

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, May 20, 2021 @ 7:00 p.m.

Due to the current situation involving the COVID-19 pandemic, the regular session meeting of the Mayor and Council will be held remotely. This meeting can be accessed by telephone, by dialing one of the numbers listed below and entering the meeting ID number 910 2955 2116.

+1 646 558 8656 US
+1 301 715 8592 US
+1 312 626 6799 US

+1 669 900 9128 US
+1 253 215 8782 US
+1 346 248 7799 US

PRESENT: Mayor Sokolich, Council Members Sohmer, Yoon, Suh, Sargenti, Kasofsky, Cervieri

ALSO PRESENT: Al Restaino, Borough Administrator
Evelyn Rosario, Borough 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 issue of December 22, 2020 and the Jersey Journal and Star Ledger issues of December 24, 2020. Said notice was also posted on the Borough Hall bulletin board, and on the outside door of Borough Hall and the Borough website.

MAYOR'S REPORT AND ANNOUNCEMENTS

"It is nice to see everybody. It is nice to see everybody from the public as we move in a slow but very deliberate pace towards normalcy. It is great to see everybody. Just a few announcements, we are not slowing down here in Fort Lee we are going to approach this summer with the same level of enthusiasm that we have approached every other summer in the past. We are here, importantly, going to set the pace on activities at night and during the day and we are super excited about it. Just a couple of quick announcements I put out a video talking about how we were pausing the vaccination program because there was a decrease in demand. Since then, they have now allowed vaccinations for kids ages 12 all the way through 18 and above. As a result, we partnered with Holy Name Medical Center and on May 25th at the Fort Lee Community Center (the Jack Alter Community Center), on May 25th between 2:00 and 6:00 we will be vaccinating any individual between the ages of 12 all the way up to 100 and plus. Now obviously, if you are a minor you need to be accompanied with an adult and all those requirements must be fulfilled but we already have almost 200 people that have signed up for May 25th and we are super excited about that. We vaccinated almost 1400 people thus far, plus another 200-300 on May 25th. We will be pushing 2000 people before this is all over with and I think that is a heck of an accomplishment for a locality, again for a locality. Thank you to everybody for that; in particular I want to give a shout out to our Health Department.

Our Post Office. We have been talking about this Post Office now for five years and it's coming, it's coming, it's coming. This time I think we really mean it. I would say we are in hopefully a 30-day window for that post office to open and be fully operational. Once all of that takes place, we will then go into the final phase of our initiative but the Post Office is 99% complete we are just dealing with a couple of last minute items but we are getting very excited about that.

No difference is the update on our theater. The theater is also at the 95% completion phase which we are very excited about. We are now in the process of dealing with things from an operational perspective so forth and so on. There are going to be a lot of announcements coming up with all these things and we are not slowing down here in Fort Lee, if anything we are picking up the pace.

One last big final shout out, on May 30th, the Memorial Day parade. On Monday May 30th, I believe the council will talk about this also, at 10:00 a.m., Fort Lee is going to be doing a drive by Memorial Day Parade. It was an incredible success last year in the throes of the peak of the pandemic. Things have since lightened up but it is going to be the same type of protocol. We are super excited. It is going to also honor the memory of George Makroulakis, who we lost recently. George was a great veteran, a great citizen and volunteer here in the borough of Fort Lee. He is one of the many iconic people that we have lost over the last few weeks. I want to also send a shout out to the Fiero family as well and pay my condolences to them. It's unfortunate, as time goes on, we begin to lose names, but we don't lose their legacy. We do not lose what they have left behind, all their volunteerism, all their commitments to boards and their achievements. I am grateful for that.

The last thing, but I do not want sympathy, I just want to be very honest with the public because that has always been my policy. It is no secret that I have cancer. I'm wearing this hat because my head looks horrible, and I now have less hair than Councilman Sohmer; so no more bald jokes. Yes, I have less hair than you, Harvey. An update on me, I'm doing great, and I am getting through it. I cannot thank everybody enough for their support and I do not know how people do it alone. I am blessed with incredible support from friends, from family, from my colleagues up here, my community. I consider myself to be truly one of the luckiest people in the world. That is the report on that, and we do not need to talk about that anymore. I am done with my reports, and it is great to see everybody. Thank you all."

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the April 1, 2021 Work Session were approved.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the April 15, 2021 Regular Session were approved.

INTRODUCTION OF ORDINANCES

Ord. #2021-9 "BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$6,995,370 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$6,645,600 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF (Public Hearing June 17, 2021)

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried, Ord. #2021-9 entitled "BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$6,995,370 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$6,645,600 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF" (Public Hearing June 17, 2021) was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **June 17, 2021**.

AYES: Council Members Sohmer, Yoon, Suh , Sargenti, Kasofsky, Cervieri

ORD. #2021-10 “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED “HANDICAPPED PARKING SPACES ” (Removal 200 Virginia Avenue) (Public Hearing June 17, 2021)

On motion by Councilman Cervieri , seconded by Councilman Sargenti , and carried, Ord. #2021- 10 entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED “HANDICAPPED PARKING SPACES” (Removal 200 Virginia Avenue) (Public Hearing June 17, 2021) was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **June 17, 2021** .

AYES: Council Members Sohmer, Yoon, Suh , Sargenti, Kasofsky, Cervieri

Ord. #2021-11 “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 289 PARKING, SECTION 34 REGULATIONS CONCERNING MUNICIPAL LOTS OF THE CODE OF THE BOROUGH OF FORT LEE (Public Hearing June 17, 2021)

On motion by Councilman Cervieri , seconded by Councilman Sargenti , and carried, Ord. #2021-1 1 entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 289 PARKING, SECTION 34 REGULATIONS CONCERNING MUNICIPAL LOTS OF THE CODE OF THE BOROUGH OF FORT LEE” (Public Hearing June 17, 2021) was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **June 17, 2021** .

AYES: Council Members Sohmer, Yoon, Suh , Sargenti, Kasofsky, Cervieri

Ord. #2021-12 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 55, FIRE DEPARTMENT, TO AMEND SECTION 55-31, RELEASE WORK TIME TO COMPLETE TRAINING (Public Hearing June 17, 2021)

On motion by Councilman Cervieri , seconded by Councilman Sargenti , and carried, Ord. #2021-12 entitled AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 55, FIRE DEPARTMENT, TO AMEND SECTION 55-31, RELEASE WORK TIME TO COMPLETE TRAINING (Public Hearing June 17, 2021) was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **June 17, 2021** .

AYES: Council Members Sohmer, Yoon, Suh , Sargenti, Kasofsky, Cervieri
ORDINANCE PUBLIC HEARINGS

ORD. #2021-7 AN ORDINANCE AMENDING CHAPTER 410 ENTITLED ZONING OF THE GENERAL CODE OF THE BOROUGH OF FORT LEE TO PROVIDE FOR THE REGULATION OF SMALL CELL WIRELESS FACILITIES WITHIN THE MUNICIPAL RIGHTS-OF-WAY

On motion by Councilman Cervieri , seconded by Councilman Sohmer , and carried, the public hearing was opened relative to Ord. #2021-7 entitled “AN ORDINANCE AMENDING CHAPTER 410 ENTITLED ZONING OF THE GENERAL CODE OF THE BOROUGH OF FORT LEE TO PROVIDE FOR THE

REGULATION OF SMALL CELL WIRELESS FACILITIES WITHIN THE MUNICIPAL RIGHTS-OF-WAY”

AN ORDINANCE AMENDING CHAPTER 410 ENTITLED ZONING OF THE GENERAL CODE OF THE BOROUGH OF FORT LEE TO PROVIDE FOR THE REGULATION OF SMALL CELL WIRELESS FACILITIES WITHIN THE MUNICIPAL RIGHTS-OF-WAY

WHEREAS, the Borough of Fort Lee (“Borough”) is aware that certain technological developments have made access to its Municipal Rights-of-Way desirable by certain telecommunications companies for the placement of small cell wireless facilities, including but not limited to, the installation of antennas, small cells and other communication devices and associated equipment (collectively the “Small Cells”); and

WHEREAS, the Borough has determined that its Municipal Rights-of-Way, such as they are or may be, themselves constitute a valuable resource, finite in nature, and which exists as a common right of the public to pass and repass freely over and across said lands without unreasonable obstruction or interference, and which therefore must be managed carefully; and

WHEREAS, the Federal Telecommunications Act preserves local governments’ ability to manage the public Rights-of-Way on a competitively neutral and non-discriminatory basis 47U.S.C. 332 (c)(7)(A); and

WHEREAS, New Jersey municipalities must give consent before a Small Cell, i.e., a small antenna, can be placed on existing poles pursuant to N.J.S.A. 48:3-19 and for the erection of new poles within the public Rights-of-Way pursuant to N.J.S.A. 48:17-10; and

WHEREAS, the Federal Communications Commission (FCC) has recently adopted an order entitled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment” WT Docket No. 17-79; WC Docket 17-84, which places a shot clock on municipal approval for the placement of Small Cells on Existing Poles and the placement of New Poles in the Municipal Right-of-Way; and

WHEREAS, the erection of New Poles and Ground level Cabinets in the Municipal Right-of-Way raise significant aesthetic and safety concerns; and

WHEREAS, the FCC, in its recent order, provides that municipalities can impose aesthetic requirements on Small Cells where said requirement are: 1) reasonable; 2) no more burdensome than those applied to other types of infrastructure deployment; and 3) published in advance; and

WHEREAS, the Borough has determined that it is necessary to set forth clear standards in relation to the siting of Poles, Cabinets and Antennas for the benefit of its citizens and any utilities which use or will seek to make use of said Municipal Rights-of-Way.

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

Section 1. Chapter 410 of the Code of the Borough of Fort Lee Zoning is hereby amended by the addition of a new Article XXII to read as follows:

Wireless Facilities in the Right-of-Way. Notwithstanding anything else in Chapter 410 Zoning of the Code of the Borough of Fort Lee, the installation of antennas, small cells and other communication devices and associated equipment in the public municipal roadway either on existing or new poles are permitted if a Right-of-Way Use Agreement and Right-of-Way Permits are obtained under Code Article XXII Wireless Facilities in the Right-of-Way.

Section 2. 410-95 Communication Facilities Right-of-Way Permits

A. Definitions

Administrative Review means ministerial review of an Application by the Mayor and Council and Borough Engineer to determine whether the issuance of a Permit is in conformity with the applicable provisions of this Section.

Antenna means communications equipment that transmits and/or receives electromagnetic radio frequency signals used in the provision of Wireless Services. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

Applicable Codes means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the Authority, including any amendments adopted by the Authority, or otherwise are applicable in the jurisdiction.

Applicant means any Person or Entity who submits an Application under this Section.

Application means a written request, on a form provided by the Borough of Fort Lee.

Authority means the Mayor and Council of the Borough of Fort Lee.

Collocate means to install or mount a Small Wireless Facility in the Public Right-Of-Way on an existing Support Structure, an existing Tower, or on an existing Pole to which a Small Wireless Facility is attached at the time of the Application. "Collocation" has a corresponding meaning.

Communications Facility means, collectively, the equipment at a fixed location or locations within the Public ROW that enables Communications Services, including; (i) radio transceivers, Antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. A Communications Facility does not include the Pole, Tower or Support Structure to which the equipment is attached.

Communications Service means cable service, as defined in 47 U.S.C. § 522(6); information service, as defined in 47 U.S.C. § 153(24); or telecommunications service, as defined in 47 U.S.C. § 153(53).

Communications Service Provider means a provider of Communications Services and includes a cable operator as defined in 47 U.S.C. § 522(5).

Decorative Pole means a Pole that is specially designed and placed for aesthetic purposes.

Designee means the person appointed by the Borough from time to time who shall serve as the initial point-of-contact for the Borough for all matters concerning this Section and who may be an official of the Borough or a person contracted for professional services.

Eligible Facilities Request means an eligible facilities request as set forth in 47C.F.R. Section 1.40001(b)(3), as that section may be amended from time to time.

FCC means the Federal Communications Commission of the United States.

Laws means, collectively, any and all Federal, State or Local law, statute, common law, code, rule, regulation, order, or ordinance.

Ordinary Maintenance and Repair means inspections, testing and/or repair that maintain functional capacity, aesthetic and structural integrity of a communications Facility and/or the associated Support Structure, Pole or Tower, that does not require blocking, damaging or disturbing any portion of the Public ROW.

Permit means a written authorization to install, at a specified location(s) in the Public ROW, a Communications Facility, Tower or a Pole to support a Communications Facility.

Permittee means an Applicant that has received a Permit under this Section.

Person means an individual, corporation, limited liability company, partnership, association, trust or other entity or organization, including a governmental entity.

Pole means a legally constructed pole, such as a utility, lighting or similar pole made of wood, concrete, metal or other material, located or to be located within the Public Right-of-Way. A Pole does not include a Tower or Support Structure and does not include a pole or structure that supports electric transmission lines.

Provider means a Communications Service Provider or a Wireless Services Provider and includes any Person that owns and/or operates within the Public ROW any Communications Facilities, Wireless Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities or Towers.

Public Right of Way or Public ROW means the area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, or similar purpose. The term does not include a federal interstate highway, state highway, county right of way or other areas that are not within the legal jurisdiction, ownership or control of the Authority.

Replace or Replacement means, in connection with an existing Pole, Support Structure or Tower, to replace (or the replacement of) same with a new structure, substantially similar in design, size and scale to the existing structure and in conformance with this Section and any other applicable regulations in order to address limitations of the existing structure to structurally support Collocation of a Communications Facility.

Small Wireless Facility means a Wireless Facility that meets both of the following qualifications: (i) each Antenna could fit within an enclosure of not more than three (3) cubic feet in volume; and (ii) all other wireless equipment associated with the Antenna, including the preexisting equipment, is cumulatively no more than twenty-eight (28) cubic feet in volume.

State means the State of New Jersey.

Support Structure means a structure in the Public ROW other than a Pole or a Tower to which a Wireless Facility is attached at the time of the Application.

Surrounding Streetscape means the visual elements of a street, including the road, adjoining buildings, street furniture, trees and open spaces, etc., that combine to form the street's character.

Tower means any structure in the Public ROW built for the sole or primary purpose of supporting a Wireless Facility. A Tower does not include a Pole or a Support Structure.

Wireless Facility means the equipment at a fixed location or locations in the Public ROW that enables Wireless Services. The term does not include: (i) the Support Structure, Tower or Pole on, under, or within which the equipment is located or Collocated; or (ii) coaxial, fiber-optic or other cabling that is between

Communications Facilities or Poles or that is otherwise not immediately adjacent to or directly associated with a particular Antenna. A Small Wireless Facility is one type of a Wireless Facility.

Wireless Services means any wireless services using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public.

B. Access to Public Right of Way

Prior to installing in the Public R.O.W. any Communications Facility, or any Pole

built for the sole or primary purpose of supporting a Communications Facility, or any Tower, a Person shall enter into a Right of Way Use Agreement with the Borough of Fort Lee expressly authorizing use of the Public Right of Way for the Communications Facility, Pole or Tower proposed to be installed.

1. The term of the R.O.W. Use Agreement shall not exceed 15 years.
2. The R.O.W. Use Agreement authorizes the Provider's non-exclusive use of the Public R.O.W. for the sole purpose of installing, maintaining and operating Communications Facilities, including any Pole built for the sole or primary purpose of supporting the Communications Facilities and to provide the services expressly authorized in the agreement subject to Applicable Codes and applicable laws, this Section and the terms and conditions of the agreement. The agreement authorizes use only of the public R.O.W. in which the Borough has an actual interest. It is not a warranty of title or interest in any Public R.O.W. and it does not confer on the Provider any interest in any particular location within the Public R.O.W.. No other right or authority is granted except as expressly set forth in the agreement. Nothing herein shall authorize the use of the Borough's Poles, Towers, Support Structures, or other structures in the Public R.O.W.. All use of the Borough's Poles, Towers, Support Structures and other structures in the Public R.O.W. shall require a separate agreement and the payment of separate fees for such use.
3. The Provider shall, at its sole cost and expense, keep and maintain its Communications Facilities, Poles, Support Structures and Towers in the Public R.O.W. in a safe condition, and in good order and repair.
4. The Provider shall provide insurance and indemnification of the Borough as described in the R.O.W. Use Agreement. The insurance coverage limits must be at least as broad as follows:

a. Worker's Compensation and Employer's Liability Insurance.

Provider shall provide proof of Worker's Compensation Insurance and be in compliance with the

Worker's Compensation Law of the State of New Jersey. Employer's Liability: Limit of liability shall be a minimum of \$500,000 in accordance with New Jersey statute.

b. Comprehensive General Liability. Comprehensive general liability ("CGL") insurance with limits no less than \$2,000,000 per occurrence.

c. Automobile Liability. Automobile liability insurance covering

claims for bodily injury and property damage arising from all owned, hired and non-owned vehicles with limits of not less than \$1,000,000 combined single limit.

C. R.O.W. Permit

1. No person may construct, maintain or perform any other work in the Public R.O.W. related to Communications Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers without first receiving a Permit to the extent required under this Section, a construction permit, street opening permit, and any subsequent permits or authorizations required by applicable Laws or the Authority.
2. The Authority shall not issue a Permit unless the Applicant, or a Provider on whose behalf the Applicant is constructing Communications Facilities, Poles or Towers, has applied for and received the R.O.W. Use Agreement required by this Section, or otherwise has a current and valid franchise with the Borough expressly authorizing use of the Public R.O.W. for the Communications Facilities, Poles or Towers proposed in the Application, and all applicable fees have been paid.
3. The Provider shall not locate or maintain its Communications Facilities, Wireless Facilities, Support Structure, Poles and Towers so as to unreasonably interfere with the use of the Public R.O.W. by the Borough, by the general public or by other persons authorized to use or be present in or upon the Public R.O.W.

D. Location and Siting

1. Height. No Pole shall be taller than Forty (40) feet in height including the antennas with Borough approval or 110% of the height of Poles in the Surrounding Streetscape, whichever is higher.
2. Distance from curb line. No Pole shall be farther than five (5) feet from the curb line
3. Location, Safety and Aesthetics. No Pole shall be erected in the Right-of Way unless it:
 - a. Is replacing an Existing Pole; or
 - b. Is approved by the Authority; or
 - c. Is located within the Municipal Right-of-Way; and
 - d. Is at least two hundred (200) linear feet from any other Existing Pole or Proposed Pole **by Applicant** along the same side of the street; and
 - e. Does not inhibit any existing sight triangles; and
 - f. Is not located in an area that will interfere with underground utilities; and
 - g. Allows adequate room for the public to pass and re-pass across the Right-of-Way; and
4. The Authority may require new poles to be Decorative Poles if appropriate, or that stealthing technology be used when appropriate to further blend a proposed pole into the streetscape and surroundings. Applicant will heed reasonable requests by the Authority to utilize Decorative Poles and stealthing technology.

5. Pole Mounted Antennas are permitted on New and Existing Poles, provided that each Pole Mounted Antenna:
 - a. Does not exceed three (3) cubic feet in volume; and
 - b. Is finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
 - c. Does not inhibit sight triangles; and
 - d. Allows adequate room for the public to pass and repass across the municipal right-of-way.
6. Pole Mounted Cabinets are permitted on New and Existing Poles, provided that each Pole Mounted Cabinet:
 - a. Does not exceed sixteen (16) cubic feet; and
 - b. Is finished and/or painted and otherwise camouflaged in conformance with best available stealth technology methods so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
 - c. Does not inhibit sight triangles; and
 - d. Allows adequate room for the public to pass and repass across the municipal right-of-way.
7. The Authority may also require that an applicant provide a certification from a licensed engineer attesting to the structural integrity of any Pole Mounted Antenna or Pole Mounted Cabinet.
8. Ground mounted equipment may be used only to house equipment and other supplies in support of the wireless facility.
9. Underground Utilities. Unless otherwise agreed to in writing by the Authority or otherwise required by applicable Laws, whenever any existing electric utilities or Communications Facilities are located underground within a Public R.O.W., the Provider with permission to occupy the same portion of the Public R.O.W. shall locate its Communications Facilities underground at its own expense. The Authority may, in its sole discretion, approve above-ground placement of equipment cabinets, pedestals and similar equipment. For facilities or equipment such as Wireless Facilities that cannot, by their nature, operate unless located above ground, the Provider and Authority shall work to find a suitable location for such facilities or equipment, which may be outside the Public R.O.W.. if Authority owns or otherwise manages said locations and has the authority to make them available to Applicant for its Communications Facilities under similar terms and conditions as locations are made available in the Public R.O.W.
10. All wireless equipment associated with the Pole or Tower, including the wireless equipment associated with the antenna and any preexisting associates equipment shall not be more than twenty-eight (28) cubic feet in volume.
11. The Provider shall upon completion of construction provide the Borough with as-built drawings and a map showing the location of the facility and equipment.

E. Restoration Requirements

1. The Provider, or its agent or contractor, shall restore, repair and/or replace any portion of the Public R.O.W. that is damaged or disturbed by the Provider's Communications Facilities, Poles, Towers or work in or adjacent to the Public R.O.W.

2. If the Provider fails to timely restore, repair or replace the Public R.O.W. as required in this subsection, the Authority or its contractor may do so and the Provider shall pay the Authority's costs and expenses in completing the restoration, repair or replacement.

F. Removal, Relocation and Abandonment

1. Within 30 days following written notice from the Authority, the Provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any of its Communications Facilities, Poles, Support Structures or Towers within the Public R.O.W., including relocation of above-ground Communications Facilities underground (consistent with the provisions of this Section), whenever the Borough has determined, in its sole discretion, that such removal, relocation, change or alteration is necessary for the construction, repair, maintenance or installation of any Borough improvement, the operations of the Borough in, under or upon the Public R.O.W., or otherwise is in the public interest. The Provider shall be responsible to the Borough for any damages or penalties it may incur as a result of the Provider's failure to remove or relocate Communications Facilities, Poles, Support Structures or Towers as required in this subsection.
2. The Borough retains the right and privilege to cut or move any Communications Facility, Pole, Support Structure or Tower located within the Public R.O.W. of the Borough, as the Borough may determine, in its sole discretion, to be necessary, appropriate or useful in response to any public emergency. If circumstances permit, the Borough shall notify the Provider and give the Provider an opportunity to move its own facilities prior to cutting or removing the Communications Facility, Pole, Support Structure or Tower. In all cases, the Borough shall notify the Provider after cutting or removing the Communications Facility, Pole, Support Structure or Tower as promptly as reasonably possible.
3. A Provider shall notify the Borough of abandonment of any Communications Facility, Pole, Support, Structure or Tower at the time the decision to abandon is made, however, in no case shall such notification be made later than 30 days prior to abandonment. Following receipt of such notice, the Provider shall remove its Communications Facility, Pole, Support Structure or Tower at the Provider's own expense, unless the Borough determines, in its sole discretion, that the Communications Facility, Pole, Support Structure or Tower may be abandoned in place. The Provider shall remain solely responsible and liable for all of its Communications Facilities, Poles, Support Structures and Towers until they are removed from the Public R.O.W. unless the Borough agrees in writing to take ownership of the abandoned Communications Facilities, Poles, Support Structures or Towers.
4. If the Provider fails to timely protect, support, temporarily or permanently disconnect, remove, relocate, change or alter any of its Communications Facilities, Poles, Support Structures or Towers or remove any of its abandoned Communications Facilities, Poles, Support Structures or Towers as required in this subsection, the Borough or its contractor may do so and the Provider shall pay all costs and expenses related to such work, including any delay damages or other damages the Borough incurs arising from the delay.

G. Fees and Charges

1. Agreement/License Application Fee. Every Person requesting a Right of Way Agreement, Franchise Agreement or License Agreement from the Borough shall pay an application fee of \$250.00, which shall be paid upon submission of the Right of Way Agreement, Franchise Agreement or License Agreement application.
2. Permit Application Fee. Applicant shall be responsible for Designee consulting fees which will be a reasonable reflection of objectively reasonable costs. Said fee shall be at the rate of \$350 per hour and shall not exceed 3 hours per sit installation or

modification, alteration, upgrade or expansion. Said consultation shall supplement Borough personnel with expertise and knowledge not otherwise possessed by Borough agents and officials.

3. An annual \$270.00 per Small Wireless Facility fee shall be paid to the Borough no later than January 1 of each calendar year.
4. Other Fees. The Applicant or Provider shall be subject to any other generally applicable fees of the Borough or other government body, such as those required for electrical permits, building permits, or street opening permits, which the Applicant or Provider shall pay as required in the applicable Laws, as well as attachment fees for the use of the Borough owned Poles, Towers, Support Structures, ducts, conduits or other structures in the Public R.O.W., as set forth in attachment agreements authorizing such use.
5. No Refund. Except as otherwise provided in the Right of Way Agreement; Franchise Agreement; License, the Provider may remove its Communications Facilities, Poles or Towers from the Public R.O.W. at any time, upon not less than 30 days prior written notice to the Borough and may cease paying the Borough any applicable recurring fees for such use, as of the date of actual removal of the facilities and complete restoration of the Public R.O.W. In no event shall a Provider be entitled to a refund of fees paid prior to removal of its Communications Facilities, Poles or Towers.

H. Permit Applications

1. Permit Required. Unless expressly authorized in this Section or in writing by the Authority, no Person may construct, install or maintain in the Public R.O.W. any Communications Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities or Towers, including the installation or Collocation of Communications Facilities on existing Poles, Towers, Support Structures or other structures within the Public R.O.W. without first receiving a Permit. Notwithstanding the foregoing, in the event of an emergency, a Provider or its duly authorized representative may work in the Public R.O.W. prior to obtaining a Permit, provided that the Provider shall attempt to contact the Borough prior to commencing the work and shall apply for a Permit as soon as reasonably possible, but not later than 24 hours, after commencing the emergency work. For purposes of this subsection, an "Emergency" means a circumstance in which immediate repair to damaged or malfunctioning facilities is necessary to restore lost service or prevent immediate harm to persons or property.
2. Permit Application Requirements. The Application shall be made by the Provider or is duly authorized representative and shall contain the following:
 - a. The Applicant's name, address, telephone number, and email address, including emergency contact information for the Applicant.
 - b. The names, addresses, telephone numbers and email addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application.
 - c. A description of the proposed work and the purposes and intent of the proposed Communications Facility, Pole, Tower, Support Structure or Wireless Facility (as applicable) sufficient to demonstrate compliance with the provisions of this Section 2476.1.
 - d. If applicable, a copy of the authorization for use of the property from the Pole, Tower or Support Structure owner on or in which the Communications Facility will be placed or attached.

- e. Detailed construction drawings regarding the proposed Communications Facility, Pole, Tower, Support Structure or Wireless Facility (as applicable).
 - f. To the extent the proposed facility involves Collocation on a Pole, Tower or Support Structure, a structural report performed by a duly licensed engineer evidencing that the Pole, Tower or Support Structure will structurally support the Collocation (or that the Pole, Tower or Support Structure will be modified to meet structural requirements) in accordance with Applicable Codes.
 - g. For any new aboveground facilities, accurate visual depictions or representations. If not included in the construction drawings.
3. Proprietary or Confidential Information in Application. Applications are public records that may be made publicly available pursuant to the New Jersey Open Public Records Act. Notwithstanding the foregoing, Applicant may designate portions of its Application materials that it reasonably believes contain proprietary or confidential information as “proprietary” or “confidential” by clearly marking each portion of such materials accordingly, and the Borough shall treat the information as propriety and confidential, subject to the New Jersey Open Public Records Act and the Borough’s determination that the Applicant’s request for confidential or proprietary treatment of Application materials is reasonable. The Borough shall not be required to incur any costs to protect the Application materials from disclosure, other than the Borough’s routine procedures for complying with the New Jersey Open Public Records Act.
 4. Ordinary Maintenance and Repair. A Permit shall not be required for ordinary Maintenance and Repair. The Provider or other Person performing the Ordinary Maintenance and Repair shall obtain any other permits required by applicable laws and shall notify the Borough in writing at least 48 hours before performing the Ordinary Maintenance and Repair.
 5. Material Changes. Unless otherwise agreed to in writing by the Authority, any material changes to an Application, as determined by the Authority in its sole discretion, shall be considered a new application for purposes of the time limits set forth in Section 247-6.1H, unless otherwise provided by application Laws.
 6. Application Fees. Unless otherwise provided the applicable Laws, all Applications pursuant to this Section shall be accompanied by the Fees required under Section 247-6.1G.
 7. Effect of Permit. A Permit from the Authority authorizes an Applicant to undertake only the activities in the Public R.O.W. specified in the Application and Permit, and in accordance with this Section and any general conditions included in the Permit. A Permit does not authorize attachment to or use of existing Poles, Towers, Support Structures or other structures in the Public R.O.W.; a Permittee or Provider must obtain all necessary approvals from the owner of any Pole, Tower, Support Structure or other structure prior to any attachment or use. A Permit does not create a property right or grant authority to the Applicant to interfere with other existing uses of the Public R.O.W..
 8. Duration. Any Permit for construction issued under this Article II shall be valid for a period of 180 days after issuance, provided that the period may be extended for up to an additional 90 days upon written request for the Applicant (made prior to the end of the initial 180-day period) if the failure to complete construction is as a result of circumstances beyond the reasonable control of the Applicant.
 9. Batch Permit. An Applicant may simultaneously submit not more than fifty (50) Applications for Communications Facilities, or may file a single, consolidated

Application covering such Communications Facilities, provided that the proposed Communications Facilities are to be deployed on the same type of structure using similar equipment and within an adjacent, related geographic area of the Borough. If the Applicant files a consolidated application, the Applicant shall pay the application fee calculated as though each Communications Facility were a separate Application.

I. Application Review

1. Pre-Application Meeting. Prior to making a formal application with the Borough for use of the Municipal Right-of-Way, all applicants are advised to voluntarily meet with the Borough Engineer and Designee to review the scope of the Applicant's proposal.
2. All applications made under this section shall be expedited so as to comply with the shot clocks set forth in the Federal Communications Commission Order titled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by the Removal of Barrier to Infrastructure Investment." WT Docket No. 17-79; WC Docket No. 170-84.
3. The Borough Engineer and Designee shall review all applications for the placement of new Poles and Ground Level Cabinets within the Municipal R.O.W. and the placement of Pole Mounted Antennas and Pole Mounted Cabinets within the Municipal R.O.W. and advise the Authority whether the application is complete and whether it meets the requirements of this Section.
4. Except as otherwise provided by applicable Laws, the Authority shall: within thirty (30) days of receiving an Application, notify the Applicant if the Application is incomplete and identify the missing information. The Applicant may resubmit the completed Application within ten (10) days without additional charge, in which case the Authority shall have thirty (30) days from receipt of the resubmitted Application to verify the application is complete, notify the Applicant that the Application remains incomplete or, in the Borough's sole discretion, deny the Application.
5. The Authority shall review the Application and, if the Application conforms with applicable provisions of Section 247-6A, the Authority shall issue the Permit, subject to the standard permit requirements published by the Borough.
6. The Authority shall make its final decision to approve or deny the Application within sixty (60) days for a collocation of a small wireless facility to an existing structure, and ninety (90) days to deploy a small wireless facility on a new structure, after the Application is complete (or deemed complete in the event the Borough does not notify the Applicant that the Application or resubmitted Application is incomplete). Review of an Application to deploy a facility other than a small wireless facility using a new structure shall be decided within 150 days. Said review and decision within the specified 60 and 90 day timeframes shall include the issuance of any authorized resolutions and approvals needed to finalize the R.O.W. Use Agreement, along with the Application, as well as the issuance of any required ministerial construction permit and street opening permit, as applicable, with the intention of this Section being that the full application process for each Applicant comply with the relevant provisions of WT Docket No. 17-79; WC Docket No. 170-84, per subsection (2) herein.
7. Waiver. The Authority may waive any siting standard set forth in Section 247-6.1 where the Applicant demonstrates that strict enforcement of said Standard: i. Will prohibit or have the effect of prohibiting any interstate or intrastate telecommunications service pursuant to 47 U.S.C.253(a); or ii. Will prohibit or have the effect of prohibiting personal wireless service pursuant to 47 U.S.C. 332(c)(7)(B)(i)(11); or iii. Will violate any requirement set forth by the Federal Communications Commission Order entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by the Removal of Barrier to Infrastructure Investment." WT Docket No. 17-79; WC Docket No. 170-84.

8. The Authority shall advise the Applicant in writing of its final decision.

Section 3. 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 4. All ordinances or parts of ordinance inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect upon final adoption and publication in accordance with Law.

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

On motion by Councilman Cervieri, seconded by Councilman Sohmer, the Ordinance was **adopted** on the following roll call:

AYES: Council Members Sohmer, Yoon, Suh, Sargenti, Kasofsky, Cervieri

ORD. #2021-8 CALENDAR YEAR 2021 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

On motion by Councilman Cervieri, seconded by Councilman Sargenti, and carried, the public hearing was opened relative to Ord. #2021-8 entitled "CALENDAR YEAR 2021 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)"

**CALENDAR YEAR 2021
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

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

WHEREAS, the Borough Council of the Borough of Fort Lee in the County of Bergen finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Borough Council hereby determines that a 2.5% increase in the budget for said year, amounting to \$1,523,155.55 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Fort Lee, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Borough of Fort Lee shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$2,132,417.77, and that the CY 2021 municipal budget for the Borough of Fort Lee be approved and adopted in accordance with this ordinance; and,

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

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

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

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

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the Ordinance was **adopted** on the following roll call:

AYES: Council Members Sohmer, Yoon, Suh, Sargenti, Kasofsky, Cervieri

**PUBLIC HEARING AND ADOPTION OF THE
2021 BOROUGH OF FORT LEE MUNICIPAL BUDGET**

On motion by Councilman Cervieri, seconded by Councilman Suh and carried, the public hearing was opened relative to the **"2021 Municipal Budget"**

There being no public comments, the public hearing relative to the **"2021 Municipal Budget"** was closed **on motion by Councilman Cervieri, seconded by Council Sargenti.**

Borough Clerk Evelyn Rosario read the following into the record.

BUDGET ADOPTION RESOLUTION

BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee of the County of Bergen that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

(a) \$68,711,413.00 (Item 2 below) for municipal purposes, and

(b) \$0.00 (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation, and

(c) _____ (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18:9-3) and the certification to the County Board of Taxation of the following summary of general revenues and appropriations.

(d) \$2,433,002.00 Library Tax

(Entire budget document attached to the official minute meeting folder)

On motion by Councilman Cervieri and seconded by Councilman

Sargenti the resolution to **adopt** the **2021 Fort Lee Municipal Budget** was **approved** on the following roll call:

AYES: Council Members Sohmer, Yoon, Suh, Sargenti, Kasofsky, Cervieri

It is hereby certified that the within budget is a true copy of the budget finally **adopted by resolution of the Governing Body on the 20th Day of May 2021**. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2020 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me on this 20th day of May 2021
Evelyn Rosario, Municipal Clerk

PUBLIC HEARING

“SUBMISSION OF A 2021 BERGEN COUNTY TRUST FUND GRANT APPLICATION FORT LEE CHILDREN ’S PLAYGROUND, NORTHBRIDGE PARK, WEST OF HUDSON TERRACE ”

On motion by Councilman Cervieri, seconded by Councilman Sargenti and carried, the public hearing was opened relative to the “SUBMISSION OF A 2021 BERGEN COUNTY TRUST FUND GRANT APPLICATION FORT LEE CHILDREN’S PLAYGROUND, NORTHBRIDGE PARK, WEST OF HUDSON TERRACE”

There being no public comments, the public hearing relative to the **“SUBMISSION OF A 2021 BERGEN COUNTY TRUST FUND GRANT APPLICATION FORT LEE CHILDREN ’S PLAYGROUND, NORTHBRIDGE PARK, WEST OF HUDSON TERRACE ”** was closed **on motion by Councilman Cervieri, seconded by Councilman S uh.**

On motion by Councilman Cervieri and seconded by Councilman Sargenti the resolution to was **approved** on the following roll call:

AYES: Council Members Sohmer, Yoon, Suh, Sargenti, Kasofsky, Cervieri

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilman Sargenti, the Proposed Consent Agenda was introduced, and the public hearing was opened relative to items CA-1 through CA-14, CA-16 through CA-20.

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

May 20, 2021 Regular Session Meeting Resolution # CA-1 to CA-14, CA-16 to CA-20 Carried: ___ Defeated: ___ Tabled: ___ Approved on Consent Agenda: <u>X</u>
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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	\$25,741,637.28
Current - Grant	500.00
Capital	263,443.22

Road Improvement Plan	
Multiple Dwelling	
Construction Fees	
COAH Fees	
Senior Citizen Advisory Council	
Trip Admissions	
Special Dog Account	
Trust Account Fund	
Disability Insurance Trust	
Public Assistance Trust Fund	
Police Activity Trust	
Fort Lee Film Commission	
Community Development	
Redemption Account	
School Resource Account	
Dedicated Penalties (Fire Prevention)	
POAA	682.50
Cop Card Donation	
Police Treasury	5,234.07
Police Justice	11,449.82
Flexible Spending	
Trust Account	
Developers CONNECT ONE	72,791.54
Developers B of America	
Total:	\$ 26,095,738.43

CA-2 Approving Full Membership Firefighter Applications for Ashley DeGidio and Donald Kanarr, Fire Company #1; Jonathan Arias and Samuel Akel, Fire Company #3

The Full Firefighter Membership Applications for Ashley DeGidio and Donald Kanarr, Fire Company #1 and Jonathon Arias and Samuel Akel, Fire Company #3 were approved.

CA-3 Authorizing the Hiring of Nury Orozco, as a Part-Time Building Maintenance Worker in the Public Buildings and Grounds Department, Effective May 24, 2021, \$12.00 Hourly

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE HIRING OF A PART-TIME BUILDING MAINTENANCE WORKER

WHEREAS, the Mayor and Council have authorized the hiring of a Part-time Building Maintenance Worker in the Public Buildings and Grounds Department to work at the Jack Alter Community Center; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that **Nury Orozco** be appointed to a **Part-Time Building Maintenance Worker** in the **Public Buildings and Grounds Department** , with an effective date of **May 24, 2021** ; and

BE IT FURTHER RESOLVED that this part-time position shall be compensated at **\$12.00 per hour**.

CA-4 Approving a Request from the Fort Lee Chamber of Commerce to Host the Arts Amble at Hudson Lights Park Scheduled for June 11 - 13, 2021 Between the Hours of 10:00 AM to 5:00 PM

RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING A REQUEST FROM THE FORT LEE CHAMBER OF COMMERCE TO HOST THE ARTS AMBLE AT HUDSON LIGHTS PARK

WHEREAS, the Borough of Fort Lee received a request from the Fort Lee Chamber of Commerce to host the Arts Amble at Hudson Lights Park; and

WHEREAS, the Arts Amble, is a collaborative effort between artists, venues, businesses, and municipalities and is scheduled for June 11 - 13, 2021 between the hours of 10:00 AM to 5:00 PM; and

WHEREAS, this event will occur with no cost to the Borough and that no additional staff would be needed; and

WHEREAS, the Chamber of Commerce has agreed to hold the Borough harmless and provide proof of same; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee, grants permission for the Fort Lee Chamber of Commerce to host the Arts Amble at Hudson Lights Park.

CA-5 Supporting a Green Amendment to the New Jersey State Constitution to Add a New Paragraph Regarding Clean and Healthy Environments

RESOLUTION OF THE BOROUGH OF FORT LEE SUPPORTING A “GREEN AMENDMENT” TO THE NEW JERSEY STATE CONSTITUTION

WHEREAS, the right of New Jerseyans to clean water, air and a healthy environment is not given any protection in the State of New Jersey’s Constitution; and

WHEREAS, while New Jersey used to be known as an environmental leader in terms of passing legislation to require remediation of contaminated sites, generation and use of alternative forms of energy, recycling of certain materials at a high level, and numerous other environmental topics, there are still thousands of sites where the soil needs to be cleaned up and which contaminants continue to migrate down into and pollute groundwater, brownfields that need to be put to productive use, public drinking water supplies and school water systems that need to be rid of lead, solvents and chemicals, and places where the air is still unhealthy especially when ozone peaks in the summer heat, with the American Lung Association noting that eleven of New Jersey’s 21 counties received an F rating from the group when comparing smog levels to health-based air quality standards; and

WHEREAS, it is not unusual for New Jerseyans to wake up to news from the media with headlines and stories describing the threat to our public health, including, recently:

- Toxic Secrets: NJ community faces high rates of cancer, rare illnesses, February 14, 2018, NorthJersey.com
- 1 in 5 in New Jersey Drink Water Contaminated with PFOA, USA Today, July 26, 2017
- Study Finds About 100 Super Polluters Are Fouling the Air We Breathe, My Central Jersey, October 11, 2016
- Dirty Little Secrets: New Jersey’s Poorest Live Surrounded by Contamination, WNYC, December 9, 2015
- Tom’s River Cancer Cluster Still a Mystery Despite 20 Years of Studies, NJ.com, February 6, 2015
- NOAA: New Jersey Will See an Increase in Nuisance Flooding in 2017, WHYY, June 15, 2017; and

WHEREAS, the biggest threat to New Jersey’s environment is climate change, which impacts the Jersey shore, and may result in eventual loss of our barrier islands, loss of habitat and wetlands, detrimental changes to coastal living including erosion and accretion of land, which will impair titles and property rights, impairment of fishing, boating, seafood production and tourism, impairment of our shore-based tourism economy, and property damage, death and injuries from more severe storms and

flooding influenced by rising sea level and warmer waters, and by more frequent and heavier rainfall; and

WHEREAS, a clean and healthy environment is directly related to one's health, and longevity; and

WHEREAS, according to a recent poll of 811 adults across New Jersey by Fairleigh Dickinson University's "PublicMind" poll, the majority (71%) of adults asked "strongly agree" that the right to clean air and clean water should be protected by the State Constitution in a manner similar to the rights of free speech, freedom of religion and other protections, and an additional 12 % of adults polled "agree" with that statement, with only 14% disagreeing with the statement (6% disagree, 8% strongly disagree); and

WHEREAS, in that poll, the "strongly agree" sentiment runs across all demographics, with women (75%) agreeing somewhat more strongly than men (66%), people of color agreeing (78%) more than white people (67%), and residents of northern New Jersey counties agreeing more strongly (74%) than residents of central New Jersey (73%) and southern New Jersey (64%); and

WHEREAS, in recognition of these facts, a bi-partisan bill has recently been introduced in the New Jersey Senate co-sponsored by Senators Greenstein-D, and Bateman-R (SCR 134), which states that:

"1. The following proposed amendment to the Constitution of the State of New Jersey is agreed to:

"PROPOSED AMENDMENT

"Amend Article I by adding a new paragraph 24 to read as follows:

"24. (a) Every person has a right to a clean and healthy environment, including pure water, clean air, and ecologically healthy habitats, and to the preservation of the natural, scenic, historic, and esthetic qualities of the environment. The State shall not infringe upon these rights, by action or inaction.

(b) The State's public natural resources, among them its waters, air, flora, fauna, climate, and public lands, are the common property of all the people, including both present and future generations. The State shall serve as trustee of these resources and shall conserve and maintain them for the benefit of all people.

(c) This paragraph and the rights stated herein are (1) self-executing, and (2) shall be in addition to any rights conferred by the public trust doctrine or common law.

"2. When this proposed amendment to the Constitution is finally agreed to pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring more than three months after the final agreement and shall be published at least once in at least one newspaper of each county designated by the President of the Senate, the Speaker of the General Assembly and the Secretary of State, not less than three months prior to the general election.

"3. This proposed amendment to the Constitution shall be submitted to the people at that election in the following manner and form:

"There shall be printed on each official ballot to be used at the general election, the following:

a. In every municipality in which voting machines are not used, a legend which shall immediately precede the question as follows:

If you favor the proposition printed below make a cross (X), plus (+), or check (a) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (a) in the square opposite the word "No."

b. In every municipality the following question:

CONSTITUTIONAL AMENDMENT TO ENSURE THE PEOPLE 'S ENVIRONMENTAL RIGHTS

“Do you approve amending the Constitution to grant every person the right to a clean and healthy environment? The amendment would also require the State to protect public natural resources.”; and

WHEREAS, the interpretative statement to the proposed Constitutional amendment states that:

“This amendment provides that every person has a constitutional right to a clean environment. This includes the right to clean air, pure water, and healthy habitats. The amendment would require the State to preserve public natural resources. The State would also be required to prevent others from destroying or damaging public natural resources.”; and

WHEREAS, the New Jersey Senate Committee on the Environment recently passed SCR 134 by a bi-partisan vote of 4-0-1; and

WHEREAS, if the Resolution (SCR 134) is passed by the Senate and then the Assembly, and if it is agreed to by the voters in a public question ballot referendum, this “green amendment” will be added to the Bill of Rights of New Jersey State Constitution; and

WHEREAS, the Mayor and Council of the Borough of Fort Lee recognizes that clean water, air and a healthy environment will help to protect the health and enhance the quality of lives of residents of Fort Lee, our rivers and beautiful and legendary parks system, and help attract more business and more opportunity to the Borough and its residents; and

BE IT RESOLVED, that the Mayor and Council of the Borough of Fort Lee hereby supports SCR 134 and its counterpart in the Assembly ACR 85; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Fort Lee encourages its legislative delegation to support ACR 85 and SCR 134 for full passage by the Assembly and Senate so that the voters of our State, County and Municipality may choose whether to add the right to a clean and healthy environment to the Bill of Rights of the New Jersey State Constitution.

CA-6 Authorizing the Adoption of the Bergen County Multi-Jurisdictional Hazard Mitigation Plan

RESOLUTION OF THE BROUGH OF FORT LEE ADOPTING THE BERGEN COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN, AS SUBMITTED TO THE NEW JERSEY OFFICE OF EMERGENCY MANAGEMENT AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY ON AUGUST 7, 2020 BY THE BERGEN COUNTY OFFICE OF EMERGENCY MANAGEMENT IS HEREBY ADOPTED AS AN OFFICIAL PLAN OF THE COUNTY OF BERGEN

WHEREAS, the **Borough of Fort Lee**, New Jersey, has experienced natural hazards that result in public safety hazards and damage to private and public property;

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk through the adoption of a Bergen County Multi-Jurisdictional Hazard Mitigation Plan (“Hazard Mitigation Plan”); and

WHEREAS, the New Jersey Office of Emergency Management is

providing federal mitigation funds to support development of the Hazard Mitigation Plan; and

WHEREAS, a draft Hazard Mitigation Plan has been developed by the Mitigation Planning Committee; and

WHEREAS, the draft Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property; and

WHEREAS, the draft Hazard Mitigation Plan was provided to each participating jurisdiction and was posted on the Bergen County Office of Emergency Management's website so as to introduce the planning concept and to solicit questions and comments; and to present the Hazard Mitigation Plan and request comments, as required by law; and

WHEREAS, the draft Hazard Mitigation Plan was submitted by the Bergen County Office of Emergency Management to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on August 7, 2020; and

WHEREAS, the New Jersey Office of Emergency Management and the Federal Emergency Management Agency have approved the draft Hazard Mitigation Plan as submitted; and

WHEREAS, formal adoption and maintenance of the Hazard Mitigation Plan by the governing body is a condition of receipt of federal disaster aid; and

WHEREAS, the Bergen County Office of Emergency Management has recommended to the County Executive and Board of Chosen Freeholders that the Hazard Mitigation Plan, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on August 7, 2020, be adopted as the official Hazard Mitigation Plan of the County of Bergen.

NOW THEREFORE BE IT RESOLVED, by the Council of the **Borough of Fort Lee**, Bergen County, New Jersey that:

1. The Bergen County Multi-Jurisdictional Hazard Mitigation Plan, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on August 7, 2020 by the Bergen County Office of Emergency Management is hereby adopted as an official plan of the County of Bergen; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.

2. A hard copy of the Hazard Mitigation Plan shall be kept on file at the Bergen County Office of Emergency Management, and a digital copy shall be posted on the web site of the Bergen County Office of Emergency Management.

3. Any action proposed by the Hazard Mitigation Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the **Borough of Fort Lee**, and this resolution shall not be interpreted so as to mandate any such appropriations.

4. The **Borough of Fort Lee** Emergency Management Coordinator shall coordinate with their local offices and officials; and periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Bergen

County Office of Emergency Management. The Bergen County Office of Emergency Management shall prepare an annual progress report on the goals and mitigation actions set forth in the Hazard Mitigation Plan. Copies of those reports will be kept on file at the office of the Board of Chosen Freeholders and the Bergen County Office of Emergency Management. Municipal status reports may be submitted at any time to the County Coordinator to amend mitigation actions identified in the Hazard Mitigation Plan. At a minimum, municipal status reports shall be submitted to the County Coordinator on an annual basis. The County Coordinator will identify one meeting per year that will address hazard mitigation updates, as required by the State of New Jersey's Hazard Mitigation Plan and its Standard Operating Procedure.

CA-7 Authorizing the Purchasing Agent to Obtain Specifications and Advertise for bids for Project Known as Reconstruction of 9th Street

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE PURCHASING AGENTS TO OBTAIN SPECIFICATIONS AND ADVERTISE FOR BIDS "9TH STREET RECONSTRUCTION PROJECT "

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. 9th Street Reconstruction Project

CA-8 Endorsing a Community Development Block Grant Application on Behalf of the Fort Lee Housing Authority for Improvements to the Harry J. Holtje House Public Housing Building \$110,000.00

RESOLUTION OF THE BOROUGH OF FORT LEE ENDORSING THE FORT LEE HOUSING AUTHORITY'S 2020 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION FOR IMPROVEMENTS TO THE HARRY J. HOLTJE HOUSE

WHEREAS, a Bergen County Community Development Grant in the amount of **\$110,000.00** has been proposed by the **Fort Lee Housing Authority for improvements to the Harry J. Holtje House Public Housing Building** in the municipality of the Borough of Fort Lee; and,

WHEREAS, pursuant to the State Interlocal Services Act, Community Development Funds may not be spent in a municipality without authorization by the Mayor and Council; and,

WHEREAS, the aforesaid project is in the best interest of the people of Fort Lee and the County of Bergen; and,

WHEREAS, this Resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development Funds;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of Fort Lee hereby confirms endorsement of the aforesaid project;

BE IT FURTHER RESOLVED that a copy of this Resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

CA-9 Authorizing the Submission of a Bergen County Open Space, Recreation, Flood Plain Protection, Farmland & Historic Preservation Trust Fund for Project Known as Fort Lee Children's Playground at Palisades Interstate Park \$135,000.00

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE SUBMISSION OF A BERGEN COUNTY OPEN SPACE, RECREATION, FLOOD

**PLAIN PROTECTION, FARMLAND & HISTORIC PRESERVATION TRUST FUND
(BERGEN COUNTY TRUST FUND) GRANT APPLICATION.**

WHEREAS, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“County Trust Fund”), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and,

WHEREAS, the Borough of Fort Lee desires to further the public interest by obtaining a matching grant of \$135,000.00 from the County Trust Fund to fund the following project: Fort Lee Children’s Playground at Palisades Interstate Park; and,

WHEREAS, the governing body/board has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions, and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the governing body/board received held the required Public Hearing to receive public comments on the proposed park improvements in the application on May 20, 2021; and,

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project and ensure its completion on or about the project contract expiration date.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council:

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of **MAY 14, 2021**, as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, Borough Council has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That Borough Council is committed to providing a dollar for dollar cash match for the project; and,
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
5. That Borough Council agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
6. That this resolution shall take effect immediately.

CA-10 Authorizing the Endorsement of a Community Development Block Grant Program Unprogrammed Fund Application for Project Known as Reconstruction of 9th Street \$100,000.00

RESOLUTION OF THE BOROUGH OF FORT LEE ENDORSING A COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AN UNPROGRAMMED FUND APPLICATION FOR THE RECONSTRUCTION OF 9TH STREET

WHEREAS, a Bergen County Community Development Block Grant Program Unprogrammed Fund application of \$100,000.00 has been proposed by the Borough of Fort Lee for the Reconstruction of 9th Street; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, it has been determined that the aforesaid project is in the best interest of the people of the Borough of Fort Lee; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite approval of the aforesaid CDBG funds.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that approval implementation of the aforesaid project may be expedited.

BE IT FURTHER RESOLVED, that the Mayor Mark J. Sokolich is hereby authorized to execute a grant agreement and documents for acceptance of funds.

**CA-11 Authorizing the Acceptance of a Grant from the County of Bergen
Division of Community Development for Project Known as Reconstruction
of 9th Street \$100,000.00**

**RESOLUTION OF THE BOROUGH OF FORT LEE ACCEPTING A GRANT FROM
THE COUNTY OF BERGEN DIVISION OF COMMUNITY DEVELOPMENT IN THE
AMOUNT OF \$100,000 FOR 9th STREET IMPROVEMENTS**

WHEREAS, the Mayor and Council of the Borough of Fort Lee wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$100,000 in Community Development Block Grant funds for rehabilitation of 9th Street; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby authorizes Mayor Mark J. Sokolich be a signatory to the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Borough Administrator Alfred R. Restaino to sign all County Vouchers submitted in connection with the aforesaid Catherine Street project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Fort Lee is liable for any funds it spent in accordance with the Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

BE IT FURTHER RESOLVED, that upon execution of the Grant Agreement, this resolution and the agreement between the parties shall be available for public inspection in the Office of the Borough Clerk.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

**CA-12 Authorizing the Sale of Surplus Property no Longer Needed for Public
Use on an Online Auction Website Municibid**

**RESOLUTION BY THE BOROUGH OF FORT LEE, AUTHORIZING THE SALE OF
SURPLUS EQUIPMENT NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE
AUCTION WEBSITE**

WHEREAS, the Borough of Fort Lee has determined that the personal property described on schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the Borough of Fort Lee intends to utilize the online auction services of Municibid located at www.municibid.com; and

WHEREAS, the sale of surplus property in “as is” condition shall be conducted through Municibid pursuant to New Jersey State Contract T2581 - Auctioneering Services: Internet Auctions to Sell Surplus Property-Bid#19DPP00272; and

WHEREAS, the sales are being conducted pursuant to N.J.S.A. 40A:11-36 and the guidance set forth in the Division of Local Government Services’ Local Finance Notice 2019-15.

WHEREAS, this resolution shall supersede any prior resolutions relating to the use of an online auction website; and

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

1. The Borough of Fort Lee is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website www.municibid.com
2. The Borough Clerk is hereby authorized to publish this resolution in the official newspaper of the Borough.
3. notifying the public that an online website “Municibid” www.municibid.com will be utilized for the sale of surplus equipment no longer needed.
4. The terms and conditions of the agreement entered into between Municibid and the Borough of Fort Lee are available at <https://municibid.com/nj/njinfo/>
5. A certified copy of this resolution shall be available for public inspection in the Borough Clerks Office.

CA-13 Affirming the Borough ’s Civil Rights Policy with Respect to all Officials, Appointees, Employees, Volunteers and Members of the Public that Come into Contact with Municipal Employees, Officials and Volunteers

RESOLUTION TO AFFIRM THE BOROUGH OF FORT LEE ’S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the Borough of Fort Lee to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Borough of Fort Lee has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Borough of Fort Lee that:

Section 1: No official, employee, appointee or volunteer of the Borough by whatever title known, or any entity that is in any way a part of the Borough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person’s constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough’s business or using the facilities or property of the Borough.

Section 2: The prohibitions and requirements of this resolution shall extend to

any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

CA-14 Authorizing the Tax Appeal Attorney to Finalize Tax Appeal Settlement Entitled Dawei Wang v. Borough of Fort Lee Regarding Property Known as 1 102 Briar Way

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE TAX APPEAL ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FINALIZE SETTLEMENT OF TAX APPEAL ENTITLED "WANG, DAWEI V. BOROUGH OF FORT LEE "

WHEREAS, Dawei Wang is the owner and taxpayer of property located at Block 951, Lot 14, also known as 1102 Briar Way, Fort Lee, New Jersey; and

WHEREAS, taxpayer has filed a property tax appeal against the Borough of Fort Lee for tax year 2020 in a matter entitled Wang, Dawei v. Borough of Fort Lee, presently pending in the Tax Court of New Jersey; and

WHEREAS, it has been recommended by the Tax Appeal Attorney, the Borough Appraiser 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 matter entitled Wang, Dawei v. Borough of Fort Lee, so that for the tax year 2020, the assessment of \$1,715,400.00 will be reduced to \$1,596,800.00, resulting in a refund of \$2,857.07, and so that for the tax year 2021, the assessment of \$1,715,400.00 will be reduced to \$1,596,800.00, resulting in an estimated tax credit of \$2,857.07, calculated using the 2020 tax rate, for a total refund and estimated tax credit of \$5,714.14; and

BE IT FURTHER RESOLVED that the governing body acknowledges the settlement is subject to a Freeze in the 2022 assessment to a total of \$1,596,800.00; 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.

CA-16 Authorizing the Award of Professional Engineering Services Contract to Remington & Vernick Regarding the Palisades Interstate Park Project Not to Exceed \$401,600.00

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES TO REMINGTON & VERNICK FOR PROJECT AT THE PALISADES INTERSTATE PARK

WHEREAS, there exists a need for the Borough of Fort Lee (“Borough”) to retain the services of a licensed engineer to provide site improvements consisting of the constitution of a Softball Field, Multi-Purpose Athletic Field, Children’s Play Area, Park Pavilion with bathrooms and storage as well as a covered terrace/picnic area, parking lot and walkways for Palisades Interstate Park, (Block 7254, Portion of Lot 1) in the Borough; and

WHEREAS, said services are recognized as “professional services” as same shall be rendered by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advance type in a field of learning acquired by a prolonged formal course of specialized instruction and study, pursuant to and in accordance with N.J.S.A. 40A:11-2(6); and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, the Borough wishes to retain the services of Remington & Vernick Engineers to perform such professional engineer services in accordance with its proposal, dated April 14, 2021 attached hereto; and

WHEREAS, Remington & Vernick Engineers possesses the requisite expertise and skilled personnel required to provide site improvements consisting of the constitution of a Softball Field, Multi-Purpose Athletic Field, Children’s Play Area, Park Pavilion with bathrooms and storage as well as a covered terrace/picnic area, parking lot and walkways for the Palisades Interstate Park, (Block 7254, Portion of Lot 1) in the Borough; and

WHEREAS, the Mayor and Council of the Borough are desirous of awarding a contract for professional engineering services to Remington & Vernick Engineers 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 “professional services” without competitive bidding and the agreement between the parties must be available for public inspection; and

WHEREAS, pursuant to Resolution R-10B, duly adopted by the Borough on January 7, 2021, Remington & Vernick Engineers was awarded a contract pursuant to a “fair and open” process in accordance with the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq. to serve as Borough Engineer; and

WHEREAS, the professional engineering services for this phase of the project will be performed by Remington & Vernick Engineers at a cost not-to-exceed \$401,600.00, and the contract for such professional engineering services is awarded pursuant to a “fair and open” process in accordance with the New Jersey Local Unit Pay-To-Play Law; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are available for this purpose from account number 04-2150-55-2007-001, said certification being attached to this resolution; and

WHEREAS, the award of a contract for the provision of professional engineering services to perform site improvements consisting of the constitution of a Softball Field, Multi-Purpose Athletic Field, Children’s Play Area, Park Pavilion with bathrooms and storage as well as a covered terrace/picnic area, parking lot and walkways for the Palisades Interstate Park is in the best interests of the Borough and the implementation of this contract is necessary for the Borough’s continued efficient operation;

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 Remington & Vernick Engineering shall be and is hereby appointed to provide professional engineering services in the form of construction administration services related to the performance of improvements to Palisades Interstate Park, (Block 7254, Portion of Lot 1), in accordance with its proposal, dated April 14, 2021, attached hereto and made a part hereof, for a cost not-to-exceed \$401,600.00, and the terms and provisions of the agreement by and between Remington & Vernick Engineering and the Borough for services as the Borough Engineer.

2. That upon 80% completion of the engineering work pursuant to this resolution, Remington & Vernick Engineering shall provide written notice to the Borough Clerk as to whether the services will be completed within the budget established for the services. If the services are expected to exceed the budget, Remington & Vernick Engineering shall submit a detailed cost overrun schedule for review and consideration by the Borough.

3. That Remington & Vernick Engineering is specifically placed on notice that it will be required to comply with the Affirmative Action regulations of N.J.S.A. 10:5-31 et seq.

4. That a notice of the contract award shall be published as may be required by law, and this resolution must be available for public inspection, in accordance with the requirements of N.J.S.A. 40A:11-1 et seq.

5. That the Chief Financial Officer has certified that funds are available for this purpose.

6. That no further action of the Borough shall be required.

CA-17 Authorizing a Shared Services Agreement Between the Borough and the Fort Lee Housing Authority for the Provision of Administrative Services to the Rent Leveling Board

**RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT
BETWEEN THE BOROUGH OF FORT LEE AND THE HOUSING
AUTHORITY OF THE BOROUGH OF FORT LEE FOR THE
PROVISION OF ADMINISTRATIVE SERVICES TO THE RENT
LEVELING BOARD**

WHEREAS, the Borough of Fort Lee (“Borough”) is a municipal corporation of the State of New Jersey in the County of Bergen, established in accordance with N.J.S.A. 40A:60-1 et seq.; and

WHEREAS, the Housing Authority of the Borough of Fort Lee (“Authority”) is a body corporate and politic created pursuant to the Local Redevelopment and Housing Law, as amended, N.J.S.A. 40A:12A-17 et seq., and

WHEREAS, there is a need for the Borough and the Authority to provide an efficient and effective method of supplying administrative services to the Borough’s Rent Leveling Board; and

WHEREAS, on prior occasions, pursuant to duly adopted resolutions, the Borough and the Authority have entered into shared services agreements whereby the Authority provides required administrative services to the Borough’s Rent Leveling Board; and

WHEREAS, the Borough and the Authority desire to continue to provide for a sharing of various municipal services through the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., that will result in efficiencies for the benefit of the citizens of the Borough; and

WHEREAS, the Uniform Shared Services and Consolidation Act authorizes local units to enter into contracts for the provision of services that either local unit is empowered to provide within their respective jurisdictions; and

WHEREAS, the entry into a shared services agreement with the Authority, whose staff has the capability to provide the required administrative services to the Borough’s Rent Leveling Board, will result in cost savings to both the Borough and the Authority; and

WHEREAS, the shared services agreement will have a term of two (2) years; and

WHEREAS, the Borough and the Authority desire to enter into a shared services agreement for the continued provision of administrative services to the Borough’s Rent Leveling Board; and

WHEREAS, the entry into the shared services agreement with the Authority is in full compliance with the Uniform Shared Services and Consolidation Act, is in the best interests of the Borough, and is necessary for its efficient operations;

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

1. That entry into the Shared Services Agreement with the Authority, upon terms substantially similar to the agreement attached hereto, pursuant to and in accordance with the Uniform Shared Services and Consolidation Act, is hereby authorized.
2. That the Borough Administrator is hereby authorized to execute an agreement between the Borough and the Authority, in substantially the same form as that attached hereto, or with such minor revisions as may be necessary by the Borough Attorney, for the provision of the required administrative services to the Rent Leveling Board.
3. That upon execution of the shared services agreement, this resolution and

the agreement between the parties shall be available for public inspection in the Office of the Borough Clerk.

4. That no further action of the Mayor and Council shall be required.

CA-18 Authorizing an Amendment to the Terms, Conditions and Governing Rules of the Fort Lee Fire Department Stipend Program

RESOLUTION OF THE BOROUGH OF FORT LEE AMENDING THE TERMS, CONDITIONS AND GOVERNING RULES OF THE FORT LEE FIRE DEPARTMENT STIPEND PROGRAM

WHEREAS, on prior occasion, pursuant to duly adopted ordinance, the Mayor and Council of the Borough of Fort Lee (“Borough”) instituted a stipend program for members of the Fort Lee Fire Department (“Stipend Program”) to encourage active recruitment, retention, and participation by members of the Fire Department; and

WHEREAS, Ordinance §55-28 authorized the Borough to establish the terms, conditions, and governing rules applicable to the Stipend Program by resolution duly adopted by the Borough and provided for the amendment of such terms, conditions, and governing rules by the Borough through subsequent Resolutions in the sole discretion of the Borough; and

WHEREAS, the terms, conditions, and governing rules applicable to the Stipend Program were established by the Borough via a Resolution dated May 14, 2009 and amended by the Borough via a Resolution dated February 20, 2014; and,

WHEREAS, the Chief of the Fort Lee Fire Department has recommended to the Borough that the Stipend Program be further amended to include the following provisions to maintain or increase the number of firefighters residing within the Borough of Fort Lee thereby improving fire call attendance and response time to fire calls; and,

WHEREAS, the Borough has determined the amendments to the Stipend Program recommended by the Chief of the Fort Lee Fire Department are necessary to address firefighters vacating residency in the Borough of Fort Lee and to encourage current and new firefighters to reside within the Borough of Fort Lee; and

WHEREAS, the Borough desires to authorize the inclusion of the following sections to the Stipend Program in the best interests of the Borough of Fort Lee and the continued provision of volunteer fire services:

Section 19: RESIDENCY BONUS PROGRAM

I. APPLICABILITY

- a. The Residency Bonus Program is applicable to all active members of the Fort Lee Fire Department (FLFD) who meet the residency requirements and fire call attendance requirements outlined below.

II. RESIDENCY REQUIREMENTS

- a. In order to participate in the Residency Bonus Program, an active FLFD member must reside in the Borough of Fort Lee either through ownership of a domicile or renting of one.
- b. Owners - To establish residency as a homeowner in Fort Lee, an active FLFD member shall provide proof of residency in the form of a NJ Driver’s License (or other form of government-issued ID) displaying a Fort Lee address, a current utility bill in the name of the active FLFD member, and a deed or mortgage in the name of the active FLFD member evidencing ownership of the property.
- c. Renters - To establish residency as a renter in Fort Lee, an active FLFD member shall provide proof of residency in the form of a NJ Driver’s License (or other form of government-issued ID) displaying a Fort Lee address, a current utility bill in the name of the active FLFD member, and a lease agreement evidencing the renting of the property.

d. Residency with Relatives - Active FLFD members residing with relatives (e.g. parents, in-laws, etc.) in Fort Lee shall provide proof of residency in the form of a NJ Driver's License (or other form of government-issued ID) displaying a Fort Lee address, but may submit the other proofs required above bearing the name of the relative, as necessary.

e. An active FLFD member who satisfies the residency requirements after the start of a calendar quarter shall not be eligible to participate in the Residency Bonus Program until the start of the following quarter.

f. An active FLFD member who satisfies the residency requirements at the start of a calendar quarter but does not maintain residency in Fort Lee for the entirety of the quarter shall be eligible for a pro-rated portion of the Residency Bonus as follows, provided all other requirements herein for receipt of the bonus are met:

Period of residency during the calendar quarter	Percentage of Quarterly Bonus
Less than 14 days	0
14 - 44 days	33 1/3%
45 days - 75 days	66 2/3%
76 days or more	100%

g. The final determination of initial or continuing residency in Fort Lee shall be made by the Chief of the Fort Lee Fire Department and the Borough Administrator.

III. FIRE CALL ATTENDANCE REQUIREMENTS

a. In addition to satisfying the residency requirements above, in order to qualify to receive the Residency Bonus, an active FLFD member shall achieve all other Stipend Program requirements necessary to receive payment at the 75% and above quarterly payment rate.

IV. RESIDENCY BONUS AMOUNT

a. The Residency Bonus amount payable to each FLFD member satisfying the residency and fire call attendance requirements above shall be \$600 per month paid quarterly. This bonus payment shall be in addition to the regular stipend payment afforded to all FLFD members achieving requirements necessary to receive payment at the 75% and above quarterly payment rate.

b. The Residency Bonus amount shall be adjusted annually in accordance with and at the same rate as those adjustments received annually by the Borough's "white collar" employees.

V. ENFORCEMENT

a. It shall be the duty of every FLFD member to notify the Chief of the Fort Lee Fire Department immediately upon termination of residency in the Borough of Fort Lee. Failure to do so will be considered as insubordination and relative discipline will be administered in accordance with the FLFD Rules and Regulations and Borough Ordinance §55-11C.

b. The Borough reserves the right to seek restitution of payments made to any FLFD member who has received such payments in a fraudulent manner.

NOW, THEREFORE, BE IT RESOLVED , by the governing body of the Borough of Fort Lee, County of Bergen, State of New Jersey as follows:

1. The above terms, conditions, and governing rules applicable to the Fort Lee Fire Department Stipend Program are hereby approved by the Borough of Fort Lee.
2. Any term, condition, or governing rule applicable to the Fort Lee Fire Department Stipend Program or part thereof inconsistent with this Resolution is repealed to the extent of such inconsistency.

CA-19 Approving and Authorizing the Execution of the Interim Cost Agreement Between the Borough of Fort Lee and Zaka, LLC Regarding Area Known as Block 2252, Lot 1

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE APPROVING AND AUTHORIZING THE EXECUTION OF THE INTERIM COST AGREEMENT BETWEEN THE BOROUGH OF FORT LEE AND ZAKA, L.L.C.

WHEREAS, Zaka LLC has requested the Borough of Fort Lee to designate the area located at Block 2252, Lot 1 as an area in need of redevelopment; and

WHEREAS, the Borough of Fort Lee has consented to commence the investigation to determine if the property meets the criteria as an area in need of redevelopment; and

WHEREAS, the Borough of Fort Lee has requested that Zaka LLC bear the cost of the investigation and Zaka LLC has agreed; and

WHEREAS, the parties desire to enter into an Interim Costs Agreement to set forth the responsibilities of the parties pertaining to the investigation; and

WHEREAS, the Mayor and Council believes it is in the best interest of the citizens of the Borough that the Borough enter into the Interim Costs 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, as follows:

1. The Mayor and Borough Clerk are hereby authorized to execute the Interim Costs Agreement in the form attached hereto as Exhibit "A".
2. A certified copy of this Resolution shall be provided to Donald M. Pepe, Esq., attorney for Zaka LLC

CA-20 Approving and Authorizing the Execution of the Interim Cost Agreement Between the Borough of Fort Lee and MCRT Investment, LLC Regarding Area Known as Block 4355, Lots 11-12, 20-23 and Lots 14-16

A RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING AND AUTHORIZING THE EXECUTION OF THE INTERIM COST AGREEMENT BETWEEN THE BOROUGH OF FORT LEE AND MCRT INVESTMENTS, L.L.C.

WHEREAS, MCRT Investments, LLC has requested the Borough of Fort Lee to designate the area located at Block 4355, Lots 11-12, 20-23 and Lots 14-16 as an area in need of redevelopment; and

WHEREAS, the Borough of Fort Lee has consented to commence the investigation to determine if the property meets the criteria as an area in need of redevelopment; and

WHEREAS, the Borough of Fort Lee has requested that MCRT Investments, LLC bear the cost of the investigation and MCRT Investments, LLC has agreed; and

WHEREAS, the parties desire to enter into an Interim Costs Agreement to set forth the responsibilities of the parties pertaining to the investigation; and

WHEREAS, the Mayor and Council believes it is in the best interest of the citizens of the Borough that the Borough enter into the Interim Costs 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, as follows:

The Mayor and Borough Clerk are hereby authorized to execute the Interim Costs Agreement in the form attached hereto as Exhibit "A".

1.A certified copy of this resolution shall be provided to Gail L. Price, Esq., attorney for MCRT Investment, LLC

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-14, CA-16 through CA-20 was approved on the following roll call:

AYES: Council Members Sohmer, Yoon, Suh, Sargenti, Kasofsky, Cervieri

On motion by Councilwoman Kasofsky seconded by Councilman S argenti , Resolution CA-15 was introduced, and the public hearing was opened relative to item CA-15.

There being no discussion, the public hearing was closed on motion by Councilman Sargenti, seconded by Councilman Sohmer. Resolution CA-15 was approved on the following roll call:

AYES: Council Members Sohmer, Yoon, Suh, Sargenti, Kasofsky, Cervieri

CA-15 Authorizing the Tax Appeal Attorney to Finalize Tax Appeal Settlement Entitled TDC Fort Lee, LLC C/O Tucker Development Co. v. Borough of Fort Lee Regarding Properties Known as 165-177 Main Street, 245 Park Avenue, 2030 Hudson Street, 185-189 Main Street and 2023 Hudson Street

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

May 20, 2021
Regular Session Meeting

Resolution # CA-15

Carried: X Defeated: ___ Tabled: ___

Approved on Consent Agenda:

RESOLUTIONS

R-1 Authorizing the Insertion of a Special Item of Revenue from the County of Bergen Open Space: Firemen 's Park Improvement, \$50,000.00

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

May 20, 2021
Regular Session Meeting

Resolution # R-1

Carried: X Defeated: ___ Tabled: ___

Approved on Consent Agenda: ___

CHAPTER 159 RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING APPROVAL TO AMEND CY-2021 MUNICIPAL BUDGET BY INSERTING ITEMS OF REVENUE AND APPROPRIATION IN ACCORDANCE WITH NJSA 40A:4-87 IN THE AMOUNT OF \$50,000.00 FROM COUNTY OF BERGEN OPEN SPACE - FIREMEN'S PARK IMPROVEMENT PROJECT

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of

appropriation for an equal amount; and

WHEREAS, the Borough of Fort Lee received **\$50,000.00** from the **COUNTY OF BERGEN OPEN SPACE - FIREMEN'S PARK IMPROVEMENT PROJECT** and wishes to amend its **2021** Budget to include a portion of this amount as an item of revenue,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough Of Fort Lee, that the Mayor and Council hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the Budget year of **2021**, in the sum of.....**\$50,000.00** which is now available as a revenue item from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Revenues Offset with Appropriations:

COUNTY OF BERGEN - OPEN SPACE - FIREMEN'S PARK IMPROVEMENT PROJECT

BE IT FURTHER RESOLVED, that a like sum of.....**\$50,000.00** be and the same is hereby appropriated under the caption:

General Appropriations:

(a) Operations excluded from CAPS

Programs Offset by Revenues:

COUNTY OF BERGEN - OPEN SPACE - FIREMEN'S PARK IMPROVEMENT PROJECT

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby directed to forward two (2) copies of this Resolution electronically to the Director of Local Government Services

R-2 Authorizing the Insertion of a Special Item of Revenue from the County of Bergen Open Space: Constitution Park \$100,594.00

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

May 20, 2021 Regular Session Meeting Resolution # R-2 Carried: <u>X</u> Defeated: <u> </u> Tabled: <u> </u> Approved on Consent Agenda: <u> </u>
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CHAPTER 159 RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING APPROVAL TO AMEND CY-2021 MUNICIPAL BUDGET BY INSERTING ITEMS OF REVENUE AND APPROPRIATION IN ACCORDANCE WITH NJSA 40A:4-87 IN THE AMOUNT OF \$100,594.00 FROM COUNTY OF BERGEN OPEN SPACE - CONSTITUTION PARK IMPROVEMENT PROJECT

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Fort Lee received **\$100,594.00** from the **COUNTY OF BERGEN OPEN SPACE - CONSTITUTION PARK IMPROVEMENTS** and wishes to amend its **2021** Budget to include a portion of this amount as an item of revenue,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough Of Fort Lee, that the Mayor and Council hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the Budget year of **2021**, in the sum of.....**\$100,594.00** which is now available as a revenue item from:

- Miscellaneous Revenues
- Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
- Revenues Offset with Appropriations:
- COUNTY OF BERGEN - OPEN SPACE - CONSTITUTION PARK IMPROVEMENTS PROJECT**

BE IT FURTHER RESOLVED, that a like sum of.....**\$100,594.00** be and the same is hereby appropriated under the caption:

- General Appropriations:
- (a) Operations excluded from CAPS
- Programs Offset by Revenues:
- COUNTY OF BERGEN - OPEN SPACE - CONSTITUTION PARK IMPROVEMENT PROJECT**

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby directed to forward two (2) copies of this Resolution electronically to the Director of Local Government Services.

R-3 Authorizing the Insertion of a Special Item of Revenue from the County of Bergen Open Space: Constitution Park \$100,594.00

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

May 20, 2021 Regular Session Meeting Resolution # R-3 Carried: <u>X</u> Defeated: <u> </u> Tabled: <u> </u> Approved on Consent Agenda: <u> </u>

CHAPTER 159 RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING APPROVAL TO AMEND CY-20 21 MUNICIPAL BUDGET BY INSERTING ITEMS OF REVENUE AND APPROPRIATION IN ACCORDANCE WITH NJSA 40A:4-87 IN THE AMOUNT OF \$ 100,000.00 FROM BERGEN COUNTY COMMUNITY DEVELOPMENT - BLOCK GRANT - 9TH STREET RECONSTRUCTION PROJECT

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Fort Lee received **\$100,000.00** from the **BERGEN COUNTY COMMUNITY DEVELOPMENT - BLOCK GRANT - 9TH ST. RECONSTRUCTION PROJECT** and wishes to amend its **2021** Budget to include a portion of this amount as an item of revenue,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough Of Fort Lee, that the Mayor and Council hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the Budget year of **2021**, in the sum of.....**\$100,000.00** which is now available as a revenue item from:

- Miscellaneous Revenues
- Special Items of General Revenue Anticipated with Prior Written Consent of the

Director of Local Government Services:
 Revenues Offset with Appropriations:
BERGEN COUNTY - CDBG - 9TH ST. RECONSTRUCTION
BE IT FURTHER RESOLVED, that a like sum

of.....\$100,000.00

be and the same is hereby appropriated under the caption:

General Appropriations:

(a) Operations excluded from CAPS

Programs Offset by Revenues:

BERGEN COUNTY - CDBG - 9TH ST. RECONSTRUCTION

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby directed to forward two (2) copies of this Resolution electronically to the Director of Local Government Services

R-4 Authorizing a “Dedication by Rider ” to the Budget of the Borough of Fort Lee for COAH Fees Pursuant to N.J.S. 40A:4-39

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

May 20, 2021 Regular Session Meeting Resolution # R-4 Carried: <u>X</u> Defeated: <u> </u> Tabled: <u> </u> Approved on Consent Agenda: <u> </u>
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RESOLUTION AUTHORIZING A “DEDICATION BY RIDER ” TO THE BUDGET OF THE BOROUGH OF FORT LEE FOR COAH FEES PURSUANT TO N.J.S. 40A:4-39

WHEREAS , N.J.S.40A:4-39 provides for the insertion of a “Dedication by Rider” in the budget of any local unit which dedicates revenues anticipated during the fiscal year from revenues, subject to written prior consent of the Director of the Division of Local Government Services, when the revenue is not subject to reasonably accurate estimate in advance; and

WHEREAS , such dedicated revenues shall be appropriated for the purpose to which said revenue is dedicated by statute or other legal requirements.

NOW, THEREFORE, BE IT RESOLVED , BY THE Mayor and Council of the Borough of Fort Lee, County of Bergen, New Jersey, that all COAH revenue received by the Borough of Fort Lee, be placed in a specific trust fund and such trust fund shall be considered a “Dedication by Rider” to the budget of the local unit, pursuant to N.J.S. 40A:4-39, for the sole purpose stated above.

COUNCIL REPORTS

Councilman Sohmer -He mentioned it is National Public Works Week and thanked the Borough’s Public Works Department under the direction of Pat Ferrara. The Parks Department has been preparing all the parks for the upcoming months including the planting of new trees donated by the Rotary Club.

He stated the Recreation Department under the direction of Cheryl Westyn will resume usual summer activities to include basketball, tennis, pickleball, summer mini camps and playground program for children 2nd grade to 5th grade. The wading pools and splash park will open June 30th. Movies and Music Under the Stars will resume in July.

Mayor Sokolich - He thanked the Department of Public Works for a job well done cleaning up Monument Park.

Councilman Yoon -He mentioned the Barrymore Film Center and Museum is 95% complete and expecting an October opening. Many programs will be featured including Women Film Makers around the World.

Councilman Suh -He stated Covid-19 vaccinations will be held at the Fort Lee Community Center on May 25th for ages 12 and up. Fort Lee T-shirts will be given to vaccinators. The County will also be holding vaccinations at Bergen New Bridge Medical Center located at 238 E. Ridgewood Avenue, Paramus NJ on May 22nd and 23rd with a 25\$ Amazon Gift Card giveaway.

He mentioned as Memorial Day and the beginning of summer is approaching, please slow down and look for pedestrians crossing.

Councilman Sargenti - He gave a monthly report regarding the Fort Lee Voluntary Fire Department for response activity for April as follows: Active Alarms 42, Structural Fires 9, Car Fires 2, Mutual Aid Response 3, Fire Department Emergencies 18, Gas Leaks 6, Washdowns/Minor Fires 4, Carbon Monoxide Alarms 1, Total calls for the year 438. On April 28th members of all four companies attended a “Live Burn” training exercise in Orange County. If you would like to volunteer, please let the Mayor and Council know.

Mayor Sokolich -He stated how proud he is of the Borough of Fort Lee Volunteer Fire Department members.

Councilwoman Kasofsky - She mentioned last night’s Women’s Wellness video included many healthy recipes and can be found on Youtube.

She thanked everyone who attended the opening of the garden despite the weather.

She stated the Health Department is still giving regular immunizations to families who do not have health insurance.

She mentioned the library is open and to visit their website for many events that are streaming. The library hosted a book sale that raised a lot of money.

Councilman Cervieri - He stated Fort Lee was well represented at the annual Korean American Association Fund Golf Outing.

He offered his condolences on the passing of Judge Fierro’s father, Al Fierro.

He stated the Adult Senior Center prepares 200 meals for pick up every Tuesday.

He expressed no other town communicates as much as Fort Lee does.

He reminded everyone to remember the veterans who sacrificed on Memorial Day.

He stated the Borough Building will be open to the public on June 1st.

Mayor Sokolich - He stated the Borough has hired a full-time videographer, Linda McCue.

He mentioned to text our zip code 07024 to 888777 to receive the nixle alerts.

PUBLIC PARTICIPATION

On motion by Councilman Cervieri, seconded by Councilman Sargenti, 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 S argenti.**

On motion by Councilman Sohmer, seconded by Councilman Suh, and there being no further discussion, the meeting was adjourned with no objections at 7:43 p.m.

May 20, 2021

Prepared By:

Nadine Drumgoole
Deputy Municipal Clerk

Constantina Reditis
Municipal Clerk's Office

Evelyn Rosario
Municipal Clerk