

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, January 17, 2019 @ 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, Suh, Yoon, Sargenti, Kasofsky, Cervieri

ALSO PRESENT: Al Restaino, Borough Administrator
Evelyn Rosario, Borough Clerk
J. Sheldon Cohen, Borough Attorney

OPEN PUBLIC MEETINGS ACT STATEMENT

In accordance with Chapter 231, P.L. 1975 adequate notice of this meeting was e-mailed on January 4, 2019 to the Record, the Jersey Journal and the Star Ledger. Said notice was also posted on the Borough Hall bulletin board and Borough website. A copy of this notice is on file in the Office of the Borough Clerk.

MAYOR'S REPORT AND ANNOUNCEMENTS

“Good evening everyone. Welcome to our regularly scheduled meeting of January 17th, 2019. Just a few quick opening remarks and comments. First and foremost, I wanted to bring to everybody’s attention, we received a notification from Suez Water, Kevin O’Connor, the Community Relations’ Representative; Suez Water is offering free water quality testing, and this is important. Any customer of Suez Water, and we are going to post this on our social media, but customers can visit www.mysuezwater.com, and they are providing a free water quality testing service to any customer that is serviced by either a lead service line or otherwise. So, it is important you take advantage of this program. There have been tests that have been taken across Bergen County; some have elevated levels, most not. Nothing to panic about, but it is a service that Suez is offering. Again, it will be posted on Facebook and our other social media outlets, number one.

Number two. I just wanted to do a quick shout out to Fort Lee’s own Maya Desousa. Maya is a resident of Fort Lee, she attends Academy of Holy Angels, where she is a senior and her peers from Mannes Prep Senior Chorus will play a pivotal role in the upcoming United States premier of Last Train to Tomorrow. The group will present ten songs that give voice to 10,000 Jewish children who escaped the Holocaust via the Kinder Transport effort. Just quickly, the Last Train to Tomorrow is a semi-stage musical and dramatic work by Carl Davis and begins 80 years ago and traces the children’s travels through Nazi Germany. It is an unbelievable story and it is incredible that a Fort Lee resident is playing a vital role in this production. That is from Nazi Germany to Liverpool Street Station in England. Maya will be on hand to conduct the Mannes Orchestra on April 12th. The show is set to open at 7:30 p.m. in New York City’s famed Alice Tully Hall, and that is pretty cool.

Just a couple of quick thoughts because I do not know if I will get an opportunity to say it later. Tonight, we are going to be swearing in our new Chiefs and Officers in the Fort Lee Volunteer Fire Department. I know I say it all the time, sometimes I sound like a broken record, but these words are worthy of repeating. I say this all the time, you know we here in Fort Lee we could progress as much as we want to, we could build as many buildings and do as many streets and all the things that we are hoping improve the quality of people’s lives, but if this Borough does not have the best and top emergency service agencies in the State of New Jersey, we are spending money for no reason; we

are throwing good money after bad, and that is why we are here to tell you collectively, we are so proud of the Fort Lee Volunteer Fire Department and the services that you men and women provide. Now, that compliment extends to our Police Department, our OEM and our Ambulance Corps. But this is your night tonight, so you are going to hear more about you. I cannot begin to tell you how many thousands of calls, and I am talking to the public now, that this Department responds to. From false alarms to active fires, we save lives virtually every day here in the Borough of Fort Lee. You know, it is a cool organization our Volunteer Fire Department, because the foundation of it is there are a lot of folks that have been there for their entire lives. And it is great that you stay in this community or come back in this community to service the town. And I cannot begin to tell you on behalf of the forty some odd thousand people that call Fort Lee home, we thank you and these complements also include our Fire Prevention Bureau because I find those two agencies, in my view, to be inextricably intertwined. So, on that note we say good bye tonight as Chief, to Chris Richter, but he is not going anywhere, he is going to become Company 4's First Lieutenant and Chris you did a fantastic job for us, wherever you are. You make us proud every day, not only as a Police Officer but also in your capacity as the Chief of the Fort Lee Volunteer Fire Department, we also are going to be welcoming a new Battalion Chief Bryan Drumgoole, a new Deputy Chief Don Sauvageot and a new Chief in Chris Ipek along with a host of other First Lieutenants, Second Lieutenants and Lieutenants so forth and so on. So, the names I just mentioned to you are what I would say prototypes of the Volunteer Fire Department: they love Fort Lee, they love service, they love community service and they all fall and pray to that wonderful endeavor which is better to do that which benefits many as opposed to do only that which benefits a few.

That being said, I just wanted to also say a few words about Monday. My son Devon, not too long ago, a very profound moment he was in, asks me, Dad, if there was anybody no longer on this earth that you would like to have a conversation with, who would you like to be able to speak with? And I responded to him by telling him Martin Luther King. And I did that for a few reasons. Because I do not think, I do not think there has been anybody, at least in my lifetime, that has had as big an impact on me and on us as Reverend King. And I think that his impact on this country has been underestimated; I bring this up because Monday is Martin Luther King Day. So, here are a couple of thoughts from Reverend King that I think we should all keep in mind, and if you are wondering if he were a great man, think of these words that he spoke: 'The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands in times of challenge and controversy.' How true. How true. 'Life's most persistent and urgent question is what are you doing for others?' Is not that appropriate considering who we are swearing in tonight and who is in our company tonight, the Fort Lee Volunteer Fire Department? 'In the end we were remembered not the words of our enemies but the silence of our friends.' Also, true. So, in the spirit of Reverend King and everything that he stood for, I would ask all of you to embrace his life, think of his accomplishments, and especially with what is going on a few hundred miles south of us in Washington, they should all take this man's little advice and I do not think we would have the problems we have today. With that being said, thank you for listening."

APPROVAL OF MINUTES

None

PROCLAMATION

"Christ the Teacher School Designated as a 2018 National Blue Ribbon School"

The following Proclamation was read by Mayor Sokolich. He invited the students and the Principal up to the dais join in the reading of the Proclamation.

WHEREAS, Christ the Teacher School is an exemplary high performing elementary school located in Fort Lee, New Jersey, and,

WHEREAS, students from diverse backgrounds enroll in our Pre-K 3 through 8th Grade Classes, and,

WHEREAS, as the name implies, Christ is our model teacher and we work to develop our student's spiritual, intellectual, moral, physical and social potential and the teachers teach altruism through service to others, and,

WHEREAS, Christ the Teacher's STREAM curriculum provides students with many great opportunities like partnerships with the New Jersey DOE Conservation project where they follow the trout's life cycle to the culminating activity of a community gathering of a trout release in a local stream, and,

WHEREAS, Christ the Teacher School has been designated a **2018 National Blue Ribbon School**, and,

WHEREAS, the National Blue Ribbon Schools Program recognizes public and private elementary middle, and high schools based on their overall academic excellence or their progress in closing achievement gaps among student subgroups. Every year, the U.S. Department of Education seeks out and celebrates great American schools demonstrating that all students can achieve to high levels. The National Blue Ribbon School award affirms the hard work of students, educators, families, and communities in creating safe and welcoming schools where students master challenging content. The National Blue Ribbon School award was given to only twenty schools this year.

NOW, THEREFORE, I, Mayor Mark J. Sokolich and the Borough Council of the Borough of Fort Lee, hereby congratulate Christ the Teacher School on being named a 2018 National Blue Ribbon School and achieving this honor.

January 17, 2019

At this point in the meeting Mayor Sokolich requested a brief recess.

On motion by Councilman Cervieri, seconded by Councilman Suh, a brief recess was approved and taken at 7:30 P.M.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, the meeting was reconvened at 7:36 P.M.

OATHS OF OFFICE

FIRE CHIEFS ' SWEARING IN CEREMONY (OATHS OF OFFICE)

Mayor Sokolich administered the Oaths of Office to the newly elected Lieutenants, Captains, Battalion Chief, Deputy Chief and Chief for the Fort Lee Volunteer Fire Department.

Fire Chief Ipek thanked the Mayor & Council for allowing the Fire Department to take this time to allow the swearing in of the new Officers. He also thanked the new Fire Department Officers.

And at this time, he asked the Mayor to come forward to swear in the 2019 Officers and Chiefs.

The following were sworn in by Mayor Sokolich as Lieutenants:

Fort Lee Volunteer Fire Department

2019 Lieutenants

Company # 1

1st Lt. William Kalsky
2nd Lt. Jacqueline Calkins

Company # 2

1st Lt. Michael Contento
2nd Lt. John T. Klein

Company # 3

2nd Lt. Corey Parker

Company # 4

1st Lt. Christopher Richter
2nd Lt. Kenneth Richter

The following were sworn in by Mayor Sokolich as Captains:

Fort Lee Volunteer Fire Department

2019 Captains

Company # 1 Captain: Evrim Esen
Company # 2 Captain: Keith Dalton
Company # 3 Captain: Samuel Ghali
Company # 4 Captain: Patrizio Peluso

Chief Ipek: "I would like to call up Battalion Chief for 2019 Bryan Drumgoole. Holding the Bible will be his wife Nadine, children Ivy and Eli and parents Kevin and Nancy; pinning the Badge will be his brother Chris."

Bryan Drumgoole was sworn in as the 2019 Battalion Chief for the Fort Lee Volunteer Fire Department by Mayor Sokolich.

Chief Ipek: "I would like to call up Deputy Chief for 2019 Donald Sauvageot. Holding the Bible will be his wife Carol; pinning the Badge will be his son Justin."

Donald Sauvageot was sworn in as the 2019 Deputy Chief for the Fort Lee Volunteer Fire Department by Mayor Sokolich.

Chris Ipek called on Battalion Chief Drumgoole. The latter stated that Chief Don Sauvageot had retired from the Borough as of January 1st after 37 years of dedicated service as Director of Communications. He presented Mr. Sauvageot with a plaque in appreciation of his dedicated service on behalf of the communications department to the Fort Lee Fire Department.

Deputy Chief Sauvageot: "I would like to call up Chief for 2019 Christopher Ipek. Holding the Bible and pinning his badge will be his father, Joseph."

Christopher Ipek was sworn in as the 2019 Chief for the Fort Lee Volunteer Fire Department by Mayor Sokolich.

Chief Ipek: "I'd like to call up 2018 Chief Christopher Richter to the podium. He is going

to give us his end of the year report for the year 2018.” Before outgoing Chief Richter gave his report, Chief Ipek thanked him for his tutelage and friendship during the year.

Fire Department Year-End Report

Outgoing Chief Richter congratulated the incoming 2019 officers and wished them a safe year. He thanked the Mayor, the Council and everybody for all their continued support. He stated that during 2018 the department responded to 1692 calls for service. He stated that one of his goals was to enhance the departments training, and as a result the department attended 25 drills during 2018. He thanked everyone for their support.

Chief Ipek and Battalion Chief Drumgoole presented a gift to outgoing Chief Richter.

Chief Ipek thanked the former Chiefs for their guidance and friendship in achieving this goal. He thanked the Mayor and Council, the members of Company 1, and his family. He also thanked all of the line officers.

At this point in the meeting Mayor Sokolich requested a brief recess.

On motion by Councilman Cervieri, seconded by Councilman Suh, a brief recess was approved and taken at 8:01 P.M.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, the meeting was reconvened at 8:10 P.M.

INTRODUCTION OF ORDINANCES

Ord. #2019-1 “AN ORDINANCE AMENDING ORDINANCE NO. 2017-10 ESTABLISHING SALARIES AND WAGES FOR DEPARTMENT HEADS , BOROUGH ADMINISTRATOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER, TAX COLLECTOR, TAX ASSESSOR AND CERTAIN NON-UNION EMPLOYEES FOR 2017-2021 ” (Public Hearing February 14, 2019)

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried, Ord. #2019-1 entitled “AN ORDINANCE AMENDING ORDINANCE NO. 2017-10 ESTABLISHING SALARIES AND WAGES FOR DEPARTMENT HEADS, BOROUGH ADMINISTRATOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER, TAX COLLECTOR, TAX ASSESSOR AND CERTAIN NON-UNION EMPLOYEES FOR 2017-2021” (Public Hearing February 14, 2019)

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

Ord. #2019-2 “AN ORDINANCE AMENDING CHAPTER 388 VEHICLES AND TRAFFIC, SECTION 67, PARKING PROHIBITED CERTAIN TIMES DURING WINTER MONTHS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE (Public Hearing February 14, 2019)

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried, Ord. #2019-12 entitled AN ORDINANCE AMENDING CHAPTER 388 VEHICLES AND TRAFFIC, SECTION 67, PARKING PROHIBITED CERTAIN TIMES DURING WINTER MONTHS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE (Public Hearing February 14, 2019)

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

Ord. #2019-3 “AN ORDINANCE AMENDING CHAPTER 388 VEHICLES AND

TRAFFIC, SECTION 68, PARKING PROHIBITED WHEN ROAD IS SNOW COVERED OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE' (Public Hearing February 14, 2019)

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried, Ord. #2019-3 entitled "AN ORDINANCE AMENDING CHAPTER 388 VEHICLES AND TRAFFIC, SECTION 68, PARKING PROHIBITED WHEN ROAD IS SNOW COVERED OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE' (Public Hearing February 14, 2019)

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

ORDINANCE PUBLIC HEARINGS

NONE

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri, seconded by Councilman Sohmer, the Proposed Consent Agenda was introduced, and the public hearing was opened relative to items CA-1 through CA-17.

CA-1 Payment of Claims

RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING THE 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	\$ 3,391,281.92
Current - Grant	14,992.47
Capital	794,524.46
Road Improvement Plan	n/a
Multiple Dwelling	n/a
Construction Fees	n/a
COAH Fees	n/a
Senior Citizen Advisory Council	2,359.00
Trip Admissions	105.00
Special Dog Account	409.00
Trust Account Fund	40.00
Disability Insurance Trust	n/a
Public Assistance Trust Fund	n/a
Police Activity Trust	n/a
Fort Lee Film Commission	368.35
Community Development	n/a
Redemption Account	26,570.67
School Resource Account	n/a
Dedicated Penalties (Fire Prevention)	11,700.00
Fire Prevention Donation	n/a
POAA	n/a
Cop Card Donation	n/a
Police Treasury	55,651.30
Police Justice	48,933.24
Flexible Spending	1,388.00
Trust Account	n/a
Developers BOFNJ	48,502.48
Developers B of America	16,748.83
Total:	\$ 4,413,574.72

CA-2 Approving Auxiliary Membership Firefighter Application for Jonathan Arias, Fire Co. #3

The Auxiliary Membership Firefighter Application for Jonathan Arias, for Fire Company #3 was approved.

CA-3 Authorizing Marriage License Payment Fees to the State of New Jersey, \$1,250.00

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 **\$1,250.00** to cover fees collected for marriage licenses for the period covering October 1, 2018 through December 31, 2018. Fees are to be forwarded on a quarterly basis to the Department of Human Services;

Account No. 01-2887

CA-4 Accepting Retirement Notice from B. Granquist, Office of the Tax Assessor, Effective May 1, 2019

RESOLUTION OF THE BOROUGH OF FORT LEE ACCEPTING THE RETIREMENT NOTICE OF BARBARA GRANQUIST

BE IT RESOLVED that **Barbara Granquist** , with the **Office of the Tax Assessor** has submitted a retirement notice dated January 8, 2019 and the Mayor and Council have accepted same; and

BE IT FURTHER RESOLVED, that **Ms. Granquist's** retirement will be **effective May 1, 2019** with the Borough of Fort Lee; and

BE IT FURTHER RESOLVED, that the Mayor and Council extend their best wishes to Ms. Granquist on her retirement.

CA-5 Authorizing Reappointment of A. Napolitano as Tax Collector, Effective January 1, 2019

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE REAPPOINTMENT OF MS. ANGELA NAPOLITANO AS TAX COLLECTOR

WHEREAS, N.J.S.A. 40A:9-141 requires that each municipality appoint a certified Municipal Tax Collector; and

WHEREAS , Angela Napolitano was appointed as Municipal Tax Collector for the Borough of Fort Lee effective January 1, 2015 for a term of four (4) years pursuant to N.J.S.A. 40A:9-142;

WHEREAS , Angela Napolitano will have served as Municipal Tax Collector and performed the duties of the Municipal Tax Collector for not less than four (4) consecutive years as of January 1, 2019; and

WHEREAS, Angela Napolitano has successfully performed all the duties of Municipal Tax Collector and thereby deserving of her reappointment as Municipal Tax Collector of the Borough of Fort Lee.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that Angela Napolitano is hereby reappointed as Municipal Tax Collector for the Borough of Fort Lee effective January 1, 2019, and upon such reappointment shall have acquired tenure and shall hold office during good behavior and efficiency and compliance with the continuing education requirements set forth in N.J.S.A. 40A:9-145.3b.

CA-6 Authorizing the Renewal of Various Towing Licenses for the January 1, 2019 - December 31, 2019 Licensing Period

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE RENEWAL OF VARIOUS TOWING LICENSES FOR THE JANUARY 1, 2019 - DECEMBER 31, 2019 LICENSING PERIOD

BE IT RESOLVED, by Governing Body of the Borough of Fort Lee that the following towing licenses are hereby renewed for the January 1, 2019 - December 31, 2019 licensing year.

1. **ABC Towing**
1580 Bergen Boulevard
Fort Lee, NJ 07024

2. **Sano's Towing**
344 Bergen Boulevard
Palisades Park, NJ 07650

3. **Statewide Towing**
2470 Lemoine Avenue
Fort Lee, NJ 07024

CA-7 Authorizing the Renewal of Various Municipal Licenses for the January 1, 2019 - December 31, 2019 Licensing Period

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE RENEWAL OF VARIOUS MUNICIPAL LICENSES FOR THE JANUARY 1, 2019 - DECEMBER 31, 2019 LICENSING PERIOD

BE IT RESOLVED, by Governing Body of the Borough of Fort Lee that the following municipal licenses are hereby renewed for the January 1, 2019 - December 31, 2019 licensing year.

LIMOUSINES - Chapter 372, Article II

Jeil Service, Inc,
Korex Limo
Pearl Car Service, Inc.
S.S. Smile Limo LLC
Superior Shuttles, Inc.
Sakura America Limo
White Lines Global Inc.

MOTELS/HOTELS - Chapter 377

Aiello's Hilltop Motel
Slumber, Inc,

SERVICE/GAS STATION - Chapter 333

Speedway LLC

USED CAR LOTS - Chapter 289, Article III

Apex Auto Body
H&Z Auto Body & Service Company
SK Motors Inc, (Cars 4 U, Inc.)

VENDING - Chapter 190 (Washers, Dryers, Candy, Soda Machines)

Atlantic Vending
Create Laundry
Orsino Vending
Speed Wash
Sebco Laundry Systems
CSC Service Works

CA-8 Approving a Designated Handicap Parking Space; 1014 Morningside Lane

RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING A DESIGNATED HANDICAP PARKING SPACE

WHEREAS, a request for a Designated Handicap Parking Space was submitted to the Borough Clerk of the Borough of Fort Lee by Mr. Joseph Senft, 1014 Morningside Lane; and

WHEREAS, the Mayor and Council have reviewed the request and recommends the approval of said Designated Handicap Parking Space; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the request for Designated Handicap Parking Space for Mr. Senft, 1014 Morningside Lane is hereby approved; and

BE IT FURTHER RESOLVED, that signage shall be erected specifically designating this space for Mr. Senft's and will include his vehicle's license plate number and his handicapped placard number.

CA-9 Authorizing Designation of an Official Signatory for a Bergen County Open Space Grant; Firemen 's Park Improvements

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

BE IT RESOLVED, that the Mayor and Council of the Borough of Fort Lee wish to enter into a Bergen County Trust Fund Project Contract ("Contract") with the County of Bergen for the purpose of using a \$50,000.00 matching grant award from the 2017 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("Trust Fund") for the municipal park project entitled Firemen's Park Improvements, 290 Whiteman Street located in Block 3953, Lot 1, on the tax maps of the Borough of Fort Lee;

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

BE IT FURTHER RESOLVED, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about August 1, 2020; and,

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

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

This resolution was adopted by the Mayor and Council of Borough of Fort Lee at a meeting on January 17, 2019.

CA-10 Authorizing Tax Appeal Attorney to Execute Any and All Documents to Finalize Tax Appeal Settlement Entitled Frosana International Corp. vs. Fort Lee, 1632 Anderson Avenue

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE TAX APPEAL ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FINALIZE TAX APPEAL SETTLEMENT ENTITLED FROSANA INTERNATIONAL CORP. VS FORT LEE, 1632 ANDERSON AVENUE

WHEREAS, Frosana International Corp. is the owner and taxpayer of property located at 1632 Anderson Avenue, also known as Block 4151, Lot 21; and

WHEREAS, taxpayer has filed property tax appeals against the Borough of Fort Lee for tax years 2015 through 2018 in matters entitled Frosana International Corp. vs. Fort Lee, presently pending in the Tax Court of New Jersey; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Frosana International Corp. vs Fort Lee, so that for tax year 2015, the complaint will be withdrawn, and the assessment of \$975,000 will remain intact; for tax year 2016, the assessment of \$975,000 will be reduced to \$925,000; for tax year 2017, the assessment of \$975,000 will be reduced to \$875,000; and for tax year 2018, the assessment of \$975,000 will be reduced to \$850,000, resulting in a refund, inclusive of all years, of \$6,271; and

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

CA-11 Approving Right-of-Way to AT&T

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING AT&T TO USE POLES ERECTED WITHIN THE PUBLIC RIGHT-OF-WAY OF THE BOROUGH OF FORT LEE BY PARTIES THAT HAVE THE LAWFUL RIGHT TO MAINTAIN SUCH POLES

WHEREAS, New Cingular Wireless PCS, LLC d/b/a AT&T Wireless (AT&T) is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, AT&T has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which AT&T may use such poles erected within the public right-of-way in the Borough of Fort Lee; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

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

1. Permission and authority are hereby granted to AT&T and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Borough of Fort Lee, subject to the following:
 - A. AT&T, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. AT&T, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Fort Lee.
 - C. Such permission be and is hereby given upon the condition and provision that AT&T, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of Fort Lee, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of AT&T or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Borough of Fort Lee.
 - D. AT&T shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. AT&T shall include the Borough of Fort Lee as an additional insured. AT&T may meet all or a portion of this insurance coverage and limit requirement by self-insurance so long as it provides evidence demonstrating its financial ability to meet the insurance coverage and limit requirement. If AT&T elects to self-insure, it is not required to name additional insureds under this section.
 - E. AT&T shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.

- F. Notwithstanding any provision contained herein, neither the Borough of Fort Lee nor AT&T shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- G. The instrument shall be adopted on behalf of the Borough of Fort Lee by the Mayor and Council of the Borough of Fort Lee and attested to by the Borough of Fort Lee Clerk who shall affix the Borough of Fort Lee Seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles AT&T is using.

CA-12 Approving Right-of-Way to Cross River Fiber

RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING RIGHT-OF-WAY USE TO CROSS RIVER FIBER

WHEREAS, Cross River Fiber LLC ("Cross River Fiber"), seeks to place its telecommunication facilities aerially on existing utility poles or in an underground conduit in the Public Rights-of-Way within the **Borough of Fort Lee** for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, Cross River Fiber was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State; and

WHEREAS, N.J.S.A. 48:3-19 requires Cross River Fiber to obtain the consent of the **Borough of Fort Lee** for the joint use of any existing utility poles; and

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

WHEREAS, it is in the best interests of the **Borough of Fort Lee** and its citizens to grant consent to Cross River Fiber; and

WHEREAS, the consent granted is for the non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of the attached Use Agreement with Cross River Fiber.

NOW THEREFORE BE IT RESOLVED, by the **Governing Body** of the **Borough of Fort Lee**, that the **Borough of Fort Lee** is hereby authorized to grant Cross River Fiber a non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute any and all documents necessary to effectuate this resolution.

CA-13 Authorize Change Order No. 's 3, 4 and 5 for Project Known as the Barrymore

Film Center and Museum

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING CHANGE ORDERS #3, 4 AND 5 TO THE CONTRACT FOR THE CONSTRUCTION OF THE BARRYMORE FILM CENTER AND MUSEUM

WHEREAS, the Mayor and Council of the Borough of Fort Lee (“Borough”) have determined that it is necessary to contract for the construction of the Barrymore Film Center and Museum in the Borough; and

WHEREAS, on prior occasion pursuant to duly adopted resolution, the Borough awarded a contract to H3 Hardy Collaboration Architecture, LLC (“H3”) to provide services as a licensed architect for the preparation of construction plans and bid specifications; and

WHEREAS, on April 18, 2018, pursuant to resolution and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough publicly advertised and solicited bids for the construction of the Barrymore Film Center and Museum; and

WHEREAS, on prior occasion pursuant to duly adopted resolution, the Borough awarded a contract to Dobco, Inc. in the amount of \$9,742,700.00 as the lowest, responsible and complying bidder for the construction of the Barrymore Film Center and Museum in the Borough; and

WHEREAS, on prior occasion pursuant to duly adopted resolution, the Borough authorized Change Orders #1 and 2, detailing adjustments to the quantities of services and materials for fixed seating and for soil testing that resulted in a revision in the original contract price awarded a contract to Dobco, Inc.; and

WHEREAS, Dobco, Inc. submitted Change Order #3, detailing adjustments to the quantities of services and materials for additional curtain wall steel that results in an increase of \$33,009.17 to the original contract price; and

WHEREAS, Dobco, Inc. submitted Change Order #4, detailing adjustments to the quantities of services and materials for additional steel for veil metal panel support/connections that results in an increase of \$8,232.58 to the original contract price; and

WHEREAS, Dobco, Inc. submitted Change Order #5, detailing adjustments to the quantities of services and materials for additional labor, material and equipment to mobilize and hammer rock interfering with footings and foundations that results in an increase of \$12,127.36 to the original contract price; and

WHEREAS, the Borough has determined that the authorization of Change Orders #3, 4 and 5 to the contract for the construction of the Barrymore Film Center and Museum in the Borough is necessary for its efficient operations;

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

1. That Change Order #3 for an increase of an amount not to exceed \$33,009.17 in the original contract price, subject to finalization by the Borough and Dobco, Inc., for additional curtain wall steel for the construction of the Barrymore Film Center and Museum in the Borough is hereby authorized in accordance with the provisions of the Local Public Contracts Law and its implementing regulations, N.J.A.C. 5:30-11.1 et seq.

2. That Change Order #4 for an increase of an amount not to exceed \$8,232.58 in the original contract price, subject to finalization by the Borough and Dobco, Inc., for additional steel for veil metal panel support/connections for the construction of the Barrymore Film Center and Museum in the Borough is hereby authorized in accordance with the provisions of the Local Public Contracts Law and its implementing regulations, N.J.A.C. 5:30-11.1 et seq.

3. That Change Order #5 for an increase of an amount not to exceed \$12,127.36 in the original contract price, subject to finalization by the Borough and Dobco, Inc., for additional labor, material and equipment to mobilize and hammer rock interfering with footings and

foundations for the construction of the Barrymore Film Center and Museum in the Borough is hereby authorized in accordance with the provisions of the Local Public Contracts Law and its implementing regulations, N.J.A.C. 5:30-11.1 et seq.

4. That a copy of this resolution, the contract, and change order shall be maintained in the Borough Clerk's Office and made available for public inspection.
5. That this Resolution shall take effect immediately.
6. That no further action of the Borough shall be required.

CA-14 Award Contract to Keith Howard Lesser, AIA LEED Architect for the Provision of Professional Consulting Services for Construction Oversight and Administration Related to the Construction of the Barrymore Film Center and Museum, not to Exceed \$93, 600.

**RESOLUTION OF THE BOROUGH OF
FORT LEE AUTHORIZING THE AWARD OF A CONTRACT TO KEITH
HOWARD LESSER FOR THE PROVISION OF PROFESSIONAL
CONSTRUCTION INSPECTION SERVICES RELATED TO
THE JOHN BARRYMORE FILM CENTER AND MUSEUM**

WHEREAS, the Mayor and Council of the Borough of Fort Lee ("Borough") have duly authorized the construction of a 13,000 square foot space for the John Barrymore Film Center and Museum ("Barrymore Museum") commemorating the Borough's role as the first American film town as part of the Developer's Agreement for the western parcel of Redevelopment Area 5; and

WHEREAS, on prior occasion, pursuant to duly adopted resolution, the Borough of Fort Lee ("Borough") awarded a contracts to H3 Hardy Collaboration Architecture, LLC to perform architectural services for the design of the Borough's planned Barrymore Museum as part of the Eastern Parcel for Redevelopment Area 5; and

WHEREAS, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough publicly advertised and solicited bids for the construction of the Barrymore Museum and, pursuant to duly adopted resolution, awarded a contract to Dobco, Inc. as the lowest responsible and complying bidder; and

WHEREAS, there is a need for the Borough to procure professional construction consulting services for construction oversight and contract administration related to the construction of the Barrymore Museum; and

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

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

WHEREAS, Keith Howard Lesser, AIA, LEED Architect ("Lesser"), submitted a proposal, dated November 7, 2018, offering to perform professional construction consulting services for construction oversight and contract administration the special inspection and testing services related to the construction of the Barrymore Museum; and

WHEREAS, the Mayor and Council of the Borough are desirous of awarding a contract to Lesser for the provision of professional construction consulting services for construction oversight and contract administration regarding the Barrymore Museum, in

accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the professional construction consulting services for the Borough's Barrymore Museum will be performed by Lesser at a cost not to exceed \$93,600.00, which amount is above the threshold of \$17,500 under the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq., and, therefore, the contract is subject to the provisions of the New Jersey Local Unit Pay-To-Play Law; and

WHEREAS, the retention of Lesser to provide professional construction consulting services for construction oversight and contract administration is pursuant to a non-fair and open process in accordance with the provisions of New Jersey Local Unit Pay-To-Play Law; and

WHEREAS, pursuant to the New Jersey Local Unit Pay-To-Play Law, Lesser is required to complete and submit at least ten (10) days prior to the award of a contract in accordance with N.J.S.A. 19:44A-20.26 a Political Contribution Disclosure Form, a Stockholder Disclosure Certification, and a Business Entity Disclosure Certification, certifying that it has not made any reportable contributions to a political or candidate committee in the prior year, and that the contract will prohibit it from making any reportable contributions through the term of the contract; and

WHEREAS, a Political Contribution Disclosure Form, Stockholder Disclosure Certification, and Business Entity Disclosure Certificate and the certification have previously been submitted by Lesser and are maintained on file at the office of the Borough Clerk; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose, said certification being attached to this resolution; and

WHEREAS, the award of a contract for the provision of professional construction consulting services for construction oversight and contract administration with regard to the Barrymore Museum is in the best interests of the Borough and the implementation of this contract is necessary for its efficient operation;

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

1. That Keith Howard Lesser, AIA, LEED Architect shall be and is hereby appointed to perform professional construction consulting services for construction oversight and contract administration for the Borough's planned Barrymore Museum in accordance with its proposal, dated November 7, 2018, attached hereto and made a part hereof, in an amount not to exceed \$93,600.00.

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

3. That Lesser is specifically placed on notice that it will be required to comply with the Affirmative Action Law, N.J.S.A. 10:5-31 et seq., and its implementing regulations, N.J.A.C. 17:27-1 et seq.

4. That a notice of the contract award shall be published in accordance with law, and the resolution and contract must be available for public inspection, in accordance with the requirements of the Local Public Contracts Law.

5. That the Chief Financial Officer has certified as to the availability of funds

for this contract.

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

CA-15 Authorizing the Purchasing Agent to Obtain Specifications and Advertise for Bids for Project Known as Improvements to Inwood Terrace

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE PURCHASING AGENT TO OBTAIN SPECIFICATIONS AND ADVERTISE FOR BIDS "IMPROVEMENTS TO INWOOD TERRACE "

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 Inwood Terrace

CA-16 Award State Contract Ref Bid # 18-43 Green Dream International, LLC for the Provision of a Pistol Range System

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE PURCHASE OF ACTION TARGET SHOOTING RANGES SYSTEM AND MAINTENANCE FROM GREEN DREAM INTERNATIONAL, LLC AND ACTION TARGET, INC. THROUGH THE BERGEN COUNTY COOPERATIVE CONTRACT PURCHASING SYSTEM
BID #18-43**

WHEREAS, there exists a need for the Borough of Fort Lee ("Borough") to purchase an Action Target Indoor/Outdoor Shooting Range System Equipment and Accessories ("Shooting Range System") for use by the Fort Lee Police Department in providing essential services to the citizens of the Borough; and

WHEREAS, N.J.S.A. 52:34-6.2, as recently amended, authorizes the local contracting units, without public advertising for bids and bidding there for, to purchase goods or contract for services through the use of a recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state, when available; and

WHEREAS, the Borough has been advised that the Shooting Range System are available through the Bergen County Cooperative Contract Purchasing System #CK04 awarded in accordance with Bid #18-43; and

WHEREAS, the Bergen County Cooperative Contract Purchasing System is operated by the County of Bergen Administration and Finance, Division of Purchasing, and serves as a county contracting agency with the authority to develop and offer cooperative procurement services through a competitive bidding and contracting process to governmental entities throughout Bergen County; and

WHEREAS, on prior occasion pursuant to duly adopted resolution, an application for membership was filed with, and approved by, the Bergen County Cooperative Contract Purchasing System; and

WHEREAS, in accordance with N.J.A.C. 5:34-7.1 et seq., any purchase of goods or services pursuant to county cooperative contract purchasing system in excess of a public agency's bidding threshold must be authorized by the governing body of the public entity; and

WHEREAS, pursuant to the information obtained by the Borough, the Shooting

Range System and maintenance contract may be purchased through contracts awarded to Green Dream International, LLC and Action Target, Inc. through the Bergen County Cooperative Contract Purchasing System #CK04 awarded in accordance with Bid #18-43 in the amount of \$196,201.00, as detailed on documentation attached to this Resolution; and

WHEREAS, the Borough has performed its due diligence, considered the cost savings that can be achieved through Bergen County Cooperative Contract Purchasing System #CK04 awarded in accordance with Bid #18-43 for the purchase of the Shooting Range System and maintenance services, and reviewed all documentation pertaining to Bid #18-43 required by law, and desires to authorize the purchase of the Shooting Range System and maintenance services; and

WHEREAS, the Borough's Qualified Purchasing Agent has recommended the procurement of the Shooting Range System and maintenance services through the Bergen County Cooperative Contract Purchasing System #CK04 awarded in accordance with Bid #18-43; and

WHEREAS, the Borough has determined that the award of contracts to Green Dream International, LLC for the Shooting Range System and Action Target, Inc. for maintenance services through the Bergen County Cooperative Contract Purchasing System #CK04 awarded in accordance with Bid #18-43 for use by the Borough's Police Department in providing vital municipal services to its citizens is necessary for the continued efficient operations of the Borough;

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose, said certification being attached to this resolution; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee that contracts are awarded to Green Dream International, LLC for the Shooting Range System and Action Target, Inc. for maintenance services through the Bergen County Cooperative Contract Purchasing System #CK04 awarded in accordance with Bid #18-43 in the amount of \$196,201.00 in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute agreements with Green Dream International, LLC for the Shooting Range System and Action Target, Inc. for maintenance services through the Bergen County Cooperative Contract Purchasing System #CK04 awarded in accordance with Bid #18-43, subject to review by the Borough's municipal attorney as to its terms.

BE IT FURTHER RESOLVED that this resolution and a copy of the contracts with Green Dream International, LLC for the Shooting Range System and Action Target, Inc. for maintenance services shall be available in the Borough Clerk's Office.

CA-17 Authorizing Title, Grade and Step Changes Department of Public Works; J. Calabro, J. Mugan, B. Radoian and J. Yocovelli

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING TITLE, GRADE AND STEP CHANGES

WHEREAS, the Mayor and Council have authorized title, grade and step changes for the following employees:

Dept.	Name	Current Title	Current Grade & Step	New Title	New Grade & Step	Effective Date
DPW	Calabro, J.	Public Works Repairer	12 - F	Heavy Equipment Operator	13 - F	1/1/2019
DPW	Mugan, J.	Building Maintenance Worker	6 - G	Parks Maintenance Worker	10 - F	1/1/2019
DPW	Radoian, B.	Truck Driver	10 - D	Heavy Equipment Operator	13 - C	1/1/2019
DPW	Yocovelli, J.	Public Works Repairer	12 - F	Heavy Equipment Operator	13 - F	1/1/2019

BE IT RESOLVED that the above listed salaries and titles associated with each employee shall be effective at the date listed.

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-17 was approved on the following roll call:

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

RESOLUTIONS

R-1 Authorizing Merit Increases for Various Employees, Retroactively Effective January 1, 2019: E. Chung, \$39,461.00; M. Cuello, \$84,644.00; M. Leodori, \$93,271.00; J. Liapes \$34,822.00; L. Molinaro, \$60,137.00; C. Parker, \$35.00 Per Hour; C. Trentacosti, \$68,251.00; F. Weissman, \$69,926.00

*Councilman Sargenti recused and stepped away from the dais.

Councilman Cervieri introduced, and Councilman Sohmer seconded, the following resolution:

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING MERIT INCREASES

WHEREAS, the Mayor and Council have authorized merit increases and/or title changes for the following employees:

1	Chung, E.	Keyboarding Clerk 1	\$39,461.00
2	Cuello, M.	Keyboarding Clerk 3	\$84,644.00
3	Leodori, M.	Administrative Secretary	\$93,271.00
4	Liapes, J.	Alternate Registrar	\$34,822.00
5	Molinaro, L.	Keyboarding Clerk 3	\$60,137.00
6	Parker, C.	Communications Technician P/T	\$35.00 per hr.
7	Trentacosti, C.	Keyboarding Clerk 1	\$68,251.00
8	Weissman, F.	Administrative Clerk	\$69,926.00

BE IT RESOLVED that the above listed salaries and titles associated with each employee shall be retroactively effective **January 1, 2019**.

The Resolution was **approved** on the following roll call:

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

R-2 Determining Area Known as Block 2752, Lot 19, 1435 10th Street as Area 10 an Area in Need of Redevelopment

*Mayor Sokolich recused and stepped away from the dais. Council President Suh presided over this portion of the meeting.

Councilman Cervieri introduced, and Councilman Sohmer seconded, the following resolution:

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE, COUNTY OF BERGEN, STATE OF NEW JERSEY DETERMINING THAT THE AREA GENERALLY KNOWN AS TAX BLOCK 2752, LOT 19, AS SHOWN ON THE TAX MAP OF THE BOROUGH OF FORT LEE AND WHOSE ADDRESS IS 1435 10TH STREET QUALIFIES AND IS DETERMINED AS AN AREA IN NEED OF REDEVELOPMENT (NON-CONDOMINIUM) PURSUANT TO THE PROVISIONS

OF THE LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1 ET SEQ.) AND SHALL BE KNOWN AS REDEVELOPMENT AREA 10

WHEREAS, Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-6 provides that “No area of a municipality shall be determined to be a redevelopment area unless the Governing Body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5;” and

WHEREAS, on July 16, 2018 the Borough Council, by way of resolution, did authorize the Fort Lee Planning Board to undertake a preliminary investigation regarding certain property located at 1435 10th Street, specifically Lot 19 in Block 2752, (the “Study Area”) to determine if it may be deemed “a non-condemnation redevelopment area”; and

WHEREAS, the Planning Board conducted a preliminary investigation of the Study Area in accordance with the guidelines set forth in N.J.S.A. 40A:12A-6 to determine whether the Study Area is a non-condemnation redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, pursuant to the requirements set forth in N.J.S.A. 40A:12A-6, the Planning Board caused notice of the hearing to be published and caused a copy of the notice to be mailed, at least ten days prior to the date set for the hearing, to the last owner of the property within the Study Area according to the assessment records of the Borough; and

WHEREAS, the Planning Board conducted a public hearing on this matter on December 10, 2018; and

WHEREAS, a report, dated November 2018, was prepared by Phillips Preiss Grygiel Leheny Hughes, LLC, which is incorporated herein by reference, and was presented to the Planning Board that set forth certain findings with respect to the eligibility of the Study Area as a non-condemnation redevelopment area in accordance with the provisions N.J.S.A 40A:12A-5; and

WHEREAS, Michael Jovishoff of Phillips Preiss Grygiel Leheny Hughes, LLC, a licensed professional planner was accepted as an expert and presented testimony supporting and supplementing the aforesaid report and addressing the statutory criteria at each of the public hearings; and

WHEREAS, no written objections were received; and

WHEREAS, no testimony was presented by members of the public; and

WHEREAS, as a result of its finding of fact, the Planning Board, by action taken on December 10, 2018, which action is reflected in minutes of the Planning Board for the hearing and correspondence dated December 11, 2018 from Christen S. Trentacosti, Planning Board Secretary to the Borough Clerk, concluded, based on the evaluations, findings and conclusions set forth in the November 2018 report on the Study Area prepared by Phillips Preiss Grygiel, LLC and the testimony of Michael Jovishoff of Phillips Preiss Grygiel Leheny Hughes, LLC, a licensed professional planner that:

1. The Study Area is triangular in configuration, encompasses +/- .41 acres and is improved with a vacant former child care center.
2. Several inspections conducted for the owner identified significant deterioration in the Study Area and the building. Much of the deterioration appears to be the result of a lack of maintenance since the building was vacated almost 2 years ago. The Study Area exhibits discontinuance of use of the building and abandonment of the building allowing it to fall in a great state of disrepair as to be untenable. By reason of the Study Area’s

location within the Borough and topography, it is not likely to be developed through the instrumentality of private capital.

3. The configuration of the Study Area results in a poorly designed parking area with potentially dangerous access and circulation since vehicles must back out of parking lot into street.
4. The steep topography of the Study Area with a significant grade difference from the northernmost end to the southernmost end pose major challenges to the redevelopment of the property.
5. Without public intervention in the form of a unified and cohesive redevelopment strategy, the Study Area is likely to remain stagnant and unproductive.
6. As a result, the Study Area, in its current state, is detrimental to the public health, safety and welfare of the community.

WHEREAS, the Planning Board recommends, based on its preliminary investigation and the factual findings made by the Planning Board, that the Study Area be designated a non-condemnation redevelopment area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Fort Lee hereby accepts the findings of the Planning Board as made at a public hearing on December 10, 2018 as supported by the November 2018 report on the Study Area prepared by Phillips Preiss Grygiel Leheny Hughes, LLC, the testimony of Michael Jovishoff of Phillips Preiss Grygiel Leheny Hughes, LLC, a licensed professional planner, the minutes of the Planning Board hearing and as further set forth in the Planning Board correspondence dated December 11, 2018 and determines that certain property located at 1435 10th Street and Block 2752, Lot 19 as shown on the Tax Map of the Borough of Fort Lee, referred to herein as the Study Area, qualifies as an “area in need of redevelopment” and which shall be a non-condemnation redevelopment area pursuant to the provisions of the Local Redevelopment Act and Housing Law, N.J.S.A. 40A:12A-1 et seq.

BE IT FURTHER RESOLVED, that upon adoption of this resolution, the Borough Clerk shall transmit a copy of this resolution to the Commissioner of Community Affairs for the State of New Jersey for review pursuant to N.J.S.A. 40A:12A-6.b.(5).

BE IT FURTHER RESOLVED, that within ten (10) days of the approval of the determination that certain property comprised of Lot 19 in Block 2752, as shown on the Tax Map of the Borough of Fort Lee, and also known as 1435 10th Street, qualifies as a non-condemnation “area in need of redevelopment” pursuant to the provisions of the Local Redevelopment Act and Housing Law (N.J.S.A. 40A:12A-1 et seq.), the Borough Clerk shall serve, a notice of the determination, upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of determination may be sent, if any.

BE IT FURTHER RESOLVED, that upon the adoption of this Resolution, the Borough Clerk shall serve a notice of the determination upon the last owner of the property within the Study Area according to the assessment records of the Borough, which notice shall be in accordance with the requirements set forth in the Local Redevelopment Act and Housing Law (N.J.S.A. 40A:12A-1 et seq.).

BE IT FURTHER RESOLVED, that this determination shall be binding and conclusive upon all persons affected by such determination.

The Resolution was **approved** on the following roll call:

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

COUNCIL REPORTS

Councilman Suh - He congratulated the new Fire Chief and all the officers and thanked them for their service. He also congratulated Christ the Teacher School on their designation as a Blue-Ribbon School.

Councilman Sohmer - He congratulated Chief Ipek and all the officers sworn in tonight, Christ the Teacher School on their Blue-Ribbon status and Barbara Granquist on her upcoming retirement.

He stated that the following events are happening on the following dates:

February 15th the Fort Lee Historical Society is celebrating John Barrymore's birthday with the laying of the wreath on John Barrymore Way and a small reception at the Museum following the wreath laying. The reception will feature Tom Austin reading from his book, which he co-authored with Charlie Calello, Another Season.

June 2nd is the Fort Lee Arts and Music Festival.

He wished everyone a Happy New Year.

Councilman Yoon - He stated that the following events were happening on these dates:

February 7, 14, 21 in celebration of Black History Month, the Barrymore Film Center and the Fort Lee Film Commission in partnership with the Fort Lee Library, are presenting a Black Film Fest featuring movies produced, directed or written by black filmmakers at the Library.

March 17th in Asbury Park, the Barrymore Film Center is hosting a special program with a film directed by Alice Guy Blache.

March 6th, 13th, 20th, 27th the Fort Lee Historical Society will be celebrating Women's History Month, with a film program highlighting the career of Reel Jersey Girls at 7:00 p.m. at the Museum.

Councilman Sargenti - He congratulated all the new Fire officers and the Fire Department. He also congratulated Christ the Teacher on their Blue-Ribbon status.

With an impending storm predicted, he encouraged the residents to download nixle on their cell phones for town alerts.

Councilwoman Kasofsky - She congratulated the Firemen on their promotions and Christ the Teacher on their Blue-Ribbon recognition.

She mentioned that this year the Library will be 100 years old. She encouraged people to join and become a Friend of the Library.

She stated that there are applications for our new community garden.

Councilman Cervieri - He congratulated Christ the Teacher for being recognized as the outstanding educational facility that it has always been. He stated that he is a graduate of that school.

He congratulated Angela Napolitano on being reappointed as Tax Collector.

He stated that the Library will have a celebration of its 100-year anniversary, and it is 100 years young. It is a library for the future, and based on the dedication of the

volunteers, the staff; and under the guidance of the Director Chris Yurgelonis, has done a lot to transform the library, in the last 2 - 2½ years. June 1st will be the big celebration.

He congratulated and thanked the new officers and all the members of the Fire Department, as well as their families.

PUBLIC PARTICIPATION

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

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

The Mayor thanked and congratulated our volunteer Fire Department and congratulated Christ the Teacher

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and there being no further discussion, the meeting was adjourned with no objections at 8:29 p.m.

Evelyn Rosario, RMC
Municipal Clerk