

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, March 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, Cervieri

ABSENT: Councilwoman Kasofsky

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

“Welcome everyone to our regularly scheduled meeting of Thursday, March 16. Just a few updates, a short report. I am happy to report that over the past two or three weeks, the United States Postal Office here on Main Street has finally been demolished. The property is now presently being graded and final plans are being prepared. I could also tell you we have pre-ordered all the equipment from benches to receptacles, tables, and ADA compatible facilities. It is going to be the park of parks. I say that without reservation. As you know, in the past when we promised something great, we delivered. This will be great. I think it will turn into the premier park in Fort Lee. As far as the timeline is concerned, we no longer have conditions like the Postal Service being in the way, and what a joy that was, or other things that could potentially delay it indefinitely. Right now, we have supply chain demands, a lot of things that we have ordered will take several months to go. We were hoping to have it ready for the summer. I think we can realistically anticipate an early fall opening but fall in Fort Lee is like no other place in Bergen County. We have festivities that attract thousands and thousands of people from car shows, which has now received national acclaim, to our BDA Halloween event on Main Street, to our “Paws in the Park” at the Dog Park that also attracts hundreds if not thousands of people. We are excited. We have a lot of fun things ahead of us and we are going to keep plugging along and I am excited about the progress that the park's about to start to make.”

PROCLAMATIONS

The following proclamations were read by Mayor Sokolich

100th Anniversary of the Bergen County Section of
the National Council of Jewish Women

WHEREAS, March 20, 2023 marks the 100th anniversary of the Bergen County Section of the National Council of Jewish Women, a grassroots organization of volunteers and advocates who turn progressive ideals into action; and

WHEREAS, since our beginning on March 20, 1923 when a small group of courageous Jewish women got together with the goal of making life better for people in their community, the National Council of Jewish Women Bergen County Section has emphasized public service and civic engagement, and has fostered a sense of sisterhood among women; and

WHEREAS, inspired by Jewish values, the National Council of Jewish Women Bergen County Section has become a force in helping to improve the lives of women, children and families in Bergen County, New Jersey and beyond; and

WHEREAS, during a time where individual freedoms have come under threat, the National Council of Jewish Women Bergen County Section advocates for reproductive freedom, racial equity and inclusion, and ending antisemitism, gun violence and human trafficking; and

WHEREAS, at a time when many people in the community are in need, the National Council of Jewish Women Bergen County Section has volunteered to help children and seniors, the hungry and food insecure, victims of domestic violence, workers without medical insurance, people with MS and so much more; and

WHEREAS, the National Council of Jewish Women Bergen County Section is comprised of over 1,000 women across Bergen County.

NOW, THEREFORE, I Mark J. Sokolich, by virtue of the authority vested in me as Mayor of the Borough of Fort Lee, Bergen County, do hereby applaud the National Council of Jewish Women and the Bergen County Section for a century of philanthropy, fundraising, advocacy, and sisterhood in Bergen County and beyond, and I declare April 20, 2023, the date of the Section's official centennial celebration, to be National Council of Jewish Women Day.

March 2, 2023

MARK J. SOKOLICH

In Recognition of "Mental Health Awareness Month...March 2023"

WHEREAS, mental health is essential to overall health and well-being, and all people experience times of difficulty and stress in their lives and should feel comfortable in seeking help and support to manage these times; and

WHEREAS, like physical illness, mental illness is a medical condition that can be treated effectively through prevention, early identification, and early intervention, and with effective treatment, all individuals with mental illness can make progress toward recovery and lead full, productive lives; and

WHEREAS, mental illness affects one in five people in the United States, and the experience can be devastating for individuals and families with little knowledge or access to mental health services and the COVID-19 pandemic has created a multitude of mental health challenges for our community members of all ages, and connecting people to care is more important than ever; and

WHEREAS, May is annually recognized throughout the nation as Mental Health Awareness Month and it is the 10th anniversary of the beginning of the Stigma-Free Initiative in Bergen County with Paramus initially declaring itself a Stigma-Free Zone in 2013; and

WHEREAS, the Borough of Fort Lee, declared themselves as a Stigma-Free Zone and will continue to support the Stigma-Free initiative,

WHEREAS, Stigma-Free Zones aim to inspire public interest and open dialogue about stigma, raise awareness of the diseases of mental illness and create a culture wherein residents who have the diseases of mental illness feel free to seek treatment for the disease without fear of stigma; and,

WHEREAS, local resources are available to treat the disease of mental illness so no one resident needs to suffer alone or feel hopeless, and;

NOW, THEREFORE BE IT RESOLVED that the Borough of Fort Lee recognizes the community's needs and continues to support the efforts of the County of Bergen in continuing to be a Stigma-Free Zone.

March 16, 2023

MARK J. SOKOLICH

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilman Suh, and carried unanimously, the minutes of the February 2, 2023, Closed and Work Sessions were approved.

On motion by Councilman Sohmer, seconded by Councilman Suh, and carried unanimously, the minutes of the February 16, 2023, Regular Session were approved. *Councilman Cervieri Abstained.

At this time in the meeting Mayor Sokolich gave a brief statement regarding National Vietnam Veterans Day.

“This is from our VFW, very important. The Borough of Fort Lee Governing Body would like to recognize our Fort Lee Veterans of foreign wars post 2342 on their upcoming National Vietnam Veterans’ Day, which will be commemorated on March 29th. Please remember all of our veterans for their service and keep them in your prayers. I trust that my colleagues up here on the council will be talking about this a little bit more in detail.”

INTRODUCTION OF ORDINANCES

Ord. 2023-8 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 289 ENTITLED “PARKING”, AND CHAPTER 388 ENTITLED “VEHICLES AND TRAFFIC” (Public Hearing April 20, 2023)

The Ordinance was **approved**, and the public hearing relative to this ordinance was scheduled for April 20, 2023.

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

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

Ord. 2023-9 AN ORDINANCE AMENDING CHAPTER 90 POLICE DEPARTMENT, SECTION 2 FORMATION AND RANK, OF THE CODE OF THE BOROUGH OF FORT LEE (Public Hearing April 20, 2023)

The Ordinance was **approved**, and the public hearing relative to this ordinance was scheduled for April 20, 2023.

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

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

ORDINANCE PUBLIC HEARINGS

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

On motion by Councilman Cervieri, seconded by Councilman Suh, and carried, the public hearing was opened. There being no public discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilman Sohmer.

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

WHEREAS, pursuant to Resolution of approval adopted April 27, 2021 by the Zoning Board of Adjustment of the Borough of Fort Lee, conditioned the developer, ARS Architectural Design & Trade, LLC (“ARS”), to execute an easement in favor of the Borough of Fort Lee for the continued use by the public of a portion of the existing and proposed Christie Lane sidewalk; and

WHEREAS, a Deed of Easement had been prepared by ARS and submitted to the Borough for execution; and

WHEREAS, the Borough of Fort Lee is desirous of acquiring the

aforementioned easement; and

WHEREAS, the Local Lands and Buildings Law, to wit, N.J.S.A. 40A:12-3, 4 and 5 provides the necessary authorization for the acquisition of real property by the Borough; and

WHEREAS, THE Mayor and Council of the Borough of Fort Lee have determined that such property is needed for a public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE that:

Section 1. The Borough of Fort Lee shall acquire an easement on the property currently owned by ARS and identified as Block 3554, Lot 3 consisting of approximately 250 square feet as set forth on a Sidewalk Easement Map prepared by Azzolina & Feury Engineering, Inc. dated April 15, 2021 as revised attached hereto as Exhibit A pursuant to the condition set forth in the Resolution of approval memorialized by the Fort Lee Zoning Board of Adjustment on April 27, 2021.

Section 2. The Mayor and Borough Clerk, be and the same, are hereby authorized and directed to execute any and all documents required for the acquisition of the aforesaid easement.

Section 3. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the inconsistency thereof.

Section 4. If any article, section, sub-section, sentence, clause, or phrase of this ordinance is for any reason deemed to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not effect the remaining portion of this ordinance.

Section 5. This Ordinance shall take effect upon the publication as required by law.

Ord. 2023-5 AN ORDINANCE ADDING CHAPTER ENTITLED “BUSINESS INSURANCE REGISTRATION” TO THE CODE OF THE BOROUGH OF FORT LEE

On motion by Councilman Sohmer, seconded by Councilman Suh, and carried, the public hearing was opened. There being no public discussion, the public hearing was closed on motion by Councilman Sohmer, seconded by Councilman Suh.

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: March 16, 2023			
Council	Motion	Second	Vote
Sohmer	X		X
Yoon			X
Suh		X	X
Drumgoole			RECUSED
Kasofsky			ABSENT
Cervieri			RECUSED

WHEREAS, Governor Murphy signed P.L. 2022, c.92 on August 5, 2022, which requires business owners and rental unit owners to maintain certain liability insurance policies and to register the compliant certificate of insurance with the municipality annually in which the business or rental units are located.

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

Section 1.

Chapter ____ of the Code of the Borough of Fort Lee entitled “Business Insurance Registration” is added as follows:

Chapter ____ BUSINESS INSURANCE REGISTRATION

1 Business insurance registration required.

It is unlawful for any owner of a business, owner of a rental unit or units, or the owner of a multi-family home of four or fewer units, one of which is owner occupied, to operate within the Borough without first registering its certificate of insurance demonstrating compliance with Section 1 of P.O. 2022, c. 92 and paying the registration fee required herein.

2 Entities covered by this Chapter.

The following entities are required to register their certificate of insurance under this Chapter:

- a. Businesses, which shall mean any business located in the Borough of Fort Lee.
- b. Owners of single rental dwelling units.
- c. Owners of multiple dwelling rental units.
- d. Owners of multi-family homes that include rental units, even where one unit is owner-occupied.

3 Registration Official.

The Fire Official shall accept, approve and file registration applications and collect registration fees hereunder.

4 Registration Fees; Expiration; Renewal.

The registration fee shall be \$50 annually. Registrations shall expire on December 31 of each year. Renewals must be submitted by December 1 of each year. After the effective date of this Chapter, entities covered under this Chapter shall be required to register by December 1, 2022 and such registration shall be valid for the 2023 calendar year.

5 Application and insurance requirements.

An application for a business insurance registration shall be included with the Business Registration Form or Non-Life hazard Registration form as required by Ordinance 96-10 accompanied by the required fee and shall be made to the Fire Official upon forms provided by the Fire Official. It shall contain the following information:

- a. Name and address of the applicant. If the applicant is a corporation, the name and address of its registered agent.
- b. The address of the rental dwelling units or business as applicable.
- c. A description of the nature of the business and the goods, property or services to be sold or supplied.
- d. A certificate of insurance reflecting the following amounts of insurance in compliance with P.L. 2022, c. 92:
 - i. Except as provided in Subsection ii of this section, the owner of a business or the owner of a rental unit or units shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons

- ii. in any one accident or occurrence. The owner of a multifamily home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

6 Violations and penalties

Any person who violates the terms of this Chapter shall pay the license fee plus a fine of not less than \$500.00, but no more than \$5,000.00 plus court costs.

Section 2. Severability.

If any article, section, subsection, sentence, clause or phrase of this Ordinance is for any reason deemed to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

Section 3. Repealer.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 4. Effect.

This Ordinance will take effect immediately upon publication.

Ord. 2023-6 AN ORDINANCE AMENDING AN 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

On motion by Councilman Cervieri, seconded by Councilman Suh, and carried, the public hearing was opened. There being no public discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilman Sohmer.

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

WHEREAS, the Borough of Fort Lee (the “Borough”) enacted Chapter 333 entitled “Service Stations” of the Borough Code, specifically Section 333-1 “Definitions” and 333-8 “General Regulations; Inspection”; and

WHEREAS, it is in the best interests of Borough residents to amend and supplement these sections of the Borough Code at this time.

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

Section 1. Chapter 333 entitled “Service Stations”, Section 333-1 “Definitions” is hereby amended in its entirety as follows:

As used in this Chapter, the following terms shall have the meaning indicated:

Automobile Service Station, Service Station or Gasoline Station - Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels and/or servicing and repair of automobiles.

Section 2. Chapter 333 entitled "Service Stations", Section 333-8 "General Regulations; Inspection" is amended and supplemented as follows:

Each service station shall be conducted and maintained in accordance with the provisions of the ordinances of the Borough. Each service station shall be inspection at least three times every year by an official of the Fire Prevention Bureau. It shall be the duty of the person making such inspection to see that the premises are maintained in compliance with this chapter and other ordinances of the Borough to see that there is no dangerous accumulation of waste or other combustible material on the premises and to report to the Fire Preventing Bureau any violation of ordinances which may be discovered during such inspection. Paragraphs A through C below shall be enforced by the Construction Official, Subcode Official, Borough Code Enforcement Officer, Police Department or an official of the Fire Prevention Bureau.

- A. Any repair, washing or servicing of motor vehicles shall be performed in a fully enclosed building and no motor vehicles shall be offered for sale on the site. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside of an enclosed building. Any person found guilty of violating any of the provisions of this chapter, upon conviction thereof, shall pay a fine not to exceed \$2,000.
- B. Off-street parking shall be provided, exclusive of pump area or travel lanes, at the requirement of three parking spaces for each service bay. No more than three vehicles per each service bay shall be stored outside of an enclosed building. No vehicles awaiting service shall be stored on any public street or right-of-way. Notwithstanding the provisions of the preceding subsection, for a first offense, a person having been convicted of violating the provisions of this subsection shall be subject to a minimum mandatory fine of not less than \$500 per vehicle stored outside in excess of that allowed by this subsection. For a second violation, a person having been convicted of same shall be subject to a minimum mandatory fine of not less than \$1,000 per vehicle stored outside in excess of that allowed by this subsection. For subsequent violations, a person having been convicted of same shall be subject to a minimum mandatory fine of not less than \$2,500 per vehicle stored outside in excess of that allowed by this subsection.
- C. Where such uses abut a residential property, there shall be a landscaped buffer strip at least ten feet in width along the side and rear property lines. Buffer strips and screening shall be in accordance with Chapter 410, Section 410-32 and Section 410-33.

Section 3. Any reference to Filling Station in Chapter 333 shall mean Automobile Service Station.

Section 4. All other parts, portions and provisions of the Fort Lee Code be and the same are hereby ratified and confirmed, except where inconsistent with the terms hereof. In the event of any such inconsistency, the terms of this ordinance shall be deemed to govern.

- Section 5. 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 6. All ordinances or parts of ordinance inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.
- Section 7. This Ordinance shall take effect upon final adoption and publication in accordance with Law.

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

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried, the public hearing was opened. There being no public discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilman Sohmer.

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

WHEREAS, the Borough of Fort Lee (the “Borough”) enacted Chapter 410 entitled “Zoning” of the Borough Code, specifically Section 410-7 “Definitions” and 410-36 “Conditional Uses”, Subsection E “Gasoline Stations”; and

WHEREAS, it is in the best interests of Borough residents to amend and supplement these sections of the Borough Code at this time.

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

Section 1. Chapter 410 entitled “Zoning”, Section 410-1 “Definitions” is hereby amended as follows:

Automobile Service Station, Service Station or Gasoline Station – Any building or place of business, land area or portion thereof, used for the retail dispensing or sale of vehicular fuels and/or servicing and repair of automobiles.

Section 2. Chapter 410 entitled “Zoning”, Section 410-36 “Conditional Uses”, Subsection E “Gasoline Stations” is amended and supplemented with the inclusion of Subsection E(9) as follows:

(9) A Gasoline Station shall comply with all requirements set forth in Chapter 333 “Service Stations”.

Section 3. All other parts, portions and provisions of the Fort Lee Code be and the same are hereby ratified and confirmed, except where inconsistent

with the terms hereof. In the event of any such inconsistency, the terms of this ordinance shall be deemed to govern.

- Section 4. 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 5. All ordinances or parts of ordinance inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.
- Section 6. This Ordinance shall take effect upon final adoption and publication in accordance with Law.

**PUBLIC HEARING AND ADOPTION OF THE 2023 BOROUGH OF FORT LEE
SPECIAL IMPROVEMENT DISTRICT BUDGET**

Councilman Cervieri made a motion to open the public hearing, motion seconded by Councilman Suh.

There being no public comments, the public hearing relative to the **“2023 Budget of the Fort Lee Special Improvement District”** was closed on motion by Councilman Cervieri, seconded by Councilman Suh.

Councilman Suh made a motion to adopt the 2023 Budget of the Fort Lee Special Improvement District motion seconded by Councilman Sohmer.

AYES: Council Members Sohmer, Yoon, Suh, Drumgoole

ABSTAINED: Councilman Cervieri

ABSENT: Councilwoman Kasofsky

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; and

		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 Events		
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	Subtotal	\$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		

It is hereby certified that the within budget (Available in the Office of the Municipal Clerk) is a true copy of the Fort Lee Special District Improvement budget finally adopted by the Governing on the 16th Day of March 2023.

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilman Suh the Proposed Consent Agenda was introduced, and the public hearing was opened relative to items CA-1 through CA-4 and CA-6 through CA-10.

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

March 16, 2023
Regular Session Meeting

Resolution # CA-1 to CA-4 and
CA-6 to CA-10

Carried: __ Defeated: __ Tabled: __

Approved on Consent Agenda: X

CA-1 Payment of Claims

BE IT RESOLVED, that the following claims, the details for which are attached hereto and made a part hereof, are hereby authorized to be paid, having been audited and found correct by the Borough Administrator and Chief Financial Officer.

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$11,462,495.10
Current – Grant	
Capital	330,335.76
Road Improvement Plan	
Multiple Dwelling	
Construction Fees	
COAH Fees	
Senior Citizen Advisory Council	
Trip Admissions	
Special Dog Account	
Trust Account Fund	90,020.00
Redemption Account	519,732.75

Disability Insurance Trust	
Public Assistance Trust Fund	
Police Activity Trust	
Fort Lee Film Commission	
Community Development	
School Resource Account	
Dedicated Penalties (Fire Prevention)	
POAA	
Police Donation	
Police Treasury	675.00
Police Justice	22,000.00
Flexible Spending	
Trust Account	
Developers CONNECT ONE	58,536.48
Developers B of America	
Total:	\$ 12,483,795.09

CA-2 Approving New Jersey State Firemen’s Association Membership Applications for Jack P. Siccardi, Fire Company #3, David-James O. Brierty, Fire Company #4 and Jonathan A. Sorto, Fire Company #4

The New Jersey State Firemen’s Association Membership Applications for Jack P. Siccardi, Fire Company #3, David-James O. Brierty, Fire Company #4 and Jonathan A. Sorto, Fire Company #4 were approved.

CA-3 Authorizing the Appointment of Siu H. Tang-Li, Crossing Guard

RESOLUTION OF THE BOROUGH OF FORT LEE APPOINTING A SCHOOL CROSSING GUARD

BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the following be appointed as School Crossing Guards in the Borough of Fort Lee without authority to carry a firearm:

Siu H. Tang-Li

CA-4 Authorizing the Appointment of Brianna Golenischew as an Unpaid Intern in the Police Department Commencing March 20, 2023

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE APPOINTMENT OF AN UNPAID INTERN IN THE FORT LEE POLICE DEPARTMENT

WHEREAS, at certain times of the year, intern positions exist with our Police Department, and the Mayor and Council have determined that the positions should be filled,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the following individual be appointed as a Police Intern, of which said position is unpaid, and will commence on March 20, 2023 and ending prior to the end of the spring semester, and will complete 90 hours for said internship:

1. Brianna Golenischew

BE IT FURTHER RESOLVED that the above listed Police Intern will be training with our Police Department and the Training Bureau in various projects.

CA-6 Authorizing the Designation of an Official Signatory for a 2022 Bergen County Trust Fund Grant for Project Known as Whitey Lang Park: Playground Equipment, Rubberbond Elevate Surfing, \$126,658.00

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE DESIGNATION OF AN OFFICIAL SIGNATORY FOR A 2022 BERGEN COUNTY OPEN SPACE, RECREATION, FLOODPLAIN PROTECTION, FARMLAND & HISTORIC PRESERVATION TRUST FUND (BERGEN COUNTY TRUST FUND) GRANT CONTRACT

BE IT RESOLVED, that the Mayor and Council of the Borough of Fort Lee wish to enter into a Bergen County Trust Fund Project Contract (“Contract”) with the County of Bergen for the purpose of using a \$126,658 matching grant award from the 2022 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“Trust Fund”) for the municipal park project entitled Whitey Lang park: Playground Equipment, Rubberbond Elevate Surfing located in Block 1751 Lot 2 on the tax maps of the Borough of Fort Lee;

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Mayor Mark J. Sokolich to be a signatory to the aforesaid Contract; and,

BE IT FURTHER RESOLVED, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about December 14, 2024; and,

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund’s requirements; and,

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible construction costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund’s requirements. Professional Services Costs may be reimbursed from grant award’s unexpended balance, should there be a balance.

This resolution was adopted by the Mayor and Council of Borough of Fort Lee at a meeting on March 16, 2023.

CA-7 Authorizing a Disabled Veteran’s Exemption to Howard C. Lipsitz at 1530 Palisade Ave., #10M

RESOLUTION OF THE BOROUGH OF FORT LEE GRANTING A DISABLED VETERAN’S EXEMPTION TO HOWARD C. LIPSITZ AT 1530 PALISADE AVE., #10M

BE IT RESOLVED, that pursuant to N.J.S.A. 54:4-3.30 the Tax Assessor has granted a Disabled Veteran’s exemption on the cooperative apartment located at 1530 Palisade Avenue, #10M, Block: 3352 Lot:1; and

WHEREAS, the property owner Howard C. Lipsitz is entitled to full real estate tax exemption commencing June 2, 2022 and thereafter; and

NOW THEREFORE BE IT RESOLVED, that the Tax Collector-CFO be authorized to issue a refund check in the amount of \$3,427.21 payable to:

Howard C. Lipsitz
1530 Palisade Ave. Apt. 10M
Fort Lee, New Jersey 07024

CA-8 Approving a Request from the Saint Rocco Society of Fort Lee to Permit the 94th Annual Saint Rocco Feast, Scheduled for August 9, 2023 Through August 13, 2023

RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING A REQUEST FROM THE SAINT ROCCO SOCIETY OF FORT LEE TO PERMIT THE 94th ANNUAL SAINT ROCCO FEAST

WHEREAS, the Borough of Fort Lee received a request from the Saint Rocco Society of Fort Lee to permit the 94th annual Saint Rocco Feast; and

WHEREAS, the Saint Rocco Feast is scheduled from Wednesday, August 9, 2023 through Sunday, August 13, 2023; and

WHEREAS, funds raised by this event are donated to people, organizations and communities in need; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee, grants permission for the 94th annual Saint Rocco Feast to be held in Fort Lee from August 9, 2023, through August 13, 2023.

CA-9 Approving a Request from Holy Trinity Church for the Use of the Coytesville Park Field, on June 4, 2023, and June 18, 2023

RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING A REQUEST FROM THE HOLY TRINITY CHURCH, FORT LEE FOR THE USE OF THE COYTESVILLE PARK FIELD, 6th STREET, FORT LEE

WHEREAS, the Borough of Fort Lee received a request from Reverend Edmondo Sombilon, Pastor of Holy Trinity Church, 2367 Lemoine Avenue, Fort Lee, for permission to use Coytesville Park, located at 2300 6th Street, for two events; and,

WHEREAS, Holy Trinity Church will hold a Parish Picnic for the Feast of the Holy Trinity on Sunday, June 4, 2023 from 1:30 pm to 4:30 pm with a rain date of Sunday, June 11, 2023; and,

WHEREAS, Holy Trinity Church has requested use of Coytesville Park for a second parish event to be held on Sunday, June 18, 2023 from 1:30 pm to 3 pm, with no rain date required; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that they hereby grant permission for both of the above events to be held at Coytesville Park, Fort Lee, New Jersey.

CA-10 Authorizing the Borough to Participate in the Union County Cooperative Pricing Agreement

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE BOROUGH TO PARTICIPATE IN THE UNION COUNTY COOPERATIVE PRICING AGREEMENT

WHEREAS, N.J.S.A. 40A:11-1 et. seq. authorizes contracting units to enter into Cooperative Pricing Agreements; and

WHEREAS, the County of Union hereinafter referred to as “the Lead Agency” has offered voluntary participation in a renewal participation in a Cooperative Pricing System for the purchase of work, materials, and supplies; and

WHEREAS, the Borough of Fort Lee in the County of Bergen desires to participate in the Union County Cooperative Pricing Agreement.

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 that the Mayor and Council authorizes the Borough of Fort Lee to participate in the Union County Cooperative Pricing Agreement and execute a Cooperative Pricing Agreement with the County of Union upon its approval by the Division of Local Government Services; and

BE IT FURTHER RESOLVED that the County of Union as Lead Agency is expected to comply with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq. and all of the provisions of the revised statutes of the State of New Jersey).

There being no discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilman Suh. The Consent Agenda regarding CA-1 through CA-4 and CA-6 through CA-10 was approved on the following roll call:

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

At this time in the meeting Mayor Sokolich asked for a re-vote related to CA-5 to properly open to the public for any comments.

On motion by Councilman Cervieri, seconded by Councilman Suh Resolution CA-5 was introduced, and the public hearing was opened. There being no public comments the public hearing was closed on motion by Councilman Cervieri, seconded by Councilman Suh.

CA-5 Authorizing the Appointment of Anthony Mazzola as the Borough’s Tax Assessor Commencing July 1, 2023, Through June 30, 2027, \$135,000.00 Annually

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

March 16, 2023 Regular Session Meeting Resolution # CA-5 Carried: <u>X</u> Defeated: <u> </u> Tabled: <u> </u> Approved on Consent Agenda: <u> </u>
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RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE APPOINTMENT OF ANTHONY MAZZOLA AS TAX ASSESSOR

WHEREAS, the Borough of Fort Lee has a need to fill a vacancy in the position of tax Assessor to the retirement of the Borough’s Tax Assessor; and

WHEREAS, pursuant to N.J.S.A. 40A:9-146; the Governing Body of the Borough of Fort Lee wishes to appoint Mr. Anthony Mazzola as the Borough’s Tax Assessor; and

WHEREAS, pursuant to N.J.S.A. 40A:9-148, Mr. Mazzola’s initial full term

shall commence on July 1, 2023 and run until June 30, 2027; and

WHEREAS, Mr. Mazzola shall be compensated at rate of \$135,000.00 per annum and his regular daily hours of employ shall be Monday through Friday from 8:30 AM until 4:00 PM, and will include the standard fringe benefit package provided to Fort Lee Department Heads; and

BE IT FURTHER RESOLVED THAT, certified copies of said Resolution shall be forwarded to the following:

1. Director, Division of Taxation
2. Administrator, Board of Taxation
3. Administrator of the Municipality
4. Tax Assessor

RESOLUTIONS

R-1 Authorizing 2022 Budget Transfers

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

March 16, 2023 Regular Session Meeting Resolution # R-1 Carried: <u>X</u> Defeated: <u> </u> Tabled: <u> </u> Approved on Consent Agenda: <u> </u>
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RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING BUDGET TRANSFERS

BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, that the following 2022 budget appropriation reserve transfers are hereby made, pursuant to N.J.S.A. 40A:4-58, not less than two-thirds of the full membership of the Governing Body concurring:

	<u>From:</u>	<u>To:</u>
Police S/W	154,000	
Board of Adjustment O/E		200
Rent Leveling Bd. O/E		1,800
Other Insurance O/E		7,000
OEM O/E		100
EMT O/E		5,000
Ambulance O/E		3,500
Fire Protection O/E		6,500
Buildings & Grounds O/E		19,000
I.T. O/E		900
Auto Repair O/E		10,000
Electric & Gas O/E		98,000
FICA		2,000
 <u>TOTAL:</u>	 <u>\$154,000</u>	 <u>\$154,000</u>

R-2 Authorizing an Emergency Temporary Appropriation: Community Development Block Grant 10th Street Road Improvement, \$95,000.00 and NJ Association of County and City Health Officials, \$278,880.00

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

March 16, 2023
Regular Session Meeting

Resolution # R-2

Carried: X Defeated: Tabled:

Approved on Consent Agenda:

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION – SUPPLEMENTING THE TEMPORARY BUDGET

WHEREAS, an emergent condition has arisen in that the Borough is expected to enter into contracts, commitments, or payments prior to the 2023 budget and no adequate provision has been made in the 2023 temporary budget for the aforesaid purposes, and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2023 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total of \$373,880.00.

NOW THEREOFRE BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made in the amount of \$373,880.00 as follows:

CDBG – 10 th Street Road Improvements	\$95,000.00
NJACCHO – Enhancing Local Public Health Infrastructure Grant	\$278,880.00
2. Said emergency temporary appropriations will be provided for in the 2023 budget.
3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

R-3 Authorizing the Tax Appeal Attorney to Execute all Documents Necessary to Finalize Settlement of Tax Appeal Entitled Benjamin Chouake and Esther Chouake V. Borough of Fort Lee, 224 Dorincourt Road

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

March 16, 2023
Regular Session Meeting

Resolution # R-3

Carried: X Defeated: Tabled:

Approved on Consent Agenda:

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE TAX APPEAL ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FINALIZE SETTLEMENT OF TAX APPEALS ENTITLED “BENJAMIN CHOUAKE and ESTHER CHOUAKE v. BOROUGH OF FORT LEE”

WHEREAS, Benjamin Chouake and Esther Chouake are the owners and/or taxpayers of property located at Block 851, Lot 5, also known as 224 Dorincourt Road, Fort Lee, New Jersey (the “Property”) for tax years 2020 and 2021; and

WHEREAS, taxpayer has filed property tax appeals against the Borough of Fort Lee for tax years 2020 and 2021 in matters entitled Benjamin Chouake and Esther Chouake v. Borough of Fort Lee, all of which are presently pending in the Tax Court of New Jersey; and

WHEREAS, it has been recommended by the Tax Appeal Attorney and the Borough Assessor that the matters be settled at this time, and that such settlement is in the best interests of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the Tax Appeal Attorney be and is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of the matters entitled Benjamin Chouake and Esther Chouake v. Borough of Fort Lee, so that for the tax year 2020 the assessment of \$1,701,300 will remain the same; and for the tax years 2021 and 2022 the assessment of \$1,701,300 will be reduced to \$1,651,300; resulting in a refund of \$2,457.50; and

BE IT FURTHER RESOLVED that the aforesaid settlement is predicated upon a waiver of any and all pre-judgment interest by the taxpayer, as long as payment is made within sixty (60) days of the issuance of a Tax Court Judgment; and

BE IT FURTHER RESOLVED that the Borough Clerk shall keep a copy of this Resolution on file and available for inspection in the office of the Borough Clerk and shall forward a copy of this Resolution to the Mayor; Business Administrator; Borough Attorney and Borough Tax Assessor.

R-4 Authorizing the Tax Appeal Attorney to Execute all Documents Necessary to Finalize Settlement of Tax Appeal Entitled Hudson City Savings Bank V. Borough of Fort Lee, 2013 Center Avenue

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

March 16, 2023
Regular Session Meeting

Resolution # R-4

Carried: Defeated: Tabled:

Approved on Consent Agenda:

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE TAX APPEAL ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FINALIZE SETTLEMENT OF TAX APPEALS ENTITLED “HUDSON CITY SAVINGS BANK v. BOROUGH OF FORT LEE”

WHEREAS, Hudson City Savings Bank is the owner and/or taxpayer of property located at Block 4651, Lot 14, also known as 2013 Center Avenue, Fort Lee, New Jersey (the “Property”) for tax years 2018, 2019, 2020, 2021 and 2022; and

WHEREAS, taxpayer has filed property tax appeals against the Borough of Fort Lee for tax years 2018, 2019, 2020, 2021 and 2022 in matters entitled Hudson City Savings Bank v. Borough of Fort Lee, all of which are presently pending in the Tax Court of New Jersey; and

WHEREAS, it has been recommended by the Tax Appeal Attorney and the Borough Assessor that the matters be settled at this time, and that such settlement is in the best interests of the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the

Borough of Fort Lee that the Tax Appeal Attorney be and is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of the matters entitled Hudson City Savings Bank v. Borough of Fort Lee, so that for the tax years 2018, 2019 and 2020, the assessment of \$2,050,000 will remain; and so that for the tax year 2021, the assessment of \$2,050,000 will be reduced to \$2,000,000; and so that for the tax year 2022, the assessment of \$2,050,000 will be reduced to \$1,950,000; resulting in a refund of \$3,654.00; and

BE IT FURTHER RESOLVED that the aforesaid settlement is predicated upon a waiver of any and all pre-judgment interest by the taxpayer, as long as payment is made within sixty (60) days of the issuance of a Tax Court Judgment; and

BE IT FURTHER RESOLVED that the Borough Clerk shall keep a copy of this Resolution on file and available for inspection in the office of the Borough Clerk and shall forward a copy of this Resolution to the Mayor; Business Administrator; Borough Attorney and Borough Tax Assessor.

COUNCIL REPORTS

Councilman Sohmer- He mentioned Mayor Sokolich and himself paid a special visit to Fort Lee resident Ms. Muriel Dickman, to help her celebrate her 100th birthday. Ms. Dickman was presented with a proclamation on behalf of the Mayor and Council.

He stated that Congressman Josh Gottheimer's new Fort Lee satellite office is open Tuesdays from 9AM – 1PM at Borough Hall, 309 Main Street 2nd floor, to assist residents.

He congratulated Steven Curry, 2023 Chief of the Fort Lee Volunteer Ambulance Corps.

He invited the public to attend the National Vietnam Veterans Day event on March 29, 2023, at the VFW.

Councilman Yoon- He mentioned the Hernani Goncalves, Executive Director of the Fort Lee Parking Authority presented at the Pace University workshop for P.A. Transportation. The Fort Lee Municipal Parking Deck has reached full capacity and has generated revenues.

Councilman Suh- He congratulated Steven Curry, 2023 Chief of the Fort Lee Volunteer Ambulance Corps.

He mentioned registration is open for spring softball leagues and try outs will be held on March 26th. He asked the public to come support the girls' basketball team as they enter into the finals.

Councilman Drumgoole- He thanked the Fort Lee Police Department for hosting the senior awareness luncheon at the senior center.

He congratulated Steven Curry, 2023 Chief of the Fort Lee Volunteer Ambulance Corps.

He mentioned the annual Easter Egg Hunt event will be April 8th at the Jack Altar Community Center.

He stated the Board of Education has agreed to open the high school track to the public from 3PM – 10PM when school activities are not taking place.

Councilwoman Kasofsky- Absent

Councilman Cervieri- He congratulated Steven Curry, 2023 Chief of the Fort Lee Volunteer Ambulance Corps.

He thanked Kevin Hartley, Tax Assessor, for his years of service to the borough and welcomed Mr. Anthony Mazzola.

At this point in the meeting Mayor Sokolich exited the meeting.

Council President Yoon presided over the remainder of the meeting.

PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilman Suh, and carried unanimously, the meeting was opened to the public for discussion.

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

On motion by Councilman Cervieri, seconded by Councilman Suh, and there being no further discussion, the meeting was adjourned by Council President Yoon with no objections at 7:42 p.m.

Prepared By:

Nadine Drumgoole, RMC
Deputy Municipal Clerk

Constantina Roditis
Municipal Clerk's Office

Rosa Tropea
Municipal Clerk's Office

Evelyn Rosario, RMC, CMC
Municipal Clerk