

MAYOR AND COUNCIL
WORK SESSION MEETING MINUTES
APRIL 1, 2021 at 6:30 P.M.

Due to the current situation involving the COVID-19 pandemic, the work session meeting of the Mayor and Council was held remotely. This meeting was accessed by telephone, by dialing one of the numbers listed below and entering the meeting ID number 9 8547261898 and Passcode number 488948.

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SALUTE TO THE FLAG

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

PRESENT: Mayor Sokolich, Council Members Sohmer, Yoon (Via Telephone conference), Suh, Sargenti, Kasofsky, Cervieri

ABSENT: Evelyn Rosario, Municipal Clerk

ALSO PRESENT: Alfred Restaino, Borough Administrator
Nadine Drumgoole, Deputy Municipal Clerk
Brian Chewcaskie, Borough Attorney

OPEN PUBLIC MEETINGS ACT STATEMENT

In accordance with Chapter 231, P.L. 1975 adequate notice informing the public of the time and place of this meeting was duly published in the Record issue of December 22, 2020 and the Jersey Journal and Star Ledger issues of December 24, 2020. Said notice was also posted on the Borough Hall bulletin board, on the outside door of Borough Hall and Borough website.

RESOLUTION FOR CLOSED SESSION

On motion by Councilman Sargenti, seconded by Councilman Suh and approved unanimously, the meeting moved into closed session.

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

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

1. **Personnel:**
 - a. Emergency Medical Services
 - b. Municipal Court
 - c. Police Department

2. **Contracts**
 - a. Appraisal Proposal: Executive Park Tax Appeals, Block 6451, Lots 5.02, 5.03, and 5.04
3. **Legal:**
 - a. Fort Lee Redevelopment Associates, LLC Settlement
 - b. 69 Main Street

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

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

The closed portion of the meeting ended at 7:21 P.M. The open portion of the work session began at 7:30 P.M.

PRESENTATION:

Barrymore Film Center Walk of Fame

Also Present: Nelson Page, Galaxy Management

A selection of honorees names who have made a significant contribution to Fort Lee's history will be placed on the street of stars. The Governing Body agreed upon the following names: Barrymore Family, Theda Bara, Lon Chaney, William Fox, Sam Goldwyn, Alice Guy Blache, Carl Laemmle, Oscar Micheaux, Mary Pickford, Maurice Tourneur and Pearl White.

Councilman Sargenti suggested to reach out to Hollywood Industry for a contribution regarding the honorees that started in Fort Lee and moved to California.

Mayor Sokolich asked how the remaining honorees will be chosen. Nelson Page replied he would like to recognize 2 honorees who have contributed to the industry per year.

The Governing Body discussed their concerns regarding funds and day to day operation of the facility.

GENERAL DISCUSSION:

2021 Budget

Also Present Via Telephone Conference: Steven Wielkotz, Borough Auditor and Matthew Rutch, CFO

Mr. Wielkotz provided an overview of the 2021 Municipal Budget. He indicated that the proposed tax increase of \$44.26 for a home with an average assessment of \$471,117 is less than last year and does not take into account funds being received due to stimulus relief distributions.

Mr. Wielkotz also indicated that during the COVID Pandemic the Borough's surplus increased from \$9.9 million (end of 2019) to \$11.5 million (current.)

The Borough of Fort Lee 2021 budget will be introduced as presented at the April 15, 2021 regular session meeting. Public Hearing scheduled for May 20th regular session meeting but may be postponed until the State addresses.

Sister City: Agreement on Dispatch of Government Officials

The Governing Body reviewed the agreement as presented. A resolution authorizing entering into an agreement on dispatch of government officials with the city of Namyangju, Gyeonggi Province, the Republic of Korea will be placed on the April 15th proposed agenda.

Agreement with Kensington Park Condominiums Association, Inc. and the Royal Buckingham for Municipal Services

Councilman Cervieri recused and was not present for this portion of the meeting.

The Governing Body reviewed the terms, conditions and fees associated with the renewal of this agreement. A resolution authorizing the execution of a municipal services agreement for a term of 5 years will be placed on the April 15th proposed agenda.

Transfer Person-to-Person Liquor License #0219-44-011-006 from B.L.W. World Inc. To H & N Liquor Inc. 1475 Bergen Boulevard

It was the consensus of the Governing Body to authorize the above captioned person to person liquor license transfer.

A resolution will be placed on the April 15th proposed consent agenda.

Waiving of Certain Municipal Permit Fees

Administrator Restaino addressed the Governing Body regarding various permits issued and the possibility of waiving the fees for pool's, outdoor café and garage sales due to the current state of emergency related to COVID-19.

It was the consensus of the Governing Body to waive permit fees as described above.

Amend Chapter 289 -34 "Parking" to Add New Locations: Municipal Garage Located at 231 Main Street and 40 Garage Parking Spaces Managed by the Authority and Located at 100 Park Avenue

An Ordinance amending Chapter 298-34 to add new locations as described above will be placed on the April 15th proposed agenda for introduction.

Sale of Surplus Equipment no Longer Needed for Public Use on an Online Auction Website "Propertyroom.com"

Administrator Restaino addressed the Governing Body regarding a request from Police Department for the sale of various surplus equipment.

A resolution regarding the above captioned will be placed on the April 15th proposed consent agenda.

Accepting a Grant from the Bergen County Division of Community Development in the Amount of \$115,000 for Valley Street and Hazlitt Avenue Road Improvements

A resolution authorizing the acceptance of a Grant regrading the above captioned will be acted upon this evening in open session.

Confirming Endorsement of a Community Development Block Grant Program Application Proposed by Northeast New Jersey Legal Services for a Legal Services Covid Response Project \$100,000

A resolution authorizing the endorsement of a Community Block Grant Program application proposed by Northeast New Jersey Legal Services for a Legal Services Covid Response Project will be placed on the April 15th proposed consent agenda.

Authorizing the Designation of an Official Signatory for a 2020 Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (Bergen County Trust Fund) Constitution Park \$109,766 Matching Grant

A resolution authorizing the designation of an official signatory for a 2020 Bergen County Open Space, Recreation, Floodplain Protection, Farmland and Historic Preservation Trust Fund (Bergen County Trust Fund) grant contract regarding project known as Constitution Park Improvement will be placed on the April 15th proposed consent agenda.

Authorization to Apply for a 2021 Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (Bergen County Trust Fund) Palisades Interstate Park Playground Equipment

Administrator Restaino was seeking approval to apply for Open Space funding for improvements to Palisades Interstate Park Playground Equipment.

A public hearing will be scheduled in accordance with the guidelines established by the Bergen County Open Space Trust Fund.

A resolution authorizing the submission of an application as described above will be placed on a future Mayor and Council meeting agenda.

Endorsing the Fort Lee Housing Authority 's Community Development Block Grant Program Application for Improvements to the Harry J. Holtje House \$95,000

A resolution endorsing the Fort Lee Housing Authority's 2021 Community Development Block Grant program application for improvements to the Harry J. Holtje House will be placed on the April 15th proposed consent agenda.

Post Office Murals Conservation and Treatment Plan

The Governing Body expressed their concerns of the murals being placed in the Community Center and not in the new post office. They suggested digital photos be taken prior to the removal.

Proposal for Professional Engineering and Construction Management Services for Project Known as Abbott Boulevard Streetscaping

Administrator Restaino indicated that Neglia Engineering is putting together a redevelopment plan for the area located at the intersection of Abbott Blvd and Columbia Ave, known as the Junction. Administrator Restaino indicated that the Borough will be applying for grant funding for the above mentioned project.

Mayor Sokolich suggested a welcome sign “Welcome to the Junction” with trolley picture.

Authorizing Change Order No. 's 37 \$10,363,181.57, 38 \$10,479,487.90 & 39 \$10,753,279.69 Dobco, Inc. for Project Known as Barrymore Film Center & Museum

A resolution authorizing the following change orders will be placed on the April 15th proposed consent agenda.

- Change Order No. 37 \$ 96,141.60
- Change Order No. 38 \$ 116,306.33
- Change Order No. 39 \$ 273,791.79

ADD-ON

Click It or Ticket

On behalf of the Police Department, Administrator Restaino addressed the Governing Body seeking their support for the Distracted Driving 2021 Crackdown from April 1 - 30, 2021, which is designed to increase awareness of the dangers of distracted driving.

A resolution will be placed on the April 15th proposed consent agenda.

RESOLUTIONS

R-1 ACCEPTING A GRANT FROM THE BERGEN COUNTY DIVISION OF COMMUNITY DEVELOPMENT IN THE AMOUNT OF \$115,000 FOR VALLEY STREET AND HAZLITT AVENUE ROAD IMPROVEMENTS

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

<p>April 1, 2021 Work Session Meeting</p> <p>Resolution# R-1</p> <p>Carried: X Defeated: ____ Tabled: ____</p> <p>Approved on Consent Agenda:__</p>

RESOLUTION OF THE BOROUGH OF FORT LEE ACCEPTING A GRANT FROM THE COUNTY OF BERGEN DIVISION OF COMMUNITY DEVELOPMENT IN THE AMOUNT OF \$115,000 FOR VALLEY STREET AND HAZLITT AVENUE ROAD IMPROVEMENTS

WHEREAS , the Mayor and Council of the Borough of Fort Lee wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$115,000 in Community Development Block Grant funds for Valley Street and Hazlitt Avenue Road Improvements; and

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

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

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

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

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

ADD ON RESOLUTION

R-2 APPROVING AND AUTHORIZING THE EXECUTION OF A CERTIFICATE OF COMPLETION WITH CONDITIONS AND PARTIAL ASSIGNMENT AND ASSUMPTION OF DEVELOPMENT AGREEMENT AND ASSIGNMENT OF FINANCIAL AGREEMENT BETWEEN THE BOROUGH OF FORT LEE AND 69 MAIN ST. URBAN RENEWAL ASSOCIATES, LLC

Mayor Sokolich Recused and left the chambers.

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

<p>April 1, 2021 Work Session Meeting</p> <p>Resolution# R-2</p> <p>Carried: X Defeated: Tabled:</p> <p>Approved on Consent Agenda:</p>

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE APPROVING AND AUTHORIZING THE EXECUTION OF A CERTIFICATE OF COMPLETION WITH CONDITIONS AND PARTIAL ASSIGNMENT AND ASSUMPTION OF DEVELOPMENT AGREEMENT AND ASSIGNMENT OF FINANCIAL AGREEMENT BETWEEN THE BOROUGH OF FORT LEE AND 69 MAIN ST. URBAN RENEWAL ASSOCIATES, LLC

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

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

WHEREAS, the Company has completed construction and obtained a certificate of occupancy as required from the Borough and provided a certification that same has been completed in conformance with the Development Agreement; and

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

WHEREAS, the Company seeks to transfer to Pinnacle FL Urban Renewal, LLC, hereinafter referred to as “Assignee”, its rights, title, interest, duties and obligations in and to the property, and in connection therewith seeks a transfer of its rights, title and interest in and to the Development Agreement to the Assignee, except for certain rights and obligations enumerated and agreed to by and among Assignor, Assignee and the Borough, collectively (the “Transfer”) pursuant to the Partial Assignment and Assumption of Development Agreement, hereinafter referred to as “Partial Assignment” and “Assignment of Financial Agreement”; and

WHEREAS, Assignee is also acquiring fee simple title to the property; and

WHEREAS, Assignee represents and agrees that it is assuming the rights, duties, title, interest and obligations as set forth in the Certificate of Completion with Conditions, Partial Assignment and Assumption of Development Agreement and Assignment of Financial Agreement as set forth therein, including but not limited to the conditions as established pursuant to such Memorandum of Understanding as approved by Resolution of the Borough of Fort Lee adopted January 21, 2021;

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

1. The Mayor and Borough Clerk are hereby authorized to execute the Certificate of Completion with Conditions in the form attached hereto as Exhibit “A”.

2. The Assignee is hereby designated as Developer of the Project effective as of the date of closing title to the Property, subject to the terms and conditions of the Partial Assignment and Assumption of Development Agreement.
3. The Council authorizes and directs the Mayor and Borough Clerk to execute on behalf of the Borough the Partial Assignment and Assumption of Development Agreement in the form attached hereto as Exhibit "B", subject to the review and approval by the Borough Attorney.
4. The Council authorizes and directs the Mayor and Borough Clerk to execute on behalf of the Borough the Assignment of Financial Agreement in the form attached hereto as Exhibit "C", and also any amendments that may be required to the Financial Agreement, subject to the review and approval of the Borough Attorney.
5. The Mayor and Borough Clerk are hereby authorized, empowered and directed to execute and deliver on behalf of the Borough such other documents and/or instruments as are necessary to effectuate the actions authorized herein, including but not limited to documents to effectuate the implementation of the requirements of the Memorandum of Understanding approved by the Mayor and Council on January 21, 2021.
6. All fees, costs and expenses incurred by the Borough of Fort Lee, including the charges of the Borough Attorney, shall be paid by the Company or the Company's Assignee for the preparation, review of all necessary documents to effectuate the terms of this Resolution, including those required pursuant to the Resolution approving the Memorandum of Understanding dated January 21, 2021.

PUBLIC PARTICIPATION

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

<u>Speaker</u>	<u>Topic</u>	<u>Response</u>
None.		

There being no further discussions the meeting was adjourned on motion by Councilman Cervieri, seconded by Councilman Suh, at 8:29 P.M.

Nadine Drumgoole, RMC
Deputy Municipal Clerk