

Introduced	<u>J. CURVIERI</u>	Date of Introduction	<u>March 13, 2014</u>
Seconded	<u>H. SWAN</u>	Public Hearing	<u>April 10, 2014</u>
		Date of Adoption	<u>April 10, 2014</u>

BOROUGH OF FORT LEE

ORDINANCE # 2014-11

**AN ORDINANCE AMENDING CHAPTER 356A
THE FORT LEE SPECIAL IMPROVEMENT DISTRICT WITHIN THE BOROUGH OF FORT LEE
AND DESIGNATING A DISTRICT MANAGEMENT CORPORATION**

WHEREAS, the Borough of Fort Lee wishes to provide for the continued economic vitality and contribution to the Borough of Fort Lee, its residents and taxpayers of Fort Lee's historic central business district; and

WHEREAS, the Borough of Fort Lee desires to support the many property owners and business owners who contribute daily to that vitality; and

WHEREAS, the Borough of Fort Lee wishes to ensure that Fort Lee's Central Business District continues to serve the shopping needs of local families and the investment demands of a competitive regional marketplace; and

WHEREAS, the Mayor and Council, established the Fort Lee District Study Committee, operating under the auspices of the Borough of Fort Lee, to investigate and to provide the Mayor/Council their recommendations on the use, benefit, appropriateness and cost of a Special Improvement District (SID) with an area identified as The Fort Lee District Study Area; and

WHEREAS, the Fort Lee District Study Committee has determined that the use of a Special Improvement District will be essential to any effort to strengthen Fort Lee's Central Business District and recommends that the Borough of Fort Lee implement such a district;

WHEREAS, the Fort Lee District Study Committee has determined that meeting the challenge of maintaining a healthy, vital district can best be met by the creation of a Special Improvement District, and recommended that the Borough of Fort Lee designate the Fort Lee District Management Corporation, Inc. as the district management corporation (DMC) to manage the affairs of the Special Improvement District in accordance with N.J.S.A. 40:56-83; and

WHEREAS, the Mayor and Council accept the recommendation of the Fort Lee District Study Committee,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Municipal Council of the Borough of Fort Lee, Bergen County, New Jersey, pursuant to N.J.S.A. 40:56-65 et seq., that Chapter 356A of the Borough Code, enacted by Ordinance 2013-29, is hereby amended to read as follows:

SECTION 1. PURPOSE.

The purposes of this ordinance are to:

- (a) foster the district’s economic development, encourage the district’s revitalization and strengthen the district’s economic and commercial contributions to residents and property owners of the Borough of Fort Lee (also referred to as the “Borough”).
- (b) allow all those who live, work or invest in the district to contribute to the improvement of the district.
- (c) foster the building of a non-partisan private/public partnership to implement the improvement of the Fort Lee District.
- (d) foster and create self-help programs to improve the local business climate.

SECTION 2. DEFINITIONS.

- (a) “Special Improvement District” (also referred to as “District” or “SID”) means that area within the Borough of Fort Lee described by block and lot numbers and street addresses as set forth in Schedule A and designated by this ordinance as an area in which a special assessment on property within the District shall be imposed for the purpose of promoting the economic and general welfare of the District and the Borough of Fort Lee in accordance with N.J.S.A. 40:56-65 et seq.
- (b) “District Management Corporation” (also referred to as “DMC”) means The Fort Lee District Management Corporation, Inc., an entity incorporated pursuant to Title 15A of the New Jersey Statutes and designated by this ordinance to receive funds collected by a special improvement assessment within the Special Improvement District, as authorized by this ordinance and any amendatory ordinances.

SECTION 3. FINDINGS.

The Mayor and Council find and declare that:

- (a) The Fort Lee Central Business District of the Borough of Fort Lee has special needs and requires special services that can best be achieved through a private/public

partnership implemented by a Special Improvement District (SID) and a District Management Corporation (DMC).

(b) The creation of a Special Improvement District and designation of a District Management Corporation will promote economic growth and implement, foster and encourage commercial development business vitality, expansion and self-help, and improve the business climate and otherwise be in the best interest of the property owners in the District and in the Borough of Fort Lee.

(c) The area within the Borough of Fort Lee as described by lot and block numbers and by street addresses, as set forth in Schedule A of this ordinance will benefit from being designated as a Special Improvement District.

(d) A District Management Corporation will provide the administrative, programming and other services to benefit the businesses, employees, residents and consumers in the Special Improvement District and that the District Management Corporation would assist the Borough of Fort Lee in promoting economic growth, employment and development.

(e) A special assessment shall be imposed and collected by the Borough with the regular property tax payment or payment in lieu of taxes or otherwise, and that all of these payments shall be transferred to the District Management Corporation to effectuate the purposes of this ordinance and any amendatory ordinances statutes and to exercise the powers given to it by this ordinance.

(f) It is in the best interests of the Borough of Fort Lee and the public to create a Special Improvement District and to designate a District Management Corporation; except that no District Management Corporation shall be designated to receive any funds or to exercise any powers pursuant to the provisions of N.J.S.A. 40:56-83 et seq., and any amendatory or supplementary statutes, unless the board of directors of that corporation shall include the Mayor of the Borough of Fort Lee or a member of the Borough Council designated by the Mayor.

SECTION 4. CREATION OF THE DISTRICT

(a) There is hereby created and designated within the Borough of Fort Lee a Special Improvement District to be known as the Fort Lee Special Improvement District (District) consisting of properties designated and listed by tax lot and block number and street addresses on Schedule A attached hereto. The District shall be subject to special assessments on all affected property within the District, which assessment shall be

imposed by the Borough for the purposes of promoting the economic and general welfare of the District and the Borough of Fort Lee.

(b) All properties within the Special Improvement District, except those set forth in subsection (c) of this Section, are deemed included in the assessing provisions of this ordinance and are subject to assessment for Special Improvement District purposes.

(c) The following properties are excluded from the assessing provisions of this ordinance and are exempt from any assessment for Special Improvement District purposes:

(1) Properties maintained solely for residential use and occupied by the owner or the owner's family; and

(2) Properties owned by a non-profit entity and exempt from real property taxes under Title 54, Chapter 4 of the Revised Statutes; except those properties granted exemption or abatement from taxation under the Urban Enterprise Zones Act (P.L.1983, c. 303), as provided in N.J.S.A. 54:4-3.139 to 3.149, the Environmental Opportunity Zone Act (L.1995, c. 413), codified at N.J.S.A. 54:4-3.150 et seq., the Long Term Tax Exemption Law (L.1991, c. 431), codified at N.J.S.A. 40A:20-1 et seq., the Five-Year Exemption and Abatement Law, codified at N.J.S.A. 40A:21-1 et seq., or any similar statute granting tax exemption or abatement for a limited duration as incentive to develop, improve, rebuild, renovate, alter, convert, or rehabilitate any property.

(d) Nothing herein shall be construed as prohibiting a negotiated fee or assessment or in-kind contribution associated with any property.

SECTION 5. ASSESSMENTS

(a) It is hereby determined that the operation and maintenance of the District may involve annual costs relating to services peculiar to the District that are distinguished from operation and maintenance services normally provided by the Borough of Fort Lee outside the District. Pursuant to this ordinance and N.J.S.A. 40:56-80 et seq. those annual costs shall be assessed to the benefited properties or businesses. The properties to be assessed to provide for the payment of such annual costs are described in Section 4 hereof.

(b) Preparation of the Assessment Roll; Objections.

(1) Each year, when the Mayor and Council shall have acted on the estimated costs and/or on the budget of the District, the Tax Assessor shall prepare an

assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessable properties in the District as a percentage of assessed value. Descriptions of such properties and the name of the then current owners of such properties, so far as names are available, shall be included in each annual assessment roll. The assessment roll, when so prepared, shall be filed in the Office of the Borough of Fort Lee Municipal Clerk and be there available for inspection.

(2) The owner of any property subject to assessment under this ordinance shall have the right to file objection in writing with the Mayor and Council within 20 days following the filing of the assessment roll in the office of the Municipal Clerk. Such objection may request a hearing on the objection before a hearing officer to be designated by the Mayor and Council, or may waive the right to a hearing. Any such hearing shall be sound recorded.

(3) The Mayor and Council shall annually meet to consider objections to the amounts of such special assessments at least 10 days after a notice of the hearing has been published once in the official newspaper and mailed to the named owners of all tracts, parcels and lots of property to be assessed. The notice shall set forth the time and place of the meeting, and set forth the purpose of such meeting, but may refer to the assessment roll for further particulars. During the meeting, the Mayor and Council shall consider any objections duly filed in accordance with above, together with the record of the proceeding before the hearing officer, and any argument or briefs based thereon.

(4) When the Mayor and Council shall have approved the amounts of the special assessments set forth in the assessment roll, or as may be changed by the Mayor and Council, the Borough of Fort Lee Clerk shall forthwith certify a copy of the assessment roll with such changes to the roll to the County Board of Taxation.

SECTION 6. THE DESIGNATED DISTRICT MANAGEMENT CORPORATION

(a) The non-profit corporation, the Fort Lee District Improvement Corporation, Inc. an entity incorporated pursuant to N.J.S.A. 15A: 1-1 et seq., is hereby designated as the District Management Corporation for the District and designated by this ordinance to receive funds collected by a special improvement assessment within the Special Improvement District. This Management Corporation, in addition to acting as an advisory board to the Mayor and Council, shall have all powers necessary and requisite to

effectuate the purpose of this ordinance and the District, subject to annual approval by the Mayor and Council of the DMC's budget, including, but not limited to:

- (1) Adopt bylaws for the regulation of its affairs and conduct of its business and to prescribe rules, regulations and policies in connection with the performance of its function and duties;
- (2) Employ such persons as may be required, and to fix and pay their compensation from funds available to the District Management Corporation;
- (3) Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money;
- (4) Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the corporation, including contracts with any person, firm, corporation, governmental agency or other entity;
- (5) Administer and manage its own funds and accounts and pay its obligations;
- (6) Borrow money from private lenders for periods subject to statutory limits established by the State of New Jersey and from governmental entities for that or longer periods;
- (7) Fund the improvement of the exterior appearance of properties in the District through grants or loans;
- (8) Fund the rehabilitation of properties in the District;
- (9) Accept, purchase, rehabilitate, sell, lease or manage property in the District;
- (10) Enforce the conditions of any loan, grant, sale or lease made by the District Management Corporation;
- (11) Provide security, sanitation and other services to the District, supplemental to those provided normally by the municipality;
- (12) Undertake improvements designed to increase the safety or attractiveness of the District to businesses which may wish to locate there or to visitors to the District, including, but not limited to, litter cleanup and control, landscaping, parking areas and facilities, recreational and rest areas and facilities, pursuant to pertinent regulations of the Borough;

- (13) Publicize the District and the businesses included within the District boundaries;
- (14) Recruit new businesses to fill vacancies in, and to balance the business mix of, the District;
- (15) Organize special events in the District;
- (16) Provide special parking arrangements for the District;
- (17) Provide temporary decorative lighting in the District;
- (18) Review all applications, plans, specifications, etc. for the proposed construction or alteration of any and all exterior improvements to buildings and facades, including temporary and permanent signs and awnings, within the Special Improvement District for the purpose of providing advice and recommendations to those wishing to improve their properties consistent with the recommendations offered by the DMC.

Recommendations made under this section shall be in writing and will be forwarded to the appropriate approving authority, namely the Borough of Fort Lee Construction Code Official, Borough of Fort Lee Planning Board or the Borough of Fort Lee Board of Adjustment. Recommendations offered shall be developed within the time frames within which the Construction Official, the Planning Board and Zoning Board must take appropriate actions.

- (b) Pursuant to N.J.S.A. 40:56-68, in order to receive any funds or exercise any of the powers granted herein, the Board of Trustees of the Fort Lee District Improvement Corporation, Inc., shall include the Mayor of the Borough of Fort Lee or a member of the Borough Council designated by the Mayor.

SECTION 7. MUNICIPAL POWERS RETAINED.

- (a) Notwithstanding the creation of a Special Improvement District, the Borough of Fort Lee expressly retains all its powers and authority over the area designated as being within the Special Improvement District.
- (b) Nothing contained herein shall accomplish or be interpreted or construed to be the creation or a vacation, in whole or in part, of any municipal street or right of way or part thereof, or to amend any zoning ordinance requirement or to limit any other rule or law of general application.

(c) The District Management Corporation shall not make or enter into any contracts for the improvement of any publicly owned or operated facility or property within the Special Improvement District, unless the Mayor and Council of the Borough of Fort Lee delegates to the District Management Corporation, by separate ordinance, the contracting of work to be done on any street or streets or on any other municipal property within the Special Improvement District, and provided the District Management Corporation, as the contracting unit, complies with the New Jersey Local Public Contracts Law, Public Law 1971, Chapter 198 (C. 40A: 11-1 et seq.) and provided the plans specifications and bid requirements as applicable for the work contracted shall be approved by the municipal engineer and the Mayor and Council, by resolution, prior to initiation of any action for the awarding of a contract under the Local Public Contracts Law.

(d) The District Management Corporation shall comply with all applicable ordinances or regulations of the Borough of Fort Lee and the County of Bergen, State of New Jersey and Federal Government.

(e) No employee or contractor of the DMC shall be considered an employee or contractor of the Borough of Fort Lee, and the Borough of Fort Lee shall not be or become a co-employer or co-contractor of any DMC employee or contractor. All employees and contractors, as a condition of employment or contract, shall be required to execute a written acknowledgment and acceptance of this status.

SECTION 8. FISCAL YEAR AND ANNUAL BUDGET

(a) The fiscal year of the DMC shall be the same as the Borough of Fort Lee.

(b) The DMC shall submit to the Mayor and Council a detailed annual budget for each upcoming fiscal year no later than December 31st of the preceding year together with a report which explains how the budget contributes to the goals and objectives for the District.

(c) The budget shall be introduced, approved, amended and adopted by the Mayor and Council in accordance with N.J.S.A. 40:56-84.

SECTION 9. FISCAL REQUIREMENTS, ANNUAL REPORTS, AUDIT.

(a) Monies appropriated and collected for the annual costs of operating and maintaining the Special Improvement District shall be credited to a special account. The Mayor and Council may incur the annual costs of improving, operating and maintaining the Special Improvement District during a fiscal year, though not specifically provided for by

line item or other category in an approved estimate for such fiscal year, if in its discretion it shall be deemed necessary to provide for such annual improvements or operation or maintenance prior to the succeeding fiscal year and so long as the total amount of the account approved for that year is not exceeded by that expenditure. Any balances to the credit of the account and remaining unexpended at the end of the fiscal year shall be maintained and applied towards the financial requirements of the Improvement District for the succeeding year.

(b) The Borough of Fort Lee shall not be obligated to pay over to the DMC any funds not received by the Borough of Fort Lee.

(c) The District Management Corporation shall cause an annual audit of its books, accounts and financial transactions to be made and filed with the Mayor and Council and for that purpose shall employ a Certified Public Accountant of New Jersey. The annual audit shall be completed and filed with the governing body within four months after the close of the fiscal year of the corporation, and a certified copy of the audit shall be filed with the Director of Community Affairs within five (5) days of the filing of the audit with the Mayor and Council.

(d) The District Management Corporation shall, within thirty (30) days after the close of each fiscal year, make an annual report of its activities for the preceding fiscal year to the Mayor and Council and the Borough Clerk.

SECTION 10. NO MUNICIPAL GUARANTEE OF DMC DEBTS OR OBLIGATIONS

The Borough shall not be responsible for any debt or obligation of the DMC, and shall not pledge its full faith and credit thereto, except as it shall choose to do so in specific instances in accordance with all applicable laws.

SECTION 11. NO LIMITATION OF POWER.

(a) Nothing contained herein shall prevent the Mayor and Council at any time, subsequent to the adoption of this ordinance, from, by ordinance:

(1) abandoning the operation of the District, changing the extent of the District, supplementing or amending the description of the District to be specially assessed or taxed for annual costs of the District, changing or repealing any plan, rules, requisitions or limitations adopted for the operation of the District, as set forth in N.J.S.A. 40:56-75; or

(2) rescinding the designation, re-designating, or designating a new district management corporation to receive funds collected by a special improvement assessment within the District, and to exercise the powers granted to the district management corporation by this ordinance and any amendatory ordinances.

(b) If, for any reason, the entity designated as the District Management Corporation for the District and designated by this ordinance to receive funds collected by a special improvement assessment and to exercise those powers granted to the District Management Corporation by this ordinance and any amendatory ordinances shall cease to operate or shall lose its designation as the District Management Corporation, through action by the governing body or otherwise, any and all monies and property of the entity shall be transferred forthwith to the Borough of Fort Lee.

SECTION 12. SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or applications of the act and to this and the provisions of this act are severable.


SECTION 13. REPEALER

All prior ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, including but not limited to Ordinance 2013-29, are hereby repealed solely to the extent of such inconsistencies.

SECTION 14. EFFECTIVE DATE

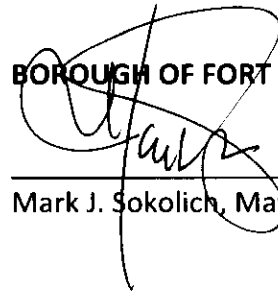
This ordinance shall take effect upon passage and publication as required by law.

ATTEST:



Neil Grant, Borough Clerk

BOROUGH OF FORT LEE



Mark J. Sokolich, Mayor

SCHEDULE (A)

Block Lot/Qual. Location

3559	2	570	Main St.
3560	13	562	Main St.
3560	14	560	Main St.
3562	5	2015	Jones Rd.
3562	6	555	Main St.
3562	8	565	Main St.
3655	1	530	Main St.
3655	2	520	Main St.
3655	3	514	Main St.
3655	4	502	Main St.
3655	5	492	Main St.
3655	6	486	Main St.
3655	7	482	Main St.
3655	5/T01	492	Main St.
3656	4	1650	John St.
3656	5	476	Main St.
3656	6	470	Main St.
3656	7	456	Main St.
3957	1	1566	Lemoine Ave.
3957	2	1567	Palisade Ave.
3957	3	1562	Lemoine Ave.
3957	4	1550	Lemoine Ave.
3957	5	1540	Lemoine Ave.
3957	6	1539	Palisade Ave.
3957	7	1537	Palisade Ave.
4056	1	460	Main St.
4056	2	454	Main St.
4056	3	448	Main St.
4056	5	442	Main St.
4056	6	440	Main St.
4057	2	422	Main St.
4057	4	406	Main St.
4057	7	400	Main St.
4151	26	314	Main St.
4151	27	310	Main St.
4151	28	308	Main St.
4151	29	302	Main St.
4152	8	250	Main St.
4152	9	246	Main St.
4152	10	228-244	Main St.
4152	11	226	Main St.
4152	12	222	Main St.
4251	1	1605	Lemoine Ave.
4252	1	172	Main St.
4252	2	168-170	Main St.
4252	3	166	Main St.
4252	4	1645	Palisade Ave.
4252	5	176	Main St.
4252	6	1637	Palisade Ave.
4252	7	1631-1633	Palisade Ave.
4252	10	1619	Palisade Ave.

4252	11	1617	Palisade Ave.
4252	12	1611	Palisade Ave.
4252	13	1605	Palisade Ave.
4252	14.02	1601	Palisade Ave.
4252	15	1589	Palisade Ave.
4252	16	1585	Palisade Ave.
4252	17	1579	Palisade Ave.
4252	18	1575	Palisade Ave.
4252	19	1571	Palisade Ave.
4252	20	211	Whiteman St.
4252	21	1580	Lemoine Ave.
4252	22	1590	Lemoine Ave.
4252	23	1608	Lemoine Ave.
4252	24	180	Main St.
4252	18/T01	1575	Palisade Ave.
4253	6	214	Main St.
4253	7	212	Main St.
4253	8	210	Main St.
4253	9	208	Main St.
4253	10	204	Main St.
4253	11	1645	Lemoine Ave.
4253	12	1645	Lemoine Ave.
4253	13	1635	Lemoine Ave.
4253	14	1625	Lemoine Ave.
4254	1	1629	Schlosser St.
4254	2	1620	Lemoine Ave.
4254	3	1630	Lemoine Ave.
4254	4	1643	Schlosser St.
4254	5	200	Main St.
4351	1	144	Main St.
4351	3	154	Main St.
4351	4	1636	Palisade Ave.
4351	5	1626	Palisade Ave.
4351	6	1624	Palisade Ave.
4351	7	1620	Palisade Ave.
4351	8	1616	Palisade Ave.
4351	9	1617	Parker Ave.
4351	10	1627	Parker Ave.
4352	1	134-140	Main St.
4352	2	132	Main St.
4352	3	130	Main St.
4352	4	120-126	Main St.
4352	6	116	Main St.
4352	16	1656	Parker Ave.
4353	1	1644	Parker Ave.
4353	12	1636	Parker Ave.
4353	13	1638	Parker Ave.
4354	15	1618	Parker Ave.
4355	14	1665	Kaufers Lane
4355	15	94	Main St.
4355	16	90	Main St.
4454	1	2010	Jones Rd.
4454	15	485	Main St.
4454	17	489	Main St.
4454	18	493	Main St.

4454	19	495	Main St.
4454	20	501	Main St.
4454	21	507	Main St.
4454	22	511	Main St.
4454	23	515	Main St.
4454	24	521	Main St.
4454	25	525	Main St.
4454	26	527	Main St.
4454	28	543	Main St.
4457	1	475	Main St.
4551	2	441	Main St.
4551	3	453	Main St.
4551	4	459	Main St.
4551	5	2010	Fletcher Ave.
4551	6	2018	Fletcher Ave.
4651	8	2033	Center Ave.
4651	10	2027	Center Ave.
4651	11	2023	Center Ave.
4651	12	2017	Center Ave.
4651	13	2015	Center Ave.
4651	14	2013	Center Ave.
4651	15	327	Main St.
4751	4	2071	Lemoine Ave.
4751	5	2067	Lemoine Ave.
4751	6	2057	Lemoine Ave.
4751	7	2053	Lemoine Ave.
4751	8	2045	Lemoine Ave.
4751	9	2035-2039	Lemoine Ave.
4751	10	2033	Lemoine Ave.
4751	12	2027	Lemoine Ave.
4751	13	2025	Lemoine Ave.
4751	14	2011	Lemoine Ave.
4751	15	201	Main St.
4751	16	205	Main St.
4751	17	207	Main St.
4751	18	209	Main St.
4751	19	209A	Main St.
4751	20	215	Main St.
4751	21	217	Main St.
4751	22	221	Main St.
4751	23	223	Main St.
4751	25	235-237	Main St.
4751	26	239	Main St.
4751	27	241	Main St.
4751	29	2016	Center Ave.
4751	30	2024	Center Ave.
4751	11/C0101	2029	Lemoine Ave.
4751	11/C0201	2029	Lemoine Ave.
4751	4/T01	2071	Lemoine Ave.
4851	1.01	175-179	Main St.
4851.04	1	800	Park Ave.
4851.04	2		Park Ave.
4851.04	3		Central Rd.
4851.04	4	100	Park Ave.
4856	2.01	2010	Bigler St.

4856	3.01	2001	Hudson Terr.
4856	5	89	Main St.
4856	6	2000	Bigler St.
4856	7.01	2006	Bigler St.

165 Properties