

## **REGULAR MEETING**

### **MAYOR AND COUNCIL**

**Thursday, August 8, 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, Yoon, Suh, 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**

"I am going to dispense with a long statement tonight other than just to eulogize a dear, local, East Bergen guy that passed away this past Sunday. Many of you in the room know, knew Bryan Christiansen, the former Mayor of the Borough of Edgewater was a personal friend of mine of 25 years. Bryan was a great guy. For those of you that knew him, he was a leader. he was a friend. At his eulogy today at his funeral, a Councilman called him the father of modern-day Edgewater, and I agree with that completely. He provided the Borough of Edgewater with great leadership at a time when that town needed it. I cannot think of any better example of a town that was at one point when he became Mayor and ended up at a certain level after he left office. And there was great progress that was there and accomplished in the Borough of Edgewater during his tenure as Mayor. Bryan was an acclaimed expert in the field of waste and waste processing with utilities authorities. He served as Chairman for the joint session in Passaic County. He served on various national boards and he was an accomplished man. A very bright guy and a dear friend. So, I am going to ask everybody for a very brief moment of silence in honor of Bryan Christiansen. If you would, please. Thank you.

After the funeral I was contacted, not by just only Mayor McPartland of Edgewater, but probably 15 other people that attended that funeral. And of course, they spoke highly of Bryan, their mentor and their friend, but they also added that the way they felt, the respect that was paid to that man, as a result of the way our officers conducted themselves at that funeral today made me as the Mayor of this town feel better and as good as I have ever felt. They just said that you completely uplifted the family, you gave a man that deserved respect the right respect. So, to our Fort Lee officers and the escort that was performed today, thank you very, very much. And I cannot begin to tell you how impactful that is for the family and friends of the loved one. So, just a round of applause for you. So, thank you for that."

### **POLICE DEPARTMENT PROMOTIONS/RESOLUTIONS & OATHS OF OFFICE**

**R-1 Authorizing the Promotion of Captain Daniel Zusi to Deputy Police Chief of the Fort Lee Police Department**

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

**AUTHORIZING THE PROMOTION OF CAPTAIN DANIEL ZUSI TO DEPUTY POLICE CHIEF OF THE FORT LEE POLICE DEPARTMENT**

**WHEREAS** , the Mayor and Council of the Borough of Fort Lee wish to promote **Captain Daniel Zusi** , to the rank of **Deputy Police Chief** with an effective date of August 8, 2019; and

**NOW, THEREFORE, BE IT RESOLVED** that this promotion will be certified by the New Jersey Civil Service Commission and shall be at a salary of \$205,000.00 as outlined by the P.B.A. contract.

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

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

**R-2 Authorizing the Promotion of Police Lieutenant Ricky Mirkovic to Police Captain of the Fort Lee Police Department**

Councilman Cervieri introduced, and Council woman Kasofsky seconded , the following resolution:

**AUTHORIZING THE PROMOTION OF POLICE LIEUTENANT RICKY MIRKOVIC TO POLICE CAPTAIN OF THE FORT LEE POLICE DEPARTMENT**

**WHEREAS** , the Mayor and Council of the Borough of Fort Lee wish to promote **Lieutenant Ricky Mirkovic** , to the rank of **Police Captain** with an effective date of August 8, 2019; and

**NOW, THEREFORE, BE IT RESOLVED** that this promotion will be certified by the New Jersey Civil Service Commission and shall be at a salary set forth as outlined by the P.B.A. contract.

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

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

**R-3 Authorizing the Promotion of Detective Dimitri Findanis to Police Sergeant of the Fort Lee Police Department**

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

**AUTHORIZING THE PROMOTION OF DETECTIVE DIMITRI FINDANIS TO POLICE SERGEANT OF THE FORT LEE POLICE DEPARTMENT**

**WHEREAS** , the Mayor and Council of the Borough of Fort Lee wish to promote **Detective Dimitri Findanis** , to the rank of **Police Sergeant** with an effective date of August 8, 2019; and

**NOW, THEREFORE, BE IT RESOLVED** that this promotion will be certified by the New Jersey Civil Service Commission and shall be at a salary set forth as outlined by the P.B.A. contract.

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

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

**POLICE STATEMENT BY POLICE CHIEF MATTHEW HINTZE**

He thanked the Mayor and Council, Borough Administrator and Borough Clerk for having the ceremony tonight and for their continued support of the Police Department. He thanked his leadership team for helping him transition to Chief of Police and for providing excellent leadership. He thanked acknowledged the past Fort Lee Chiefs Bendul, Ripoli and Tessaro for attending tonight, as well as the Chiefs and Officers from the surrounding agencies and communities, especially Bergen County Police Chief Anzilotti.

He asked Daniel Zusi 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 Daniel Zusi in as Deputy Police Chief. His daughters Mackenzie and Izzabella held the bible, his wife Jennifer pinned his badge. Also joining them were his brother Fort Lee Police Detective Jared Zusi.

He asked Ricky Mirkovic 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 Ricky Mirkovic in as Police Captain. His parents Zeljko and Korina Mirkovic held the bible, his brother, Fort Lee Police Detective Dean Mirkovic, pinned his badge.

He asked Dimitri Findanis 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 Dimitri Findanis in as Police Sergeant. His wife Stacie held the bible, Fort Lee Police Sergeant George Koutroubinis pinned his badge.

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 7:26 P.M.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, the meeting was reconvened at 7:35 P.M.

**PROCLAMATION**

Proclamation Read by Municipal Clerk Evelyn Rosario

**Drive Sober or Get Pulled Over 2019 Statewide Crackdown**

**Whereas**, approximately one-third of all fatal traffic crashes in the United States involve impaired drivers; and

**Whereas**, impaired driving crashes killed 10,874 people in the United States in 2017; and

**Whereas** , impaired driving crashes cost the United States almost \$44 Billion a year; and

**Whereas** , during the past five years New Jersey’s roadways experienced 36,778 crashes and 679 fatalities involving impaired drivers; and

**Whereas** , an enforcement crackdown is planned to combat impaired driving; and

**Whereas** , the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

**Whereas** , the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Drive Sober or Get Pulled Over 2019 Statewide Crackdown; and

**Whereas** , the project will involve increased impaired driving enforcement from August 16 through September 2, 2019; and

**Whereas** , an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

**NOW, THEREFORE, BE IT RESOLVED** that I, Mayor Mark J. Sokolich and the Borough Council of the Borough of Fort Lee, along with the Fort Lee Police Department, declares its support for the **Drive Sober or Get Pulled Over 2019 Statewide Crackdown** from August 16<sup>th</sup> through September 2<sup>nd</sup>, 2019 and pledges to increase awareness of the dangers of drinking and driving.

#### **APPROVAL OF MINUTES**

On motion by Councilman Cervieri, seconded by Councilman Suh, and carried unanimously, the minutes of the June 6, 2019 Work Session were approved.

On motion by Councilman Cervieri, seconded by Councilman Suh, and carried unanimously, the minutes of the June 13, 2019 Regular Session were approved.

On motion by Councilman Cervieri, seconded by Councilman Suh, and carried unanimously, the minutes of the July 18, 2019 Work Session were approved.

#### **INTRODUCTION OF ORDINANCES**

**Ord. #2019-16 “AN ORDINANCE AUTHORIZING THE ABROGATION AND EXECUTION OF A LEASE AGREEMENT FOR BOROUGH PROPERTY WITH HOOK AND LADDER COMPANY #3 ” (Public Hearing September 12, 2019)**

**On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried, Ord. #2019-16** entitled “AN ORDINANCE AUTHORIZING THE ABROGATION AND EXECUTION OF A LEASE AGREEMENT FOR BOROUGH PROPERTY WITH HOOK AND LADDER COMPANY #3” (Public Hearing September 12, 2019) was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **September 12, 2019**.

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

**Ord. #2019-17 “AN ORDINANCE AMENDING CHAPTER 388 ARTICLE V SCHEDULES, SECTION 67 SCHEDULE XXI, PARKING PROHIBITED DURING**

**CERTAIN TIMES DURING THE WINTER MONTHS AND SECTION 68, SCHEDULE XXII, PARKING PROHIBITED WHEN ROAD IS SNOW COVERED OF THE CODE OF THE BOROUGH OF FORT LEE ” (Public Hearing September 12, 2019)**

**On motion by Councilman Cervieri , seconded by Council man Suh , and carried, Ord. #2019-17** entitled “AN ORDINANCE AMENDING CHAPTER 388 ARTICLE V SCHEDULES, SECTION 67 SCHEDULE XXI, PARKING PROHIBITED DURING CERTAIN TIMES DURING THE WINTER MONTHS AND SECTION 68, SCHEDULE XXII, PARKING PROHIBITED WHEN ROAD IS SNOW COVERED OF THE CODE OF THE BOROUGH OF FORT LEE” (Public Hearing September 12, 2019) was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **September 12 , 2019**.

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

**Ord. #2019-18 “AN ORDINANCE AMENDING CHAPTER 289- PARKING, ARTICLE VI OVERNIGHT PARKING, SECTION 48 NO OVERNIGHT PARKING ZONES, OF THE CODE OF THE BOROUGH OF FORT LEE ” (Public Hearing September 12, 2019)**

**On motion by Councilman Cervieri , seconded by Council man Suh , and carried, Ord. #2019-18** entitled “AN ORDINANCE AMENDING CHAPTER 289- PARKING, ARTICLE VI OVERNIGHT PARKING, SECTION 48 NO OVERNIGHT PARKING ZONES, OF THE CODE OF THE BOROUGH OF FORT LEE” (Public Hearing September 12, 2019) was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **September 12 , 2019**.

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

**Ord. #2019-19 “AN ORDINANCE AMENDING CHAPTER 289 PARKING, SECTION 15, PARKING METER ZONES ESTABLISHED; VIOLATIONS AND PENALTIES OF THE CODE OF THE BOROUGH OF FORT LEE ” (Public Hearing September 12, 2019)**

**On motion by Councilman Cervieri , seconded by Council man Sohmer , and carried, Ord. #2019-19** entitled “AN ORDINANCE AMENDING CHAPTER 289 PARKING, SECTION 15, PARKING METER ZONES ESTABLISHED; VIOLATIONS AND PENALTIES OF THE CODE OF THE BOROUGH OF FORT LEE” (Public Hearing September 12, 2019) was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **September 12 , 2019**.

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

**Ord. #2019-20 “AN ORDINANCE AMENDING CHAPTER 388 VEHICLES AND TRAFFIC, SECTION 56 SCHEDULE XII: TAXI STANDS; VIOLATIONS AND PENALTIES OF THE CODE OF THE BOROUGH OF FORT LEE ” (Public Hearing September 12, 2019)**

**On motion by Councilman Cervieri , seconded by Council man Sohmer , and carried, Ord. #2019-20** entitled “AN ORDINANCE AMENDING CHAPTER 388 VEHICLES AND TRAFFIC, SECTION 56 SCHEDULE XII: TAXI STANDS; VIOLATIONS AND PENALTIES OF THE CODE OF THE BOROUGH OF FORT LEE” (Public Hearing September 12, 2019) was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **September 12 , 2019**.

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

**Ord. #2019-21 “AN ORDINANCE AMENDING CHAPTER 90 POLICE DEPARTMENT, SECTION 6 OF THE CODE OF THE BOROUGH OF FORT LEE SPECIAL LAW ENFORCEMENT OFFICERS CLASS III COMPENSATION ” (Public Hearing September 12, 2019)**

**On motion by Councilman Cervieri , seconded by Council man Suh , and carried, Ord. #2019-21** entitled “AN ORDINANCE AMENDING CHAPTER 90 POLICE DEPARTMENT, SECTION 6 OF THE CODE OF THE BOROUGH OF FORT LEE SPECIAL LAW ENFORCEMENT OFFICERS CLASS III COMPENSATION” (Public Hearing September 12, 2019) was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **September 12 , 2019**.

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

**Ord. #2019-22 “AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING CHAPTER 6, AMBULANCE CORPS, SECTION 8 OFFICERS, ACTING OFFICERS, AND ENGINEERS ” (Public Hearing September 12, 2019)**

**On motion by Councilman Cervieri , seconded by Council man Sohmer , and carried, Ord. #2019-22** entitled “AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING CHAPTER 6, AMBULANCE CORPS, SECTION 8 OFFICERS, ACTING OFFICERS, AND ENGINEERS” (Public Hearing September 12, 2019) was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **September 12 , 2019**.

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

**Ord. #2019-23 “AN ORDINANCE ABOLISHING THE BOROUGH OF FORT LEE LOCAL ASSISTANCE BOARD ” (Public Hearing September 12, 2019)**

**On motion by Councilman Cervieri , seconded by Council woman Kasofsky , and carried, Ord. #2019-23** entitled “AN ORDINANCE ABOLISHING THE BOROUGH OF FORT LEE LOCAL ASSISTANCE BOARD” (Public Hearing September 12, 2019) was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **September 12 , 2019**.

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

**Ord. #2019-24 “AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 388, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF FORT LEE ” (Public Hearing September 12, 2019)**

**On motion by Councilman Cervieri , seconded by Council man Sohmer , and carried, Ord. #2019-24** entitled “AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 388, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF FORT LEE” (Public Hearing September 12, 2019) was introduced

and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **September 12 , 2019**.

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

**Ord. #2019-25 “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 289 PARKING, SECTION 15 PARKING METER ZONES ESTABLISHED; VIOLATIONS AND PENALTIES OF THE CODE OF THE BOROUGH OF FORT LEE ” (Public Hearing September 12, 2019)**

**On motion by Councilman Cervieri , seconded by Council man Sohmer , and carried, Ord. #2019-25** entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 289 PARKING, SECTION 15 PARKING METER ZONES ESTABLISHED; VIOLATIONS AND PENALTIES OF THE CODE OF THE BOROUGH OF FORT LEE” (Public Hearing September 12, 2019) was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **September 12 , 2019**.

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

**Ord. #2019-26 “AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH CCM COMPANY, LLC ” (Public Hearing September 12, 2019)**

**On motion by Councilman Cervieri , seconded by Council man Sohmer , and carried, Ord. #2019-26** entitled “AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH CCM COMPANY, LLC” (Public Hearing September 12, 2019) was introduced and passed on first reading.

The Ordinance was **approved** on the following roll call, and the public hearing relative to this ordinance was scheduled for **September 12 , 2019**.

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

## **ORDINANCE PUBLIC HEARINGS**

**Ord. #2019- 14 “FLOOD DAMAGE PREVENTION ORDINANCE ”**

**On motion by Councilman Cervieri , seconded by Councilman Sohmer , and carried, the public hearing was opened relative to Ord. #2019- 14** entitled “FLOOD DAMAGE PREVENTION ORDINANCE”.

## **FLOOD DAMAGE PREVENTION ORDINANCE**

### **SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

#### **1.1 STATUTORY AUTHORIZATION**

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1,et seq., delegated the responsibility to local governmental units to adopt regulations

designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Mayor and Council of the Borough of Fort Lee of Bergen County, New Jersey does ordain as follows:

### **1.2 FINDINGS OF FACT**

- a) The flood hazard areas of the Borough of Fort Lee are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

### **1.3 STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a) Protect human life and health;
- b) Minimize expenditure of public money for costly flood control projects;
- c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) Minimize prolonged business interruptions;
- e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

### **1.4 METHODS OF REDUCING FLOOD LOSSES**

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

## **SECTION 2.0 DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.



**AH Zone-** Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone

**AO Zone-** Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

**Appeal** – A request for a review of the Zoning Officer interpretation of any provision of this ordinance or a request for a variance.

**Area of Shallow Flooding** – A designated AO or AH zone on a community's Flood Insurance Rate Map with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard** – Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

**Base Flood** – A flood having a one percent chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE)** - The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect ( $BFE = SWEL + \text{wave effect}$ ) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

**Basement** – Any area of the building having its floor subgrade (below ground level) on all sides.

**Best Available Flood Hazard Data** – The most recent available flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM.

**Best Available Flood Hazard Data Elevation** – The most recent available flood elevation FEMA has provided. The Best Available Flood Hazard Data Elevation may be depicted on an Advisory Flood Hazard Area Map, Work Map or Preliminary FIS and FIRM.

**Breakaway Wall** – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

**Coastal A Zone** - The portion of the Special Flood Hazard Area (SFHA) starting from a Velocity (V) Zone and extending up to the landward Limit of the Moderate Wave Action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and development in Coastal A Zones is to be regulated the same as V Zones/Coastal High Hazard Areas.

**Coastal High Hazard Area** – An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

**Development** – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

**Elevated Building** – A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor or, in the case of a building in a Coastal High-Hazard Area or Coastal A Zone, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of Coastal High Hazard and Coastal A Zones "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

**Erosion** – The process of gradual wearing away of land masses.

**Existing Manufactured Home Park or Subdivision** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Flood or Flooding** – A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM)** – The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)** – The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

**Floodplain Management Regulations** – Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such federal, State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodproofing** – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Freeboard** – A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**Highest Adjacent Grade** – The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

**Historic Structure** – Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved State program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in States without approved programs.

**Limit of Moderate Wave Action ( LiMWA)** - Inland limit of the area affected by waves greater than 1.5 feet during the Base Flood. Base Flood conditions between the V Zone and the LiMWA will be similar to, but less severe than those in the V Zone.

**Lowest Floor** – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

**Manufactured Home** – A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**Manufactured Home Park or Manufactured Home Subdivision** – A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**New Construction** – Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

**Preliminary Flood Insurance Rate Map ( pre FIRM)** – The draft version of the FIRM released for public comment before finalization and adoption.

**Primary Frontal Dune** – A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

**Recreational Vehicle** – A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for

recreational, camping, travel, or seasonal use.

**Sand Dunes** – Naturally occurring or man-made accumulations of sand in ridges or mounds landward of the beach.

**Start of Construction** – (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** – A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

**Substantial Damage** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**Substantial Improvement** – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Variance** – A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

**Violation** – The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

## **SECTION 3.0 GENERAL PROVISIONS**

### **3.1 LANDS TO WHICH THIS ORDINANCE APPLIES**

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Fort Lee, Bergen County, New Jersey.

### **3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard for the Borough of Fort Lee, Community No. 340035 are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report “Flood Insurance Study, Bergen County, New Jersey (All Jurisdictions)” dated August 28, 2019.
- b) “Flood Insurance Rate Map for Bergen County, New Jersey (All Jurisdictions)” as shown on Index and panels 34003C0276H; 34003C0277H; 34003C0278H, whose effective date is August 28, 2019.
- c) Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement shall prevail.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at 1365 Inwood Terrace, Fort Lee, New Jersey.

### **3.3 PENALTIES FOR NONCOMPLIANCE**

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$10,000.00 or imprisoned for not more than thirty (30) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Fort Lee, from taking such other lawful action as is necessary to prevent or remedy any violation.

### **3.4 ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### **3.5 INTERPRETATION**

In the interpretation and application of this ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and,
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

### **3.6 WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Borough of Fort Lee, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

## **SECTION 4.0 ADMINISTRATION**

### **4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be obtained before construction or development begins,

including placement of manufactured homes, within any area of special flood hazard established in section 3.2. Application for a Development Permit shall be made on forms furnished by the Zoning Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been floodproofed.
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 5.2-2; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

#### **4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR**

The Zoning Officer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

#### **4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR**

Duties of the Zoning Officer shall include, but not be limited to:

##### **4.3-1 PERMIT REVIEW**

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits in the coastal high hazard and Coastal A Zone area to determine if the proposed development alters sand dunes or other natural coastal protections so as to increase potential flood damage.
- d) Review plans for walls to be used to enclose space below the base flood level in accordance with section 5.3-2 d).

##### **4.3-2 USE OF OTHER BASE FLOOD DATA**

When base flood elevation data has not been provided in accordance with section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Zoning Officer shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

##### **4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED**

- a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b) For all new or substantially improved floodproofed structures:
  - i. verify and record the actual elevation (in relation to mean sea level); and
  - ii. maintain the floodproofing certifications required in section 4.1 c).
- c) In coastal high hazard and Coastal A Zone areas, certification shall be obtained from a registered professional engineer or architect that the provisions of 5.3-2 a) and 5.3-2 b) i. and ii. are met.
- d) Maintain for public inspection all records pertaining to the provisions of this ordinance.

##### **4.3-4 ALTERATION OF WATERCOURSES**

- a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

- b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

#### **4.3-5 SUBSTANTIAL DAMAGE REVIEW**

- a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.
- c) Ensure substantial improvements meet the requirements of sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION and 5.2-3, SPECIFIC STANDARDS, MANUFACTURED HOMES.

#### **4.3-6 INTERPRETATION OF FIRM BOUNDARIES**

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

### **4.4 VARIANCE PROCEDURE**

#### **4.4-1 APPEAL BOARD**

- a) The appeal board as established by Mayor and Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Zoning Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Officer in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the Zoning Board of Adjustment, or any taxpayer, may appeal such decision to the Fort Lee Municipal Court, as provided in statute.
- d) In passing upon such applications, the Zoning Board of Adjustment, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
  - i. the danger that materials may be swept onto other lands to the injury of others;
  - ii. the danger to life and property due to flooding or erosion damage;
  - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - iv. the importance of the services provided by the proposed facility to the community;
  - v. the necessity to the facility of a waterfront location, where applicable;
  - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - vii. the compatibility of the proposed use with existing and anticipated development;
  - viii. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
  - ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  - xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- e) Upon consideration of the factors of section 4.4-1 d) and the purposes of this ordinance, the Zoning Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

- f) The Zoning Officer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

#### **4.4-2 CONDITIONS FOR VARIANCES**

- a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i.-xi. in section 4.4-1 d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d) Variances shall only be issued upon:
  - i. A showing of good and sufficient cause;
  - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
  - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 4.4- 1 d), or conflict with existing local laws or ordinances.
- e) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

### **SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION**

#### **5.1 GENERAL STANDARDS**

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

##### **5.1-1 ANCHORING**

- a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

##### **5.1-2 CONSTRUCTION MATERIALS AND METHODS**

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

##### **5.1-3 UTILITIES**

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;



- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### **5.1-4 SUBDIVISION PROPOSALS**

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
- d) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

#### **5.1-5 ENCLOSURE OPENINGS**

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

#### **5.2 SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in section 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

##### **5.2-1 RESIDENTIAL CONSTRUCTION**

- a) For Coastal A Zone construction see section 5.3 COASTAL HIGH HAZARD AREA AND COASTAL A ZONE.
- b) New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities (including all electrical, heating, ventilating, air- conditioning and other service equipment) and sanitary facilities, elevated at or above the more restrictive, base flood elevation (published FIS/FIRM) plus one (1) foot, the best available flood hazard data elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 2-1,;
- c) Require within any AO or AH zone on the municipality's DFIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified) ) or at or above the best available flood hazard data elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

##### **5.2-2 NONRESIDENTIAL CONSTRUCTION**

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone (for Coastal A Zone construction see section 5.3 COASTAL

HIGH HAZARD AREA AND COASTAL A ZONE) shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment: either

- a) Elevated at or above the more restrictive, base flood elevation (published FIS/FIRM) plus one (1) foot, the best available flood hazard data elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 2-1; and
- b) Require within any AO or AH zone on the municipality's FIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified) or at or above the best available flood hazard data elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

or

- c) Be floodproofed so that below the more restrictive, base flood elevation (published FIS/FIRM) plus one (1) foot, the best available flood hazard data elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 6-1, the structure is watertight with walls substantially impermeable to the passage of water;
- d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- e) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 b) ii.

### **5.2-3 MANUFACTURED HOMES**

- a) Manufactured homes shall be anchored in accordance with section 5.1-1 b).
- b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
  - i. Be consistent with the need to minimize flood damage,
  - ii. Be constructed to minimize flood damage,
  - iii. Have adequate drainage provided to reduce exposure to flood damage;
  - iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the more restrictive, base flood elevation (published FIS/FIRM) plus one (1) foot, the best available flood hazard data elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 2-1,
  - v. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

### **5.3 COASTAL HIGH HAZARD AREA AND COASTAL A ZONE**

Coastal high hazard areas (V or VE Zones) and coastal A Zones are located within the areas of special flood hazard established in section 3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

#### **5.3-1 LOCATION OF STRUCTURES**

- a) All buildings or structures shall be located landward of the reach of the mean high tide.
- b) The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or subdivision.

#### **5.3-2 CONSTRUCTION METHODS**

##### **a) ELEVATION**

All new construction and substantial improvements shall be elevated on piling or columns so that:

- i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated at or above the more restrictive, base flood elevation (published FIS/FIRM) plus one (1) foot, the best available flood hazard data elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 4-1,;
- ii. All electrical, heating, ventilating, air-conditioning, mechanical equipment and other equipment servicing the building is elevated at or above the more restrictive, base flood elevation (published FIS/FIRM) plus one (1) foot, the best available flood hazard data elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 4-1,
- iii. With all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in section 5.3-2 d).

**b) STRUCTURAL SUPPORT**

- i. All new construction and substantial improvements shall be securely anchored on piling or columns.
- ii. The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- iii. Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, V, and Coastal A on the community's FIRM.

**c) CERTIFICATION**

A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of sections 5.3-2 a) and 5.3-2 b) i. and ii.

**d) SPACE BELOW THE LOWEST FLOOR**

- i. Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.
- ii. Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.
  - (i) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,
  - (ii) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.
- iii. If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.
- iv. Prior to construction, plans for any breakaway wall must be submitted to the Construction Code Official or Building Sub-Code Official for approval.

### 5.3-3 SAND DUNES

Prohibit man-made alteration of sand dunes within Coastal A Zones, VE and V Zones on the community's DFIRM which would increase potential flood damage.

## SECTION 6.0 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

## SECTION 7.0 ENACTMENT

### 7.01 ADOPTION

This Ordinance shall be effective on August 28, 2019 and shall remain in force until modified, amended or rescinded by the Borough of Fort Lee, Bergen County, New Jersey.

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

**On motion by Councilman Cervieri, seconded by Council man Suh,** the Ordinance was **adopted** on the following roll call:

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

**Ord. #2019-15 "AN ORDINANCE OF THE BOROUGH OF FORT LEE, COUNTY OF BERGEN, NEW JERSEY, ACCEPTING THE GRANT OF AMENDED EASEMENTS FROM VARIOUS PROPERTY OWNERS FOR THE EAST PARCEL IN REDEVELOPMENT AREA 5" (Public Hearing August 8, 2019)**

Councilman Cervieri recused and left the dais.

**On motion by Councilman Suh, seconded by Councilman Sohmer, and carried, the public hearing was opened relative to Ord. #2019-15** entitled "AN ORDINANCE OF THE BOROUGH OF FORT LEE, COUNTY OF BERGEN, NEW JERSEY, ACCEPTING THE GRANT OF AMENDED EASEMENTS FROM VARIOUS PROPERTY OWNERS FOR THE EAST PARCEL IN REDEVELOPMENT AREA 5"

**AN ORDINANCE OF THE BOROUGH OF FORT LEE, COUNTY OF BERGEN, NEW JERSEY, ACCEPTING THE GRANT OF AMENDED EASEMENTS FROM VARIOUS PROPERTY OWNERS FOR THE EAST PARCEL IN REDEVELOPMENT AREA 5**

**BE IT ORDAINED**, by the Borough Council of the Borough of Fort Lee, Bergen County, New Jersey that:

**Section 1.** Pursuant to N.J.S.A. 40:48-2, the Borough of Fort Lee (the "Borough") is authorized to adopt an ordinance for the preservation of public health, safety and welfare.

**Section 2.** Pursuant to N.J.S.A. 40A:12-22, the Borough has the power to accept the grant of real property for public purpose.

**Section 3.** Pursuant to N.J.S.A. 40A:12A-8, the Borough has the power to acquire or accept interests in real property for the public purpose of redevelopment.

**Section 4.** Pursuant to the "Redevelopment Agreement and Covenants" between the Borough Council of the Borough and Fort Lee Redevelopment Associates, L.L.C. ("FLRA") dated as of February 2, 2012 and recorded on May 16, 2012, the Borough designated FLRA as redeveloper of various properties including those identified as Block 4851.04, Lot 1, 2, 3

and 4, referred to as the “East Parcel” in the Redevelopment Agreement, which Redevelopment Agreement was last amended by Amendment #3 dated April 13, 2018 (collectively referred to herein as the “Redevelopment Agreement”).

**Section 5.** Fort Lee Phase I Owner LLC is the owner of Block 4851.04, Lot 1, Fort Lee Phase II Owner LLC is the owner of Block 4851.04, Lots 2 & 3 and Fort Lee Phase II Urban Renewal LLC is the owner of Block 4851.04, Lot 4 (the “Property”), as successors in title to FLRA (collectively referred to herein as the “Owners”).

**Section 6.** In 2012, the Owners previously conveyed Easements in perpetuity to the Borough for the East Parcel.

**Section 7.** Amendment #3 of the Redevelopment Agreement approved changes to the Public Park Component and Restaurant and the associated easements currently in place, including but not limited to the Central Green Easement, Terrace Easement, Utilities Easement, Drive Aisle Easement, Ventilation Easement and Pedestrian Access Easement.

**Section 8.** Amendment #2 of the Redevelopment Agreement dated December 6, 2017 approved changes to the theater/museum construction as well as the Theater/Museum Space Easement and the Public Parking Spaces Easement.

**Section 9.** The Owners agree to convey amended Easements in perpetuity to the Borough for its use, occupancy and enjoyment and the use, occupancy and enjoyment of its licensees, successors in interest and assigns, in connection with the Public Park Component, Theater/Museum Space and the Public Parking Spaces on the Property (the “Easements”).

**Section 10.** The Borough has determined that it is in the public interest for the public health, safety and welfare as well as the furtherance of the redevelopment of Redevelopment Area 5 to accept the grant of the amended Easements for the purposes set forth above.

**BE IT FURTHER ORDAINED**, by the Borough Council of the Borough of Fort Lee, Bergen County, New Jersey that:

**Section 1.** The acceptance the grant of the amended Easements on the Property to the Borough for the purposes set forth in each amended Easement and hereby are authorized for nominal compensation.

**Section 2.** The Mayor and Borough Clerk are hereby authorized and directed to execute amended deeds of Easement in substantially the same form as attached hereto and made a part hereof as Exhibit “A” and any other documents which may be required to accept the grant of the aforesaid real property interests.

**BE IT FURTHER ORDAINED**, that any ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**BE IT FURTHER ORDAINED**, that if any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

**BE IT FURTHER ORDAINED**, that this ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

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

**On motion by Councilman Sohmer, seconded by Council woman Kasofsky**, the Ordinance was **adopted** on the following roll call:

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

**PROPOSED CONSENT AGENDA**

**On motion by Councilman Cervieri, seconded by Councilman Sargenti,** the Proposed Consent Agenda was introduced, and the public hearing was opened relative to items CA-1 through CA-15

**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	\$24,538,231.98
Current - Grant	17,455.02
Capital	3,419,372.64
Road Improvement Plan	
Multiple Dwelling	
Construction Fees	
COAH Fees	
Senior Citizen Advisory Council	6,546.40
Trip Admissions	14,315.29
Special Dog Account	
Trust Account Fund	
Disability Insurance Trust	
Public Assistance Trust Fund	
Police Activity Trust	
Fort Lee Film Commission	1,601.80
Community Development	
Redemption Account	344,124.39
School Resource Account	
Dedicated Penalties (Fire Prevention)	
POAA	
Cop Card Donation	
Police Treasury	57,629.61
Police Justice	4,353.51
Flexible Spending	528.50
Trust Account	
Developers BOFNJ	64,333.59
Developers B of America	13,403.67
Fire Prevention Recycling Donation	<u>1,738.23</u>
<b>Total:</b>	<b>\$28,483,634.63</b>

**CA-2 Authorizing the Naming of the Barrymore Film Center and Museum** "

**RESOLUTION OF THE BOROUGH OF FORT LEE NAMING AND DESIGNATING THE BOROUGH FACILITY LOCATED AT 156 MAIN STREET AS THE BARRYMORE FILM CENTER AND MUSEUM**

**BE IT RESOLVED,** by the Mayor and Council of the Borough of Fort Lee, New Jersey, that the Borough facility located at 156 Main Street is hereby named and designated as the Barrymore Film Center & Museum; and

**BE IT FURTHER RESOLVED,** that the Borough Administrator is hereby directed to obtain and install appropriate signage to recognize this designation.

**CA-3 Authorizing the Award of a Contract for Professional Consulting Services Regarding the Borough 's Proposed Barrymore Film Center and Museum to Hudson**

**Operating Co. D/B/A Galaxy Management, Not to Exceed \$43,200.00**

**A RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL CONSULTING SERVICES TO HUDSON OPERATING CO. D/B/A GALAXY MANAGEMENT**

**WHEREAS**, the Mayor and Council of the Borough of Fort Lee have determined there is a need for consulting services regarding the planning, outfitting, construction and programming at the Borough's proposed Barrymore Film Center and Museum as part of the Eastern Parcel for Redevelopment Area 5; and

**WHEREAS**, the Borough wishes to retain the services of a management company to provide technical advice and expertise with regard to the proposed Barrymore Film Center and Museum; and

**WHEREAS**, on prior occasion pursuant to duly adopted resolutions, the Borough awarded contracts to Hudson Operating Co., Inc. d/b/a Galaxy Management ("Galaxy") for the provision of technical advice and expertise pertaining to the proposed Barrymore Film Center and Museum; 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**, services to provide technical advice and expertise on the proposed Barrymore Film Center and Museum are recognized as "professional services" as these services are deemed to be original and creative in character in a recognized field of artistic endeavor, pursuant to and in accordance with N.J.S.A. 40A:11-2(6); and

**WHEREAS**, the services to be performed by the consultant are professional services and this contract is awarded without competitive bidding as a "professional service" pursuant to and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the Borough wishes to retain the services of Galaxy to perform such professional consulting services in accordance with its proposal, dated June 15, 2019, and attached hereto; and

**WHEREAS**, Galaxy possesses the requisite expertise and skilled personnel required to provide professional consulting services in the form of technical advice and expertise related to the proposed Barrymore Film Center and Museum; and

**WHEREAS**, the Mayor and Council of the Borough desire to award a contract for professional consulting services to Galaxy 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 consulting services related to the proposed theater/museum will be performed by Galaxy for annual compensation in an amount not to exceed \$43,200.00, to be paid at a monthly rate of \$3,600 based upon a rate of \$60.00 per hour as reflected in Galaxy's proposal; and

**WHEREAS**, because the annual compensation to be paid to Galaxy exceeds 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., the contract is subject to the provisions of the New Jersey Local Unit Pay-To-Play Law; and

**WHEREAS**, the receipt of a proposal from Galaxy to provide professional consulting services was pursuant to a non-fair and open process in accordance with the

provisions of New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq.; and

**WHEREAS**, Galaxy 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 Borough 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 and the certification have been submitted by Galaxy and shall be placed and maintained on file at the office of the Borough Clerk; and

**WHEREAS**, the Borough's Chief Financial Officer has reviewed the Borough's available funds and has determined that sufficient funds are available to award a contract for professional consulting services pertaining to the proposed Barrymore Film Center and Museum, said certification being attached to this resolution; and

**WHEREAS**, the award of a contract for professional consulting services for planning, outfitting, construction and programming at the Borough's proposed Barrymore Film Center and Museum is in the best interests of the Borough and its citizens; and

**WHEREAS**, the Borough has determined that the award of this contract is necessary for its continued 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 Hudson Operating Co., Inc. d/b/a Galaxy Management shall be and is hereby appointed to perform professional consulting services in the form of technical advice and expertise related to the planning, outfitting, construction and programming at the Borough's proposed Barrymore Film Center and Museum, in accordance with its proposal, dated June 15, 2019, attached hereto and made a part hereof.

2. That the Mayor shall be and is hereby authorized to execute a contract between the Borough and Hudson Operating Co., Inc. d/b/a Galaxy Management, providing for annual compensation in an amount not to exceed \$43,200.00, and further memorializing the scope of work and such other terms and conditions as may be necessary.

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 has certified as to the availability of funds for this purpose.

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

**CA-4 Authorizing the Award of a Contract for Professional Architectural Services to Melillo and Bau er, Associates Regarding the Palisades Interstate Park, Not to Exceed \$17,500.00**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING  
THE AWARD OF A CONTRACT FOR PROFESSIONAL LANDSCAPING  
ARCHITECTURAL SERVICES TO MELILLO AND  
BAUER ASSOCIATES, INC.**



**WHEREAS**, the Mayor and Council of the Borough of Fort Lee (“Borough”) have determined there is a need for the landscaping architectural services regarding the southern terminus of the Palisades Interstate Parkway in the area of Lemoine Avenue and adjacent to the Fort Lee High School (“Site”); and

**WHEREAS**, the Borough wishes to retain the services of Melillo and Bauer Associates, Inc. (“Melillo”) to provide technical advice and expertise with regard to the proposed Site; 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**, services to provide technical advice and expertise on the proposed Site are recognized as “professional services” as these services are deemed to be original and creative in character in a recognized field of artistic endeavor, pursuant to and in accordance with N.J.S.A. 40A:11-2(6); and

**WHEREAS**, the services to be performed by Melillo are professional services and this contract is awarded without competitive bidding as a “professional service” pursuant to and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the Borough wishes to retain the services of Melillo to perform such professional services in accordance with its proposal, dated June 14, 2019, incorporated by reference herein and attached hereto as **Exhibit A**; and

**WHEREAS**, Melillo possesses the requisite expertise and skilled personnel required to provide professional consulting services in the form of technical advice and expertise related to the proposed Site; and

**WHEREAS**, the Mayor and Council of the Borough desire to award a contract for professional services to Melillo 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 services related to the proposed Site will be performed by Melillo for an amount not to exceed \$17,500.00, as reflected in its proposal; and

**WHEREAS**, the annual compensation to be paid to Melillo does not exceed 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., the contract is not subject to the provisions of the New Jersey Local Unit Pay-To-Play Law; and

**WHEREAS**, the Borough’s Chief Financial Officer has reviewed the Borough’s available funds and has determined that sufficient funds are available to award a contract for landscaping architectural services pertaining to the proposed Site, said certification being attached to this resolution; and

**WHEREAS**, the award of a contract for professional services for landscaping architectural services at the Site are in the Borough’s best interests and its citizens; and

**WHEREAS**, the Borough has determined that the award of this contract is necessary for its continued 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 Melillo and Bauer Associates, Inc. shall be and is hereby appointed to

perform professional services in the form of technical advice and expertise related to the landscaping architecture at an area of the Palisades Interstate Parkway, in accordance with its proposal, dated June 14, 2019, attached hereto and made a part hereof as **Exhibit A**.

2. That the Mayor shall be and is hereby authorized to execute a contract between the Borough and Melillo and Bauer Associates, Inc., providing for annual compensation in an amount not to exceed \$17,500.00, and further memorializing the scope of work and such other terms and conditions as may be necessary.

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 has certified as to the availability of funds for this purpose.

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

**CA-5 Authorizing the Award of a Contract to North Jersey Friendship House, Inc. for the Provision of Janitorial maintenance Services, Not to Exceed \$ 160,485.00**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE AWARD AND EXECUTION OF A CONTRACT WITH NORTH JERSEY FRIENDSHIP HOUSE, INC. FOR THE PROVISION OF JANITORIAL MAINTENANCE SERVICES**

**WHEREAS**, there exists a need for the Borough of Fort Lee (“Borough”) to procure janitorial maintenance services at Borough Hall, the Police Department, the Youth Center, the Ambulance Building, the Parking Authority, the Building Department, and the Department of Recreation; and

**WHEREAS**, the North Jersey Friendship House, Inc. has submitted a proposal, dated July 5, 2019, a copy of which is attached hereto, setting forth the janitorial maintenance services to be provided and the costs for the provision of the services, and has indicated that it will provide the services required as specified for the Borough at the rates and terms specified in the proposal; and

**WHEREAS**, the provision of janitorial maintenance services from the North Jersey Friendship House, Inc. entail “the purchase of any goods or services by persons with disabilities employed by a sheltered workshop,” pursuant to and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(n); and

**WHEREAS**, this contract may be awarded without competitive bidding as a recognized exception, pursuant to and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the Local Public Contracts Law requires that the resolution awarding a contract without competitive bidding and the contract itself must be available for public inspection; and

**WHEREAS**, the cost of the services to be provided by the North Jersey Friendship House, Inc. for a term of one year is \$160,485.00, which amount exceeds 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

**WHEREAS**, although the receipt of a proposal from the North Jersey Friendship House, Inc. to provide janitorial maintenance services was pursuant to a non-fair and open process in accordance with the provisions of New Jersey Local Unit Pay-To-Play Law, the contract award is not subject to the New Jersey Local Unit Pay-to-Play Law as it does not constitute a “business entity” due to its status as a not-for-profit entity; and

**WHEREAS**, the Mayor and Council of the Borough are desirous of awarding a

contract to the North Jersey Friendship House, Inc. for the provision of janitorial maintenance services in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

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

**WHEREAS**, the award and authorization to execute a contract for the provision of janitorial maintenance services is necessary for the continued efficient operation of the Borough; and

**WHEREAS**, the award and authorization to execute a contract with the North Jersey Friendship House, Inc. for the provision of janitorial maintenance services is in the best interests of the Borough and its citizens;

**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 Borough hereby awards a contract to the North Jersey Friendship House, Inc. in the amount of \$160,485.00 for a term of one year for the provision of janitorial maintenance services at Borough Hall, the Police Department, the Youth Center, the Ambulance Building, the Parking Authority, the Building Department, and the Department of Recreation.

2. That this contract is awarded without competitive bidding as a recognized exception because it entails “the purchase of any goods or services by persons with disabilities employed by a sheltered workshop,” pursuant to and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(n).

3. That the Mayor is hereby authorized to execute a contract with the North Jersey Friendship House, Inc. for the provision of janitorial maintenance services.

4. That the proposal, this Resolution and the contract for the provision of janitorial maintenance services shall be available for public inspection in the Borough Clerk’s Office.

5. That the Borough Clerk shall advertise the award of the contract in a newspaper as may be required by law.

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

**CA6 Authorizing the Settlement Agreement and General Release of Litigation  
Between the Borough of Fort Lee, Evelyn Rosario, RMC, CMC and Richard Rivera,  
Docket Number BER-L-008190-16 and A-4006-16T1, \$55,000.00**

**A RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE  
SETTLEMENT AGREEMENT AND GENERAL RELEASE OF LITIGATION  
BETWEEN THE BOROUGH OF FORT LEE, EVELYN ROSARIO, RMC, CMC AND  
RICHARD RIVERA, DOCKET NUMBER BER-L-008190-16 AND A-4006-16T1**

**WHEREAS**, on November 23, 2016, Richard Rivera (“Plaintiff” or “Rivera”) filed a Complaint in the Superior Court of New Jersey, Law Division, Bergen County against the Borough of Fort Lee (“Borough”), et al., Docket No. BER-L-8190-16 (the “Litigation”); and

**WHEREAS**, on September 21, 2018, Rivera filed an appeal under Docket No. A-4006-16T1 (“Appeal”) of the Court’s denial to his request; and

**WHEREAS**, the parties continued to litigate this matter and on July 24, 2019, the Honorable Bonnie J. Mizdol, A.J.S.C. issued an opinion on remand from the Appellate Division in the Litigation; and

**WHEREAS**, by way of Settlement Agreement and General Release the parties have agreed to settle this lawsuit in order to avoid the inherent uncertainties with any legal proceeding and the additional legal fees and expenses with continuing this dispute, but that this Release represents a compromise of a disputed claim, and any liability, wrongdoing, malfeasance, misfeasance or negligence on the part of any Defendant is expressly denied; and

**WHEREAS**, an amicable settlement was reached between the parties whereby each party partially prevailed and agreed to settle in the amount of Fifty-Five Thousand Dollars and 00/100 (\$55,000.00) as and for payment of Rivera's counsel fees only without any admission of liability and with a mutual non-disparagement clause;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Fort Lee, County of Bergen and State of New Jersey that the it hereby authorizes the Mayor to sign and the Clerk to witness the Settlement Agreement and General Release between the Plaintiff, Richard Rivera in substantially similar form to the Settlement Agreement and Release attached hereto and made a part hereof which is hereby authorized and approved as well as any other document necessary to effectuate the terms of the Settlement Agreement and General Release.

#### **TITLE**

This Resolution shall be known and may be cited as the Resolution Authorizing the Settlement between the Borough of Fort Lee and Richard Rivera.

#### **CA-7 Authorizing a Shared Service Agreement with Bergen County for the Provision of Animal Control Services**

#### **A RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF BERGEN TO PROVIDE ANIMAL CONTROL SERVICES**

**WHEREAS**, the Bergen County Department of Health Services (hereinafter, referred to as "BCDHS") coordinates and assures the preservation, protection and promotion of essential public health services and seeks to assist municipalities with their public health obligations; and

**WHEREAS**, N.J.A.C. 8:52 et seq. incorporates the Public Health Practice Standards of Performance for Local Boards of Health in New Jersey and enables the development of an integrated, coordinated Public Health System at the local, county and state levels; and

**WHEREAS**, N.J.A.C. 8:52 et seq. incorporates the roles and responsibilities of the local boards of health with needed local and regional capacity at a county level; and

**WHEREAS**, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) provides that local units of government may enter into a contract for the joint provision of any service which either party to said agreement is empowered to render or perform within its own jurisdiction; and

**WHEREAS**, N.J.S.A. 40A:65-1 et seq. authorizes municipalities to fulfill obligations by entering into a shared services agreement with another municipality or county government; and

**WHEREAS**, in furtherance of this mission, the Mayor and Council are desirous of entering into a shared services agreement with the County of Bergen to utilize the services of the Bergen County Department of Health Services; and

**WHEREAS**, it is the intention of the Borough of Fort Lee and the County of Bergen to enter into a Shared Services Agreement for Animal Control and Feral Cat Services, effective August 9, 2019 pursuant to provisions of N.J.S.A. 40A:65-1, et seq. and N.J.A.C. 10-2; and

**WHEREAS**, N.J.S.A. 40A:65-5(a) requires that the Shared Services Agreement be approved by resolution of the governing body of each participating municipality and or county; and

**WHEREAS**, pursuant to N.J.S.A. 40A-65-5(b), upon execution of the final Shared Services Agreement, a copy of the Agreement shall be filed, for information purposes, with the Division of Local Government Services in the Department of Community Affairs and made available for public inspection at the Municipal Building.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Fort Lee that the Mayor is authorized to execute a Shared Services Agreement and all other necessary documents with the County of Bergen, and the State of New Jersey in order to effectuate the purposes of this Resolution.

**CA-8 Accepting Retirement Notice from Daniel Rumi, Truck Driver, Department of Public Works, Effective August 31, 2019**

**RESOLUTION OF THE BOROUGH OF FORT LEE ACCEPTING THE RETIREMENT NOTICE OF DANIEL RUMI, TRUCK DRIVER**

**BE IT RESOLVED** that **Daniel Rumi, Truck Driver** with the **Public Works Department** has submitted his retirement notice dated August 1, 2019 and the Mayor and Council have accepted same; and

**BE IT RESOLVED** that Mr. Rumi's retirement will be **effective August 31, 2019** with the Borough of Fort Lee.

**BE IT FURTHER RESOLVED** that the Mayor and Council extend their best wishes to Mr. Rumi.

**CA-9 Authorizing Transfer of Dina Roditis from the Recreation Department to the Municipal Court, Effective August 20, 2019, \$31,000.00 Annual Salary**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE TRANSFER OF DINA RODITIS TO THE MUNICIPAL COURT**

**WHEREAS**, due to a vacancy in the Municipal Court, the Mayor and Council have determined that the vacancy should be filled and the following transfer be authorized; and,

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Fort Lee, that **Dina Roditis** be transferred from the Recreation Department to a full-time position of **Keyboarding Clerk 1** in the **Municipal Court**, with an **effective date of August 20, 2019**; and

**BE IT FURTHER RESOLVED** that this appointment shall be provisional pending certification from the New Jersey Civil Service Commission and shall be at an annual salary of **\$31,000-**, pursuant to the resolution which was passed at the July 18, 2019 Meeting, in compliance with the Salary Ordinance of the White-Collar Contract.

**CA-10 Accepting Resignation Notice from Melissa Gallo, Police Officer, Effective July 22, 2019**

**RESOLUTION OF THE BOROUGH OF FORT LEE ACCEPTING THE RESIGNATION NOTICE OF POLICE OFFICER MELISSA GALLO**

**BE IT RESOLVED** that **Melissa Gallo, Police Officer** has submitted her resignation notice dated July 22, 2019 and the Mayor and Council have accepted same; and

**BE IT FURTHER RESOLVED** that Ms. Gallo's resignation as Police Officer will be effective **July 22, 2019** with the Borough of Fort Lee.

**CA-11 Authorizing the Hiring of Melissa Gallo, Full-Time Position in Records Bureau, Police Department, Effective July 22, 2019, \$37,000.00 Annual Salary**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE HIRING OF MELISSA GALLO AS KEYBOARDING CLERK 1 WITHIN THE RECORDS BUREAU OF THE POLICE DEPARTMENT**

**WHEREAS**, the Mayor and Council of the Borough of Fort Lee have determined that a vacancy exists within the Records Bureau of the Police Department; and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Fort Lee, that **Melissa Gallo** be appointed to the full-time position of **Keyboarding Clerk 1** in the Records Bureau of the Police Department, with a retroactive effective date of **July 22, 2019** ; and

**BE IT FURTHER RESOLVED** that this appointment shall be made in accordance with the New Jersey Civil Service Commission and shall be at an annual salary of **\$37,000** , in compliance with the Salary Ordinance of the White-Collar Contract.

**CA-12 Authorizing the Hiring of Daniel Daub, Full-Time Position as a Telecommunicator, Police Department, Effective August 12, 2019, Annual Salary \$42,450.53**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE FULL-TIME APPOINTMENT OF DANIEL DAUB TO THE COMMUNICATIONS CENTER OF THE POLICE DEPARTMENT**

**WHEREAS**, due to a vacancy from a resignation in the Communications Center of the Police Department, the Mayor and Council have determined that this position should be filled; and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Fort Lee, that **Daniel Daub** , be appointed to a full-time position of **Public Safety Telecommunicator Trainee, at Grade 10, Step A** with the Communications Center of the Police Department with **an effective date of August 12, 2019** ; and

**BE IT FURTHER RESOLVED** that this appointment shall be provisional pending certification by the New Jersey Civil Service Commission and shall be at an annual salary of **\$42,450.53-** pursuant to the Salary Ordinance of the Blue-Collar Contract.

**CA-13 Authorizing the Hiring of Vanessa Vergara, Full-Time Position, Recreation Department, Effective August 12, 2019, \$31,000.00**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE HIRING OF VANESSA VERGARA TO REPLACE DINA RODITIS IN THE RECREATION DEPARTMENT**

**WHEREAS**, due to a recent transfer of a new hire, the Mayor and Council have determined that the vacancy should be filled; and,

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Fort Lee, that **Vanessa Vergara**, be appointed to a full-time position of **Keyboarding Clerk 1** in the **Recreation Department**, with an **effective date of August 12, 2019**; and

**BE IT FURTHER RESOLVED** that this appointment shall be provisional pending certification from the New Jersey Civil Service Commission and shall be at an annual salary of **\$31,000-**, in compliance with the Salary Ordinance of the White-Collar Contract.

**CA-14 Approving Request from the Business District Alliance to Hold the 2019 Fall-O-Ween Spectacular on October 26, 2019**

**RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING A REQUEST FROM THE BUSINESS DISTRICT ALLIANCE TO HOLD THE 2019 FALL-O-WEEN SPECTACULAR**

**WHEREAS**, the Borough of Fort Lee received a request from the Fort Lee Business District Alliance to host the 2019 Fall-O-Ween Spectacular in the Borough of Fort Lee; and

**WHEREAS**, the 2019 Fall-O-Ween Spectacular is scheduled to take place on October 26, 2019 from 2:00 to 5:00 PM; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Fort Lee, grants permission for the 2019 Fall-O-Ween Spectacular.

**CA-15 Rejecting Bid for the Provision and Installation of a Marquee Zipper Sign at the Barrymore Film Center and Museum**

**RESOLUTION OF THE BOROUGH OF FORT LEE REJECTING BID FOR THE PROVISION AND INSTALLATION OF A MARQUEE ZIPPER SIGN AT THE BARRYMORE FILM CENTER AND MUSEUM**

**WHEREAS**, on prior occasion pursuant to duly adopted resolution, the Borough awarded a contract for the construction of the Barrymore Film Center and Museum in the Borough; and

**WHEREAS**, the Mayor and Council of the Borough of Fort Lee (“Borough”) have determined that it is necessary to procure services for the provision and installation of a marquee zipper sign at the Barrymore Film Center and Museum; and

**WHEREAS**, on June 24, 2019, pursuant to resolution and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough solicited bids for the provision of improvements to Inwood Terrace Park in the Borough; and

**WHEREAS**, on July 30, 2019, a single bid was received from the following bidder in response to the Borough’s public solicitation for bids for the provision of and installation of a marquee zipper sign at the Barrymore Film Center and Museum:

Allied Signage Corporation	\$318,000.00
Farmingdale, New Jersey	

; and

**WHEREAS**, after a review of the bids, it was determined that the prices bid by all bidders were unreasonable as the prices substantially exceeded the cost estimate for the project; and

**WHEREAS**, the bid of Allied Signage Corporation being deemed unreasonable as the price substantially exceeded the cost estimate for the project warrants a rejection of the bid under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, specifically N.J.S.A. 40A:11-5(3), provides that a bid may be rejected where a price has been determined to be unreasonable on the basis of cost estimate prepared for or by the contracting agent prior to the advertising of bid specifications; and

**WHEREAS**, the Borough has concluded, based upon the foregoing, that the bid of Allied Signage Corporation should be rejected in accordance with the Local Public Contracts Law as unreasonable as to price on the basis of cost estimate prepared for the Borough prior to the advertising of bid specifications for the project; and

**WHEREAS**, the Borough has determined that the award of this contract is necessary for its efficient operations; and

**WHEREAS**, the Borough wishes to authorize the Borough Administrator to re-evaluate and reissue the bid specifications for the provision and installation of a marquee zipper sign at the Barrymore Film Center and Museum;

**NOW, THEREFORE BE IT RESOLVED, BY THE** Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey that the single bid submitted by Allied Signage Corporation for the provision and installation of a marquee zipper sign at the Barrymore Film Center and Museum be and is hereby rejected in accordance with the Local Public Contracts Law as unreasonable as to price on the basis of a cost estimate prepared for the Borough prior to the advertising of bid specifications for the project.

**BE IT FURTHER RESOLVED** that the bid security of Allied Signage Corporation be returned in accordance with N.J.S.A. 40A:11-1 et seq.

**BE IT FURTHER RESOLVED** that the Borough Administrator be and is hereby authorized to re-evaluate and reissue the bid specifications for the provision and installation of a marquee zipper sign at the Barrymore Film Center and Museum as the award of this contract is necessary for the Borough's continued efficient operation.

There being no discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilman Sargenti. The Consent Agenda regarding CA-1 through CA-25 was approved on the following roll call:

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

## **RESOLUTIONS**

### **R-4 Insertion of Budget Item - New Jersey Division of Highway Traffic Safety, 2019 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown Grant \$5,500.00**

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

**CHAPTER 159 RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING APPROVAL TO AMEND CY-2019 MUNICIPAL BUDGET BY INSERTING ITEMS OF REVENUE AND APPROPRIATION IN ACCORDANCE WITH NJSA 40A:4-87 IN THE AMOUNT OF \$5,500.00 FROM THE STATE OF NEW JERSEY - DIVISION OF HIGHWAY TRAFFIC SAFETY - DRIVE SOBER OR GET PULLED OVER GRANT**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the Budget; and



**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Borough of Fort Lee received **\$5,500.00** from the **State of New Jersey - Division of Highway Traffic Safety - Drive Sober or Get Pulled Over** and wishes to amend its **2019** Budget to include a portion of this amount as an item of revenue,

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough Of Fort Lee, that the Mayor and Council hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the Budget year of **2019**, in the sum

of.....**\$5,500.00**

which is now available as a revenue item from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

Revenues Offset with Appropriations:

**State of NJ DHTS - Drive Sober or Get Pulled Over**

**BE IT FURTHER RESOLVED**, that a like sum

of.....**\$5,500.00**

be and the same is hereby appropriated under the caption:

General Appropriations:

(a) Operations excluded from CAPS

Programs Offset by Revenues:

**State of NJ DHTS - Driver Sober or Get Pulled Over**

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer is hereby directed to forward two (2) copies of this Resolution electronically to the Director of Local Government Services.

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

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

#### **R-5 Governing Body Certification of the 2018 Audit**

**Councilman Cervieri introduced, and Councilman Suh seconded**, the following resolution:

#### **RESOLUTION OF THE BOROUGH OF FORT LEE MAYOR AND COUNCIL CERTIFYING THE 2018 ANNUAL AUDIT ”**

**WHEREAS**, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year **2018** has been filed by a Registered Municipal Accountant with the **Municipal Clerk** pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED**, That the **Mayor & Council** of the **Borough of Fort Lee**, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

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

#### **R-6- Approving the 2018 Corrective Action Plan**

**Councilman Cervieri introduced, and Councilman Sargenti seconded**, the following resolution:

### **RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING THE 2018 CORRECTIVE ACTION PLAN**

**WHEREAS**, the 2018 audit was received by the Mayor and Council of the Borough of Fort Lee; and

**WHEREAS**, certain comments and recommendations were made in the 2017 audit and are attached hereto; and

**WHEREAS**, a corrective action plan has been submitted by the Chief Financial Officer of the Borough of Fort Lee and is attached hereto; and

**WHEREAS**, it is the desire of the Mayor and Council of the Borough of Fort Lee to implement the corrective action plan in response to comments and recommendations contained in the 2018 Audit Report.

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

1. That the Mayor and Council have implemented the corrective action plan filed by the Chief Financial Officer in order to comply with the comments and recommendations as set forth in the 2018 Audit.

2. That a certified copy of this resolution shall be forwarded to the Division of Local Government Services, the Borough Administrator, Chief Financial Officer and the Borough Auditor.

3. That the Corrective Action Plan and this resolution shall be available for public inspection in the Office of the Borough Clerk.

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

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

**Add On - R-7 Authorizing the Purchasing Agent to Advertise and Obtain Bid Specifications**

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

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE PURCHASING AGENT TO ADVERTISE AND OBTAIN BID SPECIFICATIONS**

**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. Roof Replacement at the Fort Lee Recreation Center

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

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

**COUNCIL REPORTS**

**Councilman Sohmer** - He congratulated the Police Officers on their promotions. He also congratulated the retiree, Dan Rumi.

He mentioned the passing of Eileen Goff, a charter member of the Borough's ADA Board. She was the founding member and executive director of HIP (Heightened Independence and Progress), an agency which helps people with disabilities achieve increased independence in the home and workplace. He stated that this is a great loss to her family, the disabled community and Fort Lee. He sent condolences to her family.

**Mayor Sokolich** - He stated that he knew Eileen and knows her son Dan and stated that Eileen was an amazing woman. He sent condolences to the family.

**Councilman Yoon** - He congratulated the Police Officers on their promotions.

He mentioned that the Film Commission's Movies and Music Under the Stars was continuing through August 31<sup>st</sup>.

**Councilman Suh** - He congratulated the Police Officers on their promotions.

He thanked the PBA for a successful Night Out with the Ambulance Corps, OEM department and the Fire Department.

He stated that school will re-open on September 9<sup>th</sup>.

**Councilman Sargenti** - He congratulated the new Police Officers on their promotions. He congratulated Dan Rumi on his retirement.

He offered his condolences to the family of Bryan Christiansen.

**Councilwoman Kasofsky** - She congratulated the Police Officers on their promotions.

She stated that the second community garden on 15<sup>th</sup> Street is now open and there are plots available. She stated they are planning a grand opening on September 14<sup>th</sup>.

She stated that there are many events happening at the Library, including a book sale. She wished everyone a great remainder of the summer.

**Councilman Cervieri** - He congratulated all the Police Officers on their promotions. He also congratulated Dan Rumi on his retirement.

He stated that his thoughts and prayers are with the Christiansen family and the Goff family. He mentioned that Eileen Goff helped so many people throughout her career.

**Mayor Sokolich** - He congratulated the Police Officers on their promotions.

### **PUBLIC PARTICIPATION**

On motion by Councilman Cervieri, seconded by Councilman Sohmer, 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** .

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and there being no further discussion, the meeting was adjourned with no objections at 7:55 p.m.

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Evelyn Rosario, RMC  
Municipal Clerk