

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, February 16, 2023 @ 7:00 p.m.

The Regular Meeting of the Mayor and Council of the Borough of Fort Lee was held on the above date in the Council Chambers, Memorial Municipal Building, 309 Main Street, Fort Lee, New Jersey.

PRESENT: Mayor Sokolich, Council Members Sohmer, Yoon, Suh, Drumgoole, Kasofsky

ABSENT: Councilman Cervieri

ALSO PRESENT: Al Restaino, Borough Administrator
Evelyn Rosario, Municipal Clerk
Nadine Drumgoole, Deputy Municipal Clerk
Brian Chewcaskie, Borough Attorney

OPEN PUBLIC MEETINGS ACT STATEMENT

In accordance with Chapter 231, P.L. 1975 adequate notice informing the public of the time and place of this meeting was duly published in the Record, the Jersey Journal and Star Ledger issues of November 28, 2022. Said notice was also posted on the Borough Hall bulletin board and Borough website.

MAYOR'S REPORT AND ANNOUNCEMENTS

“Good evening, everyone. Just some brief opening remarks. First, welcome. It is always nice to see people come to the mayor and council meetings. Ladies, good to see you, Council, and everyone else. Couple important things happened over the course of the last week. One of which is immensely, immensely important that the borough be aware of. Last Saturday, we had an officer involved shooting here in the borough of Fort Lee. Now, I prefaced these comments with the following, that in this context, what we know is very limited and what we can say is very limited. It is subject to the complete control and governance, at this point of the attorney general's office. I only bring it up because I want to express on behalf of the entire community to those officers that are dealing with whatever issues arose as a result of that horrible event, and one officer in particular who was injured by a bullet on his hand. We wish them nothing but the swiftest and the most painless of recoveries, and we hope that they return to duty and serve our community in the heroic and valiant way that they had done in the past. We want them to know that they are with us each and every second of our existence. I pray for them each and every night. These are all strong people. I know every single one of them and my money is on them making a complete comeback. I want to thank them on behalf of an entire community for keeping us safe that Saturday morning in the John St. area. As additional information is released by the Attorney General, you will find out and I will tell you at the same time, so too will we find out. It is not as if we have all sorts of information to provide, other than what has already been released by way of newspaper articles, which I think came out yesterday or the day before. It involved an individual from Las Vegas. Apparently, with some mental issues, apparently a prior criminal history or problematic history, and one thing led to the next, and we end up with the incident that occurred in Fort Lee. So again, to our Police Department, we thank you for being who you are and to all the officers involved and for those recuperating and not back at the job, we wish you nothing but the fastest and least painful recovery. Number one. On a much different note, you will know that the Fort Lee Post Office has finally been demolished. It is amazing that now that the structure itself is down, there is a clear view from Main Street, and you are now seeing the

vision that we had six or seven years ago. Yes, it has taken that long. Our new post office is open, but we are going to start installing the utilities and start with plantings and it is going to take several months. I can tell you this is not going to be a park where we throw some sod on it, a tree here or there, find some extra benches and call it a park. This is going to be a trophy park with beautiful benches, with everything matching. It is designed for a European walkway with a trellis, not to give up all the surprises, with lighting both from the beautiful streetlights and from low voltage lights within the park. There is a pavilion, we are still debating on the precise size, with seating wrapped around it for outdoor concerts or shows or displays and exhibits. It is going to be the park of Parks. The parking lot that once existed right off Main Street, which had a total of nine spaces, those spaces will be replaced with eleven spaces, so we are going to gain a couple spaces immediately behind the park. There will be a walkway from those spaces directly to Main Street. (Interruption from member of public) You can't. I am sorry. You must let me finish and I will be right with you. It is going to be complete and direct access and we are excited about it. We ordered all the benches and the tables the other day. Thank you to the committee for your assistance. Happy to report the garbage receptacles will be Fort Lee, Orange, which I am excited about. There is a long lead time, I think we were talking about 20 to 24 weeks. You know, it is tough looking at magazines to pick stuff and after having Googled ourselves into eternity here with samples of parts, I think we picked some good stuff. That is all, as far as my report.”

APPROVAL OF MINUTES

On motion by Councilwoman Kasofsky, seconded by Councilman Suh, and carried unanimously, the minutes of the December 15, 2022, Regular Session were approved.

On motion by Councilwoman Kasofsky, seconded by Councilman Suh, and carried unanimously, the minutes of the December 15, 2022 - January 5, 2023, Continued Meeting were approved.

On motion by Councilwoman Kasofsky, seconded by Councilman Suh, and carried unanimously, the minutes of the January 5, 2023, Reorganization Meeting were approved.

On motion by Councilwoman Kasofsky, seconded by Councilman Suh, and carried unanimously, the minutes of the January 12, 2023, Closed and Work Sessions were approved.

On motion by Councilwoman Kasofsky, seconded by Councilman Suh, and carried unanimously, the minutes of the January 19, 2023, Regular Session were approved.

INTRODUCTION OF ORDINANCES

Ord. 2023-4 AN ORDINANCE AUTHORIZING THE ACQUISITION OF A SIDEWALK EASEMENT ON CERTAIN REAL PROPERTY WITHIN THE BOROUGH OF FORT LEE IDENTIFIED AS BLOCK 3554, LOT 3, COMMONLY KNOWN AS 1637 MAPLE STREET (Public Hearing March 16, 2023)

Introduced On: February 16, 2023			
Council	Motion	Second	Vote
Sohmer			X
Yoon			X
Suh		X	X
Drumgoole			X
Kasofsky	X		X
Cervieri			ABSENT

Adopted On:			
Council	Motion	Second	Vote
Sohmer			
Yoon			
Suh			
Drumgoole			
Kasofsky			
Cervieri			

The Ordinance was **approved**, and the public hearing relative to this ordinance was scheduled for March 16, 2023.

Ord. 2023- 5 AN ORDINANCE ADDING CHAPTER ENTITLED “BUSINESS INSURANCE REGISTRATION ” TO THE CODE OF THE BOROUGH OF FORT LEE (Public Hearing March 16, 2023)

Introduced On: February 16, 2023			
Council	Motion	Second	Vote
Sohmer		X	X
Yoon			X
Suh			X
Drumgoole			X
Kasofsky	X		X
Cervieri			ABSENT

Adopted On:			
Council	Motion	Second	Vote
Sohmer			
Yoon			
Suh			
Drumgoole			
Kasofsky			
Cervieri			

The Ordinance was **approved**, and the public hearing relative to this ordinance was scheduled for March 16, 2023.

Ord. 2023- 6 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 333 ENTITLED “SERVICE STATIONS ’, SECTION 333-1 “DEFINITIONS ” AND SECTION 333-8 “GENERAL REGULATIONS; INSPECTION ” OF THE CODE OF THE BOROUGH OF FORT LEE (Public Hearing March 16, 2023)

Introduced On: February 16, 2023			
Council	Motion	Second	Vote
Sohmer	X		X
Yoon			X
Suh		X	X
Drumgoole			X
Kasofsky			X
Cervieri			ABSENT

Adopted On:			
Council	Motion	Second	Vote
Sohmer			
Yoon			
Suh			
Drumgoole			
Kasofsky			
Cervieri			

The Ordinance was **approved**, and the public hearing relative to this ordinance was scheduled for March 16, 2023.

Ord. 2023- 7 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 410 ENTITLED “ZONING”, SECTION 410-7 “DEFINITIONS ” AND SECTION 410-36 “CONDITIONAL USES ” SUBSECTION E “GASOLINE STATIONS ” OF THE CODE OF THE BOROUGH OF FORT LEE (Public Hearing March 16, 2023)

Introduced On: February 16, 2023			
Council	Motion	Second	Vote
Sohmer	X		X
Yoon			X
Suh			X
Drumgoole			X
Kasofsky		X	X
Cervieri			ABSENT

Adopted On:			
Council	Motion	Second	Vote
Sohmer			
Yoon			
Suh			
Drumgoole			
Kasofsky			
Cervieri			

The Ordinance was **approved**, and the public hearing relative to this ordinance was scheduled for March 16, 2023.

ORDINANCE PUBLIC HEARINGS

Ord. 2023- 1 AN ORDINANCE ESTABLISHING A REDEVELOPMENT PLAN AND DESIGNATING THE BOROUGH OF FORT LEE TO ACT AS THE REDEVELOPMENT ENTITY FOR THE REDEVELOPMENT PLAN FOR BLOCK 4355, LOTS 14-16 (90-100 Main Street), 11-12 (1636 & 1640 Kaufer Lane), and 20-23 (55, 51,47 & 41 Main Street), AND AMENDING THE ZONING ORDINANCE OF THE BOROUGH OF FORT LEE TO ESTABLISH SPECIFIC DEVELOPMENT REGULATIONS IN THIS AREA

Introduced On: January 5, 2023			
Council	Motion	Second	Vote
Sohmer			X
Yoon			RECUSED
Suh			X
Drumgoole			X
Kasofsky		X	X
Cervieri	X		X

*Councilman Yoon Recused and Left the Dais

Adopted On: February 16, 2023			
Council	Motion	Second	Vote
Sohmer			X
Yoon			RECUSED
Suh	X		X
Drumgoole			X
Kasofsky		X	X
Cervieri			Absent

*Councilman Yoon Recused and Left the Dais

WHEREAS, a redevelopment area designation analysis entitled “Area 12” Area in Need Redevelopment Study for Block 4355, Lots 11-12, 14-16 and 20-23, Borough of Fort Lee, New Jersey prepared by Phillips Preiss Grygiel Leheny Hughes, LLC dated September 9, 2021 was prepared and submitted to the Planning Board; and

WHEREAS, the Planning Board recommended to the Governing Body that Block 4355, Lots 14-16 (90-100 Main Street), 11-12 (1636 & 1640 Kaufer Lane), and 20-23 (55, 51, 47, & 41 Main Street) as more specifically delineated in the redevelopment study prepared by Paul Grygiel of Phillips Preiss Grygiel Leheny Hughes, LLC be determined by the Governing Body to be a redevelopment area; and

WHEREAS, the Borough of Fort Lee Governing Body accepted the recommendation of the Planning Board and designated the area an area in need of redevelopment memorialized by Resolution adopted December 9, 2021, which directed the Planning Board to prepare a redevelopment plan which would set standards for construction of buildings and other improvements in the redevelopment area; and

WHEREAS, a redevelopment plan has been prepared by Phillips Preiss Grygiel, Leheny Hughes, LLC dated October 18, 2022; and

WHEREAS, thereafter a recommendation was made to address the redevelopment of the site and the Redevelopment Plan provides a guide to the development regulations and other standards; and

WHEREAS, a Redevelopment Plan was submitted, reviewed and recommended by the Planning Board;

WHEREAS, the Redevelopment Area includes Block 4355, Lots 14-16 (90-100 Main Street), 11-12 (1636 & 1640 Kaufer Lane), and 20-23 (55, 51, 47, & 41 Main Street) on the Tax Map of the Borough of Fort Lee. The area consists of 9 parcels totaling 2.751 acres, is located at the eastern end of downtown Fort Lee and includes two discontinuous portions of a large block between Federspiel Street and Main Street as it turns south. Block 4355, Lots 14, 15 and 16 (“Upper Main”) include the vacated portion of Kaufer Lane and have frontage on Federspiel Street and Main Street. Lot 14 sits on the highest, flattest ground along Federspiel Street which included four vacant structures that have been demolished. The remaining Upper Main parcels include parking lots, wooded areas and lawn. Block 4355, Lots 11-12 and 20-23 (“Lower Main”) lie east of a non-vacated portion of Kaufer Lane with frontage on Main Street and Kaufer Lane. The lots are mostly undeveloped and wooded

and previously contained some abandoned and dilapidated buildings which have been demolished. The surrounding area at the eastern edge of downtown, where Main Street turns south and dips downhill becoming River Road is developed with retail stores yielding less frequented levels of pedestrian traffic. Nearby commercial uses include restaurants and person care services, a house of worship, a municipal parking lot, the parking garage of a high-rise residential development and multi-family developments. The area faces the Fort Lee Historic Park. The George Washington Bridge lies a few blocks to the north. The existing conditions are described as follows: Block 4355, Lots 14, 15 and 16 consist of 1.197 acres, including the vacated portion of Kaufer Lane and previously included four vacant structures in poor to very poor condition, which have been demolished, parking lots, wooded areas and lawn. Block 4355, Lots 11-12 and 20-23 consist of 1.554 acres lying east of a non-vacated portion of Kaufer Lane. The lots are mostly undeveloped and wooded and previously included some abandoned and dilapidated buildings which have been demolished.

WHEREAS, the Upper Main Street Redevelopment Area is located within the C-1B Zone and the Lower Main Street Redevelopment Area is located within the R-7A Zone; and

WHEREAS, the Governing Body found it in the best interest of the Borough to allow the development of this property as a non-condemnation area in need of redevelopment.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Fort Lee in accordance with the provisions of N.J.S.A. 40A:12A-1 et seq. as follows: Section 1. Designation of Block 4355, Lots 14-16 (90-100 Main Street), 11-12 (1636 & 1640 Kaufer Lane), and 20-23 (55, 51, 47 & 41 Main Street) Redevelopment Project on the Tax Map of the Borough of Fort Lee, is hereby declared and determined to be located within an area in need of redevelopment in accordance with the provisions of N.J.S.A. 40A:12A-6. Section 2. Designation of Redevelopment Entity. Pursuant to the authority granted by N.J.S.A. 40A:12A-4c, the Borough of Fort Lee is hereby designated to exercise the powers of a redevelopment entity for the Block 4355, Lots 14-16 (90-100 Main Street), 11-12 (1636 & 1640 Kaufer Lane), and 20-23 (55, 51, 47, & 41 Main Street) Redevelopment Project. Section 3. Redevelopment Plan. A Redevelopment Plan dated October 18, 2022, prepared by Phillips Preiss Grygiel Leheny Hughes LLC is incorporated in its entirety herein by reference. The Plan includes the following: A. The Plan Area is identified for residential inclusionary development in the Borough's Third Round Prospective Need Obligation, redevelopment with affordable residential uses would advance the Borough's affordable housing commitments. The Borough of Fort Lee entered into a settlement agreement with Fair Share Housing Center on January 25, 2021 to resolve its affordable housing litigation, which identifies Upper Main Street (Block 4355, Lots 14, 15 and 16) with a total capacity of 150 family rental units and Lower Main Street (Block 4355, Lots 11, 12, 20-23) with a total capacity of 203 family rental units. The Redevelopment Plan Area properties are all identified in the 2015 Historic Preservation Element and in Chapter 64, Attachment 1, Schedule A, Designated Historic Districts of the Borough's Ordinance. The purpose of the historic district is to "protect and preserve the archeological artifacts" associated with Monument Park located west of the Redevelopment Area at the intersection of Palisade Avenue, Parker Avenue and Angioletti Place. The plan recommends that "owners of properties within the district should be encouraged to donate to the Borough any Revolutionary War era artifacts that may be found on the property," including during or after construction. If required, the Borough's Historic Preservation Commission shall issue a Certificate of Appropriateness before issuing permits for the demolition, improvement, relocation, exterior change, construction of a new structure or subdivision of a historically designated property. B. Proposed Land Uses. The proposed development shall be designed so as to: 1. Maximize appropriate land usage; 2. Provide adequate off-street parking; 3. Create an attractive visual environment; 4. Provide other public improvements to carry out the foregoing purposes. C. Identification of Property and Redevelopment Area. The proposed redevelopment project consists of nine tax parcels known as Block 4355, Lots 14-16 (90-100 Main Street), 11-12 (1636 & 1640 Kaufer Lane), and 20-23 (55, 51, 47, & 41 Main Street) on the Tax Map of the Borough of Fort Lee. D. Relationship with Master Plan

and Zoning Ordinance. 1. With respect to the proposed land use and building requirements, the redevelopment plan is in conformity with the following provisions of the Borough of Fort Lee Master Plan and Re-Examination Reports: a. To expand the tax base to promote the economic well being of Fort Lee and its residents. b. to promote safe and efficient circulation. c. to promote the full economic potential of land the where commercial development is appropriate. 2. The Land Use Plan of the Master Plan designates the redevelopment area for residential, recreational and commercial land uses. By providing for the redevelopment area in this manner, the use is consistent with the Land Use Plan of the Master Plan. 3. The Governing Body finds that the Redevelopment Plan is either substantially consistent with the master plan or it is designed to effectuate the master plan.

E. Powers of Redevelopment Entity. Subject to the approval of the Mayor and Council, the Borough of Fort Lee may proceed with the acquisition, clearance, redevelopment, planning, reconstruction, renewal and redevelopment of the Block 4355, Lots 14-16 (90-100 Main Street), 11-12 (1636 & 1640 Kaufer Lane), and 20-23 (55, 51, 47, 41 Main Street) Redevelopment Project and in order to carry out and effectuate said purposes, the Borough of Fort Lee may:

- a. Acquire or contract to acquire from any person, firm, or corporation, public or private by contribution, gift, grant, bequest, devise, purchase, or otherwise, real or personal property or any interest therein, including such property as it may deem necessary or proper, although temporarily not required for such purposes, in the redevelopment area and in any area designated by the Mayor and Council as necessary for carrying out the relocation of the residents, industry and commerce displaced from the redevelopment zone.
- b. Clear any area owned or acquired and install, construct or reconstruct streets, facilities, utilities and site improvement essential to the preparation of sites for use in accordance with the redevelopment plan.
- c. Lease, exchange or convey property or improvements to any such party pursuant to this section, without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease, exchange or conveyance is made in conjunction with the redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the contrary.
- d. Make, consistent with the redevelopment plan: (1) plans for carrying out a program of voluntary repair and redevelopment of buildings and improvements; and (2) plans for the enforcement of law, codes, and regulations relating to the use and occupancy of buildings and improvements, and to the compulsory repair, redevelopment, demolition, or removal of buildings and improvements.
- e. Dispose of land so acquired at its fair value for the uses specified in the redevelopment plan as determined by it to any person, firm, or corporation or to any public agency by sale, lease, or exchange.
- f. Request the Planning Board to recommend pursuant to existing law the designation of additional areas in need of redevelopment or redevelopment and to make recommendations for such redevelopment or redevelopment of such areas.
- g. To study the recommendations of the Planning Board for redevelopment of any area and to make its own investigations and recommendations as to current trends in the Borough, blighted areas and blighted factors.
- h. To publish and disseminate information.
- i. To prepare or arrange by contract for the provisions of professional service and the preparation of plans by registered architects or licensed professional engineers or planners or other consultants for the carrying out of the redevelopment project.
- j. To arrange or contract with public agencies or redevelopers for the planning, replanning, construction, or undertaking of any project or development work, on any part thereof, to provide as part of any such arrangement or contract for extension of credit or making of loans to redevelopers to finance any project or redevelopment work, and to arrange or contract with public agencies for the opening, grading or closing of streets, roads, roadways, alleys or other places or for the furnishing of facilities or for the acquisition by such agency of property options or property rights or for the furnishing of property or services in connection with a redevelopment area.
- k. To arrange or contract with a public agency, to the extent that it is within the scope of that agency's functions, to cause the services customarily provided by such other agency to be rendered for the benefit of the occupants of the redevelopment area, and to have such other agency provide and maintain parks, recreation centers, schools, sewerage, transportation, water and other municipal facilities adjacent to or in connection with redevelopment areas.
- l. To enter upon any building or property in the redevelopment area in order to conduct investigations or make surveys,

soundings, or test borings necessary to carry out the purpose of this ordinance. m. To arrange or contract with a public agency for the relocation of residents, industry or commerce displaced from the redevelopment area. n. To conduct examinations and investigations, hear testimony and make proof, under oath at public or private hearings of any material matter, require the attendance of witnesses and the production of books and papers and issue commissions for the examination of witnesses who are out of State, unable to attend, or excused from attendance. o. To authorize a committee designated by it consisting of one or more members, or counsel, or any officer or employee to conduct any such investigation or examination, in which case such committee, counsel, officer or employee shall have power to administer oaths, take affidavits and issue subpoenas or commission. p. To do all things necessary or convenient to carry out its powers. q. to negotiate the redevelopers for the private sale of real property within the redevelopment area; and r. to do and perform all powers authorized by Law to carry out the foregoing purposes not otherwise specifically limited herein. Section 4. Miscellaneous Provisions A. The Mayor’s Designee is hereby designated to execute and the Borough Clerk to attest, any and all documents necessary to carry out any of the purposes set forth in this ordinance, all of a form approved by the Borough Council. Section 5. The Zoning Ordinance of the Borough of Fort Lee is hereby amended and supplemented to implement to establish an overlay zone pursuant to the Redevelopment Plan, incorporated herein and attached hereto. Section 6. The Borough Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the Bergen County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Borough Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the Bergen County Planning Board as required by N.J.S.A. 40:55D-16 and with the Borough Tax Assessor. Section 7. Should any section, part or provision of this ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part thereof. Section 8. All ordinances or parts of ordinances inconsistent herewith are hereby repealed. Section 9. This ordinance shall take effect immediately upon publication and final passage according to law.

Ord. 2023- 2 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 55 ENTITLED “FIRE DEPARTMENT ”, SECTION 55-30 ENTITLED “FIRE WATCH PROGRAM” OF THE CODE OF THE BOROUGH OF FORT LEE

Introduced On: January 19, 2023			
Council	Motion	Second	Vote
Sohmer	X		X
Yoon			X
Suh		X	X
Drumgoole			Abstain
Kasofsky			X
Cervieri			X

Adopted On: February 16, 2023			
Council	Motion	Second	Vote
Sohmer	X		X
Yoon			X
Suh			X
Drumgoole			Abstain
Kasofsky		X	X
Cervieri			Absent

WHEREAS, the Mayor and Council believes it would be in the best interest of the citizens that Chapter 55 be amended and supplemented at this time to increase the fee for fire watch services for private properties.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee that Chapter 55 “Fire Department, Section 55-30 “Fire Watch Program” Subsection 55-30E “Payment for Fire Watch Services” is amended and supplemented as follows:

Section 1. Chapter 55, “Fire Department”, Section 55-30 “Fire Watch Program” Subsection 55-30E “Payment for Fire Watch Services” is hereby amended and supplemented as follows:

55-30E Payment for Fire Watch Services

(2) Payment for fire watch services provided to private persons or properties.

All fire watch services ordered for the benefit and protection of private property shall be paid at the rate of \$50 per hour per person, and there shall be a minimum payment of four hours per person plus an administration fee of 15% applied for the person and the vehicle used. Additionally, there will be a fee of \$10 per hour for the use of a regular Borough motor vehicle and a fee of \$25 per hour for the use of each Borough fire apparatus. All payments for this service to private persons/property shall be made within 10 days after service is provided. All such payments shall be made payable to the Borough of Fort Lee. The Borough shall pay the firefighters directly.

Section 2. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder of any portion thereof.

Section 3. All ordinances or parts of ordinance inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect upon final adoption and publication in accordance with Law.

Ord. 2023- 3 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 261 ENTITLED "LAND USE PROCEDURES ", APPENDIX A ENTITLED "CHECKLISTS FOR DEVELOPMENT APPLICATIONS " OF THE CODE OF THE BOROUGH OF FORT LEE

Introduced On: January 19, 2023			
Council	Motion	Second	Vote
Sohmer	X		X
Yoon			X
Suh			X
Drumgoole			X
Kasofsky		X	X
Cervieri			X

Adopted On: February 16, 2023			
Council	Motion	Second	Vote
Sohmer	X		X
Yoon			X
Suh			X
Drumgoole			X
Kasofsky		X	X
Cervieri			Absent

WHEREAS, both the Planning Board and Zoning Board of Adjustment of the Borough of Fort Lee has agreed that a reduction in the size of plans required to be submitted would be less cumbersome and would not impact the efficient review of the application; and

WHEREAS, Mayor and Council believes it would be in the best interest of the citizens that Chapter 261 be amended and supplemented at this time to reduce the size of plans required to be submitted as recommended by the Planning Board and Zoning Board of Adjustment.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee that Chapter 261 "Land Use Procedures", Appendix A "Checklists for Development Applications" is amended and supplemented as follows:

Section 1. Chapter 261, " Land use Procedures", Appendix A "Checklists for Development Applications", Section D is hereby amended and supplemented in its entirety as follows:

The applicant shall submit seventeen (17) copies of the application and all required checklists and informational items with seventeen (17) sets of plans sized 11 inches by 17 inches, a full digital PDF copy of ay/all submitted plans vis email or CD/Thumb-drive, and 3 full-size sets of signed and sealed plans.

Six (6) sets of Final Approved Plans will be required to be submitted as full-size.

Section 2. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so

declared invalid shall be inseparable from the remainder of any portion thereof.

Section 3. All ordinances or parts of ordinance inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect upon final adoption and publication in accordance with Law.

GRANT PUBLIC HEARING

PURPOSE: The Borough of Fort Lee is seeking funding through the State of NJ Green Acres Program for improvements at Inwood Terrace Park located at the intersection of Inwood Terrace and Deerwood Road, Fort Lee, NJ 07024.

On motion by Councilman Sohmer, seconded by Councilwoman Kasofsky, the public hearing was opened relative to

“NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM: INWOOD TERRACE PARK IMPROVEMENTS ”

The following members of the public came forward to comment on the proposed grant application for project known as Inwood Terrace Park Improvements:

1. Amy Kotang
2. Mei Zhu
3. Yu Jie
4. Pearly Tan
5. Jian Wang

Ms. Amy Kotang, member of the Bergen Runners Group in Bergen County, requested a track to be incorporated in the park improvements. She stated if a track would not fit at the Inwood Terrace Park location, she asks the Mayor and Council to consider the placement of a track in another Fort Lee Park.

Mayor Sokolich responded that the Governing Body will inventory the Borough of Fort Lee parks to determine the need of tracks within the Borough parks.

Ms. Yu Jie suggested a space for a dog run and/or dog park be incorporated in the park improvements.

Mayor Sokolich responded that her suggestion will be taken into consideration.

Ms. Mei Zhu expressed her concerns regarding the lack of lighting and the height of the monkey bars at Constitution Park.

Mayor Sokolich responded that Constitution Park hours are from dusk until dawn, therefore lighting is not provided when the park should be closed to the public. He also responded he will ask the Department of Public Works to make the necessary improvements to regulate the height.

There being no further discussion, the public hearing was closed on motion by Councilman Suh, seconded by Councilman Sohmer.

Roll Call:

AYES: Council Members Sohmer, Yoon, Suh, Drumgoole, Kasofsky

INTRODUCTION OF THE 2023 BOROUGH OF FORT LEE SPECIAL IMPROVEMENT DISTRICT BUDGET

Councilman Sohmer introduced, and Councilman Suh

seconded, the introduction of the 2023 Special Improvement District Budget:

2023 BUDGET INTRODUCTION SPECIAL IMPROVEMENT DISTRICT (SID)

BE IT RESOLVED that the following statements of revenues and appropriations (available in the office of the Borough Clerk) shall constitute the Fort Lee Special Improvement District Budget for the year 2023.

The Governing Body of the Borough of Fort Lee does hereby approve the following as the Fort Lee Special Improvement District Budget for year 2023 (Available in the office of the Municipal Clerk):

	A	B	C	E
1		2023	Comments	
2	INCOME			
3	SID Assessment	\$718,704.00	Footnote # 1	
4	Donations		TBD	
5	Sponsorship		TBD	
6	Capital Fund / Investment	\$296,924.00	Footnote # 2 - TBC	
7	Special Event Revenue			
8	Loan			
9	TOTAL INCOME	\$1,015,628.00		
10	EXPENSES			
11	Operations			
	Maintenance	\$100,000.00		
13	Sub Total	\$100,000.00		
14	Marketing			
15	Web + Application			
16	Year Long Holiday - Special			
17	Business Attraction			
18	Branding			
19	Retail Programs			
20	Sub Total	\$450,000.00		
21	Capital Programs			
22	Lights/Banners/Displays			
23	Improvements/Welcome/Visual/Engineering, Plantings, etc.		Footnote # 2 - 2022 we utilized \$ 346k in projects	
24	Sub total	\$285,629.00		
25	Administration	\$60,000.00		
26	Management	\$120,000.00		
27	Accounting			
28	Dues & Subs			
29	Insurance		Liability and D&O	
30	Rent			
31	Cable/phone/internet			
32	Postage			
33	Office /Equipment/Etc			
34	Meeting Supplies			
35	Miscellaneous/Utilities			
36	Uncollected Reserve (5%)			
37	Sub total	\$180,000.00		
38				
39	TOTAL EXPENSES	\$1,015,629.00		
	Footnote # 1 - Current Assessment at Municipal tax rate; then of taxes paid X .0048% SID Rate remains the same = BDA assessment.			
42	Footnote # 2 - Capital Investment			

Notice is hereby given that the Fort Lee Special Improvement District Budget was approved by the Governing Body of the Borough of Fort Lee, County of Bergen, at the Regular Meeting held on February 16, 2023. A hearing on the Fort Lee Special Improvement District Budget will be held at Borough Hall on March 16, 2023, at 7:00 p.m. at which time and place objections to said Budget for the year 2023 may be presented by taxpayers or other interested persons.

The introduced budget was **approved** on the following roll call:

AYES: Council Members Sohmer, Yoon, Suh, Drumgoole, Kasofsky
PROPOSED CONSENT AGENDA

On motion by Councilman Suh, seconded by Councilman Sohmer the Proposed Consent Agenda was introduced, and the public hearing was opened relative to items CA-1 through CA-10.

Council	Motion	Second	Yes	No	Abstain	Absent
Sohmer	X					
Yoon						
Suh						
Drumgoole						
Kasofsky		X				
Cervieri						X

February 16, 2023
Regular Session Meeting

Resolution # CA-1 to CA-10

Carried: __ Defeated: __ Tabled: __

Approved on Consent Agenda: X

CA-1 Accepting Retirement Notice of Kevin Hartley, Tax Assessor, Effective May 1, 2023

RESOLUTION OF THE BOROUGH OF FORT LEE ACCEPTING THE RETIREMENT NOTICE OF KEVIN HARTLEY, TAX ASSESSOR

BE IT RESOLVED that **Kevin Hartley, Tax Assessor** of the **Office of the Tax Assessor**, has submitted his retirement notice dated January 24, 2023 and the Mayor and Council have accepted same; and

BE IT RESOLVED that Mr. Hartley’s retirement will be **effective May 1, 2023** with the Borough of Fort Lee.

BE IT FURTHER RESOLVED that the Mayor and Council extend their best wishes to Mr. Hartley.

CA-2 Authorizing the Hiring of Sindy Singh as a Temporary Part-Time Registered Environmental Health Specialist, Health Department, Effective Retroactively to February 13, 2023, Through the Week of June 26, 2023, \$27.00 Hourly

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE HIRING OF A TEMPORARY PART-TIME REGISTERED ENVIRONMENTAL HEALTH SPECIALIST WITH THE HEALTH DEPARTMENT

WHEREAS, Jill Scarpa, Health Officer, has requested the Mayor and Council to hire a temporary part-time Registered Environmental Health Specialist with the Health Department; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the following individual be appointed to a temporary part-time hourly position as a Registered Environmental Health Specialist:

Sindy Singh

BE IT FURTHER RESOLVED that this position shall consist of 9 hours per week, at an **hourly rate of \$27.00 with an effective date commencing retroactive to February 13, 2023, and ending the week of June 26, 2023**

CA-3 Authorize the Award of a Contract to Hoplite Communications, LLC for the Provision of Wireless Consulting Services

RESOLUTION OF THE BOROUGH OF FORT LEE AWARDING A CONTRACT TO HOPLITE COMMUNICATIONS, LLC FOR THE PROVISION OF WIRELESS CONSULTING SERVICES

WHEREAS, there is a need for the Mayor and Council of the Borough of Fort Lee (“Borough”) to award a contract for the provision of wireless consulting services pertaining to the agreements with communication carriers for the impending deployment in the Borough of 5G generation of mobile networks; and

WHEREAS, the Borough solicited, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and received a quotation for the provision of wireless consulting services pertaining to the impending deployment in the Borough of 5G generation of mobile networks; and

WHEREAS, the Local Public Contracts Law, and specifically N.J.S.A. 40A:11-6.1, authorizes, without public advertising for bids and bidding therefor, the purchase of any goods or services whose value does not exceed the bidding threshold; and

WHEREAS, Hoplite Communications, LLC submitted a proposal, dated January 13, 2023, outlining the wireless consulting services pertaining to the impending deployment in the Borough of 5G generation of mobile networks at no cost to the Borough; and

WHEREAS, the Mayor and Council of the Borough desires to award a contract to Peter J. Lupo, Esq., of Hoplite Communications, LLC for the provision of wireless consulting services pertaining to the impending deployment in the Borough of 5G generation of mobile networks in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

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

WHEREAS, the provision of wireless consulting services pertaining to the impending deployment in the Borough of 5G generation of mobile networks will be performed by Hoplite Communications, LLC at no cost to the Borough as all compensation to be paid to Hoplite Communications, LLC will be paid by the communications/utility carrier and, therefore, is below the threshold of \$17,500 under the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq., resulting in the contract not being subject to the provisions of the New Jersey Local Unit Pay-To-Play Law; and

WHEREAS, the award of a contract for the provision of wireless consulting services pertaining to the agreements with communication carriers for the impending deployment in the Borough of 5G generation of mobile networks is in the best interests of the Borough and the implementation of this contract is necessary for its efficient operations;

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

1. That Hoplite Communications, LLC, 197 Route 18 Suite 3000, East Brunswick, New Jersey 08816 shall be and is hereby appointed to provide wireless consulting services pertaining to the agreements with communication carriers for the impending deployment in the Borough of 5G generation of mobile networks in accordance with its proposal, dated January 3, 2022 attached hereto and made a part hereof, expressly subject to and contingent upon the execution of an agreement in form and substance satisfactory to the Borough.

2. That this contract is awarded without competitive bidding, in accordance with the Local Public Contracts Law, specifically N.J.S.A. 40A:11-6.1, because the value of the goods or services does not exceed the bidding threshold.

3. That the Mayor shall be and is hereby authorized to execute a contract between the Borough and Hoplite Communications, LLC, providing for no compensation to be paid by the Borough for the provision of wireless consulting services pertaining to the agreements with communication carriers for the impending deployment in the Borough of 5G generation of mobile networks for a term period of one year, and further memorializing the scope of work and such other terms and conditions as may be necessary.

5. That the Borough Clerk shall advertise the award of the contract in a newspaper as may be required by law.

6. That this Resolution, the proposal, and contract are available for public inspection in the Borough Clerk's office.

CA-4 Authorizing the Award of a Contract to HDR Engineering, Inc. for the Provision of Combined Sewer Overflow and Stormwater Services, Not to Exceed \$249,256.00

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE AWARD OF A CONTRACT TO HDR ENGINEERING INC. FOR THE PROVISION OF CSO AND STORMWATER SERVICES

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("Borough") have determined that it is necessary to enter into a contract with HDR Engineering, Inc. to provide continued support to the Borough for compliance with New Jersey Department of Environmental Protection's Combined Sewer Overflow ("CSO") Permit and Tier A Municipal Stormwater General Permit; and

WHEREAS, HDR Engineering has submitted a proposal dated October 5, 2022, for the provision of the aforementioned services; and

WHEREAS, the Mayor and Council of the Borough of Fort Lee has reviewed the proposal and find it acceptable; and

WHEREAS, the Local Public Contracts Law, specifically N.J.S.A. 40A:11-5, authorizes that the provision of goods or performance of engineering services may be negotiated and awarded by resolution of a public entity without public advertising and bidding; and

WHEREAS, the Chief Financial Officer of the Borough has reviewed its available funds and has determined that sufficient funds are available at this time for the engineering services necessary to support the Borough for compliance with the New Jersey Department of Environmental Protection's Combined Sewer Overflow Permit and Tier A Municipal Stormwater General Permit; and

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

1. That HDR Engineering, Inc., 1 International Boulevard, 10th Floor, Suite 1000, Mahwah, New Jersey is hereby awarded a contract to provide support to the Borough for compliance with the New Jersey Department of Environmental Protection's Combined Sewer Overflow Permit and Tier A Municipal Stormwater General Permit.

2. That the Mayor is authorized to execute a contract with HDR Engineering, Inc. in accordance with its proposal dated October 5, 2022, provided by HDR Engineering, Inc.

3. That the Chief Financial Officer certifies that sufficient funds are available from account number C-04-55-2007-001/C-0455-2109-001, not to Exceed \$249,256.00, said

certification being attached to this resolution.

4. That the contract shall be available for public inspection in the Borough Clerk's Office.

BE IT FURTHER RESOLVED that this contract is awarded without public bidding as the provision of goods or performance of services under the Local Contracts Law by virtue of N.J.S.A. 40A:11-5, which specifically exempts such contracts from the requirements of public bidding.

BE IT FURTHER RESOLVED that the Borough Clerk shall cause a notice of this resolution to be printed in a qualified newspaper within ten (10) days after passage hereof.

CA-5 Authorizing the Award of a Contract to May & Associates for Support Services Related to the Borough 's Affordable Housing Program, Not to Exceed \$7,500.00

RESOLUTION OF THE BOROUGH OF FORT LEE AWARDING A CONTRACT TO MAY & ASSOCIATES FOR THE PROVISION OF AFFORDABLE HOUSING SUPPORT SERVICES FOR THE YEAR 2023

WHEREAS, it is necessary for the Borough of Fort Lee to engage the services of an Affordable Housing Liaison for the year 2023 to provide support services with respect to the Borough's Affordable Housing Program at an annual cost of \$7,500.00; and

WHEREAS, compensation will be available by way of budget appropriations to compensate said affordable housing liaison; and

WHEREAS, the Borough's Chief Financial Officer has reviewed the Borough's available funds and has determined that sufficient funds are available from account number 3-01-21-1902-159, not to Exceed \$7,500.00 said certification being attached to this resolution;

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11 et seq.) requires that a resolution authorizing the award of contracts for "professional services: without competitive bids must be publicly advertised.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that May & Associates be and is hereby appointed as Affordable Housing Liaison for the year 2023.

CA-6 Authorizing the Award of a Contract to Community Grants, Planning & Housing for the Provision of the Affordable Housing Administrative Agent Services Not to Exceed \$40,000.00

RESOLUTION OF THE BOROUGH OF FORT LEE AWARDING A CONTRACT TO COMMUNITY GRANTS, PLANNING & HOUSING FOR THE PROVISION OF AFFORDABLE HOUSING ADMINISTRATIVE AGENT SERVICES FOR THE YEAR 2023

WHEREAS, it is necessary for the Borough of Fort Lee to engage the services of an Affordable Housing Administrative Agent for the year 2023 to provide support services with respect to the Borough's Affordable Housing Program at a cost not to exceed \$40,000.00; and

WHEREAS, compensation will be available by way of budget appropriations to compensate said agents; and

WHEREAS, the Borough's Chief Financial Officer has reviewed the Borough's available funds and has determined that sufficient funds are available from account number 3-01-20-1002-216, not to exceed \$40,000.00 said

certification being attached to this resolution; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11 et seq.) requires that a resolution authorizing the award of contracts for “professional services: without competitive bids must be publicly advertised.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Community Grants, Planning & Housing be and is hereby appointed as Affordable Housing Administrative Agent for the year 2023.

BE IT FURTHER RESOLVED that this contract is awarded without public bidding as professional services under the Local Contracts Law by virtue of N.J.S.A. 40A:11 et seq., which specifically exempts such contracts from the requirements of public bidding.

BE IT FURTHER RESOLVED that the Borough Clerk shall cause a notice of this resolution to be printed in a qualified newspaper within ten (10) days after passage hereof.

BE IT FURTHER RESOLVED that this contract is awarded without public bidding as professional services under the Local Contracts Law by virtue of N.J.S.A. 40A:11 et seq., which specifically exempts such contracts from the requirements of public bidding.

BE IT FURTHER RESOLVED that the Borough Clerk shall cause a notice of this resolution to be printed in a qualified newspaper within ten (10) days after passage hereof.

CA-7 Authorizing the Purchasing Agent to Obtain Specifications and Advertise for Bids for Project Known as 10th Street Road Improvements

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE PURCHASING AGENT TO OBTAIN SPECIFICATIONS AND ADVERTISE FOR BIDS FOR “10TH ST. ROAD IMPROVEMENTS. ”

BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, that the Borough’s Purchasing Agent is hereby authorized and directed to obtain specifications and advertise for bids for:

1. 10th St. Road Improvements

CA-8 Authorizing the Transfer of a Person-to-Person and Place-to-Place Retail Consumption License No. 0219-33-040-012 From Arcadian Holdings, LLC to Noma Group, LLC, 2006-2010 Hudson Street, Effective February 17, 2023

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE TRANSFER OF A PERSON TO PERSON AND PLACE TO PLACE RETAIL CONSUMPTION LIQUOR LICENSE NO. 0219-33-040-012 FROM ARCADIAN HOLDINGS, LLC (POCKET LICENSE) TO NOMA GROUP, LLC., 2006-2010 HUDSON STREET, FORT LEE, NEW JERSEY 07024

WHEREAS, an application has been filed for a person to person and place to place transfer of plenary retail consumption license **0219-33-040-012**, heretofore issued to Arcadian Holdings, LLC (POCKET LICENSE); and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source

of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the applicant has received a tax clearance certificate from the State of New Jersey, Department of the Treasury, Division of Taxation, Trenton, New Jersey; and
WHEREAS, said application has been approved by Police Department,

NOW, THEREFORE, BE IT RESOLVED that the Fort Lee Governing Body does hereby approve the person-to-person and place-to-place transfer of Plenary Retail Consumption Liquor License No. 0219-33-040-012 to **Noma Group, LLC** at **2006-2010 Hudson Street Fort Lee, New Jersey 07024** effective **February 17, 2023** and does hereby direct the Municipal Clerk to endorse the license certificate as follows: "This license, subject to all of its terms and conditions, is hereby transferred to **Noma Group, LLC**. at **2006-2010 Hudson Street, Fort Lee, New Jersey 07024.**"

CA-9 Approving a Request form the Youth Council of Fort Lee to Host a 5K and One Mile Color Run at the Jack Alter Community Center on April 22, 2023

RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING A REQUEST FROM THE YOUTH COUNCIL OF FORT LEE TO HOST A 5K AND ONE MILE COLOR RUN AT THE JACK ALTER COMMUNITY CENTER

WHEREAS, the Borough of Fort Lee received a request from the Youth Council of Fort Lee to host a 5K and One Mile Color Run at the Jack Alter Community Center; and
WHEREAS, the Youth Council Color Run is scheduled for April 22, 2023 from 11:00 AM to 3:00 PM, with a rain date of April 29, 2023: and

WHEREAS, the Youth Council of Fort Lee through this event, would like to raise awareness and funds to donate to organizations and/or families that engage with and empower people with disabilities; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, New Jersey, that permission is hereby granted to the Youth Council of Fort Lee to host a 5K and One Mile Color Run at the Jack Alter Community Center.

CA-10 Authorizing Change Order No. 1 Regarding Project Known as Improvements to Harvard Place, \$12,500.00

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT FOR IMPROVEMENTS TO HARVARD PLACE

WHEREAS, on October 27, 2022, the Governing Body of the Borough of Fort Lee authorized the award of a contract to DLS ("DLS") Contracting, Inc. in the amount of \$170,084.50 for improvements to Harvard Place; and

WHEREAS, due to additional quantities and work "DLS" has submitted a change order reflecting an increase to the contract in the amount of \$12,500.00; and

WHEREAS, Boswell Engineering has reviewed and recommended the change order as submitted.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Fort Lee that said change order be and is hereby approved.

There being no discussion, the public hearing was closed on motion by Councilman Suh, seconded by Councilman Sohmer. The Consent Agenda regarding CA-1 through CA- 10 was approved on the following roll call:

AYES: Council Members Sohmer, Yoon, Suh, Drumgoole, Kasofsky

RESOLUTIONS

R-1 Authorizing the Submission of a NJ Department of Environmental Protection Green Acres Program Application for Project Known as Inwood Terrace Park Improvements

Council	Motion	Second	Yes	No	Abstain	Absent
Sohmer	X		X			
Yoon			X			
Suh			X			
Drumgoole			X			
Kasofsky		X	X			
Cervieri						X

February 16, 2023
Regular Session Meeting

Resolution # R-1

Carried: X Defeated: Tabled:

Approved on Consent Agenda:

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE SUBMISSION OF A NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM APPLICATION FOR PROJECT KNOWN AS INWOOD TERRACE PARK IMPROVEMENTS

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides grants and/or loans to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Fort Lee desires to further the public interest by obtaining funding in the amount of \$950,000.00, in the form of a \$475,000.00 matching grant and, if available, a \$0.00 loan, from the State to fund the following project(s): Inwood Terrace Park Improvements Project at a cost of \$950,000.00.

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above-named project;

make **NOW, THEREFORE** , the governing body/board resolves that:

Mark J. Sokolich or the successor to the office of the Mayor is hereby authorized to:

- a) application for such a loan and/or such a grant,
- b) provide additional application information and furnish such documents as may be required, and
- c) act as the authorized correspondent of the above-named applicant;

The applicant agrees to provide its matching share to the Green Acres funding request, if a match is required, in the amount of \$475,000.00;

In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;

The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and

This resolution shall take effect immediately.

CERTIFICATION

I, Nadine Drumgoole, RMC, do hereby certify that the foregoing is a true copy of a resolution

adopted by the Fort Lee Borough Mayor & Council at a meeting held on the 16th day of February, 2023.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 16th day of February, 2023.

Nadine Drumgoole, Deputy Municipal Clerk, RMC

R-2 Authorizing the Designation of MCRT Investments, LLC, or Successor Urban Renewal Entity Established for the Purpose of Developing any Portion of Redevelopment Area Identified as Block 4355, Lots 14-16 and Block 4355, Lots 11-12, 20-23

Council	Motion	Second	Yes	No	Abstain	Absent
Sohmer	X		X			
Yoon					X	
Suh			X			
Drumgoole			X			
Kasofsky		X	X			
Cervieri						X

February 16, 2023 Regular Session Meeting Resolution # R-2 Carried: X Defeated: ___ Tabled: ___ Approved on Consent Agenda: ___

*Councilman Yoon recused and left dais

RESOLUTION OF THE MAYOR AND COUNCIL DESIGNATING MCRT INVESTMENTS, LLC, OR SUCCESSOR URBAN RENEWAL ENTITY ESTABLISHED FOR THE PURPOSE OF DEVELOPING ANY PORTION OF THE REDEVELOPMENT AREA, AS CONDITIONAL REDEVELOPER CONCERNING THE REDEVELOPMENT AREA IDENTIFIED AS BLOCK 4355, LOTS 14-16 AND BLOCK 4355, LOTS 11-12, 20-23 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF FORT LEE

WHEREAS, the Borough of Fort Lee, in the County of Bergen, New Jersey (the “Borough”), a public body corporate and politic of the State of New Jersey, is authorized pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 to -89 (the “Redevelopment Law”), to determine whether certain parcels of land within the Borough constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, N.J.S.A. 40A:12A-6 of the Redevelopment Law authorizes the governing body of any municipality, by resolution, to have its Planning Board conduct a preliminary investigation to determine whether an area of the municipality is a non-condemnation “area in need of redevelopment” pursuant to the criteria contained in N.J.S.A. 40A:12A-5; and

WHEREAS, the Mayor and Council adopted a Resolution authorizing and directing the Planning Board of the Borough of Fort Lee (the “Planning Board”) to undertake a preliminary investigation to determine if certain property located at Block 4355, Lots 14-16 (the “Upper Main Property”) and Block 4355, Lots 11-12, 20-23 (the “Lower Main Property”) as shown on the official Tax Map of the Borough (the “Study Area”), constituted a non-condemnation “area in need of redevelopment,” in accordance with the Redevelopment Law; and

WHEREAS, the Planning Board, after conducting the required investigation and holding a public hearing on October 25, 2021, recommended that the Study Area met the statutory criteria; and

WHEREAS, the Mayor and Council, on December 9, 2021, adopted a Resolution accepting the Planning Board’s recommendation that the Study Area was found to meet the necessary statutory criteria, and designated the entire Study Area as a non-condemnation Area in Need of Redevelopment (the “Redevelopment Area”); and

WHEREAS, a Redevelopment Plan for the Redevelopment Area has been prepared and adopted by ordinance on February 16, 2023, by the Mayor and Council in accordance with the Redevelopment Law; and

WHEREAS, MCRT INVESTMENTS, LLC (the “Entity”) wishes to develop the Redevelopment Area, identified as Block 4355, Lots 14-16 (the “Upper Main Property”) and Block 4355, Lots 11-12, 20-23 (the “Lower Main Property”) in accordance with the Redevelopment Plan to be adopted by the Mayor and Council; and

WHEREAS, the Entity has requested that the Mayor and Council prepare a Redevelopment Agreement with the Entity providing for the development of the Redevelopment Area in accordance with the Redevelopment Plan as adopted by the Borough; and

WHEREAS, it is the intention of the Entity to establish separate Urban Renewal Entities for the purpose of developing Block 4355, Lots 14-16 (the “Upper Main Property”) and Block 4355, Lots 11-12, 20-23 (the “Lower Main Property”), respectively, to which all of the Entity’s rights and obligations under the Redevelopment Agreement will be assigned; and

WHEREAS, the formation of the aforementioned Urban Renewal Entities cannot be reviewed and approved by the New Jersey Department of Community Affairs until the adoption and finalization of the Redevelopment Plan for Block 4355, Lots 14-16 (the “Upper Main Property”) and Block 4355, Lots 11-12, 20-23 (the “Lower Main Property”);

WHEREAS, the Mayor and Council desires to designate MCRT INVESTMENTS, LLC, or any successor Urban Renewal Entity(ies) established for the purpose of developing any portion of the Redevelopment Area, as Conditional Redeveloper of the Redevelopment Area subject to the negotiation and entry of a Redevelopment Agreement and Financial Agreement, as provided for and in accordance with the provisions of the Redevelopment Law.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Mayor and Council hereby designates MCRT INVESTMENTS, LLC, or any successor Urban Renewal Entity(ies) established for the purpose of developing any portion of the Redevelopment Area, as Conditional Redeveloper concerning the Redevelopment Area identified as Block 4355, Lots 14-16 (the “Upper Main Property”) and Block 4355, Lots 11-12, 20-23 (the “Lower Main Property”) as shown on the official Tax Map of the Borough of Fort Lee. MCRT INVESTMENTS, LLC shall be permitted to assign or transfer its rights and obligations under the Redevelopment Agreement to any successor or assigned Urban Renewal Entity(ies), and/or any other party in interest, established for the purpose of developing any portion of the Redevelopment Area.

3. The Mayor and Council hereby authorizes the negotiation of the Redevelopment Agreement with MCRT INVESTMENTS, LLC, and/or any successor or assigned Urban Renewal Entity(ies), and/or any other party in interest, established for the purpose of developing any portion of the Redevelopment Area, as Conditional Redeveloper of the Redevelopment Area as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law.

4. The Mayor and Council hereby authorizes the negotiation of the Financial Agreement with MCRT INVESTMENTS, LLC, and/or any successor or assigned Urban Renewal Entity(ies), or any other party in interest, established for the purpose of developing any portion of the Redevelopment Area, as Conditional

Redeveloper of the Redevelopment Area as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law.

5. The Mayor and Council hereby authorizes any additional administrative or ministerial work relating to the subject matter of this Resolution.

BE IT FURTHER RESOLVED THAT this resolution shall take effect immediately.

R-3 Authorizing Change Order No.1 Regarding Project Known as Demolition of the Fort Lee Post Office, \$24,290.00

Council	Motion	Second	Yes	No	Abstain	Absent
Sohmer	X		X			
Yoon			X			
Suh		X	X			
Drumgoole			X			
Kasofsky			X			
Cervieri						X

February 16, 2023 Regular Session Meeting Resolution # R-3 Carried: <input checked="" type="checkbox"/> Defeated: <input type="checkbox"/> Tabled: <input type="checkbox"/> Approved on Consent Agenda: <input type="checkbox"/>
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RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT FOR THE DEMOLITION OF THE FORT LEE POST OFFICE

WHEREAS, on May 19, 2022, the Governing Body of the Borough of Fort Lee authorized the award of a contract to RFC Excavating and Landscape Construction (“RFC”) in the amount of \$118,150.00 for the demolition of the Fort Lee Post Office; and

WHEREAS, due to additional quantities and work “RFC” has submitted a change order reflecting an increase to the contract in the amount of \$24,290.00; and

WHEREAS, Boswell Engineering has reviewed and recommended the change order as submitted.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Fort Lee that said change order be and is hereby approved.

R-4 Rescinding Resolution No. CA-20 Passed on January 19, 2023 Enforcing Low-Speed Electric Bicycles or Low-Speed Electric Scooter Regulations

Council	Motion	Second	Yes	No	Abstain	Absent
Sohmer		X	X			
Yoon			X			
Suh	X		X			
Drumgoole			X			
Kasofsky			X			
Cervieri						X

February 16, 2023 Regular Session Meeting Resolution # R-4 Carried: <input checked="" type="checkbox"/> Defeated: <input type="checkbox"/> Tabled: <input type="checkbox"/> Approved on Consent Agenda: <input type="checkbox"/>
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RESOLUTION OF THE BOROUGH OF FORT LEE RESCINDING RESOLUTION CA-20 ADOPTED ON JANUARY 19, 2023, ENFORCING LOW-SPEED ELECTRIC BICYCLE OR LOW-SPEED ELECTRIC SCOOTER REGULATIONS

WHEREAS, on January 19, 2023, the Mayor and Council approved a resolution outlining regulation for Low-Speed Electric Bicycles and Low-Speed Electric Scooters; and

WHEREAS, it has been determined that Resolution CA-20 as currently written requires modifications; and

NOW, THEREFOR BE IT RESOLVED, that the Mayor and Council of the Borough of Fort Lee **rescind** its approval of regulations for Low-Speed Electric Bicycles and Low-Speed Electric Scooters.

COUNCIL REPORTS

Councilman Sohmer - He encouraged the public to visit the new George Washington Bridge walkway, named the Northway Walk which includes an observation deck.

He congratulated Kevin Hartley, Tax Assessor on his retirement.

Councilman Yoon - He encourage the public to participate in the Youth Council Color Run to be held on April 22nd at the Jack Altar Community Center. He thanked the Youth Council for their participation in the community of Fort Lee.

Councilman Suh - He congratulated Kevin Hartley, Tax Assessor on his retirement.

He mentioned registration is now open for girls' softball and Fort Lee baseball.

Councilman Drumgoole - He wished officers and all members involved with the unfortunate February 4th shooting incident a speedy recovery. He thanked the Volunteer Ambulance Corp and Volunteer Fire Department for their assistance with the incident.

He congratulated Kevin Hartley, Tax Assessor on his retirement.

He thanked the Port Authority for working in conjunction with Fort Lee for the opening of the George Washing walkway.

Councilwoman Kasofsky - She mentioned the Health Department has scheduled a hands only CPR training class to be held at the Recreation Department on March 16th from 1 PM - 2 PM. Contact the Health Department to register. Hackensack Meridian Health fall risk prevention class to be held at the Senior Center on April 18th from 9 AM - 10 AM.

She mentioned events taking place at the library.

Councilman Cervieri - Absent

The Council Members wished the Borough Administrator Al Restaino a speedy recovery with his upcoming surgery.

PUBLIC PARTICIPATION

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

Mr. Joshua Demore came forward regarding his concern for a specific tree that has been removed from the Palisades Interstate Park.

Mayor Sokolich responded that this specific tree was deemed hallow and rotted by an arborist, suggesting the removal of the tree before it fell due to a windstorm.

Mr. Joshua Demore expressed his objection to metered parking in Fort Lee parks and his concerns for increased parking meter fees.

Mayor Sokolich responded that Fort Lee is a commuter town and metered parking regulates the abuse of over stay. He stated that there has been an increase in meter fees due to crucial budgetary issues.

There being no further public discussion, the public hearing was closed **on motion by Councilman Suh, seconded by Council woman Kasofsky.**

On motion by Councilman Suh, seconded by Councilwoman Kasofsky, and there being no further discussion, the meeting was adjourned with no objections at 7:56 p.m.

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