

REGULAR MEETING

MAYOR AND COUNCIL

Thursday, August 17, 2023 @ 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, Drumgoole, Kasofsky, Cervieri

ALSO PRESENT: Al Restaino, Borough Administrator
Evelyn Rosario, Borough Clerk
Nadine Drumgoole, Deputy Municipal Clerk
Brian Chewcaskie, Borough Attorney

OPEN PUBLIC MEETINGS ACT STATEMENT

In accordance with Chapter 231, P.L. 1975 adequate notice informing the public of the time and place of this meeting was duly published in the Record, the Jersey Journal and Star Ledger issues of November 28, 2022. Said notice was also posted on the Borough Hall bulletin board and Borough website.

MAYOR'S REPORT AND ANNOUNCEMENTS

“Thank you, Council and to everybody in attendance and to everybody out in the cable tv world. Welcome to our regularly scheduled meeting of August 17. As the Borough is probably aware at this point during the summer months, we have double sessions. Today was a double session so the Governing body and I met for the last few hours upstairs in the executive meeting room and now this is the public portion of that meeting. We try to limit the meetings in the summer. Just a few announcements and I know that my colleagues will be talking about this during the course of the night, but I would be remissive if I didn't start off by telling, just expressing an incredible congratulations to our spring and summer youth sports programs here in the Borough of Fort Lee. This Borough has been around for over a hundred and thirty some odd years. That's a long and probably tens and tens of thousands of leagues that have transpired during that century and a half almost. We have never had a more successful youth sports season in our existence. I am not going to name everything but a couple of the highlights. We had our 12-U our primary little league all-star team, our oldest group finished third in the entire state of New Jersey. That's out of hundreds and hundreds and hundreds of little leagues. District champions, section champions they were a game away to Williamsport and playing in the little league world series. That's one of the teams, there are multiple other teams that I think colleagues will get into tonight that won districts and finished high in sections. We had the girls' softball team that won section, it was just incredible, it was success after success. Why I bring it up? Of course, congratulations to the kids but I have always emphasized and will continue to be grateful and thankful to the volunteers that make this possible. You know who you are, the countless hours of scheduling, of coordinating, getting kids to practices, of just doing everything that you need to do to make sure a league works. I am going to tell you right now the success that they achieve recently was earned several months ago, if not years ago on practices at night and on dark fields and waking up early and doing things that other leagues and other places are not doing. To those administrators and coaches thank you, of course to the kids thank you and to the families that have to pay the registration fees and have to get the equipment going, work the homework in between practices. Getting them to away games and home games, it is just a complete family and community effort. I feel like we are a part of those victories, and I am really proud of it, I really am. Yesterday our congressman, Josh Gottheimer, introduced legislation to give families a tax credit up to \$350.00 per child per

year to defray the cost of registration because registration fees have gotten expensive. In Fort Lee, we try to hold that cost down as best we can. I know speaking to some of the administrators, they take a loss on the administration they don't even cover the costs, but they will supplement their dollars with other sponsorships and money that the Borough gives them. It is just getting very expensive, hundreds and hundreds of dollars when you start adding up equipment and all of that. So, thank you Josh to that and I think no better place than in Fort Lee, New Jersey to introduce that legislation. Three things I am doing tonight, secondly, I am going to do the artwork last. In this last thirty days it has been a trying period for me as well and I just wanted to extend my thanks to Fort Lee Ambulance Corp. And of course, to the Fort Lee Police Department, family, and friends. I had my own little health scare, no secret, I collapsed on August 7th and rushed to the hospital a heart stent later, but I am doing fine. While you are there, and you are dialing 911 it's a little different when you're looking at it from the optics of the mayor. I am half wondering whether or not I am going to survive this episode. Then there is a part of me that's saying I am about to experience this 911 that I have been bragging about for sixteen years. And I am wondering my god I hope I am right. I keep saying we got the best emergency services around, and I am the one that says, "when you dial 911 in Fort Lee it puts into motion this incredible phenomenon". Well, I was right, thank God I was right. I am here to tell you that I was right. You dial 911 there is a gentleman that stays on the phone with my wife and just tells her to tell me what to do and what not to do. You know when you think you're going to die, you need to know somebody is on the way. You need to know that somebody with resources and brains is coming. That's half the cure, it was for me. Sure, enough Police Officers from the department arrived, all our patrol cars have oxygen. I got the oxygen; it wasn't a big deal I don't want anybody's sympathy I just want to give you an idea to what I went through. They were there with me within minutes and not because I am the mayor, they are there within minutes for everybody. They apply the oxygen, then the ambulance comes, and we make it to the hospital. But where am I going with this? Thank you to our Police Department, thank you to our Ambulance Corp., thank you to our OEM, thank you to our Fire Department because we were recently ranked one of the best communities in the state of New Jersey to live in. One of the criteria for that is the emergency services where we rank. We rank at the top, at the very top. There too, in Government we take pride in knowing we provide those resources. But you can spend billions of dollars in trucks, if you don't have the right people, the dedicated people, that go to the classes and do what they are supposed to do and learn the most advanced techniques on saving lives, we aren't nothing. But we have men and women in this town that spend their time and commit their lives to life saving classes and measures and I am just so proud of it. Now I can tell you I am a customer of it and thank God. I am here to tell you about all that bragging about the emergency services is absolutely on the money, not based on hearsay it is based on personal experience. To everybody that was involved thank you so much. To my friends and family and for all the support and to all the texts, thank you so much. Enough about me. So, what's behind me is an incredible piece of art. Fort Lee has developed an incredible friendship with an artist that I am about to introduce him to all of you too. We are going to ask him to come up and say a few words. We have been meeting and become friendly over the last few months and we were talking, I was looking at his brochure. Me, Harvey, Bryan and whoever was in the room he is known as a smoke artist. He has perfected this incredible technique on applying this craft to now, what is behind me. This is one of his most incredible pieces on September 11th to remind us all to never forget. Several months ago, I had asked him with the council's permission would he consider loaning us this piece of art for displaying it here at Borough Hall. The reason why it would be important here in Fort Lee is because we played a very important role on September 11th. Our emergency service agencies manned firehouses, we commandeered the bridge, we created a triage at Fort Lee High School, we did a ton of stuff. If you need to be reminded of what we did go to our 911 memorial at Constitution Park. There is a plaque dedicated to each of our services on what role they played on that day. On September 11th at 6:00PM, it is a Monday this year, Fort Lee is going to have our annual anniversary and memorial for 911. It is going to start at 6:00pm, we usually start at 7:00pm but it is going to be at 6:00pm because we found at prior times that we ran into darkness, so we are going to start a little earlier, so we don't have to rush through it. I don't want to use the word wonderful, but it is one of the most rewarding events we have all year. Several hundred of us gather there. A lot of our members of our emergency service agencies are there. We just want to be together; you don't have to talk; you don't have to tell us what you did or didn't do. If you want to share you can, if you don't want to you don't have to. There will be refreshments, we are there together. We

have a few dignitaries talk about 911 and things that have happened, but we are there together. And that's really what's most important and that's at our 911 memorial at Constitution Park. But in advance of that event, we thought it would be incredible to hang this spectacular piece of art that is behind me. The artist is going to be up in a second, but these are all separate boards. But I want to thank our general services and DPW for spending the time. They built a track into our ceiling, they suspended it with cables, and they painstakingly hung this so that its perfectly leveled. Mher's will give us the dimensions and a couple of the details associated with this but that door to Borough Hall will be open and Council Chambers will be open all day. Please come and observe this remarkable artwork, it is absolutely breathtaking. Beautiful might not be the word but I am going to go with beautiful because yes it reminds us of the sorrow but in such an incredibly talented way. At least that's the way it hits me and we thought to display it here at Borough Hall would just be the best place in the world to do that. So, we are so proud that we have it. So grateful to Mher for letting us have it and he joins us tonight with his lovely wife. Welcome, Mher come on up. We would love to hear a little bit on this work and on behalf of the entire Borough of Fort Lee I want to thank you for lending us this incredible piece of art so that we can show the world. One, how talented you are and two to remind everybody to never forget."

At this time in the meeting, Mr. Mher Khachatryan, also know as The Smoke Artist, came forward to explain the details involved with the creation of this mural.

APPROVAL OF MINUTES

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the June 1, 2023, Closed Session and Work Session were approved.

On motion by Councilman Cervieri, seconded by Councilwoman Kasofsky, and carried unanimously, the minutes of the June 15, 2023, Regular Session were approved. Councilman Suh recused.

On motion by Councilman Cervieri, seconded by Councilman Sohmer, and carried unanimously, the minutes of the July 6, 2023, Closed Session, Work Session, and Regular Session were approved.

INTRODUCTION OF ORDINANCES

Ord. 2023-22 AN ORDINANCE AUTHORIZING THE VACATION OF A SANITARY SEWER EASEMENT AND RELOCATE THE EASEMENT LOCATED ON CERTAIN REAL PROPERTY WITHIN THE BOROUGH OF FORT LEE IDENTIFIED AS BLOCK 6959, LOT 7, COMMONLY KNOWN AS 2443 FIRST STREET (Public Hearing September 21, 2023)

The Ordinance was **approved**, and the public hearing relative to this ordinance was scheduled for September 21, 2023.

Introduced On: August 17 2023			
Council	Motion	Second	Vote
Sohmer		X	X
Yoon			X
Suh			X
Drumgoole			X
Kasofsky			X
Cervieri	X		X

Adopted On: September 21 , 2023			
Council	Motion	Second	Vote
Sohmer			
Yoon			
Suh			
Drumgoole			
Kasofsky			
Cervieri			

Ord. 2023-23 BOND ORDINANCE AUTHORIZING FOR THE ACQUISITION OF REAL

PROPERTY AND FOR THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$3,030,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$2,878,500 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF (Public Hearing September 21, 2023)

The Ordinance was **approved**, and the public hearing relative to this ordinance was scheduled for September 21, 2023.

Introduced On: August 17, 2023			
Council	Motion	Second	Vote
Sohmer			X
Yoon			X
Suh		X	X
Drumgoole			X
Kasofsky			X
Cervieri	X		X

Adopted On: September 21, 2023			
Council	Motion	Second	Vote
Sohmer			
Yoon			
Suh			
Drumgoole			
Kasofsky			
Cervieri			

Ord. 2023-24 AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE 2021-27 AUTHORIZING LONG TERM TAX EXEMPTION AGREEMENT BETWEEN THE BOROUGH OF FORT LEE AND MEDITERRANEAN HOUSE APARTMENTS URBAN RENEWAL, LLC (Public Hearing September 21, 2023)

The Ordinance was **approved**, and the public hearing relative to this ordinance was scheduled for September 21, 2023.

Introduced On: August 17, 2023			
Council	Motion	Second	Vote
Sohmer			X
Yoon			X
Suh			X
Drumgoole			X
Kasofsky		X	X
Cervieri	X		X

Adopted On: September 21, 2023			
Council	Motion	Second	Vote
Sohmer			
Yoon			
Suh			
Drumgoole			
Kasofsky			
Cervieri			

Ord. 2023-25 AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY KNOWN AS 2033 CENTER AVENUE (Public Hearing September 21, 2023)

The Ordinance was **approved**, and the public hearing relative to this ordinance was scheduled for September 21, 2023.

Introduced On: August 17, 2023			
Council	Motion	Second	Vote
Sohmer			X
Yoon			X
Suh		X	X
Drumgoole			X
Kasofsky			X
Cervieri	X		X

Adopted On: September 21, 2023			
Council	Motion	Second	Vote
Sohmer			
Yoon			
Suh			
Drumgoole			
Kasofsky			
Cervieri			

ORDINANCE PUBLIC HEARINGS

None

PROPOSED CONSENT AGENDA

On motion by Councilman Cervieri , seconded by Councilwoman Kasofsky , the Proposed Consent Agenda was introduced, and the public hearing was opened relative to items CA-1 through CA-24.

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

July 6, 2023 Regular Session Meeting Resolution # CA-1 to CA-24 Carried:___Defeated:___Tabled:___ Approved on Consent Agenda: <u>X</u>
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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.

<u>ACCOUNT</u>	<u>AMOUNT</u>
Current	\$8,519,898.54
Current - Wires	25,089,196.55
Capital	1,707,625.72
Road Improvement Plan	
Multiple Dwelling	
Construction Fees	
COAH Fees	
Senior Citizen Advisory Council	
Trip Admissions	5,713.72
Special Dog Account	
Trust Account Fund	131,715.00 Redemption
Account	325,626.94
Disability Insurance Trust	
Public Assistance Trust Fund	
Police Activity Trust	
Fort Lee Film Commission	
Community Development	
School Resource Account	
Dedicated Penalties (Fire Prevention)	
POAA	
Police Donation	
Police Activity Trust	500.00
Police Justice	7,077.39
Flexible Spending	
Trust Account	
Developers CONNECT ONE	45,313.94
Developers B of America	
Total:	\$ 35,832,667.80

CA-2 Approving Auxiliary Firefighter Applications for Khaleel R. Thomas and John Thomas M. Annillo Fire Company #2, and Andy Mateus, Fire Company #1

The Auxiliary Firefighter Applications for Khaleel R. Thomas and John Thomas M. Annillo Fire Company #2, and Andy Mateus, Fire Company #1 were approved.

CA-3 Authorizing the Appointment of A. Sciglitano and F. Caratozzolo from Part-Time to Full-Time Employees in the Department of Public Works, Grade 10, Step A \$46,850.80 Annual Salary

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING TWO PART-TIME EMPLOYEES BE APPOINTED TO FULL-TIME POSITIONS IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, due to retirements in the Department of Public Works, Superintendent Patrick Ferrara has requested the Mayor and Council to fill the vacancies; and,

WHEREAS, **Anthony Sciglitano** and **Francesco Caratoz zolo** have been employed as seasonal, part-time employees with the Department of Public Works since the summer of 2022, and the Mayor and Council have authorized these employees be moved into full-time positions with the Department of Public Works; and,

NOW, THEREFORE, BE IT RESOLVED that **Anthony Sciglitano** and **Francesco Caratoz zolo** be appointed as full-time Truck Drivers, Grade 10, Step A, at an annual salary of \$46,850.80, in compliance with the Salary Ordinance of the Blue Collar Contract.

BE IT FURTHER RESOLVED that these appointments shall be provisional pending certification from the New Jersey Civil Service Commission.

CA-4 Authorizing the Transfer of C. Kim from the Finance Department to the Fire Prevention Bureau, Effective September 1, 2023

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE TRANSFER OF CHRISTINA KIM TO THE FIRE PREVENTION BUREAU

WHEREAS, due to a vacancy in the Fire Prevention Bureau, 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 **Christina Kim** be transferred from the Finance Department to a full-time position of **Keyboarding Clerk 1** in the **Fire Prevention Bureau**, with an approximate effective date of **September 1, 2023**.

CA-5 Authorizing Participation in the Bergen County Fire Mutual Aid Plan

RESOLUTION OF THE BOROUGH OF FORT LEE SUPPORTING THE BERGEN COUNTY FIRE MUTUAL AID PLAN IN THE BOROUGH OF FORT LEE, COUNTY OF BERGEN, STATE OF NEW JERSEY

WHEREAS, the Borough of Fort Lee provides fire protection resources for ordinary emergency response requirements within its jurisdiction; and

WHEREAS the Fire Departments in Bergen County have a day-to-day responsibility to provide for the safety and security of lives and property; and

WHEREAS, local resources can become exhausted during the small percentage of large magnitude fire or disaster occurrences; and

WHEREAS, mutual aid is the most cost-effective method of providing sufficient resources to a local jurisdiction for those extraordinary occurrences; and

WHEREAS, it is of mutual benefit for fire departments located within the County of Bergen to provide supplemental resources to each other in the event of a local emergency or disaster; and

WHEREAS this plan will provide a uniform procedure for the coordination of the requesting, dispatching, and utilization of fire department personnel and equipment whenever a local fire department requires mutual aid assistance from any other jurisdiction, both contiguous and non-contiguous, in the event of a fire or emergency; and

WHEREAS, a county area mutual aid plan is encouraged by, and is compatible with the State of New Jersey Resource Deployment Act; and

WHEREAS, participation in a county area mutual aid plan will not impose liability on the local entity; and

WHEREAS it is the desire of the governing body of the (entity) to participate in fire mutual aid plan; and

NOW, THEREFORE, BE IT RESOLVED, the Borough of Fort Lee does hereby agree to authorize their fire department to provide mutual aid assistance to each participating municipality, district, state or federal organization, as identified in the Bergen County Fire Mutual Aid Plan (ESF 4) and as may be amended from time to time by Participating Units and ratified by this body; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Bergen County Office of Emergency Management for filing.

CA-6 Authorizing the Renewal of Liquor License No. 0219-33-040-013 Noma Group, LLC (Inactive License) for Licensing Term July 1, 2023-June 30, 2024

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING RENEWAL OF LIQUOR LICENSE NO. 0219-33- 040-013 “NOMA GROUP, LLC ” (INACTIVE LICENSE) FOR LICENSING TERM JULY 1, 2023 - JUNE 30, 2024, SPECIAL RULING N.J.S.A. 33:1-12.39 GRANTED

BE IT RESOLVED, by the Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey, that renewal of Plenary Retail Consumption License be granted to NOMA GROUP, LLC. license number 0219-33-040-013 effective July 1, 2023, through June 30, 2024.

BE IT RESOLVED, that the State of New Jersey, Department of Treasury, Division of Taxation has provided Tax Clearance Certificate for said license.

BE IT FURTHER RESOLVED, the Division Alcoholic Beverage Control has reviewed the Special Ruling (N.J.S.A. 33:1-12.39) petition submitted by NOMA GROUP, LLC., and has considered all the facts and circumstances related to the inactive status of this license and has determined that the licensee has established good cause in accordance with the statutory requirements to warrant an application for renewal of license number 0219-33-040-013 for the 2023-2024 license term.

NOW, THEREFORE BE IT RESOLVED by the Borough of Fort Lee that the license be and is hereby renewed for the licensing period of July 1, 2023, through June 30, 2024.

CA-7 Authorizing Title, Grade and Step Changes for Various Employees in the Department of Public Works, S. Abascal, P. Cillo, O. Leiva, J. Rodriguez, H. Waldow and D. Wright, Effective Retroactively to July 10, 2023, and J. Calabro, Effective August 21, 2023

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING TITLE, GRADE AND STEP CHANGES FOR VARIOUS EMPLOYEES REPRESENTED BY THE BLUE-COLLAR BARGAINING UNIT

WHEREAS, the Mayor and Council have authorized title, grade and step changes for the following employees represented by the Blue-Collar Bargaining Unit:

Dept.	Name	Current Title	Current Grade & Step	New Title	New Grade & Step	Effective Date
DPW	Abascal, S.	Truck Driver	10 - E	Public Works Repairer	12 - D	7/10/23
DPW	Calabro, J.	Heavy Equipment Operator	13 - G	Supervisor of Roads	17 - F	8/21/23
Gen. Services	Cillo, P.	Public Works Repairer	12 - F	Maintenance Repairer	14 - F	7/10/23

DPW	Leiva, O.	Truck Driver	10 - A	Heavy Duty Truck Driver	11 - A	7/10/23
DPW	Rodriguez, J.	Public Works Repairer	12 - G	Sr. Pump Station Attendant	15 - F	7/10/23
DPW	Waldow, H.	Laborer	9 - A	Truck Drier	10 - A	7/10/23
DPW	Wright, D.	Truck Driver	10 - C	Public Works Repairer	12 - B	7/10/23

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

CA-8 Authorizing Hourly Compensation for Summer Interns in Various Borough Departments, M. Stojanovic , K. Park and C. Yeo, \$12.00 Per Hour

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING HOURLY COMPENSATION FOR SUMMER INTERNS

WHEREAS, the Mayor and Council of the Borough of Fort Lee are desirous of providing hourly compensation for summer interns **Marko Stojanovic , Kaitlyn Park and Chaemin Yeo** who have been working for the Borough this summer; and

BE IT RESOLVED, that the Mayor and Council have authorized an hourly rate of \$12.00 for the hours worked in their respective departments; and

BE IT FURTHER RESOLVED, that each respective Department Head will provide the Borough’s Payroll Clerk with the appropriate documentation to retroactively process payment of their wages.

CA-9 Authorizing a Salary Adjustment for E. Hodge, Fire Prevention Specialist due to Expanded Duties in the Building Department, \$10,000.00 Adjustment

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING A SALARY ADJUSTMENT FOR M R. ERIC HODGE, FIRE PREVENTION SPECIALIST FOR EXPANDED RESPONSIBILITIES

WHEREAS, the Mayor and Council are desirous of expanding the responsibilities of Mr. Eric Hodge, Fire Prevention Specialist to include specific assigned duties in the Building Department relating to his Building Inspector HHS License; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee, have authorized a \$10,000 salary adjustment for Mr. Hodge for these additional responsibilities; and

BE IT FURTHER RESOLVED that this salary adjustment shall be effective August 21, 2023.

CA-10 Authorizing the Hiring of Various Fall Seasonal Employees in the Community Center, Effective September 2023 Through December 31, 2023, \$15.00 - \$18.00 Hourly

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE HIRING OF FALL SEASONAL EMPLOYEES

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

NOW, THEREFORE, BE IT RESOLVED that the below listed individuals will be hired as fall seasonal employees to work at the Community Center with an effective date provided by the Department Head to our Payroll Department; and

BE IT FURTHER RESOLVED that said individuals be paid at an hourly rate as stipulated below, **effective September 2023 through December 31, 2023** :

NAME	POSITION	DEPARTMENT	HOURLY RATE:
Ashman, Christopher	Supervisor	Community Center	\$15.00
Holzapfel, Erik	Supervisor	Community Center	\$15.00
Paredes, Huasly	Supervisor	Community Center	\$15.00
Keller, Alan	Supervisor	Community Center	\$15.00
Jaikissoon, Eric	Supervisor	Community Center	\$18.00
McCrary, Consuelo	Supervisor	Community Center	\$15.00
Morell, Samuel	Supervisor	Community Center	\$15.00
Nannas, Dimitri	Supervisor	Community Center	\$15.00
Picinich, Donald	Supervisor	Community Center	\$15.00
Sciglitano, Anthony	Supervisor	Community Center	\$15.00

CA-11 Authorizing the Hiring of Fall Seasonal Employees in the Recreation Department, Effective September 2023 Through December 31, 2023, \$15.00 - \$30.00 Hourly

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE HIRING OF FALL SEASONAL EMPLOYEES

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

NOW, THEREFORE, BE IT RESOLVED that the below listed individuals will be hired as fall seasonal employees to work at the Recreation Department with an effective date provided by the Department Head to our Payroll Department; and

BE IT FURTHER RESOLVED that said individuals be paid at an hourly rate as stipulated below, **effective September 2023 through December 31, 2023** :

NAME	POSITION	DEPARTMENT	HOURLY RATE:
Asharian, Laudan	Recreation/Youth Center Supervisor	Recreation	\$17.00
DeGidio, Ashley	Recreation/Youth Center Supervisor	Recreation	\$17.00
Gathers, Savannah	Recreation/Tennis Attendant	Recreation	\$15.50
Gulsen, Berkan	Recreation/Youth Center Supervisor	Recreation	\$17.00
Huertas, Michael	Recreation/Tennis Attendant	Recreation	\$15.50
Joseph, Daniel	Recreation/Tennis Attendant	Recreation	\$15.50
Katjomuise, Kyle	Recreation/Tennis Attendant	Recreation	\$15.50
Khatchadourian, Natalie	Recreation/Tennis Attendant	Recreation	\$15.50
Kellas, Kim	Crafts Instructor	Recreation	\$20.00
Micali, Lexi	Recreation/Tennis Attendant	Recreation	\$15.00
Rodriguez, James	Recreation/Tennis Attendant	Recreation	\$15.00
Rosa, Jaime	Recreation/Tennis Attendant	Recreation	\$15.00
Rosa, Shaina	Recreation/Youth Center Supervisor	Recreation	\$17.00
Samuel-Olagunju, Joanne	Recreation/Tennis Supervisor	Recreation	\$17.00
Schiff, Barry	Adult Art Instructor	Recreation	\$30.00

CA-12 Authorizing the Hiring of A. Bolivar, \$49,183.97 Annually and J. Calixto, 46,850.80 Annually as Full-Time Employees in the Department of Public Works, Effective September 5, 2023

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING TWO FULL-TIME POSITIONS IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, due to retirements in the Department of Public Works, Superintendent Patrick Ferrara has requested the Mayor and Council to fill the vacancies; and,

WHEREAS, the Mayor and Council have authorized **Armando Bolivar** and **Joseph Calixto** to be hired to full-time positions with the Department of Public Works; and,

NOW, THEREFORE, BE IT RESOLVED that **Armando Bolivar** be appointed as full-time Truck Driver - Class A, Grade 11, Step A, at an annual salary of \$49,183.97, in compliance with the Salary Ordinance of the Blue Collar Contract, with an **effective date of September 5, 2023** .

Joseph Calixto be appointed as full-time Truck Driver - Class B, Grade 10, Step A, at an annual salary of \$46,850.80, in compliance with the Salary Ordinance of the Blue Collar Contract, with an **effective date of September 5, 2023** .

BE IT FURTHER RESOLVED that these appointments shall be provisional pending certification from the New Jersey Civil Service Commission.

CA-13 Accepting Resignation Notice of C. McCrary, Keyboarding Clerk 1 in the Police Department, Effective August 11, 2023

RESOLUTION OF THE BOROUGH OF FORT LEE ACCEPTING THE RESIGNATION NOTICE OF CONSUELO MCCRARY

BE IT RESOLVED that **Consuelo McCrary, Keyboarding Clerk 1 of the Police Department** has submitted her resignation notice dated July 28, 2023, and the Mayor and Council have accepted same; and

BE IT RESOLVED that Ms. McCrary’s resignation will be **effective August 11, 2023** with the Borough of Fort Lee.

BE IT FURTHER RESOLVED that the Mayor and Council extend their best wishes to Ms. McCrary.

CA-14 Approving a Request from the Knights of Columbus to Permit a Soccer Challenge Event at Van Fleet Park on Saturday, October 14th

RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING A REQUEST FROM THE KNIGHTS OF COLUMBUS TO PERMIT A SOCCER CHALLENGE EVENT AT VAN FLEET PARK

WHEREAS, the Borough of Fort Lee received a request from Mr. Anthony Rinaldi seeking approval for the Knights of Columbus to hold a Soccer Challenge Event; and

WHEREAS, the Knights of Columbus Soccer Challenge Event is scheduled for October 14, 2023, and

WHEREAS, the Knights of Columbus Soccer Challenge Event will be held at Van Fleet Park, located on Myrtle Avenue and 3rd Street; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee, grants permission for the Knights of Columbus Soccer Challenge Event.

CA-15 Approving a Request from the Hellenic Civic Club to Host Its OXI Day Celebration at the Richard & Catherine Nest Adult Activity Center on Saturday, October 28th

RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING A REQUEST FROM THE HELLENIC CIVIC CLUB TO HOST ITS OXI DAY CELEBRATION AT THE RICHARD & CATHERINE NEST ADULT ACTIVITY CENTER

WHEREAS, the Borough of Fort Lee received a request from the Hellenic Civic Club seeking permission to utilize the Richard & Catherine Nest Adult Activity Center for its Oxi Day Celebration on October 28, 2023, from 11 AM to 3 PM; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee, grants permission to the Hellenic Civic Club for its Oxi Day Celebration to be held at the Richard & Catherine Nest Adult Activity Center on October 28, 2023, from 11 AM to 3 PM.

CA-16 Approving a Request to Permit the 9th Annual Paws in the Park Event at the Fort Lee Dog Park on Saturday, October 28th

RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING A REQUEST TO PERMIT THE 9TH ANNUAL PAWS IN THE PARK EVENT

WHEREAS, on July 31, 2023, the Borough of Fort Lee received a request from Ms. Randi Raskin, seeking approval to hold the 9th Annual Paws in the Park Event at the Fort Lee Dog Park; and

WHEREAS, the 9th Annual Paws in the Park event is scheduled for **Saturday, October 28, 2023** and will be held from 11 am to 3 pm with a rain date of Sunday, October 29, 2023; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee, hereby authorize the 9th Annual Paws in the Park event to be held at the Fort Lee Dog Park.

CA-17 Authorizing the Award of a Contract to Athletic Fields of America, Sourcewell SII Coop Contract #031622 for the Turf Field Replacement at Whitey Lang Park, Not to Exceed \$479,940.00 and General Van Fleet Park, Not to Exceed \$648,077.00

RESOLUTION OF THE BOROUGH OF FORT LEE AWARDING A CONTRACT TO ATHLETIC FIELDS OF AMERICA FOR THE TURF FIELD REPLACEMENT AT WHITEY LANG PARK AND GENERAL VAN FLEET PARK

WHEREAS, the Borough's existing turf athletic fields have reached the end of their useful life and in need of replacement; and

WHEREAS, in accordance with N.J.S.A, 40A:11-I et seq., "Local Public Contracts Law" the Borough may without advertising for bids, purchase any goods or services under contract entered into on behalf of the state and through a specified federal procurement program; and

WHEREAS, on May 25, 2022, Shaw Sports Turf was awarded Sourcewell SII Coop Contract #031622 for Artificial Turf and Tracks with Installation, Related Equipment, Materials and Supplies. As the distributor of Shaw Sports Turf Products, Athletic Fields of America, 150 River Road, Building G, Unit 4B, Montville, NJ 07045 is authorized under the terms and conditions of the afore mentioned contract to sell, service and install Shaw Sports Turf products on Shaw's behalf; and

WHEREAS, Athletic Fields of America has provided proposals in an amount not to exceed \$479,940 for the re-turfing of Whitey Lang Park and in an amount not to exceed \$648,077 for the re-turfing of General Van Fleet Park, inclusive of certain alternates; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are available for this purpose from account number C-04-55-2007-901 not to exceed \$ 1,128,017, said certification being attached to this resolution.

NOW THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Fort Lee accepts the proposals as submitted and authorizes the award of a contract as outlined in contract#031622-SII for Artificial Turf and Tracks with Installation, Related Equipment, Materials and Supplies to Athletic Fields of America, 150 River Road, Building G, Unit 4B, Montville, NJ 07045.

CA-18 Authorizing the Award of a Contract to Boswell Engineering Regarding Project Known as Improvements to Stillwell Avenue, Not to Exceed \$48,200.00

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES TO BOSWELL ENGINEERING FOR PROJECT KNOWN AS IMPROVEMENTS TO STILLWELL AVENUE

WHEREAS, there exists a need for the Borough of Fort Lee (“Borough”) to retain the services of a licensed engineer to provide engineering services for the preparation of construction plans and specifications as well as providing construction inspection; and

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

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

WHEREAS, the Borough wishes to retain the services of Boswell Engineering to perform such professional engineer services in accordance with its proposal, dated July 31, 2023 attached hereto; and

WHEREAS, Boswell Engineering possesses the requisite expertise and skilled personnel required to provide engineering services for the preparation of construction plans and specifications as well as providing construction inspection; and

WHEREAS, pursuant to Boswell’s proposal, the following is the proposed scope of services:

Task No. 1 Engineering Design & Bidding	\$22,400.00
Task No. 2 Construction Inspection & Project Close Out	\$25,800.00

and;

WHEREAS, the Mayor and Council of the Borough are desirous of awarding a contract for professional engineering services to Boswell Engineering 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, pursuant to Resolution R-10, duly adopted by the Borough on January 5, 2023, Boswell Engineering was awarded a contract pursuant to a “fair and open” process in accordance with the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.4 et seq. to serve as Borough Engineer; and

WHEREAS, the professional engineering services for this project will be performed by Boswell Engineering at a cost not-to-exceed \$48,200.00, and the contract for such professional engineering services is awarded pursuant to a “fair and open” process in

accordance with the New Jersey Local Unit Pay-To-Play Law; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are available for this purpose from account number 3-01-20-1652-216, not to exceed \$48,200.00, said certification being attached to this resolution:

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 Boswell Engineering shall be and is hereby appointed to provide professional engineering services for the preparation of construction plans and specifications as well as providing construction inspection in accordance with its proposal, dated July 31, 2023, attached hereto and made a part hereof, for a cost not-to-exceed \$48,200.00.

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

3. That Boswell Engineering 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 as may be required by law, 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 has certified that funds are available for this purpose.

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

CA-19 Authorizing a Person-to-Person Transfer of Liquor License No. 0219-33-041-016 from JJ Sushi, Inc. TO 1550 Chois, Inc., Effective September 1st

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING TRANSFER OF PERSON-TO-PERSON LIQUOR LICENSE NO. 0219-33-041-016 FROM JJ SUSHI, INC., TO 1550 CHOIS INC., EFFECTIVE SEPTEMBER 1, 2023

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 0219-33-041-016 heretofore issued to JJ Sushi, Inc.; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed, and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE BE IT RESOLVED, that the Borough of Fort Lee Governing Body does hereby approve, effective September 1, 2023, the transfer of the aforesaid Plenary Retail Consumption License to 1550 CHOIS Inc. and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to 1550 CHOIS, Inc.,

effective September 1, 2023.”

CA-20 Authorizing the Purchasing Agent to Obtain Bid Specifications and Advertise for Bids for Projects Known as Ambulance Corps Window Replacement and Roof Membrane Replacement

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE PURCHASING AGENT TO OBTAIN SPECIFICATIONS AND ADVERTISE FOR BIDS FOR “AMBULANCE CORPS WINDOW REPLACEMENT AND ROOF MEMBRANE REPLACEMENT.”

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. Ambulance Corps. Window Replacement
2. Ambulance Corps. Roof Membrane Replacement

CA-21 Approving a Request to Permit the America Korea United Society Event at the Jack Alter Community Center on Sunday, October 1st

RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING A REQUEST FOR THE AMERICA KOREA UNITED SOCIETY EVENT AT THE JACK ALTER FORT LEE COMMUNITY CENTER

WHEREAS, a request was received from the America Korea United Society seeking approval to utilize the Fort Lee Jack Alter Community Center; and

WHEREAS, the event is scheduled for October 1, 2023, between the hours of 3:00 PM and 6:00 PM; and

WHEREAS, the event will take place at the Jack Alter Fort Lee Community Center, 1355 Inwood Terrace; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee, grants permission to the America Korea United Society to hold an event at the Fort Lee Jack Alter Community Center on October 1, 2023, between the hours of 3:00 PM and 6:00 PM.

CA-22 Authorizing Change Order No. 1 \$219,625.68, Abbott Boulevard Streetscape and Parking Improvements

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING CHANGE ORDER NO. 1 FOR PROJECT KNOWN AS ABBOTT BOULEVARD STREETScape AND PARKING IMPROVEMENTS

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the following Change Order be approved:

GENERAL CONSTRUCTION: Abbott Boulevard Streetscape and Parking Improvements

ENGINEER: The Neglia Group
34 Park Avenue
Lyndhurst, NJ 07071

CONTRACTOR: Grade Construction
110 Pennsylvania Avenue

Paterson, NJ 07503

CHANGE ORDER #'S: Change Order No. 1

COST OF CHANGE ORDERS \$ 219,625.68

ORIGINAL CONTRACT AMOUNT: \$ 1,180,658.43

NEW CONTRACT AMOUNT: \$ 1,400,284.11

***Note:** Original Contract Awarded Via Resolution No. CA-16, July 7, 2022.

NATURE OF CHANGES: Adjustment of Quantities and Additional Site Improvements

BE IT FURTHER RESOLVED, the Chief Financial Officer has determined that sufficient funds are available for change order # 1 from account number C-04-55-2210-100, not to exceed \$219, 625.68, said certification being attached to this resolution.

CA-23 Authorizing Salary Adjustments for Certain Borough Employees: P. Ferrara Superintendent of Public Works, \$165,000.00 Annually; R. Figueroa, Assistant Superintendent of Public Works, \$145,000.00 Annually; M. Maresca, Director of Public Works, \$210,000.00 Annually; E. Rosario, Borough Clerk, \$165,000.00 Annually

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING A SALARY ADJUSTMENT FOR CERTAIN BOROUGH EMPLOYEES

WHEREAS, the Mayor and Council are desirous of adjusting the salaries of certain Borough employees; and,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Fort Lee, have authorized salary adjustments for the following employees:

<u>Name</u>	<u>Title</u>	<u>Salary</u>	<u>Effective Date</u>
Ferrara, Patrick	Superintendent of Public Works	\$165,000	8/21/23
Figueroa, Ricardo	Asst. Superintendent of Public Works	\$145,000	8/21/23
Maresca, Michael	Director of Public Works	\$210,000	8/21/23
Rosario, Evelyn	Borough Clerk	\$165,000	8/21/23

BE IT FURTHER RESOLVED that the above listed salaries and titles associated with each employee shall be effective in accordance with the above table.

CA-24 Authorizing the Hiring of J. Marrero Piano Full-Time Employee in the Office of the Tax Collector, Effective August 21, 2023, \$35,000.00 Annually

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE HIRING OF JESSICA MARRERO PIANO IN THE OFFICE OF THE TAX COLLECTOR

WHEREAS, due to a resignation in the department, 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 **Jessica Marrero Piano**, be appointed to a full-time position of **Keyboarding Clerk 1** in the **Office of the Tax Collector** with an **effective date on or about August 21,**

2023; 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 **\$35,000-**, in compliance with the Salary Ordinance of the White-Collar Contract.

There being no discussion, the public hearing was closed on motion by Councilman Cervieri, seconded by Councilwoman Kasofsky. The Consent Agenda regarding CA-1 through CA- 24 was approved on the following roll call:

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

RESOLUTIONS

R-1 Authorizing the Certification of the 2022 Annual Audit of the Borough of Fort Lee

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

August 17, 2023
Regular Session Meeting

Resolution # R-1

Carried: X Defeated: Tabled:

Approved on Consent Agenda:

**RESOLUTION OF THE BOROUGH OF FORT LEE MAYOR AND COUNCIL
CERTIFYING THE 202 2 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 **2022** 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.

R-2 Approving the 2022 Corrective Action Plan of the Borough of Fort Lee

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

August 17, 2023 Regular Session Meeting Resolution # R-2 Carried: <u>X</u> Defeated: <u> </u> Tabled: <u> </u> Approved on Consent Agenda: <u> </u>

RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING THE 2022 CORRECTIVE ACTION PLAN

WHEREAS, the 2022 audit was received by the Mayor and Council of the Borough of Fort Lee; and

WHEREAS, certain comments and recommendations were made in the 2022 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 2022 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 2022 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.

R-3 Authorizing an Emergency Appropriation for a Down Payment on Improvements in the Amount of \$74,024.00

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

August 17, 2023 Regular Session Meeting Resolution # R-3 Carried: <u>X</u> Defeated: <u> </u> Tabled: <u> </u> Approved on Consent Agenda: <u> </u>

**RESOLUTION OF THE BOROUGH OF FORT LEE MAYOR AND COUNCIL
AUTHORIZING AN EMERGENCY APPROPRIATION FOR A DOWN PAYMENT ON
IMPROVEMENTS**

WHEREAS, an emergency has arisen with respect to Down Payment on Improvements and, no adequate provision was made in the 2023 budget for the aforesaid purpose, and N.J.S. 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of emergency appropriations created, including the appropriation to be created by this resolution is \$74,024 and three (3) percent of the total operating appropriations in the budget for 2022 is \$2,363,169 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations in the budget for 2022,

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with N.J.S. 40A:4-48,

1. An emergency appropriation is hereby made for Down Payment on Improvements in the amount of \$74,024.
2. That said emergency should be included in the 2024 Budget.
3. That two (2) certified copies of this resolution be filed with the Director of Local Government Services.

R-4 Authorizing a Capital Budget Amendment to the Adopted Capital Budget Section of the 2023 Budget

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

August 17, 2023
Regular Session Meeting

Resolution # R-4

Carried: X Defeated: Tabled:

Approved on Consent Agenda:

**RESOLUTION OF THE BOROUGH OF FORT LEE MAYOR AND COUNCIL
AUTHORIZING A CAPITAL BUDGET AMENDMENT TO THE ADOPTED
CAPITAL BUDGET SECTION OF THE 2023 BUDGET**

WHEREAS, the local capital budget for the year 2023 was adopted on the 18th day of May, 2023; and,

WHEREAS, it is desired to amend said adopted capital budget section,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Fort Lee, County of Bergen, that the following amendment(s) to the adopted capital budget section of the 2023 Budget be made:

FROM 2023 CAPITAL BUDGET (CURRENT YEAR ACTION)

1	2	3	4	5a	5b	5c	5d	5e	6
Project	Project Number	Estimated Total Cost	Amounts Reserved in Prior	2023 Budget Appropriation	Capital Improvement Fund	Capital Surplus	Grants in Aid and other	Debt Authorized	To Be Funded in Future

**6 YEAR CAPITAL PROGRAM 2013-2028
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

1 Project	2 Estimated Total Cost	3 Current Year 2023	4 Future Years	4 Capital Improvement Fund	5 Capital Surplus	6 Grants in Aid and Other Funds	BONDS AND NOTES				
							General	Liquidating	Assessment	School	
Total All Projects	11,251,000			562,550			10,688,450				
			Years				funds				Years
Total All Projects		11,251,000			312,550			5,938,450			5,000,000

**6 YEAR CAPITAL PROGRAM 2023-2028
Anticipated Project Schedule and Funding Requirement**

1 Project	2 Project Number	3 Estimated Total Cost	4 Estimated Completion Time	5 Funding Amounts Per Year						
				Budget Year 2023	Budget Year 2024	1 2025	2 2026	3 2027	4 2028	
Total All Projects		11,251,000		6,251,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000

TO CAPITAL BUDGET (CURRENT YEAR ACTION)

1 Project	2 Project Number	3 Estimated Total Cost	4 Amounts Reserved in Prior Years	5a 2023 Budget Appropriation	5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid and other funds	5e Debt Authorized	6 To Be Funded in Future Years
Acquisition of Property		3,030,000			151,500			2,878,500	
Total All Projects		14,281,000			464,050			8,816,950	5,000,000

**6 YEAR CAPITAL PROGRAM 20 23-2028
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS
6 YEAR CAPITAL PROGRAM 2023-2028**

1 Project	2 Estimated Total Cost	3 Anticipated Project Schedules		4 and Funding Requirement			5 BONDS AND NOTES			
		Current Year 2023	Future Years Estimated	Capital Improvement Fund	Capital Surplu s	Grants in Aid and Other Funds	General Funding	Liquidatin g	Assessmen t	Schoo l
Project Number	Total Cost	Estimated Total Cost	Completion Time	Budget Year 2023	Budget Year 2024	Budget Year 2025	Budget Year 2026	Budget Year 2027	Budget Year 2028	
Acquisition of Property	3,030,000	3,030,000	151,500			2,878,500				
Acquisition of Property		3,030,000		3,030,000			13,566,95			
Total All Projects	14,281,000		714,050			0				
Total All Projects		14,281,000		9,281,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	

Be It Further Resolved that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 17th day of August, 2023.

Certified by me

August 17, 2023

MUNICIPAL CLERK

TRENTON, NEW JERSEY

APPROVED _____, 2023

DIRECTOR OF LOCAL GOVERNMENT SERVICES

R-5 Authorizing the Amendment of the 2023 Municipal Budget for the Provision of Inserting Items of Revenue and Appropriation from the Bergen County Community Development Block Grant - 12th Street Road Improvements, \$89,000.00

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

August 17, 2023
Regular Session Meeting

Resolution # R-5

Carried: X Defeated: ___ Tabled: ___

Approved on Consent Agenda: ___

CHAPTER 159 RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING APPROVAL TO AMEND CY-20 23 MUNICIPAL BUDGET BY INSERTING ITEMS OF REVENUE AND APPROPRIATION IN ACCORDANCE WITH NJSA 40A:4-87 IN THE AMOUNT OF \$ 89,000.00 FROM BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT - 12TH STREET

ROAD IMPROVEMENTS

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 **\$89,000.00** from the **CDBG - 12th STREET ROAD IMPROVEMENTS** and wishes to amend its **2023** 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 **2023**, in the sum of.....**\$89,000.00**

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:

CDBG - 12th STREET ROAD IMPROVEMENTS

BE IT FURTHER RESOLVED, that a like sum of.....**\$89,000.00** be and the same is hereby appropriated under the caption:

General Appropriations:

(a) Operations excluded from CAPS

Programs Offset by Revenues:

CDBG - 12TH STREET ROAD IMPROVEMENTS

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.

R-6 Authorizing the Tax Appeal Attorney to Execute all Documents Necessary to Finalize Settlement of Tax Appeals Entitled Suh, Byungduck v. The Borough of Fort Lee and Lee, Christy J. vs. the Borough of Fort Lee, 1445 Abbott Boulevard

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

August 17, 2023
 Regular Session Meeting
 Resolution # R-6
 Carried: Defeated: Tabled:
 Approved on Consent Agenda:

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING THE TAX APPEAL ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO FINALIZE SETTLEMENT OF TAX APPEALS ENTITLED "SUH, BYUNGDUCK v. BOROUGH OF FORT LEE " AND "LEE, CHRISTY J. V. BOROUGH OF FORT LEE "

WHEREAS, Byungduck Suh was the owner and/or taxpayer of property located at Block 2451, Lot 5, also known as 1445 Abbott Boulevard, Fort Lee, New Jersey (the "Property") for tax years 2021 and 2022; and

WHEREAS, Christy J. Lee is the owner and/or taxpayer of the Property for tax year

2023; and

WHEREAS, the taxpayers filed property tax appeals against the Borough of Fort Lee for tax years 2021 and 2022 in matters entitled Suh, Byungduck v. Borough of Fort Lee, and for tax year 2023 in a matter entitled Lee, Christy J. v. Borough of Fort Lee, all of which are presently pending in the Tax Court of New Jersey; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the Tax Appeal Attorney be and is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of the matters entitled Suh, Byungduck v. Borough of Fort Lee and Lee, Christy J. v. Borough of Fort Lee, so that for the tax year 2021 the assessment of \$1,822,200 will remain the same; and for the tax years 2022 and 2023 the assessment of \$1,822,200 will be reduced to \$1,650,000; resulting in a total estimated tax refund of \$8,551.46 (calculated using the 2022 general tax rate); and

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

BE IT FURTHER RESOLVED that the Borough Clerk shall keep a copy of this Resolution on file and available for inspection in the office of the Borough Clerk and shall forward a copy of this Resolution to the Mayor; Business Administrator; Borough Attorney and Borough Tax Assessor.

R-7 Approving and Authorizing the Execution of a Certificate of Completion Between the Borough of Fort Lee and Fort Lee Redevelopment Associates, LLC, Block 4851.04, Lots 1,2,3 and 4

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

August 17, 2023
Regular Session Meeting

Resolution # R-7

Carried: Defeated: Tabled:

Approved on Consent Agenda:

A RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING AND AUTHORIZING THE EXECUTION OF A CERTIFICATE OF COMPLETION BETWEEN THE BOROUGH OF FORT LEE AND FORT LEE REDEVELOPMENT ASSOCIATES, LLC

WHEREAS, Fort Lee Redevelopment Associates LLC (the “Developer”) is the owner and developer of the partially municipally sponsored affordable housing and market rate development project (the “Project”) on certain real property located in the Borough of Fort Lee (the “Borough”), designated as Block 4851.04, Lots 1, 2, 3 and 4 (the “Property”); and

WHEREAS, on February 2, 2012, the Borough entered into a Redevelopment Agreement and Covenants (the "Redevelopment Agreement") with Fort Lee Redevelopment Associates, L.L.C. ("FLRA") as redeveloper of the East Parcel of Redevelopment Area 5 (the "East Parcel") located in the Borough of Fort Lee, County of Bergen, State of New Jersey for a mixed use project with 900 residential units, commercial space, a public park and other public amenities (the "Project") recorded in the Bergen County Clerk's office on May 16, 2012 in Deed Book V-1042 at Page 1 (unless otherwise defined herein, capitalized terms used herein have the same meanings as provided in the Redevelopment Agreement, as amended); and

WHEREAS, the Redevelopment Agreement contemplated the Project to be developed in Phases:

- "Phase One Project" encompasses the construction on Block 4851.01, Lot 1 of the Residential Component consisting of the 47-story "North Tower" and associated parking garage structure (hereinafter referred to as the "Phase One Property").
- "Phase Two Project" encompasses (i) the construction on Block 4851.04, Lot 4 of the Residential Component consisting of the 47-story "South Tower" and associated parking garage structure, (ii) the construction on Block 4851.04, Lot 4 of the Applicable Space consisting of a theatre building and an adjoining museum building for the Borough's use, (iii) the construction on Block 4851.04, Lot 3 of the Retail Component consisting of a restaurant building, together with an appurtenant dining terrace and a kiosk on Block 4851.04, Lot 2, and (iv) the construction of the Public Park Component on Block 4851.04, Lot 2, to be dedicated to the Borough for public use as the "Central Green".

and

WHEREAS, on September 5, 2012, the Borough, Fort Lee Phase I Owner LLC (the "Phase One Redeveloper") and Fort Lee Phase II Owner LLC (the "Phase Two Owner"), both successors to FLRA, entered into Amendment #1 to the Redevelopment Agreement recorded in the Bergen County Clerk's office on September 12, 2012 in Deed Book V-1143 at Page 938; and

WHEREAS, pursuant to (i) an "Assignment and Assumption of Redevelopment Agreement and Covenants" among FLRA, the Phase One Redeveloper and the Phase II Owner dated as of September 5, 2012 (the "2012 Assignment") and (ii) a "Partial Assignment and Assumption of Redevelopment Agreement and Covenants" between the Phase II Owner and the Fort Lee Phase II Urban Renewal Associates LLC (the "Phase II URE") dated as of March 22, 2016, the Phase One Redeveloper is the successor in interest to FLRA as the designated Redeveloper of "Phase One" of the "East Parcel", and the Phase II Owner and the Phase II URE, jointly and severally, are the successor in interest to FLRA as the designated Redeveloper of "Phase Two" of the East Parcel (as each of these terms is defined in the 2012 Assignment); and

WHEREAS, the Borough, the Phase One Redeveloper, the Phase Two Owner and the Phase II URE entered into Amendment #2 to the Redevelopment Agreement dated as of December 6, 2017 recorded in the Bergen County Clerk's office on February 13, 2018 in Deed Book V-2864, at Page 1430 and in accordance therewith the Phase One Redeveloper, the Phase Two Owner and/or the Phase II URE paid the Borough \$1,750,000 in lieu of constructing the Applicable Space as part of the Phase Two Project; and

WHEREAS, the Borough, the Phase One Redeveloper, the Phase II Owner and the Phase Two URE have entered into Amendment #3 to the Redevelopment Agreement dated as of April 13, 2018 recorded in the Bergen County Clerk's office on April 23, 2018 in Deed Book V-2919 at Page 1355 (the Redevelopment Agreement, Amendment #1, Amendment #2 and Amendment #3 hereinafter are collectively referred to as the "Redevelopment Agreement"); and

WHEREAS, the Phase One Redeveloper owns the Phase One Property; and

WHEREAS, the Phase One Redeveloper has Completed construction of the Phase One Project; and

WHEREAS, the Borough has issued final certificates of occupancy for the Phase One Project; and

WHEREAS, the Phase II Owner owns Block 4851.04, Lots 2 and 3 and the Phase II URE owns Block 4851.04, Lot 4, all of which constitute the Phase Two Property (the Phase II Owner and Phase II URE are collectively referred to as "Phase Two Redeveloper"); and

WHEREAS, Phase Two Redeveloper has completed construction of the Phase Two Project, including the Residential Component, the Retail Component and the Public Park Component; and

WHEREAS, in accordance with Amendment #2 to the Redevelopment Agreement, Phase Two Redeveloper has been released from all obligations with respect to the construction of the Applicable Space consisting of a theatre and adjoining museum, and construction of the Applicable Space by the Phase Two Redeveloper no longer constitutes part of the Phase Two Project; and

WHEREAS, the Borough has issued final certificates of occupancy for the Phase Two Project, including the Residential Component, the Retail Component and the Public Park Component; and

WHEREAS, in accordance with Section 11.02 of the Redevelopment Agreement, the Borough is required to issue a Certificate of Completion for both the Phase One Project and the Phase Two Project and both the Phase One Redeveloper and the Phase Two Redeveloper have requested the same from the Borough and submitted to the Borough a certification.

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

1. The Mayor and Borough Clerk are hereby authorized to execute the Certificates of Completion for both the Phase One Project and the Phase Two Project in the forms attached hereto as Exhibit "A".
2. The Mayor and Borough Clerk are hereby authorized, empowered and directed to execute and deliver on behalf of the Borough such other documents and/or instruments as are necessary to effectuate the actions authorized herein.
3. All fees, costs and expenses incurred by the Borough of Fort Lee, including the charges of the Borough Attorney, shall be paid by the Developer or the Company's Assignee for the preparation, review of all necessary documents to effectuate the terms of this Resolution.

COUNCIL REPORTS

Councilman Sohmer - He congratulated all the youth sports teams for a successful season.

He invited the public to visit and see the artwork displayed by artist Mher Khachatryan in the Borough Hall Council Chambers.

He expressed there are many movies and events being held at the Barrymore Film Center and Museum.

Councilman Yoon - He congratulated all the youth sports teams for a successful season as well as the Fort Lee graduates as they received a 98% acceptance rate to college.

Councilman Suh - He congratulated all the youth sports teams for a successful "banner Year" season.

He stated the St. Rocco's Feast was well attended this year and thanked the public for their support.

Mayor Sokolich - He expressed his appreciation to the first responders at National Night Out, sparking emergency service careers.

Councilman Drumgoole - He congratulated all the youth sports teams for a successful season.

He stated the St. Rocco's Feast was well attended this year and the society is already preparing for their 95th celebration.

He mentioned he takes pride in the emergency services and is pleased to report the ambulance corps is receiving a new roof and windows, the fire trucks are in production and the police department is formulating a new table of organization.

Councilwoman Kasofsky - She mentioned the annual health fair will be held on Saturday October 7th, at the Jack Altar Community Center from 9AM - 12 PM. She also mentioned a free bone density screening will be offered at the Recreation Center Monday August 21st from 9AM - 1PM.

Councilman Cervieri - He mentioned the 2nd annual Car Show was well attended with over two thousand people. He also mentioned a soccer challenge has been approved to be held on Saturday October 14th at Van Fleet field.

He congratulated all the youth sports teams for a successful season.

The Council members collectively expressed their well wishes for Mayor Mark Sokolich.

PUBLIC PARTICIPATION

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

Ms. June Ruggiero came forward and expressed her concerns related to streets bearing turn lanes but, no turn signal. She provided an example of Palisade Avenue and State Route 5.

Councilman Cervieri responded that specific intersection is a state highway therefore, the Borough does not have the authority to alter the current streetlight in place.

Ms. Ruggiero also expressed her concerns related to the intersection at Merkle Avenue and North Central Road needing more than a stop sign as it is a blind turn with heavy traffic flow.

The Mayor and Council responded they will work diligently with the appropriate departments to bring more awareness to the oncoming traffic.

Ms. Ruggiero stated she will e-mail the Mayor a tree grant for urban area for the Borough to apply for.

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

On motion by Councilman Cervieri, seconded by Councilman Suh, and there being no further discussion, the meeting was adjourned with no objections at 8:16 p.m.

Prepared By:

Nadine Drumgoole, RMC
Deputy Municipal Clerk

Constantina Roditis
Municipal Clerk's Office

Rosa Tropea
Municipal Clerk's Office

Evelyn Rosario, RMC, CMC
Municipal Clerk