

MAYOR AND COUNCIL
WORK SESSION MEETING MINUTES
SEPTEMBER 8 , 2022, at 6:30 P.M.

SALUTE TO THE FLAG

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

PRESENT : Mayor Sokolich (arrived at 6:45 P.M.), Council Members Sohmer, Yoon, Suh, Sargenti, Kasofsky, Cervieri

ALSO PRESENT : Alfred Restaino, Borough Administrator
Evelyn Rosario, Municipal Clerk
Constantina Roditis, Municipal Clerk's Office
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.

RESOLUTION FOR CLOSED SESSION TO DISCUSS:

On motion by Councilman Cervieri seconded by Council president Kasofsky and approved unanimously , the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:

This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

1. **Personnel:**
 - a. Administration
 - b. Police Department

2. **Legal:**
 - a. Affordable Housing

The minutes of the discussion in closed session may be disclosed to the public when the Mayor and Council has determined that the need for confidentiality has been satisfied.

The open portion of the work session will resume upon completion of the closed portion.

The closed portion of the meeting ended at 7:03 P.M. The open portion of the work session began at 7:03 P.M.

GENERAL DISCUSSION:

Dog Enforcement

A discussion was held regarding the restriction of dogs in certain parks. It was the consensus of the Governing Body to have the Borough Attorney craft and distribute for review and ordinance amending the current chapter that would permit dogs in certain parks with restrictions. This ordinance will also give enforcement powers to the Police Department.

An amending ordinance will be introduced at a future meeting.

Parking Authority Ordinance Amendments: Fine Schedule

Also present: Hernani Goncalves, Executive Director of Parking Authority

Administrator Restaino received a request from Director Goncalves, on behalf of the Parking Authority Commissioners recommending modifications to the fine schedule for parking offense violations.

Director Goncalves indicated that the Borough's new fine schedule will be comparable to other towns in New Jersey.

An ordinance amendment regarding the above captioned will be placed on a future agenda for introduction.

Cancelling Funded Balance of Capital Ordinance No. 2016-19

The Borough's Chief Financial Officer has requested authorization to cancel the balance of Capital ordinance no. 2016-19.

Administrator Restaino mentioned the reallocation of funds will be used towards the sewer improvement project.

A resolution will be placed on the September 22nd regular session agenda.

Capital Ordinance for Improvements to the Borough Sewer System

Administrator Restaino briefly addressed the Governing Body on the proposed Borough sewer improvement project.

An ordinance will be placed on a future agenda for introduction.

2021 Borough Audit

A resolution authorizing the 2021 Borough Audit will be placed on the September 22nd regular session amended agenda.

2021 Corrective Action Plan

The Governing Body reviewed the audit findings, recommendations and corrective action plan for the year ended December 31, 2021.

A resolution approving the 2021 corrective action plan will be placed on the September 22nd regular session agenda.

Dedication by Rider for Outside Employment of Off-Duty Police Officers

A resolution authorizing the above captioned will be placed on the September 22nd regular session agenda.

2022 Velocity Ride to End Cancer, Benefiting Columbia University 's Irving Cancer Center

Administration received a request from Ms. Jena McLaughlin, Ride Director for the "2022 Velocity Ride to End Cancer" to permit the organization to conduct its annual Velocity Ride through the Borough of Fort Lee.

The request was received favorably and a resolution authorizing the above will be placed on the September 22nd agenda.

Authorizing the Purchasing Agent to Obtain Specifications and Advertise for Bids: Jane and William Street Road Improvements and Improvements to Harvard Place

It was the consensus of the Governing Body to authorize the Purchasing Agent to obtain specifications and advertise for bids regarding projects known as Jane and William Street Road Improvement and Improvements to Harvard Place.

A resolution will be placed on the September 22nd consent agenda.

Emergency Contract for the Repairs to Claremont Road

Administrator Restaino stated there was significant damage done from flooding Claremont Road.

A resolution authorizing the award of an emergency contract to Gotthold Paving, LLC will be placed on the September 22nd regular session agenda.

Ordinance Amendment: School Crossing Guards

Administration received a request from the Health Officer, Jill Scarpa, for an ordinance amendment of Chapter 109 regarding the medical examination of school crossing guards.

An ordinance amendment regarding the above captioned will be placed on a future agenda for introduction.

Request for the Celebration of Hanbok Day at the Community Center

Administration received a request from Mr. John Hwang seeking approval to hold a celebration of Hanbok Day.

A resolution regarding the above captioned will be acted upon this evening.

Authorizing Issuance of Requests for Qualifications for 2023 Professional Services or Extraordinary Unspecifiable Services to the Borough of Fort Lee

A resolution authorizing the issuance of Requests for Qualifications for 2023 will be placed on the September 22nd regular session agenda.

South Bergen Municipal Joint Insurance Fund Renewal

A resolution renewing membership in the South Bergen Municipal Joint Insurance Fund beginning January 1, 2023 and ending December 31, 2025 will be placed on the September 22nd proposed consent agenda.

Approving the Execution of a Certificate of Completion with Conditions for Property Known as Block 4851.01, Lot 1 and Block 4851.03, Lot 1, Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC

A resolution regarding the above captioned will be acted upon this evening.

Approving the Execution of a Certificate of Completion for Property Known as Block 4355, Lots 13.02, 17, 18 and 19, 69 Main Street Urban Renewal Associates, LLC

A resolution regarding the above captioned will be acted upon this evening.

Approving the Execution of a Seventh Amendment to Financial Agreement Between the Borough of Fort Lee and Pinnacle FL Urban Renewal, LLC, for Property Known as Block 4355, Lots 13.02, 17, 18 and 19

A resolution regarding the above captioned will be acted upon this evening.

RESOLUTIONS

R-1 Authorizing the Purchasing Agent to Obtain Specifications and Advertise for Bids for Project Known as Harvard Place

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

September 8, 2022
Work Session Meeting

Resolution # R - 1

Carried: X Defeated: ___ Tabled: ___

Approved on Consent Agenda: ___

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE PURCAHSING AGENT TO OBTAIN SPECIFTICATIONS AND ADVERTISE FOR BIDS FOR "IMPROVEMENTS TO HARVARD PLACE. "

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. Improvements to Harvard Pl.

R-2 Approving a Request for the Celebration of Hanbok Day at the Jack Alter Fort Lee Community Center

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

September 8, 2022
Work Session Meeting

Resolution # R - 2

Carried: X Defeated: ___ Tabled: ___

Approved on Consent Agenda: ___

RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING A REQUEST FOR THE CELEBRATION OF HANBOK DAY AT THE JACK ALTER FORT LEE COMMUNITY CENTER

WHEREAS, a request was received from Mr. John Hwang seeking approval to hold a Celebration of Hanbok Day; and

WHEREAS, the Celebration of Hanbok Day is scheduled for October 16, 2022 between the hours of 4:00 PM and 7:00 PM; and

WHEREAS, the Celebration of Hanbok Day will take place at the Jack Alter Fort Lee Community Center, 1355 Inwood Terrace; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee, grants permission for the Celebration of Hanbok Day to be held at the Fort Lee Jack Alter Community Center on October 16, 2022 between the hours of 4:00 PM and 7:00 PM.

R-3 Approving and Authorizing the Execution of a Certificate of Completion with Conditions Between the Borough of Fort Lee and Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC

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

September 8, 2022
Work Session Meeting

Resolution # R - 3

Carried: X Defeated: ___ Tabled: ___
Approved on Consent Agenda: ___

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE APPROVING AND AUTHORIZING THE EXECUTION OF A CERTIFICATE OF COMPLETION WITH CONDITIONS BETWEEN THE BOROUGH OF FORT LEE AND TUCKER DEVELOPMENT AND ACQUISITION FUND, L.P. AND TDC FORT LEE, LLC

WHEREAS, Tucker Development and Acquisition Fund, L.P. and TDC Fort Lee, LLC (the “Developer”) is the owner and developer of the development project (the “Project”) on certain real property located in the Borough of Fort Lee (the “Borough”), designated as Block 4851.01, Lot 1 and Block 4851.03, Lot 1 (the “Property”); and

WHEREAS, the Project is being developed pursuant to a Redevelopment Agreement dated March 15, 2012, a First Amendment to the Redevelopment Agreement dated December 2, 2013, a Second Amendment to the Redevelopment Agreement dated October 9, 2015; Third Amendment to the Redevelopment Agreement dated November 23, 2016 (collectively, the “Redevelopment Agreement”); and

WHEREAS, Tax Block 4851.01, Lot 1 and Block 4851.03, Lot 1 are referred to as Phase 1 of the West Parcel redevelopment project located in Redevelopment Area 5 (the “Phase 1 Property”) while the buildings and improvements constructed thereon are referred to as the “Phase I Project”); and

WHEREAS, the Redeveloper has completed construction of certain improvements on the Phase I Property, including: (i) a two-story building for retail/restaurant uses (Block 4851.01, Lot 1, Qualifier C0004 & C0005); (ii) ground floor

retail/restaurant space on the first floor of a 12-story building (Block 4851.03, Lot 1, Qualifier C0001); and (iii) associated infrastructure improvements (collectively, the “Phase I Retail”); and

WHEREAS, the Phase I Retail and the Phase I Residential share access to a three-story parking garage containing 743 spaces on floors 2-4 of the 12-story building (Block 4851.03, Lot 1, Qualifier C0002) (the “Phase I Garage”), which the Redeveloper has constructed;

WHEREAS, the Redeveloper has also completed construction of the residential component of the Phase I Project, consisting of 276 units of market-rate housing contained within 6 stories of a 12-story building (Block 4851.03, Lot 1, Qualifier C0003) (the “Phase I Residential”); and

WHEREAS, on or about October 11, 2019, the Borough issued a Certificate of Completion with Conditions (the “COC with Conditions”) for the entirety of the Phase I Project; and

WHEREAS, by letter dated September 15, 2021, the Redeveloper requested issuance of a separate Certificate of Completion for the Phase I Retail and the Phase I Garage, but excluding the Phase I Residential; and

WHEREAS, on or about November 4, 2021, the Borough issued a Certificate of Completion for the Phase I Retail and the Phase I Garage; and

WHEREAS, by letter dated May 31, 2022, the Redeveloper requested issuance of an Amended Certificate of Completion with Conditions for the Phase I Residential, which Certificate would supplement and modify the COC with Conditions; and

WHEREAS, the Project has been inspected by the Borough Engineer who has affirmed satisfactory completion of the Project in conformance with the Development Agreement; and

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

1. The Mayor and Borough Clerk are hereby authorized to execute the Amended Certificate of Completion with Conditions in the form attached hereto as Exhibit “A”.
2. The Mayor and Borough Clerk are hereby authorized, empowered and directed to execute and deliver on behalf of the Borough such other documents and/or instruments as are necessary to effectuate the actions authorized herein.
3. All fees, costs and expenses incurred by the Borough of Fort Lee, including the charges of the Borough Attorney, shall be paid by the Developer or the Company’s Assignee for the preparation, review of all necessary documents to effectuate the terms of this Resolution.

R-4 Approving and Authorizing the Execution of a Certificate of Completion Between the Borough of Fort Lee and 69 Main Street Urban Renewal Associates, LLC

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

September 8, 2022
Work Session Meeting

Resolution # R - 4

Carried: X Defeated: Tabled:

Approved on Consent Agenda:

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE APPROVING AND AUTHORIZING THE EXECUTION OF A CERTIFICATE OF COMPLETION BETWEEN THE BOROUGH OF FORT LEE AND 69 MAIN ST. URBAN RENEWAL ASSOCIATES, LLC

WHEREAS, 69 Main St. Urban Renewal Associates LLC (the “Developer”) is the owner and developer of the partially municipally sponsored affordable housing and market rate development project (the “Project”) on certain real property located in the Borough of Fort Lee (the “Borough”), designated as Block 4355, Lots 13.02, 17, 18 and 19 (the “Property”); and

WHEREAS, the Project is being developed pursuant to Amended and Restated Development Agreement dated November 2, 2011, which changed the terms of an initial Development Agreement dated November 19, 2009, a First Amendment to the Amended and Restated Development Agreement dated April 12, 2013, a Second Amendment, Assignment and Assumption of Amended and Restated Development Agreement dated September 3, 2015; Third Amendment, Assignment and Assumption of Amended and Restated Development Agreement dated March 2, 2016; Fourth Amendment to Amended and Restated Development Agreement dated January 19, 2018; Fifth Amendment of Assignment and Assumption of Amended and Restated Development Agreement dated October 18, 2018; Sixth Amendment of Assignment; and Assumption of Amended and Restated Development Agreement dated July 19, 2019 and Seventh Amendment of the Restated Development Agreement dated _____ (collectively, the “Development Agreement”); and

WHEREAS, the project is a municipally sponsored project which originally consisted of a 140 unit building containing affordable housing with 77 affordable units consisting of 32 special needs units/beds and 45 affordable units with the remainder of the units being market rental units; and

WHEREAS, the Developer completed construction of the project with this original configuration and obtained a certificate of occupancy as required from the Borough; and

WHEREAS, the Borough and Developer entered into a Memorandum of Understanding dated January 21, 2021, which contemplated the Developer

applying to the Borough to increase the number of affordable/special needs beds/units from 77 to 90; and

WHEREAS, in order to accomplish the increase to 90 units the developer was required to create additional special needs units on the 5th floor which was addressed in the Seventh Amendment to the Restated Development Agreement; and

WHEREAS, prior to the construction of these additional units and in accordance with the Development Agreement, the Developer requested the issuance of a Certificate of Completion, through the Sixth Amendment of the Restated Development Agreement and the Borough agreed and issued a Certificate of Completion with Conditions which was executed by both parties in April 2021; and

WHEREAS, the Developer has completed construction of the additional units necessary to increase the number of affordable/special needs beds/units from 77 to 90 to address the affordable housing obligations set forth in the Memorandum of Understanding and all Conditions set forth in the Certificate of Completion with Conditions executed in April 2021 have been satisfied by the Developer; and

WHEREAS, the Project has been inspected by the Borough Engineer who has affirmed satisfactory completion of the Project in conformance with the Development Agreement; and

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

1. The Mayor and Borough Clerk are hereby authorized to execute the Certificate of Completion in the form attached hereto as Exhibit "A".
2. The Mayor and Borough Clerk are hereby authorized, empowered and directed to execute and deliver on behalf of the Borough such other documents and/or instruments as are necessary to effectuate the actions authorized herein.
3. All fees, costs and expenses incurred by the Borough of Fort Lee, including the charges of the Borough Attorney, shall be paid by the Developer or the Company's Assignee for the preparation, review of all necessary documents to effectuate the terms of this Resolution.

Add On

R-5 A RESOLUTION OF THE MAYOR AND COUNCIL OF THE B OROUGH OF FORT LEE APPROVING AND AUTHORIZING THE EXECUTION OF A SEVENTH AMENDMENT OF AMENDED AND RESTATED DEVELOPMENT AGREEMENT AND FOURTH AMENDMENT TO FINANCIAL AGREEMENT BETWEEN THE BOROUGH OF FORT LEE AND PINNACLE FL URBAN RENEWAL, LLC

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

September 8, 2022
Work Session Meeting

Resolution # R - 5

Carried: X Defeated: ___ Tabled: ___

Approved on Consent Agenda: ___

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE APPROVING AND AUTHORIZING THE EXECUTION OF A SEVENTH AMENDMENT OF AMENDED AND RESTATED DEVELOPMENT AGREEMENT AND FOURTH AMENDMENT TO FINANCIAL AGREEMENT BETWEEN THE BOROUGH OF FORT LEE AND PINNACLE FL URBAN RENEWAL, LLC

WHEREAS, Pinnacle FL Urban Renewal LLC (the “Company”) is the owner and developer of the partially municipally sponsored affordable housing and market rate development project (the “Project”) on certain real property located in the Borough of Fort Lee (the “Borough”), designated as Block 4355, Lots 13.02, 17, 18 and 19 (the “Property”); and

WHEREAS, the Project is being developed pursuant to Amended and Restated Development Agreement dated November 2, 2011, which changed the terms of an initial Development Agreement dated November 19, 2009, a First Amendment to the Amended and Restated Development Agreement dated April 12, 2013, a Second Amendment, Assignment and Assumption of Amended and Restated Development Agreement dated September 3, 2015; Third Amendment, Assignment and Assumption of Amended and Restated Development Agreement dated March 2, 2016; Fourth Amendment to Amended and Restated Development Agreement dated January 19, 2018; Fifth Amendment of Assignment and Assumption of Amended and Restated Development Agreement dated October 18, 2018; and Sixth Amendment of Assignment and Assumption of Amended and Restated Development Agreement dated July 19, 2019 (collectively, the “Development Agreement”); and

WHEREAS, in an effort to resolve outstanding affordable housing issues, the Company and the Borough agreed to a Seventh Amendment of Amended and Restated Development Agreement which is attached hereto as Exhibit “A”; and

WHEREAS, the Borough and 69 Main St. Fort Lee Urban Renewal Associates LLC (“Prior Owner”) entered into that certain Financial Agreement, dated July 18, 2013, as most recently amended by the Third Amendment to Financial Agreement, dated February 9, 2018 (collectively with the First through Third Amendments, the “Financial Agreement”), which Financial Agreement was further amended and assigned to the

Company on April 28, 2021, pursuant to that certain Assignment of Financial Agreement; and

WHEREAS, the Parties have agreed to certain changes in and amendments to the Financial Agreement and have negotiated a Fourth Amendment to Financial Agreement which is attached hereto as Exhibit “B”; and

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

1. The Mayor and Borough Clerk are hereby authorized to execute the Seventh Amendment of Assignment and Assumption of Amended and Restated Development Agreement in the form attached hereto as Exhibit “A”.
2. The Mayor and Borough Clerk are hereby authorized to execute the Fourth Amendment to Financial Agreement in the form attached hereto as Exhibit “B”.

PUBLIC PARTICIPATION

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

Mayor Sokolich and Councilmembers congratulated Council President Kasofsky on being awarded the Fort Lee Rotary’s “2022 Person of the Year”.

Councilman Cervieri praised the efforts to clean up lots used to store old vehicles and that an ordinance amendment will be introduced in the future limiting the amount of cars allowed to park per day.

Councilman Paul Yoon thanked Director Goncalves for working hard to ensure the Senior Community is provided free and accessible transportation throughout the Borough.

There being no public discussion the meeting was adjourned on motion by Councilman Cervieri, seconded by Councilman Suh, at 7:35 PM.

Evelyn Rosario, RMC, CMC
Municipal Clerk

Prepared By:
Constantina Roditis
Municipal Clerk’s Office