

Introduced	<u>J. CURVIERI</u>	Date of Introduction	<u>January 15, 2009</u>
		Public Hearing	<u>January 29, 2009</u>
Seconded	<u>M. SARGENTI</u>	Date of Adoption	<u>January 29, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-1

**AN ORDINANCE AMENDING SALARY ORDINANCE #2008-2
FOR CERTAIN NON-UNION EMPLOYEES (SCHEDULE C) FOR
2009**

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee that Ordinance #2008-2 is hereby amended as follows:

NON-UNION PERSONNEL (Schedule C)

PART TIME ANNUAL

2009

Mayor	\$18,748
Council Members	\$12,499

SALARY RANGE

Mayor	\$18,000 - \$19,000
Council Members	\$12,000 - \$13,000

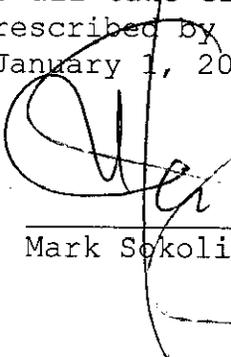
SECTION I This ordinance shall supersede any other salary ordinance that has been previously created for the aforementioned positions.

SECTION II This ordinance shall take effect immediately upon passage and publication as prescribed by law and such salaries shall be retroactive to January 1, 2009.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk



Mark Sokolich, Mayor

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>January 15, 2009</u>
Seconded	<u>M. SARGENT</u>	Public Hearing	<u>January 29, 2009</u>
		Date of Adoption	<u>January 29, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE #2009-2

**AN ORDINANCE AMENDING SALARY ORDINANCE #2004-41 AND
2008-3 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 #2004-41 and 2008-3 are hereby amended as follows:

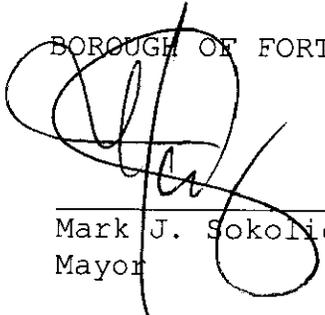
SECTION I: Non-Union Personnel Schedule "B" shall be amended to reflect the following positions for 2009 as indicated below:

<u>Name</u>	<u>Title</u>	<u>Salary</u>
Matthew Skelley	Public Defender	\$25,000
Arthur Balsamo	Prosecutor	\$25,000
Christopher Hummel	Prosecutor	\$25,000
Robert Tessaro	Municipal Court Judge	\$25,000
Carolyn Kristal	Rent Leveling Board Attorney	\$17,547
J. Sheldon Cohen	Labor Negotiations Attorney	\$81,225

SECTION II: This ordinance shall take effect immediately upon passage and publication as prescribed by law and shall be retroactive to January 1, 2009.

ATTEST:

Neil Grant
Neil Grant
Borough Clerk

BOROUGH OF FORT LEE


Mark J. Sokolich
Mayor

Introduced	<u>J. CERVELLI</u>	Date of Introduction	<u>January 15, 2009</u>
Seconded	<u>A. POKAN</u>	Public Hearing	<u>January 29, 2009</u>
		Date of Adoption	<u>January 29, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-3

AN ORDINANCE AMENDING CHAPTER 90, POLICE DEPARTMENT, 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 90, Police Department, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That Borough Ordinance § 90-2, **Formation and rank**, shall be amended and supplemented and hence forth provide as follows:

A. The Police Department Table of Organization may consist of not more than the following positions at the sole discretion of the Mayor and Council:

- 1 Police Chief
- 1 Deputy Chief
- 0 Inspectors
- 5 Captains
- 10 Lieutenants
- 11 Sergeants
- 81 Police officers

B. In the event that position of Chief of Police is vacated as a result of death, illness, incapacity or any other reason, the Deputy Chief shall temporarily assume the position of Acting Chief of Police. In the event there is more than one Deputy Chief, the Chief shall be designated by the Mayor and Council.

- C. The Chief of Police shall be the executive and supervisory officer of the Police Department and is responsible to the Police Committee for its proper functioning.
- D. Officers of the Department shall rank in the order set forth above, and rank seniority shall be determined by date of advancement to that rank.
- E. The senior ranking officer on duty on any shift shall be in charge of the Department during the shift unless relieved by an officer of higher rank, who shall thereupon sign an entry in the blotter to that effect.

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

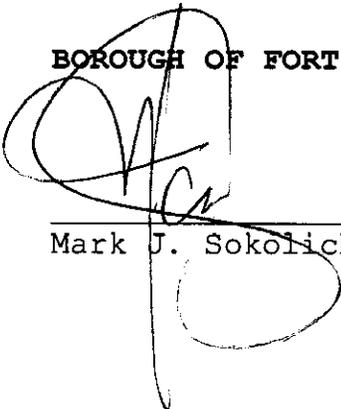
Section 3. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark J. Sokolich, Mayor

Introduced	J. CLAVIERI	Date of Introduction	January 15, 2009
Seconded	M. SARGENT	Public Hearing	January 29, 2009
		Date of Adoption	January 29, 2009

BOROUGH OF FORT LEE

ORDINANCE # 2009-4

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69 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:

1. "388-69": Along the west curb line of Linwood Avenue, extending 142 feet north from a point of its intersection with the prolongation of the north curb line of Park Place and extending another 20 feet north.

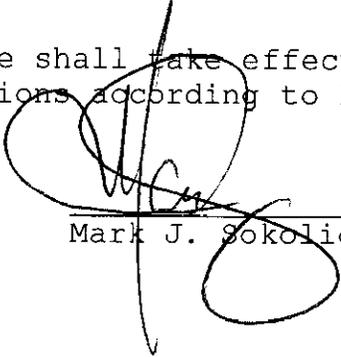
Section II: The provisions of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

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



Mark J. Sokolich, Mayor

Neil Grant, Borough Clerk

Introduced	<u>J. CLAVIERI</u>	Date of Introduction	<u>January 15, 2009</u>
Seconded	<u>M. SARGENT</u>	Public Hearing	<u>January 29, 2009</u>
		Date of Adoption	<u>January 29, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-5

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 amend Ordinance #2008-39, adopted September 25, 2008 as a handicapped parking space:

388-69: Along the west curb line of Glen Road, beginning at a point 62 feet south of the apex of the southwest corner of Glen Road and Route 5 and extending 20 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.

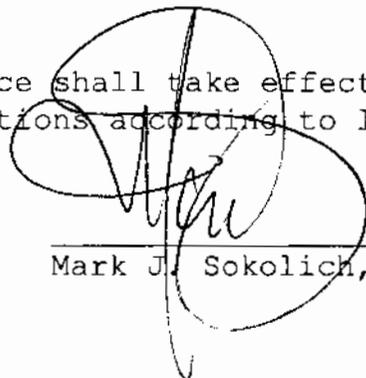
Section III: In the event on any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be deemed to govern. All other parts, portions, and provisions of Chapter 388 are hereby ratified and confirmed, except where inconsistent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

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

ATTEST:

Neil Grant

Neil Grant, Borough Clerk



Mark J. Sokolich, Mayor

Introduced	<u>J. CURVIERI</u>	Date of Introduction	<u>January 15, 2009</u>
Seconded	<u>A. POWAN</u>	Public Hearing	<u>January 29, 2009</u>
		Date of Adoption	<u>January 29, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-6

AN ORDINANCE AMENDING CHAPTER 261, LAND USE PROCEDURES, ARTICLE VII, AFFORDABLE HOUSING DEVELOPMENT 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 261, Land Use Procedures, Article VII, Affordable Housing Development Fees of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That Borough Ordinance § 261-46, **Purpose**, shall be amended and supplemented and hence forth provide as follows:

- a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- c) This ordinance establishes standards for the

collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

Section 2. That Borough Ordinance § 261-47, **Definitions**, shall be amended and supplemented and hence forth provide as follows:

- a) The following terms, as used in this ordinance, shall have the following meanings:
 - i. **"Affordable housing development"** means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
 - ii. **"COAH"** or the **"Council"** means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
 - iii. **"Development fee"** means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.
 - iv. **"Developer"** means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
 - v. **"Equalized assessed value"** means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).

- vi. "**Judgment of Repose**" means a judgment issued by the Superior Court approving a municipality's plan to satisfy its fair share obligation.
- vii. "**Substantive certification**" means a determination by COAH approving a municipality's housing element and fair share plan in accordance with the provisions of the Act and the rules and criteria as set forth herein. A grant of substantive certification shall be valid for a period of six years in accordance with the terms and conditions contained therein.

Section 3. That Borough Ordinance § 261-48, **Residential development fees**, shall be amended and supplemented and hence forth provide as follows:

- a) Within all zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee equal to one and one half percent (1.5%) of the equalized assessed value for residential development provided no increased density is permitted.
- b) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6 percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application. **Example:** If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one and one half percent (1.5%) of the equalized assessed value on the first two units; and six percent (6%) of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

Section 4. That Borough Ordinance § 261-49, **Nonresidential development fees**, shall be amended and supplemented and hence forth provide as follows:

- a) Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- b) Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

Section 5. That Borough Ordinance § 261-50, **Eligible exaction, ineligible exaction and exemptions**, shall be amended and supplemented and hence forth provide as follows:

- a) Eligible exactions, ineligible exactions and exemptions for residential development
 - i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

ii. Developments that have received preliminary or final site plan approval prior to the adoption of this amended article shall be required to pay development fees calculated based on the development fee ordinance in effect prior to the adoption of this amended article, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

iv. Developers of an addition or renovation to an existing single- or two-family dwelling, residential structures demolished and replaced as a result of a natural disaster, and/or developments by governmental entities or agencies or by charitable or nonprofit entities shall be exempt from paying a development fee. However, any new construction (as opposed to additions or renovations) of a single- or two-family dwelling shall not be exempt.

b) Eligible exactions, ineligible exactions and exemptions for non-residential development

i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half percent (2.5%) development fee, unless otherwise exempted below.

ii. The two and a half percent (2.5%) fee shall apply to an increase in equalized assessed value resulting from additions to existing structures to be used for non-residential purposes.

iii. The non-residential portion of a mixed-use inclusionary or market rate development shall be

exempt from the two and a half percent (2.5%) fee if the equalized assessed value increases as a result of alterations, reconstruction, renovations, and repairs as those terms are defined under the State Uniform Construction Code promulgated pursuant to the "State Uniform Construction Code Act," P.L. 1975, c.217 (C.52:27D-119 et seq.).

iv. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.

v. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

vi. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Fort Lee as a lien against the real property of the owner.

Section 6. That Borough Ordinance § 261-51, **Collection of fees**, shall be amended and supplemented and hence forth provide as follows:

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify

the construction official responsible for the issuance of a building permit.

- b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should the Borough of Fort Lee fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the

dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).

h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

i) Appeal of development fees

a. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Borough of Fort Lee. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

b. A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Borough of Fort Lee. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

Section 7. That Borough Ordinance § 261-52, **Housing trust fund**, shall be amended and supplemented and hence forth provide as follows:

- a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer for the purpose of depositing development fees collected from residential and non-residential developers.
- b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 1. payments in lieu of on-site construction of affordable units;
 2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 3. rental income from municipally operated units;
 4. repayments from affordable housing program loans;
 5. recapture funds;
 6. proceeds from the sale of affordable units; and
 7. any other funds collected in connection with the Borough of Fort Lee's affordable housing program.
- c) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

Section 8. That Borough Ordinance § 261-53, **Use of funds**, shall be amended and supplemented and hence forth provide as follows:

- a) The expenditure of all funds shall conform to a spending plan approved by COAH. No money deposited in the housing trust fund may be used for any activity unless approved by COAH. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used

for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.

- b) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- c) The Borough of Fort Lee may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.

Section 9. That Borough Ordinance § 261-54, **Expiration of section**, shall be amended and supplemented and hence forth provide as follows:

This article shall expire if:

- a) COAH dismisses or denies a petition for substantive certification by the Borough.
- b) COAH revokes substantive certification or its certification of this chapter.
- c) Substantive certification/judgment of repose expires prior to the Borough filing an adopted housing element with COAH or petitioning for substantive certification.

Section 10. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 11. 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	J. CERVELLI	Date of Introduction	January 15, 2009
Seconded	A. POWNAN	Public Hearing	January 29, 2009
		Date of Adoption	January 29, 2009

BOROUGH OF FORT LEE

ORDINANCE # 2009-7

AN ORDINANCE AMENDING CHAPTER 261, LAND USE PROCEDURES, ARTICLE VIII, PARKING IMPROVEMENT PROGRAM DEVELOPER CONTRIBUTION SPECIAL FUND IN LIEU OF INSTALLATION OF OFF-STREET PARKING SPACES 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 261, Land Use Procedures, Article VIII, Parking Improvement Program Developer Contribution Special Fund in Lieu of Installation of Off-Street Parking Spaces of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That Borough Ordinance § 261-58, **PIP fee to be assessed developer for off-tract parking improvements**, shall be amended and supplemented and hence forth provide as follows:

- A. At the applicant's request, the applicant will agree to be assessed a PIP fee for each parking space not otherwise provided by the applicant as required by the Borough Zoning and Planning Ordinance.
- B. The municipality has determined 325 square feet to be the parking industry standard for a surface parking space and 300 square feet to be the parking industry standard for a decked parking space, for a 9 feet by 18 feet parking stall, including drive aisles and other common areas associated with the development of a parking lot or parking garage. The municipality has further determined **\$61.50** to be the average price per square foot of land in the Borough of Fort Lee.
- C. The PIP fee to be assessed by the Planning and/or Zoning Board for each surface parking space for which the applicant seeks a waiver shall be calculated as

C. The PIP fee to be assessed by the Planning and/or Zoning Board for each surface parking space for which the applicant seeks a waiver shall be calculated as follows and shall be rounded up to the nearest hundred dollars:

1) $\$61.50$ per square foot (value of land) x 325 square feet = $\$20,000$ per surface space

D. The PIP fee to be assessed by the Planning and/or Zoning Board for each decked parking space for which the applicant seeks a waiver shall be calculated as follows and rounded up to the nearest hundred dollars:

1) $\$61.50$ per sq. ft. (value of land)/3 (three level structure) = $\$20.50$ per sq. ft.

2) $\$20.50$ per sq. ft. x 300 sq. ft. = $\$6,150$ (value of land)

3) $\$46$ per square foot (cost of construction) x 300 sq. ft. = $\$13,800$

4) $\$6,150$ (value of land) + $\$13,800$ (cost of construction) = $\$20,000$ per decked space

Section 2. That Borough Ordinance § 261-59, **Payment of PIP fee by applicant**, shall be amended and supplemented and hence forth provide as follows:

A. The timing of the payment by the applicant of the PIP fee assessed by the Planning Board and/or Board of Adjustment shall be imposed by the granting board in one of the following manners:

1) Upon the granting of the variance by the Planning Board or Board of Adjustment;

2) At the time that the applicant or the applicant's successor to the applicant's approvals secures their building permits;

3) Fifty percent of the PIP fee at the time that the applicant or the applicant's successor to the applicant's approvals secures their building permits. The remaining portion shall

B. To secure payment of applicant's obligation to the PIP trust fund, a municipal assessment for a local improvement pursuant to N.J.S.A. 40:56-1 et seq. shall be placed upon applicant's real estate which was the subject of the parking variance.

C. The provisions of N.J.S.A. 40:56-1 et seq. shall apply in the event of a default or late payment.

Section 3. That Borough Ordinance § 261-60, **Collection of PIP fee assessment**, shall be amended and supplemented and hence forth provide as follows:

The PIP fee assessment shall be collected by the Municipal Tax Collector's office in the manner prescribed by statute, and the funds so collected shall be turned over to the Borough of Fort Lee for deposit into the Borough's Parking Improvement Program Trust Fund.

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

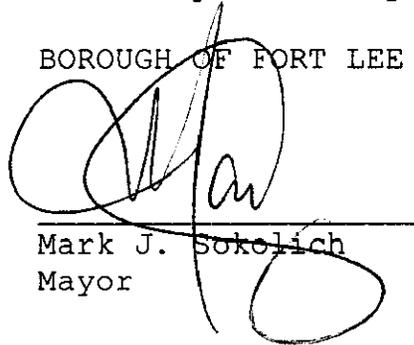
Section 5. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark J. Sokolich
Mayor

Introduced	<u>J. CLAVIERI</u>	Date of Introduction	<u>January 15, 2009</u>
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Seconded	<u>A. POJAN</u>	Date of Adoption	<u>January 29, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-8

AN ORDINANCE ESTABLISHING CHAPTER 70, HOUSING LIAISON, MUNICIPAL, TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING THE BOROUGH OF FORT LEE'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT.

WHEREAS, all municipalities with affordable housing programs under the Third Round Rules promulgated by the New Jersey Council on Affordable Housing ("COAH") are required to create by ordinance the position of Municipal Housing Liaisons responsible for administering its affordable housing program, including affordability controls and the Affirmative Marketing Plan, and, where applicable, supervising any contracting Administrative Agent.

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

Section 1. Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution of the Borough's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

Section 2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

"MUNICIPAL HOUSING LIAISON" - The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for the Borough.

"ADMINISTRATIVE AGENT" - The entity, entities, person or persons responsible for administering the affordability controls of some or all units in the affordable housing program for the Borough to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

Section 3. Establishment of Municipal Housing Liaison position and compensation; powers and duties.

- A. There is hereby established the position of Municipal Housing Liaison for the Borough of Fort Lee.
- B. Subject to the approval of COAH, the Municipal Housing Liaison shall be appointed by the Governing Body and may be a full or part time municipal employee.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough, including the following responsibilities which may not be contracted out:
 - (1) Serving as the Borough's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
 - (2) Monitoring the status of all proposed and completed affordable housing programs and affordable units in the Borough's Fair Share Plan;
 - (3) Compiling, verifying, and submitting annual reports as required by COAH;
 - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
 - (5) Where applicable, providing to an Administrative Agent a copy of the adopted municipal operating manual(s), Housing Element and Fair Share Plan and ordinances

relating to the creation and administration of the Borough's affordable housing programs and/or affordable units;

(6) Successfully completing the Council's Education Program for Municipal Housing Liaisons in accordance with the provisions of N.J.A.C. 5:96-20, and attending continuing education opportunities related to the creation, preservation and administration of affordable housing programs and/or affordable units provided by COAH.

- D. Subject to approval by COAH, the Borough may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of the Borough, except for those responsibilities which may not be contracted out pursuant to subsection C above. If the Borough contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.
- E. Compensation shall be fixed by the Governing Body at the time of the appointment of the Municipal Housing Liaison.
- F. The Municipal Housing Liaison shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

Section 4. Severability.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered

and all other provisions of this Ordinance shall remain in full force and effect.

Section 5. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 6. Effective Date.

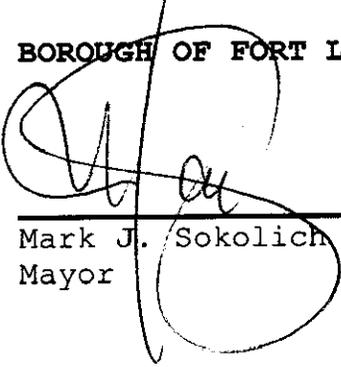
This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark J. Sokolich
Mayor

Introduced	<u>J. CURVIERI</u>	Date of Introduction	<u>January 29, 2009</u>
		Public Hearing	<u>February 12, 2009</u>
Seconded	<u>M. SARGENTI</u>	Date of Adoption	<u>February 12, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-9

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING CHAPTER 316, PUBLIC RECORDS, 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 316, Public Records, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That Borough Ordinance § 316-1, **Fees**, shall be amended and supplemented and hence forth provide as follows:

A. All public records which are required by law to be made, maintained or kept on file by the Borough shall be available to every citizen during regular business hours to copy such records by hand and shall have the right to purchase copies of such records, pursuant to N.J.S.A. 47:1A-2. Copies of records shall be made available upon the payment of the following fees, which shall be based on the total number of pages or parts thereof, to be purchased:

- (1) First page to 10th page: \$0.75 per page.
- (2) Eleventh page to 20th page: \$0.50 per page.
- (3) All pages over 20: \$0.25 per page.

B. In the event said public records are requested and necessitate the location and mailing of same to the party requesting said public records, then the additional fees therefore shall be as follows:

- (1) Mailing charge: actual postage, plus \$0.25 for stationery-related expenses.

C. Police escort for the transportation of moneys, valuables or other personal property: \$5.00 per trip per hour or fraction thereof.

D. Writs of discovery:

(1) Seventy-five cents per page for the first 10 pages.

(2) Fifty cents per page for the next 10 pages.

(3) Twenty-five cents per page thereafter.

E. Video recordings/Audio recordings. Fees for the purchase of police video recordings and/or audio recordings will be charged at the following rates:

(1) Up to first 10 minutes: \$50.

(2) Longer than 10 minutes: \$100.

F. Requests for proposals, documentation and/or plans and specifications: fee not to exceed \$50 or the cost of reproducing the documentation, whichever is greater.

G. Computer disks.

(1) In the event that the Borough maintains a record in its normal course of business in its computer system, the cost of reproducing the document shall be 1/2 the cost of production of the document as set forth in Subsection A of this section, plus \$1 for the diskette.

(2) In the event that the Borough does not maintain the document on its computer system in its normal course of business, but maintains the document in another form, the Borough will provide a paper copy of the document for the statutory fees set forth in Subsection A of this section.

H. Reproduction costs. When the Borough does not have the ability to reproduce a document for a person requesting such document, the exact reproduction cost charged to the Borough will be passed on to the requestor with no other administrative charges added in.

I. Police accident reports. In the event that police accident reports are not requested in person and not part of Municipal Court discovery, copies of the reports shall be made available upon the payment of the following fees:

(1) First three pages: \$5.

(2) Each page thereafter: \$1.

J. 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 for a copy of the recording of the meeting in a CD format.

K. 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 article 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.

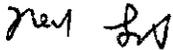
L. Photographs. Fees for the purchase of police photographs will be charged at the following rates:

- (1) Up to the first 10 photographs: \$5 per photograph
- (2) Each photograph thereafter: \$3 per photograph

BE IT FURTHER ORDAINED, that any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

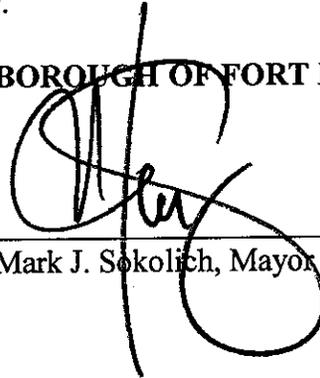
BE IT FURTHER ORDAINED, that this ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

ATTEST:



Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark J. Sokolich, Mayor

Introduced	J. CARVIERI	Date of Introduction	January 29, 2009
Seconded	N. SOMMER	Public Hearing	February 12, 2009
		Date of Adoption	February 12, 2009

BOROUGH OF FORT LEE

ORDINANCE # 2009-10

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING CHAPTER 193, CONSTRUCTION CODES, UNIFORM, 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 193, Construction Codes, Uniform, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That Borough Ordinance § 193-2, **Fees**, shall be amended regarding the fees for "Signs" to **remove** the following:

Signs:

New	\$3.00 per square foot
Replacement	\$1.00 per square foot (reface only)

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 following adoption and approval in a time and manner prescribed by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE

Mark J. Sokolich
Mark J. Sokolich, Mayor

Introduced	J. CERVIERI	Date of Introduction	February 12, 2009
Seconded	M. SARGENTIS	Public Hearing	March 12, 2009
		Date of Adoption	March 12, 2009

BOROUGH OF FORT LEE

ORDINANCE # 2009-11

BOND ORDINANCE PROVIDING FOR THE FORT LEE ABBOTT BOULEVARD PEDESTRIAN PATHWAY INFRASTRUCTURE PROJECT IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE \$16,000 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(a) 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(a), there is hereby appropriated the sum of \$200,000, including a \$184,000 grant expected to be received from the State of New Jersey Department of Transportation Safe Routes to School Program (the "State Grant"). 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 Grant.

Section 2. In order to finance the cost of the improvement or purpose not covered by the State Grant referred to in Section 1 hereof, negotiable bonds are hereby authorized to be issued in the principal amount \$16,000 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 the Fort Lee Abbott Boulevard Pedestrian Pathway Infrastructure Project, 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(a) 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 \$16,000, 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. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied to direct payment of the cost of the improvement or if other then as referred to in Section 1 hereof, 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 9. 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.

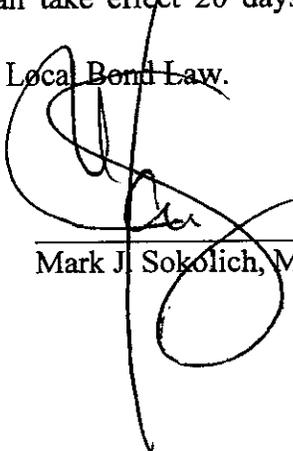
Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *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 11. 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. Cervieri	Date of Introduction	February 12, 2009
Seconded	M. SARGENT	Public Hearing	March 12, 2009
		Tabled:	March 12, 2009
		Date of Adoption	

BOROUGH OF FORT LEE

ORDINANCE # 2009-12

AN ORDINANCE VACATING A PORTION OF EUCLID ROAD IN THE BOROUGH OF FORT LEE

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee as follows:

SECTION I:

All that portion of Euclid Road, being more particularly described on Schedule A appended hereto and made a part hereof, is hereby vacated, released and extinguished, subject to a utility easement for its entirety, as defined in N.J.S.A. 48:2-13 and N.J.S.A. 48:5A-1 et seq., and except as hereinafter mentioned.

SECTION II:

The Borough of Fort Lee hereby reserves the right to maintain, operate, repair and replace by itself and by any licensee or holder of a franchise from the Borough of Fort Lee, any poles, wires, pipes, conduits, sewer mains, water mains or any other facility or equipment, for the maintenance and operation of any utility now located in said street or any portion thereof.

SECTION III:

Within sixty (60) days after this Ordinance becomes effective, the Borough Clerk shall file a copy thereof, certified by her, under the Seal of the Borough of Fort Lee, to be a true copy of such Ordinance, together with a proof of publication thereof, in the office of the Registrar of Deeds and Mortgages of the County of Bergen, State of New Jersey.

SECTION IV:

This Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

ATTEST:

BOROUGH OF FORT LEE

Neil Grant, Borough Clerk

Harvey Sohmer, Council President

Introduced	J. CURVIERS	Date of Introduction	February 12, 2009
Seconded	H. SONMER	Public Hearing	March 12, 2009
		Date of Adoption	March 12, 2009

BOROUGH OF FORT LEE

ORDINANCE # 2009-13

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 356 SOLID WASTE, SECTION 21 DEFINITIONS, AND SECTION 23 DESIGNATION OF RECYCLABLE MATERIALS, 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 356 Solid Waste, Section 21 Definitions, and Section 23 Designation of Recyclable Materials, of the Code of the Borough of Fort Lee, are hereby amended as follows:

Section 1. That Borough Ordinance 356-21 Definitions shall be amended to include the following defined terms:

Mixed-Paper

A mixture of various grades of recyclable waste paper not limited to fiber content and includes, but not necessarily limited to, most types of clean and dry paper including: gloss, white ledger and computer papers, newspapers, magazines, catalogs, phone books, cards, laser-printed white ledger, windowed envelopes, and sticky notes.

Plastic Containers – Type 1

Hermetically sealed, or made airtight with a metal or plastic cap. Type 1 containers are made of polyethylene terephthalate (PET, PETE). Examples include, but are not limited to, soft drink bottles, salad dressing, mouthwash and peanut butter containers. These containers are commonly coded on the bottom of the container with the raised resin identity code number "1" inside the universal recycling symbol (triangle of three chasing arrows) and/or the letters "PET" or "PETE."

Plastic Containers – Type 2

Hermetically sealed, or made airtight with a metal or plastic cap. Type 2 containers are made of high-density polyethylene (HDPE). Examples include, but are not limited to, milk jugs, water bottles, bleach and household cleaner containers. These containers are commonly coded on the bottom of the container with the raised resin identity code number “2” inside the universal recycling symbol (triangle of three chasing arrows) and/or the letters “HDPE.”

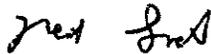
Section 2. That Borough Ordinance 356-23 Designation of Recyclable Materials shall be amended to include the following recyclable materials:

- N. Mixed Paper
- O. Types 1 and 2 Plastic Containers

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

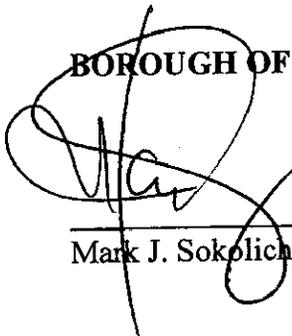
Section 4. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:



Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark J. Sokolich, Mayor

Introduced	<u>H. SCINYLEK</u>	Date of Introduction	<u>February 12, 2009</u>
Seconded	<u>J. KASOWSKY</u>	Public Hearing	<u>March 12, 2009</u>
		Date of Adoption	<u>March 12, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-14

AN ORDINANCE AMENDING CHAPTER 289 PARKING, ARTICLE IV PARKING METERS, MUNICIPAL PARKING LOTS AND PERMIT PARKING, SECTION 36 RESIDENTIAL PERMIT PARKING; CHAPTER 388 VEHICLES AND TRAFFIC, ARTICLE IV ADMINISTRATIVE PROVISIONS, SECTION 40 FEE SCHEDULE; CHAPTER 388 VEHICLES AND TRAFFIC, ARTICLE II PARKING, SECTION 12 HANDICAPPED PARKING; AND CHAPTER 388 VEHICLES AND TRAFFIC, ARTICLE V SCHEDULES, SECTION 69 SCHEDULE XXIII HANDICAPPED PARKING SPACES 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 289 Parking, Article IV Parking Meters, Municipal Parking Lots and Permit Parking, Section 36 Residential Permit Parking; Chapter 388 Vehicles and Traffic Article IV Administrative Provisions, Section 40 Fee Schedule; Chapter 388 Vehicles and Traffic, Article II Parking, Section 12 Handicapped Parking; and Chapter 388 Vehicles and Traffic, Article V Schedules, Section 69 Schedule XXIII Handicapped Parking Spaces, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That the current text of Borough Ordinance 289-36 Residential Permit Parking, Paragraph I, Sub-Paragraph (1) is hereby replaced with the following:

I. Penalties.

(1) Anyone found guilty in the Borough Municipal Court of parking in a residential permit zone without a permit, hang tag or voucher over the two-hour limit will receive a summons with a fine of \$38. If an authorized vehicle is left for a continuous twenty-four-hour period in a resident permit zone, it will be immobilized with a vehicle boot. The cost of removing the vehicle boot shall be paid to the Borough of Fort Lee Parking Authority prior to removal, at the rate for removal established by resolution of the Parking Authority's Board of Commissioners.

Section 2. That the current text of Borough Ordinance 289-36 Residential Permit Parking, Paragraph Q, is hereby replaced with the following:

Q. Violations of permit program for improper use; display; and expired permits of incorrect parking zone.

It shall be a violation of the residential permit parking program to improperly use or display parking permits, hang tags and vouchers in a manner other than as is specified in this § 289-36, or use a valid visitor hang tag in an unauthorized RPP zone. The fine for such violation shall be \$38. Violations of the RPP program shall be cited as follows:

(1) Improper use of visitor or business voucher permit.

(a) Attempt to reuse voucher.

(b) Altered voucher.

(c) Failure to designate time and/or date.

(d) Other.

(2) Improper use of visitor hang tag.

(a) Improper use for commuter purposes.

(b) Improper use for commercial or business purposes.

(c) Other.

(3) Invalid zone for visitor hang tag permit.

Failure to park in RPP zone for which visitor hang tag was issued.

(4) Improper display of visitor or business voucher and visitor hang tag permits. Failure to

display visitor or business voucher or visitor hang tag permits facing outward in the appropriate locations as specified in Subsection F.

(5) Failure to display RPP permit, voucher or hang tag permit. Failure to display a permit, voucher, or hang tag when parking in a RPP zone over two hours, per twenty-four-hour period.

(6) Expired RPP permit voucher or hang tag. The display of an expired permit, voucher or hang tag while parking in an RPP zone.

(7) Improper use of RPP permit.

(a) Unauthorized transfer of permit to a vehicle owned by someone other than the resident.

(b) Transfer by resident to another vehicle owned by resident without FLPA authorization.

(c) Use of permit for business or commercial purposes.

Section 3. That the current text of Borough Ordinance 388-40 Fee Schedule is hereby replaced with the following:

<u>Section</u>	<u>Fee</u>
§ 388-4A	\$40

§ 388-5	\$40
§ 388-6	\$40
§ 388-7	\$40
§ 388-8	\$40
§ 388-9	\$40
§ 388-10	\$40
§ 388-11	\$40
§ 388-15	\$34
§ 388-17	\$40
§ 388-18	\$40
§ 388-26	\$40
§ 388-32	\$250
§ 388-35	\$40
§ 388-36	\$40
§ 388-37	\$40
§ 388-38	\$40

Section 4. That the current text of Borough Ordinance 388-12 Handicapped Parking is hereby replaced with the following:

(Reserved for Future Use)

Section 5. That the current text of Borough Ordinance 388-69 Schedule XXIII Handicapped Parking Spaces is hereby amended to add the following:

sss. Along the west curb of Parker Avenue at a point 100 feet south of the southerly curb of Monument Place and continuing for a distance of 25 feet.

Section 6. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

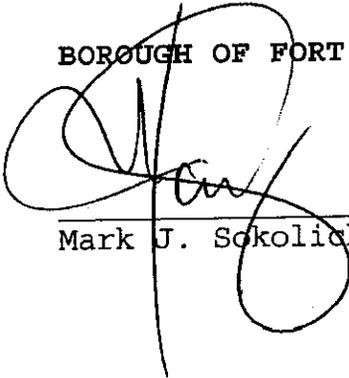
Section 7. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark J. Sokolich, Mayor

Introduced	<u>J. CURTARI</u>	Date of Introduction	<u>February 12, 2009</u>
Seconded	<u>M. SARGLI</u>	Public Hearing	<u>March 12, 2009</u>
		Date of Adoption	<u>March 12, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-15

AN ORDINANCE AMENDING 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 410, Zoning, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That Borough Ordinance § 410-50, **Permits, Recommendations and Fees**, specifically § 410-50(C) ("Fees"), shall be amended and supplemented and henceforth provide as follows:

C. Fees.

- (1) A flat fee of \$150 per sign permit will be charged and collected by the Construction Official upon filing of the application.
- (2) Should an application for a sign permit be approved, the permit holder must submit an escrow fee to the Construction Official prior to construction of the sign(s). The escrow fee shall be \$500 for a single sign and \$750 for multiple signs. Said escrow fee will be refunded in full to the permit holder no more than thirty days after the issuance of the certificate of occupancy and/or final inspection. Permit holders are not entitled to any interest associated with the escrow fee.

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 following adoption and approval in a time and manner prescribed by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE

Mark Sokolich
Mark Sokolich
Mayor

Introduced	<u>J. CARVINO</u>	Date of Introduction	<u>February 12, 2009</u>
Seconded	<u>M. SARGENT</u>	Public Hearing	<u>March 12, 2009</u>
		Date of Adoption	<u>March 12, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-16

AN ORDINANCE AMENDING ORDINANCE #2008-33, DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM, OF THE BOROUGH OF FORT LEE

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

WHEREAS, N.J.S.A. 43:15C-2 et seq. 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 DCRP, subject to the provisions of law; and,

WHEREAS, the Mayor and Council of the Borough of Fort Lee (the "Borough") adopted Ordinance #2008-33 on July 24, 2008, determining which appointed officials in the Borough were eligible for and required to participate in DCRP; and,

WHEREAS, pursuant to N.J.S.A. 43:15C-2 and New Jersey Department of Community Affairs, Division of Local Government Services Local Finance Notice #2008-10, the Borough included the position of Municipal Court Administrator in Ordinance #2008-33 as a DCRP position; and,

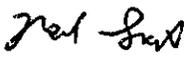
WHEREAS, the Local Finance Board amended Local Finance Notice #2008-10 on January 9, 2009 and now recognizes the position of Municipal Court Administrator as excluded from membership in DCRP and eligible for membership in the Public Employees' Retirement System ("PERS").

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

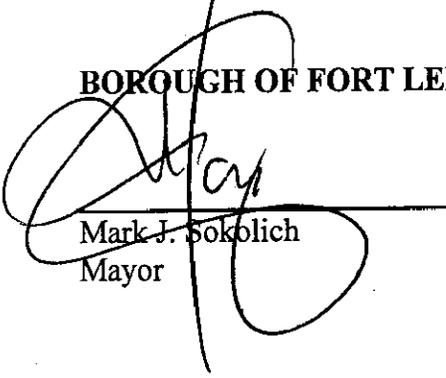
1. Pursuant to N.J.S.A. 43:15C-2 and Local Finance Notice #2008-10, as amended, the Borough shall recognize the position of Municipal Court

- Administrator as excluded from membership in DCRP and eligible for membership in PERS.
2. 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.
 3. 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.
 4. 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.
 5. This ordinance/resolution shall take effect upon its passage and publication as required by law.

ATTEST:



Neil Grant
Borough Clerk

BOROUGH OF FORT LEE


Mark J. Sokolich
Mayor

Introduced	<u>N. SCHMIDT</u>	Date of Introduction	<u>March 12, 2009</u>
Seconded	<u>M. SARGENT</u>	Public Hearing	<u>April 30, 2009</u>
		Date of Adoption	<u>April 30, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-17

ORDINANCE APPROPRIATING \$1,400,000 FOR ROADWAY IMPROVEMENTS TO MAIN STREET AND HUDSON TERRACE 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. \$1,400,000 is hereby appropriated, \$1,000,000 of which will be funded by the County of Bergen and \$400,000 of which will be funded by the New Jersey Port Authority for roadway and traffic signal improvements to Main Street and Hudson Terrace 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.

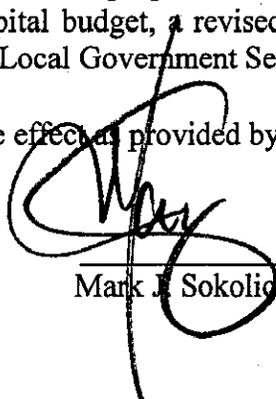
Section 2. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent 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 the law.

Attest:

Neil Grant

Neil Grant
Borough Clerk



Mark J. Sokolich, Mayor

Introduced	<u>N SONNAR</u>	Date of Introduction	<u>March 12, 2009</u>
Seconded	<u>M SARGENTI</u>	Public Hearing	<u>April 30, 2009</u>
		Date of Adoption	<u>April 30, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-18

AN ORDINANCE AMENDING CHAPTER 289 PARKING, ARTICLE IV PARKING METERS, MUNICIPAL PARKING LOTS AND PERMIT PARKING, SECTION 15 PARKING METER ZONES ESTABLISHED; VIOLATIONS AND PENALTIES; AND CHAPTER 388 VEHICLES AND TRAFFIC, ARTICLE V SCHEDULES, SECTION 43 SCHEDULE I NO PARKING 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 289 Parking, Article IV Parking Meters, Municipal Parking Lots and Permit Parking, Section 15 Parking Meter Zones Established; Violations and Penalties; and Chapter 388 Vehicles and Traffic, Article V Schedules, Section 43 Schedule I, of the Code of the Borough of Fort Lee, are hereby amended as follows:

Section 1. That the current text of Borough Ordinance 289-15 Parking Meter Zones Established; violations and Penalties, Paragraph B, Sub-Paragraph (13) Central Road, is hereby replaced with the following:

(13) Central Road

(a) West side beginning 175 feet from the corner of Main Street and Central Road and continuing 420 feet to the last meter: 3 hours.

Section 2. That the current text of Borough Ordinance 388-43, Schedule I No Parking is hereby amended to add the following:

Central Road East Entire length

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

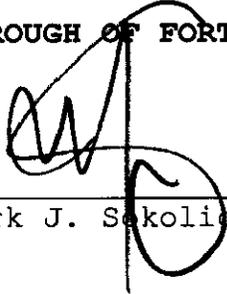
Section 4. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark J. Sakolich, Mayor

Introduced	<u>N. SOMMER</u>	Date of Introduction	<u>March 12, 2009</u>
		Public Hearing	<u>April 30, 2009</u>
Seconded	<u>M. SARGENTI</u>	Date of Adoption	<u>April 30, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-19

**AN ORDINANCE AMENDING CHAPTER 55, FIRE DEPARTMENT,
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 55, Fire Department, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. Chapter 55, Fire Department, shall have an additional subchapter added. Said subchapter shall be referred to and identified as § 55-27, Stipend Program, and shall henceforth provide as follows:

- A. A stipend program shall be established to encourage active recruitment, retention and participation by members of the Fire Department.
- B. The terms, conditions and governing rules applicable to the stipend program shall be established by a resolution adopted by the Mayor and Council of the Borough of Fort Lee and may be amended, in their sole discretion, by subsequent resolutions of the Mayor and Council.

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

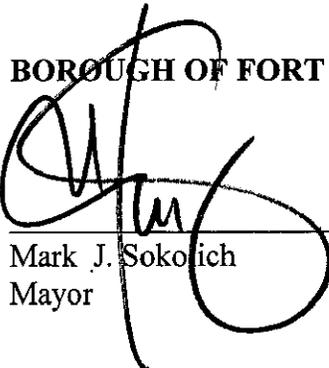
Section 3. This Ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark J. Sokolich
Mayor

Introduced	<u>A PUGH</u>	Date of Introduction	<u>April 2, 2009</u>
Seconded	<u>J. CURVIERI</u>	Public Hearing	<u>April 30, 2009</u>
		Date of Adoption	<u>April 30, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-20

ORDINANCE OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY APPROPRIATING \$922,000 TO PROVIDE FOR THE ACQUISITION OF PROPERTY COMMONLY KNOWN AS 2005 HOYT AVENUE IN THE BOROUGH, \$300,000 OF WHICH IS TO BE PROVIDED FROM THE NEW JERSEY PORT AUTHORITY AND \$622,000 OF WHICH IS TO BE PROVIDED AS A RE-APPROPRIATION FROM BOND ORDINANCE #2004-27, AS AMENDED BY BOND ORDINANCE #2006-36, AS AMENDED BY BOND ORDINANCE #2007-31 OF THE BOROUGH, FINALLY ADOPTED JUNE 10, 2004, AS AMENDED JULY 20, 2006, AS AMENDED JULY 19, 2007, NOT NEEDED FOR THEIR ORIGINAL PURPOSES.

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

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$622,000 of the proceeds of obligations originally made available pursuant to bond ordinance #2004-27, as amended by bond ordinance #2006-36, as amended by bond ordinance #2007-31 of the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough"), finally adopted June 10, 2004, as amended July 20, 2006, as amended July 19, 2007 (the "Bond Ordinances") that were originally for the acquisition of property at 95 Main Street, specifically Block 4802, Lots 2, 3 and 4 in the Borough, including all work and materials necessary therefor and incidental thereto, are no longer necessary for such purposes, and is re-appropriated to a new purpose as set forth below.

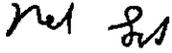
Section 2. \$922,000 is hereby appropriated for the acquisition of property commonly known as 2005 Hoyt Avenue, including all related costs and expenditures incidental thereto, as more specifically described in bond ordinance #2006-39, as amended by bond ordinance #2007-32, finally adopted July 20, 2006, as amended July 19, 2007, \$300,000 of such appropriation is to be provided by the New Jersey Port Authority and \$622,000 of such appropriation is hereby re-appropriated pursuant to N.J.S.A. 40A:2-39 from the Bond Ordinances as referenced in Section 1.

Section 3. 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 4. This ordinance shall take effect as provided by the law.

Attest:



Neil Grant
Borough Clerk



Mark J. Sokolich, Mayor

Introduced	<u>J. GOLDBERG</u>	Date of Introduction	<u>April 2, 2009</u>
Seconded	<u>J. CURVERI</u>	Public Hearing	<u>April 30, 2009</u>
		Date of Adoption	<u>April 30, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-21

CALENDAR YEAR 2009

**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 2009 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 \$476,504.01 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 2009 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 \$1,667,764.04, and that the CY 2009 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,

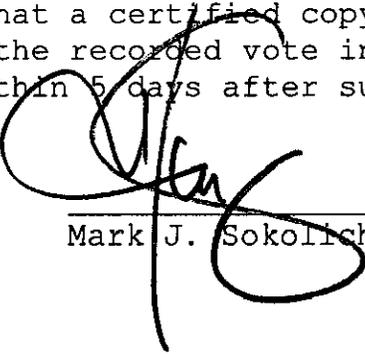
BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

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>N. SOMMER</u>	Date of Introduction	<u>April 30, 2009</u>
Seconded	<u>J. CURVELL</u>	Public Hearing	<u>May 14, 2009</u>
		Date of Adoption	<u>May 14, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-22

ORDINANCE APPROPRIATING \$280,590 FOR LAW ENFORCEMENT TECHNOLOGY EQUIPMENT IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY.

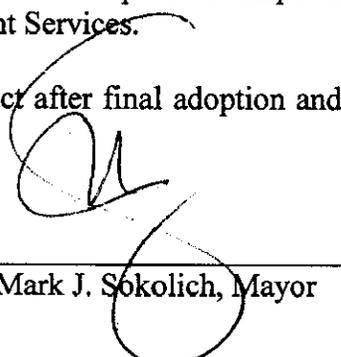
BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY AS FOLLOWS:

Section 1. \$280,590 is hereby appropriated, all of which is being funded by a grant received from the United States Department of Justice in the amount of \$280,590, for law enforcement technology equipment, including all related costs and expenditures incidental thereto, in and by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough").

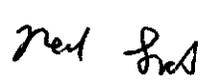
Section 2. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent 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 after final adoption and publication and otherwise as provided by law.

Attest:



 Mark J. Sokolich, Mayor



 Neil Grant, Borough Clerk

Introduced	<u>J. CURVIERI</u>	Date of Introduction	<u>May 14, 2009</u>
Seconded	<u>M. SARGENI</u>	Public Hearing	<u>June 11, 2009</u>
		Date of Adoption	<u>June 11, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE# 2009-23

AN ORDINANCE AMENDING CHAPTER 406 WRECKERS AND TOWING SERVICE, SECTION 2 LICENSE AND REGISTRATION REQUIRED; SECTION 10, QUARTERLY INSPECTIONS; SECTION 13, DRIVING TO SOLICIT BUSINESS PROHIBITED; SECTION 15, RATES FOR TOWING, CONVEYING, REPAIR, SERVICE OR STORAGE; SECTION 16, WRITTEN SCHEDULE OF RATES AND CHARGES; SECTION 21, NOTIFICATION OF POLICE IF TOWED WITHOUT EXPRESS CONSENT OF OWNER; SECTION 22, RELEASE OF VEHICLES; SECTION 24, RESPONSIBILITY TO CLEAN UP ACCIDENT SCENE; AND SECTION 26, REFUSAL OF POLICE TOW; SERVICE CHARGE 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, Section 2 License and Registration Required; Section 10, Quarterly Inspections; Section 13, Driving To Solicit Business Prohibited; Section 15, Rates for Towing, Conveying, Repair, Service or Storage; Section 16, Written Schedule of Rates and Charges; Section 21, Notification of Police I Towed Without Express Consent of Owner; Section 22, Release of Vehicles; Section 24, Responsibility to Clean up Accident Scene; and Section 26, Refusal of Police

Tow; Service Charge, of the Code of the Borough of Fort Lee, are hereby amended as follows:

Section 1. That the current text of Borough Ordinance 406-2 License and Registration Required, Paragraph C. is hereby replaced with the following:

C. Whenever a property owner or agent shall arrange to have a vehicle towed from a location within the Borough of Fort Lee, said property owner or agent shall only utilize the services of a towing company licensed by the Borough of Fort Lee. An annual list of all licensed towing companies shall be supplied by the Borough of Fort Lee Police Department upon request. The private property owner, designee and/or management company must submit a request to the Chief of the Borough of Fort Lee Police Department or his designee outlining their request for permission to use a licensed tow company within the Borough of Fort Lee. This request must be approved by the Chief of the Borough of Fort Lee Police Department prior to any tow service being authorized. The private property owner will also submit a copy of the request to the tow company to conduct private property tows. The tow company will also submit copies of any agreements or contracts to tow for the private property owner to the Chief of the Borough of Fort Lee Police Department or his designee. To minimize the

possibility of any confusion arising from private property towing, the commercial private property owner is responsible for the posting and maintaining of signage which is clear in its warning to the public using the commercial private property. The signs need to be posted at all entry and exit points, and throughout the property to help ensure compliance. The signs must be a minimum of eighteen (18) inches by eighteen (18) inches and clearly warn drivers of the consequences of improperly using the property. Contact information to include name, address and contact phone number of the property manager will also be included on the signs to assist the public in addressing concerns and complaints. The towing company that has been chosen by the private property owner to conduct towing within the property will also be listed along with contact number for the towing company and the proper towing rate. If the licensee elects to use an on-site parking/property manager, they must be visible to the general public and available to answer any concerns from the public. They will be required to wear visible clothing in the form of a safety vest that identifies them as property managers should they need to be identified by either police personnel or the general public. The lettering on the vest

will be no less than 2 inches in height and clearly visible from both the front and back of the vest.

Section 2. That the current text of Borough Ordinance 406-2 License and Registration Required is hereby amended to add the following:

F. The licensing and regulation requirements for commercial private property owners shall not apply to residential private property owners. Residential private properties are defined as properties that are structures used solely for living spaces and have an expectation to privacy as opposed to commercial properties with semi-public roads that do not contain living areas and are used for commercial business purposes only. Residential private property owners are required to contact the police department should the situation arise that a vehicle is parked or stationed with their property to include driveways and/or walkways.

Section 1. That the current text of Borough Ordinance 406-10 Quarterly Inspections, Paragraph A, is hereby replaced with the following:

A. After the issuance of a license pursuant to the provisions hereof, each licensee shall be subject to quarterly inspections by the Fire Prevention Bureau and/or the Building Department of the Borough of Fort Lee to

determine whether the licensee is in compliance with all requirements of the licensing ordinance. The Borough agencies shall report to the Borough Clerk and the Chief of Police of the Borough of Fort Lee or his designee as to whether the towing services are continuing to comply with local zoning, building property maintenance and fire prevention ordinances, in addition to certifying that all of the affirmative obligations set forth in this chapter are ten being met by the licensee.

Section 4. That the current text of Borough Ordinance 406-13 Driving to Solicit Business Prohibited is hereby replaced with the following:

No person or persons whether licensed or unlicensed within the Borough of Fort Lee shall operate an unengaged wrecker along a public and/or private roadway in the Borough of Fort Lee in any fashion calculated for the Obvious purpose of soliciting business. For violation of any provision of this section, the maximum penalty, upon conviction, shall be a fine not exceeding \$2,000 or imprisonment for a period not exceeding 90 days, or both, community service for a period not to exceed 90 days, such service to be in a form provided by the Municipal Judge, shall be a penalty available to the Municipal Judge either

in place and stead or in addition to the penalties here and before provided.

Section 5. That the current text of Borough Ordinance 406-15B. Towing Charges: Wheel Lift or Flat Bed is hereby replaced with the following:

B. Towing charges: wheel lift or flat bed.

Type of Vehicle	Charge
Automobiles (Illegally Parked)	\$185
Automobiles (Other Than Illegally Parked)	\$135
Trucks (one-ton capacity or less)	\$150
Trucks (over one-ton but under five-ton capacity)	\$200
Straight job truck	\$300
Buses, tractor trailers and other heavy equipment over five-ton capacity	\$400
Motorcycles or motor scooters	\$150
Police and other municipal vehicles	
Road service	\$25
Inside Fort Lee (tow)	\$30
Outside Fort Lee (tow)	\$50

Section 6. That the current text of Borough Ordinance 406-15C Winching Service Charges is hereby replaced with the following:

C. Winching service charges. There will be no additional charge for winching to facilitate the tow. Winching service charges apply to, but are not limited to, vehicles that are positioned in embankments, overturned or positioned in such a precarious manner that normal winching to facilitate the tow is unsuitable.

(1) Light wreckers: \$75 per hour/unit.

(2) Heavy wreckers: \$125 per hour/unit.

(3) Snow-locked vehicles: \$20 per tow, additional charge.

Section 7. That the current text of Borough Ordinance 406-15F is hereby replaced with the following:

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" on the outside of said vehicle.

Section 8. That the current text of Borough Ordinance 406-16B is hereby replaced with the following:

B. Every wrecker shall plainly and conspicuously post, in an area within the premises where customers are likely to be present and at the counter where payment for services is received, a schedule of maximum fees and towing charges permitted by ordinance of the Borough of Fort Lee.

Section 9. That the current text of Borough Ordinance 406-21 Notification of Police If Towed Without Express Consent of Owner is hereby replaced with the following:

Every licensee shall, upon removal or towing of any vehicle without the express consent of the owner or driver thereof, immediately notify the Police Department of the year, make, model and license number of the vehicle, the location from which the vehicle is removed and the location to which the vehicle is removed. This notification is to be made in conjunction with filling out a Private Property Tow Report. This report is to be maintained by the licensee/tow company along with a clear and detailed copy of the towing bill for future reference. The Police Department shall record this information and assign a confirmation number which will be given to the licensee. The licensee will be required to use this confirmation number as proof of compliance with the terms of this chapter in case of any dispute. The absence of a confirmation number will be deemed as proof that the licensee failed to notify the Police Department when they have towed a vehicle without the express consent of the owner or driver. The tow notification to the Fort Lee Police Department is to be made when the vehicle is towed

or if it is refused by the owner or driver who has responded to refuse the tow. The \$40 service charge for refusing the tow service will be documented on the bill and report.

Section 10. That the current title of Borough Ordinance 406-22 Release of Vehicles is hereby replaced with the following:

406-22 Release of Impounded or Police Towed Vehicles

Section 11. That the current text of Borough Ordinance 406-24 Responsibility to Clean Up Accident Scene is hereby replaced with the following:

Any tow company removing a vehicle from the scene of an accident in the Borough of Fort Lee shall be responsible for collecting and disposing of all loose glass, liquid, metal and other vehicle debris on the roadway in and about the scene of the accident. The tow company shall further be responsible for sweeping the roadway before towing away the vehicle from the scene. A fee of \$20 per vehicle will be collected by the tow company if there is a minor liquid spill from a motor vehicle and absorbent material, in the amount of 1 bag of absorbent or less is used to clear the scene. The absorbent material will be provided by the tow company and cleared away by the tow company. Proper notifications to emergency personnel should be made in the

event that the liquid spill requires a hazardous material response.

Section 12. That the current text of Borough Ordinance 406-26 Refusal of Police Tow; Service Charge is hereby replaced with the following:

There is hereby established a \$40 service charge to be paid by either the owner or drive of any vehicle who refuses to have his vehicle towed by a tow truck called by the police, or by the owner or the lessee of the property on which the vehicle is located. This service charge will be applicable only if the towing service arrives at the location of the vehicle and begins to chain the vehicle. If the tow service arrives and does not attach any chains or tools used for towing, the service charge does not apply.

Section 13. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

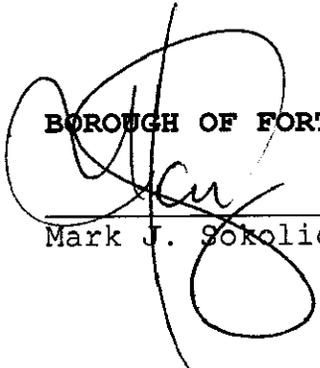
Section 14. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark J. Sokolich, Mayor

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>May 14, 2009</u>
Seconded	<u>A. PUGHAN</u>	Public Hearing	<u>June 11, 2009</u>
		Date of Adoption	<u>June 11, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-24

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$2,300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,185,000 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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$2,300,000, including the aggregate sum of \$115,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made 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 several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,185,000 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
<p>a) <u>Buildings and Grounds:</u> Improvements to various fields and parks and various public buildings, as set forth on a list in the Office of the Clerk, and improvements to the Ambulance Corporation Building, including, but not limited to, a new kitchen and a new generator, including all work and materials necessary therefor and incidental thereto.</p>	\$868,889	\$825,445	10 years
<p>b) <u>Computers and Equipment:</u> Upgrades to computers and phones, including all related costs and expenditures incidental thereto, and further including all work and materials necessary therefor and incidental thereto.</p>	\$102,222	\$97,111	5 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
c) <u>Roads and Sewers:</u>			
Improvements to various roads, as set forth on a list in the Office of the Clerk, various emergency sewer repairs and upgrades to pump stations, including all work and materials necessary therefor and incidental thereto.	<u>\$1,328,889</u>	<u>\$1,262,444</u>	10 years
TOTAL:	<u>\$2,300,000</u>	<u>\$2,185,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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 purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Borough may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) 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 9.77 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 \$2,185,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements 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 Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

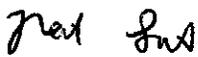
Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. 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.

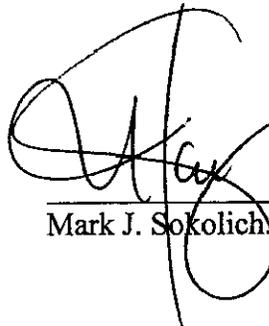
Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *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 11. 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. CURVILLE</u>	Date of Introduction	<u>May 14, 2009</u>
Seconded	<u>A. PONAN</u>	Public Hearing	<u>June 11, 2009</u>
		Date of Adoption	<u>June 11, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-25

AN ORDINANCE AMENDING CHAPTER 388 VEHICLES AND TRAFFIC, ARTICLE IV ADMINISTRATIVE PROVISIONS, SECTION 41 SURCHARGE FOR PARKING/TRAFFIC FINES 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 IV Administrative Provisions, Section 41 Surcharge for Parking/Traffic Fines, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That the current text of Borough Ordinance 388-41 Surcharge for Parking/Traffic Fines, Paragraph C, is hereby replaced with the following:

C. An amount equal to 30% of the fine payable by persons guilty of any Borough ordinance parking violation within the Borough of Fort Lee, during the period of operation of the residential parking permit program by the Parking Authority of the Borough of Fort Lee, shall be paid over upon collection by the Administrator of the Municipal

Court to the Parking Authority of the Borough for the purpose of administering the residential parking permit program in accordance with the terms thereof, such payments to be made on a monthly basis.

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

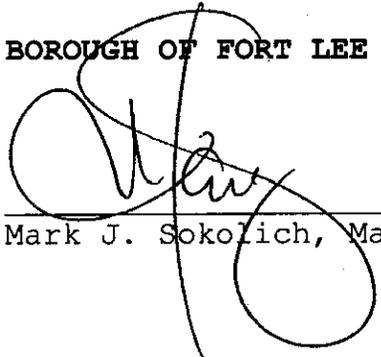
Section 3. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark J. Sokolich, Mayor

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>June 11, 2009</u>
Seconded	<u>H. SCHUER</u>	Public Hearing	<u>July 23, 2009</u>
		Date of Adoption	<u>July 23, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-26

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 east curb line of Center Avenue, beginning at a point 127 South of the apex of the Southeast corner of Center Avenue and Main Street and extending 21 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.

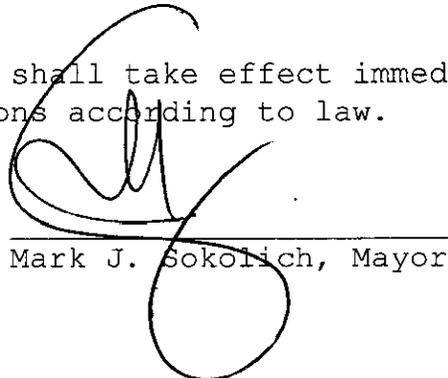
Section III: In the event on any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be deemed to govern. All other parts, portions, and provisions of Chapter 388 are hereby ratified and confirmed, except where inconsistent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

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

ATTEST:

Neil Grant

Neil Grant, Borough Clerk


 Mark J. Sokolich, Mayor

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>June 11, 2009</u>
Seconded	<u>H. SCHWELER</u>	Public Hearing	<u>July 23, 2009</u>
		Date of Adoption	<u>July 23, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-27

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
Hudson Terrace	East	From a point 550 feet south of the southern curblineline of Myrtle Avenue for a distance of 984 feet south

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.

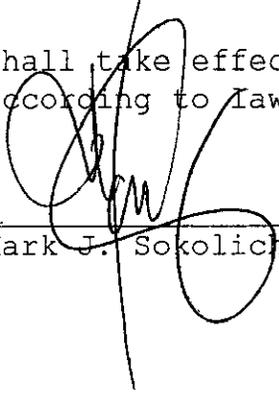
Section III. The terms of this ordinance are hereby declared to be severable; should any part, portion or provision be deemed invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

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. CERVIERI</u>	Date of Introduction	<u>July 23, 2009</u>
Seconded	<u>A. PONAN</u>	Public Hearing	<u>August 13, 2009</u>
		Postponed to:	<u>September 10, 2009</u>
		Date of Adoption	<u>September 10, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-28

**AN ORDINANCE AMENDING CHAPTER 261 LAND USE PROCEDURES,
APPENDIX A: "CHECKLISTS FOR DEVELOPMENT APPLICATIONS,"
APPENDIX B: "FEES AND ESCROW FUNDS," AND ESTABLISHING
APPENDIX C: "ENVIRONMENTAL QUESTIONNAIRE" 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 A: "Checklists for Development Applications," Appendix B: "Fees and Escrow Funds," of the Code of the Borough of Fort Lee, are hereby amended as follows and Appendix C: "Environmental Questionnaire" is hereby established:

Section 1. The current text of Paragraph "A" of Appendix A: "Checklists for Development Applications" is hereby replaced with the following:

A. All applicants before the Planning Board or Zoning Board of Adjustment shall provide all information requested in the Application for Development form. In addition to the Application for Development form, applicants shall also provide the following:

1. Information requested in the One- & Two-Family Detached Construction, Additions and Accessory Structures (Decks/Sheds) form, if the applicant is submitting an application for construction of a new one- or two-family dwelling, for an addition to a one- or two-family dwelling, or for construction of an accessory structure, including

but not limited to a deck or shed, on a parcel developed with a one- or two-family residential dwelling.

2. Information requested in the Subdivision form, if the applicant is submitting a Subdivision application.
3. Information requested in the Site Plan form, if the applicant is submitting a Site Plan application.
4. Information requested in the Signage form, if the applicant is submitting a Signage application.

Section 2. The current text of Paragraph "D - Application Fee Schedule" of Appendix B:

"Fees and Escrow Funds" is hereby replaced with the following:

D. Application Fee Schedule

1. Applications for minor site plans: \$300
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 for three-family homes: \$250
 - d. Applications involving signage only: \$100
 - e. Applications involving minor site plan: \$250
 - f. Applications involving preliminary/final major site plan; subdivisions (minor and major); telecommunications facilities: \$350

- 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
 - d. Applications for signage: \$100
- 11. Total application fee for any individual application shall not exceed \$6,000

Section 3. The current text of Paragraph "E - Escrow Schedule" 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: \$750
- 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
 - e. Applications for signage: \$750
 - f. Applications for interpretation and/or appeal: \$500
- 10. Planner Deposit
 - a. Applications involving one, two and three-family dwellings: \$1,000
 - b. Applications involving minor site plan approval: \$1,500
 - c. Applications involving major site plan: \$1,500
 - d. Applications involving signage: \$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.
 13. Façade Review/Design Architect for Development in Downtown Overlay District, Commercial Nodes and Corridors Overlay Districts:
 - a. Applications involving addition/alteration: \$ 750
 - b. Applications involving minor site plan: \$1,000
 - c. Applications involving major site plan: \$1,500

Section 4. The current text of Paragraph "F – Special Meetings" of Appendix B: "Fees and Escrow Funds" is hereby replaced with the following:

F. Special Meetings

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

Note: Services for Board Recording Secretary, Board Court Reporter and Board Clerk will be satisfied out of this escrow.

Section 5. Appendix C: "Environmental Questionnaire" is hereby established to read as shown in the attached Schedule 1. (Available in the Office of the Borough Clerk)

Section 6. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

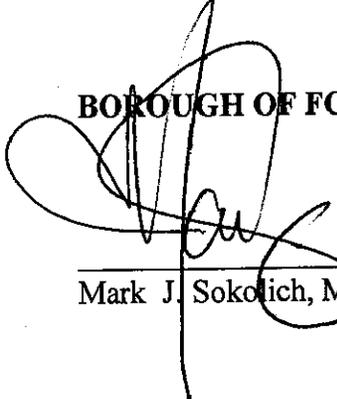
Section 7. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark J. Sokolich, Mayor

SCHEDULE 1

CHAPTER 261, APPENDIX C: ENVIRONMENTAL QUESTIONNAIRE

BOROUGH OF FORT LEE ENVIRONMENTAL QUESTIONNAIRE

THIS QUESTIONNAIRE IS TO BE COMPLETED BY ALL APPLICANTS (EXCEPT FOR SIGNAGE APPLICATIONS) APPLYING FOR A VARIANCE FROM THE BOARD OF ADJUSTMENT OR THE PLANNING BOARD OF THE BOROUGH OF FORT LEE. IT IS TO BE RETURNED WITH THE APPLICATION.

Name of Applicant: _____

Date: _____

Applicant

Address: _____

Block and Lot: _____

Fort Lee

File: _____

PREAMBLE: The applicant has a legal responsibility to answer all questions truthfully and completely to the best of the applicant's knowledge and information

If any of the following questions are answered YES or OTHER, explain briefly with the addition of another piece of paper if necessary.

1. Is the site location in an environmentally critical area?
YES___ NO___ OTHER___ Explain (for YES/OTHER only):

2. Is the site located in or adjacent to a wetlands area?
YES___ NO___ OTHER___ Explain (for YES/OTHER only):

3. Does the new project require the removal of any trees of four (4) inch diameter at a height of six (6) inches above ground level?
YES___ NO___ OTHER___ Explain (for YES/OTHER only):

State how many and species of trees and location on site. If it is a woodland area, give area and tree density.

4. Does the new project require the removal of ornamental shrubs?
YES ___ NO ___ OTHER ___ Explain (for YES/OTHER only):
5. Does the applicant plan to relocate the trees and shrubs of item 3 and 4?
YES ___ NO ___ OTHER ___ Explain (for YES/OTHER only):
6. Does the new project require the alteration, channelization or relocation of any watercourse?
YES ___ NO ___ OTHER ___ Explain (for YES/OTHER only):
7. Will the project introduce any change in the quality of present storm water runoff? Include any changes in the area of nonporous surface due to the project.
YES ___ NO ___ OTHER ___ Explain (for YES/OTHER only):
8. Will the project require the import or removal of soil in the area?
YES ___ NO ___ OTHER ___ Explain (for YES/OTHER only):
9. Will the project require a directing surface drainage into a watercourse?
YES ___ NO ___ OTHER ___ Explain (for YES/OTHER only):
10. Will the project have any impact on Borough Services presently provided, such as: Police, fire, public works, schools, public sewers, etc.?
YES ___ NO ___ OTHER ___ Explain (for YES/OTHER only):
11. Will any required excavation for the project penetrate the high water table in existence at the site?
YES ___ NO ___ OTHER ___ Explain (for YES/OTHER only):

12. Will the project interfere or change the high water table at the site or its surroundings due to change in drainage?
YES ___ NO ___ OTHER ___ Explain (for YES/OTHER only):
13. Will the project require any special foundation provisions such as: piles, spread footing supports, etc.?
YES ___ NO ___ OTHER ___ Explain (for YES/OTHER only):
14. Will the operation of the project increase local vehicular traffic?
YES ___ NO ___ OTHER ___ Explain (for YES/OTHER only):
15. Will the operation of the project increase local air pollution?
YES ___ NO ___ OTHER ___ Explain (for YES/OTHER only):
16. Will the operation of the project exceed the existing noise level?
YES ___ NO ___ OTHER ___ Explain (for YES/OTHER only):
17. Will the operation of the project exceed standard noise code levels?
YES ___ NO ___ OTHER ___ Explain (for YES/OTHER only):
18. Will the operation of the project increase the present light intensity levels?
YES ___ NO ___ OTHER ___ Explain (for YES/OTHER only):
19. Will the operation of the project produce odors?
YES ___ NO ___ OTHER ___ Explain (for YES/OTHER only):

20. Will the project impact on, or be in violation of the Fort Lee Master Plan and/or current zoning in the area?
YES ___ NO ___ OTHER ___ Explain (for YES/OTHER only):
21. Is the area of the project currently served by public utilities such as: electric, gas, water?
YES ___ NO ___ OTHER ___ Explain (for YES/OTHER only):
22. Has the site of the project ever been used for storage and disposal of hazardous materials or toxic substances or dangerous chemicals?
YES ___ NO ___ OTHER ___ Explain (for YES/OTHER only):
23. Is the site for the project proposed for the use, storage or manufacture of hazardous materials, toxic substances or dangerous chemicals?
YES ___ NO ___ OTHER ___ Explain (for YES/OTHER only):
24. Will the height of the proposed structure(s) be higher than the surrounding buildings?
YES ___ NO ___ OTHER ___ Explain (for YES/OTHER only):
- A. State how much higher:
 - B. How close is the project to a major highway? (Specify Highway)
 - C. How will it affect the wind pattern?
 - D. How will it affect the concentration and escape of polluted air from adjacent major highways?
25. What will be the use of this project and what size will it be? (such as: residential 4 family, shopping mall 24 stores, etc.)

26. Please list any material and number of pages attached to the Environmental Questionnaire:

Introduced	<u>J. CERVILLE</u>	Date of Introduction	<u>July 23, 2009</u>
Seconded	<u>A. POWAN</u>	Public Hearing	<u>August 13, 2009</u>
		Date of Adoption	<u>August 13, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE #2009-29

AN ORDINANCE VACATING A PORTION OF EUCLID ROAD IN THE BOROUGH OF FORT LEE

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee as follows:

SECTION I:

All that portion of Euclid Road, being more particularly described on Schedule A appended hereto and made a part hereof, is hereby vacated, released and extinguished, subject to a utility easement for its entirety, as defined in N.J.S.A. 48:2-13 and N.J.S.A. 48:5A-1 et seq., a four foot (4') wide pedestrian easement centered on the centerline for the length of that portion of Euclid Road being vacated hereto, and except as hereinafter mentioned.

SECTION II:

The Borough of Fort Lee hereby reserves the right to maintain, operate, repair and replace by itself and by any licensee or holder of a franchise from the Borough of Fort Lee, any poles, wires, pipes, conduits, sewer mains, water mains or any other facility or equipment, for the maintenance and operation of any utility now located in said street or any portion thereof.

SECTION III:

Within sixty (60) days after this Ordinance becomes effective, the Borough Clerk shall file a copy thereof, certified by him, under the Seal of the Borough of Fort Lee, to be a true copy of such Ordinance, together with a proof of publication thereof, in the office of the Registrar of Deeds and Mortgages of the County of Bergen, State of New Jersey.

SECTION IV:

This Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

ATTEST:

Neil Grant

Neil Grant, Borough Clerk

BOROUGH OF FORT LEE

Mark J. Bokobich, Mayor

Harvey Sohier
Harvey Sohier, Council President



**DESCRIPTION
VACATION OF A PORTION OF EUCLID ROAD
BOROUGH OF FORT LEE
BERGEN COUNTY, NEW JERSEY**

Beginning at the intersection of the division line of Lot 7 and Lot 8 Block 1451 with the southwesterly right of way line of Euclid Road (variable width) and running thence;

- 1 North 39 degrees 46 minutes 50 seconds East at right angles to the northeasterly right of way line of Euclid Road, 47.52 feet, thence;
- 2 South 50 degrees 13 minutes 10 seconds East along the northeasterly line 91.70 feet, thence;
- 3 Along the same South 43 degrees 40 minutes 30 seconds East, 24.11 feet to its intersection with northwesterly right of way line of Crescent Way (32 feet wide) extended, thence;
- 4 South 35 degrees 42 minutes 43 seconds West, along the northwesterly right of way line extended, 63.06 feet to a point of non-tangent curvature, thence;
- 5 Along a curve to the left on the southwesterly right of way line of Euclid Road, having a radius of 20.00 feet, a central angle of 83 degrees 36 minutes 57 seconds, a chord bearing of North 6 degrees 5 minutes 46 seconds West and a chord length of 26.67 feet, 29.19 feet to a point of compound curvature, thence;
- 6 Along a curve to the left, having a radius of 1175.00 feet and a central angle of 4 degrees 55 minutes 35 seconds, 101.03 feet to the point or place of Beginning.

Containing 5,504 Square feet or 0.1263 Acres

Subject to an Utility Easement for its entirety, as defined in N.J.S.A. 48:2-13 and N.J.S.A. 48:5A-1 et seq.

Subject to 4' wide Pedestrian Easement centered on the centerline for the length of the vacation.

BOSWELL McCLAVE ENGINEERING


John C. Richardson Jr., P.L.S.
Professional Land Surveyor
New Jersey Lic. No. 20789

FI-1298

Revised June 3, 2009

Introduced	J. CURVELLI	Date of Introduction	July 23, 2009
Seconded	A. POGAN	Public Hearing	August 13, 2009
		Date of Adoption	August 13, 2009

BOROUGH OF FORT LEE

ORDINANCE # 2009-30

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 handicapped parking spaces:

388-69: Along the north curb line of Slocum Way, extending 184 feet east from the apex of the east curb line of Center Avenue and extending another 20 feet east.

388-69: Along the east curb line of 14th Street, extending 203 feet south from a point of its intersection with the prolongation of the south curb line of East Central Boulevard and extending another 21 feet south.

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.

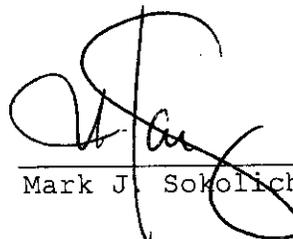
Section III: In the event on any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be deemed to govern. All other parts, portions, and provisions of Chapter 388 are hereby ratified and confirmed, except where inconsistent 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	J. CURVIEL	Date of Introduction	July 23, 2009
Seconded	A. POWAN	Public Hearing	August 13, 2009
		Date of Adoption	August 13, 2009

BOROUGH OF FORT LEE

ORDINANCE # 2009-31

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
Hudson Terrace	West	From a point 580 feet south of the southern curb line of Myrtle Avenue for a distance of 980 feet south

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

Mark J. Sokolich, Mayor

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>September 10, 2009</u>
Seconded	<u>M. SARGENTI</u>	Public Hearing	<u>October 8, 2009</u>
		Date of Adoption	<u>October 8, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-32

AN ORDINANCE AMENDING 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 410, Zoning, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That Borough Ordinance Article XII Signage and Facades, § 410-49, General regulations shall be amended and supplemented and henceforth provide as follows:

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

FAÇADE IMPROVEMENTS - Any rehabilitation, construction or alteration of a building façade.

SIGN, BLADE - A two-sided projecting sign extending in a perpendicular plane from a vertical wall, in which said sign is mounted directly to the building wall or suspended from an arm or bracket attached to the building wall.

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

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

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 or façade 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 for signage or façade improvements 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.

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

C. Fees.

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

(2) Should an application for a sign permit be approved, the permit holder must submit an escrow fee to the Construction Official prior to construction of the sign(s). The escrow fee shall be \$500 for a single sign and \$750 for multiple signs. Said escrow fee will be refunded in full to the permit holder no more than thirty days after the issuance of the certificate of occupancy and/or final inspection. Permit holders are not entitled to any interest associated with the escrow fee.

(3) Any new tenant or occupant proposing façade improvements or any new tenant or occupant that agrees to complete façade improvements recommended by the Sign/Façade Review Committee per §410-53.1 of the Borough ordinance may be issued a certificate of occupancy by the Construction Official prior to the completion of said improvements provided that a \$2,500 escrow fee is submitted to the Building Department. The escrow fee shall be refunded in full no more than thirty days after completion of the façade improvements.

Section 3. That Borough Ordinance Article XII Signage and Facades, § 410-51, Rules and regulations shall be amended and supplemented and henceforth provide as follows:

C. Standards generally.

(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(6).

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] Signs fronting or facing any street on which the speed limit is less than 50 m.p.h. shall include the following:

(i) 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.

(ii) Lowercase letters and numbers no greater than 8 inches in height, except for letters b, d, f, g, h, i, j, k, l, p, q, t and y, which may reach a maximum height of 10 inches in height.

(iii) Capital letters no greater than 10 inches in height.

(iv) Symbols, logos, or other images no greater than 12 inches in height.

[2] Signs fronting or facing any street on which the speed limit is 50 m.p.h. or greater shall include the following:

(i) 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 64 square feet, whichever is lesser.

(ii) Lowercase letters and numbers no greater than 16 inches in height, except for letters b,

d, f, g, h, i, j, k, l, p, q, t and y, which may reach a maximum height of 18 inches in height.

(iii) Capital letters no greater than 18 inches in height.

(iv) Symbols, logos or other images no greater than 24 inches in height.

[3] 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] and [2].

[4] 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]

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

(2) Blade signs. Projecting blade signs are permitted for all business, office, or commercial establishments. Projecting blade signs shall comply with the following:

(a) A projecting blade sign may extend over a sidewalk or street right-of-way, but must not extend more than two (2) feet from the building to which it is attached.

(b) The base of a projecting blade sign must not be less than eight (8) feet from the ground.

(c) Projecting blade signs must not extend from a building at any angle other than 90 degrees. □

(d) A projecting blade sign must not extend below the base line of an adjoining, canopy, or marquee.

(e) A projecting blade sign may not exceed 4 square feet in size, and must not exceed a thickness of 6 inches. Any support, brace or bracket utilized to hang said sign

shall not be included in the calculation of sign area.

(f) No projecting blade sign can be affixed to glass, awning or canopy and must be fixed in a permanent and secure manner.

(g) There shall be only one (1) projecting blade sign per establishment, but an establishment may include a wall sign and a blade sign. No projecting blade signs are permitted above the first floor of any establishment.

(3) Monument signs. Monument signs are permitted in C-3, C-4 and C-5 Districts only. Monument signs shall comply with the following:

(e) The letter size and symbol size requirements for monument signs are subject to § 410-51E(1)(a)[1] and [2].

(4) 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(4)(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(4)(a).

(e) Window signs shall not exceed 15% of the total area of the window to which they are affixed. No signs are permitted on the glass area of any door. 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.

(5) 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:

[4] The letter size and symbol size requirements for directory signs are subject to § 410-51E(1)(a)[1] and [2].

(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. The letter size and symbol size requirements for directory signs are subject to § 410-51E(1)(a)[1] and [2].

(6) 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).

(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 size and symbol size requirements for awning signs are subject to § 410-51E(1)(a)[1] and [2].

(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 and § 410-52E(8)(e). 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.

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

(8) Signs on secondary entrances. Each building or property may have one (1) additional wall sign or directory sign identifying the tenant(s) in a single or multi-tenant building that faces customer parking areas or pedestrian walkways. The content of such sign shall be limited to the name(s) of the business(es). Said sign is not to exceed sixteen (16) square feet in area, and letter sizes are subject to § 410-51E(1)(a)[1]. 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), (3) and (4), the following signs shall be allowed for gasoline service stations:

(a) Freestanding sign.

[2] 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.

[3] The maximum sign area of a freestanding pole sign, including the frame, shall not exceed 50 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.

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

[5] The letter size and symbol size requirements for freestanding pole and monument signs are subject to § 410-51E(1)(a)[1] and [2].

(b) Gasoline service station canopy signs.

[2] The canopy sign or signs shall collectively not exceed 20 square feet in area. The letter size and symbol size requirements for canopy signs are subject to § 410-51E(1)(a)[1] and [2].

(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. The letter size and symbol size requirements for service station price signs are subject to § 410-51E(1)(a)[1] and [2].

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

(a) Freestanding signage.

[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 and changeable copy signs are not 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 on 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. The letter size and symbol size requirements for wall signs are subject to § 410-51E(1)(a)[1] and [2].

[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. The letter size and symbol size requirements for anchor tenant wall signs are subject to § 410-51E(1)(a)[2].

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

(b) Monument signs.

[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. The letter size and symbol size requirements for monument signs are subject to § 410-51E(1)(a)[1] and [2].

(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. The letter size and symbol size requirements for monument signs are subject to § 410-51E(1)(a)[1] and [2].

(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.

[3] The letter size and symbol size requirements for wall signs are subject to § 410-51E(1)(a)[1] and [2].

Section 4. That Borough Ordinance Article XIIA, Downtown Overlay District and Commercial Nodes and Corridors Overlay District, § 410-52, Design regulations in Downtown Overlay District, shall be amended and supplemented and henceforth provide as follows:

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.

(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. Awnings should have a straight slope and side panels are discouraged.

(b) Both retractable and fixed awnings may have an awning skirt. Awning skirts are encouraged to be unframed. The skirt height should be proportional to the height and size of the awning. The skirt height should not exceed one foot.

(c) Canvas is the preferred material for awnings. Awnings with water-repellant canvas, a matte finish or other fabric of a similar appearance are encouraged. 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 discouraged.

(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. Regulations for upper floor awnings are indicated within items [1] through [4] below:

[1] Awnings shall not extend beyond 2 feet from the side of the building

(h) The following types of awnings are discouraged:

[4] Metal and aluminum awnings.

(j) Awning signage is subject to § 410-51E(6)

Section 5. That Borough Ordinance Article XIIA, Downtown Overlay District and Commercial Nodes and Corridors Overlay District, § 410-53, Design Regulations in Commercial Nodes and Corridors Overlay District shall be amended and supplemented and henceforth provide as follows:

D. Roofs. All roofs shall have no less than 2 of the following features:

(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 three feet of horizontal run, and less than or equal to one foot of vertical rise for every one foot of horizontal run.

Section 6. That Borough Ordinance Article XIIA, Downtown Overlay District and Commercial Nodes and Corridors Overlay District, § 410-53.1, New Tenants or Occupants, shall be amended and supplemented and henceforth provide as follows:

A. Applicability

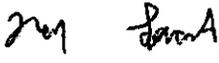
(1) On and after the effective date of this supplement, a new certificate of occupancy shall be required for any new tenant or occupant of any structure in the Downtown Overlay District or the Commercial Nodes and Corridors Overlay District to be occupied as a non-residential establishment taking possession after a prior tenant or occupant has vacated the premises.

(2) On and after the effective date of this supplement, no such new certificate of occupancy or building permit, in the event one is required, shall be issued by the Borough Construction Official unless and until the proposed exterior design of said premises shall have been referred to the Sign/Façade Review Committee. Prior to the issuance of any certificate of occupancy, 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. Said Sign/Façade Review Committee shall review and provide recommendation to the Construction Official with a copy to be delivered to the applicant. A new certificate of occupancy may be issued upon compliance with § 410-50.C(3) of the Borough ordinance.

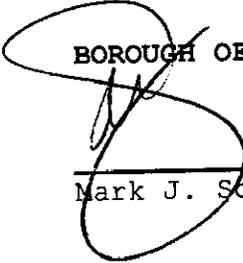
Section 7. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 8. 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 J. Sokolich, Mayor

Introduced	<u>J. CERVILRI</u>	Date of Introduction	<u>September 10, 2009</u>
Seconded	<u>A. PUNAN</u>	Public Hearing	<u>October 8, 2009</u>
		Date of Adoption	<u>October 8, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-33

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

Maple Street (s) Both Beginning at Main Street and
Continuing to a Point 255 Feet
South

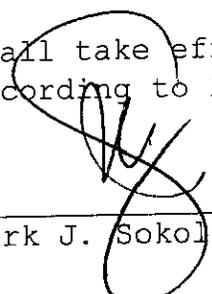
Section II. All other parts, portions and provisions of Chapter 388 of the Code of the Borough of Fort Lee not inconsistent with the terms hereof be and the same are hereby ratified and confirmed. In the event of any inconsistency, the terms and provisions hereof shall govern.

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



Mark J. Sokolich, Mayor

Neil Grant, Borough Clerk

Introduced	<u>J. CERVIKI</u>	Date of Introduction	<u>September 10, 2009</u>
Seconded	<u>N. SOMMER</u>	Public Hearing	<u>October 8, 2009</u>
		Date of Adoption	<u>October 8, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE #2009-34

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 55 "FIRE DEPARTMENT", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE BY ADDING SECTION 55-28 ENTITLED "FIRE WATCH PROGRAM"

WHEREAS, effective February 1, 2009, the New Jersey Division of Fire Safety in the Department of Community Affairs promulgated new regulations through the adoption of the 2006 International Fire Code; and

WHEREAS, the Fire Official for the Borough of Fort Lee has recommended changes to the Borough Code in accordance with these newly adopted regulations; and

WHEREAS, the governing body now seeks to amend the Borough Code to codify a fire watch program in the Borough;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen, State of New Jersey, being the governing body thereof, that Chapter 55 "Fire Department", of the Code of the Borough of Fort Lee be and is hereby amended and supplemented with the creation of Section 55-28 "Fire Watch Program" as set forth below:

§ 55-28. Fire Watch Program

- A. A Fire Watch is defined as a Borough ordered temporary measure intended to insure continuous and systematic surveillance of and response to the Borough or a portion thereof, or a building or portion thereof, by one or more qualified individuals, for the purpose of identifying and controlling fire and other life/property hazards, detecting early signs of an unwanted fire, raising an alarm of fire to the occupants, notifying the Fire Department and engaging in firefighting or other emergency response.
- B. A Fire Watch may be ordered by the Fire Official with the preapproval of the Borough Administrator or his/her designee except that in an emergency the Fire Official, or in his/her absence the ranking Fire Department officer present, may act on his/her own. A Fire Watch may be posted in any portion of the Borough, and also in public and privately owned buildings and/or properties. As the Borough may direct, a Fire Watch shall be paid for by the Borough, or by a building owner, tenant, lessee, or organization under the following circumstances: required fire protection systems are out of service; a Fire Watch is directed by the Borough or is requested by the building owner, tenant, or lessee; public and private events where 100 people or more are in attendance; events where with the approval of the Fire Official or his assigned

designee the posted occupancy load is exceeded; all other situations deemed necessary by the Fire Official or his assigned designee.

- C. A Fire Watch may include firefighting, rescue, recovery and other emergency responses, the maintaining of posted fire lanes, means of egress, posted occupancy loads, enforcement of no smoking in posted areas, area and building surveillance, checking for proper permits, inspecting for proper safety precautions of cooking equipment, and such other functions as required by the Fire Official or his assigned designee.
- D. Fire Watches shall generally be performed by active members of the Borough of Fort Lee Fire Prevention Bureau, and or the Fort Lee Fire Department. In the event none of the above described individuals are available, other qualified individuals may be utilized at the discretion of the Fire Official or his/her assigned designee with the preapproval of the Borough Administrator. Any qualified individuals used for the purposes of a Fire Watch shall report directly to the Fire Official or his/her assigned designee, who will, in turn, report to and be subject to the direction of the Borough Administrator. Persons appointed to act on a Fire Watch shall be deemed occasional, hourly, at will, employees of the Borough, subject to all Borough ordinances, rules and regulations.
- E. All Fire Watch services incurred and paid on behalf of the Borough of Fort Lee directly shall be at the rate of \$17.00 per hour per person. All Fire Watch services ordered for the benefit/protection of private property shall be paid at the rate of \$40.00 per hour, per person and there shall be a minimum payment of 4 hours per worker plus a 15% administration fee applied for the individual and the vehicle used. Additionally, there will be a \$10.00 per hour fee for the use of a regular Borough motor vehicle and a \$25.00 per hour fee for the use of each Borough fire apparatus. All payments shall be made within 10 days after service is provided. Payments shall be made payable to the Borough of Fort Lee, except that Borough incurred payments shall be made to individual Fire Watchers directly; and

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

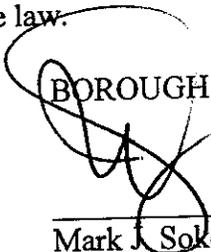
BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

ATTEST:



Neil Grant
Borough Clerk


BOROUGH OF FORT LEE

Mark J. Sokolich
Mayor

Introduced	<u>J. CLAVIERI</u>	Date of Introduction	<u>September 10, 2009</u>
		Public Hearing	<u>October 8, 2009</u>
Seconded	<u>H. SCHMIDT</u>	Date of Adoption	<u>October 8, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-35

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF FIREFIGHTING EQUIPMENT IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$225,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$213,750 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(a) 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(a), there is hereby appropriated the sum of \$225,000, including the sum of \$11,250 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, negotiable bonds are hereby authorized to be issued in the principal amount of \$213,750 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 the acquisition of firefighting equipment, including all related costs and expenditures 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(a) 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 \$213,750, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$12,000 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. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either 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 funds are so used.

Section 9. 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.

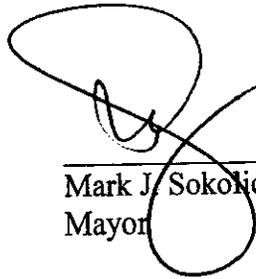
Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *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 11. 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	I. KASASKY	Date of Introduction	October 8, 2009
Seconded	J. CURVIERI	Public Hearing	November 12, 2009
		Date of Adoption	November 12, 2009

BOROUGH OF FORT LEE

ORDINANCE # 2009-36

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69 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 delete the following as handicapped parking spaces:

1. (t) Main Street - 1 space - 20 feet east of Fire House No. 3 property line
2. (ss) Along the west curblineline of Edwin Avenue, beginning at the point 100 feet south of the west curb apex of Edwin Avenue and Lewis Street and continuing 25 feet south of the same point

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.

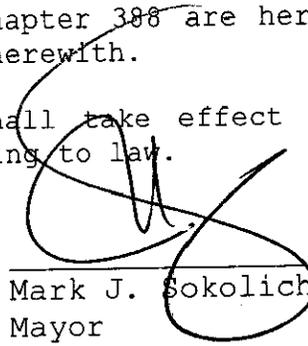
Section III: In the event on any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be deemed to govern. All other parts, portions, and provisions of Chapter 388 are hereby ratified and confirmed, except where inconsistent 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. CERVINI</u>	Date of Introduction	<u>October 8, 2009</u>
Seconded	<u>A. PUNN</u>	Public Hearing	<u>November 12, 2009</u>
		Date of Adoption	<u>November 12, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-37

AN ORDINANCE SUPPLEMENTING, CLARIFYING AND AMENDING CHAPTER 324, RENT CONTROL, OF THE CODE OF THE BOROUGH OF FORT LEE

WHEREAS, the Rent Leveling Board of the Borough of Fort Lee has heretofore been afforded the authority to hear applications by and grant relief to tenants of rent-controlled units within the Borough for rent decreases, rebates and the assessment of penalties as set forth in the Borough Code; and

WHEREAS, the Mayor and Council of the Borough of Fort Lee seek to clarify the certain provisions of the Borough Code providing said authority.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee, County of Bergen, State of New Jersey, being the governing body thereof, that Chapter 324, Rent Control, of the Code of the Borough of Fort Lee be and is hereby supplemented, clarified and amended as follows:

SECTION 1. Sections 324-16 to -19 and -24 are hereby amended as follows:

§ 324-16 Landlord or Tenant may apply.

A. A landlord may apply to the Rent Leveling Board (hereinafter "Board") for an increase in rent in excess of that permitted in Article II hereof upon a showing that:

- (1) the increases permitted in Article II hereof will not yield a rental such that the landlord will earn a fair and reasonable return pursuant to § 324-20; or
- (2) the increase is permitted due to capital improvements or additional services pursuant to § 324-28, -29.

B. A tenant may file a complaint with the Board for:

- (1) relief declaring a rental increase void on grounds that it exceeds the maximum allowable rent increase permitted under this Chapter;

(2) a decrease in rent on grounds that services for which the landlord previously received a rental increase pursuant to § 324-28, -29 have been terminated or reduced since the increase was granted;

(3) a rebate from the landlord for any rent paid by the tenant to the landlord from the date the complaint is filed and for six (6) years prior to the date of filing on grounds that: (a) any rental increases exceed the maximum allowable rent increase permitted under this Chapter; or (b) services for which the landlord previously received a rental increase pursuant to § 324-28, -29 which have been terminated or reduced since the increase was granted. For purposes of calculation of any rebate which may be ordered pursuant hereto, that calculation shall not predate or look back past the 6 year statute of limitations set forth herein; or

(4) an assessment of penalties pursuant to § 324-9.

C. In determining whether to grant the relief provided for under this Section, it shall be the landlord's burden to demonstrate, by a preponderance of the evidence, that:

(1) where an application is filed pursuant to § 324-16(A), the landlord is entitled to relief for the reasons provided for in this Section; and

(2) where a complaint is filed pursuant to § 324-16(B), the tenant is not entitled to relief for the reasons provided for in this Section.

§ 324-17 Notice of Application [to tenant; documentation open to inspection].

Prior to [Simultaneously with the] filing [of] an application pursuant to § 324-16 [for an increase in rental with the Board]:

A. A [the] landlord-applicant shall notify the [deliver notice thereof to each] tenant by certified mail or by personal service (provided a receipt is obtained from the tenant or an affidavit of service is sworn to), which [All documentation filed with the Board shall be open to inspection by an affected tenant or their legal representative. Any such] notice [delivered to the tenant] shall include, but not be limited to, the amount of increase applied for, if possible, and a statement that all documentation filed with the Board shall be available for inspection at the office of the Board.

B. A tenant-applicant shall notify the landlord by certified mail or by personal service (provided a receipt is obtained from the landlord or an affidavit of service is sworn to) of his or her intent to file an application pursuant to § 324-16 and, generally, the reasons(s) the tenant is seeking a reduction and/or rebate.

C. Proof of notice shall be filed along with any application to the Board. No application will be acted upon unless such proof is provided.

§ 324-18 Notice of Hearing.

A. Immediately upon receipt of an application and proof of notice, [hearing date from] the Board[, landlord] shall notify the tenant(s) and landlord of the scheduled hearing date [all affected tenants of the date. Prior to the commencement of any hearing, the landlord shall file an affidavit of proof of service of notice with the Board].

B. If the subject of the application is an increase pursuant to § 324-16(A)(1), the landlord, upon receipt of the hearing date, shall post notice thereof in conspicuous locations within the premises, including but not limited to mail rooms, lobbies, elevators and laundry rooms.

§ 324-19 Determination by Board; unreasonable delay.

A. For purposes of § 324-16(A)(1), ~~t~~[T]he year of application shall be the calendar or fiscal year immediately succeeding the calendar or fiscal year last utilized by the landlord in maintaining his books and records and it shall be the period of operation upon which the Board shall base its determination.

B. Except as provided below, no increase in rent [relief] may be collected by a landlord and no decrease in rent may be withheld by a tenant, where such increase or decrease, as the case may be, is the subject of an application, until granted by the Board. The Board shall not unreasonably delay the rendering of its determination of any application [for increased rentals].

C. For purposes of § 324-16(A)(1), i[I]n the event the Board does not render a determination within four (4) months of the filing of the landlord's application, ½ of the increased rentals sought shall, at the discretion of the landlord, be collected in accordance with this chapter and shall be subject to retroactive adjustment by the Board upon its determination. Such four-month period may be extended by written consent of the landlord. In the event the Board concludes that its delay in rendering a decision is caused by the landlord, the landlord shall be prohibited from commencing any collection of increased rentals sought until the Board renders its determination.

§ 324-24 Notice; Forms [given by certified mail; posted conspicuously].

[Any notice given by a pursuant to Article III of this chapter shall be served by certified mail. In addition to the aforesaid, copies of the notice shall be posted in conspicuous locations within the premises, including but not limited to mail rooms, lobbies, elevators and laundry rooms.] From time to time, the Board may promulgate forms to be utilized whenever notice is required and adopt such rules and regulations as are necessary to implement the intent of this Article [section].

SECTION 2. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply

only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 3. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

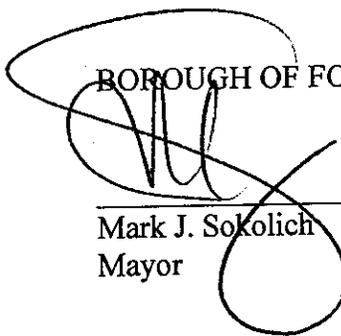
SECTION 4. That this Ordinance shall take effect upon passage and publication in accordance with applicable law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark J. Sokolich
Mayor

Introduced	<u>J. CURVIERI</u>	Date of Introduction	<u>October 8, 2009</u>
Seconded	<u>M. SARGENTI</u>	Public Hearing	<u>November 12, 2009</u>
		Date of Adoption	<u>November 12, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-38

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 east curb line of Linwood Avenue, extending 144 feet north from a point of its intersection with the prolongation of the north curb line of Bridge Plaza North and extending another 19 feet north.

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.

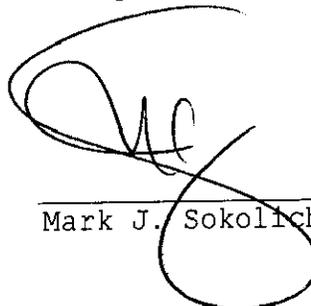
Section III: In the event on any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be deemed to govern. All other parts, portions, and provisions of Chapter 388 are hereby ratified and confirmed, except where inconsistent 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. CERVIERI</u>	Date of Introduction	<u>October 15, 2009</u>
Seconded	<u>H. SCHMIDT</u>	Public Hearing	<u>November 5, 2009</u>
		Date of Adoption	<u>November 5, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-39

AN ORDINANCE OF THE BOROUGH OF FORT LEE, BERGEN COUNTY, NEW JERSEY AUTHORIZING THE MAYOR AND BOROUGH CLERK PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. TO EXECUTE A FINANCIAL AGREEMENT AND RELATED DOCUMENTS BY AND BETWEEN THE BOROUGH OF FORT LEE AND CCM URBAN RENEWAL COMPANY, LLC FOR PROPERTY LOCATED AT 475 MAIN STREET, FORT LEE ALSO KNOWN AS LOT 1 IN BLOCK 4457 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF FORT LEE

WHEREAS, on October 12, 1976, the Borough of Fort Lee (the "Borough") executed a tax abatement agreement with E.M.F. Associates, Ltd. requiring the payment of an annual service charge in lieu of taxes (the "Tax Abatement Agreement") for a government assisted multi-family rental housing development known as Malcolm Towers, located at 475 Main Street (the "Project"); and

WHEREAS, on August 4, 1977, the Borough of Fort Lee and E.M.F. Associates, Ltd. executed a lease agreement for a term of 99 years at \$1.00 per annum for the air rights to property located at 475 Main Street, also known as Lot 1 in Block 4457 as shown on the official tax map of the Borough (the "Air Rights Lease"); and

WHEREAS, the term of the Tax Abatement Agreement was to run for a period of no more than 50 years nor less than the term of the New Jersey Housing and Mortgage Finance Agency ("NJHMFA") mortgage, which term was forty (40) years; and

WHEREAS, the first mortgage from NJHMFA to E.M.F. Associates was for \$9,760,000 and executed on September 24, 1977; and

WHEREAS, E.M.F. Associates, Ltd. sold the project to CCM Company, LLC ("CCM") on 7/1/96 and CCM assumed the First mortgage, NJHMFA provided Second mortgage to CCM of \$3,595,300 on 7/1/96, and NJHMFA and CCM also entered into a Financing, Deed Restriction and Regulatory Agreement on 7/1/96; and

WHEREAS, on or about 11/17/05, CCM pre-paid the first mortgage and the second NJHMFA mortgage became a first mortgage, CCM also obtained a second mortgage from TD Banknorth for \$2,800,000, and NJHMFA and CCM amended the Financing, Deed Restriction and Regulatory Agreement at the same time; and

WHEREAS, the original Tax Abatement Agreement requires the owner to pay the Borough an annual service charge of 6.28% of annual gross revenues from the Project (or rent), but not less than

the real estate taxes on the property during the year in which the NJHMFA mortgage is executed; and

WHEREAS, on or about March 20, 2009, CCM contacted the Borough to advise that it was in the process of refinancing the Project and would require a new tax abatement agreement with the Borough for the Project; and

WHEREAS, pursuant to N.J.S.A. 40A:20-1 et seq., the Borough is authorized to enter into an agreement with a housing sponsor for payment of an annual service charge for municipal services in lieu of taxes for low and moderate income housing projects; and

WHEREAS, the Borough and CCM Urban Renewal Company, LLC have agreed to the terms and conditions of a financial agreement for payment of an annual service charge for municipal services in lieu of taxes (the "Financial Agreement"); and

WHEREAS, the Financial Agreement shall be for a period of thirty (30) years and the annual service charge shall be determined at 11% of annual gross revenues from the Project;

WHEREAS, the Project shall remain a low and moderate income housing project during the term of the Financial Agreement; and

WHEREAS, CCM agrees to expend \$50,000 within 12 months of execution of the Financial Agreement on improvements at the Project as part of the "streetscape" plan of the Borough; and

WHEREAS, CCM has also requested a modification to the Air Rights Lease to extend the benefits and protections under the Lease to the new mortgagee and any successor mortgagee, including, but not limited to Fannie Mae and to amend the term of the Air Rights Lease to be co-terminus with the Financial Agreement,

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Fort Lee, Bergen County, New Jersey that the Borough and CCM Urban Renewal, LLC have agreed to the terms and conditions of a Financial Agreement for the property located at 475 Main Street also known Lot 1 in Block 4457 as shown on the official tax map of the Borough; and

BE IT FURTHER ORDAINED, that the Financial Agreement shall be for a term of thirty (30) years, which is the anticipated term of the mortgage and the annual service charge shall be determined at 11% of annual gross revenues from the Project as set forth in the same Agreement; and

BE IT FURTHER ORDAINED, the Borough approves CCM's request for a modification to the Air Rights Lease to extend the benefits and protections under the Lease to the new mortgagee and any successor mortgagee, including, but not limited to Fannie Mae and the parties have agreed to amend the term of the Air Rights Lease to be co-terminus with the Financial Agreement since such Lease is mutual and interdependent with the Financial Agreement; and

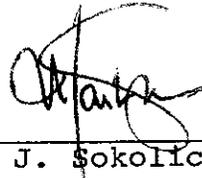
BE IT FURTHER ORDAINED, that the Mayor and Borough Clerk are hereby authorized to execute the Financial Agreement, modification of the Air Rights Lease and any other related documents in a form substantially consistent with that attached hereto, subject to final review and approval as to form by the Borough Attorney; and

BE IT FURTHER ORDAINED, that this ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk



Mark J. Sokolich
Mayor

Introduced	<u>A. PUNNU</u>	Date of Introduction	<u>November 12, 2009</u>
Seconded	<u>H. SUMNER</u>	Public Hearing	<u>December 17, 2009</u>
		Date of Adoption	<u>December 17, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-40

ORDINANCE APPROPRIATING \$1,000,000 FOR ROADWAY IMPROVEMENTS TO MAIN STREET AND HUDSON TERRACE 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. \$1,000,000 is hereby appropriated, all of which will be funded by the County of Bergen, for roadway and traffic signal improvements to Main Street and Hudson Terrace 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.

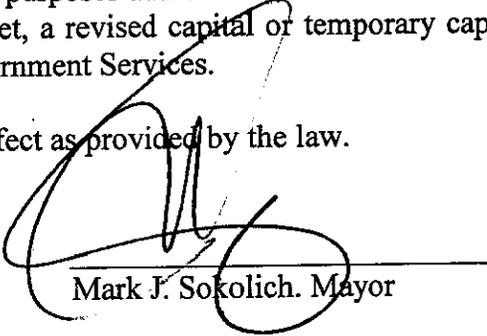
Section 2. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent 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 the law.

Attest:

Neil Grant

Neil Grant, Borough Clerk


 Mark J. Sokolich, Mayor

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>November 12, 2009</u>
Seconded	<u>N. SOMMER</u>	Public Hearing	<u>December 17, 2009</u>
		Date of Adoption	<u>December 17, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-41

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:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Bridle Way	North	Curb-Line of Bridle Way from a point 225 feet west of the northwest intersection apex of Bridle Way and Cumbermeade Road to a point 250 feet west of that location

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

ATTEST:

Neil Grant

Neil Grant, Borough Clerk

[Signature]
Mark J. Sokolich, Mayor

Introduced	J. CAVIERI	Date of Introduction	November 12, 2009
Seconded	M. SARGENT	Public Hearing	December 17, 2009
		Date of Adoption	December 17, 2009

BOROUGH OF FORT LEE

ORDINANCE # 2009-42

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 27 AND 58, ENTITLED "NO LEFT TURN" AND SECTIONS 20 AND 51, ENTITLED "ONE WAY STREETS" OF THE CODE OF THE BOROUGH OF FORT LEE

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

Section I. Chapter 388, Sections 27 and 58, Schedule XIV- of the Code of the Borough of Fort Lee entitled, "Vehicles and Traffic: No Left Turn," is hereby amended and supplemented so as to **remove** the following:

Glen Road at Route 5
North on Glen Road to west on Route 5

Section II. Chapter 388, Sections 20 and 51, Schedule VII, of the Code of the Borough of Fort Lee entitled, "Vehicles and Traffic: One-Way Streets," is hereby amended and supplements so as to include the following:

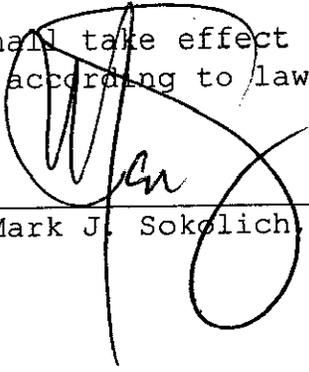
Name of Street	Direction	Limits
Glen Road	North	Between Columbia Avenue and Bluff Road

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.

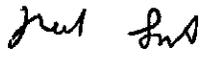
Section III. In the event on any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be deemed to govern. All other parts, portions, and provisions of Chapter 388 are hereby ratified and confirmed, except where inconsistent 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	<u>J. CURVIERI</u>	Date of Introduction	<u>November 12, 2009</u>
Seconded	<u>A. PUGH</u>	Public Hearing	<u>December 17, 2009</u>
		Date of Adoption	<u>December 17, 2009</u>

BOROUGH OF FORT LEE

ORDINANCE # 2009-43

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 410 "ZONING" ARTICLE XII "SIGNAGE AND
FACADES" BY ADDING SECTION 410-51.1 ENTITLED
"DESIGNATED ARCHITECT"**

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen, State of New Jersey, being the governing body thereof, that Chapter 410 "Zoning", Article XII "Signage and Facades" of the Code of the Borough of Fort Lee be and is hereby amended and supplemented with the creation of Section 410-51.1 "Designated Architect" as set forth below:

§ 410-51.1. Designated Architect.

There shall be a designated architect (the "Architect") for the Borough who may, at the option of the land owner and upon consent of the Borough Administrator, advise the land owner on compliance with this Article. The assistance of the Architect is voluntary and at the discretion of the land owner. At all times, the Architect shall act as an agent of the Borough. The purpose of the Architect is solely to ensure compliance and no other work by the Architect shall fall within the scope of his/her agency with the Borough. The Architect may charge the land owner for services in accordance with the following schedule of fees:

Senior Partner	\$185.00 per hour
Senior Designer	\$125.00 per hour
Designer I	\$100.00 per hour
Designer II	\$85.00 per hour

All reimbursable expenses, charged at 3% of invoice, are in addition to charges for personnel and consultants and include actual expenditures made by the Architect, his employees, or his consultants in the interest of the project for the following incidental expenses:

- A. Transportation and living expenses when traveling in connection with the project.
- B. Faxes and long distance telephone charges.
- C. Regular postage and overnight delivery charges.
- D. Expense of small format printing and drawing reproductions.
- E. If authorized in advance, any consultant fees.

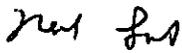
All large format Printing/Plotting/Scanning costs from local Reprographies shall be charged to land owner at 100% of cost.

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

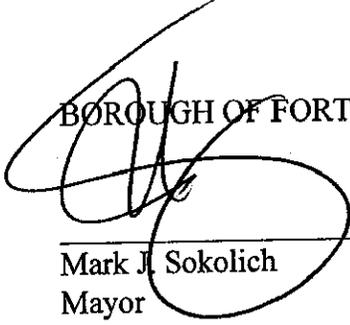
BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

ATTEST:



Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark J. Sokolich
Mayor