

## **REGULAR MEETING**

### **MAYOR AND COUNCIL**

**Thursday, March 14, 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, Cervieri

**ABSENT:** Councilwoman Kasofsky,

**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**

“We have a busy agenda tonight and all places to go and things to accomplish so we are going to dispense with long reports. However, there are two gentlemen that we are going to eulogize during the course of this meeting; two iconic Fort Lee figures that Fort Lee has lost this past week. So, it is a bit of a sad moment. I did however want to just report for the benefit of the record. I am going to throw some statistics out: \$150,000; that is the amount of money that the Borough of Fort Lee raised for these fire victims from that Linwood fire, and you guys should give yourself a round of applause. The total donations, were you to include new clothing, were you to include gift cards, were you to include all of that, far exceeds \$200,000, number one, number two. Number three, we were in a position to be able to give the families of 3011 Edwin Avenue in excess of \$2,400 for each family for the replacement security deposit, rent, what have you, whatever they need to devote it to. In addition to that, they also got various gift cards, food cards, things of that nature. For the 3001 victims, where they were temporarily displaced and that building where God-willing will be restored and ready for occupancy by month's end, they too have been put up in hotels for a couple of weeks, if not three weeks. You may rest assured Fort Lee did what they had to do. Why am I mentioning this? There were so many people to thank, I must have sent out 40, 50, 60, 70 thank you letters to our volunteers, to our emergency service agencies, to the other towns, to volunteers. What an incredible experience it was to be at that fire and to look at the back of these jackets and see 25, 15 different towns, but everybody working in unison. It was the true essence of mutual aid. So, to our volunteers, police, fire, ambulance, OEM, thank you, thank you for everything. I just wanted to put that on the record. And as I told the press, for those people that have a low assessment as to the world, and it is a mean place and everybody is cruel, come over to Fort Lee because I would like to dissuade you of that sentiment on what has transpired here over the last month or so. So, we should be very, very proud of that.”

**R-1 RESOLUTION AND OATHS OF OFFICE “Authorizing Hiring of Three Police Officers”**

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

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE  
HIRING OF THREE (3) POLICE OFFICERS**

**WHEREAS**, the Mayor and Council of the Borough of Fort Lee have determined the need to authorize the hiring of Police Officers for the Police Department, based on retirements and the current Table of Organization; and

**WHEREAS**, it has been determined that the following individuals be appointed to the position of **Police Officer with an effective hiring date of March 18, 2019**; and

**Edwin B. Diaz  
Melissa A. Gallo  
Michael F. Scicutella**

**NOW, THEREFORE, BE IT RESOLVED** that these appointments are made in accordance with a New Jersey Civil Service Commission Certification of Eligibles for Appointment List, for the title of Police Officer, and salaries shall be in accordance with the current P.B.A. Contract.

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

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

**Mayor Sokolich** - He addressed the new recruits and congratulated them. He stated that they are becoming part of a very well-respected organization and that we are incredibly proud of them. They are joining a wonderful Police force that keeps Fort Lee safe.

**POLICE STATEMENT BY POLICE CHIEF KEITH BENDUL**

He thanked the Mayor and Council for their support of public safety. He stated that he has served this community for 30 years. He stated that it is the men and women that serve that keep our community safe. He thanked them and also thanked his Command Staff: Captain Gallagher, Captain Zusi and Captain Hintze.

He stated that last week, Police Officer Lazo was deployed with the United States Marines.

He mentioned that last Friday, the department attended the sentencing hearing on the shooting that occurred on Summit Avenue. Our officers heroically faced an armed gunman that attempted to kill them. He stated that he was incredibly proud of how the Police handled the situation. The shooter was sentenced to 45 years in jail.

Police Officer Michael Kelly was called forward to be presented with his Detective Badge. Chief Bendul stated that he is a member of the Zevits family, which has continuously served the community for over 66 years beginning when his grandfather Joseph F. Zevits joined the Police Department.

Police Chief Keith Bendul stated that tonight we are hiring three new officers. He asked Edwin Diaz to come before the Mayor and Council for his swearing in with his family, while he read his biography.

Mayor Sokolich administered the oath of office and swore Edwin Diaz in as Police Officer. His mother, Coral Diaz held the bible, his wife Maria Diaz pinned his badge.

Chief Bendul asked Melissa Gallo to come before the Mayor and Council for her swearing in with her family, while he read her biography.

Mayor Sokolich administered the oath of office and swore Melissa A. Gallo in as Police Officer. Her mother, Marrietta Golenischewn held the bible, her brother, Police Officer John Gallo and her father retired Detective Joseph Gallo pinned her badge.

Chief Bendul asked Michael Scicutella to come before the Mayor and Council for his swearing in with his family, while he read his biography.

Mayor Sokolich administered the oath of office and swore Michael F. Scicutella in as Police Officer. His father Michael held the bible, his wife Daniella pinned his badge.

He thanked the new officers' families and friends for attending tonight to share their special moment. He also thanked both the retired police officers and the active officers, as well as the Honorary PBA members and the off-duty officers for attending tonight.

On motion by Councilman Suh, seconded by Councilman Sargenti, a brief recess was approved and taken at 7:23 P.M.

On motion by Councilman Suh, seconded by Councilman Sargenti, the meeting was reconvened at 7:28 P.M.

### **APPROVAL OF MINUTES**

On motion by Councilman Cervieri, seconded by Councilman Suh, and carried unanimously, the minutes of the January 10, 2019 Work Session were approved.

On motion by Councilman Suh, seconded by Councilman Cervieri, and carried unanimously, the minutes of the January 17, 2019 Regular Session were approved.

### **INTRODUCTION OF ORDINANCES**

**Ord. #2019-4 "AN ORDINANCE AMMENDING CHAPTER 336 SEWERS, ARTICLE X, SECTION 2, FEES FOR LICENSES AND PERMITS, OF THE CODE OF THE BOROUGH OF FORT LEE " (Public hearing April 11, 2019)**

**On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried, Ord. #2019-4** entitled "AN ORDINANCE AMMENDING CHAPTER 336 SEWERS, ARTICLE X, SECTION 2, FEES FOR LICENSES AND PERMITS, OF THE CODE OF THE BOROUGH OF FORT LEE" (Public hearing April 11, 2019)

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **April 11, 2019** .

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

**Ord. #2019-5 "AN ORDINANCE AMENDING CHAPTER 90 POLICE DEPARTMENT, ARTICLE I, SECTION 2, FORMATION AND RANK, OF THE CODE OF THE BOROUGH OF FORT LEE " (Public hearing April 11, 2019)**

**On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried, Ord. #2019-5** entitled Ord. #2019-5 "AN ORDINANCE AMENDING CHAPTER 90 POLICE DEPARTMENT, ARTICLE I, SECTION 2, FORMATION AND RANK, OF THE CODE OF THE BOROUGH OF FORT LEE" (Public hearing April 11, 2019)

The Ordinance was **approved** on the following roll call, and the public hearing relative to

this ordinance was scheduled for **April 11, 2019** .

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

**Ord. #2019-6 "AN ORDINANCE AMENDING CHAPTER 372 TAXIS AND LIMOUSINES, ARTICLE 1 TAXICABS, SECTION 24 RATES POSTED; MAXIMUM RATES, OF THE CODE OF THE BOROUGH OF FORT LEE " (Public hearing April 11, 2019)**

**On motion by Councilman Cervieri, seconded by Councilman Sargenti, and carried, Ord. #2019-6 "AN ORDINANCE AMENDING CHAPTER 372 TAXIS AND LIMOUSINES, ARTICLE 1 TAXICABS, SECTION 24 RATES POSTED; MAXIMUM RATES, OF THE CODE OF THE BOROUGH OF FORT LEE" (Public hearing April 11, 2019)**

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **April 11, 2019** .

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

**ORDINANCE PUBLIC HEARINGS**

None

**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-14**

**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.

<b><u>ACCOUNT</u></b>	<b><u>AMOUNT</u></b>
Current	\$ 26,920,207.30
Current - Grant	11,116.88
Capital	325,785.49
Road Improvement Plan	
Multiple Dwelling	
Construction Fees	
COAH Fees	
Senior Citizen Advisory Council	1,564.57
Trip Admissions	12,157.47
Special Dog Account	
Trust Account Fund	
Disability Insurance Trust	
Public Assistance Trust Fund	
Police Activity Trust	
Fort Lee Film Commission	200.00
Community Development	
Redemption Account	15,957.52
School Resource Account	
Dedicated Penalties (Fire Prevention)	
POAA	
Cop Card Donation	
Police Treasury	44,429.23
Police Justice	

Flexible Spending	
Trust Account	
Developers BOFNJ	18,955.62
Developers B of America	<u>26,552.02</u>
<b>Total:</b>	<b>\$27,376,926.10</b>

**CA-2 Authorizing the Hiring of Various Seasonal Employees in the Community Center and Recreation Department**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE HIRING OF SPRING SEASONAL EMPLOYEES**

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

**NOW, THEREFORE, BE IT RESOLVED** that the below listed individuals will be hired as spring seasonal employees in the Department listed, 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 April 1, 2019 through June 30, 2019** ;

<b>NAME</b>	<b>POSITION</b>	<b>DEPARTMENT</b>	<b>HOURLY RATE:</b>
Ashman, Christopher	Supervisor	Community Center	\$12.00
Jaikissoon, Eric	Supervisor	Community Center	\$12.00
Nannas, Dimitri	Supervisor	Community Center	\$12.00
Picinich, Donald	Supervisor	Community Center	\$12.00
Puma, Joseph	Supervisor	Community Center	\$12.00
Asharian, Laudan	Youth Center/Recreation Attendant	Recreation Dept	\$11.50
Asharian, Laudan	Office Worker	Recreation Dept	\$12.00
DeGidio, Ashley	Youth Center/Recreation Attendant	Recreation Dept	\$11.50
DeMorais, Savannah	Youth Center/Recreation Attendant	Recreation Dept	\$11.50
Diaz, Paris	Youth Center/Recreation Attendant	Recreation Dept	\$11.50
Gulsen, Berkan	Youth Center/Recreation Attendant	Recreation Dept	\$11.50
Khatchadourian, Natalie	Youth Center/Recreation Attendant	Recreation Dept	\$11.50
Kellas, Kim	Crafts Instructor	Recreation Dept	\$20.00
Lu, Larry	Youth Center/Recreation Attendant	Recreation Dept	\$11.50
McKenna, Caitlin	Youth Center/Recreation Attendant	Recreation Dept	\$10.00
Pappas, Constantina	Crafts Instructor	Recreation Dept	\$20.00
Pappas, Constantina	Office Worker	Recreation Dept	\$12.00
Schiff, Barry	Adult Art Instructor	Recreation Dept	\$30.00

**CA-3 Authorizing Shelby Meyers to Conduct a Dog Census for a Sustainable NJ Application, \$1,500.00 Compensation**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING SHELBY MEYERS TO CONDUCT A DOG CENSUS FOR SUSTAINABLE**

## NEW JERSEY APPLICATION

**BE IT RESOLVED** that the Borough of Fort Lee will be submitting a Sustainable New Jersey application and in accordance with same, the Fort Lee Health Department will be conducting a dog census which is expected to be completed by June 1<sup>st</sup>; and

**BE IT RESOLVED** that **Shelby Meyers, Registered Environmental Health Specialist** of the **Health Department** will be responsible for compiling a complete list of the dogs in our multiple dwellings and notices will be sent subsequently to all unlicensed dog owners, requiring that they obtain a dog license as per Chapter 14-6 of the Fort Lee Sanitary Code and each license fee is \$8.80; and,

**BE IT RESOLVED** that Shelby Meyers will conduct this phase of the census and be compensated in the amount of \$1500.00 from the Health Department's "Special Dog and Cat Fund".

### CA-4 Accepting Retirement Notice from William Zdanowski , Public Safety Telecommunicator, Effective Retroactively to March 1, 2019

#### RESOLUTION OF THE BOROUGH OF FORT LEE ACCEPTING THE RETIREMENT NOTICE OF WILLIAM ZDANOWSKI

**BE IT RESOLVED** that **William Zdanowski , Public Safety Telecommunicator** of the **Police Department** has submitted his retirement notice dated February 27, 2019 and the Mayor and Council have accepted same; and

**BE IT RESOLVED** that Mr. Zdanowski's retirement will be **effective retroactive to March 1, 2019** with the Borough of Fort Lee.

**BE IT FURTHER RESOLVED** that the Mayor and Council extend their best wishes to Mr. Zdanowski on his retirement.

### CA-5 Accepting Retirement Notice from Police Officer Mark Gondola , Police Department, Effective to July 1, 2019

#### RESOLUTION OF THE BOROUGH OF FORT LEE ACCEPTING THE RETIREMENT NOTICE OF POLICE OFFICER MARK GONDOLA

**BE IT RESOLVED** that **Police Officer Mark Gondola** of the **Police Department** has submitted his retirement notice dated March 6, 2019 and the Mayor and Council have accepted same; and

**BE IT RESOLVED** that Police Officer Gondola's retirement will be **effective July 1, 2019** with the Borough of Fort Lee.

**BE IT FURTHER RESOLVED** that the Mayor and Council extend their best wishes to Officer Gondola on his retirement.

### CA-6 Accepting Retirement Notice from Police Chief Keith M. Bendul, Police Department , effective to June 1, 2019

#### RESOLUTION OF THE BOROUGH OF FORT LEE ACCEPTING THE RETIREMENT NOTICE OF POLICE CHIEF KEITH M. BENDUL

**BE IT RESOLVED** that **Police Chief Keith M. Bendul** of the **Police Department** has submitted his retirement notice dated January 25, 2019 and the Mayor and Council have accepted same; and

**BE IT RESOLVED** that Police Chief Bendul's retirement will be **effective June 1, 2019** with the Borough of Fort Lee.

**BE IT FURTHER RESOLVED** that the Mayor and Council extend their best wishes to Chief Bendul on his retirement.

**CA-7 Authorizing Place-to-Place Transfer of Liquor License No. 0219-33-004-009 Tang Two Corporation T/A Tang Two Asian Fusion Cuisine, 2052 Hudson Street, Fort Lee, NJ 07024**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING A PLACE TO PLACE LIQUOR LICENSE TRANSFER OF LICENSE NO. 0219-33-0 04-009 TANG TWO CORPORATION T/A TANG TWO ASIAN FUSION CUISINE, 2052 HUDSON STREET, FORT LEE, NEW JERSEY 07024**

**WHEREAS**, an application has been filed for a Place-to-Place Transfer of Plenary Retail Consumption License Number 0219-33-004-009, issued to Tang Two Corporation T/A Tang Two Asian Fusion Cuisine for a pocket license with a mailing address of 6 Bradley Lane, Montvale, New Jersey 07645; and

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Fort Lee does hereby approve, effective March 15, 2019, the Place-to-Place Transfer of the aforesaid Plenary Retail Consumption licensed premises, to its new location at 2052 Hudson Street, Fort Lee, New Jersey 07024 and does hereby direct the Municipal Clerk to endorse the license certificate as follows: "This license, subject to all of its terms and conditions is hereby transferred to premises located at 2052 Hudson Street, Fort Lee, New Jersey 07024."

**CA-8 Approving Request from St. Rocco 's Mutual Aid Society to Host It 's 90<sup>th</sup> Annual Feast on August 7, 2019 Through August 11, 2019**

**RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING A REQUEST FROM THE SAINT ROCCO 'S MUTUAL AID SOCIETY OF FORT LEE TO HOST ITS 90<sup>TH</sup> ANNUAL FEAST**

**WHEREAS**, the Borough of Fort Lee received a request from the Saint Rocco's Mutual Aid Society seeking permission to host its 90<sup>TH</sup> Annual Feast on August 7, 2019 through August 11, 2019; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Fort Lee, grants permission to the Saint Rocco's Mutual Aid Society for the 90<sup>th</sup> Annual Feast to be held on August 7, 2019 through August 11, 2019.

**CA-9 Approving Request and Sponsoring the Fort Lee Green T eam's Dog Training Events at the Fort Lee Dog Park**

**RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING AND SPONSORSING THE FORT LEE GREEN TEAM 'S DOG TRAINING EVENTS AT THE FORT LEE DOG PARK**

**WHEREAS**, the Borough of Fort Lee received a request to authorize and sponsor the Fort Lee Green Team's usage of the Fort Lee Dog Park for Free Dog Training; and

**WHEREAS**, the Green Team's Dog Training will take place at 11:00 AM on the first Saturday of each month; and

**WHEREAS**, these events will provide credits towards the Borough's Sustainable Jersey Certification; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Fort Lee, approve the Fort Lee Green Team's monthly usage of the Fort Lee Dog Park.

**CA-10 Authorizing the Award of Contract to Neglia Engineering Associates for Project Known as "Abbott Boulevard Streetscape " \$14, 115.00**

**A RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES**

**WHEREAS**, there exists a need for the Borough to retain the services of a licensed engineer to provide surveying and engineering services for the preparation of a boundary and topographic survey and a conceptual plan for the proposed Abbott Boulevard Streetscape in the Borough; and

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

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

**WHEREAS**, the Borough wishes to retain the services of Neglia Engineering Associates ("Neglia") to perform such professional engineer services in accordance with its proposal, dated February 5, 2019, attached hereto; and

**WHEREAS**, Neglia possesses the requisite expertise and skilled personnel required to provide professional engineering services related to the preparation of a boundary and topographic Survey and a conceptual plan for the proposed Abbott Boulevard Streetscape in the Borough; and

**WHEREAS**, the Mayor and Council of the Borough wish to award a contract for professional engineering services to Neglia in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

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

**WHEREAS**, the contract for professional engineering services to be performed by Neglia is awarded pursuant to a "fair and open" process in accordance with the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq.; and

**WHEREAS**, the Mayor and Council have determined that funds are available for this purpose; and

**WHEREAS**, the Borough's Chief Financial Officer has certified that sufficient funds are available to award this contract for professional engineering services, said certification being attached to this resolution; and

**WHEREAS**, the award of a contract for the provision of professional services related to the preparation of a boundary and topographic survey and a conceptual plan for the proposed Abbott Boulevard Streetscape in the Borough is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough;

**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 Neglia shall be and is hereby appointed to provide professional engineering services related to the preparation of a boundary and topographic Survey and a conceptual plan for the proposed Abbott Boulevard Streetscape in the Borough, in accordance with its proposal, dated February 5, 2019, attached hereto and made a part hereof, and the terms and provisions of the agreement by and between Neglia and the Borough for consulting engineering services, at a cost not-to-exceed \$14,115.

2. That upon 80% completion of the engineering work pursuant to this Resolution, Neglia 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, Neglia shall submit a detailed cost overrun schedule for review and consideration by the Borough.

3. That Neglia 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, and this resolution must be available for public inspection, in accordance with the requirements of N.J.S.A. 40A:11-1 et seq.

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

**CA-11 Authorizing the Award of Contract to EcolSciences, Inc. for Project Known as "The Barrymore Film Center & Museum", \$7,500.00**

**A RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING  
THE AWARD OF A CONTRACT FOR PROFESSIONAL  
ENGINEERING SERVICES**

**WHEREAS**, there exists a need for the Borough of Fort Lee ("Borough") to retain the services of a licensed engineer to perform environmental oversight of the capping, vapor mitigation system installation and environmental consulting in connection with the site for the construction of the Barrymore Film Center and Museum in the Borough; and

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

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

**WHEREAS**, the Borough wishes to retain the services of EcolSciences, Inc. to perform such professional engineer services in accordance with its proposal, dated March 1, 2019, a copy of which is attached hereto; and

**WHEREAS**, EcolSciences, Inc. possesses the requisite expertise and skilled personnel required to provide professional engineering services to perform environmental oversight of the capping, vapor mitigation system installation and environmental consulting in connection with the site for the construction of the Barrymore Film Center and Museum in the Borough; and

**WHEREAS**, the Mayor and Council of the Borough wish to award a contract for professional engineering services to EcolSciences, Inc. in accordance with the

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

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

**WHEREAS**, the professional engineering services will be performed by EcolSciences, Inc. for an amount not to exceed \$7,500.00, which amount is below 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 exempt from the provisions of the New Jersey Local Unit Pay-To-Play Law; and

**WHEREAS**, the Mayor and Council have determined that funds are available for this purpose, and

**WHEREAS**, the award of a contract for the provision of professional engineering services to perform environmental oversight of the capping, vapor mitigation system installation and environmental consulting in connection with the site for the construction of the Barrymore Film Center and Museum in the Borough is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough;

**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 EcolSciences, Inc. shall be and is hereby appointed to perform professional engineering services related to perform environmental oversight of the capping, vapor mitigation system installation and environmental consulting in connection with the site for the construction of the Barrymore Film Center and Museum in the Borough in accordance with its proposal, dated March 1, 2019, attached hereto and made a part hereof, for an amount not to exceed \$7,500.00.

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

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

4. That the Chief Financial Officer shall certify as to the availability of funds for this purpose, said certification being attached to this resolution.

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

**CA-12 Authorizing the Award of a Contract to Linda McCue Productions, LLC for the Provision of a Monthly Video “Fort Lee Today on Demand ”, \$60,000.00**

**RESOLUTION OF THE BOROUGH  
OF FORT LEE AUTHORIZING THE AWARD OF A CONTRACT FOR  
PROVISION OF EXTRAORDINARY UNSPECIFIABLE SERVICES**

**WHEREAS**, there exists a need for the Mayor and Council of the Borough of Fort Lee (“Borough”) to retain the consulting services of a public relations firm during 2019 with the expertise to produce a video newsletter to the citizens of the Borough as part of an effort to build a brand and reputation for the Borough; and

**WHEREAS**, said services are recognized as “extraordinary unspecifiable services” as same are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in a field of endeavor, pursuant to and in accordance with N.J.S.A. 40A:11-2(7) and N.J.A.C. 5:34-1.1 et seq.; and

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

**WHEREAS**, the Borough wishes to retain the services of Linda McCue Productions, LLC to perform such extraordinary unspecifiable services in accordance with its proposal, attached hereto; and

**WHEREAS**, Linda McCue Productions, LLC possesses the requisite expertise and extensive training experience required to provide the public relations consulting services required by the Borough to produce a video newsletter to the citizens of the Borough as part of an effort to build a brand and reputation for the Borough; and

**WHEREAS**, the Borough is desirous of awarding a contract for public relations consulting services in 2019 for the production of a video newsletter to the citizens of the Borough as part of an effort to build a brand and reputation for the Borough 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 services will be performed by L. McCue Productions, LLC at a cost of \$60,000 for a term of one year, 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 award of a contract to Linda McCue Productions, LLC for the provision of public relations consulting services 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, Linda McCue Productions, LLC is required to complete and submit at least ten (10) days prior to the award of a contract a Political Contribution Disclosure Form in accordance with N.J.S.A. 19:44A-20.26, 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**, the Political Contribution Disclosure Form, Stockholder Disclosure Certification, and Business Entity Disclosure Certificate have been submitted by Linda McCue Productions, LLC and shall be kept on file in the Borough Clerk’s office; and

**WHEREAS**, the Borough’s Chief Financial Officer has determined that funds are available for this purpose, said certification being attached to this resolution; and

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

**WHEREAS**, the award by the Mayor and Council of the Borough of a contract to Linda McCue Productions, LLC for the provision of public relations consulting services required by the Borough in 2019 for the production of a video newsletter to the citizens of the Borough as part of an effort to build a brand and the reputation for the Borough is in the best interests of the Borough and the implementation of this contract is necessary for the efficient operation of the Borough;

**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 Linda McCue Productions, LLC shall be and is hereby appointed for a term of twelve months, starting January 1, 2019, to provide public relations consulting services required by the Borough to produce a video newsletter to the citizens of the Borough as part of an effort to build a brand and the reputation for the Borough, in

accordance with its proposal, attached hereto and made a part hereof.

2. That Linda McCue Productions, LLC is specifically placed on notice that it will be required to comply with the Affirmative Action regulations of N.J.S.A. 10:5-31 et seq.

3. That a notice of the contract award shall be published in accordance with the requirements of N.J.S.A. 40A:11-1 et seq.

4. That the Mayor is authorized to execute an agreement with Linda McCue Productions, LLC, and to cause this Resolution for the award of the contract and the agreement to be made available for inspection at the offices of the Borough.

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

**CA-13 Authorizing Change Order No. 7, Dobco, Inc. \$53, 927.98 for Project Known as "The Barrymore Film Center and Museum "**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING  
CHANGE ORDER NO. 7 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") previously determined that it was 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 \$9,842,700.00 as the lowest, responsible and complying bidder for the construction of the Barrymore Film Center and Museum in the Borough; and

**WHEREAS**, on prior occasions pursuant to duly adopted resolutions, the Borough authorized Change Orders #1 through 6, detailing adjustments to the quantities of services and materials for fixed seating, soil testing, additional steel for the curtain wall and veil metal panel support/connections, and addition of a switchboard panel and generator quick connect cabinet, and the removal of rock interfering with footings and foundations that resulted in an increase of \$53,927.98 to the original contract price awarded a contract to Dobco, Inc.; and

**WHEREAS**, Dobco, Inc. submitted Change Order #7, detailing adjustments to the quantities of labor, material, and equipment for the installation of an under-slab vapor mitigation system and all associated testing to meet NJDEP Vapor Intrusion Guidance and maintain product warranties that results in an increase of \$128,531.74 to the original contract price; and

**WHEREAS**, the Borough has determined that the authorization of Change Order #7 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 #7 for an increase of an amount not to exceed \$128,531.74 in the original contract price, subject to finalization by the Borough and Dobco, Inc., for the installation of an under-slab vapor mitigation system and all associated testing to meet NJDEP

Vapor Intrusion Guidance and maintain product warranties 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 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.
3. That this Resolution shall take effect immediately.
4. That no further action of the Borough shall be required.

**CA-14 Authorizing Change Order No. 1, D.L.S. Inc., \$209,875.00 for Project Known as the "2019 Road Resurfacing Program "**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT FOR THE CONSTRUCTION OF IMPROVEMENTS AS PART OF THE 2019 ROAD RESURFACING PROGRAM**

**WHEREAS**, on prior occasion, the Mayor and Council of the Borough of Fort Lee ("Borough") determined that it is necessary to contract for the construction of improvements as part of the 2019 Road Resurfacing Program in the Borough to conform to current New Jersey Department of Transportation and New Jersey Department of Environmental Protection regulations; and

**WHEREAS**, the Borough has been approved to receive a Bergen County Block Grant in the amount of \$708,500 for the construction of improvements as part of the 2019 Road Resurfacing Program in the Borough; and

**WHEREAS**, on prior occasion pursuant to Resolution CA-11 duly adopted at a public meeting on February 21, 2019, the Borough awarded a contract in the amount of \$500,186.00 to DLS Contracting, Inc. as the lowest, responsible and complying bidder for the construction of improvements as part of the 2019 Road Resurfacing Program; and

**WHEREAS**, by letter, dated March 11, 2019, DLS Contracting, Inc. provided pricing for a change order in the amount of \$209,875.00 that was a result of the actual materials and work exceeding the amounts that were reasonably anticipated and included in the original bid specifications issued by the Borough; and

**WHEREAS**, this contract has exceeded the 20% change order limitation as set forth in N.J.A.C. 5:30-11.9, and the Borough is required to satisfy the requirements of this regulation, including the preparation and execution of a certification justifying the performance of the work on the project and necessitating the issuance of a change order; and

**WHEREAS**, attached is a certification from the Director of the Department of Public Works explaining the reasons the contract has exceeded the 20% limitation in accordance with N.J.A.C. 5:30-11.9; and

**WHEREAS**, the additional work performed under Change Order No. 1 was not part of the public bid and contract award to DLS Contracting, Inc. as the additional materials and services could not have been reasonably foreseen at the time of the public bid and contract award; and

**WHEREAS**, the Borough Administrator has reviewed the proposal from DLS Contracting, Inc. and the Certification of the Director of the Department of Public Works, and recommends Change Order No. 1 be approved per the attached certification as the costs are reasonable for the additional services to be performed; and

**WHEREAS**, all other requirements, including publication, reporting to the Director of the Division of Local Government Services in the Department of Community

Affairs, and publication/notice to the Borough's auditors, shall be complied with in accordance with N.J.A.C. 5:30-11.9; and

**WHEREAS**, the requirements for a change order exceeding the 20% criterion have been met; and

**WHEREAS**, the Borough's Chief Financial Officer has reviewed the Borough's available funds, including the Bergen County Block Grant in the amount of \$708,500, and has determined that sufficient funds are available for Change Order No. 1 for the construction of improvements as part of the 2019 Road Resurfacing Program; and

**WHEREAS**, the Borough has determined that the approval of Change order No. 1 for additional materials and services that were reasonably unforeseen at the time of bidding for the construction of improvements as part of the 2019 Road Resurfacing Program is in the best interests of the Borough and its citizens, and 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. Change Order No. 1 in the amount of \$209,875.00, resulting in an increase in the total contract price to \$710,061.00 is hereby approved for the construction of improvements as part of the 2019 Road Resurfacing Program.

2. The Mayor and/or Borough Administrator is hereby authorized to execute the attached Change Order No. 1 in the amount of \$209,875.00.

3. All other requirements, including publication, reporting to the Director of the Division of Local Government Services in the Department of Community Affairs, and publication/notice to the Borough's auditors, shall be complied with in accordance with N.J.A.C. 5:30-11.9.

4. That a copy of this resolution, the proposal from DLS Contracting, Inc. as the basis for Change Order No. 1, and the Certification of the Director of the Department of Public Works shall be maintained in the Borough Clerk's Office and made available for public inspection.

5. That this Resolution shall take effect immediately.

There being no further discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilman Suh. The Consent Agenda regarding CA-1 through CA-14 was approved on the following roll call:

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

## **RESOLUTIONS**

### **R-2 Approving Settlement Agreement with Dyker Ridge, LLC**

\*MAYOR SOKOLICH RECUSED HIMSELF AND STEPPED AWAY FROM 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 OF FORT LEE APPROVING SETTLEMENT AGREEMENT WITH DYKER RIDGE, LLC**

**WHEREAS**, the Governing Body of the Borough of Fort Lee ("Borough") approved and authorized the execution of a Developer's Agreement with Dyker Ridge,

LLC (“Developer”) for the development of a multi-family residential project in the Borough; and

**WHEREAS**, the Borough approved and authorized the execution of an Amendment to Developer’s Agreement pertaining to the affordable housing obligations of the Developer; and

**WHEREAS**, a dispute arose between the Borough and the Developer with regard to the Developer’s compliance with the affordable housing provisions in the Developer’s Agreement, as amended by the Amendment to the Developer’s Agreement; and

**WHEREAS**, the Borough served a notice of default on the Developer and a demand to cure the default; and

**WHEREAS**, the Borough and the Developer engaged in negotiations with respect to the Developer’s obligations and jointly reached an amicable settlement that requires the Developer to pay to the Borough the additional sum of \$110,000.00 to the Borough’s affordable housing trust fund within twenty (20) days and for the borough to thereupon withdraw and cancel the notice of default; and

**WHEREAS**, the settlement has no effect upon the existing affordable housing declaratory judgment action pending in the Superior Court, Law Division, Bergen County; and

**WHEREAS**, the Borough, in consultation with the Borough Attorney, has determined that it is in the Borough’s best interest to settle this matter and avoid the time and expense of protracted litigation; and,

**WHEREAS**, the Developer and the Borough have negotiated a final settlement agreement (“Agreement”), a copy of which is attached hereto; and

**WHEREAS**, the approval and execution of the Agreement is in the best interests of the Borough and is necessary for its continued efficient operations;

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

1. The terms of the settlement as outlined in the attached Agreement are hereby approved by the Borough of Fort Lee.

The Borough hereby authorizes the Acting Mayor to execute the appropriate settlement documents having terms substantially similar to the terms outlined in the attached Agreement.

This Resolution shall constitute an addition and amendment to the Amended Developer’s Agreement between the parties.

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

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

**R-3 Authorizing the Amendment of the 2019 Temporary Budget**

**Councilman Sohmer introduced, and Council Iman Cervieri seconded**, the following resolution:

**RESOLUTION OF THE BOROUGH OF FORT LEE AMENDING THE  
2019 TEMPORARY BUDGET**

**WHEREAS**, N.J.S.A. 40A:4-19 of the Local Budget Law provides that temporary appropriations shall be made for the purposes and amounts required in the manner and time therein provided.

**NOW, THEREFORE BE IT RESOLVED** that the following additional temporary emergency appropriations shall be made for the year 2019, effective March 14, 2019.

Repairs to the Bluff Road Pump Station                      **Amount: \$340,430.00**

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

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

**R-4 Authorizing 2018 Budget Appropriations**

**Councilman Cervieri introduced, and Council Iman Sohmer seconded**, the following resolution:

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING 2018 BUDGET APPROPRIATION RESERVE TRANSFERS**

BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, that the following 2018 budget appropriation reserve transfers are hereby made, pursuant to N.J.S.A. 40A:4-58, not less than two-thirds of the full membership of the Governing Body concurring:

	<b><u>From:</u></b>	<b><u>To:</u></b>
Police S/W	110,000	
Fire Hydrants O/E	25,000	
Gasoline O/E	65,000	
Street Lighting O/E	52,000	
Tax Collection O/E	20,000	
Municipal Court O/E		4,000
Financial Admin O/E		5,000
Board of Adj. O/E		700
Rent Leveling Bd. O/E		700
EMT O/E		5,000
Fire Protection O/E		3,000
Garbage O/E		66,000
IT O/E		100
Comm./Radio Repair O/E		4,000
General Services O/E		1,500
Senior Citizens O/E		10,000
Parks/Playgrounds O/E		7,000
Electric O/E		110,000
Sewer Systems O/E		45,000
FICA		10,000
<b><u>TOTAL:</u></b>	<b><u>\$272,000</u></b>	<b><u>\$272,000</u></b>

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

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

**COUNCIL REPORTS**

**Mayor Sokolich** - He stated that we have dispensed with Council Reports this evening. He further stated that Fort Lee has suffered the loss of two incredible, iconic individuals and he called upon the following Council members to provide some thoughts in memory of the gentlemen.

The Mayor called on Councilman Cervieri to speak about Joseph “Sonny” Tropea and to honor his memory. Councilman Cervieri spoke about Mr. Tropea’s background and accomplishments.

The Mayor called upon Councilman Suh to speak about Patrick Viola, who the Councilman knew as his football coach. Councilman Suh reported that he had known Mr. Viola for twenty years as his coach for the Junior Bridgeman football team in Fort Lee, a mentor and a friend.

The Mayor asked Councilman Sargenti if he had anything he wanted to add. They both agreed it is very sad.

**Mayor Sokolich** - He stated that he knew both men well and that although Patrick Viola lived in Edgewater, he offered his services to the Borough of Fort Lee. He offered his condolences to both families.

### **PUBLIC PARTICIPATION**

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

There being no public discussion, on motion by Councilman Cervieri, seconded by Councilman Sargenti, and there being no discussion, the meeting was closed to the public.

On motion by Councilman Cervieri, seconded by Councilman Sargenti, and there being no further discussion, the meeting was adjourned with no objections at 7:39 p.m.

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Evelyn Rosario, RMC  
Municipal Clerk