

Introduced	<u>J. GOLDBERG</u>	Date of Introduction	<u>January 7, 2010</u>
Seconded	<u>J. CERVIERI</u>	Public Hearing	<u>February 11, 2010</u>
		Date of Adoption	<u>February 11, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE #2010-1
**AN ORDINANCE REPEALING CHAPTER 12
 "BEAUTIFICATION COMMITTEE", AND REPLACING IT
 WITH CHAPTER 48 "ENVIRONMENTAL AND
 BEAUTIFICATION COMMITTEE"**

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body thereof, that Chapter 12 "Beautification Committee", of the Code of the Borough of Fort Lee be and is hereby repealed and replaced with the creation of Chapter 48 "Environmental and Beautification Committee" as set forth below:

§ 48-1 Establishment.

There is hereby established in the Borough of Fort Lee, County of Bergen, State of New Jersey, an Environmental and Beautification Committee (hereinafter "the Committee"). The purpose of the Committee is to assist the Governing Body in its deliberative process by making recommendations relating to issues of aesthetic and environmental concerns in the Borough.

§ 48-2 Members.

The Committee shall consist of no more than fifteen (15) members appointed by the Mayor and Council of the Borough of Fort Lee, all of whom shall be residents of the borough or business owners/executives of businesses located in Fort Lee, except that no more than two members shall be nonresidents. One member shall be a member of the Council, approved by the Council and such appointment shall be made annually at the Borough's Annual Reorganization Meeting. The Mayor shall annually select one member as Chairperson of the Committee and a second member as Vice-Chairperson. All members shall serve without compensation.

§ 48-3 Terms of members.

A. The term of office of the first Committee members shall be for one, two or three years, to be designated by the Mayor and Council in making the appointments, so that the terms of approximately 1/3 of the members will expire each year, and their successors shall be appointed for terms of three years and until the appointment and qualifications of their successors. Alternates shall have terms of three years. All appointments shall be made to take effect on January 1 of each year, for a full term of three years.

B. The Mayor and Council, by Resolution, may remove any or all of the members of the Committee, with or without cause at any time and written charges served upon the member and after a hearing thereon at which the member will be entitled to be heard in person or by counsel.

C. A vacancy on the Committee occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

§ 48-4 Organization.

The Committee shall organize annually within 30 days of January 1, by the election of one of its members as secretary. The Committee shall have the right to make reasonable rules of procedure.

§ 48-5 Duties.

The Committee shall report solely, exclusively and directly to the Mayor and Council and generally, have the following duties, subject to the more specific instructions or limitations set forth by the Mayor or by Resolution of the Governing Body:

1. Make recommendations regarding any and all projects which the Committee has determined to be in the best interests of the borough.
2. Make recommendations regarding such improvements of property concerning presently pending applications for development, as may be in the best interests of the Borough of Fort Lee.
3. Make recommendations concerning the abatement of any and all unsightly property conditions.
4. Make recommendations concerning property maintenance violations.
5. Consult with the Department of Public Works, the Recreation Department and the Parking Authority concerning specific recommendations to be made to the Mayor and Council to upgrade and beautify borough property.
6. Make findings upon and recommendations concerning acquisition and use of property within the borough in order to maintain, improve, and protect the beauty of the community.
7. Make recommendations concerning the regulation, planting and care of trees and shrubbery now located or which may hereafter be planted in public streets, places and parks and make recommendations concerning the removal of any such tree or part thereof which may be dangerous to public safety.
8. Meet at least four times each year and forward minutes of its meetings to the Mayor and Council.
9. Conduct research into the use and possible use of the open land areas of the municipality.
10. At the specific direction and authorization of the Mayor and Council, coordinate the activities of unofficial bodies organized for similar purposes and advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its purposes.
11. Keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information on the proper use of such areas.
12. Recommend plans and programs for inclusion in a Municipal Master Plan and the development and use of such areas.

13. Study and make recommendations concerning open space preservation, water resources management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance and protection of flora and fauna.

14. Any and all other duties and/or powers that may be delegated by the Mayor and Council of the Borough of Fort Lee, by Resolution or Ordinance.

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.

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.

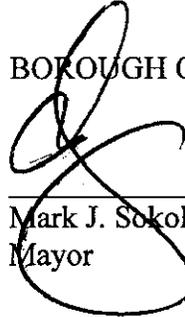
BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

ATTEST:



Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark J. Sokolich
Mayor

Introduced	<u>A. POWAN</u>	Date of Introduction	<u>January 14, 2010</u>
Seconded	<u>M. SARGENTI</u>	Public Hearing	<u>February 11, 2010</u>
		Date of Adoption	<u>February 11, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-2

AN ORDINANCE REPEALING AND REPLACING CHAPTER 261 "LAND USE PROCEDURES" ARTICLE I "PLANNING BOARD" AND ANY SIMILAR UNCODIFIED ORDINANCES

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 261 "Land Use Procedures", Article I "Planning Board" and any similar uncodified ordinances of the Code of the Borough of Fort Lee be and is hereby repealed and replaced with the creation of Chapter 261, Article I, "Planning Board" as set forth below:

ARTICLE I PLANNING BOARD

§ 261-1 Planning Board Membership; Compensation

A. There is hereby established pursuant to Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., in the Borough a Planning Board of nine members consisting of the following four classes:

1. Class I - The Mayor and/or the Mayor's designee. The said designee, to be appointed by the Mayor, shall, from time to time, serve in his/her absence.
2. Class II - One of the officials of the Borough other than a member of the Borough Council to be appointed by the Mayor.
3. Class III - A member of the Borough Council to be appointed by it.
4. Class IV - Six other citizens of the Borough to be appointed by the Mayor. The members of Class IV shall hold no other Borough office, except that one member may be a member of the Zoning Board of Adjustment and one may be a member of the Board of Education.
5. In the event that the Borough has an Environmental Commission pursuant to N.J.S.A. 40:56A-1 et. seq., one member of said Commission must sit on the Planning Board. The Environmental Commission member shall be a Class IV member, unless there be among the Class IV or alternate members of the Planning Board both a member of the Zoning Board of Adjustment or Historic Preservation Commission and a member of the Board of Education, in which case the Environmental Commission member shall be deemed a Class II member.

B. No member of the Planning Board shall receive any compensation for his services on the Board.

§ 261-2 Terms

A. The term of the member composing Class I shall correspond with the Mayor's official tenure, however, the Mayor's designee shall serve at the pleasure of the Mayor during the Mayor's official tenure. The terms of the members composing Class II and Class III shall be for one year or terminate at

the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his/her term of office as a member of the Environmental Commission, whichever occurs first.

B. The term of a Class IV member who is also a member of the Board of Adjustment or the Board of Education shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first.

C. The terms of all Class IV members first appointed pursuant to this chapter shall be so determined that to the greatest practicable extent the expiration of such term shall be evenly distributed over the first four years after their appointment as determined by resolution of the Borough Council; provided, however, that no term of any member shall exceed four years and further provided that nothing herein shall affect the term of any present member of the Planning Board, all of whom shall continue in office until the completion of the term for which they were appointed. Thereafter all Class IV members shall be appointed for terms of four years except as otherwise herein provided. All terms shall run from January 1 of the year in which the appointment was made.

§ 261-3 Vacancies

If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term.

§ 261-4 Removal

Any member of the Planning Board other than the Class I member may be removed by the Borough Council for cause. Any member so removed shall be entitled to a public hearing if requested by the member.

§ 261-5 Organization of Board

The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV and select a Secretary who may be either a member of the Planning Board or a Borough employee designated by it.

§ 261-6 Planning Board Attorney

There is hereby created the office of Planning Board Attorney. The Planning Board may annually appoint, fix the compensation of or agree upon the rate of compensation of the Planning Board Attorney who shall be an attorney other than the Borough Attorney.

§ 261-7 Experts and Staff

The Planning Board may also employ or contract for the services of experts and other staff and services as it may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the Borough Council for its use.

§ 261-8 Powers and Duties Generally

The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply. It shall also have the following powers and duties:

- A. To make, adopt and amend a Master Plan for the physical development of the Borough, including any areas outside its boundaries, which, in the Board's judgment, bear essential relation to the planning of the Borough in accordance with the provisions of N.J.S.A. 40:55D-28.
- B. To administer the provisions of the Land Subdivision Ordinance and Site Plan Review Ordinance
- C. To approve conditional use applications in accordance with the provisions of the zoning ordinance pursuant to N.J.S.A. 40:55D-67.
- D. To participate in the preparation and review of programs or plans required by state or federal law or regulations.
- E. To assemble data on a continuing basis as part of a continuous planning process.
- F. Pursuant to N.J.S.A. 40:55D-47, to waive notice of public hearing for applications for development, if the application conforms to the definition of "minor subdivision" as defined in N.J.S.A. 40:55D-5.
- G. To consider and make report to the Borough Council within 35 days after referral as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26(a).
- H. To consider and make report to the Borough Council relative to the adoption of any official map or any amendment thereto, pursuant to the provisions of N.J.S.A. 40:55D-26a.
- I. When reviewing applications for approval of subdivision plats, site plans or conditional uses to grant to the same extent and subject to the same restrictions as the Zoning Board of Adjustment, variances pursuant to N.J.S.A. 40:55D-70(c); direction pursuant to N.J.S.A. 40:55D-34 for issuance of a permit for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved pursuant to N.J.S.A. 40:55D-32, and direction pursuant to 40:55D-36 for issuance of a permit for a building or structure not related to a street. Whenever relief is requested pursuant to this section, notice of the hearing on the application for development shall include reference to the request for a variance, or direction for issuance of a permit, as the case may be.
- J. To perform such other advisory duties as are assigned to it by ordinance or resolution of the Borough Council for the aid and assistance of the Borough Council or other agencies or officials, pursuant to N.J.S.A. 40:55D-26(b).
- K. At the request of a developer, grant an informal review of a concept plan for a development for which the developer intends to prepare and submit an application for development. In such cases, the developer shall not be required to submit any fees for the informal review, and neither the developer nor the Board shall be bound by any such concept plan or review.

§ 261-9 Time

- A. Minor subdivisions. Minor subdivision approvals shall be granted or denied within 45 days of the date of submission of a complete application to the Planning Board or within such further time as may be consented to by the applicant.

B. Preliminary approval major subdivisions. Upon submission of a complete application for a subdivision of 10 or fewer lots, the Planning Board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer. Upon submission of a complete application for a subdivision of more than 10 lots, the Planning Board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer. Otherwise the Planning Board shall be deemed to have granted preliminary approval for the subdivision.

C. Ancillary powers. Whenever the Planning Board is called upon to exercise its ancillary powers before the granting of a variance as set forth in § 261-8I, the Planning Board shall grant or deny approval of the application within 95 days after submission by the developer of a complete application or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application and a certificate of the administrative officer as to the failure of the Planning Board to act shall be issued on request of the applicant.

D. Final approval. Application for final subdivision approval shall be granted or denied within 45 days of submission of a complete application or within such further time as may be consented to by the applicant. Final approval of a major subdivision shall expire 95 days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the County Recording Officer. The Planning Board may, for good cause shown, extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat.

§ 261-10 Applications; Procedures for Filing

Applications for development within the jurisdiction of the Planning Board pursuant to the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., shall be filed with the Planning Administrator. The applicant shall obtain all necessary forms from the Planning Administrator. The Planning Administrator shall inform the applicant of the steps to be taken to initiate applications and of the regular meeting dates of the Board.

§ 261-11 Advisory Committee

The Mayor may appoint one or more persons as a citizens advisory committee to assist or collaborate with the Planning Board in its duties, but such person or persons shall have no power to vote or take other action required of the Board. Such person or persons shall serve at the pleasure of the Mayor.

§ 261-12 Alternate Members

A.

The Mayor may appoint to the Planning Board not more than two alternate members who shall meet the qualifications of Class IV members as set forth in § 261-1 hereof. Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be two years, except that the terms of the alternate members shall be such that the term of not more than one alternate member shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years. A vacancy occurring otherwise than by expiration of the term shall be filled by the appointing authority for the unexpired term only.

B. No alternate members shall be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause.

C. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

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, that nothing in this Ordinance shall interfere with the terms of the current sitting members of the Planning Board; and

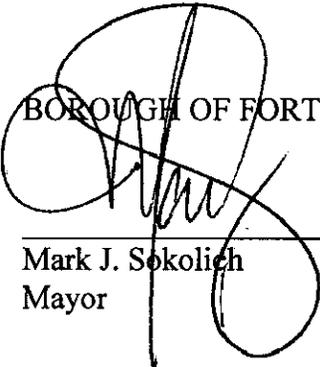
BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict. More specifically, Ordinance numbers 640, passed on or around November, 1954, 73-38 passed on or around January, 1974, 79-7 passed on or around March, 1979, and 85-53 passed on or around December, 1985 are wholly repealed; and

BE IT FURTHER ORDAINED, 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	A. PUNAN	Date of Introduction	January 14, 2010
Seconded	M. SARGENTI	Public Hearing	February 11, 2010
		Date of Adoption	February 11, 2010

BOROUGH OF FORT LEE

ORDINANCE # 2010-3

AN ORDINANCE AMENDING ORDINANCE 2009-41 WHICH WAS ADOPTED BY THE GOVERNING BODY OF THE BOROUGH OF FORT LEE ON DECEMBER 17, 2009 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 120 feet west of the northwest intersection apex of Bridle Way and Cumbermeade Road to a point 150 feet west of that location

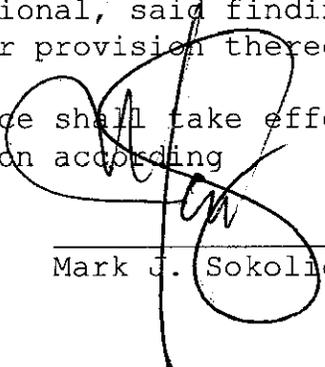
Section II. All other parts, portions and provisions of Chapter 388 of the Code of the Borough of Fort Lee not inconsistent with the terms hereof be and the same are hereby ratified and confirmed. In the event of any inconsistency, the terms and provisions hereof shall govern.

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


Mark J. Sokolich, Mayor

Neil Grant, Borough Clerk

Introduced	<u>J. CERVELLI</u>	Date of Introduction	<u>January 21, 2010</u>
Seconded	<u>A. PONAN</u>	Public Hearing	<u>February 11, 2010</u>
		Date of Adoption	<u>February 11, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-4

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A FIRE TRUCK AND OTHER RELATED EQUIPMENT IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$900,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$855,000 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 \$900,000, including the sum of \$45,000 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 \$855,000 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 the acquisition of a fire truck and other related 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 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

\$855,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$90,000 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.

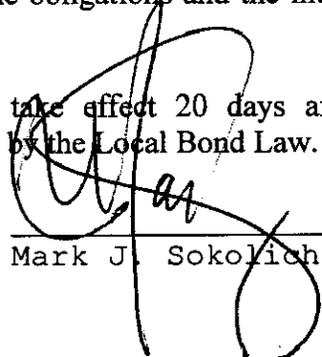
Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *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	J. Cervino	Date of Introduction	February 11, 2010
Seconded	M. Sargenti	Public Hearing	March 11, 2010
		Date of Adoption	March 11, 2010

BOROUGH OF FORT LEE
ORDINANCE # 2010-5

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:

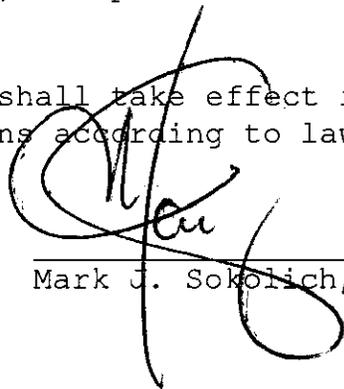
1. "388-69": Along the north curb line of McElroy Avenue, extending 343 feet west from the apex of its intersection with the west curb line of Palisade Avenue and extending another 20 feet west.

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

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

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

ATTEST:



Mark J. Sokolich, Mayor



Neil Grant, Borough Clerk

Introduced	J. CLAVIERI	Date of Introduction	February 11, 2010
Seconded	M. SARGENTI	Public Hearing	March 11, 2010
		Date of Adoption	March 11, 2010

BOROUGH OF FORT LEE

ORDINANCE # 2010-6

AN ORDINANCE APPROPRIATING \$245,000 FOR THE NORTH AVENUE AND EIGHTH STREET PROJECTS 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. \$245,000 is hereby appropriated, \$175,000 of which will be funded from a State of New Jersey Department of Transportation Local Aid Grant for the paving of North Avenue and \$70,000 of which will be funded from a State of New Jersey Department of Transportation Discretionary Grant for the paving of Eighth Street, including all related work and materials necessary therefor and incidental thereto, in and by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough").

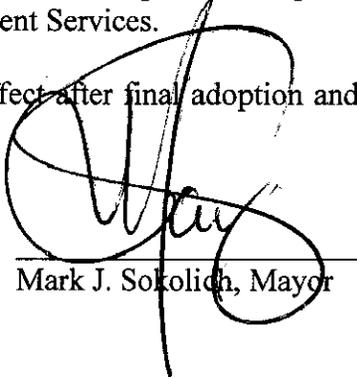
Section 2. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent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

Neil Grant

Neil Grant
Borough Clerk



Mark J. Sokolich, Mayor

Introduced	<u>J. CURVINS</u>	Date of Introduction	<u>February 11, 2010</u>
Seconded	<u>M. SARGENT</u>	Public Hearing	<u>March 11, 2010</u>
		Date of Adoption	<u>March 11, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-7

AN ORDINANCE AMENDING CHAPTER 388 VEHICLES AND TRAFFIC, ARTICLE V SCHEDULES, SECTION 67 SCHEDULE XXI PARKING PROHIBITED CERTAIN TIMES DURING WINTER MONTHS, AND SECTION 68 SCHEDULE XXII PARKING PROHIBITED WHEN ROAD IS SNOW COVERED, OF THE CODE OF THE BOROUGH OF FORT LEE

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 388 Vehicles and Traffic, Article V Schedules, Section 67 Schedule XXI, and Section 68 Schedule XXII of the Code of the Borough of Fort Lee, are hereby amended as follows:

Section 1. That the current text of Borough Ordinance 388-67 Schedule XXI Parking Prohibited Certain Times During Winter Months, sections of the following streets are hereby removed:

Linwood Avenue from Main Street to State Highway

Route 9W

Hudson Terrace from Main Street to Englewood

Cliffs line at 0.09 miles North of

Washington Avenue

Section 2. That the current text of Borough Ordinance 388-68 Schedule XXII Parking Prohibited When Road is Snow Covered is amended to add sections of the following streets:

Linwood Avenue from Main Street to State Highway

Route 9W

Hudson Terrace from Main Street to Englewood

Cliffs line at 0.09 miles North of

Washington Avenue

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

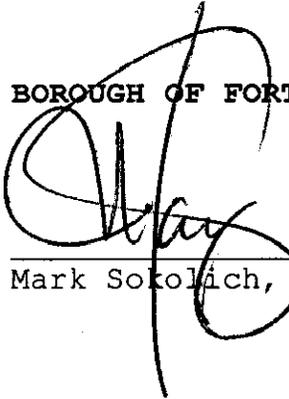
Section 4. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

Neil Grant

Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark Sokolich, Mayor

Introduced	N. SUMNER	Date of Introduction	February 18, 2010
Seconded	A. P. HANN	Public Hearing	March 11, 2010
		Date of Adoption	March 11, 2010

BOROUGH OF FORT LEE

ORDINANCE # 2010-8

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 410, "ZONING," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE CONCERNING AN AMENDMENT TO THE REGULATIONS OF THE R-7A MID-RISE RESIDENTIAL ZONE AND THE CREATION OF A NEW R-7B MULTIFAMILY HIGH-RISE AFFORDABLE ZONE.

WHEREAS, the Mayor and Council of the Borough of Fort Lee created the R-7A Zone by Ordinance No. 2005-24 on July 21, 2005 for the purpose of encouraging private redevelopment of certain properties in the eastern portion of its downtown; and

WHEREAS, the Borough of Fort Lee is empowered pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. to provide for the construction of low and moderate income housing; and

WHEREAS, the Borough of Fort Lee believes that it is in its best interests to encourage and support affordable housing, as part of the Borough's obligation to comply with the New Jersey Council on Affordable Housing's requirements for affordable housing provision, and in recognition that additional affordable housing obligations will arise as a result of increased development in the Borough of Fort Lee; and

WHEREAS, it is recognized that the Reexamination of the Master Plan and Development Regulations adopted by the Planning Board in June 2004 encouraged residential redevelopment on suitable sites by way of higher-density housing and intensive residential development in the R-7A Zone; and

WHEREAS, the Borough of Fort Lee has been presented with a specific opportunity on the "Action Motors Site" (Block 4355, Lot 17, Lot 18 and Lot 19, and a portion of Lot 13 to be dedicated by a right of access agreement to the contract purchaser) within the existing R-7A Zone, to create a significant number of new affordable units; and

WHEREAS, the existing height and density requirements for multifamily affordable development on parcels greater than one-half acre in area within the existing R-7A Zone as contained in Chapter 410, "Zoning," of the Revised General Ordinances of the Borough of Fort Lee, do not provide sufficient incentive to allow the proposed affordable development on the Action Motors Site; and

WHEREAS, an amendment to Chapter 410, "Zoning" is necessary to remove the requirements from § 410-84.D(6) Affordable multifamily apartments – for lots 21,780 square feet or greater in area from the R-7A Zone; and

WHEREAS, in order to permit multifamily high-rise affordable housing development of the height and density required on the Action Motors Site, the Borough proposes creation of ARTICLE XIX-A R-7B Multifamily High-Rise Affordable Zone,

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

Section I. Chapter 410, "Zoning," of the General Ordinances of the Borough of Fort Lee is hereby amended by removing the following section of Chapter 410 with the text below.

§ 410-84. District criteria.

D. Bulk standards:

- (6) Affordable multifamily apartments – for lots 21,780 square feet or greater in area:
 - (a) Minimum lot width: 100 feet.
 - (b) Minimum lot depth: 100 feet.
 - (c) Minimum front yard: 5 feet.
 - (d) Minimum side yard: 5 feet.
 - (e) Minimum rear yard: 0 feet.
 - (f) Maximum building height: 80 feet/8 stories, measured from the elevation of intersecting center lines of Kaufer Lane and Cedar Street.
 - (g) Maximum density: 120 dwelling units/acre.
 - (h) Maximum lot coverage: 80%.

Section II. Chapter 410, "Zoning," of the General Ordinances of the Borough of Fort Lee is hereby supplemented by adding the following sections of Chapter 410 with the text below.

ARTICLE XIX-A R-7B Multifamily High-Rise Affordable Zone

§ 410-84.1. District criteria.

A. Principal permitted uses:

- (1) Multifamily high-rise affordable development. Said development shall consist of 140 total units, of which 90 units shall be affordable dwelling units. All affordable dwelling units shall be restricted to occupancy by low-income and/or moderate-income households in accordance with the applicable COAH requirements.

B. Permitted accessory uses:

- (1) Private garages and off-street parking subject to Article X.
- (2) Private swimming pools subject to § 410-35A(2).
- (3) Signs.
- (4) Professional offices as provided in § 410-35A(3).
- (5) Greenhouses subject to § 410-35A.
- (6) Other accessory uses customarily incidental to a permitted principal use.

C. Permitted conditional uses: none.

D. Bulk standards:

- (1) Multifamily high-rise affordable apartments – for lots 21,780 square feet or greater in area:
 - (a) Minimum lot width: 100 feet.
 - (b) Minimum lot depth: 100 feet.
 - (c) Minimum front yard: 5 feet.
 - (d) Minimum side yard: 5 feet.
 - (e) Minimum rear yard: 0 feet.
 - (f) Maximum building height: 170 feet/16 stories, measured from the elevation of intersecting center lines of Kaufer Lane and Cedar Street.
 - (g) Maximum lot coverage: 80%.

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

Section IV. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be determined to govern. All other parts, portions and provisions of Chapter 410 of the Revised General Ordinances of the Borough of Fort Lee are hereby ratified and confirmed, except where inconsistent with the terms hereof.

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

Section VI. A certified copy of the Ordinance upon introduction and adoption and any accompanying explanatory resolution shall be sent to the Bergen County Planning Board along with any explanatory resolution.

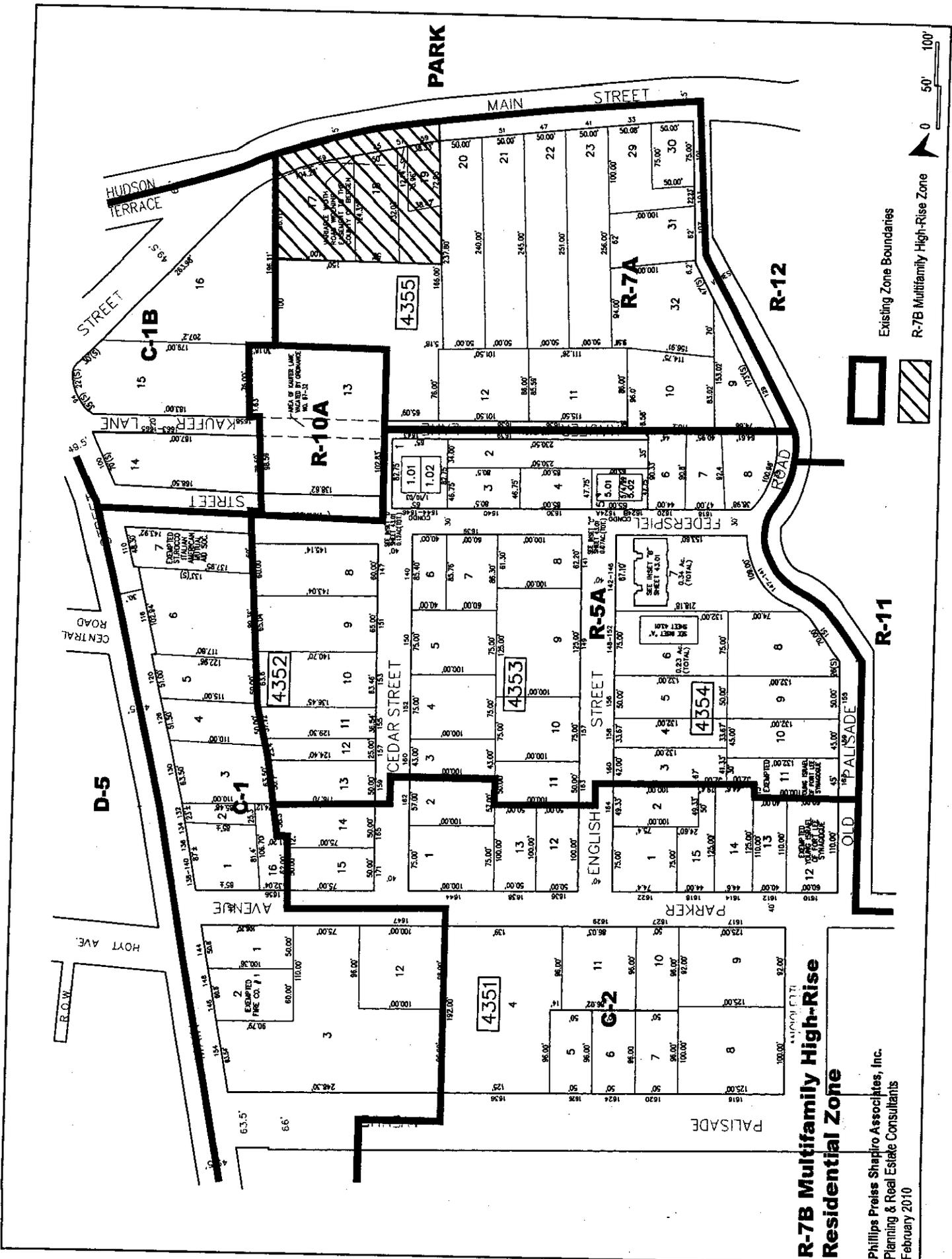
Attest:

Neil Grant

Neil Grant
Borough Clerk

[Handwritten Signature]

Mark J. Sokolich, Mayor



R-7B Multifamily High-Rise Residential Zone

Phillips Preiss Shapiro Associates, Inc.
 Planning & Real Estate Consultants
 February 2010



Introduced	<u>A. FOWNA</u>	Date of Introduction	<u>March 11, 2010</u>
Seconded	<u>H. SCHMIDT</u>	Public Hearing	<u>April 15, 2010</u>
		Date of Adoption	<u>April 15, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-9

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

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

Section 1. That the current text of Borough Ordinance 388-37 Parking Prohibited When Road Is Snow Covered is hereby replaced with the following:

"Whenever snow has fallen and the accumulation is such that it covers the street or highway, an emergency shall exist and no vehicle shall be parked on the streets or portions of streets as described in Schedules XXI and XXII, attached to and made a part of this chapter, provided that such streets are properly posted with NO PARKING WHEN ROAD IS SNOW COVERED signs. The above parking prohibitions shall remain in effect after the snow has ceased until the streets have been plowed sufficiently and to the extent that parking will not interfere with the normal flow of traffic."

Section 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. Sekulich

Mark J. Sekulich, Mayor

Introduced	<u>A Penn</u>	Date of Introduction	<u>March 11, 2010</u>
Seconded	<u>J. Gelabine</u>	Public Hearing	<u>April 15, 2010</u>
		Date of Adoption	<u>April 15, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-10

CALENDAR YEAR 2010

**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 0.0% 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 2010 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 3.5% increase in the budget for said year, amounting to \$1,760,150.81 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,

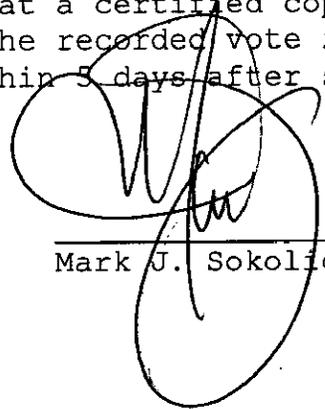
NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Fort Lee, in the County of Bergen, a majority of

the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 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 \$1,760,150.81, and that the CY 2010 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,

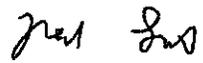
BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

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.



Mark J. Sokolich, Mayor

Attest:



Neil Grant
Borough Clerk

Introduced	<u>J. Cervieri</u>	Date of Introduction	<u>March 18, 2010</u>
Seconded	<u>I. Kaschsky</u>	Public Hearing	<u>April 15, 2010</u>
		Date of Adoption	<u>April 15, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-11

AN ORDINANCE GRANTING MUNICIPAL CONSENT TO THE RENEWAL OF A FRANCHISE TO TIME WARNER ENTERTAINMENT COMPANY, L.P. TO CONTINUE TO CONSTRUCT, OWN, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN AND FOR THE BOROUGH OF FORT LEE, COUNTY OF BERGEN, STATE OF NEW JERSEY

WHEREAS, on or about June 21, 1979, the Borough of Fort Lee (sometimes the "Borough" or "Fort Lee") granted its municipal consent for a non-exclusive franchise to Vision Cable Television Company (hereinafter "Vision Cable"), to own, operate and maintain a cable television system ("System") within the Borough of Fort Lee, County of Bergen, State of New Jersey; and

WHEREAS, on or about October 13, 1988, the Borough renewed Vision Cable's Municipal Consent to continue to own, operate and maintain the System in the Borough; and

WHEREAS, on or about March 13, 1995, in Docket No. CM94110531 the New Jersey Board of Public Utilities ("Board") approved the transfer of the System from Vision Cable to Time Warner Entertainment-Advance/Newhouse Partnership ("TWE-A/N"); and

WHEREAS, on or about January 31, 2001, in Docket No. CM00080556, the Board approved the transfer of the System from TWE-A/N to TWFanch-one Co., d/b/a/ Time Warner Cable ("Fanch"); and

WHEREAS, on or about December 17, 2009, in Docket No. CM09080719, the Board approved the internal merger of Fanch with and into Time Warner Entertainment Company, L.P., ("Time Warner Cable"); and

WHEREAS, in accordance with Ordinance No. 88-44, adopted October 13, 1988, the renewal of Vision Cable's Municipal Consent to continue to own, operate and maintain the System in the Borough was for a term of fifteen (15) years from October 9, 1989 and thereafter, Time Warner Cable was entitled to an automatic renewal for ten (10) years; and

WHEREAS, on or about October 13, 2003, Time Warner Cable advised the Borough of its intent to exercise the automatic renewal of said franchise to which it was entitled; and

WHEREAS, the Borough has requested that Time Warner Cable agree to provide to the Borough a grant for use in connection with a studio at Fort Lee High School; and

WHEREAS, Time Warner Cable has agreed to continue to provide access time for non-commercial public, educational and governmental ("PEG") use on a PEG channel (to be shared with other municipalities in the Time Warner Cable New Jersey system); and

WHEREAS, Time Warner Cable has agreed to pay to the Borough an aggregate amount of seventy-five thousand dollars (\$75,000), payable over the ten years of franchise term in annual payments of seventy-five (\$7,500); and

WHEREAS, the Borough has determined that Time Warner Cable possesses the necessary legal, technical, financial and other qualifications to support this renewal of the franchise and that such renewal will be beneficial to the residents of the Borough subject to the terms and conditions set forth herein; and

WHEREAS, due to the long period of time to which this matter has been pending without any formal approval, the Office of Cable Television within the Board, has directed Time Warner Cable to file an automatic renewal petition with the Board, which petition is currently pending; and

WHEREAS, Time Warner Cable and the Borough have agreed to renew Time Warner Cable's franchise under terms and conditions different than those set forth in the Borough's Ordinance No. 88-44; and

WHEREAS, said terms and conditions of renewal are as set forth herein; and

WHEREAS, following acceptance by Time Warner Cable of the terms and conditions of renewal as set forth herein, Time Warner Cable will withdraw its automatic renewal petition with the Board and file a new petition seeking issuance of a Renewal Certificate of Approval based upon the terms and conditions set forth in this Ordinance;

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

1. **INTRODUCTORY PROVISIONS/PURPOSE OF THE ORDINANCE/APPLICATION**

The Borough hereby grants to the Company its non-exclusive consent to place in, upon, along, across, above, over and under the highways, streets, alleys, sidewalks, public ways, and public places in the Borough poles, wires, cables, underground conduits, manholes and other conductors and fixtures necessary for the maintenance and operation in the Borough of a cable television system.

All of the written commitments contained in the Application for Renewal of a Certificate of Approval filed on February 9, 2010 ("Application") by the Company with the Board, and any amendments thereto, except as modified herein, are to be considered binding upon the Company as the current terms and conditions of this municipal consent, subject to change in the ordinary course of business. Said Application shall be made a part hereof by reference thereto, subject to

the limitations set forth herein and except to the extent that same may conflict with State or federal law.

2. DEFINITIONS

For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions given under federal law, including but not limited to those of the Federal Communications Commission, FCC Rules and Regulations 47 C.F.R. Subsection 76.1 et seq., and the Communications Act of 1934 at 47 U.S.C. §521 et seq., as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 et seq. and shall in no way be construed to broaden, alter or conflict with federal or state definitions:

- (a) "Board" is the New Jersey Board of Public Utilities.
- (b) "Borough" is the Borough of Fort Lee, County of Bergen, State of New Jersey.
- (c) "OCTV" is the Office of Cable Television within the Board of Public Utilities.
- (d) "Time Warner Cable" or "Company" is the grantee of rights under this ordinance and is known as Time Warner Cable of New York and New Jersey.
- (e) "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendment thereto, Section 48:5A-1 et seq.

3. STATEMENT OF FINDINGS

The Borough hereby finds the Company possesses the necessary legal, technical, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

4. DURATION OF FRANCHISE

The consent herein granted shall be for a term of ten (10) years beginning on the date of issuance by the Board of a Renewal Certificate of Approval based on the terms and conditions of this municipal consent ordinance.

5. FRANCHISE FEE

Pursuant to the terms and conditions of the Cable Television Act, the Company shall, during each year of operation under the consent granted herein, pay to the Borough two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service, as set forth under N.J.S.A. 48:5A-3e, in the Borough, or such other amount as established under the Act, where applicable.

6. TERRITORY

The consent granted herein to the Company shall apply to the entirety of the Borough and any property hereafter annexed by the Borough by law.

7. EXTENSION OF SERVICE

The primary service area shall consist of all public residential streets within the Borough existing as of the date of this Ordinance and over which Time Warner Cable currently maintains cable plant, as set forth on a map supplied by Time Warner Cable to the Borough with its Application. Unserved residential and commercial areas along existing public streets and rights-of-way, as indicated on the map supplied by Time Warner Cable with its Application, and new residential or commercial public streets shall be governed by Time Warner Cable's line extension policy.

8. CONSTRUCTION REQUIREMENTS

Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces in the natural topography, the Company shall at its sole expense restore and replace such places or things so disturbed in as good condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Borough shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Borough, shall remove, re-lay and relocate its equipment, at the expense of the Company.

Temporary Removal of Cables: The Company shall temporarily move or remove appropriate parts of its facilities to allow for the moving of buildings, and machinery, or in other similar circumstances. The expense shall be borne by the party requesting such action, except when requested by the Borough, in which case the Company shall bear the cost (provided, however, that other users of the rights-of-way in the Borough bear such costs under similar circumstances).

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires and cables of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

9. LOCAL OFFICE

During the term of this franchise, and any renewal thereof, the Company shall maintain a local business office (or agent) within its New Jersey cable system, for the purpose of receiving, investigating and resolving all complaints regarding the quality of service, equipment

malfunctions and similar matters. Such local business office shall be open during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday.

10. MUNICIPAL COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the complaint officer for the Borough, pursuant to N.J.S.A. 48:5A-26(b) and amendments thereto.

All complaints shall be received and processed in accordance with N.J.A.C. 14:17- 6.5 and amendments thereto.

11. PERFORMANCE BOND

During the franchise, the Company shall provide a surety bond to the Borough, which bond shall be in the amount of \$25,000.00.

Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its Application for Municipal Consent.

12. ACCESS CHANNEL REQUIREMENTS

The Company shall continue to provide access time for non-commercial use to non-commercial public, educational and governmental ("PEG") entities on one PEG channel, such channel to be shared with other municipalities in the Time Warner Cable New Jersey system, as long as such channel is offered to and regularly utilized by a majority of such other municipalities.

13. PAYMENT FOR EQUIPMENT

The Company shall pay to the Borough an aggregate amount of seventy-five thousand dollars (\$75,000), payable over the ten year franchise term in ten annual payments of seven thousand five hundred dollars (\$7,500) each. The first such payment shall be due within thirty (30) days of the date of issuance by the BPU of a Renewal Certificate of Approval in this matter and the remaining nine (9) payments shall be due on or about the successive nine (9) anniversaries thereof. These payments shall be utilized by the Borough to purchase and maintain equipment for use by students of the Fort Lee School System as part of a multi-media studio to promote students' audio/video skills through the production of PEG programming.

14. RATES

The rates of the Company shall be subject to regulation as appropriate in accordance with federal and state law.

15. LIABILITY INSURANCE

The Company agrees to maintain and keep in full force and effect at its sole expense at all times during the term of this consent, sufficient liability insurance naming the Borough as an insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of \$1,000,000 for bodily injury or death to one person, and \$500,000 for property damage resulting from any one accident.

16. EMERGENCY USES

The Company shall be required to abide by applicable federal requirements regarding the Emergency Alert System (EAS). The Company shall in no way be held liable for any injury suffered by the Borough or any other person, during an emergency, if for any reason the Borough is unable to make full use of the EAS as contemplated herein.

17. FORCE MAJUERE

Notwithstanding any other provisions of this Ordinance, the Company shall not be liable for any delay in the performance of, or failure to perform, in whole or in part, its obligations pursuant to this Ordinance due to strike, unavailability of materials or equipment, war or act of war (whether an actual declaration of war is made or not), insurrection, riot, civil disturbance, sabotage or vandalism, customer tampering or interference, act of public enemy, accident, fire, flood or other events, to the extent that such causes or other events are beyond the control of Company.

18. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

19. MUNICIPAL LIABILITY

The Company shall hold the Municipality harmless for any liability arising out of the Company's operation and construction of its System.

20. SUBJECT TO LAW

This consent shall be subject to applicable state and federal law.

20. EFFECTIVE DATE

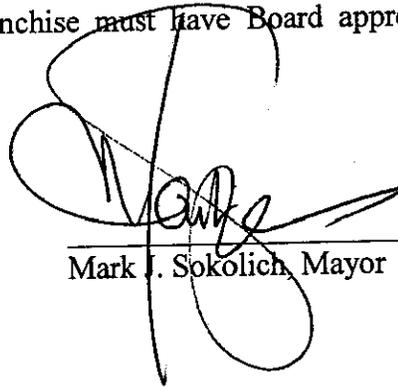
This Borough consent shall become effective as of the date upon which the Borough receives written notification that the Company accepts the terms and conditions herein.

21. NEW REGULATORY REGIME PROVISION

Company acknowledges that there is a law currently in effect in New Jersey authorizing cable television companies to elect to seek State-issued franchises. Company has chosen not to do so at this time but rather to seek a municipal ordinance that will be approved by the issuance of a Certificate of Approval by the Board. Nevertheless, should there be any change in local, state or federal law during the term of the Franchise which reduces the regulatory or economic burdens for persons desiring to construct, operate or maintain a cable system in the Borough, then, at Company's request, the Borough shall agree with Company to amend this Franchise to similarly reduce the regulatory or economic burdens on Company. All amendments must have Board approval to the extent required by applicable law. It is the intent of this section that, at Company's election, Company shall be subject to no more burdensome regulation or provided lesser benefits under this Franchise than any other persons that might provide cable service in the Borough.

22. LEVEL PLAYING FIELD

Any subsequent grant to another party by the Municipality of a cable franchise or other right to provide cable service in Fort Lee shall include overall equal requirements to those contained in this municipal consent ordinance and, in particular, shall include a requirement equal to that contained in Section 13 hereof. If the Borough grants a franchise to provide cable service to another operator which overall provides greater benefits or imposes lesser burdens than this Franchise overall, the Borough agrees to amend this Franchise to overall provide such benefits or lesser burdens. All amendments to this Franchise must have Board approval to the extent required by applicable law.



Mark J. Sokolich, Mayor

ATTEST:

Neil Grant

Neil Grant, Borough Clerk

Introduced	<u>J. CURVIERI</u>	Date of Introduction	<u>June 10, 2010</u>
Seconded	<u>H. SCHMIDT</u>	Public Hearing	<u>July 22, 2010</u>
		Date of Adoption	<u>July 22, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-12

**AN ORDINANCE ESTABLISHING SALARIES AND WAGES
FOR BLUE COLLAR EMPLOYEES FOR 2010-2012**

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

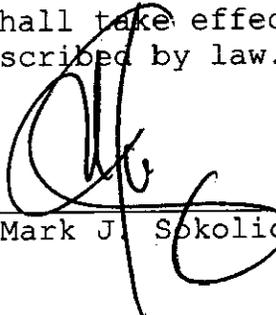
SECTION I: All employees covered by the **Blue Collar Bargaining Unit** shall receive salaries during the 2010, 2011, and 2012 as established by the Blue Collar Memorandum of Agreement for the years 2010 through 2012. (Schedule A, A-1, A-2, A-3, A-4, A-5, A-6, A-7 and A-8), which are attached hereto and made a part hereof.

SECTION II: This ordinance reflects the minimum salaries to be paid to current employees in said title, and does not necessary include the starting salary for any new employee hired after this ordinance is adopted.

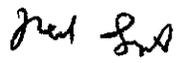
SECTION III: This ordinance shall supersede any other salary ordinance for members of the **Blue Collar Bargaining Unit**.

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

ATTEST:



Mark J. Sokolich, Mayor



Neil Grant
Borough Clerk

SCHEDULE A

BLUE COLLAR UNIT

2010 - 2012 TITLES FOR PRESENT EMPLOYEES

<u>GRADE</u>	<u>TITLE</u>
17	.....Heavy Equipment Operator/Supervisor of Special Projects
17	.....Supervising Mechanic
17	.....Roads Superintendent
17	.....Senior Maintenance Repair Electrician
16	.....Supervisor of Sewers
15	.....Supervisor of Buildings and Grounds
15	.....Senior Pump Station Attendant
15	.....Supervisor of Sewer Maintenance
15	.....Fire Signal System Repairer/Police Signal System Repairer
14	.....Communications Technician
14	.....Carpenter
14	.....Maintenance Repairer
14	.....Maintenance Repairer Carpenter
13	.....Heavy Equipment Operator
13	.....Mechanic
12	.....Motor Broom Driver
12	.....Senior Park Maintenance Worker
12X	.....Public Works Inspector
10	.....Truck Driver
10	.....Park Maintenance Worker
10	.....Pump Station Attendant
9	.....Laborer
9	.....Communications Operator
9	.....Fire and Ambulance Dispatcher
7	.....Radio Dispatcher
6	.....Building Maintenance Worker
5	.....Sanitation Worker

Together with all present or future titles which are considered to be Blue Collar titles when there comes a time for promotion into a title which does not exist on the schedule, the parties should agree upon a grade into which the title should be placed and the person should be paid accordingly once the blue collar salary ordinance is appropriately amended to reflect such change.

EMPLOYEES HIRED BEFORE 1998
 SCHEDULE A-1
 BLUE COLLAR SALARY PLAN
 JANUARY 1, 2010 - DECEMBER 31, 2010

GRADE	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	1.02
5	45,119	46,653	48,182	49,709	51,243	52,779	55,077	
6	46,834	48,646	50,461	52,410	54,362	57,078	60,599	
7	48,609	50,493	52,382	54,407	56,057	59,557	62,941	
8	50,460	52,410	54,362	56,467	58,577	60,805	63,948	
9	53,084	54,407	56,428	58,614	60,798	63,108	66,371	
10	54,212	56,467	58,577	60,844	62,957	64,682	67,206	
11	56,428	58,614	60,798	64,398	67,853	70,632	74,328	
12	58,576	60,844	63,108	66,848	70,584	73,316	77,138	
13	60,798	63,153	65,516	69,392	73,271	75,960	79,790	
14	63,106	65,554	68,368	72,021	76,044	78,989	83,120	
15	65,518	68,053	70,392	74,761	77,543	79,044	85,566	
16	67,996	70,632	73,271	76,105	78,938	81,996	86,278	
17	70,584	73,928	77,076	80,607	83,943	87,282	91,924	

EMPLOYEES HIRED BEFORE 1998
 SCHEDULE A-2
 BLUE COLLAR SALARY PLAN
 JANUARY 1, 2011 - DECEMBER 31, 2011

GRADE	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	1.02
5	46,021	47,586	49,145	50,703	52,268	53,834	56,178	
6	47,771	49,619	51,471	53,458	55,449	58,220	61,811	
7	49,581	51,503	53,430	55,495	57,178	60,748	64,200	
8	51,470	53,458	55,449	57,597	59,748	62,021	65,227	
9	54,146	55,495	57,557	59,787	62,014	64,371	67,699	
10	55,296	57,597	59,748	62,061	64,217	65,976	68,550	
11	57,557	59,787	62,014	65,686	69,211	72,045	75,815	
12	59,747	62,061	64,371	68,185	71,996	74,782	78,680	
13	62,014	64,416	66,826	70,779	74,736	77,480	81,385	
14	64,369	66,865	69,735	73,462	77,565	80,569	84,782	
15	66,828	69,414	71,800	76,256	79,094	80,625	87,277	
16	69,356	72,045	74,736	77,627	80,517	83,636	88,003	
17	71,996	75,406	78,618	82,219	85,622	89,028	93,763	

EMPLOYEES HIRED BEFORE 1998
SCHEDULE A-3
BLUE COLLAR SALARY PLAN
JANUARY 1, 2012 - JUNE 30, 2012

GRADE	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	
								1.02
5	46,941	48,538	50,128	51,717	53,313	54,911	57,302	
6	48,726	50,611	52,500	54,527	56,558	59,384	63,047	
7	50,573	52,533	54,498	56,605	58,322	61,963	65,484	
8	52,499	54,527	56,558	58,748	60,943	63,262	66,531	
9	55,228	56,605	58,708	60,982	63,254	65,658	69,053	
10	56,402	58,748	60,943	63,302	65,501	67,295	69,921	
11	58,708	60,982	63,254	66,999	70,595	73,485	77,331	
12	60,942	63,302	65,658	69,548	73,436	76,278	80,254	
13	63,254	65,705	68,162	72,195	76,231	79,029	83,013	
14	65,656	68,203	71,130	74,931	79,116	82,180	86,478	
15	68,165	70,803	73,236	77,781	80,676	82,237	89,023	
16	70,743	73,485	76,231	79,180	82,127	85,308	89,763	
17	73,436	76,914	80,190	83,863	87,334	90,809	95,638	

EMPLOYEES HIRED BEFORE 1998
 SCHEDULE A-4
 BLUE COLLAR SALARY PLAN
 JULY 1, 2012 - DECEMBER 31, 2012

	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	
								1.01
5	47,411	49,023	50,630	52,234	53,846	55,460	57,875	
6	49,214	51,117	53,025	55,072	57,124	59,978	63,678	
7	51,079	53,058	55,043	57,171	58,905	62,583	66,139	
8	53,024	55,072	57,124	59,336	61,552	63,894	67,197	
9	55,781	57,171	59,295	61,592	63,887	66,315	69,743	
10	56,966	59,336	61,552	63,935	66,156	67,968	70,620	
11	59,295	61,592	63,887	67,669	71,301	74,220	78,105	
12	61,551	63,935	66,315	70,244	74,170	77,040	81,056	
13	63,887	66,362	68,844	72,917	76,993	79,820	83,843	
14	66,312	68,885	71,841	75,680	79,907	83,002	87,343	
15	68,846	71,511	73,968	78,559	81,483	83,060	89,913	
16	71,451	74,220	76,993	79,972	82,948	86,161	90,661	
17	74,170	77,683	80,992	84,702	88,208	91,717	96,595	

EMPLOYEES HIRED AFTER 1998
 SCHEDULE A-5
 BLUE COLLAR SALARY PLAN
 JANUARY 1, 2010 - DECEMBER 31, 2010

GRADE	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	1.02
5	31,517	35,145	38,773	42,401	46,030	49,658	53,286	
6	33,380	37,916	42,453	46,991	51,528	56,065	60,602	
7	35,242	39,859	44,476	49,094	53,711	58,328	62,945	
8	37,105	41,577	46,050	50,523	54,995	59,468	63,941	
9	38,966	43,534	48,101	52,668	57,235	61,802	66,369	
10	40,686	45,105	49,526	53,946	58,366	62,786	67,207	
11	42,404	47,725	53,044	58,363	63,684	69,003	74,323	
12	44,112	49,617	55,122	60,627	66,132	71,637	77,141	
13	45,844	51,503	57,162	62,821	68,480	74,139	79,798	
14	47,562	53,488	59,413	65,338	71,263	77,189	83,115	
15	49,282	55,330	61,376	67,424	73,472	79,518	85,566	
16	51,000	56,879	62,758	68,637	74,515	80,394	86,273	
17	52,719	59,291	65,862	72,434	79,006	85,578	92,149	

EMPLOYEES HIRED AFTER 1998
SCHEDULE A-6
BLUE COLLAR SALARY PLAN
JANUARY 1, 2011 - DECEMBER 31, 2011

GRADE	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	
								1.02
5	32,147	35,848	39,549	43,249	46,950	50,651	54,352	
6	34,047	38,675	43,302	47,931	52,559	57,187	61,814	
7	35,947	40,656	45,366	50,075	54,785	59,494	64,204	
8	37,847	42,409	46,971	51,533	56,095	60,657	65,220	
9	39,745	44,404	49,063	53,721	58,380	63,038	67,697	
10	41,499	46,008	50,517	55,025	59,534	64,042	68,551	
11	43,253	48,679	54,105	59,531	64,957	70,383	75,810	
12	44,994	50,609	56,224	61,839	67,454	73,069	78,683	
13	46,761	52,533	58,305	64,077	69,849	75,621	81,394	
14	48,513	54,558	60,601	66,645	72,689	78,732	84,777	
15	50,268	56,436	62,604	68,773	74,941	81,109	87,277	
16	52,020	58,017	64,013	70,010	76,005	82,002	87,998	
17	53,773	60,476	67,180	73,883	80,586	87,290	93,992	

EMPLOYEES HIRED AFTER 1998
 SCHEDULE A-7
 BLUE COLLAR SALARY PLAN
 JANUARY 1, 2012 - JUNE 30, 2012

GRADE	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	1.02
5	32,790	36,565	40,340	44,114	47,889	51,664	55,439	
6	34,728	39,448	44,169	48,890	53,610	58,330	63,051	
7	36,666	41,469	46,273	51,077	55,881	60,684	65,488	
8	38,604	43,257	47,910	52,564	57,217	61,871	66,524	
9	40,540	45,292	50,044	54,795	59,548	64,299	69,051	
10	42,329	46,928	51,527	56,125	60,724	65,323	69,922	
11	44,118	49,653	55,187	60,721	66,257	71,791	77,326	
12	45,894	51,621	57,349	63,076	68,803	74,531	80,257	
13	47,696	53,584	59,471	65,359	71,246	77,134	83,021	
14	49,483	55,649	61,813	67,978	74,142	80,307	86,473	
15	51,273	57,565	63,856	70,148	76,440	82,731	89,023	
16	53,060	59,177	65,293	71,410	77,525	83,642	89,758	
17	54,849	61,686	68,523	75,361	82,198	89,035	95,872	

EMPLOYEES HIRED AFTER 1998
 SCHEDULE A-8
 BLUE COLLAR SALARY PLAN
 JULY 1, 2012 - DECEMBER 31, 2012

GRADE	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	
								1.01
5	33,118	36,931	40,743	44,556	48,368	52,180	55,993	
6	35,075	39,843	44,610	49,379	54,146	58,914	63,681	
7	37,032	41,884	46,736	51,588	56,440	61,291	66,143	
8	38,990	43,690	48,389	53,089	57,789	62,489	67,189	
9	40,946	45,745	50,545	55,343	60,143	64,942	69,741	
10	42,753	47,397	52,042	56,686	61,332	65,976	70,621	
11	44,559	50,149	55,739	61,328	66,919	72,509	78,099	
12	46,353	52,138	57,922	63,707	69,491	75,276	81,060	
13	48,173	54,119	60,066	66,012	71,959	77,905	83,852	
14	49,978	56,205	62,431	68,658	74,884	81,110	87,337	
15	51,786	58,141	64,495	70,849	77,204	83,558	89,913	
16	53,591	59,769	65,946	72,124	78,301	84,479	90,656	
17	55,397	62,303	69,208	76,114	83,020	89,926	96,830	

Introduced	<u>J. CERVIERO</u>	Date of Introduction	<u>May 13, 2010</u>
		Public Hearing	<u>June 10, 2010</u>
Seconded	<u>I. KASOFSKY</u>	Motion to Postpone:	<u>July 22, 2010</u>
		Date of Adoption	<u>July 22, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-13

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.

- viii. **"Green building strategies"** means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

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 2 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 alterations, reconstruction, renovations and additions to existing structures to be used for non-residential purposes.
- iii. Non-residential developments shall be exempt from the payment of nonresidential 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.
- iv. A developer of a non-residential development exempted from the nonresidential 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.
- v. 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 nonresidential 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.

Introduced	<u>H. Sommer</u>	Date of Introduction	<u>May 13, 2010</u>
Seconded	<u>J. Convisari</u>	Public Hearing	<u>June 10, 2010</u>
		Date of Adoption	<u>June 10, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-14

AN ORDINANCE AMENDING CHAPTER 388 VEHICLES AND TRAFFIC, ARTICLE II PARKING, SECTION 16 PARKING SPACES TO BE NOT LESS THAN 12 FEET, 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 II Parking, Section 16 Parking Spaces to Be Not Less Than 12 Feet, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That the current title of Borough Ordinance 388-16 Parking Spaces to Be Not Less Than 12 Feet, is hereby replaced with the following:

Parking Spaces to Be Not Less Than 18 Feet

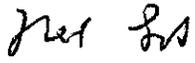
Section 2. That the current text of Borough Ordinance 388-16 is hereby replaced with the following:

All street parking spaces within the Borough of Fort Lee shall be at least 18 feet in length. The Parking Authority of the Borough be and is hereby authorized and directed to designate, by yellow paint along the curbside, all portions of thoroughfares that are less than 18 feet in length and that are deemed "no parking zones." Any person found to have parked in a zone determined to be a no parking zone as the result of the yellow curbing shall be subject to all of the penalties set forth in this chapter.

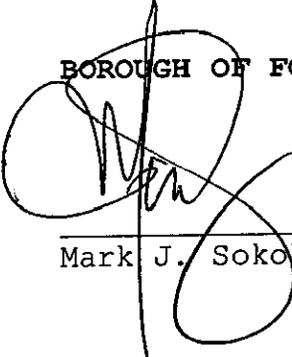
Section 3. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

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>J. CURVIERI</u>	Date of Introduction	<u>June 10, 2010</u>
Seconded	<u>H. SCHMUR</u>	Public Hearing	<u>July 22, 2010</u>
		Date of Adoption	<u>July 22, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-15

AN ORDINANCE ESTABLISHING SALARIES AND WAGES FOR WHITE COLLAR EMPLOYEES FOR 2010-2012

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

SECTION I: All employees covered by the **White Collar Bargaining Unit** (Schedule A), shall receive salaries for 2010, 2011 and 2012 as established by the Department Head Memorandum of Agreement for the years 2010, 2011 and 2012, which is attached hereto and made a part hereof.

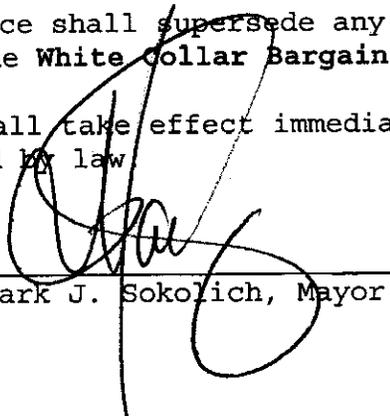
SECTION II: This ordinance reflects the minimum salaries to be paid to current employees in said title, and does not necessary include the starting salary for any new employee hired after this ordinance is adopted.

SECTION III: All salary increases for 2010-2012 reflect a two percent (2%) salary increase for 2010 and 2011. A salary increase of (2%) for January 2012 will also be given with an additional (1%) increase beginning July 1, 2012. The ordinance reflects what each position will be paid minimally as of January 1, 2010, January 1, 2011, January 1, 2012 and July 1, 2012, as well as the individual employees pay, as they may appear.

SECTION IV: This ordinance shall supersede any other previous salary ordinance for members of the **White Collar Bargaining Unit**.

SECTION V: This ordinance shall take effect immediately upon passage and publication prescribed by law

Attest:



 Mark J. Sokolich, Mayor



 Neil Grant, Borough Clerk

WHITE COLLAR UNIT (Schedule A)

JANUARY 1, 2010 - DECEMBER 31, 2010

<u>TITLE</u>	<u>2010</u> <u>Minimum</u>	<u>2011</u> <u>Minimum</u>	<u>2012</u> <u>Minimum</u> Jan-June	<u>2012</u> <u>Minimum</u> July-Dec
Clerk Typist	27,000	27,540	28,091	28,372
Senior Clerk Typist	30,655	31,268	31,893	32,212
Principal Clerk Typist	39,174	39,957	40,757	41,164
Public Health Nurse	43,536	44,407	45,295	45,748
Fire Prevention Specialist	42,716	43,570	44,441	44,886
Code Enforcement Officer	37,093	37,385	38,592	38,979

<u>TITLE</u>	<u>2010</u>	<u>2011</u>	<u>2012</u> Jan-June	<u>2012</u> July-Dec
Principal Clerk Typist/ Bilingual Spanish & English	46,488	47,417	48,366	48,849
Principal Bookkeeping Machine Operator	53,604	54,676	55,770	56,327
Supervising Tax Clerk	43,712	44,586	45,478	45,933
Administrative Secretary	63,230	64,494	65,784	66,442
Deputy Municipal Court Administrator	58,789	59,964	61,164	61,775
Assistant Court Administrator	56,813	57,949	59,108	59,699
Supervising Accounting Clerk	54,197	55,281	56,386	56,950
Senior Police Records Clerk	58,774	59,950	61,149	61,760
Housing Inspector/Inspect. of Hotels & Multiple Dwellings	68,548	69,919	71,317	72,031

Building Inspector	90,609	92,421	94,269	95,212
Environmental Health Specialist	82,651	84,304	85,990	86,850
Registrar of Vital Statistics/Board Secretary	55,157	56,260	57,385	57,959
Deputy Registrar of Vital Statistics	32,141	32,784	33,440	33,774
Registered Environmental Health Specialist/Public Health Korean and English	61,903	63,141	64,404	65,048
Sanitary Inspector	44,739	45,634	46,547	47,012
Assistant Health Officer	86,783	88,518	90,289	91,192
Fire Protection Specialist/ Fire Protection Inspector	65,737	67,052	68,393	69,077
Building Service Worker	23,803	24,279	24,764	25,012
Recreation Supervisor	29,867	30,464	31,073	31,384
Cook	35,800	36,516	37,246	37,619
Supervising Clerk Typist	62,803	64,060	65,341	65,994
Claims Examiner, Workers Compensation, Typist	45,804	46,720	47,655	48,131
Senior Clerk Typist/ Planning Administrator	56,433	57,561	58,712	59,300
Senior Tax Clerk Typing/ Deputy Treasurer	60,669	61,882	63,120	63,751
Recreation Program Specialist	41,079	41,901	42,739	43,166
Inventory Control Clerk	27,070	27,611	28,163	28,445
Deputy Chief Emergency Medical Technician	79,582	81,174	82,798	83,626
Assistant Borough Clerk	45,082	45,984	46,903	47,372

Electrical Sub-Code Official	59,731	60,926	62,144	62,766
Plumbing Sub-Code Official	49,295	50,280	51,286	51,799

WHITE COLLAR UNIT SALARY RANGE (Schedule A)

JANUARY 1, 2010 THROUGH DECEMBER 31, 2012

<u>TITLE</u>	<u>2010 THROUGH 2012</u>
Clerk Typist	25,000 to 60,000
Senior Clerk Typist	27,000 to 60,000
Principal Clerk Typist	28,000 to 75,000
Public Health Nurse	40,000 to 85,000
Fire Prevention Specialist	30,000 to 60,000
Code Enforcement Officer	30,000 to 65,000
Principal Clerk Typist/Bilingual Spanish and English	35,000 to 60,000
Principal Bookkeeping Machine Operator	30,000 to 75,000
Supervising Tax Clerk	30,000 to 65,000
Administrative Secretary	35,000 to 85,000
Deputy Municipal Court Administrator	45,000 to 95,000
Assistant Court Administrator	40,000 to 75,000
Supervising Account Clerk	45,000 to 75,000
Senior Police Records Clerk	50,000 to 70,000
Housing Inspector/Inspector of Hotels & Multiple Dwellings	40,000 to 90,000
Building Inspector	35,000 to 100,000
Environmental Health Specialist	40,000 to 95,000
Registrar of Vital Statistics/ Board Secretary	45,000 to 70,000
Deputy Registrar of Vital Statistics	30,000 to 45,000

Registered Environmental Health Specialist/Public Health Korean and English	45,000 to 80,000
Sanitary Inspector	35,000 to 60,000
Assistant Health Officer	45,000 to 100,000
Fire Protection Specialist/Fire Protection Inspector	45,000 to 100,000
Building Service Worker	20,000 to 40,000
Recreation Supervisor	25,000 to 65,000
Cook	25,000 to 45,000
Supervising Clerk Typist	30,000 to 85,000
Claims Examiner, Workers Compensation, Typist	35,000 to 70,000
Senior Clerk Typist/Planning Administrator	40,000 to 85,000
Senior Tax Clerk Typing/Deputy Treasurer	40,000 to 85,000
Recreation Program Specialist	25,000 to 65,000
Inventory Control Clerk	25,000 to 45,000
Deputy Chief Emergency Medical Technician	70,000 to 90,000
Assistant Borough Clerk	40,000 to 60,000
Electrical Sub-Code Official	50,000 to 70,000
Plumbing Sub-Code Official	45,000 to 60,000
Crossing Guards	\$15.00 to \$22.00 (Hourly)
Coordinator Motor Vehicle Repair	\$15.00 to \$22.00 (Hourly)
Nurse (P/T)	\$25.00 to \$50.00 (Hourly)
EMT'S	\$17.00 to \$30.00 (Hourly)

Introduced	<u>J. (SERVILLO)</u>	Date of Introduction	<u>June 10, 2010</u>
Seconded	<u>E. LEASOFSKY</u>	Public Hearing	<u>July 22, 2010</u>
		Date of Adoption	<u>July 22, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-16

AN ORDINANCE ESTABLISHING SALARIES AND WAGES FOR DEPARTMENT HEADS, BOROUGH ADMINISTRATOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER, TAX COLLECTOR, TREASURER, TAX ASSESSOR AND CERTAIN NON-UNION EMPLOYEES FOR 2010-2012

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

SECTION I: All employees covered by the **Department Head Bargaining Unit** (Schedule A), shall receive salaries for 2010, 2011 and 2012 as established by the Department Head Memorandum of Agreement for the years 2010, 2011 and 2012, which is attached hereto and made a part hereof.

SECTION II: All **Non-Union Personnel** listed in (Schedules B and C) shall receive salaries for 2010, 2011 and 2012 as outlined in (Schedules B & C), which is attached hereto and made a part hereof.

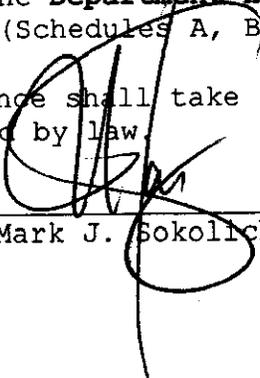
SECTION III: All salary increases for 2010-2012 reflect a two percent (2%) salary increase for 2010 and 2011. A salary increase of (2%) for January 2012 will also be given with an additional (1%) increase beginning July 1, 2012. In addition all employees listed in (Schedules A and B) receive additional compensation as negotiated per the Department Head Memorandum of Agreement.

SECTION IV: The Mayor and Council salaries for 2010-2012 remain unchanged.

SECTION V: This ordinance shall supersede any other previous salary ordinance for members of the **Department Head Bargaining Unit** and **Non-Union Personnel** as listed in (Schedules A, B) and C).

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

Attest:


 Mark J. Sokolich, Mayor


 Neil Grant, Borough Clerk

DEPARTMENT HEAD UNIT (Schedule A)

JANUARY 1, 2010 - DECEMBER 31, 2012

<u>TITLE</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2012</u>
			Jan-Jun	July-Dec
Director of Human Services	73,555	75,026	76,527	77,292
Fire Official/Fire Protection Sub-Code Official/Safety Officer	101,813	103,850	105,927	106,986
Police and Fire Signal System Superintendent	97,765	99,720	101,715	102,732
Construction Official/ Zoning Officer	120,500	122,910	125,368	126,622
Superintendent of Recreation/ Coordinator of Public Events	116,850	119,187	121,571	122,787
DPW/Parks Superintendent/ Buildings Superintendent/ Outreach Coordinator	126,790	129,326	131,912	133,232
Supervisor of Senior Citizen Activities	78,779	80,354	81,961	82,781
Certified Court Administrator	95,893	97,811	99,767	100,765
Administrator of Cultural & Heritage Affairs	70,094	71,496	72,926	73,655
Assistant Public Works Superintendent	122,000	124,440	126,929	128,198
Assistant Engineer	111,964	114,204	116,488	117,653
Health Officer	111,605	113,837	116,114	117,275

DEPARTMENT HEAD UNIT SALARY RANGE (Schedule A)

JANUARY 1, 2010 - DECEMBER 31, 2012

<u>TITLE</u>	<u>2010 through 2012</u>
Director of Human Services	60,000 to 90,000
Fire Official/Fire Protection Sub-Code Official/Safety Officer	80,000 to 120,000
Police and Fire Signal System Superintendent	75,000 to 115,000
Construction Official/ Zoning Officer	90,000 to 140,000
Superintendent of Recreation/ Coordinator of Public Events	85,000 to 135,000
DPW/Parks Superintendent/ Buildings Superintendent/ Outreach Coordinator	90,000 to 140,000
Supervisor of Senior Citizen Activities	65,000 to 90,000
Certified Municipal Court Administrator	75,000 to 115,000
Administrator of Cultural & Heritage Affairs	60,000 to 85,000
Assistant Public Works Superintendent	85,000 to 130,000
Assistant Engineer	80,000 to 125,000
Health Officer	80,000 to 125,000

NON-UNION PERSONNEL (Schedule B)

JANUARY 1, 2010 - DECEMBER 31, 2012

<u>TITLE</u>	<u>2010</u>	<u>2011</u>	<u>2012</u> Jan-June	<u>2012</u> July-Dec
Borough Administrator	175,736	179,251	182,836	184,664
Borough Clerk	118,215	120,579	122,991	124,221
Tax Assessor	100,578	102,590	104,641	105,688
Tax Collector/Treasurer Chief Financial Officer	128,518	131,088	133,710	135,047

NON-UNION PERSONNEL SALARY RANGE (Schedule B)

JANUARY 1, 2010 - DECEMBER 31, 2012

<u>TITLE</u>	<u>2010 through 2012</u>
Borough Administrator	150,000 - 185,000
Borough Clerk	95,000 - 135,000
Tax Assessor	80,000 - 115,000
Tax Collector/Treasurer Chief Financial Officer	105,000 - 145,000

NON-UNION PERSONNEL (Schedule C)

JANUARY 1, 2010 - DECEMBER 31, 2012 (As Indicated Below)

<u>PART-TIME ANNUAL</u>	<u>2010</u>	<u>2011</u>	<u>2012</u> Jan-June	<u>2012</u> July-Dec
Mayor	18,748	18,748	18,748	18,748
Council Members	12,499	12,499	12,499	12,499
Elevator Sub-Code Official	65,403	66,711	68,045	68,726
Physician	15,729	16,044	16,365	16,529
Rent Leveling Board Atty	17,500	---	---	---
	<u>Minimum</u>	<u>Minimum</u>	<u>Minimum</u>	<u>Minimum</u>
Municipal Court Judges	68,004	69,365	70,752	71,459

ALL TITLES

Hourly	\$5.15 - \$60.00
Per Diem	\$20.00 - \$150.00

NON-UNION PERSONNEL SALARY RANGE (Schedule C)

JANUARY 1, 2010 - DECEMBER 31, 2012

<u>TITLE</u>	<u>2010 through 2012</u>
Mayor	18,748 - 18,748
Council Members	12,499 - 12,499
Elevator Sub-Code Official	60,000 - 70,000
Physician	15,000 - 17,000
Rent Leveling Board Attorney	17,500 - 17,500

Introduced	<u>J. CURVELLI</u>	Date of Introduction	<u>June 10, 2010</u>
		Public Hearing	<u>July 22, 2010</u>
Seconded	<u>H. SOMMER</u>	Date of Adoption	<u>July 22, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-17

AN ORDINANCE AMENDING 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 388 Vehicles and Traffic, Article V Schedules, Section 43 Schedule I No Parking, of the Code of the Borough of Fort Lee, are hereby amended as follows:

Section 1. That the current text of Borough Ordinance 388-43, Schedule I No Parking, is hereby amended to add the following:

Cedar Street

- a. North From Parker Avenue extending 50 feet east
- b. South From Parker Avenue extending 50 feet east

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
Mark J. Sokolich, Mayor

Introduced	<u>J. CURVILLO</u>	Date of Introduction	<u>June 10, 2010</u>
Seconded	<u>M. SCHALLER</u>	Public Hearing	<u>July 22, 2010</u>
		Date of Adoption	<u>July 22, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-18

**AN ORDINANCE AMENDING CHAPTER 358 STORMWATER
MANAGEMENT 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 358 Stormwater Management of the Code of the Borough of Fort Lee, is hereby amended to add a new Section 13 as follows:

Section 1. That Borough Ordinance 358 shall be amended to add the following new Section 13:

Section 13. Private Storm Drain Inlet Retrofitting

A. Purpose

This ordinance requires the retrofitting of existing storm drain inlets that are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Borough so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

B. Definitions

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a

difference meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. Municipal separate storm sewer system (MS4) - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough or other public body, and is designed and sued for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

2. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

3. Storm drain inlet - an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

4. Waters of the State - means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

C. Prohibited Conduct

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or

2. Is retrofitted or replaced to meet the standard in Section D below prior to the completion of the project.

D. Design Standard

Storm drain inlets identified in Section C above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section D.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

3. This standard does not apply:

a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic

performance that could not practicably be over come by using additional or larger storm drain inlets that meet these standards;

b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

ii. A bar screen having a bar spacing of 0.5 inches.

c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:407.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

E. Enforcement

This ordinance shall be enforced by the Building Department of the Borough.

F. Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to such penalties as are provided in Section 11 of this Chapter 358 for each storm drain inlet that is not retrofitted to meet the design standard.

G. Severability

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

H. Effective Date

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

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

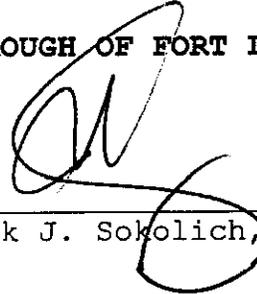
Section 3. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:



Neil Grant
Borough Clerk

BOROUGH OF FORT LEE



Mark J. Sokolich, Mayor

Introduced	<u>J. Cervino</u>	Date of Introduction	<u>June 10, 2010</u>
Seconded	<u>H. Schme</u>	Public Hearing	<u>July 22, 2010</u>
		Date of Adoption	<u>July 22, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-19

AN ORDINANCE AMENDING CHAPTER 356 SOLID WASTE, ARTICLE II, COLLECTION AND DISPOSAL OF GARBAGE, ASHES AND RUBBISH, OF THE CODE OF THE BOROUGH OF FORT LEE

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 356 Solid Waste, Article II Collection and Disposal of Garbage, Ashes and Rubbish, of the Code of the Borough of Fort Lee, is hereby amended to add a new Section 10A as follows:

Section 1. That Borough Ordinance 356 shall be amended to add the following new Section 10A:

Section 10A. Refuse Containers/Dumpsters

A. Purpose

This ordinance requires that dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough and/or the waters of the State so as to protect the public health, safety and welfare, and to prescribe penalties for the failure to comply.

B. Definitions

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a

difference meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. Municipal separate storm sewer system (MS4) - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

2. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

3. Refuse Container - any waste container that a person controls whether owned, leased or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

4. Stormwater - means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

5. Waters of the State - means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

C. Prohibited Conduct

any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all

times and shall prevent refuse from spilling out or overflowing. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough.

D. Exceptions to Prohibition:

1. Permitted temporary demolition containers
2. Litter receptacles (other than dumpsters or other bulk containers)
3. Individual homeowner trash and recycling containers
4. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
5. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

E. Enforcement

This ordinance shall be enforced by the Building Department of the Borough.

F. Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine as established in Chapter 1, Article III, Section 1-17.

G. Severability

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

H. Effective Date

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

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

Mark J. Sokolich, Mayor

Introduced	A. POKAN	Date of Introduction	July 22, 2010
Seconded	H. SOMMER	Public Hearing	August 19, 2010
		Date of Adoption	August 19, 2010

BOROUGH OF FORT LEE

ORDINANCE #2010-20

ORDINANCE APPROPRIATING \$100,000 FROM A BERGEN COUNTY COMMUNITY DEVELOPMENT GRANT FOR ROADWAY IMPROVEMENTS TO STILLWELL AVENUE 8TH TO 11TH STREETS IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY.

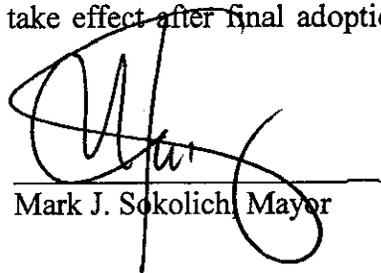
BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY AS FOLLOWS:

Section i) \$100,000 is hereby appropriated from a Bergen County Community Development Grant for roadway improvements to Stillwell Avenue 8th to 11th Streets, including all work and materials necessary therefor and incidental thereto, in and by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough").

Section ii) 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 iii) 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. CURVIEN</u>	Date of Introduction	<u>July 22, 2010</u>
		Public Hearing	<u>August 19, 2010</u>
Seconded	<u>N. SCHMER</u>	Date of Adoption	<u>August 19, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-21

AN ORDINANCE APPROPRIATING \$200,000 FROM A STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT FOR ROADWAY IMPROVEMENTS TO MYRTLE AVENUE 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. \$200,000 is hereby appropriated from a State of New Jersey Department of Transportation Grant for roadway improvements to Myrtle Avenue, including all work and materials necessary therefor and incidental thereto, in and by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough").

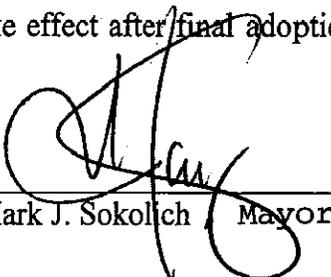
Section 2. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent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

Neil Grant

Neil Grant
Borough Clerk


Mark J. Sokolich Mayor

Introduced	<u>J. CURVIER</u>	Date of Introduction	<u>July 22, 2010</u>
Seconded	<u>H. SENMUR</u>	Public Hearing	<u>August 19, 2010</u>
		Date of Adoption	<u>August 19, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-22

A BOND ORDINANCE PROVIDING FOR PARK IMPROVEMENTS TO WILLIAM T. BIRCH PARK IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 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 \$100,000 Bergen County Open Space Grant expected to be received (the "Grant") and further including the sum of \$5,000 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 and in anticipation of receipt of the Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$95,000 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 park improvements to William P. Birch Park, 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 15 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 \$95,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$20,000 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.

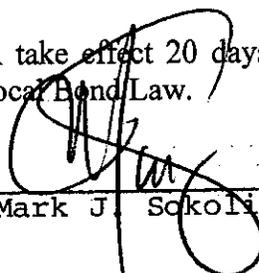
Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or, if other than the Grant referred to in Section 1 hereof, to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such 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.

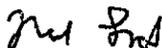
Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *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:



Mark J. Skolich, Mayor



Neil Grant
Borough Clerk

Introduced	<u>J. CLAVIET</u>	Date of Introduction	<u>July 22, 2010</u>
Seconded	<u>H. SCHMIDT</u>	Public Hearing	<u>August 19, 2010</u>
		Date of Adoption	<u>August 19, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-23

BOND ORDINANCE PROVIDING FOR COMBINED SEWER OUTFLOW ABATEMENT UPGRADES IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$900,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$370,000 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 \$900,000, including a federal grant in the amount of \$485,000 (the "Federal Grant") and further including the sum of \$45,000 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 and in anticipation of receipt of the Federal Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$370,000 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 combined sewer outflow abatement upgrades, 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 40 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 \$370,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$90,000 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.

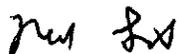
Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or, if other than the Federal Grant referred to in Section 1 hereof, to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such 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.

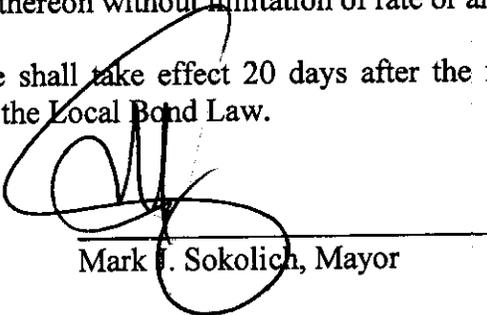
Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *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	<u>J. CLAVIUS</u>	Date of Introduction	<u>July 22, 2010</u>
Seconded	<u>W. SCHMIDT</u>	Public Hearing	<u>August 19, 2010</u>
		Date of Adoption	<u>August 19, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-24

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 \$2,390,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,270,500 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 \$2,390,000, including the aggregate sum of \$119,500 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 \$2,270,500 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>Ambulance Corps</u> The acquisition of ambulances and a vehicle, including all related costs and expenditures incidental thereto.</p>	\$275,000	\$261,250	5 years
<p>b) <u>Emergency Medical Services</u> The acquisition of a work station and the acquisition of a lap top, including all related costs and expenditures incidental thereto.</p>	\$4,500	\$4,275	5 years
<p>c) <u>Tax Assessor</u> The acquisition of an air conditioner/heater unit for the reception area, including all related costs and expenditures incidental thereto.</p>	\$3,000	\$2,850	15 years
<p>d) <u>Police Department</u> The acquisition of a fire suppression system, HVAC rooftop units and upgrades of computer software, including all related costs and expenditures incidental thereto.</p>	\$125,000	\$118,750	5 years
<p>e) <u>Emergency Management</u> The acquisition of radio equipment, portable generators and portable misting fans, including all related costs and expenditures incidental thereto.</p>	\$2,500	\$2,375	10 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
<p>f) <u>Fire Department</u> The acquisition of Scott Air Cylinders, SCBA Units, PASS System, turnout gear, KO Fire Blanks, computers, hose, generators, automatic transfer switches and service equipment for Fire Companies 1, 2 & 4, vehicle, equipment for new pumper, gear racks at Firehouses and updates to high rise hoses and equipment, including all related costs and expenditures incidental thereto.</p>	\$500,000	\$475,000	5 years
<p>g) <u>Engineering</u> Various improvements to Sanitary Sewer/Pump Station CSO, repair/replace retaining wall by the Department of Public Works and the construction of the lower floor at Fort Lee Volunteer Ambulance Corps Building, including all work and materials necessary therefor and incidental thereto.</p>	\$350,000	\$332,500	15 years
<p>h) <u>Fire Prevention</u> The acquisition of vehicles, including all related costs and expenditures incidental thereto.</p>	\$35,000	\$33,250	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>
i) <u>Public Works</u> Paving of various streets, repairs to several sewers and the installation of catch basin fronts (covers), including all work and materials necessary therefor and incidental thereto.	\$550,000	\$522,500	15 years
j) <u>Administration</u> Improvements to public buildings/facilities and the acquisition of equipment/phones and computers, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.	\$500,000	\$475,000	10 years
k) <u>Recreation Department</u> The acquisition of audio/visual equipment, including all related costs and expenditures incidental thereto.	\$45,000	\$42,750	10 years
TOTALS	<u>\$2,390,000</u>	<u>\$2,270,500</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 9.92 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 \$2,270,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$300,000 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. 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 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

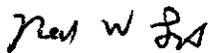
Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such 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.

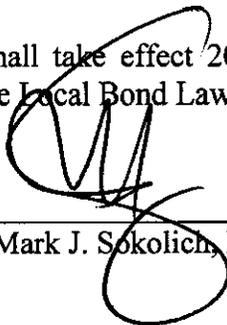
Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *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 W. Grant
Borough Clerk



Mark J. Sokolich, Mayor

Introduced	<u>J. CERVENI</u>	Date of Introduction	<u>August 19, 2010</u>
Seconded	<u>J. GUNBERG</u>	Public Hearing	<u>September 16, 2010</u>
		Date of Adoption	<u>September 16, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-25

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE BY ESTABLISHING CHAPTER 152 ENTITLED BINGO AND RAFFLE LICENSING

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee in the County of Bergen that the Borough's Code be amended as follows:

SECTION ONE

Establish Chapter 152 of the Borough's General Ordinances of the Borough of Fort Lee by adding the section entitled, "Bingo and Raffle Licensing" as follows:

"152.1 The Municipal Clerk is hereby delegated the authority to act as the "issuing authority" to approve the granting of bingo and raffle licenses in accordance with the Bingo Licensing Law and Raffles Licensing Law, as administered by the Legalized Games of Chance Control Commission."

SECTION TWO

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

SECTION THREE

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

ATTEST:

Neil Grant
Neil Grant
Municipal Clerk

Mark J. Sokolich
Mark J. Sokolich
Mayor

Introduced	<u>J. CURVILLI</u>	Date of Introduction	<u>September 16, 2010</u>
Seconded	<u>A. POJAN</u>	Public Hearing	<u>October 14, 2010</u>
		Date of Adoption	<u>October 14, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-26

**AN ORDINANCE AMENDING CHAPTER 388, SECTION 57,
SCHEDULE XIII, OF THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF FORT LEE TO INCLUDE A NEW BUS STOP**

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

County Road: That pursuant to N.J.S.A. 39:4-8-(e) the following described location is added as a bus stop in the Borough of Fort Lee:

ADDED STOP:

1. Along Main Street, westbound, on the southerly side thereof at:

- a. Martha Washington Way - Far Side
Beginning at the westerly curblineline of Martha Washington Way and extending 100 feet westerly therefrom. (In front of Temporary Structure)

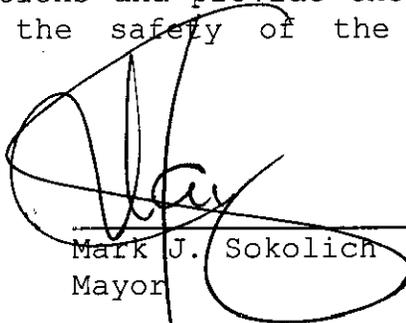
That the Mayor and Council of the Borough of Fort Lee will enforce the needed traffic regulations governing the aforementioned bus stop locations and provide the necessary police security to ensure the safety of the traveling public.

ATTEST:

Neil Grant

Neil Grant
Municipal Clerk

County Clerk, Clerk of the Board,
etc.



Mark J. Sokolich
Mayor

County Executive

Introduced	<u>J. CURVILLO</u>	Date of Introduction	<u>September 16, 2010</u>
Seconded	<u>A. PUNAN</u>	Public Hearing	<u>October 14, 2010</u>
		Date of Adoption	<u>October 14, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-27

AN ORDINANCE AMENDING CHAPTER 370 TAXATION OF THE CODE OF THE BOROUGH OF FORT LEE BY ESTABLISHING ARTICLE II, ON-LINE PAYMENT OF TAXES

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 370 Taxation of the Code of the Borough of Fort Lee, is hereby amended to add a new Article II On-Line Payment of Taxes as follows:

Section 1. That Borough Ordinance 370 shall be amended to add the following new article:

Article II On-Line Payment of Taxes

Section 1 Payment Procedures

a. It is the purpose of this article to implement procedures for the payment of property taxes due to the Borough through the use of the internet.

b. Property owners in the Borough may make payments of property taxes from any computer with access to the Internet. Every precaution will be taken to ensure that online transactions are secure.

c. Property taxes may be paid on-line through the use of Visa, MasterCard, Discover or by electronic check. If making a payment using the electronic check option, taxpayers should allow two weeks for the payment to be processed. Payment must be received at the tax office on or before the due date or late penalties will apply.

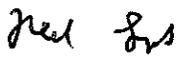
d. A fee will be charged for the use of this service and will be added to the tax payment for the convenience of utilizing the internet as a means of paying property taxes. The rate for calculation of the fee is available at the office of the Borough's Tax Collector.

e. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

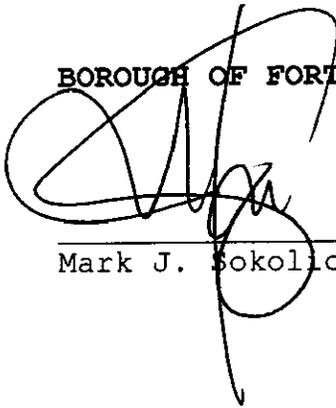
Section 2. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

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

ATTEST:



Neil Grant
Borough Clerk

BOROUGH OF FORT LEE


Mark J. Sokolich, Mayor

Introduced	<u>J. GOLDBERG</u>	Date of Introduction	<u>October 7, 2010</u>
Seconded	<u>A. POHAN</u>	Public Hearing	<u>November 10, 2010</u>
		Date of Adoption	<u>November 10, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-28

REFUNDING BOND ORDINANCE OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF CERTAIN GENERAL IMPROVEMENT BONDS, SERIES 2002 OF THE BOROUGH, APPROPRIATING \$8,750,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE BOROUGH OF REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$8,750,000 FOR FINANCING 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 Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") is hereby authorized to refund all or a portion of the \$7,730,000 outstanding principal amount of its General Improvement Bonds, Series 2002, dated February 15, 2002, originally issued in the principal amount of \$18,030,000, which amount matures on February 15 in the years 2013 through 2016, inclusive (the "Refunded Bonds") and which are subject to redemption on or after February 15, 2012 at the option of the Borough at a redemption price of 100% of the principal amount of the Refunded Bonds to be redeemed.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof and the costs of issuance associated therewith, negotiable refunding bonds are hereby authorized to be issued in one or more series in the aggregate principal amount not exceeding \$8,750,000 (the "Refunding Bonds") pursuant to the Local Bond Law of the State of New Jersey.

Section 3. An aggregate amount not exceeding \$175,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of Refunding Bonds authorized herein.

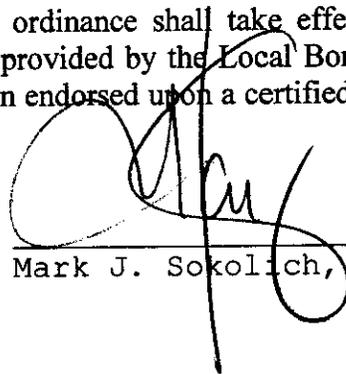
Section 4. The Borough desires to provide for all or a portion of the principal amount of the Refunded Bonds outstanding and the interest and redemption premium, if any, thereon in order to provide for savings in debt service as a result of lower interest rates in the bond markets.

Section 5. 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 is increased by the authorization of the Refunding Bonds provided in this refunding bond ordinance by \$8,750,000, and that an amount representing the principal amount of the Refunded Bonds equal to \$7,730,000 will be deductible from gross debt. The obligations authorized herein will be within all debt limitations prescribed by that law.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption.

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

Attest:



Mark J. Sokolich, Mayor

Neil Grant

Neil Grant
Borough Clerk

Introduced	<u>H. Sommer</u>	Date of Introduction	<u>November 10, 2010</u>
Seconded	<u>A. Poirer</u>	Public Hearing	<u>December 16, 2010</u>
		Date of Adoption	<u>December 16, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-29

AN ORDINANCE AMENDING CHAPTER 356 SOLID WASTE, SECTION 25 SOURCE SEPARATION OF LEAVES, 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 25 Source Separation of Leaves, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That the current text of Borough Ordinance 356-25 Source Separation of Leaves shall hereby be amended and replaced with the following:

"The owner, lessee or occupant of every property within the Borough of Fort Lee shall source separate leaves from solid waste generated at that property. From October 15 through December 15, leaves shall be place in the street at curbside in front of the property. Catch basins and drainage of stormwater shall not be impeded or blocked in any way so as to not allow stormwater runoff. At all other times, leaves shall be placed in **paper bags** only for pick-up by the Department of Public Works."

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

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

ATTEST:

Neil Grant
Neil Grant
Borough Clerk

BOROUGH OF FORT LEE
Mark J. Scholich
Mark J. Scholich, Mayor

Introduced	J. GOLOBARC	Date of Introduction	November 10, 2010
Seconded	N. SCHMIDT	Public Hearing	December 16, 2010
		Date of Adoption	December 16, 2010

BOROUGH OF FORT LEE

ORDINANCE # 2010-30

AN ORDINANCE AMENDING CHAPTER 293 PARKS AND RECREATION, ARTICLE II, REGULATIONS, SECTION 11 HOURS AND DAYS OF OPERATION, 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 293 Parks and Recreation, Article II Regulations, Section 11 Hours and Days of Operation, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That Borough Ordinance 293 is hereby amended to add a new Section 11 D as follows:

"D. Van Fleet Park

1. Van Fleet Park shall be opened seven days a week from 9:00 AM until 10:00 PM to persons, groups or organizations that possess a valid permit from the Superintendent of the Recreation Department.

2. Anyone found using Van Fleet Park without a valid permit will be ejected by the Police Department, the Superintendent of the Recreation Department, Superintendent of the Department of Public Works, or any of their agents and will be subject to penalties/punishment as determined by law.

3. No persons, groups or organizations may use Van Fleet Park for any fund-raising or profit-making activities (such as private instruction, group instruction) without express permission by the Superintendent of the Recreation Department.

4. Permission for use of Van Fleet Park cannot be transferred from one individual, group or organization to another individual, group or organization without authorization by the Superintendent of the Recreation Department.

5. Each permitted group will be responsible for securing Van Fleet Park when finished with their activity."

Section 2. That Borough Ordinance 293 is hereby amended to add a new Section 11 E as follows:

"E. Skateboard Park in Whitey Lang Park

1. The Skateboard Park shall be opened six days a week, Monday through Saturday. From June through August, the Skateboard Park is open from 10:00 a.m. until 6:00 p.m., and from September through May, it is open from 2:00 p.m. until dusk on weekdays and from 10:00 a.m. until dusk on Saturday.

2. All users must register and possess an entrance pass issued by the Borough. Applications are available at the Jack Alter Fort Lee Community Center, 1355 Inwood Terrace. Applications are accepted for skaters who are Borough residents only.

3. Anyone found using the Skateboard Park without a valid entrance pass will be ejected by the Police Department, the Superintendent of the Recreation Department, Superintendent of the Department of Public Works, or any of their agents and will be subject to penalties/punishment as determined by law.

4. The Skateboard Park is a skate AT YOUR OWN RISK facility, designed for skateboarding and inline skating only. The Skateboard Park will not be supervised; however, the Borough retains the right to maintain unscheduled surveillance of the facility, in person or by electronic means at its sole discretion.

5. Bicycles, scooters and any type of motorized vehicles are not permitted at any time.

6. Skaters ages eight (8) and under must be accompanied by a parent/guardian.

7. Safety Equipment MUST BE WORN AT ALL TIMES when within the confines of the Skateboard Park: helmet, elbow pads, knee pads and wrist guards.

8. Shirts and shoes must be worn while within the confines of the Skateboard Park.

9. Participants must provide their own equipment.

10. The Skateboard Park may be closed without notice at the discretion of the Borough due to inclement weather or other circumstances. No skating is permitted when the equipment is wet and/or icy.

11. There shall be no modifications to the individual ramps and attractions. No outside objects, except equipment, are allowed within the confines of the Skateboard Park, including bags, knapsacks, etc.

12. All participants must skate in such a manner as to avoid collision with other skaters; fighting and other aggressive or disruptive behavior will result in ejection from the Skateboard Park.

13. Littering, glass containers, alcoholic or other beverages, food, gum, pets and smoking are strictly prohibited within the Skateboard Park.

14. Spectators are welcome outside the confines of the perimeter fence.

15. Boom boxes, DVD players, television, radios and personal music devices (I-Pod, MC3 players, personal CD players, headphones and earphones) are prohibited. Cellular phones may not be operated while user is on skate park ramps and attractions or skating within the confines of the Skateboard Park.

16. No organized events or contests of any kind are allowed in the Skateboard Park unless organized and administered by the Borough.

17. Skating is limited to within the fenced Skateboard Park area only. There shall be no skating in the parking lots, streets, basketball courts in the park or within the Borough. There will be a zero tolerance policy towards violators.

18. Use of the Skateboard Park is a privilege, not a right. The Borough expects that all users and spectators will be respectful of others and those in the surrounding area. Profanity, obscene gestures, rowdiness, fighting, intentional damage to the facility will not be tolerated. If an individual skater and/or group of skaters are identified as having not adhered to these rules, that person(s) will be ejected by the Police Department, the Superintendent of the Recreation Department, Superintendent of the Department of Public Works, or any of their agents, will be subject to the loss of privileges to the facility and will be subject to penalties/punishment as determined by law."

Section 3. That the current text of Borough Ordinance 293-11 shall hereby be amended and replaced with the following:

"A. All Borough parks, playgrounds and recreation areas, except the Skateboard Park in Whitey Lang Park, shall be open seven days a week.

B. All Borough parks, playgrounds and recreation areas, except Van Fleet Park, the Skateboard Park in Whitey Land Park, and the recreation center at the western end of Stillwell Avenue, shall open each day at 8:00 a.m. and shall close at 7:00 p.m. during Eastern standard time and shall close at 10:00 p.m. during daylight saving time, unless an activity authorized by the Recreation Department of the Borough is in progress. The recreation area at the western end of Stillwell Avenue shall open each day at 8:00 a.m. and close at 10:00 p.m. The Youth Center shall generally open at 9:00 a.m. and close at 9:30 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday and Sunday. The Jack Alter Fort Lee Community Center shall generally open at 9:00 a.m. and shall close at 11:00 p.m. daily. In both the Youth Center and the Jack Alter Fort Lee Community Center, the hours of operation shall be subject to specific programming.

C. No person or group of persons shall be in any park for any purpose except during the hours set forth herein. This exclusion shall not apply to officials or employees of the Borough in the performance of their duties."

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

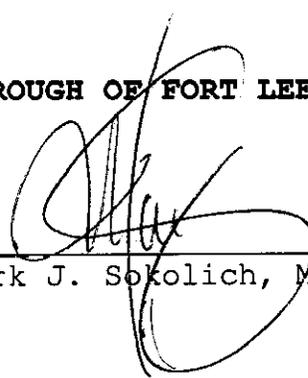
Section 5. This ordinance shall take effect following adoption and approval in a time and manner provided by law.

ATTEST:

BOROUGH OF FORT LEE



Neil Grant
Borough Clerk



Mark J. Sokolich, Mayor

Introduced	A. POKAN	Date of Introduction	November 10, 2010
Seconded	N. SCHMIDT	Public Hearing	December 09, 2010
		Date of Adoption	December 9, 2010

BOROUGH OF FORT LEE

ORDINANCE # 2010-31

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$1,800,000 FOR THE PAYMENT OF CONTRACTUALLY REQUIRED SEVERANCE LIABILITIES, IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY

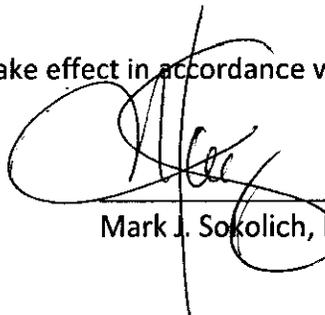
BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY AS FOLLOWS:

Section 1. The payment by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") of contractually required severance liabilities resulting from the layoff and/or retirement of Borough employees is hereby authorized, and a special emergency appropriation of \$1,800,000 is hereby authorized pursuant to the Local Budget Law (N.J.S.A. 40A:4-53(h)).

Section 2. A copy of this ordinance as finally adopted shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 3. This ordinance shall take effect in accordance with applicable law.

Attest:



Mark J. Sokolich, Mayor

Neil Grant

Neil Grant, Borough Clerk

Introduced	<u>H. SCHMIDT</u>	Date of Introduction	<u>December 9, 2010</u>
Seconded	<u>I. KASOFSKY</u>	Public Hearing	<u>December 23, 2010</u>
		Date of Adoption	<u>December 23, 2010</u>

BOROUGH OF FORT LEE

ORDINANCE # 2010-32

AN ORDINANCE AMENDING CHAPTER 289 PARKING, ARTICLE IV PARKING METERS, MUNICIPAL PARKING LOTS AND PERMIT PARKING, SECTION 36 RESIDENTIAL PERMIT 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 36 Residential Permit Parking, of the Code of the Borough of Fort Lee, is hereby amended as follows:

Section 1. That Borough Ordinance 289-36 shall be amended to include the following provision providing for the exaction of an administrative fee for the issuance of a permit for residential parking:

S. Fees

(1) The administrative fee for the issuance of a residential parking permit shall be \$5.00. The fee shall be due and payable to the Borough of Fort Lee Parking Authority.

(2) A residential parking permit shall remain effective for a period of four (4) years from the date of issuance.

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