared by the Borough Planner, Paul Phillips, will be placed on the May 8<sup>th</sup> regular meeting for introduction.

**Bergen County Juvenile Fire Prevention Program**

Mr. Grant to inform a representative of the above program that they can make a presentation at the Mayor and Council's June 12<sup>th</sup> regular meeting.

They are acknowledging the work of firefighters Robert DeVito, Stephen Richter and Cindy Vida for their work with the Bergen County Juvenile Fire Prevention Program.

**Stop Signs at Old Palisade Road**

Mr. Cervieri explained that two stop signs westbound and one stop sign eastbound have been placed on the roadway between 100 and 200 Old Palisade Road to prevent potential accidents.

An ordinance will be introduced at the May 8<sup>th</sup> regular meeting so as to properly include the above stop intersections in the Borough's code book.

**Beautification Committee Appointment**

Mr. Grant stated that the Beautification Committee still has one vacancy. He added that Andrew Sadow, Fort Lee High School student, has been regularly attending the meetings, even though he is not presently a member. Anthony Clores, Chairman, has recommended that he be placed on the committee.

Mayor Alter will nominate Mr. Sadow at next week's regular meeting.

**World Trade Center Families for Proper Burial**

Ms. Thomas stated that families of the World Trade Center victims are looking for proper burial of the remains of their family members.

Mayor Alter stated that he will write to the Governor's Office to see what the State government is doing with this issue.

The Council concurred that the State government should be involved with this issue as opposed to municipalities just simply passing endorsing resolutions.

**Fire Department Request for Street Renaming**

Mayor Alter stated that he and the governing body need recommendations from the committee (Council members Voss and Cervieri), that he formed with regard to renaming of certain Borough streets.

Mr. Cervieri replied that even though there are some duplicate street names, that if a street name is changed, it can affect many residents and businesses.

At Mr. Cervieri's suggestion, it was agreed that the area of Beverly Hills Road where Fireman's Park is located and where the statue of fallen firefighter Fred Cavailiere is, should be known as Cavailiere Square. This would eliminate the need for changing the name of the street.

Ms. Thomas to notify the Fire Department of this proposed change.

**PUBLIC HEARINGS SCHEDULED FOR MAY 8, 2003**

- Ord. #2003-10--Establishing Chapter 281 Providing for the Regulation, Licensing and Placement of News Racks in the Borough of Fort Lee
- Ord. #2003-12--Amending Chapter 349, Sections 1,3,8, - "Smoke and Carbon Monoxide Detectors"

**PUBLIC PARTICIPATION**

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

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

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Neil Grant, RMC  
Municipal Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, April 24, 2003**

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 Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Voss, Cervieri

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Neil Grant, Borough Clerk  
Steve Muhlstock, Borough Attorney

**ABSENT:** Councilman Cervieri

**MAYOR'S STATEMENT**

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

1. On January 1, 2003, 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 2, 2003, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and PALISADIAN 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 2003 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

**On motion by Councilwoman Voss, 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: Senior Citizens  
Deputy Emergency Management Coordinator

Contract: AT&T Monopole

Interlocal Health Services Partnership Agreement -  
Borough of Fort Lee and Bergen County

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**

**Allied Services of N.E. Inc. - Change Order for HVAC**

Mayor Alter asked Mr. Chewcaskie when is the Borough going to go into claim against the contractors who originally designed the HVAC system at the police facility.

Mr. Chewcaskie replied that he's awaiting the expert report which is expected to be ready by next week. He added that the general contractors and others have been put on notice.

A resolution approving a change order for Allied Services in the amount of \$19,705.25 for additional labor and material used in order to facilitate repairs to the police facility's HVAC system will be placed on tonight's regular meeting proposed consent agenda.

**Emergency Repair to Collapsed Sewer at Bluff Road and Palisade Avenue**

A resolution authorizing payment to J. Fletcher Creamer & Sons in the amount of \$7,693.67 for emergency repairs to the collapsed sewer at the above location will be placed on tonight's regular meeting proposed consent agenda.

**Installation of Granite Block Curb for Municipal Lot**

Ms. Thomas stated that the Parking Authority will be purchasing granite block curb from Bagnato & Sons, Inc. for the continuing improvements to the municipal parking lot. Because Bagnato's purchase quote was under the bid threshold, no resolution is required. Two formal quotes were received.

GENERAL DISCUSSION

Amending Smoke and Carbon Monoxide Ordinance

On questioning from Mayor Alter, Mr. Chewcaskie explained at the request of James Carney, Fire Subcode Official, that the Borough's smoke and carbon monoxide ordinance needs to be amended so as to be consistent with State statute.

Loading Zone Ordinance - Intersection of Main and Schlosser Street

Mayor Alter recalled that there was only supposed to be ingress at Schlosser Street when the new mall opened up. He wants to make sure that the loading zone ordinance on Schlosser Street would not be inconsistent with the approvals given by the Planning Board.

It was agreed that the loading zone ordinance should be introduced at tonight's meeting. The public hearing will be scheduled for May 22<sup>nd</sup> so that Mr. Chewcaskie can review the developer's agreement and Planning Board approvals to see if Mayor Alter is correct.

Bond Financing for Community Park and Van Fleet Park

Ms. Thomas stated that the Borough is going to the Local Finance Board to request a waiver of down payment with regard to the bonding for the Community Park and Van Fleet Park. When she reviewed pending projects with the CFO and Borough Auditor, there were other recreation projects such as Van Fleet Park and the Lewis F. Cole Middle School field. The \$13,500,000 bond ordinance being introduced incorporates those projects. This gives authorization to borrow but doesn't necessarily mean the full amount needs to be borrowed.

Mayor Alter stated that the Board of Education has planned to begin the middle school field work July 1<sup>st</sup> which would interfere with the Borough's July 4<sup>th</sup> celebration. He has requested that they wait until after then.

Mr. Sargenti spoke to Paul Leale, Board of Education member, who told him that the work is being held up and will not affect the July 4<sup>th</sup> celebration. Ed Mignone, Borough Engineer, came down to the middle school field to look at the work that needs to be done.

**Waiver of Down Payment Application to Local Finance Board**

A resolution authorizing waiver of down payment for the bond ordinance that is being introduced tonight will be placed on tonight's meeting for approval.

**Rebid of Lease for Borough Property, Block 4701, Lots 2,8,10**

Mr. Grant explained that there were no bidders for this item. A second set of bids have to be advertised before the Borough can negotiate an agreement for the property. Through December 31, 2002, B.L.M. Holding had entered into a contract with the Borough for the use of the above property. They currently use the property for parking at the Plaza Diner.

**Advertising for Bids for Maintenance of Police Facility**

A resolution authorizing the Purchasing Consultant to obtain specifications and advertise for bids for maintenance of the police facility will be placed on tonight's regular meeting proposed consent agenda.

**Use of Old ShopRite Building for Fire Department Drills**

Ms. Thomas stated that the Fire Department has requested to use the old ShopRite building for Fire Department drills in May. They will be using controlled nonflammable and non-toxic materials.

Mayor Alter asked Ms. Voss to inform the public of the fire drills during her council report so that the public will not be worried if they see fire department personnel and apparatus at the site.

**Bergen County Open Space Preservation Trust Fund**

Mr. Grant explained that this is the last phase of a five year program that awards grant money for maintaining open spaces.

It was agreed that an application should be filed for the open space park area in conjunction with the proposed community center that is planned at the old ShopRite property.

A resolution endorsing an open space grant application will be placed on the May 22nd regular meeting proposed consent agenda.

Streetscape Decorative Banners

No decision was made on this item tonight.

PUBLIC PARTICIPATION

The public offered no comment during this portion of the meeting.

RESOLUTION FOR CLOSED SESSION

**On motion by Councilwoman Voss, seconded by Councilwoman Kasofsky** and approved **unanimously**, the meeting moved back into closed session at 7:30 p.m.

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

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

Port Authority Negotiations  
Borough's Extraordinary Aid Application

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 moved back into open session and was adjourned **on motion by Councilman Pohan, seconded by Councilwoman Voss**, at 7:45 p.m.

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Neil Grant, RMC  
Municipal Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, April 3, 2003**

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

**PRESENT:** Council Members Pohan, Kasofsky, Villano, Sargenti, Voss, Cervieri

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Neil Grant, Borough Clerk  
Steve Muhlstock, Borough Attorney

**ABSENT:** Mayor Alter

**MAYOR'S STATEMENT**

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

1. On January 1, 2003, 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 2, 2003, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and PALISADIAN 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 2003 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Litigation: Ciudadreal vs. Borough of Fort Lee  
Marc Arnold, Esq., for Ciudadreal was Present

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

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

Council President Voss chaired the meeting in the Mayor's absence.

**ENGINEERING DISCUSSION**

**Van Fleet Park Design Plans**

Ms. Thomas stated that yesterday she met with council members Pohan and Sargenti, along with Boswell McClave Engineering representatives Ed Mignone and Andy Hipolit, who discussed the redesign of Van Fleet Park. The bids for the redesign should be going out in May with the anticipated completion of the park October 1, 2003.

**Bagnato & Sons, Inc. - Change Order #2 (Streetscape II)**

A resolution approving a change order for (-\$49,880.57) for Bagnato & Sons, Inc. will be placed on the April 10, 2003 regular meeting proposed consent agenda.

**GENERAL DISCUSSION**

**Police Vehicles - Richard Radoian, Motor Vehicle Coordinator in Attendance**

Mr. Radoian stated that the Police Department wants to buy a total of four police vehicles. Three vehicles will be marked and one unmarked. Three Fords and one Dodge Intrepid will be purchased. The cutoff date for the purchase of the vehicles is May 1st.

Ms. Thomas added that there is \$80,000 in the Police Department's current budget for the vehicles. They will be buying the modified Ford package.

Mr. Radoian added that they are selling seven cars at the next auction. All the vehicles to be sold have over 90,000 miles on them.

Mr. Cervieri asked out of the confiscated cars, how many can

be released to the Police Department.

Mr. Radoian pointed out that all four of the Borough's mechanics are doing a great job with the Borough's fleet of vehicles.

Ms. Thomas stated that since Dennis Guglielmi, borough mechanic, took over repairing the Borough's fleet of cars with the other mechanics, the auto line expense item is down \$25,000.

**Funding for Anderson Point Park, Van Fleet Park and New Fire Ladder Truck**

Ms. Thomas stated that the bonding for the above projects will be introduced at the April 24<sup>th</sup> regular meeting. The Anderson Point project will have a separate bond because the Borough has to go the Local Finance Board in Trenton to request a waiver of the down payment.

The bonding has to be done because a line item needs to be established.

Mr. Cervieri recommended that the bond amounts be held off or conservative in nature as to not to tip the hand of the Borough to any prospective bidders with regard to the Borough's estimate of the cost to improve the park.

Ms. Thomas added that there will be alternates when the park is bid on.

Mr. Pohan suggested that the bond include language that indicates appurtenant finishings and equipment for the facility.

**Rent Leveling - MAP Formula**

Matt Shapiro, Fleet representative, spoke during this portion of the meeting.

Mr. Shapiro stated that the purpose of using the MAP Formula (maximum allowable percentage increase) for all tenants would be to approximate what landlords' cost increases actually are.

He spoke to the following four components that make up the MAP Formula.

1. Consumer price index - housing element multiplied by (.35%)
2. Tax part - element based on tax increase on property
3. Building where landlord pays for all utilities, based on utilities element of consumer price index.

4. Prior year carryover - increase of five percent in one year gets capped until next year.

He stated that history shows that by using the old MAP Formula landlord costs were brought up to the inflation rate which has been about 2.5%.

Mr. Shapiro stated that seniors have been paying approximately 2.5% a year in rent increases. Everyone else has been paying five percent which he believes is too much. Everyone should be using the MAP Formula. He believes it's the ultimate fair formula. Landlords are doing well to the detriment of tenants.

Mr. Pohan stated that prior to the Nixon administration and during Carter's term, rents were going up because of higher prices. Consumer wage and price controls were in place during that time. Consumer goods and rates were rising at high levels. Tenants were angry that landlords were able to raise their rates upwards to five to eight percent a year. When the Borough's laws were changed to allow rents to only rise by 2.5% a year, the landlords started filing for hardship with the Rent Leveling Board. The goal back when the MAP was finally established was not to have the landlords receive a full ride on the consumer price index. Millions of dollars were tied up in escrow. There weren't too many hardship applications after the MAP formula was finally established.

Mr. Grant to check with Phyllis Saleh, Rent Leveling Board Administrator, with regard to the number of hardship cases that have been recently filed by landlords.

Conversation ensued between Messrs. Shapiro, Pohan, Cervieri and Muhlstock with regard to the MAP formula.

Mr. Cervieri asked Mr. Shapiro in the event the MAP was adopted for everyone, how would he feel about vacancy decontrol.

Mr. Shapiro replied that it would lead to landlord harassment to get tenants out of the buildings.

Mr. Cervieri suggested that mandatory community service and/or jail time be given to any landlord, including principals of corporations, who are convicted of harassment.

He added that if the rent control ordinance was going to be opened for discussion, a means test similar to one adopted in New York City should also be discussed. He believes that everything should be on the table for discussion.

It was agreed that no official action would be taken by the governing body at this time; however, the possible modification of the MAP Formula will continue to be looked into by the governing body.

**540 Main Street Building**

Mr. Villano stated that to renovate the 540 Main Street building would cost approximately \$200 per square foot where rebuilding it would only cost \$150 per square foot. He added that he was originally for renovating the building, but now believes that the building should be leveled.

Mr. Cervieri concurred that demolition is a good idea. He said because the 530 Main Street structure would be exposed, he thought it would be a good idea that the exposed side be fixed up and paid for by the Borough. He added that the prior owner promised to clean that side of the building.

Ms. Voss stated that it would set a bad precedent for the Borough to pay for the exposed side of the 530 Main Street structure once the 540 Main Street structure is leveled.

Mr. Villano suggested that once the 540 Main Street structure is down, Mr. Cervieri's suggestion could be looked into.

Mr. Pohan asked if the building was environmentally sound.

Mr. Cervieri replied that the building was cleaned up to the Borough's satisfaction before the Borough took deed to it.

The council concurred that a resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids for the demolition of the 540 Main Street building be placed on the April 10<sup>th</sup> regular meeting proposed consent agenda.

**Guntzer Street House**

Mr. Villano stated that even though the property was fairly expensive, the Guntzer Street house was a good property to buy because it's contiguous to Borough Hall.

Ms. Thomas stated that in order to expand the Richard A. Nest Senior Citizens' Center, her plan includes moving Human Services, Rent Leveling, Emergency Management and Mr. Meyers' office to the Guntzer Street house. The General Services Department will do the renovations in-house to make the building accessible to the public.

Mr. Cervieri asked if an elevator is going to be put in the house.

Ms. Thomas replied that there would be no elevator placed there. She's targeting a mid-June move for the above departments.

**Funding for the New Jersey State Council for the Arts**

A resolution petitioning the State to restore funding for the New Jersey Council for the Arts will be placed on the April 10<sup>th</sup> regular meeting proposed consent agenda.

**Redemption Account for Redeemed Tax Sale Certificates**

A resolution authorizing the opening of a redemption account with Commerce Bank for redeemed tax sale certificates will be placed on the April 10<sup>th</sup> regular meeting proposed consent agenda.

Mr. Grant added that even though no more resolutions for redeemed tax sale certificates will be on the agendas any more, the redeemed tax sale certificates will still be included on the monthly bill list.

**RESOLUTION**

**R-1 - Endorsing the Borough of Fort Lee's Application for New Jersey Department of Transportation Enhancement (TE) Program Funding**

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

WHEREAS, the Borough of Fort Lee is preparing a grant application to the State of New Jersey Department of Transportation Enhancement (TE) Program; and

WHEREAS, the Borough of Fort Lee is proposing transportation enhancements along Main Street to increase pedestrian use and safety, promote the historical significance of the area as a passageway during the revolutionary war, improve viability for commercial uses within the transportation corridor, and visually enhance a vital New Jersey Transit thruway within the Borough; and

WHEREAS, an award from the TE program will enhance the economy of the Borough of Fort Lee and improve the overall

quality of life for the residents and those who travel through the area; and

WHEREAS, the Borough of Fort Lee is committed to continual ownership and maintenance of the project for a minimum of twenty years and throughout its useful life; and

WHEREAS, in order to enhance the project's construction readiness, the Borough of Fort Lee will be responsible for all engineering and design fees associated with the project,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Fort Lee that the Borough is pleased to support and endorse the project and the above-mentioned grant application to the State of New Jersey Department of Transportation TE program.

The Resolution was **approved unanimously**.

**Englewood Cliffs Resolution on Combined Sewer Project (Added on Item)**

Mr. Cervieri asked if the Borough was going to adopt the same type of resolution that Englewood Cliffs has.

Ms. Thomas stated that she prefers that the Borough doesn't tip its hand that it may not want to do Phase II through Phase V of the combined sewer project until at least Phase I is completed. She mentioned that regulations are forthcoming from the DEP that stormwater will have to be separated if the sewers are separated. If the Borough's sewers stay mainly combined, then it may work in the Borough's behalf.

It was agreed that a resolution similar to Englewood Cliffs' should be placed on the April 10<sup>th</sup> regular meeting proposed consent agenda.

**Design Criteria for Commercial Properties (Added on Item)**

Mr. Pohan stated that someone should check with Mr. Levy on this item.

**Rooftop Housing of Antenna and/or Like Equipment (Added on Item)**

Mr. Muhlstock to speak to Paul Phillips, Borough Planner, with regard to this item.

News Racks (Added on Item)

Mr. Muhlstock to speak to Steven Monetti, Parking Authority Executive Director, with regard to this item.

PUBLIC PARTICIPATION

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Ciudadreal Litigation	Mr. Muhlstock
	.DOT Streetscape Resolution	Mr. Sargenti
	.StateAid	Ms. Thomas
	.Borough Gates	

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

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Neil Grant, RMC  
Municipal Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, March 20, 2003 @ 8:20 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 Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Voss, Cervieri

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Neil Grant, Borough Clerk  
Steve Muhlstock, 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 1, 2003, 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 2, 2003, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and PALISADIAN 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 2003 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Senior Citizens

Contract: Community Grants & Planning

Employee Benefits for Professionals - Chapter 88,

Public Laws of 1974

Property Acquisition: Port Authority

Litigation: Ciudadreal vs. Borough of Fort Lee  
AT&T Wireless vs. Borough of Fort Lee  
Helmsley vs. Borough of Fort Lee

Pending Litigation: Discussion of Revaluation Contract  
and Consent Order

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**

Edward Mignone, Boswell McClave Engineering representative, was present for this portion of the meeting.

**Combined Sewer Separation Phase I Bids**

Mr. Mignone stated that twenty-seven firms picked up bid specifications and nine bids were received. However, the bids ranged from \$6,400,000 to \$10,000,000, which were over the cost estimate for the project; therefore, he cannot recommend an award of bid. He has spoken to the Department of Environmental Protection, and has asked if the project can be scoped down to fit the Borough's budget.

Mayor Alter spoke about flooding areas in the first phase.

Ms. Thomas stated that the bids will be rejected and that authorization to readvertise for bids with a different set of specifications will be done.

Mr. Mignone added that there will be a base bid plus some alternates which will make it easier to fit into the Borough's budget. He added that he has to receive a letter from the DEP that authorizes the rejection of bids.

Once the DEP rejection letter is forwarded, the appropriate resolution will be authorized at a regular meeting.

Mr. Cervieri asked if the DEP is now requiring that all the phases be done.

Mayor Alter stated that the Borough was snookered a little.

The original perception was that the whole town had to have its sewers be separated.

At this time it has been agreed only to go forward with phase 1. A lot of the sewers in this area are in bad shape.

**Bluff Road Pump Station Floatable Collection System Bid**

A resolution awarding bid to Fresh Creek Technologies, Inc., for netting trash trap cleaning services at the Bluff Road Pump Station for a three year contract at a total cost of \$72,360.00 will be placed on the March 27, 2003 regular meeting proposed consent agenda.

Mr. Cervieri spoke about having new catch basins installed when sewer projects are done.

Mr. Mignone added that New York City has started to use the new catch basin design and the amount of floatables has been greatly reduced.

**Bicycle Path South of GWB to PIP Park - Luke Guglielmo, Police Lieutenant in Attendance**

Lieutenant Guglielmo explained two different bicycle paths that are being proposed by the State DOT and the Port Authority/Palisades Interstate Park that will run through Fort Lee.

Copies of both plans are available in the office of the Borough Clerk and will be kept as permanent record with tonight's meeting minutes.

The State DOT project known as the East Coast Greenway project is a series of bicycle paths that would run from Maine to the Florida Keys. The PA/PIP project would be on River Drive underneath the George Washington Bridge span.

The governing body as a whole expressed concerns about both projects.

Ms. Thomas asked what happens when the bicycle riders are riding northbound on River Road.

Mr. Pohan replied that the bicycle riders will be practically in the roadway on River Road.

Lieutenant Guglielmo stated that the PA/PIP are definitely looking at their project seriously and that some sort of bicycle path will definitely be placed in this region. He has already requested that the DOT review their bicycle paths and come back with amendments to it as there are major traffic/pedestrian concerns with it.

Mr. Cervieri stated that he doesn't like either plan.

Mayor Alter stated that both plans are flawed.

The governing body concurred that the Borough is not agreeable to either bicycle plan.

**Change Order for Integrated Access Systems for Police Department Camera Surveillance Project**

Note: On the original agenda, the vendor was listed erroneously as Verizon Connected Solutions, Inc.

Ms. Thomas stated that Thomas Tessaro, Police Chief, requested additional monitors and that housing equipment was being moved from the first floor communications room to the second floor storage room at the Police Department.

A resolution approving a change order for Integrated Access Systems for the audio-visual portion of the camera surveillance project at a cost of \$21,302.35 will be placed on the March 27<sup>th</sup> regular meeting proposed consent agenda.

Mayor Alter asked what's holding up the project.

Ms. Thomas replied that the project is moving along but PSE&G has moved very slowly with regard to approvals that the Borough has needed.

**GENERAL DISCUSSION**

**Archeological Survey of Monument Park**

Ms. Thomas stated that two proposals have been received for an archeological survey for Monument Park. The Borough has received a \$3,000 grant for the project, but there would be an additional \$7,000 in costs to do the survey.

The governing body agreed that they are not prepared to go forward with this at this time.

**Review on Statues for Monument Park Restoration and Borough Centennial**

Mayor Alter stated that any statues that the Borough decides to fund are supposed to coincide with the Centennial. He said a committee needs to be formed with two council members and some of the Borough's leading citizens. Mr. Meyers can make his recommendations. The committee will make decisions to approve expenditures accordingly with final say from the governing body. He expects to see the committee fully up and running by the summer. If the Borough doesn't timely act with regard to the statues, he assured everyone that some other things will be done to coincide with the Borough's Centennial celebration.

**Redevelopment Areas 3 and 4**

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

Mr. Pohan stated that the Planning Board is looking to study two areas as possible areas in need of redevelopment. He sited them as 2175 Lemoine Avenue and the vacant lot across the street from the Metropolitan Plant Exchange on Main Street.

A resolution authorizing the Planning Board to review certain blocks and lots, to see if they meet the legal criteria as areas in need of redevelopment will be placed on the March 27, 2003 regular meeting proposed consent agenda.

**Beautification Committee Request for Name Change**

Mayor Alter stated that certain Beautification Committee members believe that they are not doing anything important. It's his suggestion that maybe the Beautification Committee could be eliminated with some of their representatives placed on the Board of Adjustment.

**Smoke-Free Resolution From Health Department**

Ms. Voss stated that the Health Department passed a resolution that supports Assembly Bill A-688 which would prohibit smoking in the common areas of indoor public places.

No action taken by the governing body.

**Liquor License Transfer Restaurant Yamaguchi, Inc., to Daniel Kim at 308 Hoym Street (Mailing Address)**

A resolution authorizing person to person transfer from Restaurant Yamaguchi, Inc.'s, liquor license to Daniel Kim will be placed on the March 27<sup>th</sup> regular meeting proposed consent agenda.

Mr. Grant explained that this will be Mr. Kim's second license, both of which are inactive. After two years of inactivity, an owner must request a special ruling from the Alcoholic Beverage Control to maintain ownership of the liquor license.

**PUBLIC HEARINGS SCHEDULED FOR MARCH 27, 2003**

Ord. #2003-7--Ordinance Accepting Redevelopment Plan as Approved by the Planning Board and Authorizing Zoning Amendments Pursuant Thereto

Ord. #2003-8--Ordinance Correcting Ord. #2002-42 - Age Restricted Apartment Residential Zone (R-6A Zone)

Ord. #2003-9--"CAP" Rate Index Ordinance

**2003 MUNICIPAL BUDGET**

Ms. Voss requested that a budget meeting be held for the governing body before next week's public hearing on the budget.

**New Seats for Fort Lee Historic Park Auditorium**

Ms. Thomas stated that Tom Meyers sent a memo that indicated there are 500 used theater seats available from Nelson Page who is renovating his theater. The cost of each seat is \$4.00. To install the seats with new flooring at the auditorium would cost \$5,000. The additional seats that are not needed would be stored by the company doing the installation at a cost of \$250.00 per month.

Mr. Cervieri questioned the exact number of seats to be purchased and suggested that prior to entering any contract to buy seats, the governing body should be advised of any on-going costs relating to the storage or upgrading of the seats.

Mayor Alter suggested that as many seats as possible be purchased.

PUBLIC PARTICIPATION

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

There being no further discussion, the meeting was adjourned **on motion by Councilman Sargenti, seconded by Councilman Villano,** at 9:05 p.m.

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Neil Grant, RMC  
Municipal Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, March 6, 2003**

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 Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Voss, Cervieri

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Neil Grant, Borough Clerk  
Steve Muhlstock, 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 1, 2003, 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 2, 2003, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and PALISADIAN 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 2003 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: DPW  
EMT's

Contracts: Lee Cohen, Special Counsel

Lease of Municipal Property

Lease Agreement Between P.I.P. Commission & Borough of Fort Lee

Revaluation Contract

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

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

**RESOLUTION**

**R-1 - Providing for the Refunding of Certain Unfunded Pension Liabilities of the Borough and Authorizing Issuance of Refunding Bonds of the Borough for Costs Thereof**

Mr. Iannaconi stated that the interest rate is 4.70% on the unfunded pension liability bonds. There is a taxable savings of \$4,000,000 which will be spread out over a twenty to twenty-two year period. The state likes to see a net present value savings of at least three percent (3%). The Borough's net present savings on these bonds is sixty-five percent (65%).

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

**RESOLUTION OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE REFUNDING OF CERTAIN UNFUNDED PENSION LIABILITIES OF THE BOROUGH AND AUTHORIZING THE ISSUANCE OF \$4,230,000 REFUNDING BONDS OF THE BOROUGH FOR FINANCING THE COST THEREOF**

WHEREAS, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law") of the State of New Jersey authorizes the issuance by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") of bonds for the purpose of refunding liabilities of the Borough attributable to an early retirement incentive program; and

WHEREAS, in accordance with the Local Bond Law, the Borough Council has heretofore finally adopted on December 12, 2002, Ordinance No. 2002-52 authorizing the issuance by the Borough of refunding bonds in an amount not to exceed **\$4,300,000** for the purpose of retiring the Borough's liability to both the Police and Firemen's Retirement System and the Public Employees' Retirement System under previously adopted early retirement incentive programs (collectively, the "Borough's Pension Liabilities"); and

WHEREAS, pursuant to the Local Bond Law, the Borough has sought and obtained approvals on December 11, 2002, from the Local Finance Board of the Department of Community Affairs of the State of New Jersey (the "Local Finance Board") of the adoption by the Borough Council of the Refunding Ordinance and the issuance of obligations thereunder; and

WHEREAS, in accordance with the Local Bond Law, the Borough desires to approve the issuance of Pension Refunding Bonds, Series 2003 (the "Bonds") in an aggregate principal amount of \$4,230,000 to be issued series for the purpose of retiring the Borough's Pension Liabilities, and to provide for the form, maturities, interest rates, price and other details of the Bond; and

WHEREAS, in connection with the sale and issuance of the Bonds, the Borough also desires to approve and authorize (I) the distribution of a preliminary official statement (the "Preliminary Official Statement") and the execution and distribution of an official statement (the "Official Statement"), and (ii) the sale of the Bonds,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fort Lee, in the County of Bergen, New Jersey (not less than two-thirds of all members thereof, affirmatively concurring), AS FOLLOWS:

Section 1. The Borough hereby authorizes the issuance and sale of the Bonds of the Borough in the aggregate principal amount of \$4,230,000.

Section 2. The Bonds shall be designated as "Pension Refunding Bonds, Series 2003". The Bonds shall be issued in the aggregate principal amount of \$4,230,000. The Bonds shall be dated March 1, 2003, shall be numbered from 1 upward in the denomination of \$5,000 or any multiple of \$1,000 in excess thereof, shall be issued as fully registered bonds and shall mature on March 1 in each of the years and in the principal amounts, and shall bear interest at the rates as follows:

PENSION REFUNDING BONDS, SERIES 2003

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2004	\$ 10,000	1.600%
2005	290,000	2.000%
2006	210,000	2.450%
2007	140,000	3.000%
2008	175,000	3.350%
2009	200,000	3.700%

2010	220,000	4.000%
2011	250,000	4.250%
2012	280,000	4.600%
2013	310,000	4.700%
2014	345,000	4.750%
2015	385,000	4.800%
2016	425,000	4.850%
2017	470,000	4.900%
2018	520,000	4.900%

TOTAL \$4,230,000

Section 3. The Bonds will be initially issued in book-entry form only in the form of one certificate for the aggregate principal amount of the Bonds of each series maturing in each year and, when issued, will be registered in the name of and held by Cede & Co., as registered owner and nominee for The Depository Trust Company, New York, New York ("DTC"), which is hereby appointed to act as securities depository for the Bonds. The Bonds will be dated March 1, 2003 and will bear interest payable on September 1, 2003 and semiannually thereafter on the 1<sup>st</sup> day of March and September (each, an "Interest Payment Date"), in each year until maturity. As long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made by the Borough, or a bank or trust company (if any) selected by the Chief Financial Officer to act as paying agent and bond registrar for the Bonds pursuant to Section 10 hereof (the "Paying Agent"), directly to DTC or its nominee, Cede & Co., which will credit payments of principal of and interest on the Bonds to the participants of DTC as of the fifteenth day of the month prior to the month in which such interest Payment Date occurs (the "Record Dates" for the payment of interest on the Bonds), which participants will in turn credit such payments to the beneficial owners of the Bonds. The registration books of the Borough shall be kept by the Chief Financial Officer (or, if appointed pursuant to Section 10 hereof, by the Paying Agent at its corporate trust office).

The Bond shall be payable as to both principal and interest in lawful money of the United States of America. The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Borough Clerk. If a Paying Agent is appointed pursuant to Section 10 hereof, the foregoing attestation may be made by facsimile signature of the Borough Clerk provided that the Bonds shall be authenticated by the manual signature of the Paying Agent. The following matters are hereby determined with respect to the Bonds:

Date of Bonds: March 1, 2003

Interest Payment Dates: September 1, 2003 and each March 1 and September 1 thereafter until maturity, with payment being made to DTC, or its authorized nominee, by the Borough or the Paying Agent

Bond Registrar/Paying Agent: Borough of Fort Lee, unless a Paying Agent is appointed pursuant to Section 10 hereof

Securities Depository: The Depository Trust Company New York, New York

Authorized Denominations: \$5,000 or any integral multiple of \$1,000 in excess thereof

*Section 4. Redemption.* The Bonds maturing prior to March 1, 2014 are not subject to redemption prior to maturity.

The Bonds maturing on or after March 1, 2014 are subject to redemption prior to maturity at the option of the Borough, as a whole or in part at any time on or after March 1, 2013 in such order of maturity as decided by the Borough, at a redemption price equal to one hundred percent (100%) of the principal amount to be redeemed, plus accrued interest thereon to the date fixed for redemption.

Any Bond subject to redemption as aforesaid may be called in part, provided that the portion not called for redemption shall be in the principal amount of **\$5,000** or any integral multiple of **\$1,000** in excess thereof. If less than all of the Bonds of a particular maturity are to be redeemed, Bonds of that maturity shall be selected by the Chief Financial Officer (or, if appointed pursuant to Section 14 hereof, the Paying Agent) by lot.

When any Bonds are to redeemed, the Chief Financial Officer (or, if appointed pursuant to Section 10 hereof, the Paying Agent) shall give notice of the redemption of the Bonds by publishing such notice in a newspaper of general circulation that carries financial news, is printed in the English language and is customarily published on each business day in th City of New York, State of New York, such publication to be at least thirty

(30) but not more than sixty (60) days before the date fixed for redemption. Notice of redemption also shall be mailed by the first class mail postage prepaid, to the registered owners of any Refunding Bonds or portions thereof which are to be redeemed, at their respective addresses as they last appear on the registration books of the Borough maintained by the Borough. Such mailing shall not be a condition precedent to such redemption, and failure to so mail or to receive any such notice to any of such registered owners shall not affect the validity of the proceedings for the redemption of the Bonds. Notice of redemption having been given as aforesaid, the Bonds, or portions thereof so to be redeemed, shall, on the date fixed for redemption, become due and payable at the redemption price specified therein plus accrued interest to the redemption date and, upon presentation and surrender thereof at the place specified in such notice, such Bonds, or portions thereof, shall be paid at the redemption price, plus accrued interest to the redemption date. On and after the redemption date (unless the Borough shall default in the payment of the redemption price and accrued interest), such Bonds shall no longer be considered as outstanding. If moneys, sufficient to pay the redemption price and accrued interest have not been made available by the Borough on the redemption date, the Bonds called for redemption shall continue to bear interest until paid at the same rate as they would have borne had they not been called for redemption.

During any period in which DTC (or any successor thereto) shall act as securities depository for the Bonds, the notices referred to above shall be given only to such depository and not to the beneficial owners of the Bonds. Any failure of such depository to advise any of its participants or any failure of any participant to notify and beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings.

*Section 5.* The Chief Financial Officer of the Borough is hereby authorized to provide for the issuance of the Bonds in book-entry-only form and to execute any certificates, documents and agreements evidencing the same.

*Section 6.* The Bonds shall be signed by the Mayor and a Financial Officer, by their manual or facsimile signatures, and the corporate seal of the Borough shall be affixed thereto, or imprinted or reproduced thereon, and attested by the manual or facsimile signature of the Borough Clerk.

*Section 7.* The distribution by the Borough of the Preliminary Official Statement and the use of contents of the Official Statement in substantially the form of the Preliminary Official Statement presented to this meeting are hereby ratified

and approved with such changes as counsel may advise, and the use of the information contained therein concerning the Borough in connection with the sale of the Bonds are hereby ratified and approved and authorized and the Chief Financial Officer of the Borough is hereby authorized and directed to execute and deliver to the Purchaser of the Bonds the final Official Statement with such changes as counsel may advise and the officer executing the same may approve, such approval to be evidenced by such officer's execution thereof. The Chief Financial Officer is hereby authorized to deem final the Preliminary Official Statement for purposes of Rule 15c2-12 of the Securities and Exchange Commission.

*Section 8.* Commerce Capital Markets is hereby designated as the Borough's investment banker in connection with the Bonds.

*Section 9.* The Bonds shall be in substantially the form attached hereto as Exhibit A, with such changes as may be appropriate.

*Section 10.* The Chief Financial Officer is hereby authorized to select and to enter into an agreement with a Paying Agent to ensure that the Borough can meet its obligations undertaken herein to the holders of the Bonds. The Chief Financial Officer may, however, elect not to select a Paying Agent for the Bonds, and may elect to select a Paying Agent at any time prior or subsequent to the issuance of the Bonds. However, the Chief Financial Officer shall select a Paying Agent upon any determination to cause the Bonds to be registered in the names of the beneficial owners thereof, as provided in Section 12 or Section 13 hereof.

*Section 11.* The Chief Financial Officer is hereby authorized to enter into an agreement with DTC setting forth the respective obligations of DTC, the Borough and the Paying Agent (if any) with respect to the payment and transfer of the Bonds. The Borough agrees to comply with all obligations set forth in such agreement.

*Section 12.* In the event that DTC shall determine to discontinue providing its services as securities depository with respect to the Bonds, the Borough and the Paying Agent (if any) may enter into an agreement with a substitute securities depository, if available. Alternatively, the Borough and the Paying Agent (if any) may cause the Bonds to thereafter be registered in the names of, and delivered to, each beneficial owner of the Bonds.

*Section 13.* The Borough may terminate the services of DTC as securities depository with respect to the Bonds if the Borough

determines that (I) DTC is unable to discharge its responsibilities with respect to the Bonds, or (ii) continued use of the book-entry system is not in the best interests of the beneficial owners of the Bonds. In such event, the Borough and the Paying Agent (if any) shall either contract with a substitute securities depository or cause the Bonds to be registered in the names of the beneficial owners thereof, as provided in Section 10 hereof.

*Section 14.* A Continuing Disclosure Certificate in substantially the form attached hereto as Exhibit B is hereby approved, and the Chief Financial Officer is hereby authorized and directed to execute and deliver a Continuing Disclosure Certificate on behalf of the Borough in substantially such form, with such insertions and changes therein as the Chief Financial Officer may approve, such approval to be evidenced by his/her execution thereof.

*Section 15.* The proceeds of the Bonds shall be applied for the purpose of refinancing the Borough's Pension Liabilities and financing certain costs incurred by the Borough in connection with the issuance of the Bonds.

*Section 16.* The Commitment to Issue a Financial Guaranty Insurance Policy dated 2003 (the "Commitment") from Financial Security Assurance, Inc. ("FSA"), providing for the issuance of municipal bond new issue insurance policy insuring the payment when due of the principal and interest on the Bonds as provided therein is hereby accepted. The Chief Financial Officer of the Borough is authorized to accept the Commitment from FSA and to comply with the terms thereof. The terms and requirements of the Commitment are hereby incorporated herein by this reference thereto and the Borough covenants and agrees to comply with the terms of the Commitment.

*Section 17.* The Purchase Contract with respect to the Bonds, substantially in the form submitted to the Borough Council at this meeting is hereby approved and accepted, subject to such changes and corrections as are deemed necessary or appropriate by the Mayor or the Chief Financial Officer after consultation with the Borough's counsel and/or bond counsel, his, her or their execution thereof to be conclusive evidence of such acceptance and approval. The Bonds are hereby awarded to Commerce Capital Markets, Inc. (The "Underwriter"), upon the terms set forth in such Purchase Contract, which provides for a purchase price of **\$4,188,116.60** (the **\$4,230,000** par amount of the Bonds, less original issue discount of **\$16,503.40** and less underwriter's discount of **\$25,380.00**), plus accrued interest from March 1, 2003 to the date of issuance of the Bonds. The Mayor, the Administrator and/or the Chief Financial Officer of the Borough

are each hereby authorized, empowered and directed to execute and deliver said Purchase Contract on behalf of the Borough.

*Section 18.* The Mayor and the Chief Financial Officer of the Borough are hereby designated, authorized and directed to perform or determine any other matters or details relating to the Bonds. The Chief Financial Officer of the Borough shall be and he is hereby authorized and directed to execute and deliver, for and on behalf of the Borough, any and all instruments, opinions, affidavits, certificates, documents or other papers, including, and to do and to perform or cause to be done any and all acts as they may deem necessary or appropriate in order to implement the issuance, execution and delivery of the Bonds and the matters herein and are hereby authorized to pay out of the proceeds of the Bonds the costs of issuance therefor. The Mayor, the Chief Financial Officer and the Clerk of the Borough are hereby designated, authorized and directed to perform or determine any other matters or details relating to the Bonds.

*Section 19.* This resolution shall take effect immediately.

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

**AYES: Council Members Pohan, Kasofsky, Villano, Sargenti,  
Voss, Cervieri**

#### **ENGINEERING DISCUSSION**

Edward Mignone, Boswell McClave Engineering representative, was present for this portion of the meeting.

#### **Van Fleet Park**

A resolution awarding a contract to Boswell McClave to redesign and provide construction oversight services at Van Fleet Park at a cost of \$25,000 will be placed on the March 13<sup>th</sup> regular meeting proposed consent agenda.

Mr. Iannaconi stated that a bond ordinance will have to be introduced before bids can be taken for the project.

Ms. Thomas stated that the bond ordinance will have to be amended at a later time anyway because the price of the clubhouse will have to be added to the bond.

#### **Fort Lee Tax Map Update**

Ms. Thomas stated that Boswell will bring the maps up-to-date through 2003 as well as renumber blocks and lots.

Mr. Muhlstock added that the new maps will not go into effect until one year after the revaluation is completed.

A resolution awarding a contract to Boswell McClave to update the Borough's tax maps at a cost of \$14,500 will be placed on the March 13<sup>th</sup> regular meeting proposed consent agenda.

**Constitution Park Playing Field**

Mr. Sargenti stated that there is a consensus to place a ball field on the opposite side of the main ball field in the southeast corner of Constitution Park. David Hochstadt, President of Mediterranean South, has no problem with the Borough placing a field for the kids in that section of the park. A cage with a backstop and dugouts along with fencing should cost approximately \$18,400 installed. The field will continue to be grass except for the cutouts that will be used for the bases, pitcher's mound and catcher's area. The Parks Department will handle the implementation of the cutouts. The total costs including the cutouts will be roughly \$21,0000.

Ms. Thomas stated that fencing will be placed on the Linwood Avenue side of the park.

Mr. Sargenti stated that the fencing will be twelve feet high.

Mayor Alter asked what has to be done to go forward.

Ms. Thomas replied that the Borough has to advertise for bids for the backstop and fencing for the park.

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids for the above items will be placed on the March 13<sup>th</sup> regular meeting proposed consent agenda.

**GENERAL DISCUSSION**

**Repair of Damaged 1985 Fire Truck**

Ms. Thomas stated that the Borough has presently received \$45,000 in insurance money for the damaged 1985 fire truck. It's expected that the Borough will receive another \$15,000 for the damages. The Fire Department believes it should not be repaired and that a new truck should be purchased.

Mr. Cervieri asked what the salvage value is.

Ms. Thomas replied that the salvage value is \$15,000. She added it's the Fire Company's first responder truck. The Borough is currently borrowing one from the Bergen County Fire Academy.

Mr. Cervieri asked Ms. Thomas to check about getting a truck from the Port Authority.

It was agreed that the Fire Department should begin the process of preparing bid specifications for a new ladder truck.

**Condo-Cooperative Softball League for Borough Employees**

It was agreed that the Borough would allocate \$600.00 out of its sports league budget so that the Borough could join the condo-cooperative softball league. It will still cost each employee \$25.00 out of their own pocket to play in the league.

Judge John DeSheplo's title company will pay for the costs of the softball uniforms.

**Police Department Camera Surveillance Project**

Mr. Muhlstock explained that the Palisades A/V Company, LLC has requested that their agents be held harmless in the event of any claims concerning illegal use of the surveillance camera equipment.

A resolution authorizing an amendment to a license agreement for placement of surveillance equipment at the property owned by Palisade A/V Company, LLC will be placed on the March 13<sup>th</sup> regular meeting proposed consent agenda.

Ms. Thomas stated that the project is moving along to its conclusion.

**Rebid for Surface Tiles for Constitution Park**

Mr. Grant explained that the bids for the surface tiles for the new playground equipment came in over the budgeted amount set by the Borough for the project. A second set of bids must be authorized before the Borough can negotiate a price with a contractor.

A resolution authorizing the rejection of bids and advertising for the rebid for the above project will be placed on the March 13<sup>th</sup> regular meeting proposed consent agenda.

**Rejecting Bid for 4-Wheel Drive SUV for Ambulance Corps and Authorizing Purchase of Ford Excursion for Ambulance Corps**

A resolution rejecting a bid for a four-wheel drive Yukon due to the Borough revising their bid specifications and also authorizing the purchase of a 2003 Ford Excursion SUV from Warnock Automotive at a cost of \$27,326 will be placed on the March 13<sup>th</sup> regular meeting proposed consent agenda.

**Repair of Lewis F. Cole Middle School Field**

Mr. Sargenti stated that the Board of Education is going to spend \$850,000 to repair the Middle School field.

Ms. Voss added that the repair expenses for the field will be a ballot question at the upcoming school board election.

Mr. Sargenti suggested that with the number of youth programs, it might be a good idea if the Borough funded the fixing of the field.

Ms. Thomas stated that the School Superintendent called her and asked if there is any Bergen County Open Space money available. She told him that the municipality would have to make the application as the County program is not intended for Boards of Education. All the money is placed in one pot and divided out based on need.

**Card Access Control for Borough Hall**

Ms. Thomas stated that the price of having card access control for Borough Hall would be \$75,000 plus an additional \$12,500 to have card access for the gates.

Mr. Villano stated that it's a waste of money.

Mr. Cervieri replied that it's a wonderful system.

Mayor Alter added that every state building has this system in place.

Ms. Thomas stated that the Police Department has this system in place.

Mr. Cervieri stated that by having this system it would eliminate the questions about people having unauthorized access.

Mr. Pohan asked about changing all the locks.

Ms. Thomas replied that a handful of people have a master key and a few people have a key to the back door and their own offices.

It was agreed that locks only on the building would be changed at this time.

**Widow/Widower's Pension Proposal for Fire Department**

This item to be considered at the first executive session in July, when all of the other additional salary requests are discussed.

**PUBLIC HEARINGS SCHEDULED FOR MARCH 13, 2003**

Ord. #2003-7--Ordinance Accepting Redevelopment Plan as Approved by the Planning Board and Authorizing Zoning Amendments Pursuant Thereto

Ord. #2003-8--Ordinance Correcting Ord. #2002-42 - Age Restricted Apartment Residential Zone (R-6A Zone)

**PUBLIC PARTICIPATION**

There was no one present from the public tonight.

There being no further discussion, the meeting was adjourned **on motion by Councilwoman Voss, seconded by Councilman Villano,** at 8:52 p.m.

---

Neil Grant, RMC  
Municipal Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, February 20, 2003 @ 8:15 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 Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Voss, Cervieri

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Neil Grant, Borough Clerk  
Steve Muhlstock, Borough Attorney  
Joseph Iannaconi, Chief Financial Officer

**MAYOR'S STATEMENT**

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

1. On January 1, 2003, 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 2, 2003, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and PALISADIAN 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 2003 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: DPW Mechanics

Litigation: 2011 Lemoine Avenue vs. Parking Authority

Contract: Van Fleet Park Engineering

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**

Edward Mignone, Boswell McClave Engineering representative, was present for this portion of the meeting.

**Improvements to Cumbermeade Road**

Ms. Thomas stated that the Borough has been granted \$125,000 through a local aid application for this project. The Borough would be funding the difference for the improvements to Cumbermeade Road which is approximately \$35,000.

Mr. Mignone stated that Boswell's engineering proposal for this project is \$27,700 which includes design and construction oversight inspection work.

Mr. Cervieri asked why Cumbermeade Road isn't being repaired when the Phase II sewer separation project is commenced.

Mr. Mignone replied that the Phase II of the Borough's sewer separation project won't be commenced for at least another two years and probably not completed until four years from now.

A resolution authorizing Boswell McClave to do the engineering for the Cumbermeade Road project at a cost not to exceed \$27,700 will be placed on the February 27<sup>th</sup> regular meeting proposed consent agenda.

**Treatment Works Approval for Exxon Mobil Corp. (Route 5)**

A resolution authorizing Mayor Alter and/or Ms. Thomas to execute a Treatment Works Approval application for Exxon Mobil Corp. for relocation of a sanitary sewer pipe will be placed on the February 27<sup>th</sup> regular meeting proposed consent agenda.

**GENERAL DISCUSSION**

**2003 Municipal Budget**

Ms. Thomas presented the following preliminary worksheet to the Mayor and Council (Addendum A) with regard to this year's municipal budget.

Mr. Iannaconi stated that the Borough is applying for extraordinary aid this year. The pool of money the State allocates for extraordinary aid has been cut from \$30,000,000 to \$25,000,000 this year.

Mayor Alter stated that there is no more surplus in this budget than usual.

A resolution authorizing the introduction of the Municipal Budget will be placed on next week's regular meeting.

Mayor Alter pointed out that possible amendments may occur after the public hearing. The governing body presents the budget as prepared by the Administrator and the governing body can make changes after the public hearing.

Ms. Thomas added that Mr. Pohan as finance chairman has had input into the budget.

Mr. Cervieri asked about the difference between the total appropriations for 2002 and 2003 and the difference in the tax levy for those years.

Mr. Iannaconi explained that revenue consists of permit fees, state aid, etc. and the remainder of the revenue is what is raised by the collection of taxes.

Ms. Thomas stated that there are a few minor typing errors that will be fixed by the time the final budget is adopted.

Mr. Iannaconi stated that the Borough will also introduce a CAP Rate Index Ordinance. The CAP increase this year is one (1%)%. The State of New Jersey allows for such an ordinance.

Mayor Alter stated that the Borough has received reaffirmation of its credit rating for its bonds from Moodys. The towns bond rating is higher than the State of New Jersey. He added that Fort Le is a financially well run town.

### **Worker's Compensation Procedures**

Ms. Thomas stated that there has been an increase in the amount of worker's compensation cases in the Borough. The Borough is under scrutiny by the South Bergen Joint Insurance Fund. In the last eight months the Borough has tightened up claims and how

they're treated and investigated. The Borough has been working with Lee Cohen, Labor Attorney, and the Risk Manager with regard to procedures in how claims are handled.

Ms. Thomas has requested that a resolution regarding adoption of workers' compensation procedures for the Borough be approved at next week's regular meeting.

Ms. Thomas explained the management program of Bergen Risk. They are keeping a rolling list of high risk workers or workers who have put in a lot of claims. There has been considerable improvement in the last year.

Mr. Sargenti asked if the Borough has a repeater's list.

Ms. Thomas responded that employees who are on workman's compensation need to be in their house. A lot of costs were related to four serious incidents. The numbers of claims for the Police Department have been a high.

Mr. Pohan pointed out some corrections that need to be made to the procedures guide before they are adopted next week.

**Developer's Agreement for Exxon Mobil Corp. (Route 5)**

A resolution as prepared by the Borough Attorney will be placed on the February 27<sup>th</sup> regular meeting proposed consent agenda.

**Purchase of Computer Equipment for Building Department**

Ms. Thomas stated that the computer equipment for the Building Department is old and antiquated. They are requesting the purchase of eight computer with flat screen monitors.

Mr. Iannaconi added that he and Ms. Thomas go over problems for the departments as they arise and try to anticipate problems before they happen.

A resolution authorizing the purchase of the computers and related computer peripheral equipment for the Building Department from Compaq Computer Corp. at a cost of approximately \$20,000 will be placed on the February 27<sup>th</sup> regular meeting proposed consent agenda.

**Lease/Purchase of Copy Machine for Emergency Management**

Mayor Alter asked why Emergency Management needs a copy machine.

Ms. Thomas stated that the item is in the budget and would be paid out of the current line item account.

On questioning from Mayor Alter, Mr. Iannaconi explained that it's an expense item.

Mr. Cervieri asked about the status of Mr. Leodori's copier.

Mr. Muhlstock stated that the manufacturer has refused to take it back. He believe it's defective according to the contract.

Mr. Grant to look at copy machine that Emergency Management is currently using and report his findings back to the Mayor and Council.

**Green Acres Funding**

Ms. Thomas stated that a low cost two (2%) loan is available from Green Acres funding. The loan would be for improvements to Van Fleet Park and possibly Monument Park. The application is being put together by Community Grants and Planning.

Mr. Villano asked why the money isn't being bonded for.

Mr. Grant replied that with no bond costs and professional costs a low cost loan is the better way to obtain the money.

Ms. Thomas added that Van Fleets probable cost is close to a \$1,000,000. The maximum loan amount allowed is \$500,000. Van Fleet Park is the priority item.

**PUBLIC HEARING SCHEDULED FOR FEBRUARY 27, 2003**

Ord. #2003-6--Amending Salary Ordinance #2002-14 -  
Salaries and Wages for Certain Non-Union Employees for  
2002-2005

**PUBLIC PARTICIPATION**

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

There being no further discussion, the meeting was adjourned **on motion by Councilman Villano, seconded by Councilman Cervieri,** at 8:45 p.m.

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Neil Grant, RMC  
Borough Clerk

(Addendum A)

Borough of Fort Lee

2003 Municipal Preliminary Budget Worksheet

		Tax Rate
Total Appropriations 2003	45,413,250	
Total Appropriations 2003	<u>47,485,625</u>	
Increase	<u>2,072,375</u>	
Percentage	4.36%	
Tax Levy 2002	35,997,733	119.60
Tax Levy 2003	<u>38,378,236</u>	<u>124.51</u>
Increase	<u>2,380,503</u>	<u>4.91</u>
Percentage	6.20%	

Appropriation Increases

Salaries and Wages	1,130,320
Health Benefits	442,000
Garbage and Trash	130,000
Other Insurance	208,900
Operating Expenses	(38,845)
Capital Improvement Fund	<u>200,000</u>
	2,072,375

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, February 6, 2003**

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 Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Voss, Cervieri

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Neil Grant, Borough Clerk  
Steve Muhlstock, 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 1, 2003, 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 2, 2003, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and PALISADIAN 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 2003 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

**On motion by Councilman Cervieri, seconded by Councilwoman Voss** 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: Health Department  
Police Department  
Wastewater Operator

Litigation: V&R Developers, Inc., vs. Fort Lee

Liquor License Transfers: J. Clores & Son, Inc., to Madelemily LLC & Fort Lee Saloon Inc. to Young Joon Park t/a Masil House

Contracts: Board of Adjustment Attorney  
Municipal Prosecutor  
Public Defender  
Purchasing Consultant  
RCN-Patriot  
Richard Wolf - Radio Frequency Engineer

Leonia Interlocal Agreement

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

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

**ENGINEERING DISCUSSION**

Edward Mignone, Boswell McClave Engineering representative, was present for this portion of the meeting.

**Awarding Bid for Improvements to Euclid Road**

Ms. Thomas explained the Euclid Road project.

A resolution awarding bid to 4-Clean Up Inc., for the roadway improvements to Euclid Road at a cost of \$41,030 will be placed on the February 13<sup>th</sup> regular meeting proposed consent agenda.

**540 Main Street Easement to United Water**

A resolution authorizing Boswell McClave to prepare an engineering metes and bounds description for an utility easement for the new Department of Public Works (DPW) garage will be placed on the February 13<sup>th</sup> regular meeting proposed consent agenda.

Once the metes and bounds description has been prepared, a resolution to enter into an agreement with United Water for a water type easement for the new DPW garage will also be placed on the February 13<sup>th</sup> regular meeting proposed consent agenda.

**Van Fleet Park Field Proposals**

Mayor Alter suggested that this item be moved into closed session for the March 6<sup>th</sup> executive session because it deals with a contract negotiation.

**Underground Sprinkler System for Constitution Park**

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids for an underground sprinkler system for Constitution Park will be placed on the February 13<sup>th</sup> regular meeting proposed consent agenda.

**Federspiel Street (Added on Item)**

Mr. Cervieri asked about the status of Federspiel Street.

Mr. Mignone indicated that he has already sent a letter to Ray Levy, Director of Economic Development, which discusses a stripped-down plan about right-of-way lines and areas that may need sidewalk easements.

He added that if the Borough commits to making Federspiel Street a one-way north roadway then the travel way will be reduced, which would reduce the need for easements for the sidewalks.

**GENERAL DISCUSSION**

**Police Range - Thomas Tessaro, Police Chief in Attendance**

Roy Bortolus, Police Captain, and Mark Finocchairo, Police Officer and PBA 245 representative, were present for this portion of the meeting.

After a lengthy discussion, it was agreed that the Police Department pistol range should be reopened two times a week with limited hours, from 10:00 a.m. to 4:00 p.m. to qualify officers for their mandated shooting requirements.

It was also agreed that the Police Department should hire an architect at a cost not to exceed \$3,000 to see how much it would cost to enclose the range.

Mayor Alter asked Mr. Finocchairo if he was satisfied with this result.

Mr. Finocchairo replied affirmatively.

**Alternate Side of the Street Parking**

After a brief discussion with Chief Tessaro, it was agreed that no action would be taken on this item at this point in time.

**Emergency Services Unit (ESU) Drill**

The Police Department has requested the use of the old police facility on Edsall Boulevard for an emergency services unit drill which is scheduled for February 19<sup>th</sup>.

The Mayor and Council and Borough Administrator had no objection to their request.

**Parking for Anderson Point Park**

After a brief discussion, it was agreed that after the park is built, the need for additional parking will be discussed. It was agreed that no change to the architect's plan with regard to parking will be done at this time.

**Community Center Facade**

Ms. Kasofsky stated that she wanted to be sure that everyone is satisfied with the aesthetic look of the building facade for the new park.

There was a very brief discussion, but nobody voiced an objection to the look of the building facade for the new park.

**Redevelopment Plan Adopted by the Planning Board**

Mr. Pohan stated that the Mayor and Council have to adopt an appropriate ordinance to accept the redevelopment plan that was approved by the Planning Board.

Mr. Muhlstock to prepare the appropriate ordinance for introduction at the February 13<sup>th</sup> regular meeting.

**Borough Hall Cleanliness**

Mr. Sargenti stated that he's satisfied with the strides that have been taken to improve the cleanliness of Borough Hall.

**Computer Usage Policy**

A resolution establishing an E-mail and Internet usage policy for all employees will be placed on the February 13<sup>th</sup> regular meeting proposed consent agenda.

**Resurfacing and Fencing for Tennis Courts at Recreation Center**

Mr. Sargenti presented pictures showing the disrepair of the fencing and tennis courts at the Recreation Center on Stillwell Avenue.

Ms. Thomas stated that there is money in the capital budget to make the necessary repairs.

It was agreed that the lighting does not need to be changed.

A forthcoming resolution authorizing a contract for engineering services for the job and the required advertising of bids for the fencing and construction will be done in the near future.

**DOT Jurisdictional Agreement for Hoym Street to BPS**

A resolution authorizing a jurisdictional highway maintenance agreement with the New Jersey DOT with regard to the Borough's streetscaping of Schlosser Street to Lemoine Avenue will be placed on the February 13<sup>th</sup> regular meeting proposed consent agenda.

The agreement requested by the State has been looked at and reviewed by Messrs. Levy, Muhlstock, and Grant.

**PUBLIC HEARINGS SCHEDULED FOR FEBRUARY 13, 2003**

- Ord. #2003-4--Amending Chapter 86, Section 4,  
Residency Requirements for New Employees
- Ord. #2003-5--Amending Chapter 360, Sections 3-7,  
Removal of Snow and Ice on Sidewalks

**PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Benefits for George "Skippy" Ruby	Mayor Alter

There being no further discussion, the meeting was adjourned  
**on motion by Councilman Cervieri, seconded by Councilman Villano**  
at 8:55 p.m.

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Neil Grant  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, January 16, 2003**

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 Alter, Council Members Pohan, Kasofsky, Villano, Sargenti, Voss, Cervieri

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Neil Grant, Borough Clerk  
Steve Muhlstock, 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 1, 2003, 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, 2003, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and PALISADIAN 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 2003 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: Police Department - Crossing Guard

Contracts: Board of Adjustment Attorney  
Planning Board Attorney

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**

**Anderson Point Park - Dean Marchetto, Architect, in Attendance**

Mr. Marchetto reported that everything is on schedule for construction bids to be taken in the middle of February. After boring samples were done, it was determined that the building is being constructed on rocky terrain. Because underground parking has been taken out, the project cost is estimated to be \$10,250,000, which includes demolition and construction. Edsall Boulevard will not be relocated.

For the benefit of the new council members, he explained the new location plan. There are approximately 102 parking spaces with the ability to have more spaces if needed. The plan incorporates the World Savings Bank staying where it is.

Mr. Sargenti asked about the size of the grass area.

Mr. Marchetto replied that the grass area is 180 yards by 180 yards.

Mr Pohan inquired about a film room and stage storage.

Mr. Marchetto stated that there are storage rooms for chairs, tables and athletic equipment. There are three rooms on either side. There are bleachers on both sides. In the middle there are tables and chairs.

Mayor Alter asked how many people can be seated with the chairs laid out auditorium style.

Mr. Machtetto replied that 500 chairs can be placed indoors with an additional 185 bleacher seats.

Mr. Marchetto spoke to the upstairs one-room approach.

Ms. Thomas asked Mr. Marchetto to include a full-length curtain in the bid specifications.

Mr. Villano also inquired about parking.

Mr. Marchetto explained that because underground parking was eliminated, the north side of the park where the children's playground was originally going to be placed has been left as an open area for additional parking.

Mr. Marchetto stated that he's ready to go to the Planning Board.

Mr. Sargenti asked about placing a walking track upstairs.

Mr. Marchetto replied that extra beams would be needed to support it.

Mayor Alter stated that the Borough has fought very hard to get the figure down to around \$10,000,000, so he believes that adding a walking track upstairs would not be a good idea because of the additional cost.

Mr. Cervieri stated that a walking track could always be put in the bid specifications as an alternate bid item.

Mr. Muhlstock stated that he doesn't think the building is high enough to allow for a walking track on the second floor. It would interfere with the ability to play basketball or soccer.

Mr. Marchetto also spoke to the aesthetic issue of having a walking track upstairs.

Mr. Marchetto stated that he has six questions for the Borough to review.

Ms. Thomas will circulate Mr. Marchetto's memo to the Mayor and Council.

Mr. Pohan asked if the demolition of the old ShopRite would be done separately.

Ms. Thomas replied the demolition would occur at the same time as the construction of the indoor facility.

On questioning from Mayor Alter, Mr. Muhlstock stated that he would get this project to the Planning Board for their approval in February.

**Police Facility HVAC and Camera Surveillance Project - Dominic Calgi, Calgi Construction Company Inc., Representative in Attendance**

Mr. Calgi handed out a memorandum with regard to both of the

above projects. (See attached addendum).

Mayor Alter asked Mr. Calgi how large is the claim up to with regard to the problems with the HVAC at the Police Department.

Mr. Calgi thought the claim would be approximately \$500,000.

Mr. Muhlstock added that with incidentals included, the figure could be anywhere from \$650,000 to \$750,000.

**Camera Surveillance Discussion**

Mr. Calgi stated that there have been a couple of changes in camera locations so as to have better viewpoints.

He's waiting to get final releases for the locations.

Mr. Muhlstock stated that he thought the Police Chief was working on it.

Ms. Thomas added that this needs to be followed up.

Mr. Sargenti asked when is the project expected to be completed.

Mr. Calgi replied that both projects should be completed by the end of April.

Mr. Muhlstock stated that Daniel Spiegel, the Borough's outside engineer for the HVAC project, passed away two weeks ago. Unfortunately, his report was not sufficient. Mr. Muhlstock is looking for another mechanical engineer.

Mr. Calgi said that it's not easy to find an engineer to testify in these kinds of matters.

**ENGINEERING DISCUSSION**

**Emergency Sewer Repairs to Buckingham Road**

Ms. Thomas explained that payments for the emergency sewer pipe repairs will come out of the loan that the Borough took out for the combined sewer separation project that's going to be done in this area.

A resolution authorizing payment to Gothold Paving will be placed on a future regular meeting agenda once the final costs for the repairs and rock removal are determined.

**Water Service and Sprinkler Feed for New DPW Building at 540 Main Street**

Ms. Thomas explained that Security Structures, Inc., which is constructing the new DPW garage at 540 Main Street, did not bid for the installation of water service and sprinkler feed for the garage. It was originally thought that the Borough's General Services staff could handle the installation. However, after two bids were received that varied greatly in price, it was realized that Security Structures could perform the service at a price lower than either of the bidders.

It was agreed that a resolution authorizing a change order for Security Structures, Inc. to install the water service and sprinkler feed for the DPW garage at a cost of \$31,037 will be placed on the January 23<sup>rd</sup> regular meeting proposed consent agenda.

**GENERAL DISCUSSION CONTINUED**

**Van Fleet Park Field Proposals**

Ms. Thomas handed out proposals to the Mayor and Council from different engineering firms with regard to the resurfacing of Van Fleet Park.

Ms. Thomas stated that because of the amount of usage on the field, the natural turf has not held up and will not hold up.

Mr. Cervieri stated that because he just received the proposals, he would like more time to review them before making any decision.

Mr. Pohan said that someone has to do the design work with regard to the project.

Mayor Alter stated that Mr. Levy should be involved in the undertaking of the project.

This item to be discussed in more detail at the February 6<sup>th</sup> executive session.

**Overnight Parking of Commercial Vehicles**

There was no discussion on this item tonight.

**Borough Hall Dome**

Ms. Thomas stated that she had received a proposal from Basil Taha of the firm Lawless & Mangione on December 9, 2002 to investigate what kind of repairs will be necessary to the exterior facade of the Borough Hall dome to stop the leaking. His proposal outlines possible different phases to the job. He's requesting \$13,500 for phases one and two.

Ms. Thomas suggested that the investigation work be undertaken. Every piece of the facade has been completed except for the dome and the leaks have not totally subsided. The dome is not encapsulated.

It was agreed that a resolution awarding a contract to Mr. Taha at a cost not to exceed \$13,500 should be placed on the January 23<sup>rd</sup> regular meeting proposed consent agenda.

**Abbott Boulevard Police Department Report**

Mayor Alter stated that the Police Department finished their report with regard to the volume and speed of traffic on Abbott Boulevard. This was done after a resident had come to a public meeting and complained about the speed of cars on Abbott Boulevard.

Mr. Cervieri gave kudos to the Police Department for their ongoing handling of the situation.

**Requests to Rename Streets (Added on Item)**

Mayor Alter formed a committee of Messrs. Voss, Cervieri and Sargenti with regard to renaming out-of-date and/or duplicate street names in the Borough.

Mr. Cervieri asked Mr. Grant to get a copy of all of the duplicate street names in the Borough and if possible the number of families on each of those streets.

**Opposition to Nonconforming Uses Legislation**

Mayor Alter stated that a town should have the ability to limit development.

It was agreed that a resolution opposing fewer restrictions on nonconforming uses will be placed on the January 23, 2003 regular meeting proposed consent agenda.

**Ambulance Corps - Purchase of First Responder Vehicle**

Mr. Sargenti stated that he spoke to Cathi Goldfischer, Ambulance Corps Chief, who indicated the vehicle they are looking for is more like a Chief's vehicle such as the Fire Department has, rather than a first responder vehicle.

Ms. Thomas stated that the last Fire Chief's vehicle cost \$26,112.

Mr. Sargenti added that the Ambulance Corps members use their own personal vehicles to move equipment. He recommended the purchase of the vehicle for the Ambulance Corps.

It was agreed that a resolution authorizing the Purchasing Consultant to advertise for bids for this purchase will be placed on the January 23, 2003 regular meeting proposed consent agenda.

**Greater Fort Lee Chamber of Commerce Journal Ad**

It was agreed upon that the Mayor and Council, Borough Administrator, Borough Clerk, Chief Financial Officer and Borough Attorney will take out a \$350.00 full page advertisement honoring Fred Daibes as the Greater Fort Lee Chamber of Commerce "Man of the Year".

**Awarding Bid for Mason Dump Truck and Roll-Off Truck**

A resolution awarding bids to the low bidder Beyer Bros, Fairview, New Jersey, for a four-wheel drive dump truck with a snowplow and a roll-off truck for the Department of Public Works will be placed on the January 23<sup>rd</sup> regular meeting proposed consent agenda.

The cost of the dump truck is \$35,818.61 and the cost of the roll-off truck is \$135,959.

**Amending Snow & Ice Removal Ordinance**

Ms. Thomas stated that Erik Swanson, Building Subcode Official, has requested a change to the current ice and snow removal ordinance after a snowfall has occurred. The current ordinance states that homeowners and business owners have to remove snow and ice within twelve hours of daylight after the snow has stopped falling. The requested new ordinance would require the cleanup of the snow and/or ice within four daylight hours after the snow has fallen.

There were no objections to the amendment from the Mayor and Council.

An Ordinance amending the regulations of snow and ice removal will be placed on the January 23<sup>rd</sup> regular meeting for introduction.

**Amending Residency Ord. #2001-57 for Borough Employees**

Ms. Thomas stated that the New Jersey Department of Personnel reviewed the Borough's existing residency ordinance and has recommended a minor change. Lee Cohen, Borough Labor Attorney, also reviewed it.

The DOP has requested that the Borough add an additional residency class to the Borough's ordinance. After residents of the County of Bergen are considered, (currently Class II) a new Class III would be added which would be residents of the State of New Jersey contiguous to Bergen County. This would be followed by Class IV, residents of New Jersey and Class V, citizens of the United States. Class I, residents of Fort Lee, remains unchanged.

Mr. Grant to prepare an appropriate ordinance for introduction at next week's regular meeting.

**Amending Handicapped Parking Ordinance - Eliminate Space in Front of Borough Hall**

Mr. Grant will amend the ordinance so as to eliminate the handicapped parking space in front of the Richard A. Nest Senior Citizens' Center. This is in conjunction with pending ordinance 2003-2 which creates a no parking zone at that location.

**Proposal for Revision of Land Use and Zoning Ordinance**

Mayor Alter stated that this is the Council's decision to make.

Ms. Thomas explained the proposal of Paul Phillips, Borough Planner, to amend the land use and zoning ordinance.

Mr. Cervieri stated that there are inconsistencies in the Borough's code. The Borough has been myopic with regard to this issue.

Mr. Muhlstock added that the Borough's zoning code is a

mess. Every time someone has a problem, one section is focused on and not the entire code.

The Mayor and Council concurred that a resolution awarding a contract to Paul Phillips of the firm Abeles, Phillips, Preiss & Shapiro to amend the Borough's land use and zoning codes at a cost of \$50,000 will be placed on the January 23<sup>rd</sup> regular meeting proposed consent agenda.

**Redeemed Tax Sale Certificates**

Mr. Cervieri requested that redeemed tax sale certificates not be placed on the agendas as the Mayor and Council have no right to reject them. He indicated that Joseph Iannaconi, CFO, has sent a memo to the general counsel for the Tax Collector-Treasurer Association of New Jersey to get an opinion on this matter. Once that opinion is received by Mr. Iannaconi, this item will be brought back at a future executive session.

**Appointment to Historical Site, Structural Committee**

Tom Meyers, former councilman, has recommended that Kevin Cerragno fill the unexpired term of Lisa Breslof who resigned from the Historical Site, et al. committee January 1, 2003.

Mayor Alter said he will consider Mr. Cerragno but will not make any appointment at next week's regular meeting.

**Fresh Creek Technologies**

Mr. Grant explained that this item should be bid out; however, a short term contract should be executed until such time as bids can be received.

A resolution amending Fresh Creek's contract for an additional three months at a fee of approximately \$3,000 will be placed on the January 23, 2003 regular meeting proposed consent agenda.

The resolution will also include language to have the Purchasing Consultant advertise for bids for this project.

**Main Street (Added on Item)**

Mr. Villano said that Main Street is very dirty.

All of the council members concurred with him.

Ms. Thomas to speak to the Health Department about issuing summonses.

**PUBLIC HEARINGS SCHEDULED FOR JANUARY 23, 2003**

- Ord. #2003-1--Amending Chapter 360, Section 39, Streetscape Improvement Project - Removal of Snow and Ice on Brick Pavers
- Ord. #2003-2--Amending Chapter 388, Section 43, "No Parking" - From a Point Beginning at the Center Avenue Apex on Main Street to Linwood Avenue Westbound North Side of Street
- Ord. #2003-3--Amending Salary Ordinance #2002-51 Superintendent of Recreation/Coordinator of Public Events

**PUBLIC PARTICIPATION**

<u>Speaker</u>	<u>Subject</u>	<u>Response</u>
Nina Levinson 1560 West St.	.Camera Surveillance Cost	Ms. Thomas
	.Part-time Employees' Benefits	
	.Extensive Lighting From Neighbor's Property	Mayor Alter Ms. Thomas Mr. Muhlstock Mr. Cervieri

Mr. Muhlstock to check other municipalities with regard to neighborhood lighting ordinances.

There being no further discussion, the meeting was adjourned **on motion by Councilman Cervieri, seconded by Councilwoman Voss,** at 9:30 p.m.

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Neil Grant, RMC  
Borough Clerk

**EXECUTIVE SESSION**

**MAYOR AND COUNCIL**

**Thursday, January 2, 2003**

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

**PRESENT:** Council Members Pohan, Kasofsky, Villano, Sargenti, Voss, Cervieri

**ALSO PRESENT:** Peggy Thomas, Borough Administrator  
Neil Grant, Borough Clerk  
Steve Muhlstock, Borough Attorney

**ABSENT:** Mayor Alter

**MAYOR'S STATEMENT**

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

1. On January 1, 2003, 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 2, 2003, a copy of said schedule was mailed to THE RECORD, JERSEY JOURNAL, and PALISADIAN 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 2003 to cover the cost of providing notice.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

Personnel: DPW/Parks

Litigation: AT&T vs. Board of Adjustment et al.

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

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

**ENGINEERING DISCUSSION**

**Costa Engineering Contract for Streetscape Phase IIA**

Ms. Thomas stated that a new contract for Costa for construction monitoring services of streetscape phase IIA that covers Main Street from Center Avenue to Anderson Avenue to the areas that have not been streetscaped yet at a cost of \$30,000 will be placed on the January 9th regular meeting proposed consent agenda.

Ms. Thomas added that this is the area for which the Borough has obtained a \$250,000 grant.

Mr. Cervieri stated that he doesn't believe the Borough should be doing residential streetscape. This is a courtesy being extended to Mr. Hochstadt. It's his recommendation that only commercial areas should have the new streetscaping.

Ms. Thomas replied that she thought it was the intent of the Mayor and Council to have all of Main Street streetscaped even if it encroached within residential areas.

Mr. Villano asked if the ISTEA Grant has to be used for this section of Main Street or if it can be moved to another portion of Main Street.

Ms. Thomas and Mr. Muhlstock both replied that the application submitted included this area of Main Street and cannot be allocated somewhere else.

Ms. Voss opined that it would be more aesthetically pleasing to continue to do the streetscaping up to Linwood Avenue rather than skip a section.

Mr. Cervieri stated that the grant money the Borough received could have been spent more wisely.

Mr. Pohan asked about Costa's fee schedule, and their ability to change rates as indicated in their proposal.

Mr. Muhlstock replied that when his office prepares a

contract there are no contingencies put in for Costa or any other contractor so that they can raise their rates when they feel it's appropriate.

**Costa Engineering Bills - Streetscape II, Municipal Parking Lot**

A resolution amending Costa's contract for construction supervision/inspection of the phase II streetscape project at a cost of \$20,000 will be placed on the January 9<sup>th</sup> regular meeting proposed consent agenda.

A resolution extending Costa's contract for construction supervision and layout services for the Main Street Municipal Parking Lot at a cost of \$18,000 will be placed on the January 9<sup>th</sup> regular meeting proposed consent agenda.

**Engineering Services for Traffic Signalization on Angioletti & Palisade Avenue**

Ms. Thomas stated that Mr. Levy has requested that Schoor DePalma be awarded a contract for engineering services so that a traffic signal can be installed on Palisade Avenue at Angioletti Place.

A resolution authorizing their services at a cost of \$22,000 will be placed on the January 9<sup>th</sup> regular meeting proposed consent agenda.

**Hiring of Site, RF and Traffic Engineers, Along With Planner for the Board of Adjustment & Planning Board**

Mr. Cervieri stated that when the Planning Board and/or Board of Adjustment needs an expert, the cost gets paid through a developer's escrow fund.

Mr. Villano inquired as to who determines which expert should be used if there is more than one expert on the list.

Mr. Muhlstock replied there is more than one expert for each type of service because there are occasional conflicts of interest. The original theory was that it was too much of a hodgepodge as to how experts were chosen and that some of the experts did not have enough knowledge of the town. The boards ultimately decide which expert should be hired.

Mr. Pohan added that by using the same expert each time, the Boards will have more consistency when making their decisions.

**Hiring of Appraiser for Relocation of Main Street/Hudson Terrace Roadway**

Ms. Thomas stated that Ray Levy has requested the hiring of an appraiser for the realigning of Main Street/Hudson Terrace. The estimated cost is \$25,000.

Mr. Cervieri stated that there should be no cost to the Borough as this is a County project.

Mr. Villano indicated that he thought the Borough was going to pay for the appraisal and Bergen County would pay for the construction costs.

Mr. Cervieri added that he believes the Borough ultimately should be reimbursed by the Port Authority.

Mr. Muhlstock stated that if the Borough told Bergen County up front that the appraiser should be paid by them, the County would want control over who the appraiser should be.

It was agreed that Mr. Levy should send the appraiser's resume to the Mayor and Council and get a more accurate price quote before next week's regular meeting.

**Annual Proposal for Netting Trash Trap Floatables Collection System at Bluff Road Pump Station**

Mr. Muhlstock stated that he spoke to the DeCotiis law firm, which represents the Edgewater Municipal Utilities Authority, which uses Fresh Creek Technologies for floatables collection. He was told by the law firm that Fresh Creek Technologies is not considered a professional service. He opined that it's a close enough call that the Borough will need to extend or issue a new contract, but he would like to see two more informal quotes received from other vendors.

Mr. Grant to supply information to Maureen Holtje, Purchasing Consultant, so that she can obtain two additional price quotes before next week's meeting.

**GENERAL DISCUSSION**

**Fort Lee American Little League Journal**

It was agreed that a \$250 journal advertisement would be taken out by the Mayor and Council, Borough Administrator, Borough Clerk, Borough Attorney and Chief Financial Officer.

Mr. Grant to collect the money and make payment to the Fort Lee American Little League for the journal advertisement.

**Constitution Park Playground Equipment Purchase and Advertising for Bids for Safety Tiles**

Mr. Sargenti stated that the old wood chips were not a good thing and that the safety tiles are a better way to go.

A resolution authorizing the Purchasing Consultant to prepare specifications and advertise for bids for safety tiles for the Constitution Park playground area will be placed on the January 9<sup>th</sup> regular meeting proposed consent agenda.

In addition, another resolution authorizing purchase of playground equipment from Ben Shaffer & Associates at a cost of \$43,000 will be placed on next week's regular meeting proposed consent agenda.

The cost of the playground equipment and safety tiles is being paid by a Bergen County Community Development Block grant of \$100,000 that the Borough has been awarded.

**Purchase of Vehicle for Ambulance Corps**

Ms. Thomas stated that the Ambulance Corps is looking for a first responder SUV GMC Yukon that costs approximately \$42,000.

Mr. Sargenti asked who pays for the vehicle and where is it going to be parked.

Ms. Thomas spoke to some of the uses for the vehicle and stated that they have money allocated in their capital budget for it.

Mr. Sargenti suggested that the requested purchase be looked into more. He also wanted to know who is going to be driving the vehicle.

Ms. Thomas to have Cathi Goldfisher, Ambulance Corps Chief, get in touch with Mr. Sargenti, who is her council liaison for 2003.

**Amend Streetscape Ordinance - No Salt on Brick Pavers**

Mr. Cervieri mentioned that the ordinance should state what can be put on the brick pavers to melt snow.

Mr. Muhlstock stated that he will speak to Steve Monetti about amending his original draft. Once the ordinance amendment is decided upon it will be placed for introduction at next week's regular meeting.

**Amend No Parking Ordinance to Include No Parking from Main Street at Center Avenue Apex to Linwood Avenue Westbound**

An ordinance to include no parking at the above location will be placed for introduction at next week's regular meeting.

**Chamber of Commerce Art Show - Use of Borough Property**

Ms. Thomas stated that the Greater Fort Lee Chamber of Commerce is planning a spring outdoor car and antique show. They have requested the use of Monument Park for the antique show and have requested the use of either Martha Washington Way, the Main Street Municipal Parking Lot or the former ShopRite Parking Lot for their antique car show.

There were no objections to the Chamber using Monument Park for the antique show. Mr. Cervieri suggested that the Chamber use the Municipal Parking Lot for their car show as long as the lot is ready to be used after its renovation and upgrading.

**PUBLIC PARTICIPATION**

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

There being no further discussion, the meeting was adjourned **on motion by Councilman Pohan, seconded by Councilman Cervieri,** at 8:45 p.m.

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Neil Grant, RMC  
Borough Clerk