

MAYOR AND COUNCIL
WORK SESSION MEETING MINUTES
SEPTEMBER 5, 2019 at 7:00 P.M.

SALUTE TO THE FLAG

The Work Session of the Mayor and Council of the Borough of Fort Lee was held on the above date in Executive Conference Room #201, Memorial Municipal Building, 309 Main Street, Fort Lee, New Jersey.

PRESENT: Council Members Sohmer, Yoon, Suh, Sargenti, Kasofsky, Cervieri

ALSO PRESENT: Alfred Restaino, Borough Administrator
J. Sheldon Cohen, Borough Attorney

ABSENT: Mayor Sokolich

Council President Suh presided over the meeting.

OPEN PUBLIC MEETINGS ACT STATEMENT

In accordance with Chapter 231, P.L. 1975 adequate notice of this meeting was e-mailed on January 4, 2019 to the Record, the Jersey Journal and the Star Ledger. Said notice was also posted on the Borough Hall bulletin board and Borough website.

RESOLUTION FOR CLOSED SESSION TO DISCUSS:

On motion by Councilman Cervieri, seconded by Councilman Sohmer and approved **unanimously**, the meeting moved into closed session.

BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that:
This body shall hereafter discuss in closed session, pursuant to Section 7B of the Open Public Meetings Act, certain items which may generally be described as follows:

1. **Personnel:**
 - a. Administration
 - b. Ambulance Corps
 - c. Community Center
 - d. Department of Public Works
 - e. Recreation Department

2. **Legal:**
 - a. Developer's Agreements (2)
1408 Fourteenth, LLC
2100 North Central Road, FL, LLC

 - b. Surplus Vehicle Sale Settlement

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

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

The closed portion of the meeting ended at 8:00 P.M. The open portion of the work session began at 8:05 P.M.

GENERAL DISCUSSION:

Renewal Membership South Bergen Municipal Joint Insurance Fund

A resolution renewing membership in the South Bergen Municipal Joint Insurance Fund beginning January 1, 2010 and ending December 31, 2022 will be placed on the September 12th proposed consent agenda.

South Bergen Municipal JIF Coverage Extension to Class III - Fort Lee Friends of the Library

A resolution requesting the South Bergen Municipal Joint Insurance Fund to extend coverage to the Class III-Friends of the Fort Lee Library will be acted this evening.

Awarding Bid of a New Hotel Liquor License to Saphagiri Hospitality, LLC , 2167 Route 4 East, Fort Lee, NJ

A resolution authorizing the award of the bid of a new hotel liquor license will be acted upon this evening.

Authorize Person-to-Person and Place-to-Place Transfer of Liquor License No. 0219-33-037-003, 177 N. Marginal Road to Kura Sushi USA, Inc., 2151 Lemoine Avenue

A resolution authorizing a Person-to-Person and Place-to-Place Transfer of Liquor License No. 0219-33-037-003, 177 N. Marginal Road to Kura Sushi USA, Inc., 2151 Lemoine Avenue will be acted upon this evening.

Area in Need of Rehabilitation: 2143 Hudson Terrace, Block 6155, Lot 2

A resolution determining property known as 2143 Hudson Terrace as an area in need of rehabilitation will be acted upon this evening.

Insertion of Budget Item - Bergen County Utilities Authority 2019 Recycling Enhancement Grant \$3,000.00

A resolution authorizing the amendment of the municipal budget by inserting items of revenue entitled Bergen County Utilities Authority 2019 Recycling Enhancement Grant \$3,000.00 will be placed on the September 12th regular session agenda.

Request for Removal/Relocation of a Bus Stop at 2450 Lemoine Avenue

Deferred to the next meeting.

Fire Department: Donation of Surplus Equipment

A resolution authorizing the donation of surplus Fire Department equipment to the Bergenfield Fire Training Center, Inc. will be placed on the September 12th proposed consent agenda.

Authorizing the Tax Collector to Participate in an Electronic Tax Sale

A resolution authorizing the Tax Collector to complete and submit an application to the Director of the Division Local Government Services to participate in the Electronic Tax Sale Program will be placed on the September 12th proposed consent agenda.

Bid Results: Roof Replacement at the Fort Lee Recreation Center

A resolution authorizing the award of a contract to Billy Contracting and Restoration, Inc. for the replacement of the rook at the Recreation Center will be placed on the September 12th proposed consent agenda.

Authorize Execution of Various Agreements with the United States Postal Service Regarding the Main Street Post Office Property Exchange

A resolution approving and authorizing the execution of various agreements with the United States Postal Service regarding the property exchange of the Main Street Post Office located 229 Main Street with a replacement facility will be placed on the September 12th regular session agenda.

Authorize Change Order No. 1 for Project Known as Bluff Road Pump Station ", \$50,920.00

A resolution authorizing change order # 1 regarding the above captioned project will be placed on the September 12th proposed consent agenda.

AT&T Small Cell Wireless Right-of-Way Project Equipment Installation

Deferred to the next meeting.

ADD-ON
Side Duty Billing

A resolution authorizing the award of a contract to Visual Computer Solutions for the purchase of proprietary computer software and the provision of off-duty police management services will be placed on the September 12th proposed consent agenda.

ADD-ON
Person-to-Person transfer Kerr Spo, LLC TO Arcadian Holdings, LLC # 0219-33-040-012

It was the consensus of the Governing Body to move forward with an authorizing resolution upon receipt of the Police Department report.

RESOLUTIONS (ACTION TO BE TAKEN)

R-1 Friends of the Fort Lee Library Insurance Approval

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

RESOLUTION OF THE BOROUGH OF FORT LEE REQUESTING THE SOUTH BERGEN MUNICIPAL JOINT INSURANCE FUND TO EXTEND COVER AGE TO THE CLASS III - FRIENDS OF THE FORT LEE LIBRARY

WHEREAS , The Borough of Fort Lee is a participating member of the South Bergen Municipal Joint Insurance Fund, relative to general liability and other coverages; and

WHEREAS , the “Fund” has adopted certain criteria to distinguish between bona fide municipal activities and other quasi-public entities not sponsored by the municipality and, therefore, not subject to coverage by the “Fund”; and

WHEREAS , it has been determined that in order to be covered by the “Fund” the organization and or activity meet the test that it’s function is of the type that historically the Borough has provided with coverage and/or which services a bona fine public purpose typically met by local government, and the benefits or which are available to the municipality in general; and

WHEREAS , the Borough of Fort Lee has asked the “Fund” to extend coverage to the following entity:

Class III -Friends of the Fort Lee Library

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Fort Lee as follows:

Section 1: It is hereby certified that the above listed organization exists within the Borough of Fort Lee as a bona fide charitable, educational or recreational organization of the municipality and as such are sponsored or subsidized directly or indirectly by the municipality.

Section 2: The Borough of Fort Lee does hereby request that the activities described herein be covered for general liability coverage in accordance with the applicable limits and restrictions.

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

R-2 Authorizing and Approving the Execution of the Developer 's Agreement Between the Borough of Fort Lee and 1408 Fourteenth, LLC

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

RESOLUTION OF THE BOROUGH OF FORT LEE APPROVING AND AUTHORIZING THE EXECUTION OF THE DEVELOPER’S AGREEMENT BETWEEN THE BOROUGH OF FORT LEE AND 1408 FOURTEENTH, LLC

WHEREAS , on February 26, 2019, the Fort Lee Zoning Board of Adjustment (“Zoning Board”) granted approvals to 1408 Fourteenth, LLC (the “Developer”) for the construction three family dwelling on property known as Block 2251, Lot 4, also known as 1408 Fourteenth Street(the “Property”); and

WHEREAS, on March 26, 2019, the Zoning Board adopted a resolution memorializing the approval and the Borough of Fort Lee and Developer have agreed to the terms and conditions of a Developer's Agreement; and

WHEREAS, a Developer's Agreement has been prepared by the Borough Attorney and is attached hereto.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Fort Lee that the Mayor and Borough Clerk hereby approved and authorize to the execution of the Developer's Agreement with the Developer.

BE IT FURTHER RESOLVED that a copy of this resolution shall be filed in the Office of the Borough Clerk.

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

R-3 Awarding Bid of a New Hotel Liquor License to Sapthagiri Hospitality, LLC, 2167 Route 4 East, Fort Lee, NJ

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

RESOLUTION OF THE BOROUGH OF FORT LEE AWARDING THE BID OF A NEW HOTEL LIQUOR LICENSE

WHEREAS, Fort Lee Mayor and Council had determined it would be issuing a new liquor license as a hotel exception using the public sale option; and,

WHEREAS, on November 8, 2018, the Fort Lee Mayor and Council passed Resolution CA-15 authorized the issuance of a new liquor license by public sale; and,

WHEREAS, an application has been filed for a new hotel exception liquor license by Sapthagiri, LLC, for the premises located at Route 4 East and designated as Block 5452 Lots 3 & 4 in the Borough of Fort Lee; and

WHEREAS, Sapthagiri, LLC, was the successful bidder at a public sale held on July 23, 2019; 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.

NOW, THEREFORE, BE IT RESOLVED by the Fort Lee Mayor and Council of the Borough of Fort Lee, in the County of Bergen, State of New Jersey that the new hotel liquor license be awarded to Sapthagiri, LLC, for premises located at Route 4 East and designated as Block 5452 Lots 3 & 4 in the Borough of Fort Lee, New Jersey. The ultimate issuance of the license is subject to the payment of the balance of the bid price, payment of the annual state and municipal licensing fees and the satisfactory outcome of an investigation of the source of funds and criminal background checks as well as compliance with all regulations concerning issuance of a license in N.J.A.C. 13:2.1 et seq.

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

R-4 Authorize Person-to-Person and Place-to-Place Transfer of Liquor License No. 0219-33-037-003, 177 N. Marginal Road to Kura Sushi USA, Inc., 2151 Lemoine Avenue

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

RESOLUTION OF THE BOROUGH OF FORT LEE AUTHORIZING TRANSFER OF PERSON TO PERSON AND PLACE TO PLACE TRANSFER LIQUOR LICENSE NO. 0219-33-037-003 FROM 177 N. MARGINAL ROAD, INC. TO KURA SUSHI USA, INC. EFFECTIVE SEPTEMBER 6, 2019

WHEREAS, an application has been filed for a Person-to-Person and Place-to-Place Transfer of Plenary Retail Consumption License Number 0219-33-037-003, heretofore issued to 177 N. Marginal Road, Inc. (POCKET LICENSE); 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 6, 2019 the transfer of the aforesaid Plenary Retail Consumption License to Kura Sushi USA, Inc. 2151 Lemoine Avenue, 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 Kura Sushi USA, Inc. 2151 Lemoine Avenue, effective September 6, 2019."

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

R-5 Determining Property Known as 2143 Hudson Terrace, Block 6155, Lot 2, Meets the Conditions and is Determined as an Area in Need of Rehabilitation

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

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE DETERMINING THAT THE PROPERTY GENERALLY KNOWN BLOCK 6155, LOT 2 LOCATED AT 2143 HUDSON TERRACE IN THE BOROUGH OF FORT LEE, NEW JERSEY, MEETS THE CONDITIONS AND IS DETERMINED TO BE AN AREA IN NEED OF REHABILITATION, PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.

*Councilman Cervieri recused and was not present during this portion of the meeting

WHEREAS, on January 18, 2018 the Borough Council of the Borough of Fort Lee (the "Borough") designated certain property located at 2100 North Central Road, specifically Lot 1 in Block 6155 as an area in need of rehabilitation, pursuant to the provisions of the Local

Redevelopment Act and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), which property is adjacent to and is proposed to be redeveloped in conjunction with 2143 Hudson Terrace, specifically Lot 2 in Block 6155(the “Property”)the Property; and

WHEREAS, the Borough of Fort Lee (the “Borough”) has identified the Property to be considered for designation as an “area in need of rehabilitation”, pursuant to the Redevelopment Law; and

WHEREAS, before an area may be declared in need of rehabilitation, it is necessary for the Borough to determine if there exists in that area any of the conditions set forth in N.J.S.A. 40A:12A-14.a.; and

WHEREAS, on or about April 11, 2019 the Borough Council, by way of resolution, did authorize the Fort Lee Planning Board to undertake a study to determine whether the Property meets any of the conditions for designation as an area in need of rehabilitation pursuant to N.J.S.A. 40A:12A-14 and make any recommendations to the Borough Council prior to any formal designation of the property as an area in need of rehabilitation; and

WHEREAS, the Planning Board conducted a study of the Property in accordance with the requirements set forth in N.J.S.A. 40A:12A-14 to determine whether the Property meets the conditions as an area in need of rehabilitation; and

WHEREAS, the Planning Board considered the study of the Property at a public meeting held on August 12, 2019; and

WHEREAS, a report, dated August 2019, was prepared by Phillips Preiss Grygiel Leheny Hughes, LLC, which is incorporated herein by reference, and was presented to the Planning Board that set forth certain findings with respect to the conditions of the Property and whether it should be determined as an area in need of rehabilitation in accordance with the provisions N.J.S.A 40A:12A-14; and

WHEREAS, no written objections were received; and

WHEREAS, no testimony was presented by members of the public; and

WHEREAS, as a result of its findings of fact, the Planning Board, by action taken on August 12, 2019, which action is reflected in correspondence dated August 13, 2019 from Christen S. Trentacosti, Planning Board Secretary to the Borough Clerk, concluded, based on the evaluations, findings and conclusions set forth in the August 2019 report on the Property prepared by Phillips Preiss Grygiel Leheny Hughes, LLC that:

1. The Property is comprised a two story former motel and parking lot which has been vacant since at least 2017 and the building suffered fire damage in 2018.
2. The Property meets the conditions set forth in N.J.S.A 40A:12A-14, specifically 1 and 3 thereof.
3. The Property fails to contribute to the vitality and economic well-being of this section of the Borough.
4. Without public intervention in the form of a unified and cohesive redevelopment strategy, the Property is likely to remain stagnant and unproductive.

5. As a result, the Property, in its current state, is detrimental to the public health, safety and welfare of the community.

WHEREAS, the Planning Board recommends, based on its study of the Property and the factual findings made by the Planning Board, that the Property meets the conditions to be designated an area in need of rehabilitation pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Fort Lee hereby accepts the findings of the Planning Board as made at a public meeting held on August 12, 2019 as supported by the August 2019 report on the Property prepared by Phillips Preiss Grygiel Leheny Hughes, LLC and as further set forth in the Planning Board correspondence dated August 12, 2019 and determines that certain property located at 2143 Hudson Terrace, also known as Lot 2 in Block 6155, as shown on the Tax Map of the Borough of Fort Lee, meets the conditions as an "area in need of rehabilitation" pursuant to the provisions of the Local Redevelopment Act and Housing Law, N.J.S.A. 40A:12A-1 et seq.

BE IT FURTHER RESOLVED that the Borough hereby states that any rehabilitation area determination shall authorize the municipality to use all those powers provided by the Local Redevelopment and Housing Law for a program of rehabilitation which is expected to prevent further deterioration and promote the overall development of the Borough.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

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

PROCLAMATION

PROCLAMATION REAFFIRMING THE COMMITMENT AND OBJECTIVE OF THE BOROUGH OF FORT LEE GREEN TEAM

Borough Clerk Rosario read the following proclamation into the record:

PROCLAMATION

PROCLAMATION REAFFIRMING THE COMMITMENT AND OBJECTIVE OF THE BOROUGH OF FORT LEE GREEN TEAM

WHEREAS, the Borough of Fort Lee adopted Resolution No. CA-5, "Designating the Fort Lee Environmental and Beautification Committee as the Borough's Green Team" at a regular meeting conducted on November 15, 2012; and,

WHEREAS, the Borough of Fort Lee resolved in that resolution that they wished to pursue local initiatives and actions that would lead to Sustainable Jersey Municipal Certification; and

WHEREAS, the Borough of Fort Lee further resolved in that resolution to create the Fort Lee Green Team, to serve as the Borough's agents for the Sustainable Jersey municipal certification process; and,

WHEREAS, the Green Team was composed of individuals who are interested in advancing the efforts of The Borough in the Sustainable Jersey municipal certification program, and that have been actively working as a Green Team successfully achieving Bronze Certification in 2013 and Bronze Recertification in 2016; and,

WHEREAS, the group has been creating and cataloging significant sustainability actions so that Fort Lee may again maintain Sustainable Jersey certification for the next recertification period beginning in 2019.

NOW, THEREFORE, BE IT RESOLVED that I, Mark J. Sokolich, Mayor of the Borough of Fort Lee, do hereby proclaim that:

- 1) The Green Team of Fort Lee is active in the community and advancing sustainable practices and actions included in the Sustainable Jersey municipal certification program;
- 2) The Green Team has been and shall continue to be composed of individuals who have demonstrated interest in advancing the efforts of Fort Lee to pursue certification through the Sustainable Jersey municipal certification program;
- 3) The role of the Green Team has been and shall continue to be to lead and coordinate the sustainability activities of the community.

Peter J. Suh
Council President

ORDINANCE PUBLIC HEARINGS SCHEDULED FOR
SEPTEMBER 12, 2019

Ord. #2019-16 “AN ORDINANCE AUTHORIZING THE ABROGATION AND EXECUTION OF A LEASE AGREEMENT FOR BOROUGH PROPERTY WITH HOOK AND LADDER COMPANY #3”

Ord. #2019-17 “AN ORDINANCE AMENDING CHAPTER 388 ARTICLE V SCHEDULES, SECTION 67 SCHEDULE XXI, PARKING PROHIBITED DURING CERTAIN TIMES DURING THE WINTER MONTHS AND SECTION 68, SCHEDULE XXII, PARKING PROHIBITED WHEN ROAD IS SNOW COVERED OF THE CODE OF THE BOROUGH OF FORT LEE”

Ord. #2019-18 AN ORDINANCE AMENDING CHAPTER 289 PARKING, ARTICLE VI OVERNIGHT PARKING, SECTION 48 NO OVERNIGHT PARKING ZONES, OF THE CODE OF THE BOROUGH OF FORT LEE”

Ord. #2019-19 “AN ORDINANCE AMENDING CHAPTER 289 PARKING, SECTION 15, PETARKING MER ZONES ESTABLISHED; VIOLATIONS AND PENALTIES OF THE CODE OF THE BOROUGH OF FORT LEE”

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

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

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

Ord. #2019-23 “AN ORDINANCE ABOLISHING THE BOROUGH OF FORT LEE LOCAL ASSISTANCE BOARD”

Ord. #2019-24 “AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 388, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF FORT LEE”

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

Ord. #2019-26 “AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AUTHORIZING THE EXECUTION OF A LEASE WITH CCM COMPANY, LLC” ADDENDUM

PUBLIC PARTICIPATION

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

<u>Speaker</u>	<u>Topic</u>	<u>Response</u>
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No public comments

There being no further discussions the meeting was adjourned on motion by Councilman Sohmer, seconded by Councilman Suh, at 8:30 P.M.

Evelyn Rosario, RMC
Municipal Clerk

