

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, August 11, 2022 @ 7:00 p.m.

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

PRESENT: Mayor Sokolich, Council Members Sohmer, Yoon, Suh, 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, the Jersey Journal and Star Ledger issues of November 12, 2021. Said notice was also posted on the Borough Hall bulletin board and Borough website.

MAYOR'S REPORT AND ANNOUNCEMENTS

“Thank you everyone for attending tonight’s meeting. Just a few brief announcements: Number one, on behalf of the entire Fort Lee community and government, we collectively wish Officer John Reuter the speediest of recovery. John was severely injured yesterday in dealing with a felon in the Linwood Park mall. I understand he is going to have surgery on his arm. He took a very big fall and thank God, we have officers like John. I visited with him at the hospital last night along with many of his colleagues, brothers and sisters, on the force. His spirits were good. He is in pain. This reminds us that you wake up and you are just expecting to have a normal day, and in John’s life, it was not a normal day. Quite frankly, he almost lost his life. John, we wish you the speediest of recovery, and now we are eternally grateful to you for your commitment to community, and I will certainly be in touch. I also want to give a shout out to his fiancée, Jessica, who has been by his side now probably for a straight 48 hours. Just know that we are all here praying for you, thinking about you and we wish you the speediest recovery. Number two. Last week we had our Fort Lee Night Out which was yet another success, and in normal Fort Lee style, which starts off as a just another night of doing things of which we have many. It is morphed into this several thousand attended event with rides, food, and pizza with the cops and so forth and so on. It was a lot of fun, we all had a great time and got great feedback on it. Remember the first Tuesday of every August, we will continue to do it for the foreseeable future, and we look forward to it. A little bit about the flooding problem that we have been experiencing in Fort Lee. I will be brief. We know that there has been a lot of flooding in Fort Lee due to the storms that we have been experiencing. As has been explained to me, when these systems were designed 20, 30, 50, 80 years ago, they were aligned with the 100 year threshold, meaning they could withstand a storm that would happen every 100 years. Now that was a major storm. Unfortunately, in today's day and age that is occurring every three years. For those of you that still don't believe in global warming, come see Fort Lee after a torrential downpour. Our system simply cannot handle it and not that it is defective, its capacity is just overwhelmed by these storms. There is hope, however, I am grateful to the DPW and Mike Maresca, who is scoping every single pipe in town. There are some adjustments that we are going to make. There are some improvements we anticipate making to our pump stations. There are some upgrades we expect to be making in other roadways. Remember, we have the county and state jurisdiction that we have to

deal with. The county has been cooperative thus far, so we are hopeful that some of the steps we are taking will, in fact, alleviate some of these problems. There is no tougher job when you serve as mayor than to go to a family who bought their new home three years ago and now has experienced a complete and total loss of their basement because of flooding that has occurred two or three times. That must stop. This is Fort Lee, NJ, so we are going to find out a solution. Whatever it takes, and we are going to get it done because that is our commitment. Lastly, on an entirely different note, another shout out to our 14U junior baseball team. Of a pool of over 300 teams across the state of New Jersey, they made it all the way to the state finals game. They lost to Franklin, NJ by a score of four to three. They played in Deptford, NJ. I went, it was great, I loved every second of it and it was a heartbreaker of a loss. I have to tell you, the heartbreak did not last that long. Just thinking about these young men and what they have accomplished. Since 1965, in this town, has a team ever gone as far and quite frankly, they really could have won that game. If they had won that game, they would have played the following week, but now it is in the state championship pool. Ultimately, the World Series for that division is in Michigan. A big shout out was saluted to them at Fort Lee National Night Out, it was great, they all got a proclamation, we did a worldwide video on them and my office will be donating sweatshirts. We are excited about that, and I think these little human-interest things are important. Stay cool this summer as it is still very hot out there. We are looking forward to school getting back into session, then the fall programs beginning, everything from the BDA's Falloween and we just approved the night, I believe, October 29th for Paws in the Park and all sorts of events. So, get your seat belt on Fort Lee. We are going to have as many events this year as we have in the past. Sorry for that long winded Mayer's report and Evelyn if you'd move on some minutes, please."

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the June 16, 2022, Regular Session were approved.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the July 7, 2022, Closed Session were approved. Councilman Sargenti abstained.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the July 7, 2022, Work Session were approved. Councilman Sargenti abstained.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the July 7, 2022, Regular Session were approved. Councilman Sargenti abstained.

INTRODUCTION OF ORDINANCES

None

ORDINANCE PUBLIC HEARINGS

Ord. 2022-14 AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 271, MEDICINAL CANNABIS DISPENSARY, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE

On motion by Councilwoman Kasofsky, seconded by Councilman Cervieri, and carried, the public hearing was opened relative to Ord. #2022- 14 entitled "AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 271, MEDICINAL CANNABIS DISPENSARY, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE"

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 271, MEDICINAL CANNABIS DISPENSARY, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Fort Lee, that Part II, General Legislation, Chapter 271, Medicinal Cannabis Dispensary, is hereby amended as follows:

Section 1. The current text of Chapter 271, Medicinal Cannabis Dispensary, shall hereby be amended as follows:

Chapter 271 Cannabis Establishment; transfer tax imposed

Section 2. The current text of Chapter 271, Medicinal Cannabis Dispensary, Subsection 271-1, Transfer Tax, shall hereby be amended as follows:

Definitions. Certain words and phrases used in this chapter are intended to have the meaning set forth in the definition of such term found Section 410-7 of the Borough Ordinance

Section 3. The current text of Chapter 271, Medicinal Cannabis Dispensary, Subsection 271-2, Standards adopted; license required, shall hereby be repealed and replaced as follows:

A. Transfer tax imposed.

(1) There is hereby imposed a transfer tax of 2% on receipts from the sale of Cannabis or Cannabis Items by a Cannabis Dispensary authorized to operate in the Borough of Fort Lee.

(2) Such tax shall be collected or paid and remitted to the municipality by the Cannabis Dispensary from the Cannabis Establishment purchasing or receiving the cannabis or cannabis item, or from the consumer at the point of sale, on behalf of the municipality by the Cannabis Retailer selling the Cannabis Item to that consumer.

(3) The transfer tax shall be stated, charged and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item. No Cannabis Retailer required to collect a transfer tax imposed hereunder shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer, or that the transfer tax will be refunded to the cannabis establishment or the consumer.

B. Tax liability. Every Cannabis Retailer required to collect a transfer tax imposed by ordinance pursuant to this section shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any Cannabis Retailer shall have the same right with respect to collecting the transfer tax from another Cannabis Establishment or the consumer as if the transfer tax was a part of the sale and payable at the same time, or with respect to nonpayment of the transfer tax or user tax by the Cannabis Retailer or consumer, as if the transfer tax was a part of the purchase price of the Cannabis or Cannabis Item, or equivalent value of the transfer of the Cannabis or Cannabis Item and payable at the same time.

C. Collection of taxes and lien.

(1) All revenues collected from a transfer tax imposed by ordinance pursuant to this section shall be remitted to the Borough's Chief Financial Officer in the

manner prescribed herein. The Chief Financial Officer shall collect and administer any transfer tax imposed by ordinance pursuant to this chapter.

(2) The municipality may enforce the payment of delinquent taxes or transfer fees imposed by ordinance pursuant to this section in the same manner as provided for municipal real property taxes. In the event that the transfer tax imposed by ordinance pursuant to this section is not paid as and when due by a Cannabis Retailer, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the Cannabis Retailer's premises in the same manner as all other unpaid municipal taxes, fees or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for any unpaid property taxes due and owing in the same year. The municipality shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent Cannabis Retailer's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

D. Administration of transfer tax. The Borough Chief Financial Officer is charged with the administration and enforcement of the provisions of this chapter, and is empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this chapter, including provisions for the reexamination and corrections of declarations and returns, and of payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and to prescribe forms necessary for the administration of this chapter. Should Cannabis Retailer fail or refuse to provide adequate information to the Chief Financial Officer to determine the amount of tax due, the Chief Financial Officer may use information provided to the Chief Financial Officer from other sources (i.e., the Commission or Department of Treasury) to determine the amount of tax liability.

(1) It shall be the duty of the Chief Financial Officer to collect and receive the taxes, fines and penalties imposed by this chapter. It shall also be the duty of the Chief Financial Officer to keep a record showing the date of such receipt. The Chief Financial Officer is authorized to enter into agreements with the State of New Jersey to obtain information to facilitate administration of the tax. The Chief Financial Officer is authorized to issue a ruling upon written request of a taxpayer or upon its own volition.

(2) The Chief Financial Officer is hereby authorized to examine the books, papers and records of the Cannabis Retailer to verify the accuracy of any declaration or return, or if no declaration or return was filed, to ascertain the tax due. Every Cannabis Retailer is hereby directed and required to give to the Chief Financial Officer, or to any agent designated by him/her, the means, facilities and opportunity for such examinations and investigations, as are hereby authorized.

E. Recordkeeping. A Cannabis Retailer liable for the transfer tax is required to keep such records as will enable the filing of true and accurate returns or the tax and such records shall be preserved for a period of not less than three years from the filing date or due date, whichever is later, in order to enable the Chief Financial Officer or any agent designated to verify the correctness of the declarations or returns filed. If records are not available in the municipality to support the returns which were filed or which should have been filed, the Cannabis Retailer will be required to make them available to the Chief Financial Officer either by producing them at a location in the municipality or by paying for the expenses incurred by the Chief Financial Officer or his agent in traveling to the place where the records are regularly kept.

F. Returns. All medicinal cannabis dispensaries operating in the municipality are required to file a transfer tax return with the Chief Financial Officer to report their sales during each calendar quarter and the amount of tax in accordance with the provisions of this chapter. Returns shall be filed and payments of tax imposed for the preceding calendar quarter shall be made on or before the last day of April, July, October and January, respectively. A Cannabis Retailer who has overpaid the transfer tax, or who believes it is not liable for the tax, may file a written request on an amended tax return with the Chief Financial Officer for a refund or a credit of the tax. For amounts paid as a result of a notice asserting or informing a taxpayer of an underpayment, a written request for a refund shall be filed with the Chief Financial Officer within two years of the date of the payment.

G. Confidentiality. The returns by the Cannabis Retailer and the records and files of the Chief Financial Officer respecting the administration of the transfer tax shall be considered confidential and privileged and neither the municipality nor any employee or agent engaged in the administration thereof or charged with the custody of any such records or files, nor any former officer or employee, nor any person who may have secured information therefrom, shall divulge, disclose, use for their own personal advantage, or examine for any reason other than a reason necessitated by the performance of official duties any information obtained from the said records or files or from any examination or inspection of the premises or property of any person. Neither the Chief Financial Officer nor any employee engaged in such administration or charged with the custody of any such records or files shall be required to produce any of them for the inspection of any person or for use in any action or proceeding except when the records or files or the facts shown thereby are directly involved in an action or proceeding under the provisions of the State Uniform Tax Procedure Law^[1] or of the tax law affected, or where the determination of the action or proceeding will affect the validity or amount of the claim of the municipality under the tax provisions of this chapter.

[1]

Editor's Note: See N.J.S.A. 54:48-1 et seq.

H. Audit and assessment.

(1) The Borough's Chief Financial Officer may initiate an audit by means of an audit notice to be served on any agent at the Cannabis Retailer's principal place of business. If, as a result of an examination conducted by the Chief Financial Officer, a return has not been filed by a Cannabis Retailer or a return is found to be incorrect and transfer taxes are owed, the Chief Financial Officer is authorized to assess and collect any tax due. If no return has been filed and tax is found to be due, the tax actually due may be assessed and collected with or without the formality of obtaining a return from the taxpayer. Deficiency assessments (i.e., where a Cannabis Retailer has filed a return but is found to owe additional tax) shall include taxes for up to three years to the date when the deficiency is assessed. Where no return was filed there shall be no limit to the period of assessment. All expenses incurred by the Borough associated with the audit and the collection of the outstanding taxes shall be paid by the delinquent Cannabis Retailer.

(2) Upon proposing an assessment, the Chief Financial Officer shall send the Cannabis Retailer an interim notice by certified mail, return receipt requested, which advises the taxpayer of additional taxes that are due. Should the taxpayer wish to dispute the assessment administratively by requesting a hearing with the Chief Financial Officer, it must do so within 30 days of the date of such interim notice. If, after the Chief Financial Officer sends an interim notice, a taxpayer fails to timely request a hearing with the Chief Financial Officer or requests a hearing and after conducting a hearing, the Chief Financial Officer determines that the taxes are due, the Chief Financial Officer shall send the Cannabis Retailer by certified mail, return receipt requested, a final notice. Should the Cannabis Retailer wish to dispute the assessment set forth in the final notice, the Cannabis Retailer

must initiate an appeal in the New Jersey Tax Court within 90 days after the mailing of any final notice regarding a decision, order, finding, assessment or action hereunder.

I. Time limitations. The following periods of limitations shall apply to suits for collection of taxes: when a return has been filed but no tax paid, any suit brought to recover the tax due and unpaid shall be filed within two years after the return was due or filed, whichever is later; where no return was filed or a fraudulent return was filed, there shall be no limits to file suit for the collection of taxes; where before the expiration of the time prescribed in this section for filing a lawsuit against the taxpayer both the Chief Financial Officer and the taxpayer have consented, in writing, to its extension after such time, the suit may be filed at any time prior to the expiration of the period agreed upon; the period so agreed upon may be extended by subsequent agreements, in writing, made before the expiration of the period previously agreed upon.

J. Hearings. Any person who receives an interim notice from the Chief Financial Officer may, within 30 days after the date of an interim notice, request a hearing with the Chief Financial Officer. Any person who fails to request a Chief Financial Officer's hearing in a timely manner waives the right to administratively contest any element of the assessment. The Chief Financial Officer shall accept payments of disputed tax amounts under protest pending appeals; however, any request for refund of such monies must be filed in accordance with this section.

K. Appeals. Any aggrieved Cannabis Retailer may, within 90 days after the mailing of any final notice regarding a decision, order, finding, assessment or action hereunder, or publication of any rule, regulation or policy of the Chief Financial Officer, appeal to the Tax Court pursuant to the jurisdiction granted by N.J.S.A. 2B:13-2a(3) to review actions or regulations of municipal officials by filing a complaint in accordance with the New Jersey Court Rule 8:3-1. The appeal provided by this section shall be the exclusive remedy available to any taxpayer for review of a final decision of the Chief Financial Officer in respect to a determination of liability for the tax imposed by this chapter.

L. Definitions and repealer. Unless specifically defined otherwise herein, any term used herein shall incorporate the definition of that term in the Act. Any article, section, paragraph, subsection, clause, or other provision of the Borough of Fort Lee Code inconsistent with the provisions of this chapter is hereby repealed to the extent of such inconsistency.

M. Interpretation and savings provision. No ordinance, regulation or interpretation thereof shall conflict with the Act. If any section, paragraph, subsection, clause or provision of this chapter shall be adjudged by a court of competent jurisdiction to conflict with the Act or otherwise be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this chapter shall be deemed valid and effective.

N. Violations and penalties. Any person or business who violates any provision of this chapter shall, upon conviction, be subject to the penalties provided by **§ 1-17** of this Code.

Section 4. The current text of Chapter 271, Medicinal Cannabis Dispensary, Subsection 271-2, Standards adopted, licensed required, shall hereby be repealed and replaced as follows:

§271-3 Standards adopted; licensed required.

It shall be unlawful for any person or any corporate entity to operate a medicinal cannabis dispensary without first having procured an annual license from the Borough Clerk's Officer.

Section 5. The current text of Chapter 271, Medicinal Cannabis Dispensary, Subsection

271-3, License Fees; renewal; late fees, shall hereby be repealed and replaced as follows:

§271-4 License Fees; renewal; late fees

A. A Cannabis Establishment shall pay to the Borough an annual license fee of \$35,000.

B. The licenses issued shall be effective for the calendar year, expiring on the 31st day of December of the year of issue and may be renewable for succeeding calendar years thereafter. The fee for license renewals shall be due and payable on or before the first day of February in the year of renewal.

C. Late fees. A late fee of \$50 shall be charged for licenses which are not paid on or before February 1 of the license year. An additional \$75 shall be charged for each thirty-day period that the license fee is not paid after February 1 of the license year.

Section 6. The current text of Chapter 271, Medicinal Cannabis Dispensary, Subsection 271-4, Revocation, suspension or cancellation of licenses; hearing, shall hereby be repealed and replaced as follows:

§271-5 Revocation, suspension or cancellation of licenses; hearing

A. Any license issued under the terms and provisions of this chapter may be suspended or revoked by the Mayor and Council of this municipality for the violation by the licensee of any provision of this chapter or Chapter XII of the New Jersey State Sanitary Code or whenever it shall appear that the Cannabis Establishment is conducted in a disorderly or improper manner or in violation of any law of the United States, the State of New Jersey or any ordinance of this municipality or that the purpose for which the license has been issued is being abused to the detriment of the public or is being used for a purpose foreign to that for which the license was issued.

B. A license issued under the terms and provisions of this chapter shall not be revoked, cancelled or suspended until a hearing thereon shall have been had by the Mayor and Council. Written notice of the time and place of such hearing shall be served upon the Cannabis Establishment at least three days prior to the date set for such hearing. Such notice shall also contain a brief statement of the grounds to be relied upon for revoking, cancelling or suspending such license. Notice may be given either by personal delivery thereof to the person to be notified or be deposited in the United State Post Office in a sealed envelope, postage prepaid, addressed to such person to be notified at the business address appearing upon said license. At the hearing, the representatives of the Cannabis Establishment shall have an opportunity to be heard. Upon due consideration and deliberation, the complaint may be dismissed or, if the governing body concludes that the charges have been sustained and substantiated, it may revoke, cancel or suspend the license held.

C. If any such license shall have been revoked, neither the holder thereof nor any person acting for him, directly or indirectly, shall be entitled to another license to carry on the same business within the Borough, unless the application for such license shall be approved by the governing body.

Section 7. The current text of Chapter 271, Medicinal Cannabis Dispensary, Subsection 271-5, Applicability, shall hereby be repealed and replaced as follows:

§271-6 Applicability.

No provision of this chapter shall be applied so as to impose any unlawful burden on either interstate commerce or any activity of the state or federal government.

Section 8. The current text of Chapter 271, Medicinal Cannabis Dispensary, Subsection 271-6, Violations and penalties, shall hereby be repealed and replaced as follows:

§271-7 Violations and penalties

Any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be subject to the penalties provided by § 1-17 of this Code, and each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

Section 9. Should any section, part or provision of this ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part thereof.

Section 10. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 11. This ordinance shall take effect immediately upon publication and final passage according to law.

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

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

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

Ord. 2022-15 AN ORDINANCE ABOLISHING THE BOROUGH OF FORT LEE FILM COMMISSION

On motion by Councilman Cervieri , seconded by Councilman Sohmer , and carried, the public hearing was opened relative to Ord. #2022- 15 entitled “AN ORDINANCE ABOLOSHING THE BOROUGH OF FORT LEE FILM COMMISSION”

AN ORDINANCE ABOLISHING THE BOROUGH OF FORT LEE FILM COMMISSION

WHEREAS, the Borough of Fort Lee (“Borough”) previously established the Borough of Fort Lee Film Commission (“Commission”) to provide certain human services for the Borough; and

WHEREAS, the services of the Commission are no longer required as the services will be performed in conjunction with the Friends of Fort Lee Film, Inc. d/b/a Friends of Barrymore Film Center;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen, State of New Jersey, being the governing body thereof, that the Fort Lee Film Commission is hereby abolished.

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

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

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

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

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

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

Ord. 2022-16 AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 410, ZONING, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE (CANNABIS ESTABLISHMENTS)

The Revisions pertaining to Ord. 2022-16 were read into the record by Evelyn Rosario, Borough Clerk

On motion by Councilman Cervieri , seconded by Councilman Sohmer , and carried, Ord. #2022- 16 entitled “AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 410, ZONING, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE (CANNABIS ESTABLISHMENTS)”

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 410, ZONING, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE (CANNABIS ESTABLISHMENTS)

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Fort Lee, that Part II, General Legislation, Chapter 410, Zoning, is hereby amended as follows:

Section 1. The current text of Chapter 410, Zoning, Article XI, Definitions, Subsection 410-7 shall hereby be amended to include the following:

“Cannabis Establishment” means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, a cannabis retailer, or medicinal cannabis dispensary.

Section 2. The current text of Chapter 410, Zoning, Article III, Establishment of Zones, Subsection 410-13, General Use Regulations, shall hereby be amended and supplemented to include a new Section 410-13A as follows:

§410-13.1A Prohibited Uses.

1. All classes of license for cannabis establishments pertaining to Adult-Use Cannabis are hereby prohibited from operating anywhere in the Borough, except for the operation of a Medicinal Cannabis Dispensary and a Class 5 Retailer and the delivery of cannabis items and related supplies by a licensed cannabis delivery service based and initiated from a cannabis delivery service licensed location outside of the Borough of Fort Lee.
2. All Cannabis Establishments with the exception of a Medicinal Cannabis Dispensary in the Highway Development (C-5) Zone District.

Section 3. The current text of Chapter 410 (Zoning Schedule IV-1 Use Regulations, Article IV, District Regulations, Subsection 410-11, Schedule of Regulations in the Highway Development (C-5) Zoning District, shall hereby be amended to include the following:

CANNABIS ESTABLISHMENTS

Section 4. The current text of Chapter 410 The current text of Chapter 410, Article XXII, Medicinal Cannabis Dispensary, is hereby amended as follows:

ARTICLE XXII -CANNABIS ESTABLISHMENTS

Section 5. The current text of Chapter 410, Article XXII, Medicinal Cannabis Dispensary, Section 410-96, Medicinal Cannabis dispensary criteria, is hereby amended as follows:

§410-96 - Cannabis Establishment as a Conditional Use.

Within the Highway Commercial (C-5) Zone District, Cannabis Establishments shall be a Condition Use subject to the following conditions:

- A. No more than one (1) Class 5 Cannabis Retailer shall be permitted in the Zone District, which shall include the conversion of any existing or previously approved Medicinal Cannabis Dispensary;
- B. Nothing contained herein shall preclude the operation of a Medicinal Cannabis Dispensary and a Class 5 Cannabis Retailer at the same location when approved by the State of New Jersey;
- C. A Medicinal Cannabis Dispensary or a Class 5 Cannabis Retailer shall not be located within one thousand (1,000) feet of a pre-existing primary or secondary school. The distance shall be measured from property line to property line. Early learning centers, fitness facilities, preschools, day care centers, residential care homes, colleges, and vocational/trade centers shall not be classified as a school for purposes of this section;
- D. All Cannabis Establishments shall obtain site plan approval from the Borough's Planning Board;
- E. For purposes of determining required parking, dispensaries shall be classified as "Commercial Retail";
- F. Drive-throughs shall be prohibited at all Cannabis Establishments;
- G. No Cannabis or Cannabis Paraphernalia shall be displayed or kept at any Cannabis Establishment so as to be visible from outside the premises;
- H. No Cannabis or Cannabis Product shall be smoked, eaten or otherwise consumed or ingested on the premises of any Alternate Treatment Center; and
- I. A Cannabis Establishment shall not be located in a home, apartment or condominium.

Section 6. The current text of Chapter 410, Article XXII, Medicinal Cannabis Dispensary, shall hereby be amended to include the following:

§410-97 Licensing Criteria.

- A. All Cannabis Establishments shall be subject to licensing requirements established herein. An existing or previously approved Medicinal Cannabis Dispensary seeking to operate as both a Medical Cannabis Dispensary and a Class 5 Cannabis Retailer may convert its existing license upon the submission of a new application and approval thereof by the Planning Board.
- B. All Cannabis Establishments seeking to operate in the Borough shall first complete a Cannabis Application Form. The following documentation and information shall be provided to the Borough Clerk in conjunction with the Cannabis Application and site plan application:
 - 1. A general description of the proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, description of ingress and egress, proposed exterior lighting plan and building code compliance;
 - 2. The proposed days and hours of operation, the anticipated building occupancy capacity, and the average number of customers and employees anticipated to frequent the facility on a daily basis;
 - 3. The anticipated parking demand and parking plan per the applicable Schedule of Off-Street Parking Requirements and available private parking supply;
 - 4. A traffic management plan depicting on-site traffic circulation, stacking and queuing and demonstrating the manner in which the facility's traffic will be managed so as to minimize the impact on adjacent roadways and neighborhoods;
 - 5. A depiction of the site design, including access points and internal site circulation;
 - 6. A proposed signage plan;

7. A plan for disposal of refuse including disposal of any cannabis or cannabis byproducts that are not sold to a purchaser or registered qualifying patient or caregiver which disposal method protects any portion thereof from being possessed or ingested by any person or animal and which complies with applicable federal, state and local regulations;
8. A plan describing the mitigation measures and ventilation system that will be used to prevent any odor of cannabis off the premises;
9. The name(s) and location(s) of the offsite cultivation facilities associated with a dispensary, if any;
10. A copy of the current State-approved license, and to the extent permitted by law, a copy of the operating and security procedures required by the Act;
11. The name and complete contact information of the licensee, its primary point of contact for the application available to respond to and cooperate with inquiries and requests made by the Borough Clerk, and the senior person responsible for management and operation of the proposed facility, which information shall be promptly updated as necessary;
12. Such other information or documentation as determined to be necessary to assess compliance with the requirements set forth or referenced herein;
13. An affidavit or certification affirming compliance with all requirements of state and local law and identifying any matters requiring variance or waiver relief;
14. Applications shall be submitted to the Borough Clerk and will be deemed complete upon submittal of all documentation and information described in herein to the satisfaction of the Borough Clerk;
15. Subject to the provisions set forth below, an Alternate Treatment Center's occupancy permit will be allocated to an applicant on a reserve basis based on the order the completed Dispensary Applications are received;
16. Upon the Borough Clerk's receipt of a completed Dispensary Application for an available dispensary occupancy permit, said available occupancy permit shall be temporarily reserved for the applicant at the location designated until such time that the application is withdrawn by the applicant or deemed expired. Minimal progress for a period of three (3) or more months relative to obtaining the reserved available dispensary occupancy permit shall constitute a basis to deem the application expired; and
17. No Dispensary Application will be received or considered during a period when one (1) dispensary occupancy permit has been issued or reserved.

C. Coordination of Safety and Security Measures.

Applicants for a Cannabis Establishment shall coordinate with the Borough Chief of Police, or his or her designee, regarding the measures to be taken to ensure the security of the facility and the safety of the public and facility employees. Such measures may include, but are not limited to, facility access controls, surveillance systems, site lighting and on-site security personnel. Said coordination shall occur in conjunction with any application for a zoning permit or variance relief for a dispensary, cannabis cultivation, cannabis manufacturing or cannabis distributing facility that has been deemed complete by the zoning officer and shall be ongoing, as needed, to address any security or safety issues.

D. Inspection.

Subject to the requirements and limitations of State Law, the Borough of Fort Lee shall have the reasonable right to inspect the premises of any approved Medicinal Cannabis Dispensary during its regular hours of operation to ensure compliance with local ordinances and regulations.

E. Public Nuisance Declared.

Operation of any prohibited or unpermitted cannabis business establishment within the municipality in violation of the provisions of this Chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

F. Governing Body Approval of Applications.

Whenever the Cannabis Regulatory Commission established by the Act (the "Commission") forwards to the municipality any application for initial licensing or renewal of an existing license for any Cannabis Establishment pursuant to Section 19 of the Act or for a cannabis consumption area pursuant to Section 28 of P.L.2019, C.153 (C.24:61-21), or otherwise solicits the position of the municipality on any matter related to cannabis-related activities within the municipality, or upon the request of an applicant for or holder of such license, the governing body shall determine whether the application complies with the municipality's restrictions on the number of Cannabis Establishments and their location, manner or times of operation and promptly inform the Commission and the applicant for or holder of a license whether the application complies with same and whether it either approves or denies each application or other require for municipal authorization forwarded to it. Notwithstanding the foregoing, nothing herein shall prohibit any elected or appointed official or employee from expressing their opinions or views on cannabis-related matters in their personal or individual official capacity, or enforcing an applicant for or holder of a license issued by the Commission, provided that such official shall not represent that their opinions or views are those of the municipality unless based on a duly adopted ordinance or resolution of the municipality or other action of a majority of the governing body.

G. Violations and Penalties.

Any person or business who violates any provision of this Chapter shall, upon conviction, be subject to the penalties provided by §410-58.

Section 7. The current text of Chapter 410, Zoning, Article XXIII, Medicinal Cannabis Dispensary, shall hereby be amended and supplemented to include the following:

§410-98 Expansion of an existing Medicinal Cannabis Dispensary

An existing or previously approved Medicinal Cannabis Dispensary located in the Borough shall be permitted to expand its operations to sell Cannabis to both Cannabis medicinal patients as Medicinal Cannabis Dispensary and sell Cannabis to the general public as a Class 5 Cannabis Retailer provided that such Medicinal Cannabis Dispensary first obtain the appropriate State licensure permitting the expansion, has completed the local licensure process, paid all local fees, has not had its license revoked or suspended, and has previously completed all of the requirements set forth in Section 410-96 and Section 410-97.

Section 8. Should any section, part or provision of this ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part thereof.

Section 9. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 10. This ordinance shall take effect immediately upon publication and final passage according to law.

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

On motion by Councilman Cervieri , seconded by Councilman S argenti , the Ordinance

was **adopted** 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 S uh, the Proposed Consent Agenda was introduced, and the public hearing was opened relative to items CA-1 through CA-18.

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

August 11, 2022
Regular Session Meeting

Resolution # CA-1 to CA-18

Carried:___ Defeated:___ Tabled:___

Approved on Consent Agenda: X

CA-1 Payment of Claims

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

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$1,304,581.57
Current - Grant	
Capital	401,701.68
Road Improvement Plan	
Multiple Dwelling	
Construction Fees	
COAH Fees	
Senior Citizen Advisory Council	
Trip Admissions	4,643.67
Special Dog Account	
Trust Account Fund	
Redemption Account	204,308.74
Disability Insurance Trust	
Public Assistance Trust Fund	
Police Activity Trust	
Fort Lee Film Commission	
Community Development	
School Resource Account	455.00
Dedicated Penalties (Fire Prevention)	
POAA	
Police Donation	2,769.65
Police Treasury	1,500.00
Police Justice	5,600.00
Flexible Spending	
Trust Account	
Developers CONNECT ONE	21,589.95
Developers B of America	
Total:	\$ 1,947,150.26

CA-2 Approving New Jersey State Firemen 's Association Membership Application for Samuel S. Tak, Fire Company #2

The New Jersey State Firemen’s Association Membership Application for Samuel S. Tak, Fire Company #2 was approved.

CA-3 Authorizing Marriage License Payment Fees to the State of New Jersey, \$1,825.00

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING MARRIAGE LICENSE PAYMENT FEES TO THE STATE OF NEW JERSEY

BE IT RESOLVED, that the Tax Collector-Treasurer be authorized to draw a check drawn from the Current Account, Bank of America payable to the Treasurer, State of New Jersey, in the amount of **\$1,825.00** to cover fees collected for marriage licenses for the period covering April 1, 2022 through June 30, 2022. Fees are to be forwarded on a quarterly basis to the Department of Human Services;

Account No. 01-2887

CA-4 Authorizing the Extension of a Lease with Southbridge, Inc. for Borough Property

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE EXTENSION OF A LEASE WITH SOUTHBRIDGE, INC. FOR BOROUGH PROPERTY

WHEREAS, on December 13, 2012, the Borough and Southbridge, Inc., entered into a Lease Agreement with regard to the property owned by the Borough and located at Block 3253, Lot 3 on the Tax Map of the Borough for a period of 10 years commencing December 1, 2012; and

WHEREAS, the Lease Agreement is scheduled to expire on November 30, 2022; and

WHEREAS, the Borough has determined that the extension of the Lease Agreement is necessary for the continued efficient operations of the Borough and is in the best interests of the Borough and its taxpayers; and

WHEREAS, the Borough and Southbridge, Inc. desire to enter into an Extension of the Lease Agreement for an additional ten-year term commencing on December 1, 2022; and

WHEREAS, the Borough and Southbridge, Inc. have agreed upon an Extension of Lease Agreement which is attached hereto; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the borough of Fort Lee, in the County of Bergen, State of New Jersey that the Mayor shall be and is hereby authorized to execute the Extension of Lease Agreement as described herein and attached hereto.

CA-5 Authorizing the Hiring of M. Quercia, Effective Retroactively to June 27, 2022; G. Pepe, Effective Retroactively to July 29, 2022, and F. Tatolli, Effective Retroactively to July 14, 2022, as Part-Time Plumbing Inspectors in the Building Department, \$36.67 Hourly

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE HIRING OF PART-TIME PLUMBING INSPECTORS WITH THE BUILDING DEPARTMENT

WHEREAS, the Construction Code Official has requested the Mayor and Council to appoint part-time Plumbing Inspectors with the Building Department in the absence of our current Plumbing Inspector; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the following individuals be appointed to part-time hourly positions as Plumbing Inspectors:

Michael Quercia	Retroactive to June 27, 2022
Garret Pepe	Retroactive to July 29, 2022
Frank Tatolli	Retroactive to July 14, 2022

BE IT FURTHER RESOLVED that the above Part-Time Plumbing Inspectors hourly rate shall be \$ 36.67 with an effective date as stated above .

CA-6 Authorizing the Hiring of Various Fall Seasonal Employees in the Community Center, Effective September 1, 2022, Through December 31, 2022, \$15.00 - \$18.00 Hourly

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE HIRING OF FALL SEASONAL EMPLOYEES

BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee have authorized the hiring of fall seasonal employees; and,

NOW, THEREFORE, BE IT RESOLVED that the below listed individuals will be hired as fall seasonal employees to work at the Community Center, with an effective date provided by the Department Head to our Payroll Department; and

BE IT FURTHER RESOLVED that said individuals be paid at an hourly rate as stipulated below, **effective September 1, 2022, through December 31, 2022;**

NAME	POSITION	DEPARTMENT	HOURLY RATE:
Ashman, Christopher	Supervisor	Community Center	\$15.00
Keller, Alan	Supervisor	Community Center	\$15.00
Jaikissoon, Eric	Supervisor	Community Center	\$18.00
McCrary, Consuelo	Supervisor	Community Center	\$15.00
Nannas, Dimitri	Supervisor	Community Center	\$15.00
Picinich, Donald	Supervisor	Community Center	\$15.00

CA-7 Authorizing the Hiring of M. Zamora as a Part-Time Summer and Fall Seasonal Stage Crew Employee in the Community Center, Effective August 1, 2022, Through December 31, 2022, \$15.00 Hourly

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE HIRING OF A SUMMER & FALL SEASONAL EMPLOYEE

BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee have authorized the hiring of summer and fall seasonal employees; and,

NOW, THEREFORE, BE IT RESOLVED that the below listed individual will be hired as a summer and fall seasonal employees to work the Stage at the Community Center, with an effective date provided by the Department Head to our Payroll Department; and

BE IT FURTHER RESOLVED that said individual shall be paid at an hourly rate as stipulated below, **effective August 1, 2022 through December 31, 2022;**

NAME	POSITION	DEPARTMENT	HOURLY RATE:
Zamora, Monica	Events Crew	Stage at Community Center	\$15.00

CA-8 Authorizing the Appointment of Ricardo Figueroa as the Borough of Fort Lee Recycling Coordinator, Effective August 11, 2022

RESOLUTION OF THE BOROUGH OF FORT LEE APPOINTING MR. RICARDO FIGUEROA AS RECYCLING COORDINATOR

WHEREAS, the Borough of Fort Lee Municipal Code §356-22 provides for the appointment of a Recycling Coordinator who shall be authorized to coordinate the Borough's recycling program and assist with the enforcement of the provisions of this article; and,

WHEREAS, the Mayor and Council have determined that Mr. Ricardo Figueroa, Assistant Superintendent of Public Works, is qualified for the position of Recycling Coordinator and will be able to perform the duties of Recycling Coordinator as delineated by statute and in the Borough Code; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that Mr. Ricardo Figueroa be and is hereby appointed to serve as Recycling Coordinator effective August 11, 2022.

CA-9 Authorizing an Extended Leave of Absence for Sae Rom Cho, Health Department Commencing October 4, 2022, and Ending April 3, 2023

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING AN EXTENDED LEAVE OF ABSENCE FOR SAE ROM CHO, HEALTH DEPARTMENT

BE IT RESOLVED that **Sae Rom Cho, Registered Environmental Health Specialist Public Health**, with the **Health Department**, has submitted a request dated August 1, 2022, requesting an extended leave of absence for six months, and the Mayor and Council have accepted same for a period of six months; and

BE IT RESOLVED that Ms. Cho's extended leave of absence shall be granted for a period of six months, **commencing October 4, 2022 and ending April 3, 2023**.

CA-10 Authorizing the Hiring of A. Raices as a Part-Time Emergency Medical Technician, Effective Immediately, \$25.15 Hourly

RESOLUTION AUTHORIZING THE HIRING OF A PART-TIME EMERGENCY MEDICAL TECHNICIAN

WHEREAS, there are Emergency Medical Technician vacancies in the Fort Lee Ambulance Corps, and the Mayor and Council have determined that these vacancies must be filled,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that the following individual be hired as a part-time **Emergency Medical Technician** with the Fort Lee Ambulance Corps **effective immediately**; and

- **Angel Raices**

BE IT FURTHER RESOLVED that this appointment is provisional pending certification from the New Jersey Civil Service Commission. This position shall be at **\$25.15 per hour, not to exceed 19 ½ hours per week**, with an effective date to be provided by our EMS Coordinator to the Payroll Office.

CA-11 Authorizing the Hiring of Various Fall Seasonal Employees in the Recreation Department, Effective September 1, 2022, Through December 31, 2022, \$15.00 - \$30.00 Hourly

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE HIRING OF FALL SEASONAL EMPLOYEES

BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee have authorized the hiring of fall seasonal employees; and,

NOW, THEREFORE, BE IT RESOLVED that the below listed individuals will be hired as fall seasonal employees to work at the Recreation Center, with an effective date provided by the Department Head to our Payroll Department; and

BE IT FURTHER RESOLVED that said individuals be paid at an hourly rate as stipulated below, **effective September 1, 2022 through December 31, 2022** ;

NAME	POSITION	DEPARTMENT	HOURLY RATE:
Asharian, Laudan	Recreation/Tennis Attendant	Recreation	\$15.00
DeGidio, Ashley	Recreation/Tennis Attendant	Recreation	\$15.00
Gathers, Savannah	Recreation/Tennis Attendant	Recreation	\$15.00
Gulsen, Berkan	Recreation/Tennis Attendant	Recreation	\$15.00
Huertas, Michael	Recreation/Tennis Attendant	Recreation	\$15.00
Joseph, Daniel	Recreation/Tennis Attendant	Recreation	\$15.00
Kellas, Kim	Crafts Instructor	Recreation	\$20.00
Rosa, Jamie	Recreation/Tennis Attendant	Recreation	\$15.00
Rosa, Shaina	Recreation/Tennis Attendant	Recreation	\$15.00
Samuel-Olagunju, Joanne	Recreation/Tennis Attendant	Recreation	\$15.00
Schiff, Barry	Adult Art Instructor	Recreation	\$30.00

CA-12 Authorizing the Appointment of an Unpaid Intern in the Richard and Catherine Nest Adult Activity Center, Effective Retroactively to July 12, 2022

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE APPOINTMENT OF AN UNPAID INTERN WITH THE RICHARD AND CATHERINE NEST ADULT ACTIVITY CENTER

WHEREAS, students are connected to various professional offices within the Borough and the Governing Body supports this program in providing these students a summer internship with building blocks for their knowledge and application of business and finance in their future careers; and,

WHEREAS, Crissa Skarimbias, Director, requested a summer intern through this program to be appointed to assist in the Richard and Catherine Nest Adult Activity Center; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee, that Zoehara Finney be appointed as an unpaid intern in the Richard and Catherine Nest Adult Activity Center; and,

BE IT FURTHER RESOLVED that the effective date for this summer intern to commence will be retroactive to July 12, 2022, through August 6, 2022 for one day a week, during the hours of 9 AM and Noon.

CA-13 Authorizing the Mayor to Execute a Financial Agreement Between The Borough of Fort Lee and the Fort Lee Parking Authority

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE BOROUGH OF FORT LEE AND PARKING AUTHORITY OF THE BOROUGH OF FORT LEE

WHEREAS, the Borough is the owner of certain real property located in the Borough, commonly known as the Guntzer Street Municipal Parking Lot, also known as

Block 4751, Lot 2 with an address of 231 Main Street; and

WHEREAS, the Parking Authority of the Borough Of Fort Lee Parking Authority of the Borough Of Fort Lee (“FLPA”) financed and constructed, on the Property, a three-story parking structure, a parking lot and a mixed use office building attached to the parking structure (collectively the “Project”); and

WHEREAS, as a result of reduced revenues, the FLPA will require assistance to make the current debt service payment due September 15, 2022 which must be deposited with the Bond Trustee by the FLPA by August 15, 2022; and

WHEREAS, the Borough of Fort Lee and FLPA desire to enter into an Agreement whereby the Borough shall provide funds to the FLPA for the payment of debt service related to the Project which funds will be repaid to the Borough on or before February 15, 2023, without interest; and

WHEREAS, the Agreement has been negotiated and agreed upon by representatives of the Borough and the FLPA and is attached hereto; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the Mayor is hereby authorized to execute the attached Agreement between the Borough of Fort Lee and Parking Authority of the Borough of Fort Lee.

**CA-14 Endorsing a Community Development Block Grant (CDBG)
Request from the Fort Lee Housing Authority for Replacement of Fire Pump
Standpipe System at 1403 Teresa Drive, \$60,000.00**

**RESOLUTION OF THE BOROUGH OF FORT LEE ENDORSING A
COMMUNITY DEVELOPMENT PROJECT ON BEHALF OF THE FORT LEE HOUSING
AUTHORITY FOR REPLACEMENT OF FIRE PUMP STANDPIPE SYSTEM LOCATED
AT 1403 TERESA DRIVE**

WHEREAS, a Bergen County Community Development Grant for Unprogrammed Funds in the amount of \$ 60,000.00 has been proposed by the Fort Lee Housing Authority for Replacement of Fire Pump Standpipe System located at 1403 Teresa Drive, 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 certified 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-15 Authorizing the Appointment of Municipal Representatives to the
Bergen County Community Development Regional Committee for Fiscal
Year 2022-2023**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE
APPOINTMENT OF MUNICIPAL REPRESENTATIVES TO THE BERGEN COUNTY
COMMUNITY DEVELOPMENT REGIONAL COMMITTEE**

WHEREAS, the Municipality of the Borough of Fort Lee has entered into a three year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40A:65-1 et seq. and Title 1 of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that the Municipal Council to appoint a representative and alternate and that the Mayor appoint a representative and alternate for the FY 2022-2023 term starting July 1, 2022 and ending on June 30, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council hereby appoints **Evelyn Rosario** as its representative and **Patrick Ferrara** as its alternate and that the Mayor hereby appoints **Al Restaino** as his/her representative and **Matthew Rutch** as his/her alternate to serve on the Community Development Regional Committee for FY 2022-2023; and

BE IT FURTHER RESOLVED that an original, certified copy of this resolution be immediately emailed and sent via postage to Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, Fourth Floor: Hackensack, New Jersey 07601/ resposito@co.bergen.nj.us.

CA-16 Authorizing the Mayor to Execute an Agreement Between the Borough of Fort Lee and Bank of America, N.A. Permitting Access to the Public Right-of-Way at 154 Main Street

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE BOROUGH OF FORT LEE AND BANK OF AMERICA, NATIONAL ASSOCIATION PERMITTING BANK OF AMERICA, NATIONAL ASSOCIATION TO ACCESS THE PUBLIC RIGHT-OF-WAY LOCATED AT 154 MAIN STREET, FORT LEE, NEW JERSEY

WHEREAS, Bank of America, National Association (“BoA”) is the owner in fee simple of the real property premises located at 154 Main Street in the Borough of Fort Lee, County of Bergen and State of New Jersey (the “Premises”); and

WHEREAS, BoA has requested permission to access to the public right-of-way adjacent to the Premises to allow its environmental consultants to perform environmental investigations necessary to complete the installation of monitoring wells made reasonably necessary by the removal of an underground storage tank on the Premises, as well as such periodic sample collection, maintenance or repair as may be reasonably necessary; and

WHEREAS, the Borough of Fort Lee and BoA desire to enter into an Agreement setting forth the terms and conditions related to the BoA’s access to the public right-of-way; and

WHEREAS, the Agreement has been negotiated and agreed upon by representatives of the Borough of Fort Lee and BoA and is attached hereto; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the Mayor is hereby authorized to execute the attached Agreement between the Borough of Fort Lee and Bank of America, National Association.

CA-17 Approving a Request from Randi Raskin to Hold the 8th Annual Paws in the Park Event at the Fort Lee Dog Park on October 29, 2022, with a Rain Date of October 30, 2022

RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING A REQUEST TO PERMIT THE 8TH ANNUAL PAWS IN THE PARK EVENT

WHEREAS, on July 18, 2022, the Borough of Fort Lee received a formal request from Ms. Randi Raskin, seeking approval to hold the 8th Annual Paws in the Park event

at the Fort Lee Dog Park; and

WHEREAS, the 8th Annual Paws in the Park event is scheduled for **Saturday, October 29, 2022** with a rain date of Sunday, October 30, 2022; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee, hereby authorize the 8th Annual Paws in the Park event to be held at the Fort Lee Dog Park.

CA-18 Approving a Request from the Hellenic Civic Club to Host Its Oxi Day Celebration at the Richard and Catherine Nest Activity Center on October 29, 2022

RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING A REQUEST FROM THE HELLENIC CIVIC CLUB TO HOST ITS OXI DAY CELEBRATION AT THE RICHARD & CATHERINE NEST ACTIVITY CENTER

WHEREAS, the Borough of Fort Lee received a request from the Hellenic Civic Club seeking permission to utilize the Richard & Catherine Nest Adult Activity Center for its Oxi Day Celebration on October 29, 2022, from 2:00 to 5:00 PM; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee, grants permission to the Hellenic Civic Club for its Oxi Day Celebration to be held at the Richard & Catherine Nest Adult Activity Center on October 29, 2022, from 2:00 to 5:00 PM.

There being no discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilwoman Kasofsky. The Consent Agenda regarding CA-1 through CA- 18 was approved on the following roll call:

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

RESOLUTIONS

R-1 Supporting Ascend New Jersey, L.L.C. as the Operator of a Class 5 Adult Use-Use Cannabis Dispensary to be Located in the Borough of Fort Lee

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

August 11, 2022 Regular Session Meeting Resolution # R - 1 Carried: <u>X</u> Defeated: <u> </u> Tabled: <u> </u> Approved on Consent Agenda: <u> </u>

RESOLUTION OF THE BOROUGH OF FORT LEE SUPPORTING ASCEND NEW JERSEY, L.L.C., AS THE OPERATOR OF A CLASS 5 ADULT-USE CANNABIS DISPENSARY TO BE LOCATED IN THE BOROUGH OF FORT LEE

WHEREAS, Pursuant to N.J.A.C. 17:30-7.1, N.J.A.C. 17:30-7.8, and N.J.A.C. 17:30-7.10 Alternative Treatment Centers (“ATCs”) and applicants for cannabis business licenses (“license-applicants”) need to submit proof of local support in the form of municipal approval as part of either their certification (ATCs) or application (cannabis business license applicants);

WHEREAS, if the municipality has a governing body, a resolution by that governing

body that includes: a. The license applicant’s legal name under which they are registered to do business in the State of New Jersey; b. A determination that the municipality has authorized the type of cannabis business license being sought by the license-applicant to operate within its jurisdiction; and c. A confirmation that if the municipality has imposed a limit on the number of licensed cannabis businesses, the issuance of a license to the license applicant by the Commission would not exceed that limit;

WHEREAS, Section 33 of the Act further provides that certain Alternative Treatment Centers deemed to have already have licenses under the Act shall not have to submit an application to the Commission for licensure, as the application requirement is deemed satisfied by the Alternative Treatment Center’s previously approved permit application that was submitted to the Department of Health or to the Commission pursuant to Section 7 of P.L.2009, c.307 (C.24:61-7), but the Alternative Treatment Center shall not begin to operate as any class of Cannabis Establishment until the Alternative Treatment Center has submitted written approval for a proposed Cannabis Establishment from the municipality in which the proposed Cannabis Establishment is to be located, which approval is based on a determination that the proposed Cannabis Establishment complies with the municipalities restrictions on the time, location, manner, and number of Cannabis Establishments permitted pursuant to Section 31 of the Act;

WHEREAS, the Borough has adopted Ordinances No. 2022-16 (the “Ordinance”), amending the code to permit the operation of a Class 5 Retailer Licenses;

-WHEREAS, the Ordinance permits the conversion of an Alternative Treatment Center to a Cannabis Establishment based upon receipt of written approval and licensure from the Borough and the State;

WHEREAS, Ascend New Jersey, LLC (“Ascend”) is currently a licensed Alternative Treatment Centers operating in the Borough of Fort Lee, who, pursuant to the Act, are permitted to become an Expanded Alternative Treatment Center and to commence operations for both medical and adult-use uses;

WHEREAS, the issuance of a Class 5 Retail License to Ascend to operate in the Borough would not exceed the limit imposed in Ordinance;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Fort Lee, Bergen County, State of New Jersey, that Ascend be granted this Resolution of Local Support, which is to be viewed by the State of New Jersey as unequivocal support of Ascend’s application for an Expanded Alternative Treatment Center to operate a Class 5 Retail Establishment in the Borough of Fort Lee.

R-2 Establishing a Creative Team as a Subcommittee of the Sustainable Green Team Advisory Committee

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

August 11, 2022 Regular Session Meeting Resolution # R - 2 Carried: <u>X</u> Defeated: <u> </u> Tabled: <u> </u> Approved on Consent Agenda: <u> </u>

RESOLUTION OF THE BOROUGH OF FORT LEE ESTABLISHING A CREATIVE TEAM AS A SUBCOMMITTEE OF THE SUSTAINABLE GREEN TEAM ADVISORY COMMITTEE

WHEREAS, the Borough wishes to build a model of government that benefits our residents now and into the future with green community initiatives that are easy to replicate and affordable to implement; and

WHEREAS, the Borough Council has created the Green Team Advisory Committee

("Green Team") to advise the Mayor and Council on ways to improve municipal operations with "green" initiatives, and to facilitate focus on issues that help to assure a sustainable future under the Sustainable Fort Lee program; and

WHEREAS, the Borough has been certified as a Sustainable Community by the Sustainable Jersey Program, in recognition of actions, activities and programs that contribute to waste reduction, energy savings, resource conservation, and an improved quality of life for its residents; and

WHEREAS, it is recognized that arts and cultural organizations and activities contribute to the community's quality of life and positive regard; and

WHEREAS, participation in cultural activity correlates to increased civic engagement, stronger communities, and improved educational outcomes; and

WHEREAS, the Green Team has recommended that a group be commissioned to foster the recognition, support, and appreciation of the arts and cultural organizations and activities in the Borough of Fort Lee; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, that a Creative Team be established as a subcommittee of the Green Team to recommend and implement, as appropriate, actions that facilitate such recognition, support and appreciation; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Fort Lee that the following persons are hereby appointed to the Creative Team for a term expiring December 31, 2025:

- Ms. Stephanie Koslow
- Ms. Julie Liapes
- Ms. Zeni Pepper
- Ms. Ila Kasofsky
- Ms. Katherine Manger
- Mr. Tony Seker

BE IT FURTHER RESOLVED that the Creative Team shall develop actions that will contribute to achievement of certification by the Sustainable Jersey Program.

R-3 Authorizing the Appointment of Sylvia Kaplan as a Member of the Senior Citizen Council of the Borough of Fort Lee

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

August 11, 2022
Regular Session Meeting

Resolution # R - 3

Carried: X Defeated: Tabled:

Approved on Consent Agenda:

AUTHORIZING THE APPOINTMENT OF MS. SYLVIA KAPLAN AS MEMBER OF THE SENIOR CITIZEN COUNCIL OF THE BOROUGH OF FORT LEE

BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that Ms. Sylvia Kaplan be and is hereby appointed as a member of the Senior Citizen Council filling an unexpired term expiring December 31, 2023.

COUNCIL REPORTS

Councilman Sohmer - He congratulated the 14-U Junior Baseball Team, parents and coaches involved.

He mentioned to follow the Borough website for the continued Movies and Music Under the Stars event titles and dates.

He wished everyone a wonderful summer.

Mayor Sokolich - He congratulated the 14-U Junior Baseball Team, parents and coaches involved.

Councilman Yoon - He congratulated the 14-U Junior Baseball Team, parents and coaches involved. He mentioned Fort Lee Youth Sports has escalated, gaining a "powerhouse reputation."

He sends his wishes for a speedy recovery to K-9 Officer John Reuter.

He mentioned the opening day of the Barrymore Film Center will be October 15th, details to follow.

He reminded the public to please utilize the crosswalks when crossing and wished everyone a wonderful summer.

Councilman Suh - He mentioned multiple teams exceeded in youth sports this year and thanked the team members, parents, and coaches. Football and cheerleading registration is open Monday through Thursday from 6PM - 8PM at the field.

He sends his wishes for a speedy recovery to K-9 Officer John Reuter.

He mentioned Fort Lee held a successful The St. Rocco's Feast as well as Fort Lee Night Out event led by the first responders.

Councilman Sargenti - He sends his wishes for a speedy recovery to K-9 Officer John Reuter and thanked all the first responders for their time and dedication.

He congratulated all the Fort Lee youth sports players, parents and coaches.

He gave a monthly response activity report regarding the Fort Lee Voluntary Fire Department and the Fort Lee Volunteer Ambulance Corps for calls assisted between January to present. He encouraged the public to volunteer at the Fort Lee Fire Department.

Councilwoman Kasofsky - She sends her well wishes for a speedy recovery to K-9 Officer John Reuter.

She stated the Health Fair will be held on October 2nd. The library book sale will be held September 10th-11th from 9AM - 4PM. Donations are welcome. The library is seeking volunteers for tutoring.

Councilman Cervieri - He mentioned the Fort Lee Athletic Club is hosting Casino night on October 22nd for the Fort Lee High School scholarship fund.

He congratulated the youth members who participated in the Junior Police Academy in July.

Mayor Sokolich - He stated the 9/11 Memorial will be held at Constitution Park Sunday, September 11th at 11AM.

PUBLIC PARTICIPATION

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

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

On motion by Councilman Cervieri, seconded by Councilman Suh, and there being no further discussion, the meeting was adjourned with no objections at 7:37 p.m.

Prepared By:

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