

Introduced	J. CURVINO	Date of Introduction	January 10, 2008
Seconded	M. SARGENTI	Public Hearing	January 24, 2008
		Date of Adoption	January 24, 2008

BOROUGH OF FORT LEE

ORDINANCE # 2008-1

AN ORDINANCE AMENDING SALARY ORDINANCE #2006-46 AMENDING TITLES, SALARIES AND SALARY RANGES FOR WHITE COLLAR EMPLOYEES

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee that Ordinance #2006-46 is hereby amended as follows:

SECTION I: White Collar Personnel Schedule "A" shall be amended to include the title, amended salary, and amended salary range for the following position from July 1, 2007 through December 31, 2009.

<u>Title</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
Recreation Program Specialist	\$37,214	\$38,713	\$40,274

Salary Range

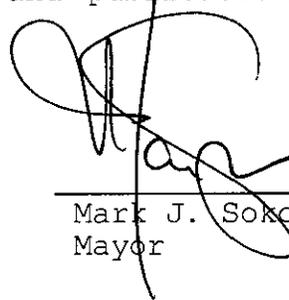
Recreation Program Specialist	\$25,000 to \$55,000
-------------------------------	----------------------

SECTION II: This ordinance shall supersede any previous adopted ordinances with regard to these positions and shall take effect immediately upon passage and publication as prescribed by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk



Mark J. Sokolich
Mayor

Introduced	<u>J. CLAVIURI</u>	Date of Introduction	<u>January 10, 2008</u>
Seconded	<u>M. SARGENTI</u>	Public Hearing	<u>January 24, 2008</u>
		Date of Adoption	<u>January 24, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-2

AN ORDINANCE AMENDING SALARY ORDINANCES #2006-47 AND #2007-46 FOR CERTAIN NON-UNION EMPLOYEES (SCHEDULE C) FOR 2008-2009

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee that Ordinance #'s 2006-47 and 2007-46 are hereby amended as follows:

NON-UNION PERSONNEL (Schedule C)

<u>PART-TIME ANNUAL</u>	<u>2008</u> <u>Minimum</u>	<u>2009</u> <u>Minimum</u>
Mayor	\$18,783	\$19,540
Council Members	\$12,522	\$13,027

SALARY RANGE

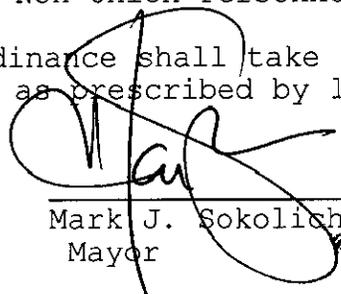
Mayor	\$18,783 to \$19,540
Council Members	\$12,522 to \$13,027

SECTION I: This Ordinance shall supersede any other salary ordinance for certain Non-Union Personnel (Schedule C).

SECTION II: This Ordinance shall take effect immediately upon passage and publication as prescribed by law.

ATTEST:

Neil Grant



 Mark J. Sokolich
 Mayor

 Neil Grant
 Borough Clerk

Introduced	J. CERVIERI	Date of Introduction	January 10, 2008
Seconded	M. SARGENT	Public Hearing	January 24, 2008
		Date of Adoption	January 24, 2008

BOROUGH OF FORT LEE

ORDINANCE # 2008-3

**AN ORDINANCE AMENDING SALARY ORDINANCES #2004-22
AND #2005-13 ESTABLISHING SALARIES FOR WHITE COLLAR
EMPLOYEES AND CERTAIN NON-UNION EMPLOYEES**

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee that Ordinance numbers 2004-22 and 2005-13 are hereby amended as follows:

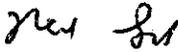
SECTION I: Non-Union Personnel Schedule "B" shall be amended to reflect the following positions for 2008 as indicated below:

<u>Name</u>	<u>Title</u>	<u>Salary</u>
J. Sheldon Cohen	Labor Attorney	\$ 85,500

SECTION II: The positions of Board of Adjustment attorney and Borough attorney shall be eliminated as part of the Borough's salary ordinances.

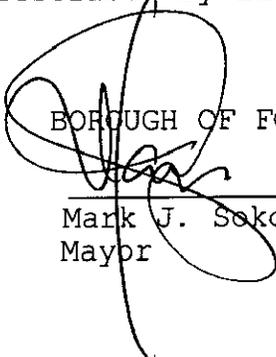
SECTION III: This ordinance shall take effect immediately upon passage and publication as prescribed by law.

ATTEST:



Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark J. Sokolich
Mayor

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>January 10, 2008</u>
Seconded	<u>H. SCHMER</u>	Public Hearing	<u>January 24, 2008</u>
		Date of Adoption	<u>January 24, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-4

AN ORDINANCE AMENDING CHAPTER 42 ADVISORY COMMITTEE FOR THE DISABLED, SECTION 2 COMPOSITION, OF THE CODE OF THE BOROUGH OF FORT LEE

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 42, Advisory Committee for the Disabled, Section 2 Composition, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That Borough Ordinance 42-2 (A) shall provide that the membership on the Advisory Committee for the Disabled is hereby expanded to at least 18 and no more than 20 persons, and membership on the Committee shall include a representative to serve as Legal Advisor.

Section 2. That Borough Ordinance 42-2 (A) is hereby amended to read as follows: "The Committee shall be comprised of at least 18 and no more than 20 persons, at least 51% of which shall be persons with disabilities or parents of a child with a disability or a resident family member who is the caregiver of a person with a disability. The balance of the Committee shall be composed of the following borough departments or representatives: Liaison of the Mayor and Council, Buildings, General Services, Recreation, Parks, Parking Authority, School District, one of the Emergency Services (either Police, Fire or Emergency Management), Legal Advisor, and a member of the business community."

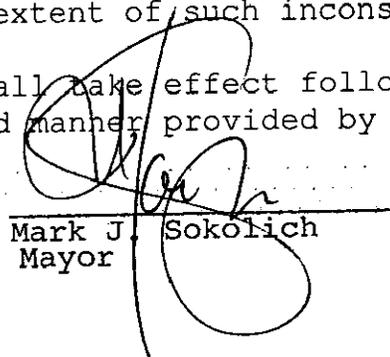
Section 3. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk


Mark J. Sokolich
Mayor

Introduced	<u>H. SCHMIDT</u>	Date of Introduction	<u>January 24, 2008</u>
Seconded	<u>A. PUGHAN</u>	Public Hearing	<u>February 14, 2008</u>
		Date of Adoption	<u>February 14, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-5

**AN ORDINANCE AMENDING CHAPTER 388 VEHICLES AND TRAFFIC,
ARTICLE III, TRAFFIC REGULATIONS, SECTION 37 PARKING
PROHIBITED WHEN ROAD IS SNOW COVERED, OF THE CODE OF THE
BOROUGH OF FORT LEE**

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 388, Vehicles and Traffic, Article III Traffic Regulations, Section 37 Parking Prohibited When Road Is Snow Covered, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section I. That Borough Ordinance 388-37 shall be amended to provide that Schedule XXII, attached to and part of this Chapter, listing the streets, or portions of streets where parking is prohibited when snow has fallen, shall include the southerly side of Bridge Plaza North between Lemoine Avenue and Center Avenue. Whenever snow has fallen and the accumulation is such that it covers the street or highway, an emergency shall exist and no vehicle shall be parked on that portion of Bridge Plaza North described above. This parking restriction shall remain in effect after the snow has ceased, until the streets have been plowed sufficiently, and to the extent that parking will not interfere with the normal flow of traffic.

Section II. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section III. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE

Mark Sokolich
Mark Sokolich, Mayor

Introduced	<u>H. Szymura</u>	Date of Introduction	<u>January 24, 2008</u>
Seconded	<u>A. Pennon</u>	Public Hearing	<u>February 14, 2008</u>
		Date of Adoption	<u>February 14, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-6

**AN ORDINANCE AMENDING CHAPTER 372 TAXICABS AND LIMOUSINES,
ARTICLE II LIMOUSINES, SECTION 36 LICENSE FEES, OF THE CODE
OF THE BOROUGH OF FORT LEE**

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 372, Taxicabs and Limousines, Article II Limousines, Section 36 License Fees, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That Borough Ordinance 372-36 shall be amended to include the following provision providing for the exaction of a fee for the transfer of a limousine license:

E. The fee for the transfer of a limousine owner's license to operate a limousine service in the Borough shall be \$150.00. The fee shall be due and payable to the Borough prior to the approval and effectiveness of the transfer.

Section 2. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

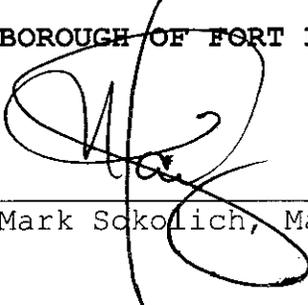
Section 3. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark Sokolich, Mayor

Introduced	<u>H. SCHMIDT</u>	Date of Introduction	<u>January 24, 2008</u>
Seconded	<u>A. PENN</u>	Public Hearing	<u>February 14, 2008</u>
		Date of Adoption	<u>February 14, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-7

AN ORDINANCE AMENDING CHAPTER 372 TAXICABS AND LIMOUSINES, ARTICLE I TAXICABS, SECTION 14 LICENSE FEES, OF THE CODE OF THE BOROUGH OF FORT LEE

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 372, Taxicabs and Limousines, Article I Taxicabs, Section 14 License Fees, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That Borough Ordinance 372-14 shall be amended to include the following provision providing for the exaction of a fee for the transfer of a taxicab license:

- D. The fee for the transfer of a taxicab owner's license to operate a taxicab service in the Borough shall be \$150.00. The fee shall be due and payable to the Borough prior to the approval and effectiveness of the transfer.

Section 2. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 3. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE

Mark Sokolich

Mark Sokolich, Mayor

Introduced	<u>H. SIVYLA</u>	Date of Introduction	<u>January 24, 2008</u>
Seconded	<u>J. GOLDBERG</u>	Public Hearing	<u>February 14, 2008</u>
		Date of Adoption	<u>February 14, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-8

AN ORDINANCE AMENDING CHAPTER 388 VEHICLES AND TRAFFIC, ARTICLE V SCHEDULES, SECTION 43 SCHEDULE I NO PARKING, IN ACCORDANCE WITH CHAPTER 388 VEHICLES AND TRAFFIC, ARTICLE II PARKING, SECTION 5 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS, OF THE CODE OF THE BOROUGH OF FORT LEE

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 388, Vehicles and Traffic, Article V Schedules, Section 43 Schedule I No Parking, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That Borough Ordinance 388-43 shall be amended to provide that Schedule I, attached to and part of this Chapter, listing the streets, or portions of streets where parking is prohibited, shall include:

- a. Center Avenue - West Side - from the southern most curblineline of Guntzer Street, and going in a southerly direction, and extending to a point of 98 feet.

Section 2. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 3. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE

Mark Skolich

Mark Skolich, Mayor

Introduced	<u>H. SOMMER</u>	Date of Introduction	<u>January 24, 2008</u>
Seconded	<u>A. POWAN</u>	Public Hearing	<u>February 14, 2008</u>
		Date of Adoption	<u>February 14, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-9

AN ORDINANCE AMENDING CHAPTER 388 VEHICLES AND TRAFFIC, ARTICLE V SCHEDULES, SECTION 44 SCHEDULE II PARKING PROHIBITED DURING CERTAIN HOURS, IN ACCORDANCE WITH CHAPTER 388 VEHICLES AND TRAFFIC, ARTICLE II PARKING, SECTION 6 PARKING PROHIBITED CERTAIN HOURS ON CERTAIN STREETS, OF THE CODE OF THE BOROUGH OF FORT LEE

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 388, Vehicles and Traffic, Article V Schedules, Section 44 Schedule II Parking Prohibited Certain Hours, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That Borough Ordinance 388-44 shall be amended to provide that Schedule II, attached to and part of this Chapter, listing the streets, or portions of streets where parking is prohibited during certain hours, shall include:

- a. Main Street - South Side - From William Street to John Street, Monday through Friday between the hours of 5:00 a.m. to 9:00 a.m. at meters.
- b. Fletcher Avenue - East Side - From the corner of Main Street to a point of 252.6 ft in a northerly direction, Monday through Friday between the hours of 5:00 a.m. to 9:00 a.m. at meters.

Section 2. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 3. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE

Mark Sokolich
Mark Sokolich, Mayor

Introduced	H SUMNER	Date of Introduction	January 24, 2008
Seconded	A POHAN	Public Hearing	February 14, 2008
		Date of Adoption	February 14, 2008

BOROUGH OF FORT LEE

ORDINANCE # 2008-10

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 289, SECTION 34, OF THE BOROUGH OF FORT LEE CODE ENTITLED REGULATIONS CONCERNING MUNICIPAL PARKING LOTS

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, AS FOLLOWS:

H. Meters designated; time permitted. All metered spaces within the municipal parking lots listed in section A of this ordinance shall be reserved for a twenty four (24) hour period.

K. Municipal Parking Lots at Center Avenue (Block 4101, Lot 40), Gerome Avenue (Block 4203, Lots 5 and 6), Main Street (Block 3510, Lot 1), Warren Avenue (Block 501, Lot 1), Guntzer Municipal Lot (Block 4701, Lot 2), Main Street Lot and Bigler Street Lots (Block 4803, Lot 1), and the Fort Lee Community Center Lot south (Block 1603, Lot 10), shall operate on a twenty four (24) hour basis. Therefore, the times and rates, to be established by the Parking Authority, as per other sections contained herein, shall be effective at all times of each and every day of the year. Signage shall indicate the fact that regulations on these lots are applicable at all times.

Section II. All other parts, portions and provisions of Chapter 289 of the Fort Lee Code entitled "Parking" be and the same are hereby ratified and confirmed, except where inconsistent herewith. In the event of any such inconsistency, the terms and provisions of this Ordinance shall be deemed to govern.

Section III. The provisions of this Ordinance are hereby declared to be severable; should any section or portion thereof be held invalid or unconstitutional, such decision shall not affect the validity of any remaining sections hereof.

Section IV. This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

Neil Grant

Neil Grant, Borough Clerk

BOROUGH OF FORT LEE

Mark J. Sokolich

Mark J. Sokolich, Mayor

Introduced	<u> N. SUMNER </u>	Date of Introduction	<u> January 24, 2008 </u>
Seconded	<u> A. FORDNA </u>	Public Hearing	<u> February 14, 2008 </u>
		Date of Adoption	<u> February 14, 2008 </u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-11

AN ORDINANCE AMENDING ORDINANCE #2006-17 AND ORDINANCE #2007-54, AND SUPPLEMENTING CHAPTER 261 LAND USE PROCEDURES, "APPENDIX B: FEES AND ESCROW FUNDS," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 261, Land Use Procedures, Appendix B: "Fees and Escrow Funds," of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. The current text of Paragraph "D" of Appendix B: "Fees and Escrow Funds" is hereby replaced with the following:

D. Application Fee Schedule

1. Applications for minor site plans: \$200
2. Applications for preliminary major site plans: \$500
3. Applications for final major site plans: \$400
4. Applications for minor subdivisions: \$300 plus \$100 per lot
5. Applications for preliminary major subdivisions: \$500
6. Applications for final major subdivisions: \$300 plus \$50 per lot
7. Applications for "c" variances:
 - a. Applications relating to properties whose principal use is a single-family home: \$100
 - b. All other applications" \$300
8. Applications for "d" variances:
 - a. Applications relating to properties whose principal use is a single-family home: \$200
 - b. All other applications" \$400
9. Court Reporter Appearance Fees
 - a. Applications involving single-family homes: Exempt
 - b. Applications involving two-family homes: \$100
 - c. Applications involving signage only: \$100

- d. Applications involving minor site plan, preliminary/final major site plan; subdivisions (minor and major); telecommunications facilities: \$250
 - e. Transcripts may be ordered by the applicant and/or the applicant's attorney through the court reporter directly. Payment will be made by the applicant and/or the applicant's attorney directly to the court reporter.
10. Interpretation and/or appeal of Zoning Officer's decision
 - a. Applications for one and two-family dwellings: \$100
 - b. Applications for multiple dwellings: \$200
 - c. Applications for commercial property: \$200
 11. Total application fee for any individual application shall not exceed \$6,000

Section 2. The current text of Paragraph "E" of Appendix B: "Fees and Escrow Funds" is hereby replaced with the following:

E. Escrow Schedule

1. Applications for minor site plans: \$1,500
2. Applications for preliminary major site plans: \$3,500
3. Applications for final major site plans: \$2,000
4. Applications for minor subdivisions: \$2,000
5. Applications for preliminary major subdivisions: \$3,500 up to ten (10) lots, plus \$250 for each five (5) lots, or fraction thereof, over the first ten (10) lots
6. Applications for final major subdivisions: \$1,000
7. Applications for "c" variances: \$500
8. Applications for "d" variances: \$1,000
9. Legal Deposit
 - a. Applications involving one-family and two-family dwellings: \$500
 - b. Applications for minor or major site plan approval: \$1,000
 - c. Applications for minor or major site plan approval with minor subdivision: \$1,200
 - d. Applications for minor or major site plan approval with major subdivision: \$1,500
10. Planner Deposit
 - a. Applications involving one, two and three-family dwellings: \$750
 - b. Applications involving minor site plan approval: \$750

11. Applications involving telecommunications facilities: \$4,000 for the purpose of special engineering (radio frequency study) in addition to escrow amounts listed above for applications for minor or major site plan approval and "c" or "d" variance(s), as applicable
12. At the Board's discretion, a "traffic engineering escrow" may be required.

Section 3. The following provision is hereby added as a new Paragraph "F" of Appendix B: "Fees and Escrow Funds":

F. Special Meetings

1. Special Meetings Fee: \$500
2. Special Meetings Escrow: \$1,500

Section 4. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

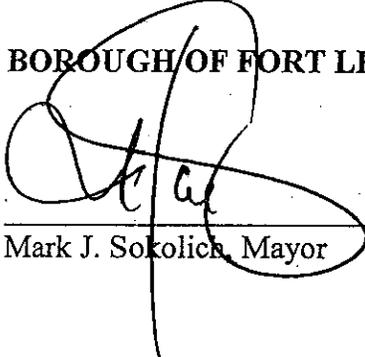
Section 5. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark J. Sokolich, Mayor

Introduced	<u>J. Cervieri</u>	Date of Introduction	<u>February 14, 2008</u>
		Public Hearing	<u>February 28, 2008</u>
Seconded	<u>A. Pohn</u>	Date of Adoption	<u>February 28, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE #2008-12

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 261 LAND USE PROCEDURES, SECTION 31 NOTICE REQUIREMENTS FOR HEARING, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 261, Land Use Procedures, Section 31, Notice Requirements for Hearing, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. The current text of Paragraph "J" of Section 31, Notice Requirements for Hearing, Paragraph 4, is hereby replaced with the following:

"1. The sign to be placed on the property shall be fabricated by the Borough and shall read as follows: This property is subject to a developmental application. The hearing will be held on _____. Please contact the Board Secretary at 201-592-3500 ext 1501 for further information regarding this project.

"4. The sign shall measure eighteen (18) inches by twenty-four (24) inches, with a white background and black lettering."

Section 2. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

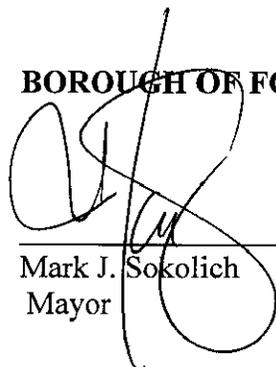
Section 3. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark J. Sokolich
Mayor

Introduced By <u>H. SCHMIDT</u>	Date Of Introduction <u>February 14, 2008</u>
Seconded By <u>A. PENNY</u>	Date of Public Hearing <u>February 28, 2008</u>
	Date of Adoption <u>February 28, 2008</u>

**BOROUGH OF FORT LEE
ORDINANCE # 2008-13**

ORDINANCE VACATING SERVICE STREET AND PORTIONS OF HOYT AVENUE AND CENTRAL ROAD IN THE BOROUGH OF FORT LEE

WHEREAS, The Port Authority of New York and New Jersey (Port Authority) and the Borough of Fort Lee (Borough) entered into an Agreement made as of November 30, 2003 which among matters, provided that the Borough, upon the request of the Port Authority will vacate streets within an area bounded by the Port Authority's proposed Connector Ramp between the Palisades Interstate Parkway and the Lower Level of the George Washington Bridge and transfer to the Port Authority ownership of such streets, provided that at the time of the Port Authority's request, the Port Authority owns and/or controls all lands adjoining the roadways to be vacated;

WHEREAS, the Port Authority has acquired fee title to lands adjacent to Service Street and certain portions of Hoyt Avenue and Central Road, and Bruce Reynolds Boulevard formerly known Bridge Plaza South and South Marginal Road in the Borough of Fort Lee, County of Bergen and State of New Jersey by condemnation proceedings in the Superior Court of New Jersey, Bergen County bearing Docket Nos.: BER-L- 8070-03; BER-L-13997-04; BER-L-13999-04; and BER-L-14000-04 and has requested the Borough to vacate as a public street Service Street and portions of Hoyt Avenue and Central Road and release, extinguish and convey to the Port Authority the rights of the public therein, except as hereinafter provided;

WHEREAS, the best interests of the public would be served by vacating as a public street, Service Street and certain portions of Hoyt Avenue and Central Road hereafter described and releasing, extinguishing and conveying therein to the Port Authority the rights of the public, except as hereafter provided;

WHEREAS, the Borough either has or will comply with all legal requirements regarding adoption of an ordinance regarding vacation of streets.

NOW THEREFORE,

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, AS FOLLOWS:

Section I. That portions of the streets and tracts of land situated in the Borough of Fort Lee, County of Bergen and State of New Jersey, known as Service Street and portions Of Hoyt Avenue and Central Road, all as more particularly described in Deed Descriptions and shown on Vacation Maps in the Schedule 1 attached hereto and made a part hereof, are hereby vacated as a public street, and all rights of the public and easements therein are hereby released and extinguished there from, subject, however, to the reservations hereinafter set forth below in Section II of this Ordinance.

Section II. That this vacation of Service Street and portions of Hoyt Avenue and Central Road as set forth herein is subject to, and reserving and excepting from such vacations, the existing utilities and cables and all rights and privileges, if any, with respect thereto, including all public utility easements recorded or unrecorded, presently possessed by the Borough of Fort Lee and by public utilities, as defined in N.J.S.A. 48:2-13 *et seq.* and by any cable television company, as defined in the "Cable Television Act," N.J.S.A.48:5A-1 *et seq.*, to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof, to be vacated, including Public Service Electric and Gas Company, Verizon, United Water New Jersey Inc., Time Warner Cable and their successors and assigns, subject to the rights acquired by the Port Authority in condemnation proceedings in the Superior Court of New Jersey, Bergen County, bearing Docket Nos.:BER-L- 8070-03;BER-L-13997-04; BER-L-13999-04; and BER-L-14000-04, including the right to relocate such utilities and have a judicial determination made as to whether the utility or cable owner is responsible to pay the costs of such relocation in accordance with four judicial orders in such condemnation proceedings each entitled, "Order Regarding Utility and Cable Relocation and Costs" attached hereto as Schedule 2. All of the aforesaid rights shall be unaffected by this ordinance.

Section III. That the Borough Attorney is hereby authorized and directed to review a Quit Claim Deed conveying to The Port Authority of New York and New Jersey any and all rights of the Borough of Fort Lee in and to the portions of the streets vacated and released by this Ordinance, excepting and reserving the reservations set forth above in Section II of this Ordinance and the Mayor and Borough Clerk of the Borough of Fort Lee are hereby authorized to execute such a Quit Claim Deed.

Section IV. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

Section V. That the official map of the Borough of Fort Lee be and is hereby amended to reflect the vacation herein enacted, if that map has not heretofore been amended.

Section VI. That in accordance with the provisions of N.J.S.A. 40:49-6, the Borough Clerk be and is hereby authorized to publish this Ordinance at least ten days prior to the time fixed for final passage of same, and shall mail a copy to every person whose land may be affected by this Ordinance.

Section VII. That pursuant to the provision of N.J.S.A. 40:67-21, the Borough Clerk shall file in the Office of the Bergen County Clerk a certified copy of this Ordinance and a copy of proof of publication thereof.

Section VIII. That should any part, section or provision of this Ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

Section IX. That this Ordinance shall take effect immediately upon final passage and publication according to law.

All schedules related to this Ordinance are available for review in the Office of the Borough Clerk.

Attest: Neil W Grant
Neil W. Grant, R.M.C.
Borough Clerk

Mark J. Sokolich
Mark J. Sokolich, Mayor

**I HEREBY CERTIFY THAT
the foregoing is a true copy of
an Ordinance adopted by the
Mayor and Council of the
Borough of Fort Lee on:**

2.28.08

Neil W Grant
Neil W. Grant, R.M.C.
BOROUGH CLERK

SCHEDULE 1

**SERVICE STREET, PORTIONS OF HOYT AVENUE & CENTRAL ROAD
DEED DESCRIPTIONS AND VACATION MAPS**



Arthur E. Hanson, Jr., P.E., L.S., P.P.
Bruce D. Callahan, L.S., P.P.

Lawrence Bozik, P.E.

Rev.: January 24, 2007
Rev.: December 23, 2006
Rev.: November 20, 2006
Rev.: May 01, 2006
April 3, 2006

Job No. 8438-VAC

DEED DESCRIPTION

OF SERVICE STREET
FROM HUDSON STREET
TO CENTRAL ROAD
TO BE VACATED, IN FEE,
IN THE BOROUGH OF FORT LEE
BERGEN COUNTY, NEW JERSEY

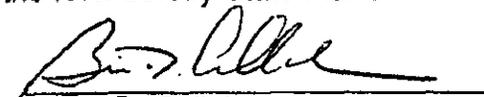
Beginning at the point of intersection formed by the easterly line of Hudson Street (varying width) with the southerly line of Service Street (45' wide) and said point of beginning having a New Jersey State Plane Coordinate System (NAD-83) value of N 736,331.117 Ft. E 639,591.300 Ft. and from said point of beginning and in said bearing system running; thence

1. N 24° 41' 29" E 47.23 feet along the easterly line of Hudson Street (varying width) to a point in the northerly line of Service Street (45' wide); thence
2. S 82° 59' 24" E 491.62 feet along the northerly line of Service Street (45' wide) to a point of curvature; thence
3. Southeasterly along the northeasterly line of Service Street (45' wide) along a curve to the right having a radius of 63.00 feet, an arc length of 113.53 feet, a central angle of 103° 15' 00" and a chord which bears S 31° 21' 54" E 98.78 feet to a point on curve; thence
4. N 69° 44' 24" W 45.00 feet along a portion of the northerly line of Central Road to a point; thence
5. Northwesterly along a curve to the left having a radius of 18.00 feet, an arc length of 32.44 feet, a central angle of 103° 15' 00" and a chord which bears N 31° 21' 54" W 28.22 feet to a point of tangency; thence
6. N 82° 59' 24" W 505.96 feet along the southerly line of Service Street (45' wide) to its intersection with the easterly line of Hudson Street (varying width), the point and place of beginning.

Containing 25,730 Square Feet

Deed description refers to a map entitled, "Street Vacation Map of Service Street from Hudson Street to Central Road in the Borough of Fort Lee, Bergen County, New Jersey", prepared by Hanson Engineering, Inc., dated: March 31, 2006 and last revised: December 05, 2006.

All bearings and distances are referenced to the New Jersey State Plane Coordinate System (NAD-83).


Bruce D. Callahan
Professional Land Surveyor
New Jersey License No. 27475



Arthur E. Hanson, Jr., P.E., L.S., P.P.

Bruce D. Callahan, L.S., P.P.

Lawrence Bozik, P.E.

Rev.: March 12, 2007

Rev.: January 24, 2007

Rev.: December 23, 2006

Rev.: November 20, 2006

Rev.: May 01, 2006

April 3, 2006

Job No. 8438-VAC

DEED DESCRIPTION

OF A PORTION OF HOYT AVENUE
FROM SERVICE STREET TO
BRUCE REYNOLDS BLVD.
TO BE VACATED, IN FEE,
IN THE BOROUGH OF FORT LEE
BERGEN COUNTY, NEW JERSEY

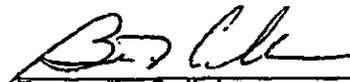
Beginning at the point of intersection formed by the westerly line of Hoyt Avenue (50' wide) with the northerly line of Bruce Reynolds Boulevard (80' wide) formerly known as Bridge Plaza South and South Marginal Road and said point of beginning having a New Jersey State Plane Coordinate System (NAD-83) value of N 736,109.463 Ft. E 639,720.176 Ft. and from said point of beginning and in said bearing system running; thence

1. N 24° 38' 01" E 214.33 feet along the westerly line of Hoyt Avenue (50' wide) to a point in the southerly line of Service Street (45' wide); thence
2. S 82° 59' 24" E 52.46 feet along the southerly line of Service Street (45' wide) to a point in the easterly line of Hoyt Avenue (50' wide); thence
3. S 24° 38' 01" W 231.11 feet along the easterly line of Hoyt Avenue (50' wide) to a point in the northerly line of Bruce Reynolds Boulevard (80' wide); thence
4. N 64° 20' 03" W 50.01 feet along the northerly line of Bruce Reynolds Boulevard (80' wide) to its intersection with the westerly line of Hoyt Avenue (50' wide), the point and place of beginning.

Containing 11,136 Square Feet

Deed description refers to a map entitled, "Street Vacation Map of a portion of Hoyt Avenue from Service Street to Bruce Reynolds Boulevard in the Borough of Fort Lee, Bergen County, New Jersey", prepared by Hanson Engineering, Inc., dated: March 31, 2006 and last revised: December 05, 2006.

All bearings and distances are referenced to the New Jersey State Plane Coordinate System (NAD-83).



Bruce D. Callahan
Professional Land Surveyor
New Jersey License No. 27475



Arthur E. Hanson, Jr., P.E., L.S., P.P.
Bruce D. Callahan, L.S., P.P.

Lawrence Bozik, P.E.

Rev.: January 24, 2007
Rev.: December 23, 2006
Rev.: November 20, 2006
Rev.: May 01, 2006
April 3, 2006
Job No. 8438-VAC

DEED DESCRIPTION

OF A PORTION OF CENTRAL ROAD
FROM SERVICE STREET TO
BRUCE REYNOLDS BLVD.
TO BE VACATED, IN FEE
IN THE BOROUGH OF FORT LEE
BERGEN COUNTY, NEW JERSEY

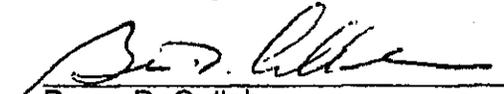
Beginning at the point of intersection formed by the westerly line of Central Road (50' wide) with the northerly line of Bruce Reynolds Boulevard (80' wide) formerly known as Bridge Plaza South and South Maginal Road and said point beginning having a New Jersey State Plane Coordinate System (NAD-83) value of N 736,025.211 Ft. E 640,026.942 Ft. and from said point of beginning and in said bearing system running; thence the following two (2) courses along the westerly line of Central Road (50' wide)

1. N 20° 15' 36" E 234.57 feet to a point; thence
2. S 69° 44' 24" E 50.00 feet along the southerly line of Service Street to a point; thence
3. S 20° 15' 36" W 224.63 feet to a point in the northerly line of Bruce Reynolds Boulevard (80' wide); thence
4. N 80° 59' 08" W 50.98 feet along the northerly line of Bruce Reynolds Boulevard (80' wide) to its intersection with the westerly line of Central Road (50' wide), the point and place of beginning.

Containing 11,479 Square Feet

Deed description refers to a map entitled, "Street Vacation Map of a portion of Central Road from Service Street to Bruce Reynolds Boulevard in the Borough of Fort Lee, Bergen County, New Jersey", prepared by Hanson Engineering, Inc., dated: March 31, 2006 and last revised: December 05, 2006.

All bearings and distances are referenced to the New Jersey State Plane Coordinate System (NAD-83).


Bruce D. Callahan
Professional Land Surveyor
New Jersey License No. 27475

HUDSON STREET
(VARYING WIDTH)

N24°41'29"E
47.23'

POINT OF BEGINNING
PROPOSED VACATION
N=736.531,117 FT. (NAD-83)
E=639.591,300 FT. (NAD-83)

BLOCK 5352
LOT 1

SERVICE STREET
(45' WIDE)

S82°59'24"E 491.62'
PROPOSED AREA TO BE VACATED, IN FEE,
CONTAINING 23,730 S.F.

N82°59'24"W 505.96'

HOYT AVENUE
(50' WIDE)

BLOCK 5353
LOT 1

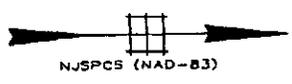
NEW JERSEY STATE HIGHWAY ROUTES 1, 4 & 46
(EASTBOUND)

R=18.00'
L=32.44'
A=103°15'00"
CH=N31°21'54"W
28.22'

R=63.00'
L=113.53'
A=103°15'00"
CH=S31°21'54"E
98.78'

N69°44'24"W
45.00'
P.O.C.
CENTRAL ROAD
(50' WIDE)

BLOCK 5354
LOT 2



DATE TO INHERENT ERRORS IN REPRESENTATION APPLICABLE

CERTIFICATE OF AUTHORIZATION No. 246A28072500

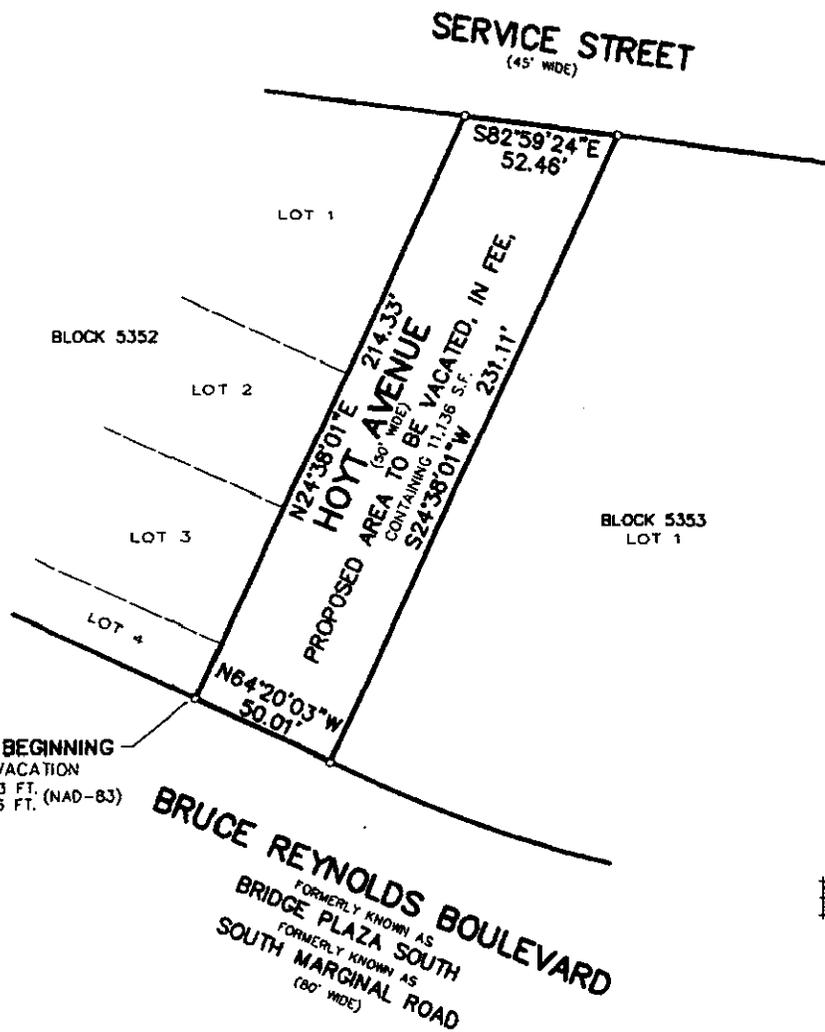
REV. 3	GENERAL REVISION	12-03-06
REV. 2	REVISED LOT AND BLOCK NUMBERS	11-20-06
REV. 1	ADDED COORDINATES	04-29-06

STREET VACATION MAP OF
SERVICE STREET
FROM HUDSON STREET TO CENTRAL ROAD
IN THE
BOROUGH OF FORT LEE
BERGEN COUNTY
NEW JERSEY

HANSON
ENGINEERING
1000 30th Street, Suite 1000, Fort Lee, NJ 07024
973-961-2000 / FAX 973-961-1352
www.hansoneng.com

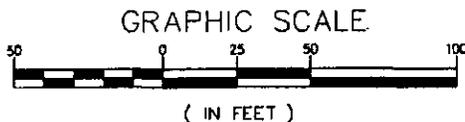
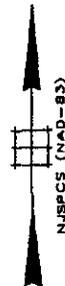
BRUCE D. CALLAHAN
PROFESSIONAL LAND SURVEYOR, N.J. LIC. NO. 27475
DATE MARCH 31, 2006

DATE MARCH 31, 2006



POINT OF BEGINNING
 PROPOSED VACATION
 N=736,109.463 FT. (NAD-83)
 E=639,720.176 FT.

BRUCE REYNOLDS BOULEVARD
FORMERLY KNOWN AS
 BRIDGE PLAZA SOUTH
 FORMERLY KNOWN AS
 SOUTH MARGINAL ROAD
 (80' WIDE)



REV. 3	GENERAL REVISION	12-05-06
REV. 2	REVISED LOT AND BLOCK NUMBERS	11-20-06
REV. 1	ADDED BRUCE REYNOLDS WAY	04-29-06

**STREET VACATION MAP OF A
 PORTION OF HOYT AVENUE
 FROM SERVICE STREET TO BRUCE REYNOLDS BLVD.**
 IN THE
 BOROUGH OF FORT LEE BERGEN COUNTY NEW JERSEY



Engineering
 Planning
 Surveying

7000 ROAD SUITE 1-WAYNE, NJ 07470
 973-696-2600 FAX 973-696-1362

www.surveynj.com

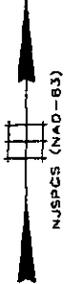
BRUCE D. CALLAHAN
 PROFESSIONAL LAND SURVEYOR, N.J. LIC. No. 27475

DATE MARCH 31, 2006

CERTIFICATE OF AUTHORIZATION No. 24GA28072500

NEW JERSEY STATE HIGHWAY
 ROUTES 1, 4 & 46 (EASTBOUND →)

SERVICE STREET
 (45' WIDE)



BLOCK 5353
 LOT 1

BLOCK 5354
 LOT 2

BLOCK 5354
 LOT 1

CENTRAL ROAD
 (50' WIDE)
 PROPOSED AREA TO BE VACATED, IN FEE,
 CONTAINING 11,479 S.F.

S69°44'24"E
 50.00'

N20°15'36"E 234.57'

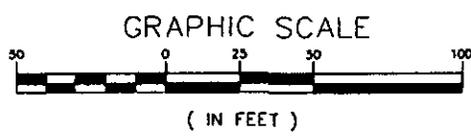
S20°15'36"W 224.63'

N80°59'08"W
 50.98'

POINT OF BEGINNING
 PROPOSED VACATION
 N=736,025.211 FT. (NAD-83)
 E=640,026.942 FT.

BRIDGE

BRUCE REYNOLDS BOULEVARD
 FORMERLY KNOWN AS
 BRIDGE PLAZA SOUTH
 FORMERLY KNOWN AS
 SOUTH MARGINAL ROAD
 (80' WIDE)



REV. 3	GENERAL REVISION	12-05-06
REV. 2	REVISED LOT AND BLOCK NUMBERS	11-20-06
REV. 1	ADDED BRUCE REYNOLDS WAY	04-29-06

STREET VACATION MAP OF A
 PORTION OF CENTRAL ROAD
 FROM SERVICE STREET TO BRUCE REYNOLDS BLVD.
 IN THE
 BOROUGH OF FORT LEE BERGEN COUNTY NEW JERSEY

HANSON
 ENGINEERING
 7006 ROAD-SUITE 1-WENDE, NJ 07470
 973-996-2800-FAX 973-996-1362
 www.surveynj.com

Engineering
 Planning
 Surveying

BRUCE D. CALLAHAN
 PROFESSIONAL LAND SURVEYOR, N.J. LIC. No. 27475

DATE MARCH 31, 2006

SCHEDULE 2

**ORDERS REGARDING UTILITY AND CABLE RELOCATION AND COSTS
IN CONDEMNATION PROCEEDINGS**

IN THE SUPERIOR COURT OF NEW JERSEY, BERGEN COUNTY,

BEARING DOCKET NOS.:

DOCKET NOS.:

BER- L- 8070-03 (HERITAGE)

BER-L-13997-04 (MITRANO)

BER-L-13999-04 (J. FLETCHER CREAMER)

BER-L-14000-04 (OWNERS MAINTENANCE)

DONALD F. BURKE, ESQ.
The Newark Legal Center
One Riverfront Plaza – 9th Floor
Newark, New Jersey 07102
(973) 643-0009 – (212) 435-3529
Attorney for Plaintiff
**THE PORT AUTHORITY OF
NEW YORK AND NEW JERSEY**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO.: BER-L-8070-03**

**THE PORT AUTHORITY OF NEW
YORK AND NEW JERSEY,**
a body corporate and politic,

Plaintiff,

v.

HERITAGE FORT LEE LLC,

A New Jersey Limited Liability
Company,

BOROUGH OF FORT LEE,

STATE OF NEW JERSEY,

**PUBLIC SERVICE ELECTRIC AND
GAS COMPANY,**

VERIZON,

UNITED WATER COMPANY and

TIME WARNER CABLE,

Defendants.

CIVIL ACTION
(In Condemnation)

**ORDER REGARDING UTILITY AND
CABLE RELOCATION AND COSTS**

(CONCERNING BLOCK 5303, LOTS 1,
6-17 (Parcel 1))

BOROUGH OF FORT LEE

COUNTY OF BERGEN

STATE OF NEW JERSEY

FILED

FEB 20 2004

**SYBIL R. MOSES
A.J.S.C.**

**PORT AUTHORITY OF NY NJ
LAW DEPT.
2004 FEB 25 1 A 11: 38
LITIGATION MGMT.**

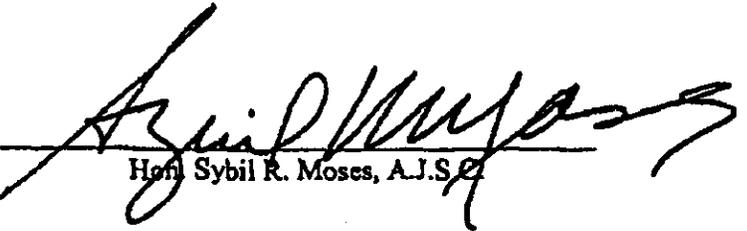
This matter having been opened to the Court by Donald F. Burke, Esq., Attorney for the Plaintiff, The Port Authority of New York and New Jersey (hereafter referred to as "Port Authority" (George P. Cook, Esq., and Harry K Barr, Esq. appearing) on the original return date of an Order to Show Cause; in the presence of McKirdy and Riskin, Attorneys for the Defendant, Heritage Fort Lee, LLC (Anthony F. Della Pelle, Esq., appearing), Fischbein, Badillo, Wagner, Harding, Attorneys for Defendant, Time Warner Cable (Don Abraham, Esq., appearing) and Herten, Burstein, Sheridan, Cevasco, Bottinelli, Litt, Toskos & Harz, L.L.C., Attorneys for Defendant, United Water Company (Philip F. Sheridan, Jr., Esq., appearing); and the Court having determined that there is a need to assure proper coordination and cooperation between the parties with respect to utility and cable relocations; and for good cause shown;

It is on this 20 day of February, 2004,

ORDERED that the Port Authority will coordinate the relocation of existing utilities and relocation of existing cables with the Defendants Borough of Fort Lee, Public Service Electric and Gas Company, Time Warner Cable, United Water Company and Verizon; and further that the Port Authority will transmit utility or cable relocation plan(s) for the review and approval of the aforesaid Defendants before relocations are undertaken, which review and approval will not be unreasonably withheld or delayed, and with the understanding that any unresolved issues as to the responsibility for paying the cost of utility cable relocations, shall not be considered a valid reason for any Defendant delaying review, or withholding approval of utility or cable relocation plans transmitted by or on behalf of the Port Authority and not cooperating with the Port Authority in the actual relocation of existing utility and cable lines; and it is further

ORDERED that all issues, which may remain unresolved by the parties, regarding the costs of relocating existing utility or cable lines, including the responsibility for paying for such relocations, shall be the subject of later judicial determination and shall be dealt with separately and independent of the adjudication of the just compensation to be paid for the Port Authority's acquisition of Block 5303, Lots 1, 6-17, Borough of Fort Lee, New Jersey; and it is further

ORDERED that a copy of this Order shall be served on all named Defendants within 7 days of this Order.


Hon. Sybil R. Moses, A.J.S.C.

Dated: February 20, 2004

DONALD F. BURKE, ESQ.
The Newark Legal Center
One Riverfront Plaza - 9th Floor
Newark, New Jersey 07102
(973) 643-0009 - 212-435-3529
Attorney for Plaintiff
**THE PORT AUTHORITY OF
NEW YORK AND NEW JERSEY**

**THE PORT AUTHORITY OF
NEW YORK AND NEW JERSEY,**
a body corporate and politic,

Plaintiff,

v.

JOSEPH MITRANO,

BOROUGH OF FORT LEE,

**CESARE MITRANO, As Tenant
In Common, Contingent Devisee,
JOANNA BINDER, As Tenant In
Common, Contingent Devisee,
JOHN MITRANO, As Tenant In
Common, Contingent Devisee,
ELEANORA MITRANO CARR,
As Tenant In Common, Contingent
Devisee,**

**INTERNAL REVENUE
SERVICE,**

**GEORGE A. DIBUONO A/K/A
GEORGE DIBOUNO,**

**PARAGON FEDERAL CREDIT
UNION**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO. BER-L- 13997-04**

**CIVIL ACTION
(In Condemnation)**

**ORDER REGARDING UTILITY AND
CABLE RELOCATION AND COSTS**

**CONCERNING BLOCK 5302,
LOTS 6 & 7 (Parcel 1);
BLOCK 5304, LOT 1 (Parcel 2)**

BOROUGH OF FORT LEE

COUNTY OF BERGEN

STATE OF NEW JERSEY

FILED

FEB 28 2005

**SYBIL R. MOSES
A.J.S.C.**

**JOSEPH IANNICONE,
BOROUGH OF FORT LEE,
STATE OF NEW JERSEY,
PUBLIC SERVICE ELECTRIC
AND GAS COMPANY,
VERIZON,
UNITED WATER NEW JERSEY
INC., and
TIME WARNER CABLE,
Defendants.**

This matter having been opened to the Court by Donald F. Burke, Esq., Attorney for the Plaintiff, The Port Authority of New York and New Jersey (hereafter referred to as "Port Authority" (George P. Cook, Esq., and Harry K. Barr, Esq. appearing) on the original return date of an Order to Show Cause, in the presence, among others, of Fischbein, Badillo, Wagner, Harding, Attorneys for Defendant, Time Warner Cable (Peter Schancupp, Esq., appearing), and Herten, Burstein, Sheridan, Cevasco, Bottinelli, Litt, Toskos & Harz, L.L.C., Attorneys for Defendant United Water New Jersey Inc., (Philip E. Sheridan, Jr., Esq., appearing), and the Court having determined that there is a need to assure proper coordination and cooperation between the parties with respect to utility and cable relocations, and for good cause shown;

It is on this 28 day of February, 2005,

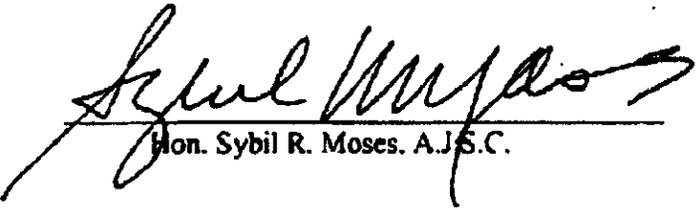
ORDERED that the Port Authority will coordinate the relocation of existing utilities and relocation of existing cables with the Defendants Borough of Fort Lee, Public Service Electric and Gas Company, Time Warner Cable, United Water New

Jersey Inc., and Verizon; and further that the Port Authority will transmit utility or cable relocation plan(s) for the review and approval of the aforesaid Defendants before relocations are undertaken, which review and approval will not be unreasonably withheld or delayed, and with the understanding that any unresolved issues as to the responsibility for paying the cost of utility cable relocations, shall not be considered a valid reason for any Defendant delaying review, or withholding approval of utility or cable relocation plans transmitted by or on behalf of the Port Authority and not cooperating with the Port Authority in the actual relocation of existing utility and cable lines; and it is further

ORDERED that all issues, which may remain unresolved by the parties, regarding the costs of relocating existing utility or cable lines, including the responsibility for paying for such relocations, shall be the subject of later judicial determination and shall be dealt with separately and independently of the adjudication of the just compensation to be paid for the Port Authority's acquisition of Block 5302, Lots 6 & 7 (Parcel 1) and Block 5304, Lot 1 (Parcel 2); and it is further

ORDERED that a copy of this Order shall be served on all named Defendants within 7 days of this Order.

Dated: February 28, 2005


Hon. Sybil R. Moses, A.J.S.C.

UNOPPOSED

DONALD F. BURKE, ESQ.
The Newark Legal Center
One Riverfront Plaza – 9th Floor
Newark, New Jersey 07102
(973) 643-0009 – 212-435-3529
Attorney for Plaintiff
**THE PORT AUTHORITY OF
NEW YORK AND NEW JERSEY**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO. BER-L- 13999-04**

**THE PORT AUTHORITY OF
NEW YORK AND NEW JERSEY,**
a body corporate and politic,

Plaintiff,

v.

**J. FLETCHER CREAMER, As
Tenant In Common,
J. FLETCHER CREAMER, III, As
Tenant In Common,
J. FLETCHER CREAMER, IV, As
Tenant In Common,
JOHN A. SCHEPISI, As Tenant In
Common,
JOSEPH C. PARISI, As Tenant In
Common,
SELVINO DICOCCO, As Tenant
In Common,
ELAINE LICATA, As Tenant In
Common,
DORIS FREW, As Tenant In
Common,
JOHN BENSON and
CHRISTOPHER WOODS AS CO-
TRUSTEES OF THE JOHN R.
RINALDI TRUST, As Tenants In
Common,**

**DEJANA INDUSTRIES, INC.,
A/K/A DEJANA SERVICES, INC.,**

E. C. LEASING CO., INC.,

EAST COAST CAR CORP.,

**CIVIL ACTION
(In Condemnation)**

**ORDER REGARDING UTILITY AND
CABLE RELOCATION AND COSTS**

**CONCERNING BLOCK 5302,
LOTS 1, 2, 3, & 11 (Parcel 1);
BLOCK 5302, LOTS 4, 5, 8.01, 9&10
(Parcel 2)
BOROUGH OF FORT LEE**

COUNTY OF BERGEN

STATE OF NEW JERSEY

FILED

FEB 28 2005

**SYBIL R. MOSES
A.J.S.C.**

**EUGENE V. NEW TRUST C/O
MARY JEAN GREEN AND
EILEEN NEW KUFFEL,
SUCCESSOR TRUSTEES,

BOROUGH OF FORT LEE,

STATE OF NEW JERSEY,

PUBLIC SERVICE ELCTRIC
AND GAS COMPANY,

VERIZON,

UNITED WATER NEW JERSEY
INC.,

TIME WARNER CABLE, and

KESSLER CARE CENTER AT
GREAT FALLS KESSLER
REHABILITATION
CORPORATION. CREDITOR(S),

Defendants.**

This matter having been opened to the Court by Donald F. Burke, Esq., Attorney for the Plaintiff, The Port Authority of New York and New Jersey (hereafter referred to as "Port Authority") (George P. Cook, Esq., and Harry K. Barr, Esq. appearing), on the original return date of an Order to Show Cause, in the presence, among others, of Fischbein, Badillo, Wagner, Harding, Attorneys for Defendant, Time Warner Cable (Peter Schancupp, Esq., appearing), and Herten, Burstein, Sheridan, Cevasco, Bottinelli, Litt, Toskos & Harz, L.L.C., Attorneys for Defendant United Water New Jersey Inc., (Philip E. Sheridan, Jr., Esq., appearing), and the Court having determined that there is a need to assure proper coordination and cooperation between the parties with respect to utility and cable relocations; and for good cause shown;

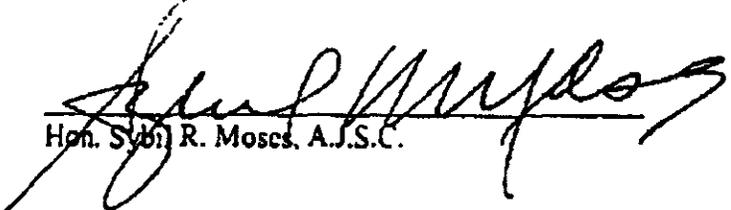
It is on this 28 day of February, 2005,

ORDERED that the Port Authority will coordinate the relocation of existing utilities and relocation of existing cables with the Defendants Borough of Fort Lee, Public Service Electric and Gas Company, Time Warner Cable, United Water New Jersey Inc., and Verizon; and further that the Port Authority will transmit utility or cable relocation plan(s) for the review and approval of the aforesaid Defendants before relocations are undertaken, which review and approval will not be unreasonably withheld or delayed, and with the understanding that any unresolved issues as to the responsibility for paying the cost of utility cable relocations, shall not be considered a valid reason for any Defendant delaying review, or withholding approval of utility or cable relocation plans transmitted by or on behalf of the Port Authority and not cooperating with the Port Authority in the actual relocation of existing utility and cable lines; and it is further

ORDERED that all issues, which may remain unresolved by the parties, regarding the costs of relocating existing utility or cable lines, including the responsibility for paying for such relocations, shall be the subject of later judicial determination and shall be dealt with separately and independently of the adjudication of the just compensation to be paid for the Port Authority's acquisition of Block 5302, Lots 1,2,3 & 11 (Parcel 1) and Block 5302, Lots 4,5,8,01,9 &10 (Parcel 2); and it is further

ORDERED that a copy of this Order shall be served on all named Defendants within 7 days of this Order.

Dated: February 28 2005


Hon. S. R. Moses, A.J.S.C.

UNOPPOSED

DONALD F. BURKE, ESQ.
The Newark Legal Center
One Riverfront Plaza – 9th Floor
Newark, New Jersey 07102
(973) 643-0009 – 212-435-3529
Attorney for Plaintiff
**THE PORT AUTHORITY OF
NEW YORK AND NEW JERSEY**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO. BER-L- 14000-04**

**THE PORT AUTHORITY OF
NEW YORK AND NEW JERSEY,**
a body corporate and politic,

Plaintiff,

v.

**OWNERS MAINTENANCE
CORP.,**

BOROUGH OF FORT LEE,

STATE OF NEW JERSEY,

**PUBLIC SERVICE ELECTRIC
AND GAS COMPANY,**

VERIZON,

**UNITED WATER NEW JERSEY
INC., and**

TIME WARNER CABLE,

Defendants.

**CIVIL ACTION
(In Condemnation)**

**ORDER REGARDING UTILITY AND
CABLE RELOCATION AND COSTS**

**CONCERNING BLOCK 5302,
LOTS 8, 9.01 & 10.01 (Parcel 1);**

BOROUGH OF FORT LEE

COUNTY OF BERGEN

STATE OF NEW JERSEY

**FILED
FEB 28 2005
BYBIL R. MOSES
A.J.S.C.**

This matter having been opened to the Court by Donald F. Burke, Esq., Attorney for the Plaintiff, The Port Authority of New York and New Jersey (hereafter referred to as "Port Authority") (George P. Cook, Esq., and Harry K. Barr, Esq. appearing), on the original return date of an Order to Show Cause, in the presence, among others, of

Fischbein, Badillo, Wagner, Harding, Attorneys for Defendant, Time Warner Cable (Peter Schancupp, Esq., appearing), and Herten, Burstein, Sheridan, Cevalasco, Bottinelli, Litt, Toskos & Harz, L.L.C., Attorneys for Defendant United Water New Jersey Inc., (Philip E. Sheridan, Jr., Esq., appearing), and the Court having determined that there is a need to assure proper coordination and cooperation between the parties with respect to utility and cable relocations; and for good cause shown;

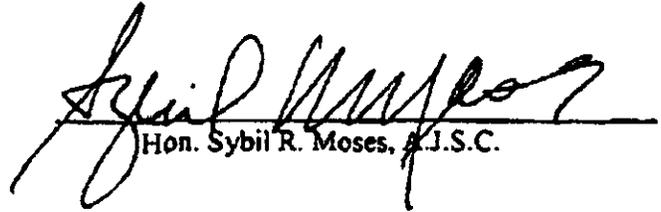
It is on this 28 day of February, 2005,

ORDERED that the Port Authority will coordinate the relocation of existing utilities and relocation of existing cables with the Defendants Borough of Fort Lee, Public Service Electric and Gas Company, Time Warner Cable, United Water New Jersey Inc., and Verizon; and further that the Port Authority will transmit utility or cable relocation plan(s) for the review and approval of the aforesaid Defendants before relocations are undertaken, which review and approval will not be unreasonably withheld or delayed, and with the understanding that any unresolved issues as to the responsibility for paying the cost of utility cable relocations, shall not be considered a valid reason for any Defendant delaying review, or withholding approval of utility or cable relocation plans transmitted by or on behalf of the Port Authority and not cooperating with the Port Authority in the actual relocation of existing utility and cable lines; and it is further

ORDERED that all issues, which may remain unresolved by the parties, regarding the costs of relocating existing utility or cable lines, including the responsibility for paying for such relocations, shall be the subject of later judicial determination and shall be dealt with separately and independently of the adjudication of the just

compensation to be paid for the Port Authority's acquisition of Block 5302, Lots 8, 9.01
& 10.01; and it is further

ORDERED that a copy of this Order shall be served on all named Defendants
within 7 days of this Order.


Hon. Sybil R. Moses, J.S.C.

Dated: February 28, 2005

UNOPPOSED

Introduced By <u>A POHAN</u>	Date Of Introduction <u>February 14, 2008</u>
Seconded By <u>N. SOMMER</u>	Date of Public Hearing <u>February 28, 2008</u>
	Date of Adoption <u>February 28, 2008</u>

**BOROUGH OF FORT LEE
ORDINANCE #2008-14**

**ORDINANCE VACATING A PORTION OF BRUCE REYNOLDS BOULEVARD,
FORMERLY KNOWN AS BRIDGE PLAZA SOUTH AND SOUTH MARGINAL
ROAD IN THE BOROUGH OF FORT LEE**

WHEREAS, The Port Authority of New York and New Jersey (Port Authority) and the Borough of Fort Lee (Borough) entered into an Agreement made as of November 30, 2003 which among matters, provided that the Borough, upon the request of the Port Authority will vacate streets within an area bounded by the Port Authority's proposed Connector Ramp between the Palisades Interstate Parkway and the Lower Level of the George Washington Bridge and transfer to the Port Authority ownership of such streets, provided that at the time of the Port Authority's request, the Port Authority owns and/or controls all lands adjoining the roadways to be vacated;

WHEREAS, the Port Authority has acquired fee title to lands adjacent to Service Street and certain portions of Hoyt Avenue and Central Road, and Bruce Reynolds Boulevard formerly known Bridge Plaza South and South Marginal Road in the Borough of Fort Lee, County of Bergen and State of New Jersey by condemnation proceedings in the Superior Court of New Jersey, Bergen County bearing Docket Nos.: BER-L- 8070-03; BER-L-13997-04; BER-L-13999-04; and BER-L-14000-04 and has requested the Borough to vacate as a public street a portion of Bruce Reynolds Boulevard, formerly known as Bridge Plaza South and South Marginal Road and release, extinguish and convey to the Port Authority the rights of the public therein, except as hereinafter provided;

WHEREAS, the best interests of the public would be served by vacating as a public street a portion of Bruce Reynolds Boulevard, formerly known as Bridge Plaza South and South Marginal Road hereafter described; and releasing, extinguishing and conveying to the Port Authority the rights of the public therein, except as hereafter provided,

WHEREAS, the Borough either has or will comply with all legal requirements regarding adoption of an ordinance regarding vacation of streets.

NOW THEREFORE,

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, AS FOLLOWS:

Section I. That portions of the street and tract of land situated in the Borough of Fort Lee, County of Bergen and State of New Jersey, known as a portion of Bruce Reynolds Boulevard, formerly known as Bridge Plaza South and South Marginal Road, all as more particularly described in Deed Description and shown on a Vacation Map attached hereto as Schedule 1 and made a part hereof, is hereby vacated as a public street, and all rights of the public and easements therein are hereby released and extinguished there from, subject, however, to the reservations hereinafter set forth below in Section II of this Ordinance.

Section II. That this vacation of a portion of Bruce Reynolds Boulevard, formerly known as Bridge Plaza South and South Marginal Road as set forth herein is subject to, and reserving and excepting from such vacation:

- (a) the existing utilities and cables and all rights and privileges, if any, with respect thereto, including all public utility easements recorded or unrecorded, presently possessed by the Borough of Fort Lee and by public utilities, as defined in N.J.S.A. 48:2-13 et seq. and by any cable television company, as defined in the "Cable Television Act," N.J.S.A.48:5A-1 et seq., to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof, to be vacated, including Public Service Electric and Gas Company, Verizon, United Water New Jersey Inc., Time Warner Cable and their successors and assigns, subject to the rights acquired by the Port Authority in condemnation proceedings in the Superior Court of New Jersey, Bergen County, bearing Docket Nos.:BER-L- 8070-03;BER-L-13997-04; BER-L-13999-04; and BER-L-14000-04, including the right to relocate such utilities and have a judicial determination made as to whether the utility or cable owner is responsible to pay the costs of such relocation in accordance with four judicial orders in such condemnation proceedings each entitled, "Order Regarding Utility and Cable Relocation and Costs" attached hereto as Schedule 2; and
- (b) a public pedestrian surface sidewalk easement as more particularly described in a Deed Description and shown on a Map attached hereto as Schedule 3.

All of the aforesaid rights shall be unaffected by this Ordinance.

Section III. That the Borough Attorney is hereby authorized and directed to review a Quit Claim Deed conveying to The Port Authority of New York and New Jersey any and all rights of the Borough of Fort Lee in and to the portions of the streets vacated and released by this Ordinance, excepting and reserving the reservations set forth above in Section II of this Ordinance and the Mayor and Borough Clerk of the Borough of Fort Lee are hereby authorized to execute such a Quit Claim Deed.

Section IV. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

Section V. That the Official Map of the Borough of Fort Lee be and is hereby amended to reflect the vacation herein enacted, if that map has not heretofore been amended.

Section VI. That in accordance with the provisions of N.J.S.A. 40:49-6, the Borough Clerk be and is hereby authorized to publish this Ordinance at least ten days prior to the time fixed for final passage of same, and shall mail a copy to every person whose land may be affected by this Ordinance.

Section VII. That pursuant to the provision of N.J.S.A. 40:67-21, the Borough Clerk shall file in the Office of the Bergen County Clerk a certified copy of this Ordinance and a copy of proof of publication thereof.

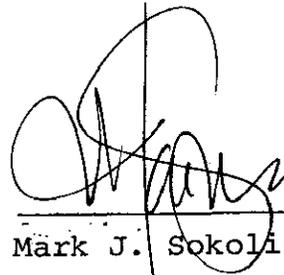
Section VIII. That should any part, section or provision of this Ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

Section IX. That this Ordinance shall take effect immediately upon final passage and publication according to law.

All schedules related to this Ordinance are available for review in the Office of the Borough Clerk.

Attest:

Neil W Grant
Neil W. Grant, R.M.C.
Borough Clerk



Mark J. Sokolich, Mayor

**I HEREBY CERTIFY THAT
the foregoing is a true copy of
an Ordinance adopted by the
Mayor and Council of the
Borough of Fort Lee on:**

2/28/08

Neil W Grant
Neil W. Grant, R.M.C.
BOROUGH CLERK

SCHEDULE 1

**A PORTION OF BRUCE REYNOLDS BOULEVARD, FORMERLY KNOWN AS
BRIDGE PLAZA SOUTH AND SOUTH MARGINAL ROAD**

DEED DESCRIPTION AND VACATION MAP



Arthur E. Hanson, Jr., P.E., L.S., P.P.
Bruce D. Callahan, L.S., P.P.

Lawrence Bozlk, P.E.

Rev. March 12, 2007
Rev. January 24, 2007
Rev. December 23, 2006
Rev: November 20, 2006
September 15, 2006
Job No. 8438-VAC

**DEED DESCRIPTION
OF A PORTION OF BRUCE REYNOLDS BOULEVARD
AT HOYT AVENUE TO BE VACATED, IN FEE,
SUBJECT TO, AND RESERVING, WITHIN A PORTION THEREOF,
A PUBLIC SIDEWALK SURFACE EASEMENT
IN THE BOROUGH OF FORT LEE
BERGEN COUNTY, NEW JERSEY**

Beginning at the point of intersection formed by the northerly line of Bruce Reynolds Boulevard (80' wide) formerly known as Bridge Plaza South and South Marginal Road with the westerly line of Hoyt Avenue (50' wide) and said point of beginning having a New Jersey State Plane Coordinate System (NAD-83) value of N 736,109.463 Ft. E 639,720.176 Ft. and from said point of beginning and in said bearing system running; thence

1. S 64° 20' 03" E 50.01 feet along the southerly line of Hoyt Avenue (50' wide) to a point on curve; thence
2. Southeasterly along the northerly line of Bruce Reynolds Boulevard (80' wide) along a curve to the left having a radius of 490.00 feet, an arc length of 41.99 feet, a central angle of 04° 54' 36" and a chord which bears S 66° 40' 48" E 41.98 feet to a point on curve; thence the following three (3) courses through Bruce Reynolds Boulevard (80' wide)
3. Northwesterly along a curve to the right having a radius of 958.25 feet, an arc length of 133.47 feet, a central angle of 07° 58' 49" and a chord which bears N 69° 26' 14" W 133.36 feet to a point of compound curvature,
4. Northwesterly along a curve to the right having a radius of 332.25 feet, an arc length of 55.68 feet, a central angle of 09° 36' 08" and a chord which bears N 60° 38' 45" W 55.62 feet to a point of compound curvature,
5. Northwesterly along a curve to the right having a radius of 132.25 feet, an arc length of 20.05 feet, a central angle of 08° 41' 09" and a chord which bears N 51° 30' 07" W 20.03 feet to a point in the southerly line of Bruce Reynolds Boulevard (80' wide); thence
6. S 65° 22' 50" E 115.93 feet along the southerly line of Bruce Reynolds Boulevard (80' wide) to a point, the point and place of beginning.

Containing 1,263 square feet

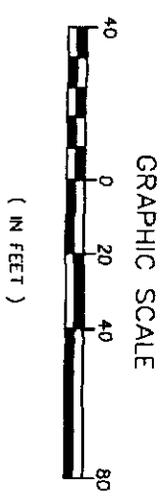
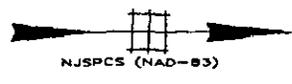
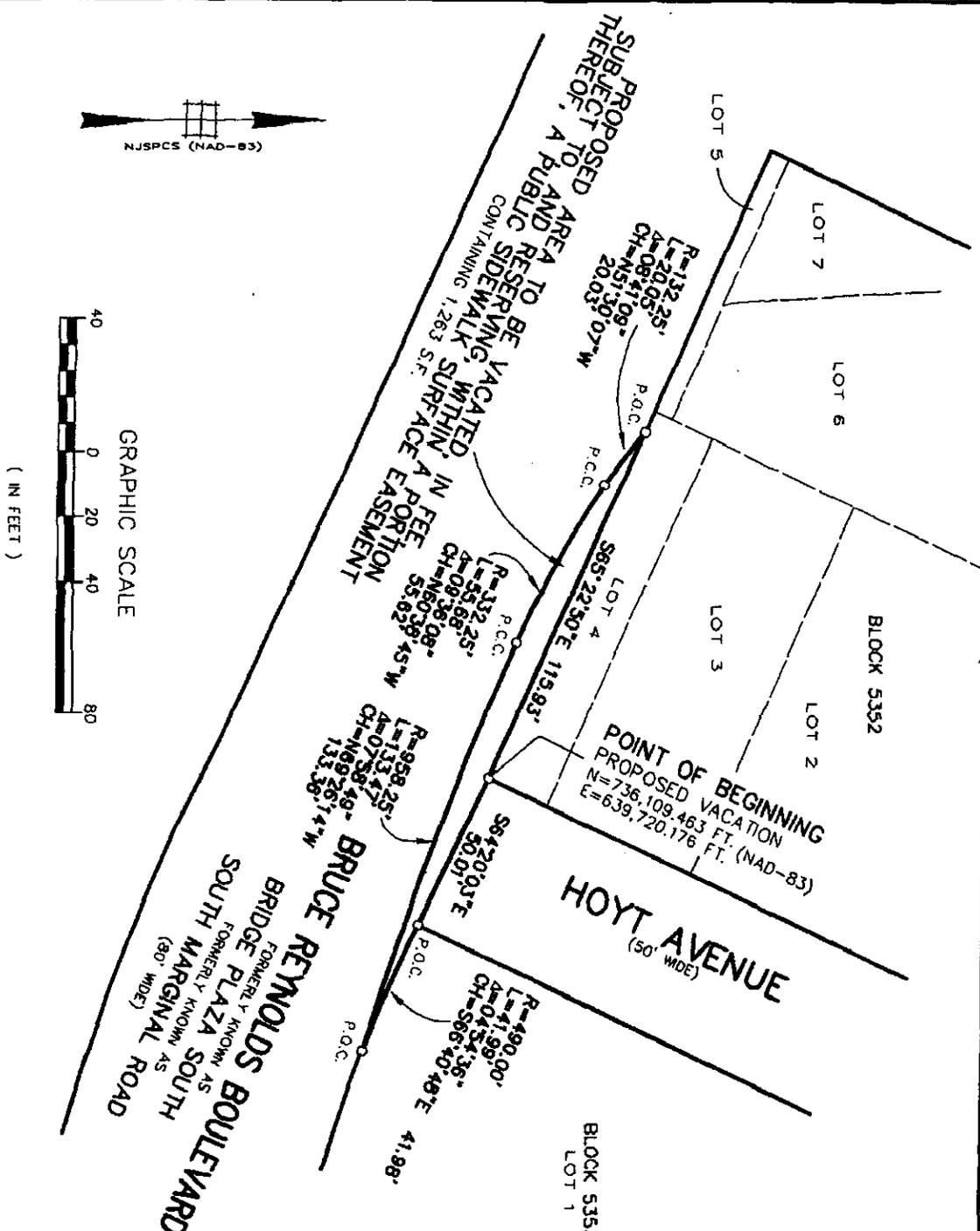
Deed description refers to a map entitled, "Street Vacation Map of a Portion of Bruce Reynolds Boulevard at Hoyt Avenue Subject to, and Reserving, within a Portion Thereof, a Public Sidewalk Surface Easement in the Borough of Fort Lee, Bergen County, New Jersey", prepared by Hanson Engineering, Inc., dated: September 15, 2006 and last revised: January 24, 2007.

All bearings and distances are referenced to the New Jersey State Plane Coordinate System (NAD-83)

A handwritten signature in black ink, appearing to read "B. Callahan", is written over a solid horizontal line.

Bruce D. Callahan
Professional Land Surveyor
New Jersey License No. 27475

DATE TO INHERENT ERRORS IN REPRODUCTION METHODS.
 ERRORS MAY OCCUR WHEN SCALING THIS DRAWING.



CERTIFICATE OF AUTHORIZATION No. 24GA28072500

REV. 3	GENERAL REVISION	01-24-07
REV. 2	GENERAL REVISION	12-05-06
REV. 1	REVISED LOT & BLOCK NUMBERS AND STREET NAMES	11-20-06

STREET VACATION MAP OF A PORTION OF BRUCE REYNOLDS BLVD.
 AT HOYT AVENUE
 SUBJECT TO AND RESERVING, WITHIN A PORTION THEREOF, A PUBLIC SIDEWALK SURFACE EASEMENT IN THE BOROUGH OF FORT LEE, NEW JERSEY

HANSON ENGINEERING
 7000 200' SIDE 1' SCALE, IN 07/11
 973-986-2600 FAX 973-986-1382
 www.hansoneng.com

BRUCE D. CALLAHAN
 PROFESSIONAL LAND SURVEYOR, N.J. LIC. NO. 27475

Bruce D. Callahan
 DATE SEPT. 15, 2006

Engineering
 Planning
 Surveying

SCHEDULE 2

**ORDERS REGARDING UTILITY AND CABLE RELOCATION AND COSTS
IN CONDEMNATION PROCEEDINGS**

**IN THE SUPERIOR COURT OF NEW JERSEY, BERGEN COUNTY,
BEARING DOCKET NOS.:**

DOCKET NOS.:

BER- L- 8070-03 (HERITAGE)

BER-L-13997-04 (MITRANO)

BER-L-13999-04 (J. FLETCHER CREAMER)

BER-L-14000-04 (OWNERS MAINTENANCE)

DONALD F. BURKE, ESQ.
The Newark Legal Center
One Riverfront Plaza - 9th Floor
Newark, New Jersey 07102
(973) 643-0009 - (212) 435-3529
Attorney for Plaintiff
**THE PORT AUTHORITY OF
NEW YORK AND NEW JERSEY**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO.: BER-L-8070-03**

**THE PORT AUTHORITY OF NEW
YORK AND NEW JERSEY,**
a body corporate and politic,

Plaintiff,

v.

HERITAGE FORT LEE LLC,

A New Jersey Limited Liability
Company,

BOROUGH OF FORT LEE,

STATE OF NEW JERSEY,

**PUBLIC SERVICE ELECTRIC AND
GAS COMPANY,**

VERIZON,

UNITED WATER COMPANY and

TIME WARNER CABLE,

Defendants.

**CIVIL ACTION
(In Condemnation)**

**ORDER REGARDING UTILITY AND
CABLE RELOCATION AND COSTS**

**(CONCERNING BLOCK 5303, LOTS 1,
6-17 (Parcel 1))**

BOROUGH OF FORT LEE

COUNTY OF BERGEN

STATE OF NEW JERSEY

FILED

FEB 20 2004

**SYBIL R. MOSES
A.J.S.C.**

**PORT AUTHORITY OF NY NJ
LAW DEPT.
2004 FEB 25 1 A 11: 38
LITIGATION MGMT.**

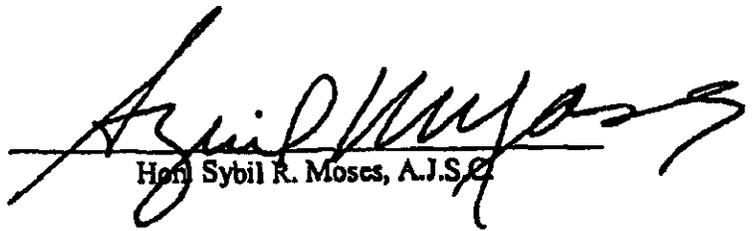
This matter having been opened to the Court by Donald F. Burke, Esq., Attorney for the Plaintiff, The Port Authority of New York and New Jersey (hereafter referred to as "Port Authority" (George P. Cook, Esq., and Harry K Barr, Esq. appearing) on the original return date of an Order to Show Cause; in the presence of McKirdy and Riskin, Attorneys for the Defendant, Heritage Fort Lee, LLC (Anthony F. Della Pelle, Esq., appearing), Fischbein, Badillo, Wagner, Harding, Attorneys for Defendant, Time Warner Cable (Don Abraham, Esq., appearing) and Herten, Burstein, Sheridan, Cevasco, Bottinelli, Litt, Toskos & Harz, L.L.C., Attorneys for Defendant, United Water Company (Philip F. Sheridan, Jr., Esq., appearing); and the Court having determined that there is a need to assure proper coordination and cooperation between the parties with respect to utility and cable relocations; and for good cause shown;

It is on this 20 day of February, 2004,

ORDERED that the Port Authority will coordinate the relocation of existing utilities and relocation of existing cables with the Defendants Borough of Fort Lee, Public Service Electric and Gas Company, Time Warner Cable, United Water Company and Verizon; and further that the Port Authority will transmit utility or cable relocation plan(s) for the review and approval of the aforesaid Defendants before relocations are undertaken, which review and approval will not be unreasonably withheld or delayed, and with the understanding that any unresolved issues as to the responsibility for paying the cost of utility cable relocations, shall not be considered a valid reason for any Defendant delaying review, or withholding approval of utility or cable relocation plans transmitted by or on behalf of the Port Authority and not cooperating with the Port Authority in the actual relocation of existing utility and cable lines; and it is further

ORDERED that all issues, which may remain unresolved by the parties, regarding the costs of relocating existing utility or cable lines, including the responsibility for paying for such relocations, shall be the subject of later judicial determination and shall be dealt with separately and independent of the adjudication of the just compensation to be paid for the Port Authority's acquisition of Block 5303, Lots 1, 6-17, Borough of Fort Lee, New Jersey; and it is further

ORDERED that a copy of this Order shall be served on all named Defendants within 7 days of this Order.


Hon. Sybil R. Moses, A.J.S.C.

Dated: February 20, 2004

DONALD F. BURKE, ESQ.
The Newark Legal Center
One Riverfront Plaza - 9th Floor
Newark, New Jersey 07102
(973) 643-0009 - 212-435-3529
Attorney for Plaintiff
THE PORT AUTHORITY OF
NEW YORK AND NEW JERSEY

THE PORT AUTHORITY OF
NEW YORK AND NEW JERSEY,
a body corporate and politic,

Plaintiff,

v.

JOSEPH MITRANO,

BOROUGH OF FORT LEE,

CESARE MITRANO, As Tenant
In Common, Contingent Devisee,
JOANNA BINDER, As Tenant In
Common, Contingent Devisee,
JOHN MITRANO, As Tenant In
Common, Contingent Devisee,
ELEANORA MITRANO CARR,
As Tenant In Common, Contingent
Devisee,

INTERNAL REVENUE
SERVICE,

GEORGE A. DIBUONO A/K/A
GEORGE DIBOUNO,

PARAGON FEDERAL CREDIT
UNION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO. BER-L- 13997-04

CIVIL ACTION
(In Condemnation)

ORDER REGARDING UTILITY AND
CABLE RELOCATION AND COSTS

CONCERNING BLOCK 5302,
LOTS 6 & 7 (Parcel 1);
BLOCK 5304, LOT 1 (Parcel 2)

BOROUGH OF FORT LEE

COUNTY OF BERGEN

STATE OF NEW JERSEY

FILED

FEB 28 2005

SYBIL R. MOSES
A.J.S.C.

**JOSEPH IANNICONE,
BOROUGH OF FORT LEE,
STATE OF NEW JERSEY,
PUBLIC SERVICE ELECTRIC
AND GAS COMPANY,
VERIZON,
UNITED WATER NEW JERSEY
INC., and
TIME WARNER CABLE,
Defendants.**

This matter having been opened to the Court by Donald F. Burke, Esq., Attorney for the Plaintiff, The Port Authority of New York and New Jersey (hereafter referred to as "Port Authority" (George P. Cook, Esq., and Harry K. Barr, Esq. appearing) on the original return date of an Order to Show Cause, in the presence, among others, of Fischbein, Badillo, Wagner, Harding, Attorneys for Defendant, Time Warner Cable (Peter Schancupp, Esq., appearing), and Herten, Burstein, Sheridan, Cevasco, Bottinelli, Litt, Toskos & Harz, L.L.C., Attorneys for Defendant United Water New Jersey Inc., (Philip E. Sheridan, Jr., Esq., appearing), and the Court having determined that there is a need to assure proper coordination and cooperation between the parties with respect to utility and cable relocations, and for good cause shown;

It is on this 28 day of February, 2005,

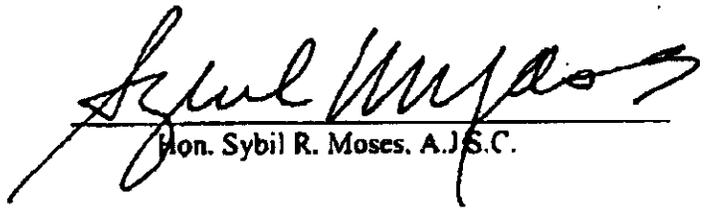
ORDERED that the Port Authority will coordinate the relocation of existing utilities and relocation of existing cables with the Defendants Borough of Fort Lee, Public Service Electric and Gas Company, Time Warner Cable, United Water New

Jersey Inc., and Verizon; and further that the Port Authority will transmit utility or cable relocation plan(s) for the review and approval of the aforesaid Defendants before relocations are undertaken, which review and approval will not be unreasonably withheld or delayed, and with the understanding that any unresolved issues as to the responsibility for paying the cost of utility cable relocations, shall not be considered a valid reason for any Defendant delaying review, or withholding approval of utility or cable relocation plans transmitted by or on behalf of the Port Authority and not cooperating with the Port Authority in the actual relocation of existing utility and cable lines; and it is further

ORDERED that all issues, which may remain unresolved by the parties, regarding the costs of relocating existing utility or cable lines, including the responsibility for paying for such relocations, shall be the subject of later judicial determination and shall be dealt with separately and independently of the adjudication of the just compensation to be paid for the Port Authority's acquisition of Block 5302, Lots 6 & 7 (Parcel 1) and Block 5304, Lot 1 (Parcel 2); and it is further

ORDERED that a copy of this Order shall be served on all named Defendants within 7 days of this Order.

Dated: February 28, 2005


Hon. Sybil R. Moses, A.J.S.C.

UNOPPOSED

DONALD F. BURKE, ESQ.
The Newark Legal Center
One Riverfront Plaza - 9th Floor
Newark, New Jersey 07102
(973) 643-0009 - 212-435-3529
Attorney for Plaintiff
**THE PORT AUTHORITY OF
NEW YORK AND NEW JERSEY**

**THE PORT AUTHORITY OF
NEW YORK AND NEW JERSEY,**
a body corporate and politic,

Plaintiff,

v.

**J. FLETCHER CREAMER, As
Tenant In Common,
J. FLETCHER CREAMER, III, As
Tenant In Common,
J. FLETCHER CREAMER, IV, As
Tenant In Common,
JOHN A. SCHEPISI, As Tenant In
Common,
JOSEPH C. PARISI, As Tenant In
Common,
SELYINO DICOCCO, As Tenant
In Common,
ELAINE LICATA, As Tenant In
Common,
DORIS FREW, As Tenant In
Common,
JOHN BENSON and
CHRISTOPHER WOODS AS CO-
TRUSTEES OF THE JOHN R.
RINALDI TRUST, As Tenants In
Common,**

**DEJANA INDUSTRIES, INC.,
A/K/A DEJANA SERVICES, INC.,**

E. C. LEASING CO., INC.,

EAST COAST CAR CORP.,

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO. BER-L- 13999-04**

**CIVIL ACTION
(In Condemnation)**

**ORDER REGARDING UTILITY AND
CABLE RELOCATION AND COSTS**

**CONCERNING BLOCK 5302,
LOTS 1, 2, 3, & 11 (Parcel 1);
BLOCK 5302, LOTS 4, 5, 8.01, 9&10
(Parcel 2)
BOROUGH OF FORT LEE**

COUNTY OF BERGEN

STATE OF NEW JERSEY

FILED

FEB 28 2005

**SYBIL R. MOSES
A.J.S.C.**

**EUGENE V. NEW TRUST C/O
MARY JEAN GREEN AND
EILEEN NEW KUFFEL,
SUCCESSOR TRUSTEES,

BOROUGH OF FORT LEE,

STATE OF NEW JERSEY,

PUBLIC SERVICE ELCTRIC
AND GAS COMPANY,

VERIZON,

UNITED WATER NEW JERSEY
INC.,

TIME WARNER CABLE, and

KESSLER CARE CENTER AT
GREAT FALLS KESSLER
REHABILITATION
CORPORATION. CREDITOR(S),

Defendants.**

This matter having been opened to the Court by Donald F. Burke, Esq., Attorney for the Plaintiff. The Port Authority of New York and New Jersey (hereafter referred to as "Port Authority") (George P. Cook, Esq., and Harry K. Barr, Esq. appearing), on the original return date of an Order to Show Cause, in the presence, among others, of Fischbein, Badillo, Wagner, Harding, Attorneys for Defendant, Time Warner Cable (Peter Schancupp, Esq., appearing), and Herten, Burstein, Sheridan, Cevasco, Bottinelli, Litt, Toskos & Harz, L.L.C., Attorneys for Defendant United Water New Jersey Inc., (Philip E. Sheridan, Jr., Esq., appearing), and the Court having determined that there is a need to assure proper coordination and cooperation between the parties with respect to utility and cable relocations; and for good cause shown;

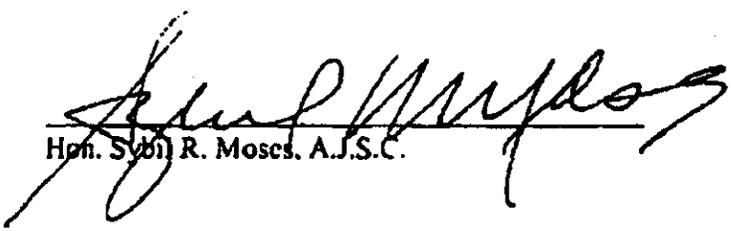
It is on this 28 day of February, 2005,

ORDERED that the Port Authority will coordinate the relocation of existing utilities and relocation of existing cables with the Defendants Borough of Fort Lee, Public Service Electric and Gas Company, Time Warner Cable, United Water New Jersey Inc., and Verizon; and further that the Port Authority will transmit utility or cable relocation plan(s) for the review and approval of the aforesaid Defendants before relocations are undertaken, which review and approval will not be unreasonably withheld or delayed, and with the understanding that any unresolved issues as to the responsibility for paying the cost of utility cable relocations, shall not be considered a valid reason for any Defendant delaying review, or withholding approval of utility or cable relocation plans transmitted by or on behalf of the Port Authority and not cooperating with the Port Authority in the actual relocation of existing utility and cable lines; and it is further

ORDERED that all issues, which may remain unresolved by the parties, regarding the costs of relocating existing utility or cable lines, including the responsibility for paying for such relocations, shall be the subject of later judicial determination and shall be dealt with separately and independently of the adjudication of the just compensation to be paid for the Port Authority's acquisition of Block 5302, Lots 1,2,3 & 11 (Parcel 1) and Block 5302, Lots 4,5,8,01,9 &10 (Parcel 2); and it is further

ORDERED that a copy of this Order shall be served on all named Defendants within 7 days of this Order.

Dated: February 28 2005


Hon. Sybil R. Moses, A.J.S.C.

UNOPPOSED

DONALD F. BURKE, ESQ.
The Newark Legal Center
One Riverfront Plaza - 9th Floor
Newark, New Jersey 07102
(973) 643-0009 - 212-435-3529
Attorney for Plaintiff
**THE PORT AUTHORITY OF
NEW YORK AND NEW JERSEY**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO. BER-L- 14000-04**

**THE PORT AUTHORITY OF
NEW YORK AND NEW JERSEY,**
a body corporate and politic,

Plaintiff,

v.

**OWNERS MAINTENANCE
CORP.,**

BOROUGH OF FORT LEE,

STATE OF NEW JERSEY.

**PUBLIC SERVICE ELECTRIC
AND GAS COMPANY,**

VERIZON,

**UNITED WATER NEW JERSEY
INC., and**

TIME WARNER CABLE.

Defendants.

**CIVIL ACTION
(In Condemnation)**

**ORDER REGARDING UTILITY AND
CABLE RELOCATION AND COSTS**

**CONCERNING BLOCK 5302.
LOTS 8, 9.01 & 10.01 (Parcel 1);**

BOROUGH OF FORT LEE

COUNTY OF BERGEN

STATE OF NEW JERSEY

FILED

FEB 28 2005

**SYBIL R. MOSES
A.J.S.C.**

This matter having been opened to the Court by Donald F. Burke, Esq., Attorney for the Plaintiff, The Port Authority of New York and New Jersey (hereafter referred to as "Port Authority") (George P. Cook, Esq., and Harry K. Barr, Esq. appearing), on the original return date of an Order to Show Cause, in the presence, among others, of

Fischbein, Badillo, Wagner, Harding, Attorneys for Defendant, Time Warner Cable (Peter Schancupp, Esq., appearing), and Herten, Burstein, Sheridan, Cevalasco, Bottinelli, Litt, Toskos & Harz, L.L.C., Attorneys for Defendant United Water New Jersey Inc.. (Philip E. Sheridan, Jr., Esq., appearing), and the Court having determined that there is a need to assure proper coordination and cooperation between the parties with respect to utility and cable relocations; and for good cause shown;

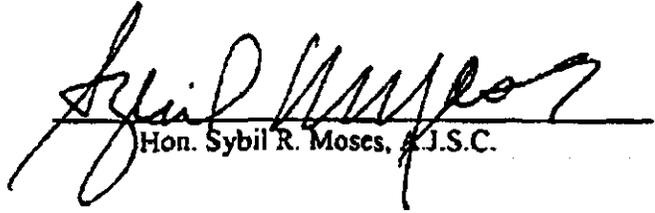
It is on this 28 day of February, 2005,

ORDERED that the Port Authority will coordinate the relocation of existing utilities and relocation of existing cables with the Defendants Borough of Fort Lee, Public Service Electric and Gas Company, Time Warner Cable, United Water New Jersey Inc., and Verizon; and further that the Port Authority will transmit utility or cable relocation plan(s) for the review and approval of the aforesaid Defendants before relocations are undertaken, which review and approval will not be unreasonably withheld or delayed, and with the understanding that any unresolved issues as to the responsibility for paying the cost of utility cable relocations, shall not be considered a valid reason for any Defendant delaying review, or withholding approval of utility or cable relocation plans transmitted by or on behalf of the Port Authority and not cooperating with the Port Authority in the actual relocation of existing utility and cable lines; and it is further

ORDERED that all issues, which may remain unresolved by the parties, regarding the costs of relocating existing utility or cable lines, including the responsibility for paying for such relocations, shall be the subject of later judicial determination and shall be dealt with separately and independently of the adjudication of the just

compensation to be paid for the Port Authority's acquisition of Block 5302, Lots 8, 9.01
& 10.01; and it is further

ORDERED that a copy of this Order shall be served on all named Defendants
within 7 days of this Order.


Hon. Sybil R. Moses, J.S.C.

Dated: February 26, 2005

UNOPPOSED

SCHEDULE 3

**PUBLIC SIDEWALK SURFACE EASEMENT
RESERVED BY THE BOROUGH OF FORT LEE ON A PORTION OF
VACATED
BRUCE REYNOLDS BOULEVARD, FORMERLY KNOWN AS BRIDGE PLAZA
SOUTH AND SOUTH MARGINAL ROAD IN THE BOROUGH OF FORT LEE**

**DEED DESCRIPTION
AND
MAP**



Arthur E. Hanson, Jr., P.E., L.S., P.P.
Bruce D. Callahan, L.S., P.P.

Lawrence Bozik, P.E.

Rev.: March 12, 2007
Rev.: January 24, 2007
Rev.: December 23, 2006
Rev.: November 20, 2006
September 15, 2006

Job No. 8438-VAC

**DEED DESCRIPTION
PROPOSED PUBLIC SIDEWALK SURFACE EASEMENT
TO BE RESERVED BY THE
BOROUGH OF FORT LEE
SITUATED ON A PORTION OF
BRUCE REYNOLDS BOULEVARD TO BE VACATED
IN THE BOROUGH OF FORT LEE
BERGEN COUNTY, NEW JERSEY**

Beginning at the point of intersection formed by the northerly line of Bruce Reynolds Boulevard (80' wide) formerly known as Bridge Plaza South and South Marginal Road with the easterly line of Hoyt Avenue (50' wide) and said point of beginning having a New Jersey State Plane Coordinate System (NAD-83) value of N 736,087.803 Ft. E 639,765.250 Ft. and from said point of beginning and in said bearing system running; thence

1. Southeasterly along the former northerly line of Bruce Reynolds Boulevard (80' wide) along a curve to the left having a radius of 490.00 feet, an arc length of 41.99 feet, a central angle of 04° 54' 36" and a chord which bears S 66° 40' 48" E 41.98 feet to a point on curve; thence the following three (3) courses along the proposed northerly line of Bruce Reynolds Boulevard (80' wide)
2. Northwesterly along a curve to the right having a radius of 958.25 feet, an arc length of 133.47 feet, a central angle of 07° 58' 49" and a chord which bears N 69° 28' 14" W 133.36 feet to a point of compound curvature,
3. Northwesterly along a curve to the right having a radius of 332.25 feet, an arc length of 55.68 feet, a central angle of 09° 36' 08" and a chord which bears N 60° 38' 45" W 55.62 feet to a point of compound curvature,
4. Northwesterly along a curve to the right having a radius of 132.25 feet, an arc length of 20.05 feet, a central angle of 08° 41' 09" and a chord which bears N 51° 30' 07" W 20.03 feet to a point in the northerly line of Bruce Reynolds Boulevard (80' wide); thence
5. S 65° 22' 50" E 21.03 feet along the former northerly line of Bruce Reynolds Boulevard (80' wide) to a point; thence
6. Southeasterly along a curve to the left having a radius of 327.25 feet, an arc length of 54.08 feet, a central angle of 09° 28' 07" and a chord which bears S 60° 42' 46" E 54.02 feet to a point of compound curvature; thence
7. Southeasterly along a curve to the left having a radius of 953.25 feet, an arc length of 82.29 feet, a central angle of 04° 56' 46" and a chord which bears S 67° 55' 12" E 82.26 feet to a point; thence
8. S 64° 20' 03" E 8.88 feet to a point, the point and place of beginning.

Containing 860 square feet

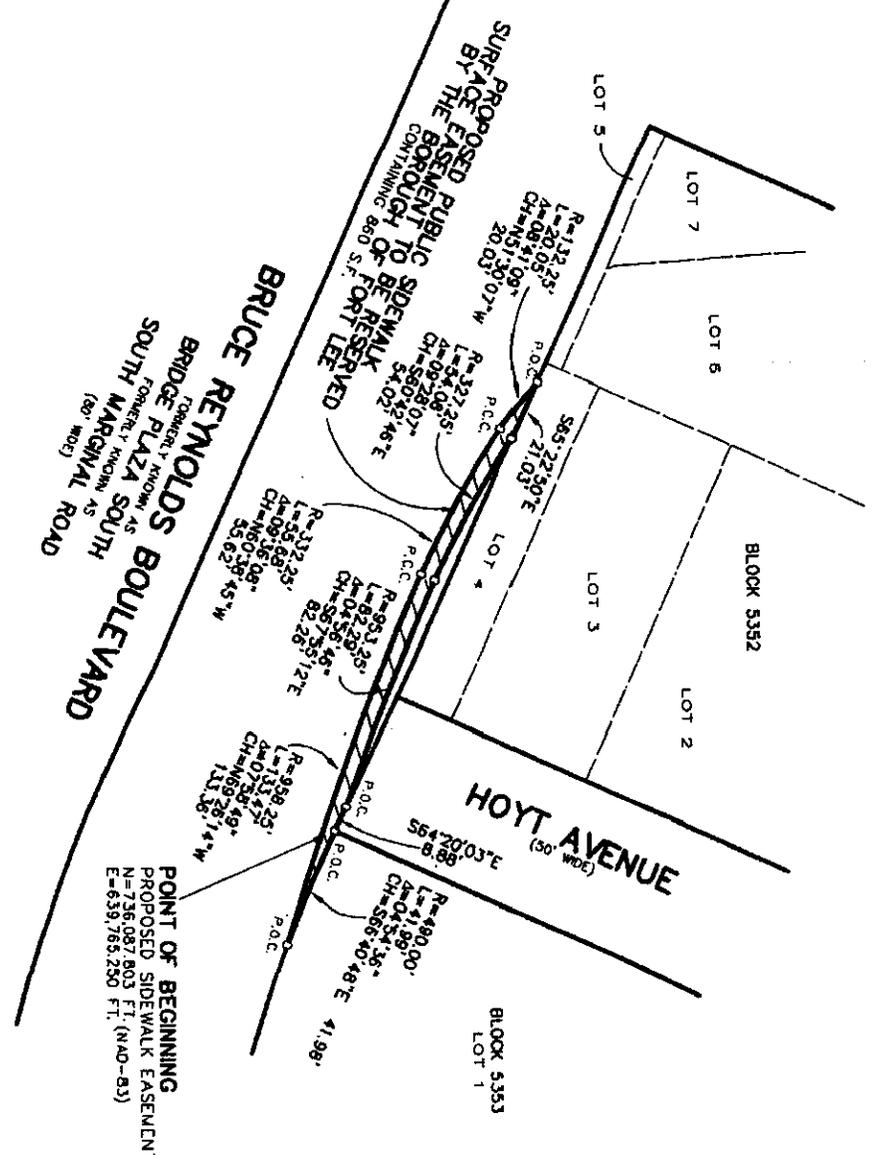
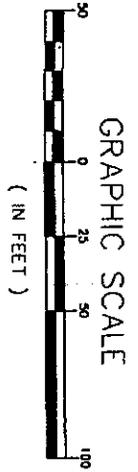
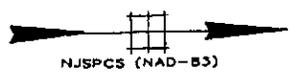
Deed description refers to a map entitled, "Proposed Public Sidewalk Surface Easement to be Reserved by the Borough of Fort Lee situated on a Portion of Bruce Reynolds Boulevard to be Vacated in the Borough of Fort Lee, Bergen County, New Jersey", prepared by Hanson Engineering, Inc., dated: September 15, 2006 and last revised: January 24, 2007.

All bearings and distances are referenced to the New Jersey State Plane Coordinate System (NAD-83)



Bruce D. Callahan
Professional Land Surveyor
New Jersey License No. 27475

N.J.S.P.C.S. (NAD-83) COORDINATE SYSTEM



CERTIFICATE OF AUTHORIZATION NO. 240CA28072500

SCALE: 1" = 50'

REV. 3	GENERAL REVISION	01-24-07
REV. 2	GENERAL REVISION	12-05-06
REV. 1	GENERAL REVISION	11-20-06

PROPOSED PUBLIC SIDEWALK SURFACE EASEMENT TO BE RESERVED BY THE BOROUGH OF FORT LEE
 SITUATED ON A PORTION OF BRUCE REYNOLDS BOULEVARD TO BE VACATED IN THE BERGEN COUNTY, NEW JERSEY

HANSON
 ENGINEERING & SURVEYING
 7100 ROCKY HILL DRIVE, SUITE 100
 973-986-3800 FAX 973-986-1382
 www.hansoneng.com

BRUCE D. CALLAHAN
 PROFESSIONAL LAND SURVEYOR, N.J. LIC. NO. 27475

DATE: SEPT. 15, 2008
 FOR NO. RA58-VAR

Introduced	A PENNA	Date of Introduction	February 14, 2008
Seconded	J. CLAVIERE	Public Hearing	February 28, 2008
		Postponed to:	March 13, 2008
		Postponed to:	March 27, 2008
		Date of Adoption	March 27, 2008
			Tabled March 27, 2008

BOROUGH OF FORT LEE

ORDINANCE # 2008-15

AN ORDINANCE TO FORMALLY ACCEPT JURISDICTION AND CONTROL OVER A PORTION OF BIGLER STREET UPON ITS DISCONTINUANCE AND VACATION AS A COUNTY ROAD BY THE COUNTY OF BERGEN

WHEREAS, the County of Bergen (the "County"), by Ordinance 08-03 adopted on February 6, 2008, pursuant to the provisions of N.J.S.A. 27:16-28, did discontinue its jurisdiction and control of and vacated and relinquished any and all interest of the County of Bergen to, the northern portion of Bigler Street, located in the Borough of Fort Lee and beginning at the intersection of Central Avenue and Bigler Street; and continuing north to the intersection of Bigler Street and Bruce Reynolds Way, for the purpose of assisting the Borough of Fort Lee in completing the Main Street and Hudson Terrace Roadway and Traffic Signal Improvements Project (the "Project"), which Project is a cooperative project by and among the Borough of Fort Lee, the County, and the Port Authority of New York and New Jersey; and

WHEREAS, the County took such action at the request of the Borough of Fort Lee in furtherance of the public purpose of improving the public roads and thoroughfares included within the Project; and

WHEREAS, the Borough seeks to formally evidence its intent to accept jurisdiction over the northern portion of Bigler Street and responsibility for construction, reconstruction, repair and maintenance of the said road, as well as such areas of said road within the northern portion of Bigler Street as previously discontinued or vacated by the County, for the purpose of continuing the use as a public roadway on a temporary basis, by easement or otherwise, if the same may be deemed necessary, until the completion of other necessary portions of the Project, whereupon any and all public rights to travel the northern portion of Bigler Street shall no longer be required and the property comprising the said road shall be changed to other uses by the Borough all as outlined in the Project,

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

1. The Borough of Fort Lee does hereby accept jurisdiction and control over the northern portion of Bigler Street in the Borough of Fort Lee, as depicted and set forth in Exhibit A attached hereto, which was prepared by Costa Engineering Corporation and

dated May 6, 2006, and including the previously vacated right of way as depicted therein, along with the additional portions of Bigler Street that were discontinued as a County road and vacated by the County of Bergen as described by metes and bounds in the attached Exhibit B, and in County Ordinance 08-03, all of which portions of Bigler Street, constituting the full northern portion thereof between the intersection of Central Avenue and Bruce Reynolds Way, being deemed and defined herein as the "Northern Portion of Bigler Street".

2. The Borough of Fort Lee assumes responsibility for the maintenance, construction, reconstruction and repair of the Northern Portion of Bigler Street from the County of Bergen.

3. The Borough of Fort Lee, to the extent necessary or appropriate, may enter into such agreements for easements with property owners within the former County right of way of the Northern Portion of Bigler Street to facilitate construction anticipated by the Main Street and Hudson Terrace Roadway and Traffic Signal Improvements Project (the "Project"), including such easements for the purposes of maintaining a temporary roadway, until the necessary portions of the Project are completed whereby the roadway comprising the northern portion of Bigler Street shall no longer be necessary.

4. All costs arising from the Project shall be the costs included in the budget therefore, and this Ordinance shall not be deemed to require the additional expenditure of funds for the Project with respect to the Northern Portion of Bigler Street.

This Ordinance shall take effect in accordance with law upon final passage and publication.

Exhibit (A) is available in the Office of the Borough Clerk.

Attest:

Mark J. Sokolich
Mayor

Neil Grant
Borough Clerk



COSTA ENGINEERING CORPORATION
Professional Engineers • Surveyors • Planners
325 So. River Street, Suite 302, Hackensack, NJ 07601

Tel (201) 487-0015
Fax (201) 487-5122

Please Reply To:
325 So. River Street
Hackensack, NJ 07601

Robert L. Costa, P.E., P.P., C.M.E.
Martin Kruegel, P.L.S.
* Licensed in NJ, NY, PA, NC
** Licensed in NJ
State of NJ Certificate of Authorization No. 278728

May 3, 2006
Corr. January 4, 2008

**DESCRIPTION OF PORTION OF
BIGLER STREET RIGHT OF WAY
TO BE VACATED.**
Borough of Fort Lee, Bergen County, New Jersey

BEGINNING at a point at the intersection of the westerly right of way line of Bigler Street, (50.00 feet wide) with the northerly right of way line of Central Avenue, (50.00 feet wide) and running thence;

1. Along the aforesaid westerly line of Bigler Street, N 21° 20' 22" E, 131.73 feet; thence,
2. S 68° 39' 38" E, 10.64 feet; thence,
3. N 41° 26' 05" E, 41.80 feet; thence,
4. Along the centerline of the aforesaid right of way of Bigler Street, N 21° 20' 22" E, 100.75 feet; thence,
5. S 57° 21' 02" E, 19.70 feet; thence,
6. S 01° 03' 07" W, 5.74 feet; thence,
7. S 06° 32' 19" W, 14.44 feet; thence,
8. Along the easterly right of way line of said Bigler Street, S 21° 20' 22" W, 236.45 feet; thence,
9. N 82° 13' 59" W, 51.44 feet to the point of Beginning.

Area of property described, 9,956.4 sq. ft., or 0.2286 acres.

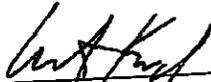

Martin A. Kruegel,
Professional Land Surveyor
N.J. License No. 24202

Exhibit "B"

Introduced	<u>J. CURVIERI</u>	Date of Introduction	<u>February 28, 2008</u>
Seconded	<u>N. SUMNER</u>	Public Hearing	<u>March 13, 2008</u>
		Date of Adoption	<u>March 13, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-16

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF MINI BUSES IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$165,000 THEREFOR AND AUTHORIZING THE ISSUANCE \$4,750 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED 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 improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$165,000, including \$160,000 to be provided as a contribution from the Port Authority of New York and New Jersey, and including the sum of \$250 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or from the contributions referred to in Section 1, negotiable bonds are hereby authorized to be issued in the principal amount \$4,750 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the acquisition of mini buses, including all related equipment, and further including all related costs and expenditures incidental thereto, to be used in the operation of the shuttle bus service between the Borough and the Edgewater Marina Ferry operations and other related services.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the

Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$4,750, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$3,006 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

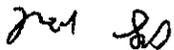
Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such additional funds are so used.

Section 8. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

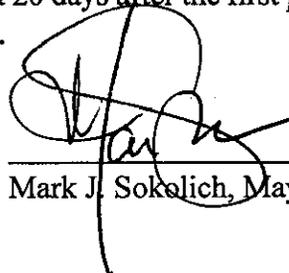
Section 9. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ATTEST:



Neil Grant, Borough Clerk



Mark J. Sokolich, Mayor

Introduced	J. CARRERA	Date of Introduction	February 28, 2008
Seconded	M. SARGENT	Public Hearing	March 13, 2008
		Date of Adoption	March 13, 2008

BOROUGH OF FORT LEE

ORDINANCE # 2008-17

REFUNDING BOND ORDINANCE OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE REFUNDING OF A PRIOR BOND ISSUE OF THE BOROUGH AND APPROPRIATING AN AMOUNT NOT EXCEEDING \$6,850,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$6,850,000 GENERAL OBLIGATION REFUNDING BONDS OF THE BOROUGH OF FORT LEE FOR FINANCING THE COST THEREOF

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), DOES ORDAIN AS FOLLOWS:

Section 1. The Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") is hereby authorized to refund all or a part of the Borough's General Improvement Bonds, Series 1999, maturing on February 1 in the years 2009 through and including 2013; and to provide for the payment of costs of issuance.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable general obligation refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the principal amount not to exceed \$6,850,000 pursuant to the Local Bond Law.

Section 3. An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 4. The purpose of the refunding is to provide for savings in the debt service payable by the Borough with respect to its outstanding obligations.

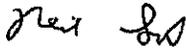
Section 5. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this refunding bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the

Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

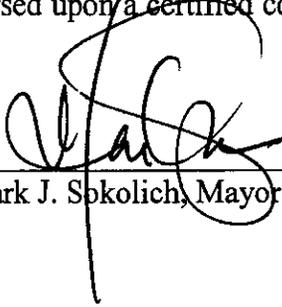
Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the chief financial officer of the Borough as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 7. This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

ATTEST:



Neil Grant
Borough Clerk



Mark J. Sokolich, Mayor

Introduced	<u>J. CLAVIERI</u>	Date of Introduction	<u>March 13, 2008</u>
Seconded	<u>J. GOLOBERG</u>	Public Hearing	<u>March 27, 2008</u>
		Date of Adoption	<u>March 27, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-18

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388,
SECTION 53, OF THE BOROUGH OF FORT LEE CODE ENTITLED
"VEHICLES AND TRAFFIC - SCHEDULE IX: STOP INTERSECTIONS"**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, AS FOLLOWS:

Section I. Chapter 388, Section 53, of the Fort Lee Code Entitled "Vehicles and Traffic - Schedule IX: Stop Intersections", be and the same is hereby amended and supplemented by the addition thereto of the following:

Westbound Center Street at West Street

A STOP sign shall be installed on Center Street at its Intersection with West Street

Section II. All other parts, portions and provisions of Chapter 388 of the Fort Lee Code entitled "Vehicles and Traffic - Schedule IX: Stop Intersections" be and the same are hereby ratified and confirmed, except where inconsistent herewith. In the event of any such inconsistency, the terms and provisions of this Ordinance shall be deemed to govern.

Section III. The provisions of this Ordinance are hereby declared to be severable; should any section or portion thereof be held invalid or unconstitutional, such decision shall not affect the validity of any remaining sections hereof.

Section IV. This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

Mark J. Sokolich

Mark J. Sokolich, Mayor

Introduced	<u>J. Cervieri</u>	Date of Introduction	<u>March 13, 2008</u>
Seconded	<u>H. Senyner</u>	Public Hearing	<u>March 27, 2008</u>
		Date of Adoption	<u>March 27, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-19

AN ORDINANCE AMENDING SALARY ORDINANCE #2007-6 AMENDING SALARIES AND SALARY RANGES FOR DEPARTMENT HEADS - SCHEDULES A-1 and A-2

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee that Ordinance #2007-6 is hereby amended as follows:

SECTION I: Department Head Personnel Schedules "A-1 and A-2" shall be amended to include the title, salary, and salary range for the following position from January 1, 2008 through December 31, 2009.

<u>Title</u>	<u>(Schedule A-1)</u>	<u>2008</u>	<u>2009</u>
Fire Official/Fire Protection		<u>01/01</u> -	<u>01/01</u> -
Sub-Code Official		<u>06/30</u>	<u>06/30</u>
		95,000	98,829
	<u>(Schedule A-2)</u>	<u>2008</u>	<u>2009</u>
		<u>07/01</u> -	<u>07/01</u> -
		<u>12/31</u>	<u>12/31</u>
		95,950	99,817

Salary Range

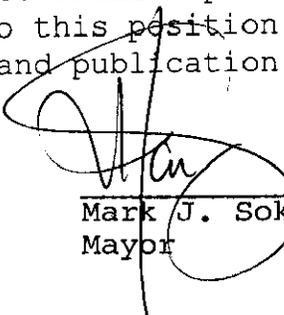
Fire Official/Fire Protection
Sub-Code Official \$75,000 to \$125,000

SECTION II: This ordinance shall supersede any previous adopted ordinances with regard to this position and shall take effect immediately upon passage and publication as prescribed by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk



Mark J. Sokolich
Mayor

Introduced	<u>J. CURVIERI</u>	Date of Introduction	<u>March 13, 2008</u>
Seconded	<u>N. SOMMER</u>	Public Hearing	<u>April 10, 2008</u>
		Date of Adoption	<u>April 10, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-20

**CALENDAR YEAR 2008
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A.40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Fort Lee in the County of Bergen finds it advisable and necessary to increase its CY 2008 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$428,033.17 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years,

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Fort Lee, in the County of Bergen, a majority of

the full authorized membership of this governing body affirmatively concurring, that, in the CY 2008 budget year, the final appropriations of the Borough of Fort Lee shall, in accordance with this ordinance and N.J.S.A.40A:4-45.14, be increased by 3.50%; amounting to \$1,498,116.10, and that the CY 2008 municipal budget for the Borough of Fort Lee be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

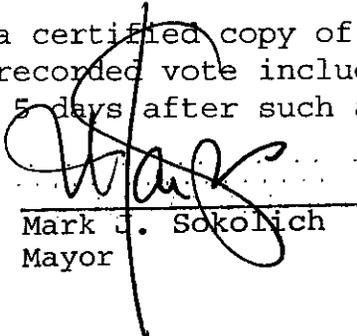
BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk



Mark J. Sokolich
Mayor

Introduced	<u>J. CERVIERS</u>	Date of Introduction	<u>March 13, 2008</u>
Seconded	<u>J KASOWSKI</u>	Public Hearing	<u>March 27, 2008</u>
		Date of Adoption	<u>March 27, 2008</u>

BOROUGH OF FORT LEE
ORDINANCE # 2008-21

**AN ORDINANCE AMENDING CHAPTER 316, PUBLIC RECORDS,
ARTICLE 1: "FEES FOR COPIES AND RECORDS" OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE**

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 316, Public Records, Article 1: "Fees for Copies and Records," of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. The following provision is hereby added as a new Paragraph "K" of Article 1: "Fees for Copies and Records:"

K. CDs

In the event that a request is made for recordings of meetings of the Borough Council, Planning Board or Board of Adjustment, the Borough shall charge a fee of \$10.00 for a copy of the recording of the meeting in a CD format.

Section 2. The following provision is hereby added as a new Paragraph "L" of Article 1: "Fees for Copies and Records:"

L. Special Requests

Whenever the nature, format, manner of collation, or volume of a public record embodied in the form of printed matter to be inspected, examined, or copied pursuant to N.J.S.A. 47:1A-2 and this Ordinance is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the Borough may charge, in addition to the actual cost of duplicating the record, a special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies. The person

requesting the public record shall have the opportunity to review and object to the charge prior to it being incurred.

Section 3. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

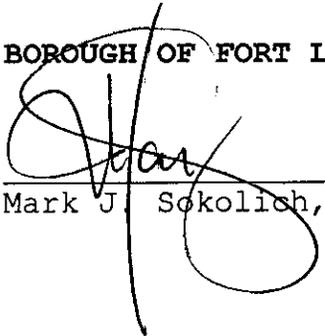
Section 4. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark J. Sokolich, Mayor

Introduced	J. CERVIERI	Date of Introduction	April 10, 2008
Seconded	I. KASCHSKY	Public Hearing	April 24, 2008 May 8, 2008
		Date of Adoption	May 8, 2008

CANCELLED MEETING

BOROUGH OF FORT LEE

ORDINANCE# 2008-22

AN ORDINANCE AMENDING CHAPTER 406 WRECKERS AND TOWING SERVICE OF THE CODE OF THE BOROUGH OF FORT LEE

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 406, Wreckers and Towing Service, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section I. That Borough Ordinance 406-1, Definitions, be amended to include the following:

LOCKING WHEEL BOOT- A mechanical or electrical clamp, boot or fitting which is employed, manufactured or designed to lock the wheel of a motor vehicle, thus making the vehicle immobile.

VEHICLE IMMOBILIZATION- Use of a locking wheel boot that, when attached to the wheel of a vehicle, prevents free, self-propelled movement of the vehicle by the vehicle operator.

PARKING VIOLATION STICKER- A warning label with adhesive, tape or glue, which is manufactured, designed or employed so that it may be affixed to the front or rear windshield of any vehicles violating parking rules or regulations.

Section II. That Borough Ordinance 406-2, License and registration required, be amended to include the following:

A. A wrecking and towing license shall in no way authorize an employee or agent of a person conducting a wrecker

service within the Borough to operate or provide a Vehicle Immobilization Service.

B. A wrecking and towing license shall in no way authorize an employee or agent of a person conducting a wrecker service within the Borough to operate or provide any service that utilizes Parking Violation Stickers.

Section III. Vehicle immobilization; parking violation sticker.

A. With the exception of the Fort Lee Police Department and Fort Lee Parking Authority, it shall be unlawful, under any circumstance, for any person to utilize a Locking Wheel Boot and/or a front or rear windshield Parking Violation Sticker upon a vehicle located in the Borough. It shall further be illegal for any person to affix a parking violation sticker to any other surface of a vehicle that is larger than six inches (6") by nine inches (9").

B. In addition to any other penalties which may be imposed for the violation of any provision of this chapter, any person who shall violate the terms and conditions of this section shall, upon conviction, be punished by a fine not to exceed the sum of \$1000.

Section IV. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section V. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil W Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE

Mark J. Sokolich

Mark J. Sokolich, Mayor

Introduced	<u>J. (KRYKER)</u>	Date of Introduction	<u>May 8, 2008</u>
Seconded	<u>A. POKAN</u>	Public Hearing	<u>May 22, 2008</u>
		Date of Adoption	<u>May 22, 2008</u>

BOROUGH OF FORT LEE
ORDINANCE # 2008-23

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388,
SECTION 64, SCHEDULE XVII, CROSSWALKS, OF THE BOROUGH
OF FORT LEE CODE ENTITLED "VEHICLES AND TRAFFIC"**

Section I. BE IT ORDAINED, by the Mayor and Council that the following mid-block crosswalk be established and codified into the Borough's ordinances.

Name of Street
319 Main Street

Location
**Beginning at a point 245 feet west
of the westerly curblines of Center
Avenue and extending 12' westerly
therefrom**

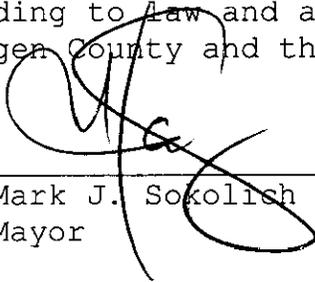
Section II. All other parts, portions and provisions of Chapter 388 of the Fort Lee Code entitled "Vehicles and Traffic" be and the same are hereby ratified and confirmed, except where inconsistent herewith. In the event of any such inconsistency, the terms and provisions of this Ordinance shall be deemed to govern.

Section III. The provisions of this Ordinance are hereby declared to be severable; should any section or portion thereof be held invalid or unconstitutional, such decision shall not affect the validity of any remaining sections hereof.

Section IV. This Ordinance shall take effect immediately upon final passage and publication according to law and after all required approvals are received from Bergen County and the State of New Jersey.

ATTEST:

Neil Grant
Neil Grant
Borough Clerk



Mark J. Sokolish
Mayor

Introduced	<u>J. CERVELLI</u>	Date of Introduction	<u>May 8, 2008</u>
Seconded	<u>N. SCHMIDT</u>	Public Hearing	<u>May 22, 2008</u>
		Date of Adoption	<u>May 22, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-24

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTION 43, SCHEDULE I, OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "NO PARKING"

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, AS FOLLOWS:

Section I. Chapter 388, Section 43, Schedule I, entitled "No Parking," be and the same is hereby amended as follows:

Name of Street	Side:	Location
First Street	West	Beginning at a point 15 feet south of the apex formed by the west curb of First Street and the south curb of the driveway of 2469 First Street and extending 60 feet south along the west curb of First Street

Section II. All other parts, portions and provisions of Chapter 388 of the Code of the Borough of Fort Lee not inconsistent with the terms hereof be and the same are hereby ratified and confirmed. In the event of any inconsistency, the terms and provisions hereof shall govern.

Section III. The terms of this ordinance are hereby declared to be severable; should any part, portion or provision be deemed invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

Section IV. This ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

Neil Grant

Neil Grant, Borough Clerk

Mark J. Sokolich, Mayor

Introduced	J. Cervelli	Date of Introduction	May 8, 2008
Seconded	H. Sommer	Public Hearing	May 22, 2008
		Date of Adoption	May 22, 2008

BOROUGH OF FORT LEE
ORDINANCE # 2008-25

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTION 43, SCHEDULE I, OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "NO PARKING"

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, AS FOLLOWS:

Section I. Chapter 388, Section 43, Schedule I, entitled "No Parking," be and the same is hereby amended as follows:

Name of Street	Side:	Location
Center Avenue	East	Beginning at parking meter 704 in front of 1646 Center Avenue and extending a distance of 60 feet north along the same curblin

Section II. All other parts, portions and provisions of Chapter 388 of the Code of the Borough of Fort Lee not inconsistent with the terms hereof be and the same are hereby ratified and confirmed. In the event of any inconsistency, the terms and provisions hereof shall govern.

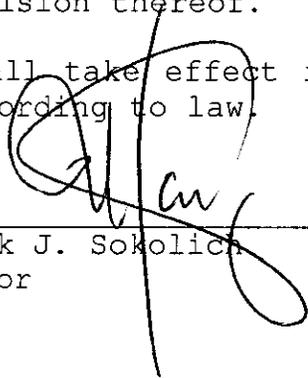
Section III. The terms of this ordinance are hereby declared to be severable; should any part, portion or provision be deemed invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

Section IV. This ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk


Mark J. Sokolich
Mayor

Introduced	<u>A PORNAN</u>	Date of Introduction	<u>May 8, 2008</u>
Seconded	<u>J. KASOFSKY</u>	Public Hearing	<u>May 22, 2008</u>
		Date of Adoption	<u>May 22, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE #2008-26

ORDINANCE APPROPRIATING \$500,000 FROM THE RESERVE FOR THE MAIN STREET AND HUDSON TERRACE ROAD WIDENING IMPROVEMENTS IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY.

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

Section 1. \$500,000 is hereby appropriated from the Reserve for the Main Street and Hudson Terrace roadway and traffic signal improvements in and by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough"), including all work and materials necessary therefor and incidental thereto.

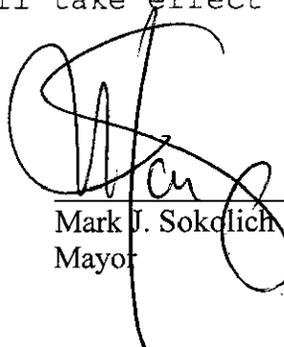
Section 2. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect as provided by law.

Attest:

Neil Grant

Neil Grant
Borough Clerk



Mark J. Sokolich
Mayor

Introduced	M. SARGENT	Date of Introduction	May 8, 2008
Seconded	H. SOMMER	Public Hearing	May 22, 2008
		Date of Adoption	May 22, 2008

BOROUGH OF FORT LEE
2008-27
ORDINANCE # _____

BOND ORDINANCE AMENDING BOND ORDINANCE #2003-13, AS AMENDED BY #2006-28, OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY FINALLY ADOPTED MAY 22, 2003, AS AMENDED APRIL 20, 2006, IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT AND THE PERIOD OF USEFULNESS.

BE IT ORDAINED 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 One. Section 3(a) of Bond Ordinance #2003-13, as amended by #2006-28, of the Borough of Fort Lee finally adopted May 22, 2003, as amended April 20, 2006 (the "Bond Ordinance"), is hereby amended to read as follows:

"(a) (1) Purpose: Construction of a Community Center, including all work and materials necessary therefor and incidental thereto.

Appropriation and Estimated Cost:	\$11,750,000
Maximum Amount of Bonds or Notes:	\$11,750,000
Period or Average Period of Usefulness:	30 years

(2) Purpose: Improvements to the Lewis F. Cole Middle School Field and the acquisition of various equipment for the Fort Lee Community Center, including, but not limited to, projection equipment and movie screens, including all related costs and expenditures

incidental thereto and further including all work and materials necessary therefor and incidental thereto.

Appropriation and Estimated Cost:	\$3,300,000
Maximum Amount of Bonds or Notes:	\$3,210,000
Period or Average Period of Usefulness:	15 years

(3) Purpose: The construction of a skateboard park between Inwood Terrace and Anderson Avenue, including all work and materials necessary therefor and incidental thereto.

Appropriation and Estimated Cost:	\$250,000
Maximum Amount of Bonds or Notes:	\$250,000
Period of Average Period of Usefulness:	15 years"

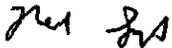
Section Two. Section 6 (b) of the Bond Ordinance is hereby amended to read as follows:

"The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 26.58 years."

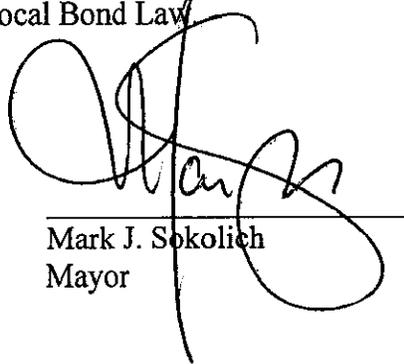
Section Three. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section Four. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law

Attest:



Neil Grant
Borough Clerk



Mark J. Sokolich
Mayor

Introduced	<u>J. CERVELLI</u>	Date of Introduction	<u>May 8, 2008</u>
		Public Hearing	<u>May 22, 2008</u>
Seconded	<u>M. SARGENTI</u>	Date of Adoption	<u>May 22, 2008</u>

BOROUGH OF FORT LEE
ORDINANCE # 2008-28

**AN ORDINANCE AMENDING CHAPTER 372 TAXICABS AND LIMOUSINES,
ARTICLE I TAXICABS, SECTION 24 RATES POSTED; MAXIMUM RATES,
OF THE CODE OF THE BOROUGH OF FORT LEE**

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 372, Taxicabs and Limousines, Article I Taxicabs, Section 24 Rates Posted; Maximum Rates, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That Borough Ordinance 372-24, Subsections C(1) and C(2), shall be replaced with the following pertaining to maximum rates permitted to be charged:

C. The maximum rates which may be charged are as follows:

1. Two dollars seventy five cents for the first four-ninths of a mile and \$0.35 for each additional one-ninth of a mile.
2. \$1.50 for each three minutes or portion thereof of waiting time.

Section 2. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

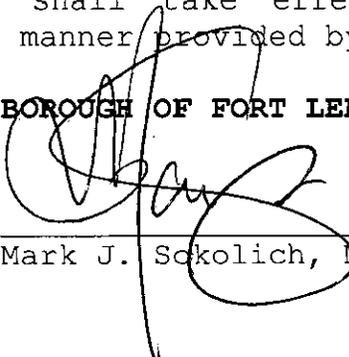
Section 3. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark J. Sokolich, Mayor

Introduced	<u>J. CURVIERI</u>	Date of Introduction	<u>June 12, 2008</u>
Secoded	<u>M. SARGENTI</u>	Public Hearing	<u>June 26, 2008</u>
		Date of Adoption	<u>June 26, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-29

ORDINANCE APPROPRIATING A \$110,000 GRANT FROM THE BERGEN COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND FOR IMPROVEMENTS TO CONSTITUTION PARK IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY.

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

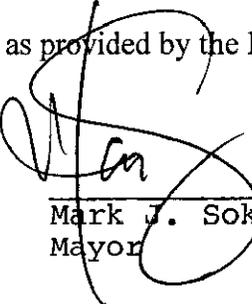
Section 1. A grant in the amount of \$110,000 is hereby appropriated from the Bergen County Open Space, Recreation, Farmland and Historic Trust Fund for improvements to Constitution Park in and by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough").

Section 2. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect as provided by the law.

ATTEST:

Neil Grant
Neil Grant
Borough Clerk



Mark J. Sokolich
Mayor

Introduced	J. CERVIERI	Date of Introduction	June 26, 2008
Seconded	H. SOMMER	Public Hearing	July 24, 2008
		Date of Adoption	July 24, 2008

BOROUGH OF FORT LEE

ORDINANCE #2008-30

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69, SCHEDULE XXIII, OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "HANDICAPPED PARKING SPACES"

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE as follows:

Section I: Chapter 388, Section 69, Schedule XXIII, is hereby amended and supplemented so as to add the following as a handicapped parking space:

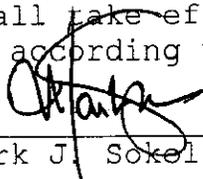
388-69: Along the west curb line of Anderson Avenue beginning at a point 28 feet south of the apex formed by the south curb of Plateau Avenue and the west curb of Anderson Avenue extending 25 feet south along the same curb line.

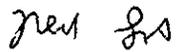
Section II: The provisions of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

Section III: In the event on any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be deemed to govern. All other parts, portions, and provisions of Chapter 388 are hereby ratified and confirmed, except where inconsistent herewith.

Section IV: This Ordinance shall take effect immediately upon final passage and publications according to law.

ATTEST:


 Mark J. Sokolich, Mayor


 Neil Grant, Borough Clerk

Introduced	J. CURVIERI	Date of Introduction	June 26, 2008
Seconded	M. SARGENTI	Public Hearing	July 24, 2008
		Date of Adoption	July 24, 2008

BOROUGH OF FORT LEE

ORDINANCE # 2008-31

AN ORDINANCE AMENDING CHAPTER 406 WRECKERS AND TOWING SERVICE, SECTION 15 RATES FOR TOWING, CONVEYING, REPAIR, SERVICE OR STORAGE; AND SECTION 22 RELEASE OF VEHICLES, OF THE CODE OF THE BOROUGH OF FORT LEE

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 406, Wreckers and Towing Service, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. The current text of Section 15 Rates for Towing, Conveying, Repair, Service or Storage, is hereby replaced with the following:

A. Service Charges.

- (1) Road service: \$50.
- (2) Gasoline delivery: \$50 (plus current gasoline price; receipt given to customer).
- (3) Removing damaged tires and replacing same with spare: \$50.
- (4) Removing damaged tires, repairing and remounting same: \$50.

B. Towing Charges - Wheel Lift or Flat Bed.

Type of Vehicle

Charge

Automobiles	\$125
Trucks (one-ton capacity or less)	\$125
Trucks (over one-ton but under five-ton capacity)	\$175
Straight Job Truck	\$275
Buses, tractor trailers and other heavy equipment over five-ton capacity	\$375
Motorcycles or motor scooters	\$125
Police and other municipal vehicles	
Road service	\$25
Inside Fort Lee (Tow)	\$30
Outside Fort Lee (Tow)	\$50

C. Winching Service Charges.

- (1) Light Wreckers: \$75 per hour/unit
- (2) Heavy Wreckers: \$125 per hour/unit
- (3) Snow locked vehicles: \$20 per tow,
additional charge
- (4) Labor fees for towing of parked
vehicles or minor maneuvering of
vehicles prior to towing
(with no keys): \$75

D. Storage Charge (after first three hours, but
within twenty-four hours).

- (1) Trucks, automobiles, motorcycles and motor scooter (one and a half-ton capacity or less): \$35
- (2) Trucks (over one and a half-ton but under five-ton capacity): \$50 per day or or part thereof
- (3) Trucks, Buses, tractor trailers and other heavy equipment over five-ton capacity: \$75 per day or part thereof

- E. Any person found to be in violation of the terms and conditions of this chapter two times within any one year shall have his license to operate a wrecker or towing service in the Borough of Fort Lee suspended for six months.
- F. It shall be the duty of all wreckers and towing services to maintain a listing of the rates shown herein in their vehicles and to have a sign permanently affixed to the vehicle reading "Fort Lee Schedule of Rates in Cab."

Section 2. The current text of Section 22 Release of Vehicles is hereby replaced with the following:

- A. Tow companies shall not release a vehicle until the owner of the vehicle or his designee presents a receipt for the release. The receipt shall be obtained by the owner or his designee from the Police Department.
- B. Tow companies shall be required to release vehicles in accordance with the following:
- (1) No storage charge for any vehicle released within three hours after the police dispatch of the tow.

(2) Vehicles shall be released at any time during the first 24 hours after the police dispatch of the tow, but if after three hours, the storage fee shall be \$35.

C. After the initial 24 hours of storage, vehicles shall be released Mondays through Fridays, 8:00 a.m. to 6:00 p.m., and Saturdays, 8:00 a.m. to 12:00 p.m. by the payment of a \$35 per day (after first twenty-four hours) storage fee.

Section 3. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

BOROUGH OF FORT LEE

Neil Grant

Neil Grant
Borough Clerk

Mark Sokplich

Mark Sokplich, Mayor

Introduced	<u>J. CURVERS</u>	Date of Introduction	<u>June 26, 2008</u>
Seconded	<u>M. SARGENTI</u>	Public Hearing	<u>July 24, 2008</u>
		Date of Adoption	<u>July 24, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-32

**AN ORDINANCE AMENDING CHAPTER 324, RENT CONTROL,
OF THE CODE OF THE BOROUGH OF FORT LEE**

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 324, Rent Control, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That Borough Ordinance 324 shall be amended to add the following as a new Article 10, "Exempt Rental Units:"

Section 324-58 Certain Rental Dwellings:

The provisions of Borough Ordinance 324 shall be inapplicable to the following:

A. Rental dwellings that are owned by the Fort Lee Housing Authority;

B. Rental dwellings in buildings of twelve (12) units or less that meet all of the following criteria:

1) The premises are owned by a non-profit entity that is designated by both the State of New Jersey and County of Bergen as a Community Housing Development Organization and is intended to be occupied by persons eligible for low income housing as defined by the U.S. Department of Housing and Urban Development; and

2) New tenancies are limited by the owner to persons receiving Section 8 assistance or

participating in a Family Self-Sufficiency Program; and

Section 2. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 3. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

BOROUGH OF FORT LEE

Neil Grant

Neil Grant
Borough Clerk

Mark Sokolich

Mark Sokolich, Mayor

Introduced	<u>J. CARVALI</u>	Date of Introduction	<u>June 26, 2008</u>
Seconded	<u>M. SARGENTI</u>	Public Hearing	<u>July 24, 2008</u>
		Date of Adoption	<u>July 24, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-33

**AN ORDINANCE FOR DETERMINING POSITIONS ELIGIBLE FOR
THE DEFINED CONTRIBUTION RETIREMENT PROGRAM**

WHEREAS, the State Legislature recently adopted Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) to create the Defined Contribution Retirement Program to provide retirement benefits to various county and municipal officials; and,

WHEREAS, N.J.S.A. 43:15C-2 requires the governing body of each county, municipality, and other local entity to adopt, as appropriate, either a resolution or ordinance to determine the positions that are substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which officials appointed to such positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law; and,

WHEREAS, the Mayor and Council of the Borough of Fort Lee have considered the guidelines issued by the Local Finance Board,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee, County of Bergen, State of New Jersey that:

1. Pursuant to N.J.S.A. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program, unless otherwise permitted to participate in the Public Employees' Retirement System ("PERS") in accordance

with the terms of P.L.2007, c.92 and/or Section A and B of Local Finance Notice 2008-10, or as may be prohibited from such participation owing to the fact that they are employed pursuant to a professional services agreement:

- a. Borough Administrator;
- b. Borough Attorney;
- c. Labor Negotiator;
- d. Rent Leveling Board Attorney;
- e. Municipal Prosecutor;
- f. Municipal Court Judges;
- g. Municipal Public Defender;
- h. Special Tax Counsel;
- i. Municipal Bond Counsel;
- j. Borough Auditor;
- k. Borough Engineer;
- l. Municipal Court Administrator;
- m. Administrator of Cultural and Heritage Affairs;
- n. Superintendent of Recreation;
- o. Supervisor of Senior Citizens;
- p. DPW/Parks Superintendent;
- q. Director of Economic Development

2. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S.A. 43:15C-2:

- a. Certified Health Official;
- b. Tax Collector;
- c. Chief Financial Officer;
- d. Construction Code Official;
- e. Tax Assessor;
- f. Municipal Planner;
- g. Registered Borough Clerk;
- h. Licensed Uniform Sub code Inspector

3. This ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S.A. 43:15C-1 et seq.) as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.

4. Should any part or parts of this ordinance be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to

be invalid, and all other parts shall remain in effect.

5. A copy of this ordinance shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.

6. This ordinance shall take effect upon its passage and publication as required by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE

Mark J. Sokolich

Mark J. Sokolich, Mayor

Introduced	<u>J CERVIERI</u>	Date of Introduction	<u>July 24, 2008</u>
		Public Hearing	<u>August 21, 2008</u>
Seconded	<u>H. SCHMIDT</u>	Date of Adoption	<u>August 21, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-34

AN ORDINANCE AMENDING CHAPTER 345 SITE PLAN REVIEW AND CHAPTER 410 ZONING OF THE CODE OF THE BOROUGH OF FORT LEE.

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 345, Site Plan Review, and Chapter 410, Zoning, of the Code of the Borough of Fort Lee, are hereby amended as follows:

Section 1. That Borough Ordinance § 345-1 et seq. is hereby amended to repeal § 345-25.1, **Design standards and guidelines in the C-1 Central Business District**, in its entirety.

Section 2. That Borough Ordinance § 410-46, **Regulation of nonconforming uses**, shall be amended and supplemented and hence forth provide as follows: No existing building or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted or structurally altered except when changed to a conforming use or when required to do so by law and as follows:

A. Restoration. Any nonconforming structure partially damaged by fire, casualty or act of God may be repaired, restored, reconstructed or used as before, provided that the area of such use, building or structure shall not exceed the area which existed prior to such damage. All repairs shall be completed within one year after damage occurs or such use shall not be rebuilt except as a conforming use. In the event substantial damage occurs, then the provisions of § 410-47B shall apply.

B. Repairs. Normal maintenance repair and incidental alteration of a structure containing a nonconforming use shall be permitted, provided it does not exceed the area or volume of space occupied by the nonconforming use.

C. Nothing in this chapter shall prevent the strengthening or restoring to a safe or lawful condition of any part of a building as may be required by the Zoning Officer or other authorized municipal, county or state officials.

D. A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability. No structural alterations shall be made which would increase the number of dwelling units.

E. A building or other structure containing nonresidential nonconforming uses in a residential zone, in which application is made for site plan approval concerning rehabilitation of existing structures, additions to existing structures, and construction of new buildings, shall comply with the specifications set forth within § 410-52 or § 410-53 of the Borough ordinance. Determination of whether to apply § 410-52 or § 410-53 shall be given by the Borough Construction Official.

F. A building or other structure containing nonresidential nonconforming uses in a residential zone, in which application is made for a change in tenancy or occupancy, shall comply with the specifications set forth within § 410-53.1 of the Borough ordinance.

Section 3. The text of Borough Ordinance § 410-49, **General**, shall be repealed and in its place shall hence forth provide as follows: Article XII Signage and Facades, § 410-49, General signage regulations.

A. Purpose. The purpose of these sign regulations is to preserve the public health, welfare and/or safety within the Borough of Fort Lee by the following:

(1) Promotion of safety on highways and roadways by:

(a) Establishment of a clear and orderly pattern of signs that are appropriately designed to be compatible and not competitive with other signs;

(b) Reduction of obstructions, distractions and other conditions which cause confusion or otherwise threaten to compromise pedestrian and vehicular safety;

(c) Promotion of ready identification of governmental and institutional sites and events;

(d) Coordination of signs with prevailing speed limits and highway or roadway conditions.

(2) Promotion and protection of the Borough's visual resources by:

(a) Creation of a pleasing streetscape;

(b) Encouragement of artistic, creative, expressive and distinctive signage of appeal and quality appropriate to the

respective environs;

(c) Encouragement of signage compatible and reflective of desirable architectural buildings and features;

(d) Eradication and prevention of visual clutter caused by the competitive proliferation of signs, disorderly placement, excessive height, size and illumination and redundancy.

(3) Promotion of commerce in Fort Lee by:

(a) Affording each Borough profession, business, industry and service a fair and protected opportunity to communicate, identify and safely and effectively direct traffic to its site by means which are expressive of identity and appropriate to the nature of the enterprise and the surroundings;

(b) Creating a distinctive commercial environment which attracts business because of a heightened visual quality and image.

B. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

AWNING - A roof-like cover made of nylon, canvas, or other such material or fabric that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

BANNER - A temporary paper, plastic, or cloth device hung to attract attention to a business or special event.

BILLBOARD - A sign that advertises products or services which are not on the premises of the owner or place of business to which they apply. Billboards may include signs attached to walls and those otherwise attached to buildings and structures as well as those not attached to buildings and supported by uprights or braces on the ground.

BILLBOARD SIGN EXTENSION (aka CUT-OUT) - A billboard advertising copy design element that protrudes beyond the confines of a billboard sign face area.

BUILDING INSPECTOR - The Building Inspector of the Borough or his designee.

BOROUGH - The Borough of Fort Lee.

CONSTRUCTION OFFICIAL - The Construction Official of the Borough or his designee or other authorized agency.

ELECTRONIC MESSAGE CENTERS - A sign whose alphabetic, graphic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments either by means of pre-programming or by computer-driven electronic impulses.

ERECT - To build, construct, reconstruct, attach, hang, rehang, alter, place, affix, enlarge, move or relocate.

FLAG - Any fabric or bunting containing distinctive colors, patterns or symbols.

FLAG, OFFICIAL - Any flag of the United States, the State of New Jersey, the County of Bergen, the Borough of Fort Lee, or any other governmental unit or recognized nonprofit organization.

FLAG, TRADEMARK - Any flag that displays only a registered trademark, logo, corporate name or any combination of the former three. No other wording or display of any kind shall be considered a trademark flag.

FRONTAGE - The side of a lot abutting a street; the front lot line. On lots with multiple street fronts, the frontage shall include the length of the lot abutting all such streets.

GARAGE SALE - The offering for sale of multiple items of personal property on property designed, used or intended as a residence.

GASOLINE SERVICE STATION - Any business that dispenses, or is designed, used, or intended to dispense, gasoline and oil for use in motor vehicles and boats.

GASOLINE SERVICE STATION CANOPY - A freestanding structure located on the same premises as a gasoline service station affording protection from the elements to persons or property there under.

OPAQUE - Not transparent or translucent; impenetrable to light.

PARKING AUTHORITY - The Parking Authority of the Borough of Fort Lee.

PLINTH - A monument sign base that rests directly on the ground designed as a support unit, architectural unit, or decorative design element.

SIGN - Any object, device, display or structure or part

thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images, but excluding the American flag or other governmental flags, athletic scoreboards on school premises, or official announcements and signs of government.

SIGN, ABANDONED - A sign that, after a period of 30 days, no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted or product available on the premises where such sign is displayed.

SIGN, ADVERTISING - A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot on which the sign is located.

SIGN, ANIMATED - Any sign that includes action or motion or any changes in physical position of its whole or parts or a change in light intensity by rotation or movement.

SIGN AREA - The total sign area shall be measured as per § 410-51A.

SIGN, AWNING - A sign that is painted, mounted or otherwise permanently affixed to an awning.

SIGN, BUSINESS - A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered upon the premises where the sign is located.

SIGN, CHANGEABLE COPY- Any sign designed to allow the sign copy to be changed or altered without undertaking a physical alteration to the sign (such as changing sign panels or repainting the sign), i.e. through the use of movable letters, electronic displays, interchangeable parts, or other means. Changeable copy does not include copy pertaining to the business, occupation, or tenant advertised or identified.

SIGN, CONSTRUCTION INFORMATION - A temporary sign used during the construction of new buildings or reconstruction of or additions to existing buildings which identifies the project or future use of a site and provides information denoting the owner, architect, engineer, contractor, financing institutions or similar individuals or firms having a role or interest in the project.

SIGN COPY - The wording or graphics on a sign surface.

SIGN, ILLUMINATED - Any sign that is illuminated by light source mounted on or in the sign or at some other location.

SIGN, INFORMATION - A sign that gives parking, building address, fire protection, traffic flow (other than directional signs), height clearance, pedestrian or other similar information and that does not advertise a business or use located on the lot or parcel.

SIGN, INSTITUTIONAL - A sign that identifies or describes the services or functions of premises or facilities used, maintained, or owned by any not for profit educational institution, church, religious society, fraternal organization, public utility, hospital or any other similar organization.

SIGN, INTERNALLY ILLUMINATED - Any sign lighted by or exposed to artificial lighting by lights within such sign.

SIGN, MEMORIAL or TABLET - The permanent part of a building that denotes the name of the building, date of erection, historical significance, dedication, or other similar information.

SIGN, MONUMENT or GROUND SIGN - Any detached sign on the same lot or parcel as the use it advertises which has its bottom portion attached to a proportionate base or plinth, integrated ground planter box, or structural frame.

SIGN, NEON - An illuminated sign, typically constructed of a glass discharge tube that has been shaped to form letters or symbols, and which contains a gas or vapor (typically neon or mercury) that emits light when voltage is applied across electrodes at either end of the tube.

SIGN, OCCUPATIONAL/IDENTIFICATION - A wall sign identifying the name of a person occupying a building and mounted adjacent to the main entrance of the building.

SIGN, POLE - One or more stationary poles or pylons supporting a freestanding sign located on the same lot or parcel as the use it advertises.

SIGN, POLITICAL - A temporary sign advocating or opposing any political proposition or candidate for public office.

SIGN, PORTABLE - A sign that is not permanently affixed to a building or structure, or the ground, and that may be readily moved or relocated.

SIGN, PROFESSIONAL - A sign directing attention to the office of a recognized profession located on the same lot.

SIGN, PROJECTING - Any sign that is wholly or partly dependent upon a building for support and projects more than 14 inches from such building.

SIGN, PYLON - See "sign, pole."

SIGN, ROOF - Any sign erected on or above a roof, excluding wall signs. The generally vertical plane of a mansard-type roof shall be interpreted as the same as a wall of a building.

SIGN, SANDWICH BOARD - A portable sign, also known as an A-frame sign, that consists of two hinged sign boards with information on each side designed to be placed on the ground or hung from the shoulders of an individual.

SIGN, TEMPORARY - Any sign intended for a limited or intermittent period of display.

SIGN, WALL - Any painted sign, letter, word, model, device or representation that may be affixed to the front, side or rear wall of any building and in the same plane as the face of the wall and which does not project more than 12 inches from that wall.

SIGN, WINDOW - A sign internally or externally affixed on a window or glass door or located inside the window which is designed or intended to be visible from the exterior of the building.

SIGN/FAÇADE REVIEW COMMITTEE - The Borough of Fort Lee Sign/Façade Review Committee shall be an advisory committee appointed to review and provide recommendations to the Borough Construction Official, the Borough Planning Board, and the Borough Zoning Board concerning sign, façade, and/or streetscape improvements.

SPECIAL DISPLAYS - Signs or an assemblage of materials used for holidays or promotion of civil welfare or charitable purposes.

STREET FRONTAGE - See "frontage."

C. Nonconforming signs.

(1) Any sign which lawfully existed on the effective date of this article or an amendment thereto which renders such sign nonconforming because it does not conform to all of the standards and regulations of the adopted or amended article shall be considered a legally nonconforming sign.

(2) Any sign which was erected unlawfully prior to the adoption of this article or amendment thereto or which is erected hereafter in contravention of the standards or regulations of this article without obtaining the required permits or variances shall be considered an illegal nonconforming sign.

(3) Loss of legally nonconforming status. A legally nonconforming sign shall immediately lose its legal nonconforming status if:

(a) The sign is altered in any way in structure which tends to or makes the sign less in compliance with the requirements of this chapter than it was before the alteration; or

(b) The sign structure is relocated to a position making it less in compliance with the requirements of this chapter, except that any such sign which is hereafter required to be moved by a governmental body for the purpose of construction, relocation, widening, or improvement of a street, highway, or other public purpose may be relocated once on the same lot and allowed to be maintained and used as before. Such a sign, once relocated, is still considered a legally nonconforming sign and bound by this section.

(c) The sign is replaced.

(d) Should any nonconforming sign be damaged by any means, other than vandalism, to the extent of over 50% of its surface area or structure, it shall not be reconstructed except in conformance with the requirements of this chapter. Nonconforming signs which are damaged by vandalism to the extent of over 50% of their physical value shall be restored within 60 days or removed or brought into compliance with the provisions of this chapter.

(e) On the occurrence of any one of Subsection C(3)(a) through (d) above, the sign shall be immediately brought into compliance with this chapter with a new permit secured therefore or shall be removed pursuant to § 410-49F.

(4) If any existing sign is repainted or the sign panels are replaced for the purpose of changing the business, occupation, or tenant advertised or identified, it shall be considered a new sign and shall be brought into compliance with this chapter. However, the repainting or replacement of panels on a billboard shall not be considered a new sign. Ordinary maintenance or repair of an existing sign to a safe

condition shall not be cause to classify the sign as a new sign.

D. Sign permits and recommendation required. Unless specifically exempted by the provisions of this chapter, all signs shall obtain a permit from the Borough Construction Official as set forth in § 410-50. Prior to the granting of a permit by the Construction Official, any sign requiring a permit shall first appear before the Sign/Façade Review Committee for review and recommendation.

E. The Sign/Façade Review Committee is hereby created to act as an advisory committee appointed to review and provide recommendations to the Borough Construction Official, the Borough Planning Board and the Borough Zoning Board concerning sign, façade, and/or streetscape improvements in accordance with the standards set forth within this chapter.

(1) Said committee shall consist of five members appointed by the Borough of Fort Lee Mayor and Council. Selection to the committee shall be limited to a combination of the following members:

(a) The Mayor or his designee;

(b) A Mayor's appointee;

(c) Three additional appointees nominated by the Mayor with the concurrence of the Council;

(2) At least three of the committee members shall be residents of the Borough of Fort Lee and up to two members of the committee may be business owners in the Borough of Fort Lee.

(3) Such committee members shall be appointed to an initial term expiring on December 31, 2009. Thereafter committee members shall be appointed for a term of one year, such term expiring at the close of the current calendar year. Committee members shall be heldover until such time the Mayor and Council hold their annual reorganization meeting which shall be held no later than allowed by law.

F. Inspections. Following the erection of a sign or signs for which a permit was required and obtained, the Construction Official shall inspect a sign or signs after erection is completed for compliance with this chapter. All other necessary permits, such as electrical permits, shall be obtained and inspections shall be performed as applicable.

G. Sign removal.

(1) Except for signs which are legally nonconforming or which are exempt from obtaining a permit, the Construction Official may take the necessary steps to remove those signs which:

(a) Are determined not to be a legally nonconforming sign and do not have the required permit or have an expired permit.

(b) Constitute a public nuisance as defined by ordinance or are unsafe or hazardous and represent an immediate threat to the health and safety of the Borough.

(2) If any sign is deemed to require removal under the provisions of this chapter, the Construction Official shall give notice of any alleged violation to the person or persons responsible therefore as hereinafter provided. Such notice shall be put in writing, include a statement of the reasons why it is being issued, allow a reasonable time for the performance of any act it requires, and be served upon the owner or his agent or upon the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant if a copy thereof is served upon him personally, or if a copy thereof is sent by registered mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the premises affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this state. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

(3) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter or of any rule or regulation adopted pursuant thereto may request and shall be granted a hearing on the matter before the Mayor and Council or their designee, provided that: a) such person shall file, with the Borough Clerk, a dated and written petition requesting such hearing and setting forth a brief statement of the grounds therefore within 10 days after the day the notice was served; b) upon receipt of such petition the Mayor and Council or their designee shall set a time and place for such hearing and shall give the petitioner written notice thereof; c) at such hearing, the petitioner shall be given an opportunity to be heard, submit evidence, witnesses (under oath), cross-examine witnesses and submit oral argument or brief(s), and to show why such notice should be modified or withdrawn; d) the hearing shall be commenced not later than 20 days after the day on which the petition was filed; provided that upon

application of the petitioner the date of the hearing may be postponed for a reasonable time beyond such twenty-day period for good cause shown; e) after hearing the Mayor and Council shall decide the appeal directly on the record, or if a designee heard the appeal, the Mayor and Council may consider any report and recommendation filed by the designee, if any. Oral argument is at the option of the Mayor and Council; f) if the Mayor and Council sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Borough Clerk within 20 days after such notice is served. The proceedings at such hearing, including the findings and decision of the Mayor and Council, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Construction Official. Such record shall also include a copy of every notice or order issued in connection with the matter.

(4) Any person aggrieved by the final decision of the Mayor and Council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the state.

(5) Whenever the Construction Official finds that an emergency exists which requires immediate action to protect the public health or safety, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Borough Clerk shall be afforded a hearing before the Mayor and Council or their designee as soon as practical. After such hearing, depending upon the finding as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Mayor and Council shall direct the Construction Official to continue such order in effect, or cause it to be modified or revoked, pending a plenary hearing.

(6) If any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter or of any rule or regulation adopted pursuant thereto fails to request a hearing in a timely manner and/or fails to comply with the final order of the Mayor and Council the Construction Official shall have the sign removed at the expense of the person responsible for the erection or maintenance of the sign, and in the event that all costs associated with the Borough having such sign removed is not recovered from the responsible party, said cost shall become an assessment and a lien on the property; such lien to be

certified by the Tax Assessor of the Borough of Fort Lee.

(7) The Construction Official is authorized to go upon any premises in the Borough for purposes of removing signs under the provisions of this section. Signs removed by the Construction Official shall be retained for the owner's account for a period of 60 days and shall be returned to the owner upon payment of the expenses of removal. If not claimed within that time, they shall become the property of the Borough and may be destroyed or sold for the payment of the expense of removal. If sold, any excess from the proceeds of the sale shall be returned to the owner. In addition, the Borough shall in no way be held financially responsible for any damages that may be incurred as a result of said removal.

H. Violations; penalty. Any person violating this article or any of its provisions shall, upon conviction, be subject to a fine of not more than \$200 or imprisonment of not more than five days, or both. Each day and instance of violation shall constitute a separate offense, and at the discretion of the Construction Official a summons may be issued for each separate offense. This Ordinance may also be enforced in an action at law or equity for injunctive relief, pursuant to applicable law.

Section 4. The text of Borough Ordinance § 410-50, **Permits, and fees**, shall be repealed and in its place shall hence forth provide as follows: § 410-50, Signage permits, recommendations, and fees.

A. Recommendation and permit required. Unless otherwise provided for, it shall be unlawful for any person to erect any sign without obtaining a permit from the Construction Official and making payment of the fee as herein required. Prior to receipt of a permit from the Construction Official, any applicant for a permit shall first appear before the Borough Sign/Façade Review Committee for review and recommendation.

(1) Application to permit signage conforming to the regulations set forth herein shall be made in writing to the Construction Official. Prior to the issuance of any permit, the Construction Official shall forward the application materials to the Sign/Façade Review Committee, and the applicant shall be required to appear before said committee for review and recommendation. Such application shall be sufficient to describe the site and location in which the sign is to be affixed and shall include at a minimum the following:

- (a) The name and address of the applicant;
- (b) The name and address of the owner of the premises;

(b) The name and address of the owner of the premises;

(c) A statement, including the consent of the owner, if the applicant is other than the owner;

(2) Applications for permits shall be submitted and accompanied by five sets of plans showing proposed copy of sign with location, sign area, construction details, materials and illumination details and existing sign locations and sizes, if any. In addition, plans for monument signs (and pole signs if applicable) shall include the length of street frontages (and street facings if applicable), in linear feet, and plans for wall signs shall include building elevation with height and width dimensions shown for the face of the building that the sign is proposed to be installed upon. When proposing pole signs, the sign plan shall include the elevation of the proposed pole sign location and the adjacent pavement elevation. The pavement elevation measurement shall be at the closest point perpendicular to the subject sign location.

(3) All illuminated signs shall be subject to the provisions of the Electric Code and permit fees required thereunder.

(4) Any permit issued will expire in six months if construction is not completed or an extension has not been granted.

(5) Application for a permit for a sign that is determined not to comply with the provisions of this article by the Borough Construction Official and/or the Sign/Façade Review Committee shall be submitted with recommendation to the appropriate Borough governing Board for review and approval pursuant to the requirements of the New Jersey Municipal Land Use Law. Such application shall be in writing, and where a noticed public hearing is required by law, shall be submitted at least 10 days before the succeeding public meeting date of the Board, together with a filing fee required by the Borough. Such application shall be in triplicate and accompanied by no less than 15 copies of the sign design which shall be drawn to scale. In addition, on such drawing or separate sheet, the information set forth herein shall be provided.

(6) Issuance of permit.

(a) A permit may be issued by the Construction Official after review and recommendation by the Sign/Façade Review Committee and/or the granting of a variance by the Planning Board or Zoning Board of Adjustment, subject to any other applicable governmental regulations, or as otherwise provided herein.

shall be issued a permit by the Construction Official only after an appearance before the Sign/Façade Review Committee for review and recommendation. Following recommendation by the Sign/Façade Review Committee a permit may be issued by the Construction Official without the necessity of Planning or Zoning Board approval only upon satisfaction of all of the following conditions:

[1] There is no physical alteration or expansion to the existing sign beyond the limit permitted herein and previously approved;

[2] The sign conforms in all respects to the article provisions specified herein or was previously the recipient of a variance approval;

[3] No other signage is proposed to be added to the premises beyond that which is permitted herein.

[4] The applicant shall notify the Construction Official for a final inspection within five days of completion of the installation of the sign.

B. Right of appeal. Anyone denied a permit for a sign under the provisions of this chapter or who has been ordered by the Borough to remove any existing sign may appeal to the Board of Adjustment. Owners or operators of signage under appeal are not exempt from being issued violation citations.

C. Fees. A flat fee of \$150 per sign permit will be charged and collected by the Construction Official upon filing of the application.

D. Exemptions.

(1) The following signs shall be exempt from permits and fees:

(a) Signs relative to the sale, lease or rental of property erected on the offered property as follows:

[1] Residential zones: A maximum of one, not exceeding ten square feet in outline area per facing for single-family residences or ten square feet in outline area per facing for other uses and providing sign does not exceed five feet in height from grade to the highest point on the sign.

[2] Commercial zones: A maximum of one per street frontage, provided each sign has a maximum of 10 square feet in outline area per facing, and providing such signs do not exceed five feet in height from the surrounding grade to the highest point on the sign.

(b) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

(c) Signs erected inside a building not visible through windows.

(d) Trespassing or privacy signs. Signs which prohibit trespassing or indicate privacy of premises, driveways or streets, not exceeding two feet in size per side nor a height of five feet from grade.

(e) Help wanted signs. One sign advertising employment opportunities, located on the lot or parcel of the business advertising employment opportunities, and not larger than one square foot in a commercial zone and six square feet in an industrial zone.

(f) Open/closed signs and signs indicating business hours. Such signs shall not exceed one square foot and shall contain no other information than that necessary to highlight business hours and the open/closed status of a business.

(g) Customary holiday decorations displayed for a normal duration.

(h) Residential nameplates.

(i) Traffic control signs, the face of which meets the standards of the Department of Transportation and which contains no commercial message.

(j) Directional and informational signs for nonresidential uses, provided the area of such sign is not more than three square feet, and provided the number of such signs on site is limited to that which is reasonably necessary and appropriate for safety, circulation, information or other noncommercial purposes. Such directional or informational signs shall not contain advertising, logo, symbols, business identification or other nondirectional copy.

(k) Signs for official governmental or quasi-governmental business, including signs or banners advertising public or quasi-public events that are posted or displayed with the permission of the governing body or its designee(s).

(l) Flags of the United States, State of New Jersey, Borough of Fort Lee, foreign nations having diplomatic relations with the United States, other flags adopted or sanctioned by any elective legislative body of competent jurisdiction and flags flown in conjunction with the flag of the United States,

provided that no such flag shall exceed 60 square feet in area, nor shall any such flag be flown from a pole in excess of 35 feet in height. The flag's area shall be in reasonable proportion to the height of the pole from which it is displayed. Not more than three flags may be flown from any one pole. Statutory requirements associated with flags and the generally accepted standards of flag display protocol shall be observed.

(m) Flags honoring and remembering military and service men and women of the United States.

(n) Public safety signs.

(o) Identification signs displayed by houses of worship.

(p) Any public notice or warning or safety sign required by a valid and applicable federal, state or local law, regulation or ordinance.

(q) Pump-mounted fuel price informational signs subject to the following:

[1] Only one fuel price informational sign shall be permitted per fuel pump; each such sign shall be limited in size to an area of 260 square inches; each such sign shall be affixed directly and firmly to a fuel pump and shall be stationary.

(r) Regulation mailboxes of the United States Postal Service.

(2) The following signs shall be exempt from fees. Sign permits shall be required.

(a) Banners or signs of the United States, the State of New Jersey, the County of Bergen, the Borough of Fort Lee, the Fort Lee School District, the Fort Lee Volunteer Fire Department or any other governmental unit affixed to utility poles, provided approvals are received from the utilities and governmental units having jurisdiction over the poles and adjacent rights-of-way respectively.

(b) Building construction information signs, identifying the architect, engineer, contractor, or institution providing financing, when placed upon a worksite under construction, only after a building permit for the construction has been issued. Each individual building will be allowed one building construction information sign, not to exceed 24 square feet in outline area per facing. The sign shall be set back 10 feet from any property line. The maximum height of such signage shall not exceed 15 feet in height above the average existing finished grade elevation of the sign or the

elevation of the adjacent street, whichever is higher. Such signage shall be removed within 10 days after the issuance of an occupancy permit.

(3) Occupational/identification/professional signs. One wall sign or one window sign not exceeding two square feet in size displaying the name, occupation and/or service located upon the premises and the address. Such sign shall not be internally illuminated nor contain any colors other than black and white backgrounds and lettering. External illumination may be utilized, provided such illumination is turned off when the office is closed for business. No other signage shall be permitted for any home professional office or home occupation.

E. Revocation. The Construction Official may revoke any sign permit which violates any provision of this chapter or which has been secured by subterfuge or is void or which has been issued by mistake, misunderstanding or error of the Borough.

Section 5. The text of Borough Ordinance § 410-51, **Rules and regulations**, shall be repealed and in its place shall hence forth provide as follows: § 410-51, Signage rules and regulations.

A. Computation of sign area and sign height. The following principles shall control the computation of sign area and height:

(1) Computation of area of individual signs. The area of a sign face shall be computed by measuring the total area of the space utilized for sign purposes including the spaces between all letters, figures, numbers, images or symbols. Where a sign frame and any material or color forming an integral part of the background of the sign display is used as a backdrop against the structure in which it is placed, sign area shall be measured to the extreme limits of the sign frame or backdrop. Sign area shall also include the ground structure or any decoration which is an integral part of the sign, but excluding supports.

(2) Computation of area of multifaced signs. The sign area for any double faced sign shall be computed based on one face only, except in the case of a double faced sign with unequal sides, in which the area of the larger side shall be used to determine sign area.

(3) Computation of height. The height of a sign shall be computed as the distance from the base of the sign at grade to the top of the highest attached component of the sign. Grade shall be construed to be the newly established grade after construction.

B. Prohibited signs generally. No person shall construct, erect, locate, use or maintain any of the following signs within any

zone district of the Borough, except as otherwise permitted elsewhere in this chapter, or unless the sign has been certified to be a legal nonconforming sign by the Construction Official or has obtained a variance for such sign:

(1) Any new sign erected in violation of any section of this chapter. Any sign not specifically permitted is hereby prohibited.

(2) Signs emitting a sound, odor or visible matter such as smoke or vapor. No sign erected shall contain audio equipment.

(3) Exterior use of advertising devices such as banners, streamers, pennants, flags, and balloons, lights (whether flashing, flickering, blinking, or rotating), wind-operated devices and any other type of fluttering or flashing devices or emitting an unsteady or glaring light.

(4) Signs placed or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as permanent lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

(5) Animated signs and mechanical contrivances. No sign erected shall contain flashers, animators or mechanical movement or contrivances of any kind, including clocks and time and weather information.

(6) Paper posters and painted signs applied directly to a tree, rock or natural feature of any kind or to a wall of a building, fence or pole or other support.

(7) Signs painted or otherwise affixed on the inside or outside of automobile windows except for pricing information associated with the sale of new and used cars and only when such vehicles are located on the premises of an establishment which has been approved for such use.

(8) Portable or movable signs, such as sandwich board signs, except portable signs utilized by restaurants to indicate valet service.

(9) Signs advertising an article or product not manufactured, assembled, processed, repaired, serviced or sold upon the premises upon which the sign is located.

- (10) Revolving signs of any type, including searchlights.
- (11) Neon signs of any kind, whether located on the exterior or interior of a wall or window if visible from the street upon which the premises fronts.
- (12) Signs on parking lot light standards not relating to traffic control.
- (13) Signs within the public street right-of-way (other than public notices and unless otherwise allowed in this chapter).
- (14) Signs that are in such a state of disrepair as to constitute an immediate threat to the public health, welfare and safety.
- (15) Business signs for businesses which are discontinued for a period in excess of 30 days.
- (16) Signs or other advertising structures, as regulated by this chapter, erected at the intersection of any streets in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, cause optical illusion or be confused with any authorized traffic sign, signal or device, or which makes use of words, phrases, symbols, or characters in such manner as to interfere with, mislead or confuse traffic.
- (17) Roof signs.
- (18) Any sign not in compliance with the Borough Building or Electrical Codes, as amended, as to design, structural members and connections.
- (19) Pole signs, except as otherwise provided for in this chapter.
- (20) Electronic message centers, including signs used to display time and weather information.
- (21) Billboard or billboard signs, except in the C-5 Zone.
- (22) Any sign located or displayed upon any sidewalk or street or area between the sidewalk and curb or projecting on or over a sidewalk or street except as provided in this chapter.
- (23) Signs erected or painted or composed of day-glow or phosphorescent or similar material.

(24) Hand-lettered interior window signs.

(25) Exhibiting statements, words, pictures or images of an obscene or pornographic nature.

(26) Signs attached to, projecting from or hanging underneath a building eave.

(27) Any changeable copy sign, except for gasoline service station price signs permitted by the ordinance, that are designed to allow the sign copy to be changed or altered without undertaking a physical alteration to the sign (such as changing sign panels or repainting the sign), i.e. through the use of movable letters; electronic displays; interchangeable parts, or other means. Changeable copy does not include copy pertaining to the business, occupation, or tenant advertised or identified.

C. Standards generally.

(1) No sign may be erected or maintained so as to obstruct free ingress or egress to building openings, driveways, sidewalks or other passageways.

(2) All signage shall be limited to a maximum of 3 colors.

(3) No signage shall include phone numbers, unless the commercial business on which it is located includes a delivery business.

(4) Illumination.

(a) No sign shall be illuminated except as provided herein.

(b) All light shall be designated to minimize glare, and light levels off site from sign lights shall be less than 0.1 footcandles.

(c) Flashing signs, highly reflective glass or fluorescent paint (red or green) and illuminated tubing outlining roofs, doors, windows or wall edges of a building are prohibited.

(d) Any light box sign or lit awning is subject to the following limitations:

[1] Only the letters and symbols may be illuminated

[2] An opaque background must set off the illuminated sections

[3] The letters, logos and symbols may take up a maximum of 40% of the sign area, leaving 60% opaque.

(e) Any permitted sign may be illuminated 1/2 hour before and after closing. No sign within 150 feet of any residential zone shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the business is open during these hours.

(f) The Borough of Fort Lee encourages illumination of signs from external sources, provided glare is minimized. Wherever it is impractical to provide such a source of illumination, and only as specifically permitted by this chapter, internally illuminated signs may be permitted. Light sources from internally illuminated signs shall not be visible from outside the sign, and the light from the light source shall be diffused to eliminate hot spots. Light sources shall be protected from damage. Light levels at property lines shall be less than 0.1 footcandles.

(5) Every sign in the Borough, including signs exempted from obtaining a sign permit, shall be maintained in good repair and good structural condition at all times, including painted or otherwise finished surfaces, as well as all parts and supports which must be maintained in their design condition and position. Broken parts of signs must be replaced or repaired within 15 days of notification by the Construction Official and in such a manner as to maintain the appearance and structure of the sign as it was approved for installation.

(6) The Construction Official shall have the authority to order the painting, repair, alteration or removal of signs which have not been properly maintained or repaired or which have become dilapidated or are abandoned or which constitute a hazard to public safety.

(7) Signs of an obscene or pornographic nature shall be unlawful. The Construction Official shall order the immediate removal of such signs.

(8) No permanent signage, other than allowable temporary window signs, shall be constructed of paper, nylon, fabric or any other type of nondurable material, except awning signs, as permitted in § 410-51E(5).

D. Signs in residential zone districts.

(1) The following signs are allowable in residential zoning districts:

(a) Signs relative to the sale, lease or rental of property erected on the offered property. A maximum of one sign, not exceeding six square feet in outline area per facing for single- or two-family residences, or 10 square feet in outline area per facing for other uses. No sign shall exceed five feet in height from grade to the highest point on the sign. Such signs shall be removed within 48 hours of completion of the sale, lease or rental of property. This includes the posting of such property as sold, leased or rented.

(b) Institutional signs and other signs for churches, schools, fraternal organizations and other nonprofit organizations are subject to 410-51F(5).

(c) Construction information signs.

[1] One construction information sign not to exceed 24 square feet in outline area per facing. The maximum height of such signage shall not exceed 15 feet in height above the average existing finished grade elevation of the sign or the elevation of the adjacent street, whichever is higher. Such signage shall be removed within 30 days after the last lot or building is sold within the development.

(d) Political signs. [See § 410-51G(1).]

(e) Residential subdivision identification signs. One permanent subdivision identification sign not exceeding 24 square feet in size per face inclusive of any logo shall be allowed per development. Where the development has access on two or more streets or has more than one entrance on one street, identification shall be allowed at each entrance. Subdivision identification signs shall not exceed eight feet above the adjacent ground surface.

(f) Multifamily identification signs. One sign not more than one square foot for each 10 linear feet of street frontage, but in no case to exceed 32 square feet in size per face shall be allowed per multifamily development project except where the project fronts on two or more streets. One sign shall be permitted on each frontage, provided that the project has a major traffic entrance on the street where the sign is to be erected. Multifamily identification signs shall not exceed eight feet above grade.

(g) Temporary residential garage sale signs not to exceed six square feet in area nor a height in excess of five feet from the ground and located upon the premises where the sale is taking place, only after issuance of a

permit allowing such garage sale. Such sign shall only be displayed for one week prior to such sale and shall be removed within 24 hours after the sale is closed.

(h) Special displays. Such displays shall not exceed 32 square feet and shall be used for holidays or promotion of civil welfare or charitable purposes.

(i) Signs for home occupations or home professional offices. See § 410-51F(4).

E. Signs in nonresidential zone districts.

(1) Wall signs. Wall signs are permitted for all business, office, industrial or commercial establishments.

(a) Wall-mounted signs for establishments with a single tenant shall comply with the following:

[1] One wall sign may be placed along the street frontage, provided it does not exceed 10% of the total surface area of the building face upon which it is placed or 32 square feet, whichever is lesser. Signs fronting or facing any street on which the speed limit is less than 50 m.p.h. shall include lowercase letters and numbers no greater than 8 inches in height, capital letters no greater than 10 inches in height, and symbols, logos, or other images no greater than 12 inches in height. Signs fronting or facing any street on which the speed limit is 50 m.p.h. or greater shall include lowercase letters and numbers no greater than 16 inches in height, capital letters no greater than 18 inches in height, and symbols, logos or other images no greater than 24 inches in height.

[2] In those cases where a parcel or lot has more than one street frontage, one wall sign may be placed on each street frontage, provided such wall sign shall not exceed 10% of the total surface area of the building face upon which it is placed or 24 square feet, whichever is lesser. The height of all sign letters, numbers or symbols shall abide by the standards described in § 410-51E(1)(a)[1].

[3] Wall signs shall be face-mounted or pin-mounted on the building/structure, projecting not more than 14 inches from the face of the building nor above the first floor of the building. Such signs shall not project above the parapet wall, mansard or other roofline and shall be located so as not to create a safety or traffic hazard. [Amended 8-17-2006 by Ord. No. 2006-41]

[4] No establishment containing an awning sign shall be permitted to have a wall sign.

(b) Wall-mounted signs for buildings or establishments with multiple tenants shall comply with the following:

[1] For buildings and property containing more than one business or tenant, and where each business tenant occupies a physically distinct ground floor space or has a separate ground floor entrance, each business or tenant may have one wall sign conforming to the requirements of this section. For the purposes of determining the sign area permitted, only the face of each respective lease unit to which the respective sign will be attached shall be counted. Each sign must be attached to the leased unit containing the business tenant identified.

[2] The total area of signage for all businesses or tenants in a building shall not exceed the area of signage that would be allowed if there were a single tenant. Signs attached to the same building must be of the same size, shape, color and height. [Added 8-17-2006 by Ord. No. 2006-41]

(c) General standards for wall signs. [Added 8-17-2006 by Ord. No. 2006-41]

[1] Wall signs may be pin-mounted or printed onto the facade onto a wood, metal or opaque glass panel that is mounted flat and horizontally within or just above the enframed facade opening. Signs should not extend beyond the width of the storefront opening.

[2] Signs affixed to the ground-level facade should be architecturally compatible with the style, composition, materials, colors and details of the building, as well as with other signs used on buildings in the vicinity. Signs should not obscure or destroy the architectural details of a facade.

[3] Whenever possible, signs located on buildings within the same streetwall should be placed at the same height.

[4] Sign colors shall be limited to a range of three colors, and should be compatible with the color of the building facade and of neighboring facades and signs. Garish and day-glow colors shall be avoided.

(2) Monument signs. Monument signs are permitted in C-3, C-4

and C-5 Districts only. Monument signs shall comply with the following:

(a) One monument sign, not exceeding four feet in height from grade to the highest point on the sign, shall be permitted.

(b) The bottom of the sign face shall not exceed a height of 1 1/2 feet above grade at the base of the sign.

(c) No monument sign shall be located any closer than five feet to a front property line nor 10 feet to any other property line, except that no monument sign shall be located closer than 25 feet to any residentially utilized lot.

(d) A maximum sign area, in square feet, equal to one square foot in size for every 10 feet of linear street frontage shall be permitted subject to a maximum area of 24 square feet.

(3) Window Signs. Window advertising signs shall be prohibited in all districts, with the exception of permitted ground level retail and personal service business uses, supermarkets and eating and drinking establishments located in the C-1, C-1A and C-2 Districts, subject to the following conditions:

(a) Information on such signs shall be limited to advertisements for special promotions, temporary sales and other such similar nonpermanent sales promotions. An exception shall be granted for restaurants, which may post one menu not larger than two square feet in size. In addition, an exception shall be granted for supermarkets which may post signage in accordance with § 410-51E(3)(e).

(b) Such signs shall be permitted to be displayed for a period not to exceed 30 days and once every six months. A sticker showing the date of installation and date of required removal, to be issued by the Construction Official, shall be displayed on the lower right-hand corner of such signs as viewed from the exterior. An exception shall be granted for restaurant menus posted on site that meet the requirements of § 410-51E(3)(a).

(c) Such signs may be constructed of paper, cardboard or other such written, numerical, graphic or photographic material or information displayed in the window of such establishment.

(d) Such signs shall be contained entirely within the ground level interior of the building in which the business is located.

(e) Window signs shall not exceed 15% of the total area of the window to which they are affixed, nor more than 7.5% of the glass area of any door to which they are affixed. All letters, numbers and symbols of window signage shall include lettering not more than 5 inches in height. Window and window signs shall not be more than 15% opaque.

(f) Such signs shall be maintained in an orderly manner at all times.

(4) Directory signs.

(a) Directory signs in the C-3, C-4 and C-5 Zone Districts shall be permitted as follows: for office and mixed use commercial buildings with two or more businesses or tenants, a directory sign may be used subject to the following provisions:

[1] Buildings containing less than 50,000 square feet and more than 10,000 square feet of gross floor area may have one directory sign containing a maximum of 20 square feet of sign area. Buildings containing more than 50,000 square feet but less than 150,000 square feet of gross floor area may have one directory sign containing a maximum of 40 square feet of sign area.

[2] Directory signs shall be either a monument sign or wall sign. The maximum height for a directory sign shall be eight feet from the surrounding grade to the highest point on the sign.

[3] No directory sign shall be located any closer than 10 feet to any property line, except that no directory sign shall be located any closer than 25 feet to any residentially utilized lot.

(b) Directory signs for office or mixed use commercial buildings in the C-1, C-1A and C-2 Districts shall be limited to one wall-mounted directory sign not exceeding six square feet in size and no higher than 12 feet above surrounding grade in addition to permitted wall, awning and/or projecting signs.

(5) Signs on awnings. Signs on awnings shall be permitted for commercial establishments in the Downtown Overlay District and the Commercial Nodes and Corridors Overlay District. The location and design of awnings shall comply with § 410-

52E(8).

(a) An awning must not display any graphic other than the name of the business, the logo, and the street number.

(b) Not more than ten words, symbols or images shall be permitted on a single awning or on awnings provided for a single establishment. A phone number, a street address and an internet address each count as one word.

(c) No awning sign shall be erected above the first level of a building, and the top of an awning may not project above the ceiling height of the first level, except on the upper floors of buildings in which a commercial tenant is present. Upper floor awnings shall also comply with § 410-52E(8)(e).

(d) Awning signs shall not be permitted if the establishment also has a wall sign.

(e) An awning sign shall be no larger than 10% of the total building face on which it is placed or a maximum of 24 square feet in area, whichever is lesser. The letter and symbol requirements for awning signs are subject to § 410-51E(1)(a)[1].

(f) For buildings and property containing more than one business or tenant, and where each business tenant occupies a physically distinct ground floor space, upper floor space, or has a separate ground floor entrance, each business or tenant may have one awning conforming to the requirements of this section. Awnings attached to the same building shall be of the same shape, color and height. To the extent possible, awnings should also be of the same size. For the purposes of determining the awning sign area permitted, only the face of each respective lease unit shall be counted. Each awning must be attached to the lease unit containing the business tenant identified.

(6) Gasoline service station signs. See § 410-51F(1).

(7) Signs on secondary entrances. Each building or property may have one additional wall sign or directory sign conforming to the requirements of this section on walls containing a main entrance that faces customer parking areas and are not visible from either a public or private street. The content of such sign shall be limited to the name(s) of the business(es). Such signs shall be attached to the same wall as their respective entrances, and both the signs and the entrances must be upon the same plane of the building.

F. Standards for specific uses.

(1) Gasoline service station signs. In addition to the signage allowed in § 410-51E(1), (2) and (3), the following signs shall be allowed for gasoline service stations:

(a) Freestanding sign.

[1] A maximum of one freestanding sign consisting of either a pole sign or a monument sign is permitted.

[2] The maximum sign area of a pole sign or monument sign, including the sign frame, shall not exceed 80 square feet, inclusive of gasoline service station price sign. Such sign shall not be separated from the gasoline price sign but shall appear as a single integrated sign.

[3] A freestanding pole sign shall not exceed a height of 20 feet measured to the topmost portion of the sign and shall be set back a minimum of 15 feet from any property line.

[4] The maximum sign area of a monument sign, including the frame, shall not exceed 50 square feet, inclusive of gasoline service station price sign.

[5] A monument sign shall not exceed six feet in height and shall be set back a minimum of five feet from any property line.

(b) Gasoline service station canopy signs.

[1] A gasoline service station with a canopy shall be permitted two canopy signs in total.

[2] The canopy sign or signs shall collectively not exceed 20 square feet in area.

[3] The canopy sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below or from any side of the vertical face of the canopy.

[4] The canopy sign may be illuminated by internal and nonintermittent light sources.

[5] A business logo, inclusive of striping or other symbols, may appear on this canopy sign as part of the allowable sign area. Any striped area of the canopy shall be counted towards the permissible area of the

sign.

(c) Pump signs.

[1] Signs shall be allowed on gasoline pumps so as to provide the required information to the public regarding octane rating, price, type of fuel, federal and state stamps, pump use directions, and no smoking.

[2] The trade name and any associated symbols shall be permitted on the sides of the pumps as flat signs located no more than three feet above the ground and not to exceed one square foot in sign area per pump.

[3] Self-service, full-service or other information signs may identify each pump island on the gasoline service station property. The location of such signs shall be limited to the gasoline pump or the canopy support located at each end of the pump island or between the canopy supports as a spandrel panel.

[4] A maximum of two such signs shall be allowed per pump island, and each sign shall not exceed two square feet in sign area when placed on the gasoline pump or when located at each end of the pump island or between the canopy supports as a spandrel panel.

(d) Gasoline service station price signs. Gasoline service station price information may be incorporated into a monument sign or mounted on a pole sign, provided that the total area of the price sign not exceed 20 square feet in area.

(2) Shopping center developments. Additional provisions applicable to shopping centers containing 150,000 square feet or greater floor space.

(a) Freestanding signage.

[1] A maximum of one freestanding sign consisting of either a pole or a monument sign is permitted.

[2] A maximum sign area, in square feet, equal to one square foot in size for every five feet of linear street frontage shall be permitted subject to a maximum sign area of 100 square feet.

[3] A freestanding pole sign shall not exceed a height of 20 feet measured to the topmost portion of the sign and shall be set back a minimum of 15 feet from a property line except that it shall be back a minimum of 50 feet from any residential use or zone boundary.

[4] The sign may identify the name of the shopping center and may include a directory listing of tenants, provided no lettering of less than six inches in height is provided. No other information shall be provided on such sign.

[5] All sign area on a freestanding sign must be contiguous. Sign elements separated by gaps shall not be permitted.

[6] Temporary signage attached to a freestanding sign, including real estate broker signs or vacancy signs, shall not be permitted.

(b) Signage attached to a building.

[1] Each tenant of a shopping center shall be permitted to have one wall sign identifying the name of the business only. No other information in a wall sign is permitted.

[2] For individual tenants with a gross floor area of less than 10,000 square feet, the maximum size for a wall sign shall be 10% of the building face area devoted to the tenant or 24 square feet, whichever is lesser.

[3] For anchor tenants with a gross floor area greater than or equal to 10,000 square feet, the maximum size for a wall sign shall be 10% of the building face area devoted to the tenant or 64 square feet, whichever is lesser.

(c) Other signs.

[1] All other signs are subject to the sign regulations set forth in § 410-51E.

(3) Office buildings. Additional provisions applicable to freestanding multistory office buildings.

(a) Identification signs.

[1] One wall-mounted identification sign, with the copy limited to a company name and/or corporate logo, is permitted on office buildings with frontage on one street. For office buildings with frontage on two or more streets, a maximum of two identification signs are permitted.

[2] Identification signs shall be located no more than

four feet below the parapet or uppermost roofline or facade of the building. Signs shall not project above the roofline or parapet of the building.

[3] The maximum size of each identification sign shall be one square foot for each 200 square feet of building space for the first 10,000 square feet of building space and one square foot for each 500 square feet of building space above 10,000 square feet, up to a maximum of 200 square feet. No identification sign shall exceed 200 square feet in size.

(b) Monument signs.

[1] One monument sign shall be permitted per each street frontage.

[2] The maximum size for each monument sign shall be 24 square feet. No monument sign may exceed six feet in height above grade and shall be set back no less than five feet from any property line.

(4) Signs for home occupations or home professional offices. One wall, nonilluminated sign or one window sign not exceeding two square feet in size displaying the name, address, occupation and/or service located upon the premises shall be permitted in all residential districts.

(5) Institutional signs and other signs for churches, schools, fraternal organizations and other nonprofit organizations. Such institutions shall be permitted one institutional monument sign and one institutional wall sign pursuant to the following requirements:

(a) Institutional monument signs. One monument sign per lot, not exceeding six feet in height from grade to the highest point on the sign. The bottom of the sign face shall not exceed a height of three feet above the surrounding grade at the base of the sign. No monument sign shall be located any closer than 10 feet to any property line, except that no monument sign shall be located closer than 25 feet to any residentially utilized lot. No institutional monument sign shall exceed 18 square feet in outline area per face.

(b) Institutional wall signs. One wall sign not exceeding one square foot per 10 linear feet of street frontage of the total square footage of the building face upon which it is placed having street frontage. In no case shall the sign area exceed 24 square feet.

[1] In those cases where a parcel or lot has more than

one street frontage, one wall sign may be placed on each street frontage.

[2] Wall signs shall be face-mounted on the building/structure, projecting not more than 14 inches from the face of the building. Such signs shall not project above the parapet wall, mansard or other roofline, shall be recessed where involving a pitched roof location and shall be located so as to not create a safety or traffic hazard.

G. Standards for other signs.

(1) Political campaign signs.

(a) At no time whatsoever may political campaign signs or stickers of any type or size be affixed in any way to utility poles, traffic signs, traffic signal boxes or poles, mailboxes, fire hydrants or any public fixtures or be placed in any way on highway dividers, islands or overpasses or above (across) streets or highways or on any public property.

(b) No political campaign sign shall be erected or posted on private property without the express consent of the owner or lawful occupant of the property, who shall then be responsible for compliance with this section.

(c) Individual, freestanding billboard-type political campaign signs shall be permitted. Such signs may not obstruct traffic or sign lines. At no time whatsoever may political campaign signs of any type or size be lighted or be made of any reflecting materials.

(d) Penalties. Any person, regardless of political affiliation, found to be a perpetrator, including any business, political party or entity violating the provisions of this section, may be fined a sum not to exceed \$250 per sign. Violation of any of the provisions herein shall be deemed continuing and, for each and every day or part thereof that a violation of this subsection is found to exist, the court may impose a separate penalty as stated herein.

(e) Enforcement. The provisions of this subsection shall be enforced by the Construction Official.

(2) Billboard signs. The following standards, provisions, requirements and restrictions shall apply to all billboard

signs within the Borough:

(a) The Borough shall not accept a billboard sign application for consideration and issuance unless accompanied by a valid State of New Jersey permit and scaled site plans sealed by an engineer licensed and registered in the State of New Jersey. Such plans shall include structural drawings, foundation specifications, wind load calculations, electrical requirements and a survey depicting the distance between the proposed billboard sign and existing billboard signage installed as of the date of the subject application.

(b) Billboard signage may only be applied for and shall only be permitted in the C-5 Commercial District.

(c) Billboards shall not exceed 400 square feet per sign face.

(d) A billboard shall not exceed a height of 35 feet at its highest point above the elevation of the adjacent street or of the elevation at the base of the sign, whichever is higher (more permissive).

(e) A freestanding billboard shall have a minimum height of 20 feet at the lowest point of the sign face as measured from the elevation of the adjacent street or of the elevation at the base of the sign, whichever is lower.

(f) A billboard sign face, including border and trim, shall be no greater than 12 feet in height and shall be no greater than 50 feet in width.

(g) Only single-sided and back-to-back or V-type construction billboards with a single display per facing shall be permitted.

(h) No billboard sign may be placed any closer than 1,000 feet to another billboard sign on the same side of an interstate highway or freeway.

(i) No billboard sign may be placed any closer than 1,000 feet to another billboard sign, regardless of orientation, on any Borough street or road.

(j) No billboard sign may be placed within 200 feet of an interchange, intersection at grade or the convergence of on-ramps and off-ramps of an interstate highway or freeway, as measured at a point closest to any portion of the above and the closest portion of the subject billboard sign.

(k) The minimum setback as measured from all points of the billboard sign shall be 200 feet from all residentially zoned property or property being utilized in a residential manner, any public property, any public or private parks or any registered historical sites or historical districts.

(l) The minimum setback as measured from all points of the billboard sign shall be 50 feet from any structure.

(m) The minimum setback as measured from all points of the billboard sign shall be 25 feet from any public right-of-way, public or private road, public or private driveway, public or private parking lot or railroad track or siding.

(n) Billboard sign illumination shall be installed only so as to reasonably illuminate the subject billboard sign face and shall be directed and backshielded to transmit light only to same to a degree that it does not create a light pollution visual nuisance. No perimeter, strobing or other attracting type of lighting may be operated in conjunction with a billboard sign.

(o) Billboard signs shall not be placed or operated so as to create a safety, traffic, health or hazardous condition.

(p) Any application received for a billboard sign that is intended to replace existing billboard signage shall be regulated by these provisions and any other applicable regulations normally applied to new billboard sign applications.

(q) No regulations in this section or any portions thereof are intended as being less restrictive than state or federal regulations.

(r) Billboard sign extensions.

[1] The total square footage of billboard sign extensions may not exceed 25% of the billboard sign face area for which such extensions are sought.

[2] Such extensions shall not protrude more than three feet from the billboard sign face.

[3] Billboard sign extensions shall not be considered when calculating billboard sign face area or height requirements.

[4] The sign contractor shall provide evidence to the Borough that the extensions are structurally sound and do not create or intensify any potentially hazardous or injurious conditions.

[5] Billboard sign extensions shall be operated only as a component of specific advertising copy, which use shall expire with the removal of said specific advertising copy, and are not intended to become a permanent portion of the billboard structure or sign face area.

H. Severability. The phrases, clauses, sentences, paragraphs and subsections of this chapter are severable, and if any phrase, clause, sentence, paragraph or subsection of this chapter shall be declared unconstitutional or otherwise unlawful by the valid judgment, decree or injunction order of a court of competent jurisdiction, such ruling shall not affect any of the remaining phrases clauses, sentences, paragraphs, and subsections of this chapter.

Section 6. The text of Borough Ordinance § 410-52, shall no longer be Reserved and shall hence forth be amended and supplemented to provide as follows: § 410-52, **Design regulations in the Downtown Overlay District:**

A. Purpose.

(1) The purpose of this section is to establish regulations to ensure that development within the Borough's Downtown Overlay District, including any building additions, reconstructions, and infill developments, is compatible in form, arrangement, scale, materials, character and overall aesthetic appearance with the area's historic and visual traditions.

(2) The regulations are designed to revitalize the Downtown Overlay District; preserve and protect the traditional value of buildings and other structures; stabilize and improve property values; foster civic beauty; and strengthen the local economy. The regulations shall encourage renovations and improvements with minimum economic burden.

(3) The regulations are intended generally to implement the directives contained in the document "Design Guidelines: Facade Improvement Program for the Main Street Commercial District of the Borough of Fort Lee, New Jersey," dated 2006, and incorporated herein by reference.

B. Applicability.

(1) Any development application within the Downtown Overlay District concerning rehabilitation of existing structures,

additions to existing structures, and construction of new buildings that requires site plan approval shall comply with the specifications incorporated herein. The applicant shall be subject to review and approval by the Planning Board of the Borough, except wherever the Board of Adjustment has jurisdiction over a site plan pursuant to N.J.S.A. 40:55D-76, then and in that case, by the Board of Adjustment. Hereafter, "municipal agency" shall mean either the Planning Board or the Board of Adjustment of Fort Lee.

(2) These regulations shall be used by applicants in preparing a development plan and by the municipal agency in reviewing same. The municipal agency may approve the proposed design, conditionally approve the design, or deny an application based upon its review of the design submitted and any additional relevant information.

(3) To the extent that the provisions of § 410-52 change or modify any other ordinance or code section of the Borough of Fort Lee, said change or modification shall only apply to the Downtown Overlay District and shall not otherwise change or modify other ordinances or code provisions. Except as otherwise set forth herein, all provisions of Chapter 410 Zoning of the Borough of Fort Lee and the Code of the Borough of Fort Lee shall govern.

C. Definitions. As used in this section, the terms set forth below shall be defined as follows:

BAY - A structural division of a building that extends upwards through all levels. While related to structure, it may also be used to break up the massing and bulk of buildings and facades. Bays may be distinguished through elements such as changes in facade plane; columns, pilasters, gutters or expansion joints; size and rhythm of window spacing; or variation in surface material and pattern. Typical traditional bays range from 15 to 30 feet wide.

BULKHEAD - The opaque part of a storefront that forms a base for one or more display windows.

CANOPY - A metal frame clad with fabric that projects from a building entrance over the sidewalk to the curb, where it is supported on vertical posts.

CORNICE - A horizontal molded projection that completes the top of a wall, facade, building or storefront.

FACADE - An entire exterior face of a building.

LINTEL - The horizontal member or element above a door or window opening.

PIER - A vertical supporting member or element (usually of stone, brick or metal) which frames a storefront opening or separates storefront openings within a single building.

SIGN BAND - The flat, horizontal area on the facade usually located in the spandrel area immediately above the storefront and below the second-story windowsill where signs were historically attached. A sign band may also occur within a decorative bandcourse above a storefront.

SKIRT - A bottom finishing piece that hangs from the lower edge of an awning.

STOREFRONT - The area of the ground floor consisting of all storefront openings, bays, entranceways and storefront infill associated with a single commercial occupant, and including, without limitation thereof, the piers, lintels, sign band, signs, awnings, lighting and security gates.

TRANSOM - A glazed area above a display window or door separated from the display window or door by a horizontal framing member (the "transom bar"). The glazing in the transom may be fixed or operable.

D. Development regulations for buildings.

(1) Compatibility and appropriateness. New buildings should be designed to be compatible with surrounding buildings. New construction should strike a proper balance between the existing architecture and appropriate contemporary designs that pay attention to scale and harmony rather than superficial details.

(2) Building orientation. Buildings in this zone shall face public streets. Building entries shall face a public street. For buildings at corners, the building may have an angled entrance at the corner of the two streets or include its main entrance on the primary street for shopping. A secondary street-facing facade shall be articulated in a manner compatible with the design of the front facade. Window glazing on both facades shall be of similar percentage.

(3) Building setbacks. Buildings (except for recessed entries) shall be aligned with the adjacent building or the prevailing building setback and shall not contain a setback more than 10 feet. A slightly deeper setback may be allowed to match setbacks of adjacent buildings. Sidewalks shall be provided on the lot and/or within the right-of-way of any street located adjacent to a lot and must maintain a minimum 6.5-foot sidewalk width and conform to the "Borough of Fort Lee Streetscape Improvement - Sidewalk Paving for Downtown

District" manual dated March 2008.

(4) Building height. The floor-to-floor height of new or altered buildings should match that of neighboring structures. Buildings which are either significantly lower or significantly taller than the adjacent structures should be discouraged, except for the purpose of historic preservation.

(5) Vertical articulation. New or altered buildings should respect the characteristics of the traditional facade. The traditional central business district building facade has three parts as follows:

(a) Ground-level facade. See § 410-52.E below.

(b) Upper facade. The typical upper facade consists of three window bays on each floor, evenly spaced and with heavy lintels. Window bays on the upper facades should be vertically proportioned. Alternately, vertically-proportioned windows may be grouped side by side, to create wider horizontal window bays. Windows shall comprise 25% to 50% of the upper facade area.

(c) Roof cornice and rooflines. Roof cornice and rooflines should be similar to surrounding buildings.

[1] Roof cornice. Roof cornices shall be provided to reinforce the roofline. They may be constructed of sheet metal, wood, masonry, cast iron, copper, synthetic composite trim or fypon (high-density polyurethane molding). A typical cornice extends out from the facade by approximately 6 inches to 1.5 feet and is 2 to 3 feet in height.

[2] Rooflines. The preferred roofline in this district is a flat roof with a cornice. However, front-gabled rooflines are also acceptable above the second floor and side gabled rooflines are also acceptable above the third floor. In the instance of sloped roofs visible from public areas, the roof should be of slate, tile, standing seam metal or other high quality materials.

(6) Horizontal articulation. In a sequence of structures along a street, the spacing of buildings, building bays and openings (such as windows, doors and display windows) define the observer's perception of rhythm. Buildings should reflect the rhythm of the traditional facade. New buildings shall be constructed as a series of bays each 15 to 30 feet wide. Ground-level facades shall be broken up into individual bays that are 15 to 30 feet wide.

(7) Materials. The materials, color and texture of facades should harmonize with adjacent buildings. Desirable materials for new or renovated facades shall include brick, concrete, stucco, marble, granite, tile, terra cotta, synthetic composite trim and fypon (high-density polyurethane molding). If siding is used, the seams should be concealed to avoid an appearance of obvious paneling. Wood, aluminum, steel, copper, or bronze should be used for window frames and sashes. Exterior metallic, mesh, or glass façade cladding systems that cover the architectural details of buildings are prohibited.

(8) HVAC equipment. Heating, ventilation and air conditioning units and other outside equipment shall be concealed from view of public streets.

(9) Rehabilitations and additions. During alterations, removal of original materials and architectural features such as railings, balusters, columns, brackets, and cornice decorations is discouraged. It is recommended that restoration and repair of existing traditional elements be employed. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture and other visual qualities.

E. Regulations for ground-level facades. Design for ground-level facades should reflect the rhythms and proportions of traditional architectural elements found within the Downtown Overlay District, such as large display windows of clear glass, bulkheads, recessed entries surrounded by framing piers, transom windows, storefront cornices and suitable locations for signs. The ground-level facade has a higher floor-to-floor height than the upper floors to enhance views into the store. A ground-level facade should be visually separated from the upper floors or the top of the building by a horizontal architectural component, such as a cornice, masonry lintel or sign band. These guidelines are intended to promote ground-level facades which are functional and traditional.

(1) Well-defined opening. The traditional facade consists of a cornice, vertical piers, and bulkhead which enframe the storefront. The facade should be designed to fit within the originally intended opening.

(2) Recessed entry. In order to keep the display windows at the sidewalk, to emphasize the ground-floor entry, to allow for an enclosed and sheltered doorway and to leave space for doors to open without extending into the sidewalk, the entrance door should be recessed between 3 to 5 feet from the facade.

(3) Windows. At least 75% of facades shall be glazed with plate glass windows. All windows shall be at least 6 feet in height and shall contain a windowsill no more than 3 feet above grade. Any coverings on existing transom windows should be removed. Tinted or mirrored glass is prohibited.

(4) Materials. Materials for ground floors can be different from those used on the upper facade. As the most visible portion of the facade to pedestrians, they should have the greatest level of detailing of the building. Bulkheads should be faced with tile, wood, stone or synthetic composite trim and fypon (high-density polyurethane molding). Window frames should be made of wood, aluminum, steel, copper or bronze.

(5) Doors. Designs for doors shall comply with the following:

(a) The front entry door should be compatible with the facade's style and material.

(b) All primary commercial entrance doors shall have clear glazing over at least 75% of the surface area.

(c) The entry door shall be either wood or metal. If metal is chosen, a dark, anodized finish, rather than a light, metallic color, is preferred.

(d) Over-decoration of the entry door is discouraged. The door should reinforce the character of the building, as well as attract customers inside.

(e) The use of subtle door elements is encouraged. These include door knobs or pulls, brass kickplates or attractive painted signs on the glass.

(f) The entrances to ground floor spaces should be clearly distinguished from entrances to upper floors through the use of architectural treatments and materials selection.

(6) Cornice. All ground-level facades should have a cornice line which emphasizes the distinction between the ground-level and the upper facade.

(a) The cornice should be made of wood, metal, masonry units or fypon of ornate detail.

(b) The shape and material of the cornice should be sensitive to the main body of the building.

(c) Subtle color variation can add to the prominence of belt courses, but the color should maintain the harmony of the building as a whole.

(7) Transom windows. Historic glazing should be preserved where possible. Transoms should be provided on ground-level facades. The transom frame above the entrance doors and display windows shall match the ground-level material and finish, and the transoms shall be of a consistent size and configuration. The transparency of the transom glazing may be blocked by backpainted glass or a solid finished panel installed behind the glass where such blocking is necessary to conceal a dropped ceiling or mechanical equipment.

(8) Awnings. Dark, solid color awnings are encouraged. The style of awning should complement a building's architectural style and be compatible with its scale, materials, colors and details. The awning should not intrude upon the facade composition. Awnings attached to the same building shall be the same shape, color and height, and shall be compatible with other awnings nearby.

(a) Awnings may be fixed or retractable. All awnings shall have a straight slope and may not have side panels.

(b) Both retractable and fixed awnings may have an awning skirt. Awning skirts must be unframed. The skirt height shall be proportional to the height and size of the awning. The skirt height shall not exceed one foot.

(c) Canvas is the preferred material for awnings. The awning shall be clad only with water-repellant canvas with a matte finish or other fabric of a similar appearance. Awning fabric shall consist of a solid color that harmonizes with the historic color palette of the building. Vinyl, fiberglass, plastic, wood, glass or metal awnings are prohibited.

(d) The awning shall be installed at or directly below the ground-floor lintel or transom bar, except that the awning may be attached up to eight inches above the lintel if:

[1] An existing roll-down security gate makes it impossible to install the awning at the lintel or transom bar; or

[2] Installing the awning at the lintel or transom bar will result in the lowest framed portion of the awning being less than eight feet above the sidewalk.

(e) No awning sign shall be erected above the first level of a building, except for commercial buildings

that contain tenants on the upper floors.

[1] Awnings shall not extend beyond 12 inches from the side of the building

[2] Awnings shall be the same shape and color as awnings attached to the same building.

[3] All windows of the second floor must be similarly installed with such awnings.

[4] Awnings shall not extend more than 6 inches from either side of a window, nor extend more than 12 inches below the top of the window frame, nor extend more than 12 inches above the top of the window frame.

(f) The length of the awning should be aligned as closely as possible with the inside face of the principal piers of the storefront or window opening.

(g) The underside of the awning shall be open.

(h) The following types of awnings are prohibited:

[1] Box awnings.

[2] Fluted and carved awnings.

[3] Translucent or transparent or lightly shaded awnings illuminated from within or beneath.

(i) Canopies are not permitted.

(j) Awning signage is subject to § 410-51E(5)

(9) Storefront lighting.

(a) External light fixtures shall illuminate only the storefront and/or ground-level signs and shall be shielded to avoid direct glare into adjacent uses.

(b) The number and size of light fixtures should be modest and proportional with the scale of the storefront. Gooseneck lights or other incandescent fixtures appropriate to the style and period of the district are encouraged. Light fixtures shall not exceed 2 feet in height.

(10) Storefront security gates.

(a) Security grilles and tracks shall be carefully

(a) Security grilles and tracks shall only be installed inside a storefront opening, display window or door carefully integrated into the storefront design and should be completely concealed when not in use.

(b) Roll-down grilles shall be see-through mesh rather than solid grates so as to provide views of the interior when stores are closed.

F. Sidewalks and Streetscape. Each commercial property owner within the Downtown Overlay District seeking site plan approval shall provide sidewalk and streetscape improvements within the street right-of-way that shall fully comply with the specifications set forth in the "Borough of Fort Lee Streetscape Improvement - Commercial Streetscape and Sidewalk Guidelines" manual dated May 2008. Such sidewalk shall be designed in accordance with those Borough specifications and shall be subject to the review and recommendation of the Sign/Façade Committee and the Construction Official and at the Borough's discretion, the Streetscaping Engineer. In order to minimize the additional financial cost of compliance with the terms of this section respecting streetscaping compliance, any property owner subject to the provisions of the enhanced sidewalk improvement specifications shall not be compelled to post a performance guaranty for that portion of the estimated cost of the sidewalk and the appurtenant improvements allocated to the enhanced requirements.

(1) A bench, street tree, planter or other special landscaped feature shall be provided for every 20 feet of blank façade wall to mitigate the impact of blank walls and provide for pedestrian enjoyment.

G. Signs. All development within the Downtown Overlay District shall comply with the signage requirements set forth in § 410-51 of the Borough of Fort Lee Zoning Ordinance.

Section 7. The text of Borough Ordinance § 410-53, shall no longer be Reserved and shall hence forth be amended and supplemented to provide as follows: § 410-53, **Design Regulations in the Commercial Nodes and Corridors Overlay District:**

A. Development regulations for buildings.

(1) Compatibility and appropriateness. New buildings should be designed to be compatible with surrounding buildings. New construction should strike a proper balance between the existing architecture and appropriate contemporary designs which pay attention to scale and harmony.

(2) Building orientation. Buildings shall have their prime orientation toward the street rather than the parking area. Building entrances shall be oriented toward the street and shall be accessed from a sidewalk and crosswalks through parking areas.

B. Applicability.

(1) Any development application within the Commercial Nodes and Corridors Overlay District concerning rehabilitation of existing structures, additions to existing structures, and construction of new buildings that also requires site plan approval shall comply with the specifications incorporated herein. The applicant shall be subject to review and approval by the Planning Board of the Borough, except wherever the Board of Adjustment has jurisdiction over a site plan pursuant to N.J.S.A. 40:55D-76, then and in that case, by the Board of Adjustment. Hereafter, "municipal agency" shall mean either the Planning Board or the Board of Adjustment of Fort Lee.

(2) These regulations shall be used by applicants in preparing a development plan and by the municipal agency in reviewing same. The municipal agency may approve the proposed design, conditionally approve the design, or deny an application based upon its review of the design submitted and any additional relevant information.

(3) To the extent that the provisions of § 410-53 change or modify any other ordinance or code section of the Borough of Fort Lee, said change or modification shall only apply to the Commercial Nodes and Corridors Overlay District and shall not otherwise change or modify other ordinances or code provisions. Except as otherwise set forth herein, all provisions of Chapter 410 Zoning of the Borough of Fort Lee and the Code of the Borough of Fort Lee shall govern.

C. Regulations for facades.

(1) Commercial facades 100 feet in length or greater, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the total length of the façade. All projections or recesses shall be equivalent to at least 20% of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.

(b) Small Retail Stores. Where large retail developments contain additional, separately owned stores with separate, exterior customer entrances, the street level facade of such stores shall be transparent between the

height 3 feet and 8 feet above the walkway grade for no less than 60% of the horizontal length of the building facade of such additional stores.

(2) Commercial facades less than 100 feet in length, measured horizontally, shall incorporate varied building bays within the design of the façade. Building bays shall be a maximum of 30 feet in width and shall be visually established by architectural features such as columns, ribs or pilasters, piers and fenestration pattern.

(a) No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding 30 feet without including at least 2 of the following: change in plane, change in texture or masonry pattern, windows, or an equivalent element that subdivides the wall into human scale proportions.

(3) Ground floor facades for all commercial buildings that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than 60% of their horizontal length. If the facade of the building facing the street is not the front, it shall provide the same features in scale with the facade. All sides of the building shall include materials and design characteristics consistent with those on the front. Side or rear walls that face walkways may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations of the wall, only when actual doors and windows are not feasible because of the nature of the use of the building.

(a) All commercial building facades must include a repeating pattern that includes no less than 3 of the following elements. At least one of the elements within items 1, 2 or 3 below shall be utilized horizontally. All elements shall repeat at intervals of no more than 30 feet either horizontally or vertically.

[1] color change;

[2] texture change;

[3] material change;

[4] variation in architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, column, pilaster, fenestration pattern, reveal or projecting rib;

[5] a specific architectural element proposed by the applicant that is acceptable to the Signage/Façade Review Committee.

(4) Awnings within the Commercial Nodes and Corridors Overlay District shall conform with the requirements of section 410-52.E(8).

D. Roofs. All roofs shall have no less than 2 of the following features:

(1) Parapets concealing flat roofs and rooftop equipment from public view. The average height of such parapets shall not exceed 15% of the height of the supporting wall, and such parapets shall not at any point exceed 1/3 of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment, other than just colored "stripes" or "bands," with textured materials such as stone or other masonry or differently colored materials. Parapets may be stepped to provide differentiation to the roofline.

(2) Overhanging eaves, extending no less than three feet past the supporting walls.

(3) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every one foot of horizontal run, and less than or equal to one foot of the vertical rise for every one foot of horizontal run.

(4) Three or more roof slope planes.

E. Entryways.

(1) Each building shall have clearly defined, highly visible customer entrances featuring no less than 3 of the following: overhangs, recesses/projections; arcades; raised corniced parapets over the door; peaked roof forms; arches; outdoor patios; display windows; architectural details such as tile work and moldings which are integrated into the building; integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

(2) Where additional stores will be located in the large retail establishment, each such store shall have at least 1 exterior customer entrance, which shall conform to the above requirements.

F. Storefront lighting.

(1) External light fixtures shall illuminate only the

storefront and/or ground-level signs and should be shielded to avoid direct glare into adjacent uses.

(2) The number and size of light fixtures shall be proportional with the scale of the storefront. Gooseneck lights or other incandescent fixtures appropriate to the style and period of the district are encouraged.

G. Sidewalks

(1) Except for portions of a property fronting along Routes 1, 4, 46, 63 and 80, each commercial property owner within the Commercial Nodes and Corridors Overlay District seeking site plan approval shall provide sidewalk and streetscape improvements within the street right-of-way that shall fully comply with the specifications set forth in the "Borough of Fort Lee Streetscape Improvement - Commercial Streetscape and Sidewalk Guidelines" manual dated May 2008. Such sidewalk shall be designed in accordance with those Borough specifications and shall be subject to the review and recommendation of the Sign/Façade Committee and the Construction Official and at the Borough's discretion, the Streetscaping Engineer. In order to minimize the additional financial cost of compliance with the terms of this section respecting streetscaping compliance, any property owner subject to the provisions of the enhanced sidewalk improvement specifications shall not be compelled to post a performance guaranty for that portion of the estimated cost of the sidewalk and the appurtenant improvements allocated to the enhanced requirements.

(2) Except for portions of a property fronting along Route 1, 4, 46, 63 and 80, sidewalks shall be provided at least 6.5 feet in width along all sides of the lot that abut a public street or 5 feet if a landscaped buffer is provided and trees are planted within paving.

H. Landscaping

(1) All applicants for site plan approval must provide trees and/or plants in all areas of the site not used for buildings, parking, vehicular and pedestrian use areas, sidewalk cafes and plazas.

(a) Landscaping shall include at least a 7-foot wide irrigated buffer adjacent to the public right-of-way. The landscaped buffer shall be planted with a mixture of dense shrubbery no greater than 3 feet in height and include one street tree for every 25 feet of linear frontage. Optional decorative fencing is permitted no more than 4 feet in height and no closer than 6 feet

(5) In the event that any rehabilitation, construction, addition or alteration of building or structure facades within the Downtown Overlay District or the Commercial Nodes and Corridors Overlay District requires site plan approval, the matter shall be sent to the Planning Board, except wherever the Board of Adjustment has jurisdiction over a site plan pursuant to N.J.S.A. 40:55D-76, then and in that case, by the Board of Adjustment.

(6) To the extent that the provisions of § 410-53.1 change or modify any other ordinance or code section of the Borough of Fort Lee, said change or modification shall only apply to the Downtown Overlay District or the Commercial Nodes and Corridors Overlay District and shall not otherwise change or modify other ordinances or code provisions. Except as otherwise set forth herein, all provisions of Chapter 410 Zoning of the Borough of Fort Lee and the Code of the Borough of Fort Lee shall govern.

B. Façade Renovations

(1) During alterations, removal of original materials and architectural features such as railings, balusters, columns, brackets, and cornice decorations is discouraged. It is recommended that restoration and repair of existing traditional elements be employed. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture and other visual qualities.

(2) Color and Materials

(a) The materials, color and texture of facades should harmonize with adjacent buildings. The architectural style and era of the building should be taken into account when determining a color scheme. The color scheme chosen for the individual building should maintain a cohesive pattern, generally consisting of two to three colors. The main color for the body of the building should harmonize with the colors chosen for the trim, other secondary architectural features or building details, signs and awnings. For example, subtle color variation of the cornice line separating a ground level and upper level façade can add to the prominence of belt courses, but the color should maintain the harmony of the building as a whole.

(b) All building projections, including, but not limited to, chimneys, flues, vents, gutters, and downspouts, shall match or complement the background or secondary façade colors utilized on the building. Any mechanical equipment that cannot be hidden within the building or

modest and proportional with the scale of the storefront. Gooseneck lights or other incandescent fixtures appropriate to the style and period of the district are encouraged. Light fixtures shall not exceed 2 feet in height.

F. Storefront security gates.

(a) Security grilles and tracks shall only be installed inside a storefront opening, display window or door and should be completely concealed when not in use.

(b) Roll-down grilles shall be see-through mesh rather than solid grates so as to provide views of the interior when stores are closed.

G. Signs. All development within the Downtown Overlay District shall comply with the signage requirements set forth in § 410-51 of the Borough of Fort Lee Zoning Ordinance.

Section 9. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 10. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

BOROUGH OF FORT LEE

Neil Grant

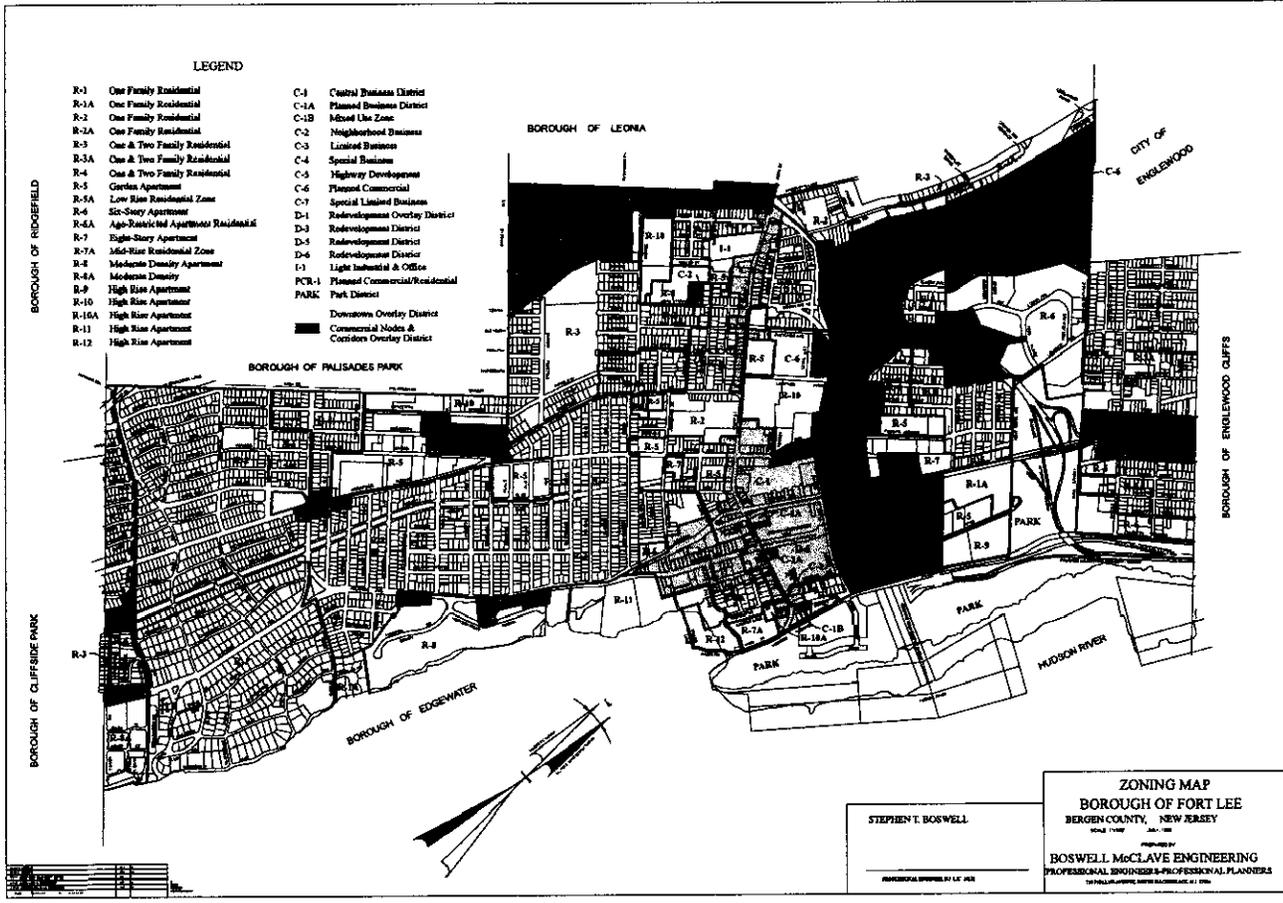
Neil Grant
Borough Clerk

Mark Sokolich

Mark Sokolich, Mayor

LEGEND

- | | |
|--------------------------------------------|--------------------------------------|
| R-1 One Family Residential | C-1 Central Business District |
| R-1A One Family Residential | C-1A Planned Business District |
| R-2 One Family Residential | C-1B School Use Zone |
| R-2A One Family Residential | C-2 Neighborhood Business |
| R-3 One & Two Family Residential | C-3 Limited Business |
| R-3A One & Two Family Residential | C-4 Special Business |
| R-4 One & Two Family Residential | C-5 Highway Development |
| R-5 Garden Apartment | C-6 Planned Commercial |
| R-5A Low Rise Residential Zone | C-7 Special Limited Business |
| R-6 Six-Story Apartment | D-1 Redevelopment Overlay District |
| R-6A Age-Restricted Apartments Residential | D-3 Redevelopment District |
| R-7 Eight-Story Apartment | D-5 Redevelopment District |
| R-7A Mid-Rise Residential Zone | D-6 Redevelopment District |
| R-8 Moderate Density Apartment | I-1 Light Industrial & Office |
| R-8A Moderate Density | PCR-1 Planned Commercial/Residential |
| R-9 High Rise Apartment | PARK Park District |
| R-10 High Rise Apartment | |
| R-10A High Rise Apartment | |
| R-11 High Rise Apartment | |
| R-12 High Rise Apartment | |



ZONING MAP
 BOROUGH OF FORT LEE
 BERGEN COUNTY, NEW JERSEY
 1984 (REV)
 PREPARED BY
BOSWELL McCLAVE ENGINEERING
 PROFESSIONAL ENGINEERS & PROFESSIONAL PLANNERS
100 HIGHLAND AVENUE, SUITE 200, FORT LEE, N.J. 07024

STEPHEN T. BOSWELL
 PROFESSIONAL ENGINEER BY L.E. 402

Introduced	<u>J. CURVINO</u>	Date of Introduction	<u>July 24, 2008</u>
Seconded	<u>N. SOMMER</u>	Public Hearing	<u>August 21, 2008</u>
		Date of Adoption	<u>August 21, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-35

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS ROADS IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$320,000 THEREFOR AND AUTHORIZING THE ISSUANCE \$320,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED 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 improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$320,000, including two grants expected to be received from the State of New Jersey Department of Transportation in the amounts of \$140,000 and \$150,000 (the "State Grants"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvement since the project described in Section 3(a) hereof is being partially funded by the State Grants.

Section 2. In order to finance the cost of the improvement or purpose and in anticipation of and not otherwise covered by the State Grants referred to in Section 1 hereof, negotiable bonds are hereby authorized to be issued in the principal amount \$320,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for improvements to various roads, including Stillwell Avenue and 11th Street, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$320,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$30,000 for items of expense listed in and

permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

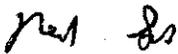
Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such additional funds are so used.

Section 8. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

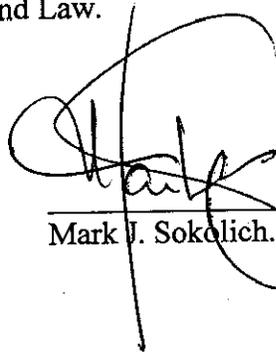
Section 9. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ATTEST:



Neil Grant, Borough Clerk



Mark J. Sokolich, Mayor

Introduced	J. CLAVIERA	Date of Introduction	July 24, 2008
Seconded	A. PONAN	Public Hearing	August 21, 2008
		Date of Adoption	August 21, 2008

BOROUGH OF FORT LEE

ORDINANCE # 2008-36

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 410, "ZONING," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE CONCERNING THE R-7A MID-RISE RESIDENTIAL ZONE.

WHEREAS, the Mayor and Council of the Borough of Fort Lee created the R-7A Zone by Ordinance No. 2005-24 on July 21, 2005 for the purpose of encouraging private redevelopment of certain properties in the eastern portion of its downtown; and

WHEREAS, the Borough of Fort Lee continues to be desirous of encouraging quality private redevelopment in the R-7A Zone through the elimination of coverage requirements for concealed parking structures, and the modification of certain yard requirements of the Zone; and

WHEREAS, the Borough of Fort Lee desires to encourage buildings of quality architectural design through the provision of a front yard exception for terraces and balconies in the R-7A Zone; and

WHEREAS, the Borough of Fort Lee is empowered pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. to provide for the construction of low and moderate income housing; and

WHEREAS, the Borough of Fort Lee believes that it is in its best interests to encourage and support affordable housing, as part of the Borough's obligation to comply with the New Jersey Council on Affordable Housing's requirements for affordable housing provision, and in recognition that additional affordable housing obligations will arise as a result of increased development in the Borough of Fort Lee; and

WHEREAS, it is recognized that the Reexamination of the Master Plan and Development Regulations adopted by the Planning Board in June 2004 encouraged residential redevelopment on suitable sites by way of higher-density housing and intensive residential development in the R-7A Zone; and

WHEREAS, the existing R-7A Zone regulations are contained in Chapter 410, "Zoning," of the Revised General Ordinances of the Borough of Fort Lee; and

WHEREAS, amendments to Chapter 410, "Zoning" are necessary to implement certain changes to the existing regulations of the R-7A Zone,

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee as follows:

Section I. Chapter 410, "Zoning," of the General Ordinances of the Borough of Fort Lee be and is hereby amended by replacing the following sections of Chapter 410 with the text below.

§ 410-84. District criteria.

A. Principal permitted uses:

- (1) One-family detached dwelling.
- (2) Two-family detached dwelling.
- (3) Townhouses or row houses.
- (4) Multifamily apartments.
- (5) Affordable multifamily apartments. All such dwelling units shall be restricted to occupancy by low-income and/or moderate-income households in accordance with the applicable requirements of the New Jersey Council on Affordable Housing.

B. Permitted accessory uses:

- (1) Private garages and off-street parking subject to Article X.
- (2) Private swimming pools subject to § 410-35A(2).
- (3) Signs.
- (4) Professional offices as provided in § 410-35A(3).
- (5) Greenhouses subject to § 410-35A.
- (6) Other accessory uses customarily incidental to a permitted principal use.

C. Permitted conditional uses: none.

D. Bulk standards:

- (1) One- and two-family detached dwellings:
 - (a) Minimum lot area:
 - [1] One-family: 5,000 square feet.
 - [2] Two-family: 6,000 square feet.
 - (b) Minimum lot area per unit:

- [1] One-family: 5,000 square feet.
 - [2] Two-family: 3,000 square feet.
 - (c) Minimum lot width:
 - [1] One-family: 50 feet.
 - [2] Two-family: 60 feet.
 - (d) Maximum lot coverage: 30%.
 - (e) Maximum building height: 35 feet/2½ stories.
 - (f) Minimum front yard: 20 feet.
 - (g) Minimum side yard (one): 6.5 feet.
 - (h) Minimum side yard (both): 14.5 feet.
 - (i) Minimum rear yard: 25 feet.
- (2) Townhouses or row houses:
- (a) Minimum lot area: 3,000 square feet.
 - (b) Minimum lot area per unit: 3,000 square feet.
 - (c) Minimum lot width: 30 feet.
 - (d) Maximum building height: 35 feet/three stories.
 - (e) Maximum lot coverage: 40%.
 - (f) Minimum front yard: zero feet if parking is provided to the rear of the dwelling; 20 feet if parking is provided in front of the dwelling.
 - (g) Minimum side yard: none required for interior dwelling units within a cluster of townhouses or rowhouses. For units at the end of a cluster of townhouses or rowhouses: 15 feet.
 - (h) Minimum rear yard: 25% of lot depth or 25 feet, whichever is less.
- (3) Multifamily apartments and affordable multifamily apartments – for lots less than 21,780 square feet in area:
- (a) Maximum building height:
 - [1] Buildings without ground floor parking: 40 feet/three stories.

- [2] Buildings with ground floor parking: 50 feet/three residential stories above parking level.
 - (b) Maximum lot coverage: 40%.
 - (c) Minimum front yard: 25 feet.
 - (d) Minimum side yard (one): 8 feet.
 - (e) Minimum side yard (both): 15 feet.
 - (f) Minimum rear yard: 30 feet.
 - (g) Ground floor parking within buildings must be screened from view from the street and from neighboring properties.
 - (h) Maximum curb cuts:
 - [1] Properties with 50 feet or less of lot frontage: one per property.
 - [2] Properties with over 50 feet of lot frontage: one for every 50 feet of lot frontage.
- (4) Multifamily apartments – for lots between 21,780 square feet and 43,559 square feet in area:
- (a) Maximum building height: 70 feet/six stories.
 - (b) Maximum lot coverage: 40%.
 - (c) Minimum front yard: 30 feet.
 - (d) Minimum side yard: 15 feet.
 - (e) Minimum rear yard: 40 feet.
 - (f) Ground floor parking within buildings must be screened from view from the street and from neighboring properties.
- (5) Multifamily apartments – for lots 43,560 square feet or greater in area:
- (a) Maximum building height: 100 feet, measured from the elevation of intersecting center lines of Kaufer Lane and Cedar Street.
 - (b) Maximum lot coverage: 40%. Parking structures located below the elevation of intersecting center lines of Kaufer Lane and Cedar Street shall not be included in the calculation of lot coverage.
 - (c) Minimum front yard: 20 feet. Balconies and terraces shall be permitted to project no more than seven feet into a front yard, but their total width shall not

occupy more than 20 % of the total width of the side of the building upon which they are located.

- (d) Minimum side yard: 20 % of building height as measured from the elevation of intersecting center lines of Kaufer Lane and Cedar Street.
 - (e) Minimum rear yard: 50% of building height as measured from the elevation of intersecting center lines of Kaufer Lane and Cedar Street.
 - (f) Minimum parking structure setbacks: parking structures shall comply with the yard requirements for principal buildings, except that the minimum side yard setback for parking structures located below the elevation of intersecting center lines of Kaufer Lane and Cedar Street shall be five feet.
 - (g) Parking spaces within buildings must be screened from view from the street and from neighboring properties.
- (6) Affordable multifamily apartments – for lots 21,780 square feet or greater in area:
- (a) Minimum lot width: 100 feet.
 - (b) Minimum lot depth: 100 feet.
 - (c) Minimum front yard: 5 feet.
 - (d) Minimum side yard: 5 feet.
 - (e) Minimum rear yard: 0 feet.
 - (f) Maximum building height: 80 feet/8 stories, measured from the elevation of intersecting center lines of Kaufer Lane and Cedar Street.
 - (g) Maximum density: 120 dwelling units/acre.
 - (h) Maximum lot coverage: 80%.

Section II. The provisions of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

Section III. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be determined to govern. All other parts, portions and provisions of Chapter 410 of the Revised General Ordinances of the Borough of Fort Lee are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section IV. This Ordinance shall take effect immediately upon final passage and publication according to law.

Introduced	<u>J. CARVERI</u>	Date of Introduction	<u>August 21, 2008</u>
Seconded	<u>H. SUMNER</u>	Public Hearing	<u>September 11, 2008</u>
		Date of Adoption	<u>September 11, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-37

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69, SCHEDULE XXIII, OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "HANDICAPPED PARKING SPACES"

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE as follows:

Section I: Chapter 388, Section 69, Schedule XXIII, is hereby amended and supplemented so as to add the following as a handicapped parking space:

388-69: Along the west curb line of Linwood Avenue beginning at a point 162 feet north of the apex of the Northwest corner of Main Street and Linwood Avenue and extending 25 feet north along the same curb line between parking meters 649 and 648.

Section II: The provisions of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

Section III: In the event on any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be deemed to govern. All other parts, portions, and provisions of Chapter 388 are hereby ratified and confirmed, except where inconsistent herewith.

Section IV: This Ordinance shall take effect immediately upon final passage and publications according to law.

ATTEST:

Neil Grant

Neil Grant, Borough Clerk

Mark J. Sokolich, Mayor

Introduced	<u>J. CURVELLA</u>	Date of Introduction	<u>August 21, 2008</u>
Secinded	<u>H. SCHMIDT</u>	Public Hearing	<u>September 11, 2008</u>
		Date of Adoption	<u>September 11, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-38

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTION 43, SCHEDULE I, OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "NO PARKING"

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, AS FOLLOWS:

Section I. Chapter 388, Section 43, Schedule I, entitled "No Parking," be and the same is hereby amended as follows:

Name of Street	Side:	Location
12st Street	East	Along the East Curb of 12 th Street Off of North Avenue, Beginning at a Point 13 Feet South of Pole #62195FTL and Extending 14 Feet South Along the Same Curbline

Section II. All other parts, portions and provisions of Chapter 388 of the Code of the Borough of Fort Lee not inconsistent with the terms hereof be and the same are hereby ratified and confirmed. In the event of any inconsistency, the terms and provisions hereof shall govern.

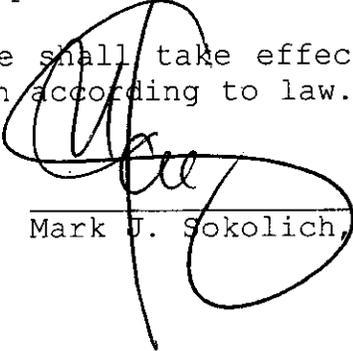
Section III. The terms of this ordinance are hereby declared to be severable; should any part, portion or provision be deemed invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

Section IV. This ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

Neil Grant

Neil Grant, Borough Clerk


 Mark J. Sokolich, Mayor

Introduced	<u>J. CURVILAI</u>	Date of Introduction	<u>September 11, 2008</u>
Seconded	<u>N. SCHMIDT</u>	Public Hearing	<u>September 25, 2008</u>
		Date of Adoption	<u>September 25, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-39

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69, SCHEDULE XXIII, OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "HANDICAPPED PARKING SPACES"

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE as follows:

Section I: Chapter 388, Section 69, Schedule XXIII, is hereby amended and supplemented so as to add the following as handicapped parking spaces:

388-69: Along the west curb line of Glen Road, beginning at a point 37 feet south of the apex of the southwest corner of Glen Road and Route 5 and extending 25 feet south along the same curb line.

388-69: Along the north curb line of Grandview Place, beginning at a point 72 feet east of telephone pole #60655FTL and continuing east along the same curb line for an additional 25 feet.

Section II: The provisions of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

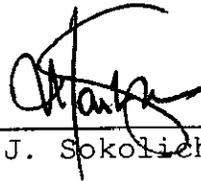
Section III: In the event on any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be deemed to govern. All other parts, portions, and provisions of Chapter 388 are hereby ratified and confirmed, except where inconsistent herewith.

Section IV: This Ordinance shall take effect immediately upon final passage and publications according to law.

ATTEST:

Neil Grant

Neil Grant, Borough Clerk



Mark J. Sokolich, Mayor

Introduced	<u>J. CURVIER</u>	Date of Introduction	<u>September 11, 2008</u>
		Public Hearing	<u>September 25, 2008</u>
Seconded	<u>N. SONAR</u>	Date of Adoption	<u>September 25, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-40

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 339 SHOPPING CARTS, SECTION 5 REMOVAL BY BOROUGH, SECTION 6 NOTICE OF REMOVAL AND REDEMPTION, AND SECTION 7 REDEMPTION BY OWNER, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 339 Shopping Carts, Section 5 Notice of Removal by Borough When Found on Street, Section 6 Notice of Removal and Redemption, and Section 7 Redemption by Owner; Proof of Ownership; Defense to Adverse Claimant, of the Code of the Borough of Fort Lee, are hereby amended as follows:

Section 1. The current text of Section 5 Notice of Removal by Borough When Found on Street, is hereby replaced with the following:

"A. The Borough shall impound or cause to be impounded a cart, found upon any sidewalk or street, that has no sign or notice identifying the owner, where it shall be held until redeemed, sold or otherwise disposed of as hereinafter provided.

B. The Borough shall impound or cause to be impounded, when the following conditions are met, a cart that has a sign or notice identifying the owner of the cart, or the retailer who has written consent from the owner to use the cart, and listing a valid telephone number or address through which the owner or retailer can be contacted:

(1) The cart is located outside the premises or parking area of a retail mercantile establishment;

(2) The Borough notifies the owner or retailer of the location of the cart and allows three business days from the date of such notification for the owner, retailer, or an authorized agent to retrieve the cart, unless the immediate removal is necessary to prevent a danger to public safety;

(3) The Borough has notified the owner or retailer upon impoundment of a cart, and includes information as to how the cart may be retrieved;

(4) The location that an impounded cart is held is reasonably convenient to the owner, retailer, or authorized agent, and is open for business at least six hours of each business day;

(5) Any fine imposed upon the owner or retailer for an impounded cart does not exceed \$50 for each occurrence for failure to retrieve carts. An occurrence includes all carts impounded in accordance with this section during a 24-hour period; and

(6) The Borough allows the owner or retailer a minimum of five business days following receipt of notice that a cart has been impounded to retrieve the cart before it may sell or otherwise dispose of the cart."

Section 2. The current text of Section 6 Notice of Removal and Redemption, is hereby replaced with the following:

"Whenever the Borough impounds or causes to be impounded a cart that has a sign or notice identifying the owner of the cart, or the retailer who has written consent from the owner to use the cart, and lists a valid telephone number or address through which the owner or retailer can be contacted, without meeting the conditions required in Section 5 hereof, the Borough shall:

(1) Notify the owner or retailer within 24 hours of impounding the cart, and include information on how the cart may be retrieved;

(2) Release the cart to the owner, retailer or authorized agent without any charge or fine whatsoever, if the owner, retailer, or authorized agent attempts to retrieve the cart within five business days of notice."

Section 3. The current text of Section 7 Redemption by Owner; Proof of Ownership; Defense to Adverse Claimant, is hereby replaced with the following:

"After the expiration of five business days as provided in Section 6 hereof, a cart may be redeemed by the owner thereof at any time prior to the sale, dismantling, destruction or disposal thereof, and the owner shall be entitled to receive such cart upon payment of the sum of \$25. No cart shall be delivered to a person seeking to redeem, unless proof is submitted establishing

to the satisfaction of the borough such person's ownership or right to possession. Any delivery to a person deemed entitled thereto by the Borough from the proof submitted shall be an absolute defense of the Borough against any other person claiming to be entitled thereto."

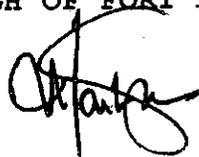
Section 4. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

BOROUGH OF FORT LEE

Neil Grant



Neil Grant
Borough Clerk

Mark Sokolich, Mayor

Introduced	<u>J. CLAVIA</u>	Date of Introduction	<u>September 11, 2008</u>
		Public Hearing	<u>September 25, 2008</u>
Seconded	<u>N. SCHMIDT</u>	Tabled:	<u>September 25, 2008</u>
		Date of Adoption	<u></u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-41

AN ORDINANCE AMENDING CHAPTER 356, SOLID WASTE, OF THE CODE OF THE BOROUGH OF FORT LEE

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 356, Solid Waste, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That Borough Ordinance § 356-25, **Source separation of leaves**, shall be amended and supplemented and hence forth provide as follows:

A. The owner, lessee or occupant of every property within the Borough of Fort Lee shall source separate leaves from solid waste generated at that property. From October 15 through December 15, leaves shall be placed in brown paper bags and situated in the street at curbside in front of the property. Catch basins and drainage of stormwater shall not be impeded or blocked in any way so as to not allow stormwater runoff. At all other times, leaves shall be placed in brown paper bags for pick up by the Department of Public Works.

Section 2. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 3. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

BOROUGH OF FORT LEE

Neil Grant
Borough Clerk

Mark Sokolich, Mayor

Introduced	<u>J. CURVIERI</u>	Date of Introduction	<u>September 11, 2008</u>
		Public Hearing	<u>September 25, 2008</u>
Seconded	<u>M. SARGENT</u>	Date of Adoption	<u>September 25, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-42

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 410, "ZONING," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE CONCERNING ARTICLE XII SIGNAGE AND FACADES.

WHEREAS, the Mayor and Council of the Borough of Fort Lee adopted Ordinance No. 2008-34 on August 21, 2008 for the purpose of amending the Borough of Fort Lee signage regulations related to sign approval, permitting, fees, computation of sign area, permitted sign type, color/letter size requirements, and the role of the Sign/Façade Review Committee.

WHEREAS, the ordinance further established requirements for building façades, building scale, orientation and compatibility, as well as provided additional regulations for landscaping, streetscapes and sidewalks applicable to all nonresidential properties within the Borough; and

WHEREAS, the Borough of Fort Lee requires additional amendments to the Borough Signage and Façade regulations to permit temporary real estate signage advertising an "open house", to provide clarity on the permitted sign area for non-residential wall signage on multiple tenant buildings, and to assure compliance with the American with Disabilities Act; and

WHEREAS, the existing Signage and Façade regulations are contained in Chapter 410, "Zoning," of the Revised General Ordinances of the Borough of Fort Lee; and

WHEREAS, amendments to Chapter 410, "Zoning" are necessary to implement certain changes to the existing regulations of the Borough Signage and Façade regulations,

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee as follows:

Section I. Chapter 410, "Zoning," of the General Ordinances of the Borough of Fort Lee be and is hereby amended by way of the following sections of Chapter 410 with the text below.

§ 410-51.D.(1)

(a) Signs relative to the sale, lease or rental of property. A maximum of one sign, not exceeding six square feet in outline area per facing for single- or two-family residences, or 10 square feet in outline area per facing for other uses. No sign shall exceed five feet in height from grade to the highest point on the sign. Such signs shall be removed within 48 hours of completion of the sale, lease or rental of the property. This includes the posting of such property as sold, leased

or rented. Signage advertising an open house for the sale, lease or rental of property may be erected 3 hours prior to the event and shall be removed at the conclusion of the event.

§ 410-51.E.(1)(b)

[2] Signs attached to the same building must be of the same size, shape, color and height.

§ 410-52.

H. Americans with Disabilities Act. All construction shall meet or exceed the standards of the Americans with Disabilities Act.

§ 410-53.

J. Americans with Disabilities Act. All construction shall meet or exceed the standards of the Americans with Disabilities Act.

§ 410-53-1.

H. Americans with Disabilities Act. All construction shall meet or exceed the standards of the Americans with Disabilities Act.

Section II. The provisions of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

Section III. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be determined to govern. All other parts, portions and provisions of Chapter 410 of the Revised General Ordinances of the Borough of Fort Lee are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section IV. This Ordinance shall take effect immediately upon final passage and publication according to law.

Section V. A certified copy of the Ordinance upon introduction and adoption and any accompanying explanatory resolution shall be sent to the Bergen County Planning Board along with any explanatory resolution.

Attest:

Neil Grant

Neil Grant
Borough Clerk

Mark J. Sokolich

Mark J. Sokolich, Mayor

Introduced	<u>J. CURVIERI</u>	Date of Introduction	<u>September 25, 2008</u>
		Public Hearing	<u>October 16, 2008</u>
Seconded	<u>A. POWAN</u>	Date of Adoption	<u>October 16, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-43

AN ORDINANCE REPEALING ORDINANCE #2008-30 AND AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69, SCHEDULE XXIII, OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "HANDICAPPED PARKING SPACES"

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE as follows:

Section I: Ordinance #2008-30 adopted on July 24, 2008 by the governing body of the Borough of Fort Lee shall be repealed and replaced by the following:

Section II: Chapter 388, Section 69, Schedule XXIII, is hereby amended and supplemented so as to add the following as a handicapped parking space:

388-69: Along the west curb line of Anderson Avenue, beginning at a point 37 feet south of the apex of the south curb of Plateau Avenue and the west curb of Anderson Avenue and extending 25 feet south along the same curb line.

Section III: The provisions of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

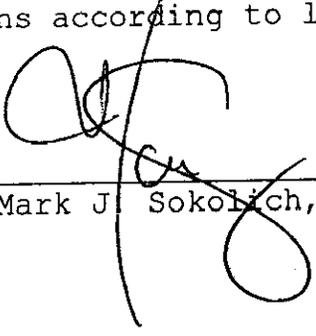
Section IV: In the event on any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be deemed to govern. All other parts, portions, and provisions of Chapter 388 are hereby ratified and confirmed, except where inconsistent herewith.

Section V: This Ordinance shall take effect immediately upon final passage and publications according to law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk



Mark J. Sokolich, Mayor

Introduced	J. CERVIERI	Date of Introduction	September 25, 2008
		Public Hearing	October 16, 2008
Seconded	N. SOMMER	Date of Adoption	October 16, 2008

BOROUGH OF FORT LEE

ORDINANCE # 2008-44

**AN ORDINANCE CREATING AND ESTABLISHING CHAPTER 132
"AMBULANCE SERVICES" ESTABLISHING THE FORT LEE
AMBULANCE SERVICE (FLA)**

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

ARTICLE I: Establishment and Organization

Section 1: FLA created. *The Fort Lee Municipal Ambulance FLA ("FLA") is hereby created and established.*

A. The creation of the FLA by this Ordinance is in no way intended to amend Ordinance No. 2004-2 nor is this Ordinance intended to affect or apply to the already existing Fort Lee Volunteer Ambulance Corps.

Section 2: Definitions. As used in this chapter, the following terms shall have the meanings indicated:

A. **AUTHORITY** - The right to issue orders, give commands, enforce obedience, initiate action, and make necessary decisions commensurate with **rank** or assignment as provided for in the FLA rules, policies and procedures. Authority may be delegated by those so designated. Acts performed without proper authority or authorization shall be considered to be in violation of the rules of the FLA.

B. **CHAIN OF COMMAND** - Vertical lines of communication, authority, and responsibility within the organizational structure of the FLA.

C. DIRECTIVE - A document detailing the performance of a specific activity or method or operation. "Directive" includes:

a. GENERAL ORDER - Broadly based directive dealing with policy and procedure and affecting one or more organizational subdivisions

b. PERSONNEL ORDER - A directive initiating and announcing a change in the assignment, rank, or status of personnel.

c. SPECIAL ORDER - A directive dealing with a specific circumstance or event that is usually self-canceling.

D. EMERGENCY MEDICAL SERVICES - Any services, including transportation, provided by the FLA to a potentially or actually ill or injured person in response to a call for service.

E. EMPLOYEE/MEMBER - A person who performs in the capacity of an emergency medical responder for the FLA.

F. MAY/SHOULD - The action indicated is permitted.

G. ORDER - Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of duty.

H. PATIENT - Any person who receives emergency medical services from the FLA.

I. POLICY - A statement of FLA principles that provides the basis for the development of procedures and directives.

J. PROCEDURE - A written statement providing specific direction for performing FLA activities. Procedures are implemented through policies and directives.

K. SHALL/WILL - The action required is mandatory.

L. SUPERVISOR - Employee assigned to a position requiring the exercise of immediate supervision over the activities of other employees.

M. THIRD-PARTY BILLING AGENCY - A business entity engaged by the Borough of Fort Lee for the purpose of effecting the billing of patients and collecting payments therefrom, which payments shall be remitted to the Borough of Fort Lee.

Section 3: Membership. The FLA shall consist of members as are or may be appointed and approved by the Mayor and Council.

Section 4: Ownership of assets, expenses, and operating costs. All FLA vehicles, equipment, and materials are the property of the Borough of Fort Lee and ownership shall remain with the Borough of Fort Lee, and all expenses and costs shall be

incurred by the Borough of Fort Lee for the proper maintenance and operation of the FLA.

Section 5: Qualification for membership as active member.

No person shall be eligible to become a member of the FLA unless such person shall possess and provide proof of the following qualifications:

- A. Be not less than 18 years of age.
- B. Be physically fit to perform the duties of an emergency medical technician.
- C. Be subject to a civil, criminal and motor vehicle record check.
- D. Be subject to satisfactory pre-employment and random drug/alcohol testing.
- E. Be a certified emergency medical technician of the State of New Jersey.
- F. Possess a valid driver's license if position will require the member to drive.
- G. Possess a valid American Heart Association CPR for the Healthcare Provider or equivalent CPR certification card.

Section 6: Youth squad qualification for membership.

A. The FLA shall be permitted to maintain a volunteer youth squad. Members of the youth squad shall serve as community volunteers and will not receive compensation of any kind.

B. No person shall be eligible to become a member of the youth squad unless such person shall possess the following qualifications:

1. Be not less than 16 years of age nor more than 17 years of age.
2. Be a legal resident of the Borough for not less than one year.
3. Be physically fit to perform the duties of an emergency medical technician. The applicant shall submit proof of a medical evaluation performed by a licensed physician.
4. Be a certified emergency medical technician of the State of New Jersey.

5. Youth squad members shall apply for membership, and upon acceptance, shall be placed on probation for a period of not less than six months.
6. Obtain parental consent to allow for and be subject to satisfactory pre-service and random drug/alcohol testing.

C. Youth squad members shall not be permitted to operate any Borough vehicles.

Section 7: Application and approval for membership. The name of the applicant shall be provided to the EMS Program Coordinator [See Sec. 15] who will insure that the application process is followed as established in Boroughwide Standard Operating Procedure (SOP).

Section 8: Membership roll; identification.

A. The names of the members shall be written upon the membership roll maintained by the Borough Clerk.

B. A member shall be issued a photo identification card as evidence of membership, which ID card shall, at all times be and remain the property of the Borough of Fort Lee. This photo identification card shall be immediately surrendered to the Borough Administrator when demanded or whenever a member has been formally suspended from the FLA or when the member shall cease to be a member of the FLA.

Section 9: Classes of membership. Members shall be defined as follows:

A. Active Member: Any employee who is physically able to perform all duties, including on-call duty time and training and other fixed duties. Active members shall be divided into two classifications.

1. Per-Diem Member: Any member who is compensated at an hourly rate for his/her service in the FLA. Per-Diem Members may not be regularly employed in excess of 19.5 hours per week. Per-Diem Members are not eligible for NJ Department of Personnel benefits or protections under Title 11 and 11A of the NJ Statutes.

2. Volunteer Member: Any qualified person who meets the criteria of an active member but who does not receive compensation for his or her time or expenses, exclusive of volunteer stipends, provided under § 6-1 et seq. of the Fort Lee Municipal Code. A member of the Fort Lee Volunteer Ambulance Corps may also serve as a member of the FLA.

Section 10: Compensation/Insurance/Indemnification.

- A. Per-diem members may work a maximum of 19.5 hours per week. This may be exceeded only when a life-threatening incident requires a recall of personnel or during a declared state of local emergency.
- B. Per-diem members shall be compensated at a rate established by the Mayor and Council.
- C. Members shall not be eligible to become certified as regular full or part-time employees of the Borough.
- D. Members shall not be eligible to receive pension benefit(s), any health insurance, including medical, dental, or vision, vacation or other leave or compensatory time or any benefit of employment, not specifically set forth in this Ordinance.
- E. Members shall be covered by worker's compensation insurance and the Borough group life insurance and benefit from such insurance liability and defense policies as the Borough may, from time to time, declare, carry, amend or discontinue, in the Borough's sole discretion. In the event of a line-of-duty death, the Borough shall insure that all applications are processed and procedures followed for any eligible state or federal benefits.

Section 11: FLA composition. The active roster of the FLA shall be comprised of the number of EMT's necessary to maintain the operations of the FLA.

Section 12: Disbandment of FLA. The FLA may be disbanded in the following manner:

- A. In their sole discretion, should the Mayor and Council consider at any time that the interests of the Borough will be best served by the disbandment of the FLA for any cause, or in the interest of economy and efficiency, they may do so at any regular meeting by a majority vote of the Council, 30 days' notice being previously given to the EMS Program Coordinator and the members of the Council.

Section 13: Borough Administrator to act as Director. The Borough Administrator shall be the Director of the FLA. The Director shall be the administrative officer in charge of the FLA and shall be directly responsible for the efficiency and day-to-day operations of the FLA, subject to the overall authority of the Mayor and Council. The Director shall:

- A. Administer and enforce the rules and regulations of the Ambulance FLA and any special emergency directives for the disposition and discipline of the FLA and its members;
- B. Organize, control and maintain all property and resources of the FLA;
- C. Develop and implement policies and procedures necessary to govern and direct the day-to-day operations of the FLA;
- D. Provide for the proper training of all members.
- E. Maintain the overall discipline of the FLA.
- F. Delegate such authority as may be deemed necessary for the efficient operation of the FLA to be exercised under the direction and control of the Director; and
- G. Maintain a constructive relationship with the public, community organizations, the media and other agencies.
- H. Prepare and submit the annual budget and proposed expenditure programs to the appropriate authority or other designated officials.
- I. Allocate funds within the budget which are appropriated by the governing body.
- J. In cases of necessity, temporarily employ per-diem members when circumstances of an unusual or emergent nature arise and prevent the Mayor and Council from pre-approving such hiring. Temporary hires shall be submitted for Mayor and Council approval at the earliest opportunity.

Section 14: Adoption of rules and regulations.

- A. The Director is hereby authorized, empowered and required when necessary to adopt rules and regulations for the control, management, and government of the FLA. These rules and regulations, after adoption by the Director, shall not become effective and operative until presented and approved by the Mayor and Council, except as emergent circumstances may otherwise require.
- B. Application. These rules are applicable to all members of the FLA.
- C. Distribution. One copy of these rules shall be distributed to each member of the FLA. Each member will be required to sign to confirm receipt of the document.

D. Responsibility for maintenance. It is the continuing responsibility of each member to maintain a current copy of the rules, including additions, revisions, and amendments as issued.

E. Familiarization. Members shall thoroughly familiarize themselves with the provisions of the rules. Ignorance of any provision of these rules will not be a defense to a charge of a violation of these rules. It is the continuing responsibility of each member to seek clarification through the chain of command for any rule that is not fully understood.

Section 15: Appointment of an EMS Program Coordinator. The Borough may appoint an EMS Program Coordinator. He/she shall work a maximum of 40 hours a week without prior approval of the Director, and will be a regular, full time employee of the Borough of Fort Lee and shall report to and be supervised by the Director.

A. Minimum Qualifications: (Subject to additional qualifications as may be required by the NJ Department of Personnel.)

1. Be not less than 18 years of age.
2. Be able to fluently read, write and speak English and demonstrate mathematical and other duties as the work to be performed requires.
3. Be subject to a civil, criminal and motor vehicle check.
4. Possess a valid driver's license.
5. Possess knowledge of emergency medical care and its processes and procedures of the FLA.
6. Possess knowledge in computers and common programs including Microsoft Word and Excel.
7. Be a U.S. Citizen or legal resident alien with appropriate work visa.
8. Be able and available to manage absences and other problems involving shift schedules, staff suspensions, logistics and general supervisory duties.
9. The applicant is not required to be a member of the FLA.
10. If the applicant is a member of the Fort Lee Volunteer Ambulance Corps, the combination of hours as the EMS

Program Coordinator and the on-duty hours cannot exceed 40 hours a week without prior approval of the Director.

11. Be a certified emergency medical technician of the State of New Jersey.
12. Possess a valid American Heart Association CPR for the Healthcare Provider or equivalent CPR certification card.

B. Responsibilities:

1. Maintain the staffing schedule of the FLA insuring that all shifts are fully staffed without exception.
2. Maintain a roster of all members with their availability to cover regular shifts and shifts that must be staffed due to sickness, vacations, and other absences.
3. Maintain a call-out roster of those members available to respond to general calls.
4. Collect, review, and forward all run sheets and forward them to the authorized agency.
5. Collect and forward to appropriate official all personnel and training records as prescribed in the rules and regulations.
6. Collect, review, and forward all time sheets.
7. Any and all other functions necessary to insure that shifts are staffed and information is provided to the billing agent.
8. The EMS Program Coordinator will be an employee subject to all requirements, allowances, and regulations of such employee set forth in this chapter.
9. General supervisory duties, logistics, ensure vehicle and equipment maintenance is performed, maintain a safe working environment in accordance with applicable state law.
10. The EMS Program Coordinator will submit a monthly activity report to the Director.
11. Interface with hospital staff and third party payment contractors to maximize efficient billing and collection

procedures and practices.

12. Keep track of and ensure that all member certifications and training requirements are kept current.
13. Be prepared to perform backup emergency medical technician duties.

C. Compensation. The EMS Program Coordinator will be compensated at a rate of pay established by the Mayor and Council.

Section 16: Assistant EMS Program Coordinator. An Assistant EMS Program Coordinator may be appointed from among the qualified members of the FLA to perform all of the duties of the EMS Program Coordinator when he/she is on vacation. The Assistant EMS Program Coordinator will be subject to all of the requirements set forth in this chapter and will be compensated at a per-diem rate (without other benefits) for the period of time served in this capacity, or upon other such terms and conditions as the Mayor and Council shall provide.

Section 17: Records maintained. The EMS Program Coordinator, under the direction of the Director of the FLA, shall see that timely and accurate records are kept of all responses for calls for service, training, attendance, certifications, and any other records required by the State, Borough, or other authorized agency.

ARTICLE II Command of FLA

Section 17: General supervision of FLA. The Director shall have the general supervision of the FLA, subject to the ultimate authority of the Mayor and Council. The Director may exercise his/her management prerogatives through his/her subordinates, including the EMS Program Coordinator and the Assistant EMS Program Coordinator.

Section 18: Delegation of authority. The Director or his/her designee(s) shall appoint members to act as line supervisors or crew chief(s) and delegate to those members the appropriate authority as may be deemed necessary for the efficient operation of the FLA. Said delegation of authority shall not conflict with such rules and regulations for the government and management of the FLA and shall be exercised under the direction and control of the Director and his/her designee(s).

Section 19: Command at calls for service.

A. In all cases of calls for service, those members appointed to line supervisor by the Director shall have initial scene control and command under the authority of this chapter; subject to the supersession of the Director or his/her designee(s). Rules and/or procedures regarding incident command authority shall be promulgated.

B. When a line supervisor is absent from the call for service, the on-duty crew chief shall assume the duties of command.

ARTICLE III Service and Conduct

Section 20: Response to calls for service. The on-duty FLA members shall respond immediately to the call for service, unless otherwise directed by the Director or supervisory member in charge. Members shall also be required to promptly respond to emergency recall or "All-Hands" call duties.

Section 21: Training and drills. The EMS Program Coordinator or his/her designee shall maintain a schedule of training and drills and shall activate the FLA for drills or training when and where it becomes necessary. These training sessions may include any and all mandated training courses as set forth in the rules and regulations of the FLA and any elective training sessions as the Director may deem necessary or beneficial. Members will not be compensated for the time required to maintain required certifications. The Borough will pay any fees or costs for the training that is not covered by the state or other agencies.

Section 22: Record of calls for service and training exercises. The EMS Program Coordinator shall keep a permanent record of the call for service, duty time and attendance at training sessions of each active member of the FLA.

Section 23: Authorized drivers. Any member of the FLA who drives any Borough vehicle must complete the required driver training as set forth in the rules and regulations of the FLA. Members of other Borough agencies who may be required to operate an ambulance must have completed adequate driver training courses.

Section 24: Request for repairs or supplies. All requests for repairs or supplies for the FLA shall be presented through the EMS Program Coordinator, to the Director for approval. Purchases shall be made in accordance with applicable state and

municipal regulations and meet the approval of the Chief Purchasing Agent of the Borough.

Section 25: Unauthorized repairs; emergencies. No member of the FLA shall be permitted to tamper with or fix or repair any apparatus unless directed to do so by the Director, EMS Program Coordinator, crew chief or line supervisor, and then only in the case of an emergency.

Section 26: General Rules of conduct.

A. Performance of duty. All members shall promptly perform their duties as required or directed by law, FLA rule, policy, or directive, and by lawful order of a supervisor.

B. Obedience to laws and rules. Members shall obey all laws, ordinances, rules, policies, procedures, and directives of the FLA.

C. Reporting violations of laws and rules. Members knowing of other members violating laws, ordinances, or rules of the FLA shall report same in writing to the Director.

D. Insubordination. Members shall not:

1. Fail or refuse to obey a lawful order given by a supervisor;
2. Use any disrespectful or abusive language or action toward a supervisor.

E. Conduct toward other department employees. Members shall treat other FLA members with respect. They shall be courteous and civil at all times in their relationships with one another.

F. Fitness for duty. Personnel shall maintain sufficient physical and psychological condition in order to handle the variety of activities required of an emergency medical technician.

G. Driver's license. Members operating Borough motor vehicles shall possess a valid U.S. driver's license. Whenever a member driver's license is revoked, suspended, lost, or charged with driving under the influence of controlled dangerous substances or alcohol or reckless driving, the member shall immediately notify the appropriate supervisor, giving full particulars.

H. Address and telephone numbers. Members are required to have a telephone or other method of twenty-four-hour contact. Changes in address or telephone number shall be reported in writing to the appropriate supervisor within 24 hours of the change.

I. Members shall at all times keep in force and good standing their EMT and other required approvals and certifications.

J. Members shall immediately report to their supervisor and/or EMS Program Coordinator the filing of all quasi criminal or criminal charges, as well as charges of domestic violence or the issuance of any civil injunction against the member.

K. Members shall not engage in any conduct contrary to the good name, order or well-being of the FLA.

L. Members are required to be truthful regarding their words and actions relating to the conduct of their duties at all times whether under oath or not.

Section 27: Alcoholic beverages and drugs. Members shall be subject to the Borough's Employee Drug and Alcohol Testing Policy.

Section 28: Judicial appearance and testimony regarding EMS matters.

A. Members shall not volunteer to testify in actions arising out of FLA employment and shall not testify unless subpoenaed. If the subpoena arises out of Borough employment or if members are informed that they are a party to a civil action arising out of Borough employment, they shall immediately notify the appropriate supervisor, and shall consult with the Director and the Borough Attorney before responding to any such subpoena, giving a deposition, or signing any affidavit.

B. Court appearance. When appearing in court on FLA business, members shall wear either the FLA uniform or appropriate business attire.

C. Department investigations. Members are required to answer questions, file reports, or render material and relevant statements in a FLA investigation when such questions and statements are directly related to job responsibilities. Members shall be advised of, and permitted to invoke, all applicable constitutional and statutory rights, including consultation with counsel, at the member's expense.

ARTICLE IV Policy for EMS Billing

Section 29: Purpose.

A. The Borough of Fort Lee recognizes the need to bill patients for the provision of emergency medical services and transportation to aid in the provision of those services.

B. No person requiring emergency medical services and/or transportation shall be denied services due to a lack of insurance or ability to pay levied charges.

C. Whereas, the FLA is funded by local taxation, it is in the best interest of the residents of Fort Lee to establish a policy for EMS billing in accordance with the Health Care Finance Administration (HCFA) guidelines (As same may be from time-to-time amended or supplemented) so that individuals who are legally domiciled in the Borough of Fort Lee will not be responsible for the payment of any uninsured out-of-pocket expenses.

Section 30: Billing for Service.

A. The FLA shall obtain the necessary licensure from the New Jersey State Department of Health to provide emergency medical services and transportation. (the "Program"). The FLA is a Department of the Borough of Fort Lee.

B. The Borough of Fort Lee shall apply for a "provider number" from the Federal and State Medicare/Medicaid programs, enabling the municipality to institute a third party payment plan (the "payment plan"), for provided services.

C. All patients, whether or not a legal domiciliary of the Borough of Fort Lee, and/or their financially responsible parties, insurers or carriers, will be billed for emergency medical services and transportation provided by the FLA, according to a fee schedule established by the Mayor and Council of the Borough of Fort Lee.

D. A patient who receives emergency medical services or transportation from the FLA is obligated, at the time of service or as soon as practicable thereafter, to provide the FLA with all pertinent identification, insurance and/or payment information to facilitate the Borough's billing of third-party payment sources for services rendered. The Borough may, at its option, and shall, where required by law, bill insurers or carriers on a patient's behalf, accept payment on an assignment basis.

E. All patients who are not legally domiciled in the Borough of Fort Lee shall be liable for any co-payment or deductible amounts not satisfied by public or private insurance, and the Borough shall make reasonable collection efforts for all such balances according to the most current rules or regulations set forth by

applicable Health Care Financing Administration federal policies and regulations. The Borough may bill any applicable co-insurance carriers for such amounts. Exceptions include only those instances where the Borough has knowledge of a particular patient's indigence or where the Borough has made a determination that the cost of billing and collecting such co-payments or deductibles exceeds or is disproportionate to the amounts to be collected.

F. The Borough shall not bill any individual legally domiciled in the Borough of Fort Lee for any fee, balance, deductible, or co-payments not satisfied by public or private insurance, including Medicare/Medicaid, nor will the Borough bill an individual legally domiciled in the Borough of Fort Lee for emergency medical services provided that individual is not covered by private or public insurance.

G. The Borough of Fort Lee may, either directly or through any third-party billing agency with which it has contracted for billing and/or collections for emergency medical services, make arrangements with patients and/or their financially responsible party for installment payments of bills or forgive any bill or portion thereof so long as the Borough determines that: 1) the financial condition of the patient requires such an arrangement; and 2) the patient and/or financially responsible party has demonstrated a willingness to make good-faith efforts towards payment of the bill.

H. A patient who has received emergency medical or transport services from the FLA, including an individual legally domiciled in the Borough of Fort Lee, for whom the Borough of Fort Lee has not received payment from a third-party payer on assignment, and who receives payment directly from a third-party payer for emergency medical services rendered by the FLA is obligated to remit such monies to the Borough in the event the Borough has not been paid for services rendered. Patients who do not remit such monies may be held liable for costs of collection in addition to the charges for emergency medical services rendered.

I. The Borough of Fort Lee shall be authorized to enter into contracts with area hospitals that provide advanced life support (ALS) services to patients that are transported by the FLA. This will allow the hospitals to bill for all emergency medical services and if so agreed, timely reimburse the Borough for its transportation costs within 45 days of receiving payment.

Section 31: Procedure for third-party EMS billing.

A. The Borough of Fort Lee is hereby authorized to enter into a contract with a third-party billing agency for performance of EMS billing and collection services; provided, however, that the following standards for such third-party billing contracts are met:

1. The third-party billing agency has in place a compliance program conforming to standards set forth in the Office of Inspector General's Compliance Program Guidance for Third-Party Medical Billing Companies, 63 Federal Register 70138, as amended.
2. Neither the billing agency nor any of its employees are subject to exclusion from any state or federal health care program.
3. The billing agency is bonded and/or insured in amounts satisfactory to the Borough of Fort Lee.

B. A detailed listing of patients who utilize emergency medical services and or transport provided by the FLA, will be compiled by the Borough of Fort Lee. This information will be transmitted to the third-party billing agency. The information will be subject to the confidentiality requirements of applicable law. This information will include, at a minimum, the following:

1. Name, address, and telephone number of patient.
2. Name, address, and claim number of insurance carrier, if applicable.
3. Date, time, and EMS chart number.
4. Point of origin and destination.
5. Odometer reading at point of pickup and destination.
6. Reason for transport/patient's complaint/current condition.
7. Itemization and description of services provided and charges.
8. Signature of the patient or authorized decision maker.
9. Name of receiving physician.
10. Names, titles, and signatures of ambulance personnel, when possible.

C. The third-party billing agency shall obtain the information from the FLA and will bill the patient and/or their financially responsible parties, insurers or carriers, according to the fee schedule established herein; provided, however, that the third-party billing agency shall not bill any individual legally domiciled in the Borough of Fort Lee for any fee, balance, deductible, or co-payments not satisfied by public or private insurance, including Medicare/Medicaid, nor will the Borough bill

an individual legally domiciled in the Borough of Fort Lee for emergency medical services or transport provided if that individual is not covered by private or public insurance.

D. The fee for emergency medical services, transport miles per trip and non-transportations where aid is provided shall be established by the Mayor and Council.

E. The Mayor and Council shall review the fees for services listed in Subsection D above, annually, and adjust said fees based on the recommendations of the Borough Administrator and the Chief Financial Officer and in accordance with the federally approved Medicare Fee Schedule.

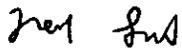
F. The Borough of Fort Lee may, in its discretion, bill additionally for material, vehicle, and personnel costs in the case of major or unique incidents.

H. The Borough Administrator may promulgate rules and regulations pursuant to and not inconsistent with this chapter, state and federal law, such rules and regulations, which rules and regulations shall become effective upon approval by resolution of governing body of the Borough of Fort Lee.

Section 32. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 33. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:



Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark Sokolich, Mayor

Introduced	<u>J. CURVIERI</u>	Date of Introduction	<u>November 13, 2008</u>
		Public Hearing	<u>December 11, 2008</u>
Seconded	<u>M. SARGENT</u>	Postponed:	<u>December 18, 2008</u>
		Date of Adoption	<u>December 18, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-45

AN ORDINANCE AMENDING CHAPTER 296, PEDDLING AND SOLICITING, OF THE CODE OF THE BOROUGH OF FORT LEE

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 296, Peddling and Soliciting, of the Code of the Borough of Fort Lee ("the Borough Code"), is hereby amended to eliminate the permit requirement for non-commercial canvassers and solicitors, and to protect the privacy of those residents and property owners who wish to exclude canvassers and solicitors from their property as follows:

Section 1. The title of Article I of Chapter 296 is hereby amended to read as follows:

ARTICLE I Hawkers, Mobile Peddlers, Peddlers, Junk Dealers, Itinerant Vendors, Commercial Canvassers and Solicitors

Section 2. Section 296-1 of Chapter 296 of the Borough Code is hereby amended to read as follows:

§ 296-1. License required.

No person shall engage in the business, calling or occupation of crier, hawker, mobile peddler, peddler, door-to-door salesperson, junk dealer or itinerant vendor of merchandise, foodstuffs or medicines; or engage in the practice of Commercial Canvassing or Soliciting, which activity shall include advertising, promoting, or selling any product, goods, or service door-to-door, including the placement upon private property of handbills or other written material advertising goods or services for sale, or conducting market research or a market or opinion survey regarding commercial products or services door-to-door, within the borough without first having obtained a proper license therefor and unless he fully complies with all the provisions of this article.

Section 3. The Existing Article II of Chapter 296 of the Borough Code is hereby repealed in its entirety, and replaced by a New Article II, entitled Canvassers and Solicitors, to read as follows:

ARTICLE II

NON-COMMERCIAL CANVASSERS AND SOLICITORS

§ 296-14. Definitions.

For the purposes of this Article only, the following words shall have the following meanings:

Business Establishment - any place of business, including space dedicated to office or retail use, whether or not on a for-profit basis.

Canvassing or Soliciting - Commercial Canvassing or Soliciting or Non-Commercial Canvassing or Soliciting.

Commercial Canvassing or Soliciting - the practice of entering upon private property uninvited for the purpose of advertising, promoting, or selling any product, goods, or service door-to-door, including the placement upon private property of handbills or other written material advertising goods or services for sale; or conducting market research or a market or opinion survey regarding commercial products or services door-to-door.

Dwelling Unit - any residential unit, including single-family house, multi-family house, apartment building or apartment contained therein, condominium, or cooperative.

Non-Commercial Canvassing or Soliciting - the practice of door-to-door canvassing, solicitation, campaigning, advocacy, education, proselytizing, handbill distribution, or other entry upon private property by individuals representing any entity which (1) qualifies for tax-exempt status under the Internal Revenue Code; (2) qualified for exemption from property tax under N.J.S.A. 54:4-3.6; (3) qualifies for exemption from sales tax under N.J.S.A. 54:32B-9; or, (4) was created under or is otherwise subject to the provisions of Title 15A of the New Jersey Statutes; or any canvassing or soliciting, which does not constitute Commercial Canvassing or Soliciting as defined in this Article.

Premises - any Dwelling Unit or Business Establishment.

§ 296-14. Compliance with this Article Required.

No person shall engage in Canvassing or Soliciting at any Premises within the Borough, unless he or she fully complies with the provisions of this Article.

§ 296-15. Time and Manner of Canvassing or Soliciting.

No person shall engage in Canvassing or Soliciting at any Premises within the Borough, except during the period from 9:00 a.m. to 9:00 p.m. on weekdays and Saturdays. Commercial Canvassing or Soliciting is prohibited on Sundays. Any persons engaging in Canvassing or Soliciting shall be courteous and conduct themselves in a lawful manner.

§ 296-16. Non-Solicitation List.

The Borough Clerk shall make a form available on the Borough's website and at the office of the Borough Clerk whereby the owners or occupants of Premises within the Borough may request that their Premises be included on the Borough's list of Premises on which Canvassing or Soliciting shall be prohibited. The Borough Clerk or the Borough Clerk's designee shall prepare and maintain a list of those Premises at which Canvassing or Soliciting is prohibited, and shall make that list available at the office of the Borough Clerk.

§ 296-17. "No Soliciting" Sign.

In addition to or in lieu of requesting inclusion on the Borough's list of Premises at which Canvassing or Soliciting is not permitted, the owner or occupant of a Premises may post no more than one sign, not to exceed one hundred square inches in surface area on one side, containing only the text, "NO SOLICITING," in a conspicuous place near the entrance to the Premises, the posting of which sign shall have the same effect as inclusion of the Premises on the Borough's list of Premises at which Canvassing or Soliciting are prohibited.. Nothing in this Section shall preempt or supersede the internal rules of any cooperative, condominium, apartment building, or homeowner's association governing Canvassing or Soliciting or the placement or maintenance of signage. The posting of a sign in accordance with this section shall be exempt from the requirements of Article III of Chapter 410 of the Borough Code.

§ 296-18. Unwanted Canvassing or Solicitation Prohibited.

No person shall engage in Canvassing or Soliciting at any Premises within the Borough, if such Premises are included on the Borough's list of Premises at which canvassing or soliciting is prohibited, or if a "NO SOLICITING" sign has been posted near the entrance to the Premises in accordance with this Article.

§ 296-19. Persons and Organizations Excluded From Requirements.

The provisions of this article shall not be held to apply to or include the acts of:

- A. Persons selling personal property at wholesale to retailers in such articles;
- B. Merchants or their employees, engaged in the act of delivering newspapers, advertising circulars or goods in the regular course of the business or in the collection of payment therefor;
- C. Any public utility which is subject to regulation by the Board of Public Utility Commissioners of New Jersey and its duly authorized representatives or agents when carrying an identification card, badge or insignia issued by such public utility;
- D. Any person or persons employed by a licensed insurance company duly authorized to do business in the borough;
- E. Any person expressly invited onto the Premises by the owner or occupant with authority to make such invitation.

§ 296-20. Article I Controlling.

Any person or organization engaging in the business, calling or occupation of crier, hawker, mobile peddler, peddler, door-to-door salesperson, junk dealer or itinerant

vendor of merchandise, foodstuffs or medicines, or engaging in the practice of Commercial Canvassing or Soliciting shall be subject to the requirements of Article I of this Chapter in addition to the requirements of this Article.

§ 296-21. Violations and Penalty.

Any person who violates any of the provisions of this Article shall be subject to the penalties as provided in Article III of Chapter 1 of the Borough Code.

Section 4. Any ordinance or part thereof inconsistent with this ordinance is repealed only to the extent of such inconsistency.

Section 5. If any section, sentence, or clause of this Ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation or effect the validity and enforceability of any other section, sentence or clause of this Ordinance, which sections, sentence, or clauses shall remain in full force and effect.

Section 6. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE

Mark J. Sokolich

Mark J. Sokolich
Mayor

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>November 13, 2008</u>
Seconded	<u>M. SARGENTI</u>	Public Hearing	<u>December 11, 2008</u>
		Postponed:	<u>December 18, 2008</u>
		Date of Adoption	<u>December 18, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-46

AN ORDINANCE AMENDING SALARY ORDINANCE #2006-46 ESTABLISHING TITLES, SALARIES AND SALARY RANGES FOR WHITE COLLAR EMPLOYEES

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee that Ordinance #2006-46 is hereby amended as follows:

SECTION I: White Collar Personnel Schedule "A" shall be amended to establish the title, salary, and salary range for the following position from July 1, 2008 through December 31, 2009.

Title

	<u>2008</u>	<u>2009</u>	<u>2009</u>
Deputy Chief Emergency	07/01 -	01/01 -	07/01 -
Medical Technician	12/31	06/30	12/31
	\$75,000	\$77,250	\$78,023

Salary Range

Deputy Chief Emergency Medical Technician - **\$65,000 to \$85,000**

SECTION II: This ordinance shall supersede any previous adopted ordinances with regard to this position and shall take effect immediately upon passage and publication as prescribed by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk



Mark J. Sokolich
Mayor

Introduced	<u>J. CURVIERE</u>	Date of Introduction	<u>November 13, 2008</u>
		Public Hearing	<u>December 11, 2008</u>
Seconded	<u>M. SARGENT</u>	Postponed	<u>December 18, 2008</u>
		Date of Adoption Tabled	<u>December 18, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-47

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF FORT LEE
BY AMENDING CHAPTER 163 ENTITLED "BUILDING CONSTRUCTION"
TO ADD A NEW ARTICLE II
"PUBLIC SAFETY RADIO AMPLIFICATION SYSTEMS"**

WHEREAS, the Mayor and Council of the Borough of Fort Lee find and declare that the ability of police, fire, ambulance and other emergency providers and personnel to communicate with each other within buildings and structures, and to communicate from within buildings and structures to personnel and locations outside of the buildings and structures, is vital to the public safety and welfare;

WHEREAS, the Mayor and Council further find that a failure to communicate in the above referenced manner creates a hazard to emergency providers, residents and guests; and

WHEREAS, the Mayor and Council wish to adopt minimum standards regarding in-building amplification to ensure a reasonable degree of reliable emergency services communications from within certain buildings and structures in the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Fort Lee, County of Bergen, State of New Jersey as follows:

Section 1. General Provisions.

- A. Building Radio Coverage** - Except as otherwise provided, no person shall maintain, own, erect or construct any building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for Borough emergency service workers, including but not limited to firefighters, police officers and emergency medical technicians.
- B. New Construction** -

- 1) Any person who constructs or develops a commercial or industrial building or structure shall provide two raceways within the walls into which the cable needed to support a multiple antenna system could be laid.

2) Such raceways shall include an opening in the roof which allows for installation or replacement of an exterior antenna and shall include access to each floor.

3) No Certificate of Occupancy shall be issued for a new building prior to receiving written certification from the Borough Fire Official stating that the aforementioned system has been completed and that the building supports adequate radio coverage as defined in this section.

4) For the purposes of this section, the term "building" shall be construed to include parking structures, elevators and stairwells.

C. Building Additions - Except as otherwise provided, no person shall erect, change the use of, or construct an addition of more than 50% in gross floor area to any building or structure of Type I or Type II construction which exceeds 10,000 square feet in gross floor area, including any portions thereof which may be located below grade, which fails to support adequate radio coverage for Borough emergency service workers.

D. Adequate Coverage Provisions - For purposes of this section, adequate radio coverage shall include all of the following:

1) a minimum signal strength of one (1) microvolts (- 107dBm) available in 95% of the area of each floor of the building when transmitted from the Borough of Fort Lee communications systems;

2) a minimum signal strength of one (1) microvolts (- 107dBm) received at the Borough of Fort Lee Communications Systems when transmitted from 95% of the area of each floor of the building;

3) the frequency range which must be supported shall be 150-160MHz, or as otherwise established and required in writing by the Borough of Fort Lee as being necessary for public safety purposes; and

4) a 95% reliability factor.

E. Additional Frequencies and Change of Frequencies --All building owners shall be required to modify or expand the public safety radio system at their expense in the event frequency changes are required by the FCC or additional frequencies are made available by the FCC. This is an advisory statement that the building owner may select equipment and distribution components that are capable of such changes. Prior approval of a system on previous frequencies does not exempt this section.

Section 2. Testing Procedures.

Upon completion of the installation of an in-building radio system required pursuant to Subsection B of this section, the building owner shall have said radio system tested in the manner described herein to ensure that an overall two-way coverage within the building, including all areas located below grade, is a minimum of 95%.

- A. **Initial Test** – Initial acceptance tests shall be performed by Borough employees. A Certificate of Occupancy shall not be issued to any structure if the building fails to comply with this section.
- B. **Annual Tests** – Annual tests shall be conducted by the Fort Lee Fire Department in conjunction with inspection procedures.
- C. **Structural Changes** – Tests shall be conducted whenever structural changes occur including additions to buildings that would materially change the original field performance tests.
- D. **Changes to Amplification Systems** – Tests shall be performed whenever repairs or alterations are made to amplification systems, to demonstrate that adequate radio coverage is available in all required areas of the building.

Section 3. Amplification Systems Required.

- A. **General Provisions** – Buildings and structures which cannot support the required level of radio coverage shall be equipped with a radiating cable system or an internal multiple antenna system with FCC accepted bidirectional amplifiers as needed.
- B. **Battery Systems** – If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a period of at least twelve (12) hours without external power input. The battery system shall automatically charge in the presence of an external power input. The amplification system, if powered, will be monitored by the building fire alarm system. If the system shifts to auxiliary power as stated above, the building fire alarm system will indicate trouble for that dedicated zone.
- C. **Active Amplification** – Active amplification devices shall be of a type accepted by the Federal Communications Commission.
- D. **Failed Devices** – It is incumbent upon the building owner to provide for repair services which are required to immediately correct issue if the amplification device has failed or is creating interference. In the event of interference, the building owner is required to immediately remove the

defective device from service, call repair services and notify the Borough Fire Official. The Borough Fire Official shall conduct follow-up inspection to insure service has been completed and the system has been restored.

- E. **Replacement of Batteries** – The battery system of such active amplification device shall be serviced annually and replaced with new batteries every three years.
- F. **Approval Prior to Installation** – No amplification system capable of operating on frequencies licensed to the Borough by the FCC shall be installed without prior coordination and approval of the Borough. This is a requirement of the FCC.

Section 4. Field Testing.

Police and Fire Personnel, after providing reasonable notice to the owner or his representative, shall have the right to enter onto the property to conduct field testing to be certain the required level of radio coverage is present.

Section 5. Exemptions.

This section shall not apply to: one and two family residential buildings, any building constructed of wood frame, and any building thirty-five (35) feet high or less, as long as none of the aforementioned buildings make primary use of any metal construction or any underground storage or parking areas. For purposes of this section, parking structures and stairwells are included in the definition of "building" and stair shafts are included in the definition of "all parts of a building" but elevators may be excluded.

Section 6. Phase-in Period for Existing Buildings.

Recognizing the difficulties inherent in the construction of the above-mentioned systems, to the extent that the provisions of this section apply to buildings already in existence at the time of the adoption of this section, the owner of said building shall be required to comply with the above provisions within a period of five (5) years from the date of adoption of this ordinance.

Section 7. Repealer.

Any ordinance or part thereof inconsistent with this ordinance is repealed only to the extent of such inconsistency.

Section 8. Severability.

If any section, sentence, or clause of this Ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall

not serve as an invalidation or effect the validity and enforceability of any other section, sentence or clause of this Ordinance, which sections, sentence, or clauses shall remain in full force and effect.

Section 9. Effective Date.

This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

BOROUGH OF FORT LEE

Neil Grant
Borough Clerk

Mark J. Sokolich, Mayor

Introduced	<u>J. CURVIERI</u>	Date of Introduction	<u>November 13, 2008</u>
		Public Hearing	<u>December 11, 2008</u>
Seconded	<u>H. SCHMIDT</u>	Postponed:	<u>December 18, 2008</u>
		Date of Adoption	<u>December 18, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-48

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING CHAPTER 6, AMBULANCE CORPS, OF THE CODE OF THE BOROUGH OF FORT LEE.

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 6, Ambulance Corps, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That Borough Ordinance § 6-1, **Quarterly stipend payment scale**, shall be amended and supplemented and hence forth provide as follows:

A. The quarterly stipend payment scale, which is predicated upon the total quarterly shifts worked by the individual member, shall be based upon the quarterly shifts and stipends for that attendance:

Quarterly Shifts	Quarterly Stipend Amount
0-15	\$0.00
16-19	\$712.79
20-23	\$1,042.08
24-26	\$1,431.56
27-29	\$1,610.50
30-32	\$1,789.45
33-37	\$1,968.38
38 and above	\$2,266.62

B. Any member that does not take any shifts for three (3) consecutive months and fails to notify the Executive Council of their status will become ineligible for the stipend program until such time as the member notifies the council of their status or intent to begin to take scheduled shifts.

Section 2. That Borough Ordinance § 6-2, **Backup shifts**, shall be amended and supplemented and hence forth provide as follows:

- A. In order to encourage response to calls, for every three (3) unscheduled backup calls answered, members will receive credit for one (1) unscheduled back-up shift.
- B. Scheduled backup shifts take effect between the hours of 11:30 p.m. and 6:00 a.m. daily (11:30 p.m. and 7:30 a.m. on weekends and holidays). Any member that is scheduled for a backup shift shall receive a stipend of \$10.00 per shift, and \$15 for each call taken during a Scheduled Backup Shift. Any member that responds to a backup call as a result of the scheduled member not responding will receive credit for the Scheduled Backup Shift including the \$10 for the shift (provided the member commits to the entire shift) and \$15 for each call.
- C. Any member that responds to an unscheduled backup call (regardless of the time of day) will receive two (2) unscheduled backup credits.

Section 3. That Borough Ordinance § 6-3, **Credits for classes, training, drills and specialty events**, shall be amended and supplemented and hence forth provide as follows:

- A. In order to encourage members of the Volunteer Ambulance Corps to continue education and training, each member shall receive credit for EMT CEU classes, Corps training and drills, as well as Corps specialty events according to the following guidelines: each individual member shall receive one (1) unscheduled backup call credit for 0-2 hours of training, two (2) unscheduled backup call credits for 2-4 hours of training, and three (3) unscheduled backup call credits for greater than four (4) hours of training.
- B. Additionally, should any EMT CEU classes, Corps training, and/or drill exceed one full eight (8) hour day, members will receive three (3) unscheduled backup call credits for each additional day of the same class/training/drill, provided the additional day exceeds four (4) hours. A maximum of ten (10) unscheduled backup shifts may be accumulated yearly by taking EMT CEU classes & Corps training. Unscheduled backup credit accumulated through training will be documented on a separate backup card.

Section 4. That Borough Ordinance § 6-7, **Applicability**, shall be amended and supplemented and hence forth provide as follows:

- A. Members who were on the Fort Lee Volunteer Ambulance Corps rolls as of June 1, 2002 regardless of their membership status (i.e., Regular, Associate, Youth Corps) will be included in the stipend program. This will include those members who resided outside of the Borough of Fort Lee as of the aforementioned date.

- B. Any Fort Lee Volunteer Ambulance Corps member, who resided outside the Borough of Fort Lee at the time that he/she was accepted into the Corps, will be eligible to receive the stipend, after one (1) year of active membership on the Corps. Said members must have been actively riding for twelve (12) consecutive months, consistently and on a weekly basis, as a Regular or Youth Corps member. At the completion of the twelve (12) month period, the Corps Council will review said member's activity, and a recommendation will be made to the Corps' membership to accept or reject said member for the stipend program. Additionally, the number of Corps members who are eligible for the stipend under the above written rule will be limited to eight (8) at any time.

Section 5. That Borough Ordinance § 6-8, **Officers, acting officers and engineers**, shall be amended and supplemented and hence forth provide as follows:

- A. All officers and acting officers will receive an additional quarterly stipend (rated at the 20-23 shift level), payable each quarter of the calendar year, provided they are fulfilling the responsibilities of their assigned positions. Additionally, all engineers (maximum of two (2) per year) will receive 2 regular stipend shifts per month, provided they are fulfilling the responsibilities of their assigned positions. In addition, all engineers will receive a yearly stipend rated at the 20-23 shift level payable in the third quarter. The Chief of the Corps will be responsible for determining if Corps officers and engineer(s) are fulfilling their responsibilities. Additionally, the Corps Council will be responsible for determining if the Chief is fulfilling his/her responsibilities.

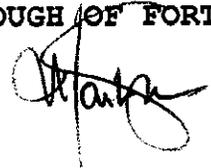
BE IT FURTHER ORDAINED, that any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED, that this ordinance shall take effect January 1, 2009 following adoption and approval in a time and manner prescribed by law.

ATTEST:

BOROUGH OF FORT LEE

Neil Grant



Neil Grant
Borough Clerk

Mark J. Sokolich
Mayor

Introduced	<u>J. Cervieri</u>	Date of Introduction	<u>November 13, 2008</u>
		Public Hearing	<u>December 11, 2008</u>
Seconded	<u>J. Kasofsky</u>	Postponed	<u>December 18, 2008</u>
		Date of Adoption	<u>December 18, 2008</u>

BOROUGH OF FORT LEE

ORDINANCE # 2008-49

**AN ORDINANCE CREATING AND ESTABLISHING CHAPTER 189,
CLOTHING BINS, OF THE MUNICIPAL CODE OF THE BOROUGH
OF FORT LEE.**

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

Section 1. Purpose

A. The purpose of this chapter is to provide a uniform set of procedures for administering the placement and maintenance of clothing bins within the Borough of Fort Lee ("Borough"), as well as providing for a uniform set of procedures for administering the issuances and revocation of all permits issued by the Borough for the placement of clothing bins.

Section 2. Definitions

A. CLOTHING BIN- Any enclosed receptacle, container or other depository made of metal, steel or a similar product and designed or intended for the donation and the temporary storage of clothing or other materials.

B. SOLICITATION or SOLICIT- The request, directly or indirectly, for money, credit, property, financial assistance, or other thing of any kind of value. Solicitation shall include, but not be limited to, the use or employment of canisters, cards, receptacles or similar devices for the collection of money or other thing of value. A solicitation shall take place whether or not the person making the solicitation receives any contribution.

Section 3. Permit required

A. Notwithstanding any other provision of law to the contrary, no person shall place, use or employ a clothing bin, for solicitation purposes, within the Borough without first obtaining a permit valid for a period of one year, from the Borough Clerk as hereinafter provided.

Section 4. Application for permit; fee

A. Application for a permit to place and/or maintain a clothing bin shall be made in writing to the Borough Clerk prior to placing and/or maintaining the clothing bin.

B. The application shall contain the following information:

a. Name, address and telephone number of the person, firm, corporation, club or charitable organization, institution or association placing and/or maintaining such clothing bin;

b. Name and address of the owner of the premises on which the clothing bin is to be located and the written consent of the owner if the applicant is other than the owner;

c. The location where the clothing bin would be situated, as precisely as possible;

d. A description including dimensions of the proposed clothing bin;

e. The manner in which the person, firm, corporation, club or charitable organization, institution or association anticipates any clothing or other donations collected via the clothing bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent; and

f. The schedule of pick-ups removing the articles from the clothing bins, which can be no less often than once per week, and the name and telephone number of the person to be notified if the clothing bin is overflowing prior to the scheduled date of pick-up.

C. The fee for such application for the permit to place and/or maintain a clothing bin shall be \$25.00.

D. An expiring clothing bin permit may be renewed upon payment of the \$25.00 renewal fee and by application to the Borough Clerk for renewal that shall include the following information:

a. Name, address and telephone number of the person, firm, corporation, club or charitable organization, institution or association placing and/or maintaining such clothing bin;

b. Name and address of the owner of the premises on which the clothing bin is to be located and the written consent of the owner if the applicant is other than the owner, and, if applicant intends to move it, the new name and address of the owner of the premises on which the clothing bin is to be located and the written consent of the owner if the applicant is other than the owner;

c. The location where the clothing bin would be situated, as precisely as possible, and, if the applicant intends to move it, the new location where th clothing bin would be situated, as precisely as possible;

d. A description including dimensions of the proposed clothing bin;

e. The manner in which the person, firm, corporation, club or charitable organization, institution or association has used, sold or dispersed any clothing or other donations collected via the clothing bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person, firm, corporation, club or charitable organization, institution or association anticipates it may make in these processes during the period covered by the renewal; and

f. The schedule of pick-ups removing the articles from the clothing bins, which can be no less often than once per week, and the name and telephone number of the person to be notified if

the clothing bin is overflowing prior to the scheduled date of pick-up.

Section 5. Regulations

A. The following information shall be clearly and conspicuously displayed on the exterior of the clothing bin:

- a. The permit number and its date of expiration;
- b. The name and address of the registered person, firm, corporation, club or charitable organization, institution or association that owns the clothing bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin;
- c. The telephone number of the person, firm, corporation, club or charitable organization, institution or association's bona fide office and, if applicable, the telephone number of any other entity which may share or profit from any clothing or other donations collected via the bin;
- d. In cases when an entity other than the person who owns the clothing bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person, firm, corporation, club or charitable organization, institution or association who owns the bin, and identifying all such entities which may share or profit from such donations; and
- e. A statement, indicating the manner in which the person, firm, corporation, club or charitable organization, institution or association anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

- B. An application for a permit to place and/or maintain a clothing bin shall not be granted and a permit may be revoked if the Borough Clerk determines that the placement of the bin could constitute a health or safety hazard. Such hazards shall include, but are not limited to, the placement of a clothing bin in parking spaces, in any area that interferes with pedestrian or vehicular traffic, landscaping, required setbacks, or any place which stores large amounts of, or sells, fuel or other flammable liquids or gases, or is likely to or does attract vermin or litter.
- C. Each clothing bin shall be accessory to an existing non-residential use.
- D. Each clothing bin and surrounding area shall be maintained in a neat, clean and orderly condition. Failure to maintain the clothing bin and surrounding area in neat, clean and orderly condition shall be cause for revocation of the permit granted hereunder.

Section 6. Enforcement

- A. This chapter shall be enforced by the Building Department and/or Borough Clerk. All clothing bins shall be subject to inspection by the Building Department or any duly authorized representative of the Borough.

Section 7. Receipt, investigation of complaints relative to clothing bin

- A. The Building Department and/or Borough Clerk shall receive and investigate, within 30 days, any complaints from the public about a clothing bin. Whenever it appears that a person, firm, corporation, club or charitable organization, institution or association has engaged in, or is engaging in any act, omission or practice which violates this ordinance, the person, firm, corporation, club or charitable organization, institution or association who placed and/or maintains the clothing bin shall be issued a warning, stating that if the violation is not rectified or a hearing is not requested within 45 days, the bin will be seized or removed at the expense of the person, firm, corporation, club or charitable organization, institution or association who placed the bin, and any clothing or other donations collected via the bin will be sold at public auction or

otherwise disposed of. In addition to any other means used to notify the person, firm, corporation, club or charitable organization, institution or association who placed the bin, such warning shall be affixed to the exterior of the bin itself. Any proceeds from the sale of the donations collected via the bin shall be paid to the Borough.

Section 8. Additional penalties, remedies

A. Any person, firm, corporation, club or charitable organization, institution or association violating any of the provisions of this chapter which results in the seizure of the donation clothing bin shall be:

a. Subject to a penalty of up to \$20,000.00 for each violation. The Borough Clerk may bring this action in the municipal court or Superior Court as a summary proceeding under the "Penalty Enforcement Law of 1999," N.J.S.A. 2A:58-10 et seq., and any penalty monies collected shall be paid to the Borough; and

b. Deemed ineligible to place and maintain a clothing bin pursuant to this chapter. A person, firm, corporation, club or charitable organization, institution or association disqualified from placing and/or maintaining a clothing bin by violating the provisions of this chapter may apply to the Borough Clerk to have that person, firm, corporation, club or charitable organization, institution or association's eligibility restored. The eligibility of a person, firm, corporation, club or charitable organization, institution or association may have its eligibility restored if that person, firm, corporation, club or charitable organization, institution or association has:

i. Acted within the public interest; and

ii. Demonstrated a good faith effort to comply with the provisions of this chapter and all other applicable laws and regulations, or had no fraudulent intentions.

B. In addition to any other penalties or remedies under this ordinance, any person, firm, corporation, club or charitable organization, institution or association that violates any provision which results in a threat to public health or safety shall be subject to all penalties and remedies available under the Borough's police powers; and

BE IT FURTHER ORDAINED, if any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated; and

BE IT FURTHER ORDAINED, that any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency; and

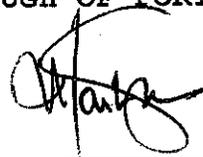
BE IT FURTHER ORDAINED, that this ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

ATTEST:

BOROUGH OF FORT LEE

Neil Grant

Neil Grant
Borough Clerk



Mark J. Sokolich
Mayor