

## REGULAR MEETING

### MAYOR AND COUNCIL

Thursday, August 13, 2020 @ 7:00 p.m.

Due to the current situation involving the COVID-19 pandemic, the meeting was accessible to the public by telephone, by dialing one of the numbers listed below and entering the meeting ID number 961 9315.

+1 646 558 8656 US

+1 669 900 9128 US

+1 301 715 8592 US

+1 253 215 8782 US

+1 312 626 6799 US

+1 346 248 7799 US

**PRESENT:** Mayor Sokolich, Council Members Sohmer, Yoon (Via Telephone Conference), 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 October 16, 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

"A very quick report tonight, this is Mayor Sokolich, welcome everyone. I hope everyone is happy and healthy and remaining vigilant. We continue to brag about how well Fort Lee has been collectively helping to help stop the spread. We've had a little bit of an uptick and we still are doing great. We published a chart last week that shows a black line with 15 to 17 cases a month. There was an uptick, but that's ok, that's been expected. Everyone continue to please wear a mask, social distance and wash your hands and do everything you're supposed to do.

We got a huge delivery of t-shirts today that I'm happy about. It's a "Be Fort Lee" t-shirt. That's our branding, that's our name but on the back there's a checklist that says, "I wear a mask for: your you, my family my friends, for my community and then finally, for me". I think that says it all, you're not only wearing a mask for yourself because if you don't want to wear a mask that's your decision. Right? But understand that you must wear a mask to help your brothers and sisters and your community and your loved ones and your friends. In Fort Lee, for the most part, we've been doing that and I am very proud.

One other quick announcement, this past Tuesday, I want to thank everyone in Fort Lee who made this possible. We had our first concert outdoors. About 225 people attended. It was conducted without incident everybody stayed within their designated area. It was safe and it was a great night. This Monday is movie night, Monday and Tuesday actually. I believe the movie starts at 8:30 if I'm not mistaken. We can start seating at 7:30. So Monday and Tuesday we're going to have movies starting at 8:30 at the Community Center and remember to bring a chair. The most important requirements bring a chair and wear a mask. If you can do both those things, see you Monday night. It's a great movie. It's the same movie both nights "It's A Lovely Day in the Neighborhood". It's the Mr. Rogers story with Tom Hanks. It's a great movie. It's going to be on Monday and Tuesday, and it was my idea because I thought if we are inundated with people on Monday, I didn't want anyone deprived so we have it Tuesday night also. I don't know if we are going to need Tuesday night, we will try it this one time. I think one night is going to be enough.

Make sure you subscribe to Nixle, make sure you check the website because the following week we are going to have a concert, we are going to have a movie and we

are going to do this well into October at least. With that I'm done."

### **APPROVAL OF MINUTES**

None

### **INTRODUCTION OF ORDINANCES**

**Ord. #2020-7 "BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$8,420,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,999,475 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF" (Public Hearing September 10, 2020)**

**On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried, Ord. #2020-7** entitled "BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$8,420,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,999,475 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF" (Public Hearing September 10, 2020) 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 10, 2020**.

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

**Ord. #2020-8 "AN ORDINANCE AMENDING CHAPTER 289 PARKING, ARTICLE IV PARKING METERS, MUNICIPAL PARKING LOTS AND PERMIT PARKING, SECTION 15 PARKING METER ZONES ESTABLISHED; VIOLATIONS AND PENALTIES, OF THE CODE OF THE BOROUGH OF FORT LEE" (Public Hearing September 10, 2020)**

**On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried, Ord. #2020-8** entitled "AN ORDINANCE AMENDING CHAPTER 289 PARKING, ARTICLE IV PARKING METERS, MUNICIPAL PARKING LOTS AND PERMIT PARKING, SECTION 15 PARKING METER ZONES ESTABLISHED; VIOLATIONS AND PENALTIES, OF THE CODE OF THE BOROUGH OF FORT LEE" (Public Hearing September 10, 2020) 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 10, 2020**.

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

### **ORDINANCE PUBLIC HEARINGS**

None

### **PROPOSED CONSENT AGENDA**

**On motion by Councilman Cervieri, seconded by Councilman Sohmer,** the Proposed Consent Agenda was introduced, and the public hearing was opened relative to items CA-1 through CA-3 and CA-5 through CA-13.

CA-4 was removed from the Consent Agenda.

**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	\$21,623,129.61
Current - Grant	
Capital	95,874.12
Road Improvement Plan	
Multiple Dwelling	
Construction Fees	
COAH Fees	
Senior Citizen Advisory Council	
Trip Admissions	
Special Dog Account	
Trust Account Fund	
Disability Insurance Trust	
Public Assistance Trust Fund	
Police Activity Trust	
Fort Lee Film Commission	
Community Development	
Redemption Account	
School Resource Account	
Dedicated Penalties (Fire Prevention)	
POAA	
Cop Card Donation	
Police Treasury	260.00
Police Justice	9,470.42
Flexible Spending	
Trust Account	
Developers BOFNJ	22,975.57
Developers B of America	<u>3,181.25</u>
<b>Total:</b>	<b>\$ 21,745,890.97</b>

**CA-2 Approving Full Membership Firefighter Applications for Januarie Joubert, Fire Co. 4**

The Firefighter Full Membership Applications for Januarie Joubert, Fire Co. 4 was approved.

**CA-3 Authorizing Execution of a Shared Services Agreement with the Borough of Cliffside Park for the Shared Services of a Licensed Building Inspector**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF  
FORT LEE AUTHORIZING EXECUTION OF A SHARED SERVICES  
AGREEMENT WITH THE BOROUGH OF CLIFFSIDE PARK FOR THE SHARED  
SERVICES OF A LICENSED BUILDING INSPECTOR**

**WHEREAS,** the Borough of Fort Lee (“Borough”) is a municipal corporation of the State of New Jersey in the County of Bergen, established in accordance with N.J.S.A. 40A:60-1 et seq.; and

**WHEREAS**, the Borough of Cliffside Park (“Cliffside”) is a municipal corporation of the State of New Jersey in the County of Bergen, established in accordance with N.J.S.A. 40A:60-1 et seq.; 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 an agreement for the joint provision of any service that either party to such an agreement that is empowered to render or perform within its own jurisdiction; and

**WHEREAS**, pursuant to duly adopted resolutions, the Borough and Cliffside have authorized and currently provide for a sharing of various municipal services through the Uniform Shared Services and Consolidation Act that results in efficiencies for the benefits of the taxpayers in each municipality; and

**WHEREAS**, pursuant to Resolution CA-9, duly adopted at a public meeting on July 13, 2017, the Borough authorized the entry into a Shared Services Agreement with Cliffside for the shared use of Mr. John Candelfmo, who serves as the Construction Official in Cliffside and is a licensed construction official, to perform various building inspections on behalf of the Borough; and

**WHEREAS**, Cliffside has been designated in the Shared Services Agreement as Mr. Candelfmo’s primary employer, and Cliffside and the Borough have agreed that the Borough will pay to Cliffside the sum of \$10,000.00 annually in exchange for the services of the Construction Official to perform building inspection services for the Borough on an as-needed basis; and

**WHEREAS**, the Shared Services Agreement with Cliffside has an initial term of one year with the municipalities retaining the option to mutually extend the term for nine additional one-year terms through the adoption of a resolution by each municipality authorizing an extension; and

**WHEREAS**, the extension of the term of Shared Services Agreement with Cliffside for an additional year for the shared use of Cliffside’s Construction Official to perform building inspections in the Borough will result in a cost saving to the Borough; and

**WHEREAS**, the Borough and Cliffside wish to extend the Shared Services Agreement for an additional one-year period for the shared use of Cliffside’s Construction Official to perform building inspections in the Borough on an as-needed basis; and

**WHEREAS**, the extension of the Shared Services Agreement with Cliffside complies with the Uniform Shared Services and Consolidation Act, is in the best interests of the Borough, and 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. The extension of the Shared Services Agreement with Cliffside for the shared use of Cliffside’s Construction Official to perform building inspections in the Borough on an as-needed basis is hereby authorized as it complies with the Uniform Shared Services and Consolidation Act.

2. The Borough and Cliffside have agreed that the Borough will pay to Cliffside the sum of \$10,000.00 annually in exchange for the services of the Construction Official.

3. That upon execution of the Shared Services Agreement, this resolution and the agreement between the parties shall be available for public inspection in the Office of the Borough Clerk.

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

**CA-5 Authorizing the Hiring of Nancy Hattar-Abascal as a Full-Time Keyboarding Clerk 1 in the Municipal Court Effective on or About August 17, 2020, \$30,000 Annually**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE HIRING OF MS. NANCY HATTAR-ABASCAL TO A FULL-TIME POSITION AS KEYBOARDING CLERK 1 IN THE MUNICIPAL COURT**

**WHEREAS**, due to a vacancy from a transfer in the **Municipal Court**, 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 Ms. Nancy Hattar-Abascal be appointed to a full-time position of **Keyboarding Clerk 1** in the Municipal Court, with an **effective date of on or about August 17, 2020**; and

**BE IT FURTHER RESOLVED** that this hiring will be predicated upon the successful completion of a background check by the Fort Lee Police Department; 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 **\$30,000-** pursuant to the White Collar Bargaining Unit Contract.

**CA-6 Authorizing the Hiring of Kylie Richelle Curry as a Full-Time Keyboarding Clerk 1 in the Municipal Court Effective on or About August 17, 2020, \$30,000 Annually**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE HIRING OF MS. KYLIE RICHELLE CURRY TO A FULL-TIME POSITION AS KEYBOARDING CLERK 1 IN THE MUNICIPAL COURT**

**WHEREAS**, due to a vacancy from a transfer in the **Municipal Court**, 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 Ms. Kylie Richelle Curry be appointed to a full-time position of **Keyboarding Clerk 1** in the Municipal Court, with an **effective date of on or about August 17, 2020**; and

**BE IT FURTHER RESOLVED** that this hiring will be predicated upon the successful completion of a background check by the Fort Lee Police Department; 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 **\$30,000-** pursuant to the White Collar Bargaining Unit Contract.

**CA-7 Authorizing the Execution of an Employment Agreement with Police Chief Matthew Hintze**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE EXECUTION OF AN EMPLOYMENT AGREEMENT WITH POLICE CHIEF MATTHEW HINTZE**

**WHEREAS**, the Borough of Fort Lee (“Borough”) and Police Chief Matthew Hintze have negotiated the terms and conditions of an Employment Agreement, a copy of which will be available in the office of the Borough Clerk; and,

**WHEREAS**, the Mayor and Council of the Borough hereby designate the Mayor to execute the said mutually agreeable Employment Agreement on behalf of the Borough.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Fort Lee that the Mayor is hereby authorized to execute the Employment Agreement, between the Borough of Fort Lee and Police Chief Matthew Hintze.

**CA-8 Authorizing the Award of a Contract to HDR Engineering, Inc. for Professional Engineering Services to Assist the Borough in the Preparation of Reports Required by the Borough’s Combined Sewer Overflow Permit, Not to Exceed \$273,774.00**

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

**WHEREAS**, there exists a need for the Borough of Fort Lee (“Borough”) to retain the services of a licensed engineer to assist the Borough in the preparation of reports required by the Borough’s Combined Sewer Overflow Permit (NJ0034517); and

**WHEREAS**, on prior occasion pursuant to duly adopted resolutions, the Mayor and Council of the Borough appointed Hydroqual, which has since merged with HDR Engineering, Inc. (“HDR”), to provide professional engineering services for the implementation of a compliance schedule for the development of a Long-Term Control Plan related to its Combined Sewer Overflow Permit (NJ0034517) and the preparation of an update to the Borough’s Combined Sewer Outfall Facility Operation and Maintenance Manual; and

**WHEREAS**, most recently, the Mayor and Council of the Borough awarded a contract to HDR pursuant to duly adopted Resolution CA-12 on September 19, 2019 for a term of one year to assist the Borough in the preparation of reports required by the Borough’s Combined Sewer Overflow Permit for submittal to the New Jersey Department of Environmental Protection and required by the 2018 Clean Water Act Administrative Compliance Order to the United States Environmental Protection Agency; and

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

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

**WHEREAS**, the Borough wishes to retain the services of HDR to perform such professional engineer services in accordance with its proposal, dated June 10, 2020, attached hereto; and

**WHEREAS**, HDR possesses the requisite expertise and skilled personnel required to provide professional engineering services to assist the Borough in the in the preparation of reports required by the Borough’s Combined Sewer Overflow Permit and the 2018 Clean Water Act Administrative Compliance Order; and

**WHEREAS**, the Mayor and Council of the Borough are desirous of awarding a contract for professional engineering services to HDR in accordance with the procedures mandated under 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 contracts for “professional services” without competitive bidding and the agreement between the parties must be available for public inspection; and

**WHEREAS**, N.J.S.A. 19:44A-20.1 et seq., commonly known as the New Jersey Local Unit Pay-to-Play Law, took effect on January 1, 2006; and

**WHEREAS**, the retention of HDR to provide professional engineering services is pursuant to a “non-fair and open process” in accordance with the provisions of New Jersey Local Unit Pay-To-Play Law; and

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

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

**WHEREAS**, the Borough’s Chief Financial Officer has determined that funds are available for this purpose; and

**WHEREAS**, the award of a contract for the provision of professional engineering services to assist the Borough in the preparation of reports required by the Borough’s Combined Sewer Overflow Permit and the 2018 Clean Water Act Administrative Compliance Order, and the renewal of the Borough’s Combined Sewer Overflow Permit is in the best interests of the Borough and the implementation of this contract is necessary for the continued efficient operation of the Borough;

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

1. That HDR shall be and is hereby awarded a contract to perform professional engineering services related to assist the Borough in the preparation of reports required by the Borough’s Combined Sewer Overflow Permit and the 2018 Clean Water Act Administrative Compliance Order, and the renewal of the Borough’s Combined Sewer Overflow Permit in accordance with its proposal, dated June 10, 2020, 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 HDR, providing for compensation in an amount not to exceed \$273,774.00, and further memorializing the scope of work and such other terms and conditions as may be necessary.
3. That HDR is specifically placed on notice that it will be required to comply with the Affirmative Action regulations of N.J.S.A. 10:5-31 et seq.
4. That a notice of the contract award shall be published, and this resolution must be available for public inspection, in accordance with the requirements of N.J.S.A. 40A:11-1 et seq.
5. That the Chief Financial Officer shall certify as to the availability of funds

for this purpose.

**CA-9 Authorizing the Award of a Contract to Materials Conservation Co., LLC for the Provision of Professional Consulting Services Related to the Barrymore Film Center and Museum, Not to Exceed \$8,600**

**RESOLUTION OF THE BOROUGH OF FORT LEE AWARDING A CONTRACT TO MATERIALS CONSERVATION CO., LLC FOR THE PROVISION OF PROFESSIONAL CONSULTING SERVICES**

**WHEREAS**, there is a need for the Mayor and Council of the Borough of Fort Lee (“Borough”) to award a contract for the provision of professional consulting services pertaining to the investigation and assessment of the murals in the USPS Main Street post office building to be acquired by the Borough; and

**WHEREAS**, on the Borough’s behalf, the Borough’s historic preservation consultant solicited, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and received a quotation for the provision of professional consulting services pertaining to the investigation and assessment of the murals in the USPS Main Street post office building to be acquired by the Borough; and

**WHEREAS**, the Local Public Contracts Law, and specifically N.J.S.A. 40A:11-6.1, authorizes, without public advertising for bids and bidding therefor, the purchase of any goods or services whose value does not exceed the bidding threshold; and

**WHEREAS**, Materials Conservation Co., LLC submitted a proposal, dated June 30, 2020, outlining the professional consulting services pertaining to the investigation and assessment of the murals in the USPS Main Street post office building to be acquired by the Borough; and

**WHEREAS**, the Mayor and Council of the Borough desires to award a contract to Materials Conservation Co., LLC for the provision of professional consulting services pertaining to the investigation and assessment of the murals in the USPS Main Street post office building to be acquired by the Borough in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

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

**WHEREAS**, the provision of professional consulting services pertaining to the investigation and assessment of the murals in the USPS Main Street post office building to be acquired by the Borough will be performed by Materials Conservation, Co., LLC at a cost of \$8,600.00 to the Borough and, therefore, is below the threshold of \$17,500 under the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq., resulting in the contract not being 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 the provision of professional consulting services pertaining to the investigation and assessment of the murals in the USPS Main Street post office building; and

**WHEREAS**, the award of a contract for the provision of professional consulting services pertaining to the investigation and assessment of the murals in the USPS Main Street post office building to be acquired by the Borough is in the best interests of the Borough and the implementation of this contract is necessary for its efficient operations;

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



1. That Materials Conservation Co., LLC, 1625 North Howard St., Philadelphia, Pa. 19122 shall be and is hereby appointed to provide professional consulting services pertaining to the investigation and assessment of the murals in the USPS Main Street post office building to be acquired by the Borough in accordance with its proposal, dated June 30, 2020, attached hereto and made a part hereof, expressly subject to and contingent upon the execution of an agreement in form and substance satisfactory to the Borough.

2. That this contract is awarded without competitive bidding, in accordance with the Local Public Contracts Law, specifically N.J.S.A. 40A:11-6.1, because the value of the goods or services does not exceed the bidding threshold.

3. That the Mayor shall be and is hereby authorized to execute a contract between the Borough and Materials Conservation Co., LLC, providing for compensation to be paid by the Borough in the amount of \$8,600.00 for the provision of professional consulting services pertaining to the investigation and assessment of the murals in the USPS Main Street post office building to be acquired by the Borough for a term period of no more than one year, and further memorializing the scope of work and such other terms and conditions as may be necessary.

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

6. That this Resolution, the proposal, and contract are available for public inspection in the Borough Clerk's office.

**CA-10 Authorizing the Issuance of Requests for Qualifications for Professional Services and or Extraordinary Unspecifiable Services to the Borough of Fort Lee for the Year 2021**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE ISSUANCE OF REQUESTS FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES AND OR EXTRAORDINARY UNSPECIFIABLE SERVICES TO THE BOROUGH OF FORT LEE**

**WHEREAS**, as of January 1, 2006, N.J.S.A 19:44A-20.1 et seq., commonly known as the "State Pay to Play" law, enacted by the New Jersey State Legislature became effective; and

**WHEREAS**, pursuant to N.J.S.A. 19:44A-20.3, a municipality may not award contracts with a value in excess of \$17,500.00 to a business entity which has made reportable contributions in excess of \$300.00, in the aggregate, to the said municipality's political parties or to any candidate's committee of any person serving in an elective public office of the said municipality when such a contract was awarded, unless said business entity is awarded a contract under a "fair and open process" pursuant to N.J.S.A. 19:44A-20.1 et seq.; and

**WHEREAS**, a "fair and open process" constitutes the following: (1) public advertisement of a Request for Qualifications (hereinafter the "RFQ") issued a minimum ten (10) calendar days notice prior to the receipt of responses to the RFQ; (2) award of contract under a process that provides for public solicitation of qualifications; (3) award of contract under publicly disclosed criteria established, in writing, by the municipality prior to the solicitation of qualifications; and (4) the municipality shall publicly announce the weightings for the evaluation criteria and open the Qualifications Statements; and

**WHEREAS**, it has become necessary for the Borough of Fort Lee (hereinafter the "Borough") to engage professionals and the Borough desires to appoint such professionals by a "fair and open process" pursuant to N.J.S.A. 19:44A-20.1 et seq.,

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Fort Lee, County of Bergen and State of New Jersey that requests for RFQs for

professional services for the following professional services for the Borough and its agencies are hereby authorized:

1. Borough Attorney
2. Labor Attorney
3. Borough Auditor
4. Bond Counsel
5. Borough Engineer
6. Building Department/Fire Prevention Bureau Accountant
7. Municipal Court/Police Department Accountant
8. Tax Counsel
9. Borough Risk Manager
10. Health Benefits
11. Traffic Engineer
12. Special/Conflict Counsel
13. Borough Planner
14. Rent Leveling Board Attorney
15. Radio Frequency Communications Engineer
16. Financial Advisor
17. Real Estate Tax Appeal Appraiser
18. Grant Consulting Services
19. Certified Social Worker (CSW), Licensed Social Worker (LSW), Licensed Clinical Social Worker (LCSW) or a Licensed Psychologist, who focuses on hoarding and geriatrics
20. Redevelopment Attorney
21. Affordable Housing Attorney

**BE IT FURTHER RESOLVED** , that all of the RFOs for the professional services as set forth hereinabove shall be prepared and published in accordance with N.J.S.A. 19:44A-20.1 et seq. and all such RFOs shall be evaluated on the basis of the most advantageous RFO, all factors considered, including, but not limited to: (1) experience and reputation in the profession; (2) knowledge of the subject matter to be addressed under contract; (3) availability to accommodate any required meetings of the Borough or Borough Agency; (4) and cost proposal.

**CA-11 Authorizing a Revised Strategic Plan for Funding Municipal Alliances for Grant Year 2021**

**RESOLUTION AUTHORIZING A REVISED STRATEGIC PLAN FOR FUNDING MUNICIPAL ALLIANCES FOR GRANT YEAR 2021  
(October 1, 2020 through June 30, 2021)**

**WHEREAS** , the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, non-profit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and,

**WHEREAS** , the Borough Council of the Borough of Fort Lee, County of Bergen, State of New Jersey, recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS** , the Borough Council further recognizes that it is incumbent upon not only public officials, but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS** , the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Bergen;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Fort Lee, County of Bergen, State of New Jersey, hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a revised strategic plan for the Fort Lee Municipal Alliance grant for **Fiscal Year 2021** (October 1, 2020 through June 30, 2021) in the amount of:

DEDR	\$3604.58
Supplemental Funding	\$ 817.59
	\$4422.17
Cash Match	\$1105.54
In-Kind	\$3316.63
Total Grant:	\$8844.34

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**CA-12 Urging the Governor and United States Congressional Delegation from New Jersey to Provide Economic Relief for the Implementation of the USEPA and NJDEP Mandated Long Term Control Plan for Combined Sewer Overflows**

**RESOLUTION TO CALL ON THE GOVERNOR AND UNITED STATES CONGRESSIONAL DELEGATION FROM NEW JERSEY TO PROVIDE ECONOMIC RELIEF FOR THE IMPLEMENTATION OF THE USEPA AND NJDEP MANDATED “LONG TERM CONTROL PLAN ” FOR COMBINED SEWER OVERFLOWS**

**WHEREAS**, the Borough of Fort Lee is a “Combined Sewer Overflow” (“CSO”) municipality; and

**WHEREAS**, all CSO Municipalities are authorized to use CSOs by the United States Environmental Protection Agency (“USEPA”) pursuant to its National Pollutant Discharge Elimination System permitting program; and

**WHEREAS**, it is the national policy of USEPA and the state policy of the New Jersey Department of Environmental Protection (“NJDEP”) to reduce and/or completely eliminate the volume of wastewater that flows out of CSOs and into local waterbodies without any treatment; and

**WHEREAS**, in accordance with its national CSO policy, USEPA has required all permitted entities to create “long term control plans,” pursuant to which each permitted entity must identify all actions that the entity will implement to achieve the goals and level of CSO control that USEPA sets forth in its national CSO policy; and

**WHEREAS**, New Jersey is the last state in the United States to develop long term control plans in accordance with USEPA’s national CSO policy; and

**WHEREAS**, long term control plans most frequently require the completion of massive public infrastructure projects that are highly technically complex, take many years or even decades to develop and implement, and place severe economic burdens on the residents who live in the areas where implementation takes place; and

**WHEREAS**, in 2015, the NJDEP required all New Jersey CSO Municipalities to develop a CSO Long Term Control Plan (“LTCP”) in order to comply with USEPA’s national CSO policy, which must be submitted to USEPA and NJDEP for approval on June 1, 2020 ; and

**WHEREAS**, according to USEPA, “Environmental Justice” means “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and

enforcement of environmental laws, regulations and policies;” and

**WHEREAS**, according to the USEPA, “Fair Treatment” means “no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies;” and

**WHEREAS**, the cost of the LTCP will place a severe economic burden on the residents of our Municipality as well as the other CSO Municipalities; and

**WHEREAS**, the cost regionally could be in excess of two billion dollars (\$2,000,000,000); and

**WHEREAS**, it is clear that the severe economic burden that the LTCPs will place on the Municipalities’ residents in no way comports with USEPA’s definitions of “Environmental Justice” or “Fair Treatment;” and

**WHEREAS**, economic relief from the federal government is necessary for implementation and completion of the LTCPs.

**NOW, THEREFORE, BE IT RESOLVED** that Mayor and Council of the Borough of Fort Lee, calls on the Governor as well as the members of our United States Congressional Delegation to provide economic relief for the purpose of facilitating the implementation and construction of a LTCP for the control of the Municipality’s combined sewer overflow points.

**BE IT FURTHER RESOLVED**, that the Fort Lee Borough Clerk shall forward this Resolution accordingly.

**CA-13 Opposing Construction of the NJ Transit Gas-Fired Power Plant in Kearny, New Jersey**

**RESOLUTION OF THE BOROUGH OF FORT LEE OPPOSING CONSTRUCTION OF THE NJ TRANSIT GAS-FIRED POWER PLANT IN KEARNY, NEW JERSEY**

**WHEREAS**, NJ Transit has proposed to build a 140 megawatt gas-fired power plant (aka NJ TRANSITGRID Traction Power System) along the Hackensack River in Kearny, NJ; and

**WHEREAS**, this gas-fired power plant would be paid for using \$546 million of taxpayer-provided federal and state funding, including a \$410 million federal grant for Hurricane Sandy Recovery and Resiliency; and

**WHEREAS**, the Mayor and Council of the Borough of Fort Lee has a principal responsibility to protect the health and safety of its residents, businesses, and institutions; and

**WHEREAS**, the proposed NJ TRANSITGRID gas-fired power plant would be another long-term source of harmful air pollution directly impacting North Jersey residents; and

**WHEREAS**, gas infrastructure facilities can annually emit into the air hundreds of tons of pollutants including particulate matter, toxic chemicals such as sulfur dioxide, mercury, and criteria pollutants (such as nitrogen oxides which contribute to the formation of acid rain, ozone, and smog),[1] some of which are known carcinogens such as benzene and formaldehyde, and also can be sources of radioactive contamination[2] and are known to increase the severity of asthma and other respiratory diseases; and

**WHEREAS**, particulate matter, once inhaled, can affect the heart and lungs and cause serious health effects, including lung cancer; with long-term exposure to ozone

being linked to aggravation of asthma, emphysema, and chronic bronchitis, and likely to be one of many causes of asthma development; with long-term exposures to ozone being linked to permanent lung damage, such as abnormal lung development in children; with both ozone

and particulate pollutants being linked to premature death, cardiovascular harm, and increased susceptibility to infections; with recent studies linking air pollution to increases in obesity, diabetes, Parkinson’s disease, Alzheimer’s and other forms of dementia, and stroke; [3] and with the people most at risk from breathing air that contains ozone including those with asthma, children, older adults, and those who are active outdoors, especially outdoor workers; and

**WHEREAS**, a new study conducted by scientists at Harvard University found that communities with unhealthy levels of particulate matter pollution (pm 2.5) were more likely to die from COVID-19 than other communities,

**WHEREAS**, people who live or work in close proximity to natural gas infrastructure facilities such as power plants and compressors are most at risk, particularly developing fetuses, children, older adults, and those with cardiovascular, lung, or respiratory problems and other vulnerable subpopulations, although under certain weather and terrain conditions, these pollutants can have a wider impact; and

**WHEREAS**, current protocols used for assessing compliance with ambient air quality standards do not adequately determine intensity, frequency, or duration of actual human exposures to pollutants and mixtures of pollutants emitted from natural gas infrastructure, noting that periodic 24-hour average measures can underestimate actual exposures by an order of magnitude; and

**WHEREAS**, based on the American Lung Association’s State of the Air 2019” report, North Jersey, which will be most impacted by emissions from this power plant, already has significant populations (in some cases the largest in New Jersey), with pediatric and adult asthma, COPD, lung cancer, cardiovascular disease and diabetes,[4] whose conditions will only be exacerbated by additional volumes of air pollution; and

**WHEREAS**, developing fetuses and children are uniquely vulnerable to exposures as they receive proportionally greater doses of pollutants than adults and have immature organs and detoxification systems[5]; and

**WHEREAS**, peer-reviewed scientific studies[6] link exposure from air pollutants emitted by natural gas infrastructure facilities with neurological, cardiovascular, and respiratory disease, cancer, birth defects, and other adverse health impacts; with acute health impacts from these toxic exposures able to cause burning eyes, headaches, breathing difficulty and nausea for nearby populations and can exacerbate health problems; and with chronic health impacts that can include certain types of cancer as well as damage to lungs, liver, kidneys, reproductive, nervous, and cardiovascular systems; and

**WHEREAS**, the American Medical Association acknowledges the hazards of natural gas infrastructure and associated adverse health impacts; and

**WHEREAS**, Bergen, Hudson, and Essex Counties (the proposed site of the gas-fired power plant being Kearny) already receive grades of ‘F’ from the American Lung Association for ground level ozone pollution,[7]

**WHEREAS**, the annual health impacts of burning 1 (one) billion cubic feet per day of natural gas in the NY/NJ metropolitan area are estimated to be as follows [8] ; and

Health Impact	Incidents per year	Societal Value*	Direct Medical and Other Costs
---------------	--------------------	-----------------	--------------------------------

Premature Mortality	35.3	\$238,712,000	\$10,585,000
Chronic Bronchitis	22.3	\$10,554,000	\$2,700,000
Hospital + Emergency Room visits	32.8	\$432,000	\$345,000
Asthma Attacks	724.5	\$43,000	\$42,000
Respiratory Symptoms	32,720	\$1,190,000	\$1,190,000
Work Loss Days	6,374	\$1,160,000	\$1,079,000
Mercury Related	NA	\$12,277,000	\$13,277,000
Total		\$265,369,000	\$29,217,000

\*Costs to consumers for which they are not reimbursed.

**WHEREAS**, the NJ TRANSITGRID gas-fired power plant would become the 13th largest emitter of greenhouse gases in New Jersey, releasing 5,771,000 tons of Carbon Dioxide Equivalent greenhouse gases into the atmosphere annually [9]; and

**WHEREAS**, the primary ingredient of natural gas is methane, which leaks at every system stage of production, including extraction, processing, transmission, distribution, and final consumption; and

**WHEREAS**, methane is an extremely potent greenhouse gas with a global warming potential that is 34 times that of carbon dioxide over a 100-year timeframe and 86 times that of carbon dioxide over a 20-year timeframe; and

**WHEREAS**, methane emissions from gas-fired power plants may be considerably higher than previously thought, with a 2017 study[10] finding that gas-fired power plants released more than 20 times more methane than the facilities had estimated; and

**WHEREAS**, NJ Transit has never seriously explored alternative solutions to its proposed gas-fired power plant, including zero-emissions technologies like solar, wind, or tidal energy combined with battery energy storage, each of which, or in combination, would avoid the environmental and public health issues detailed in this resolution while still providing new jobs and other financial benefits to local municipalities; and

**WHEREAS**, NJ Transit's failure to seriously evaluate clean energy alternatives is in direct contradiction with several New Jersey laws and policies, including the state's Clean Air Act, 2018 Clean Energy Act, and final 2019 Energy Master Plan to achieve 100% clean energy economy wide in New Jersey by 2050; and

**WHEREAS**, natural gas is becoming less attractive as an energy source due to the rapidly improving cost-effectiveness of renewable technologies, the impact of fossil fuels on our climate emergency (and the need to immediately make deep reductions, not increases, in greenhouse gas emissions,) and the increasing likelihood of fossil fuel infrastructures becoming stranded assets over their expected lifetime, it is likely that the long-term economics associated with NJ Transit's microgrid favor a renewable energy technology-based solution; and

**WHEREAS**, the air pollution from the power plant would disproportionately harm communities of color and low-income communities in Kearny, Newark and Jersey City, in direct contradiction with Governor Murphy's Executive Order 23 to promote environmental justice for all; and

**WHEREAS**, the proposed plant would be built on top of a Superfund site and the former Koppers Seaboard Coke and By-Products plant as well as in an active flood plain that is at [risk for at least one flood over 6 feet taking place between 2020 and 2050](#); and,

**WHEREAS**, the location of the plant conflicts with the Regional Plan Association's 2017 finding of the Meadowlands being at risk from sea level rise; and

**WHEREAS**, geological changes along the East Coast are causing land to sink along the seaboard, which is exacerbating the flood-inducing effects of sea level rise, which has been occurring faster in the western Atlantic Ocean than elsewhere in recent years; with a 2016 article in Scientific American[11] reporting that Sandy Hook is sinking at the rate of over one inch per decade while the regional sea level is rising at over three inches per decade; and

**WHEREAS**, the proposed gas-fired power plant would require 1.3 million gallons of water per day which would come from the municipal water system (Suez), with about 90% of this water to be used to cool the steam-driven turbines; with cooling towers to be used for evaporation, which would allow chemicals in the water to contribute to the existing levels of air pollution; and

**WHEREAS**, the proposed gas-fired power plant's requirement that chemicals such as ammonia, bleach and acids be delivered by trucks and stored on-site would increase the potential for spills into nearby wetlands and streams, and the Hackensack river; and

**WHEREAS**, the operation of the proposed gas-fired power plant would increase the volume of fracked natural gas used in New Jersey, which also would increase the drilling and associated environmentally-destructive activities associated with its production and transport[12] in the region; and

**WHEREAS**, Hurricane Sandy Recovery and Resiliency funding would be used to pay for a gas-fired power plant that would increase greenhouse gas emissions, thus increasing the likelihood of more Sandy-like hurricanes, when New Jersey and its governor should be taking every action possible to safeguard our climate future; and

**WHEREAS**, the 140 megawatts that NJ Transit states is required to power its microgrid project, including driving trains 24/7, can be achieved by the cleaner alternative of one or more renewable energy systems at the proposed Kearney site and on other NJ Transit property (solar, wind, tidal), along with one or more energy storage systems (batteries, flywheels, supercapacitors); and

**WHEREAS**, New Jersey's Clean Energy Law, Public Law 2018 establishes one of the most ambitious renewable energy standards in the country by requiring that 21 percent of the energy sold in the state be from Class I renewable energy sources by 2020; 35 percent by 2025 and 50 percent by 2030; and codifies the Governor's goal of achieving 600 megawatts of energy storage by 2021 and 2,000 megawatts by 2030; and

**WHEREAS**, Governor Murphy should direct federal grants and relief funds towards energy solutions that will help achieve New Jersey's renewable energy and energy storage goals; and,

**WHEREAS**, NJ Transit has the opportunity to become a nationwide leader in both renewable energy and environmentally beneficial transit solutions, it is incumbent upon the agency to make every effort to adopt renewable energy and energy storage to power the NJ TRANSITGRID project.

**WHEREAS**, the microgrid would fail if the gas-fired power plant was severely damaged or forced to shut down by an extreme weather event but the use of renewable energy and energy storage would greatly reduce the probability of a single point of failure jeopardizing the microgrid; and .powered by

**WHEREAS**, powering the microgrid project with renewable energy and energy storage would largely eliminate the need for NJ Transit to purchase natural gas or power from the main electrical grid; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Borough Council of the Borough of Fort Lee, in the interest of protecting its residents, businesses and institutions, as of [date], strongly opposes the use of a gas-fired power plant to supply electricity for the NJ TRANSITGRID Traction Power System microgrid; and

**BE IT FURTHER RESOLVED** that the Borough of Fort Lee supports a renewable energy (solar, tidal, wind) and energy storage system (battery, flywheel) in the place of a gas-fired power plant; and

**BE IT FURTHER RESOLVED** that the Borough of Fort Lee urges Governor Murphy to direct NJ Transit to immediately undertake a comprehensive engineering and economic analysis of the use of various renewable energy and storage technologies to power its Traction Power System microgrid and report back to the Governor and the public on the results of this analysis before it proceeds with bids to construct the system; and

**BE IT FURTHER RESOLVED,** that the Fort Lee Borough Clerk shall forward this Resolution accordingly.

There being no further discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilman Sohmer. The Consent Agenda regarding CA-1 through CA-3 and CA-5 through CA-13 was approved on the following roll call:

CA-4 was removed from the consent agenda.

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

**CA-4 Authorizing the Appointment of Denis Piano as Acting Supervising Maintenance Repairer in the General Services Department Effective August 17, 2020, \$105,000**

**RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE APPOINTMENT OF AN ACTING SUPERVISING MAINTENANCE REPAIRER IN THE GENERAL SERVICES DEPARTMENT**

**WHEREAS**, due to a retirement in the General Services Department, the Mayor and Council of the Borough of Fort Lee have determined that it would be prudent to appoint an **Acting Supervising Maintenance Repairer**; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fort Lee, that **Mr. Denis Piano** be appointed as **Acting Supervising Maintenance Repairer**, effective August 17, 2020; and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey, that the annual compensation associated with this appointment shall be **\$105,000-**.

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

**RESOLUTIONS**

None

**COUNCIL REPORTS**

**Councilman Sohmer** - He stated this year's first Music Under the Stars, featuring the Grease Band, was a success. He thanked the committee, Al Restaino, Cheryl Westyn, Sam Ghali, Michael Maresca, DPW and General Services for putting it together with



safe guidelines.

He stated August 17<sup>th</sup> and 18<sup>th</sup> Summer Movie Series Kick Off featuring “A Beautiful Day in the Neighborhood.”

He mentioned there is still time to fill out your census.

**Councilman Yoon-** He mentioned it was a testament to front line workers on keeping the COVID-19 numbers down and that we will get through this together.

**Councilman Suh-** He mentioned we all did a great job flattening the curve and how well the community is following the guidelines.

He stated Monday and Tuesday “A Beautiful day in the Neighborhood” will be shown at the Community Center Movie Night. Please bring your own lawn chair, stay in one of the 95 squares that fit 4-5 people.

He mentioned school is opening on September 3<sup>rd</sup> and things could change. Please check the Board of Education website for updates.

**Mayor Sokolich-** He mentioned all are welcome to the concerts and Movies Under the Stars events.

**Councilman Sargenti-** He thanked the following that assisted during the recent storm: Fire Department, Police Department, General Services, Borough Administrator, OEM Director, Police Chief and all of PSE&G.

**Councilwoman Kasofsky-** She mentioned the health Department is offering free well visits and to make sure to continue with routine vaccinations.

She mentioned the Community Gardens is growing numerous things.

She stated what a wonderful time everyone had at the first season concert.

**Mayor Sokolich-** He stated the concerts are therapeutic being able to enjoy conversations with others.

**Councilman Cervieri-** He thanked the first responders and to all those that helped the community get through the storms.

He mentioned when he spoke to Tom Meyers, he was emotional over the outpouring support he has received.

## **PUBLIC PARTICIPATION**

There being no further public discussion, on motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, the meeting was closed to the public.

On motion by Councilman Cervieri, seconded by Councilman Suh, and there being no further discussion, the meeting was adjourned with no objections at 7:30 p.m.

---

Evelyn Rosario, RMC  
Municipal Clerk