

I. Monday, January 3, 2022 Work Meeting of the Governing Body of the Borough of Lincoln Park, the Deputy Municipal Clerk called the Work Meeting to order and announced the meeting was duly advertised in accordance with the Open Public Meetings Act.

All stood for the Pledge of Allegiance.

## II. ROLL CALL

On the Roll Call, Council Members present were: Antonetti, Gemian, Gurkovich, Moeller, Ross, Thompson, and Seise

ABSENT: None

Present from Administration: Mayor David Runfeldt, Borough Administrator Perry Mayers, CFO, Fabiana Monteiro-Mello, and Chris DiLorenzo Borough Attorney

## III. MISCELLANEOUS/ COUNCIL COMMITTEE REPORTS:

**Antonetti:** The 5k that was held on Saturday, January 1, 2022 was a success.

The fireworks that were held at the Lake on January 1, 2022 was a success despite the rain. The Recreation Department would like to thank the DPW, EMS, FD, and the Police Department with their assistance.

**Gemian:** Mentioned the consideration of going back to virtual for Meetings or wearing masks if not virtual.

Council stated that they are not in favor of going virtual voluntarily, unless they are forced to. It is so cumbersome to do Meetings virtually. Masks are optional.

**Gurkovich:** Two weeks ago the Library had a meeting for all interested bidders for the Library addition. Eleven (11) contractors out of the nineteen (19) contractors that picked up bid packets showed up. The Library sent out two (2) addendum's, which are small things. The Library is opening the bids on Thursday, January 6, 2022 at 11:00 AM.

**Moeller:** There is no update at this time from the Health Department regarding Covid.

Today was the first day of getting your dog license through the Health Department for the year of 2022.

DPW is working on going out for bids on new trucks that they need.

The DPW has addressed fifteen (15) water mains/leaks in the past few months.

**Ross:** No report.

**Thompson:** The EMS dinner has been postponed.

**Seise:** The EMS dinner has been postponed. It was originally supposed to happen on January 8, 2022. A date has not yet been set.

## IV. COUNCIL AGENDA:

1. Refund in the Amount of \$400.00 to Jaflo, Inc.

Council concurred and the Resolution will be on the January 18, 2022 Agenda.

## V. MAYOR'S AGENDA:

### I. Escrow Release

- A. Release of Escrow #2504, Skyline Village Pool Renovations, to C. G. Albrecht, AIA, has been approved by the Borough Engineer
- B. Release of Escrow #2514, Block 104 / Lot 7.1, to Mr. & Mrs. Beavers Corp., has been approved by the Borough Engineer
- C. Release of Escrow #2515, Block 104 / Lot 7, to Mr. & Mrs. Beavers Corp., has been approved by the Borough Engineer

Council concurred and the Resolution(s) will be on the January 18, 2022 Agenda.

**II. Request Resolution Authorizing Grant Application**

- A. FY 2022 Community Development Block Grant (CDBG)
- B. Water main replacement – Maturan Avenue
- C. Grant application amount - \$125,000
- D. Estimated Cost of Project - \$337,000

Council concurred and the Resolution is on tonight's Agenda

**III. Request Resolution Supporting Title VIII of the Civil Rights Act of 1968**

- A. Requirement for FY2022 CDBG Grant Application

Council concurred and the Resolution is on tonight's Agenda

**IV. Request Resolution Authorizing Acceptance of Donation**

- A. Bardi's Bar & Grill – Pequannock
- B. 20' x 40' Heavy Duty Tent (like new)
- C. Estimated Value - \$3,000

Council concurred and the Resolution will be on the January 18, 2022 Agenda.

**VI. RESOLUTIONS:**

Seise: R22-63 Morris County Community Development Block Grant  
Moeller: So Moved  
Ross: Second

**RESOLUTION R22-63**

**MUNICIPAL COUNCIL AUTHORIZATION**

**MORRIS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT**

**WHEREAS**, the Borough of Lincoln Park maintains the water system infrastructure for its residents; and

**WHEREAS**, there is an identified need for the replacement of the water main on Maturan Avenue and Utne Ct.; and

**WHEREAS**, the Borough of Lincoln Park has prioritized the upgrade of the water main on Maturan Avenue; and

**WHEREAS**, it is a recognized need to provide access to safe, clean potable water the residents of Lincoln Park,

**NOW THEREFORE BE IT RESOLVED**, by the Governing body of the Borough of Lincoln Park, Morris County, State of New Jersey that the Borough Administrator and Borough Engineer are authorized to apply through the FY2022 Morris County Community Development Block Grant (CDBG) Program for funding to replace the water main on Maturan Avenue. If awarded CDBG funds, the Borough of Lincoln Park shall implement the activities in a manner to ensure compliance with all applicable federal, state, and local laws and regulations.

Seise: Any questions, comments or corrections? Call the Roll.

Yes: Antonetti, Gemian, Gurkovich, Moeller, Ross, Thompson, and Seise  
No: None  
Absent: None  
Abstain: None

Resolution R22-63 was Adopted.

Seise: R22-64 Civil Rights Act of 1968 Federal Fair Housing Law

Moeller: So Moved

Ross: Second

#### **RESOLUTION R22-64**

The Borough of Lincoln Park supports Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination. It is the policy of the Borough of Lincoln Park to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex (including pregnancy), national origin, nationality, familial status, marital or domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, mental or physical disability, perceived disability, AIDS/HIV status and Lawful Income or Source of Lawful Rent Payment (Section 8). The Borough of Lincoln Park further objects to discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability as prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination. Therefore, the Municipal Council of Borough of Lincoln Park do hereby approve the following resolution.

**BE IT RESOLVED**, that within available resources, Borough of Lincoln Park will assist all persons who feel they have been discriminated against under one of the aforementioned categories, to seek equity under federal and state laws by filing a complaint with the New Jersey Division on Civil Rights and the U.S. Department of Housing and Urban Development, as appropriate.

**BE IT FURTHER RESOLVED**, that the Borough of Lincoln Park shall publicize this resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law, the New Jersey Law Against Discrimination, and any local laws or ordinances.

**BE IT FURTHER RESOLVED**, that the municipality will at a minimum include, but not be limited to: (1) the printing and publicizing of this resolution, a fair housing public notice and other applicable fair housing information through local media, community contacts and placement on the Municipal website and in other social media; (2) distribution of posters, flyers, and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

Seise: Any questions, comments or corrections? Call the Roll.

Yes: Antonetti, Gemian, Gurkovich, Moeller, Ross, Thompson, and Seise

No: None

Absent: None

Abstain: None

Resolution R22-64 was Adopted.

Seise: R22-65 Meridia Redevelopment Agreement Block 139, Lot 20.01

Gemian: So Moved

Gurkovich: Second

#### **BOROUGH OF LINCOLN PARK**

#### **RESOLUTION R22-65**

#### **RESOLUTION AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS FOR THE ASSIGNMENT AND ASSUMPTION BY MERIDIA LINCOLN PARK 241, URBAN RENEWAL, LLC OF THE REDEVELOPMENT AGREEMENT BY AND BETWEEN THE BOROUGH OF LINCOLN PARK AND MERIDIA, TRANSIT VILLAGE, URBAN RENEWAL, LINCOLN PARK, LLC REGARDING THE REDEVELOPMENT OF THE PROPERTY KNOWN AS TAX BLOCK 139, LOT 20.1**

**WHEREAS**, on or about May 2, 2017, the Borough of Lincoln Park ("Borough") entered into a Settlement Agreement between the Borough and Meridia, Transit Village, Urban Renewal, Lincoln Park, LLC (hereinafter "Meridia"), in an effort to resolve the declaratory judgment action filed on July 1, 2015 in the Superior Court of New Jersey, Law Division, Morris County, known as In the Matter of the Application of the Borough of Lincoln Park, Docket No. MRS-L-1638-15 (the "DJ Action"); and

**WHEREAS**, on May 15, 2017, the Borough adopted and on June 14, 2017, Fair Share Housing Center, as Intervenor/Interested Party, confirmed the settlement agreement that resolved the primary concerns of the DJ Action; and

**WHEREAS**, the Borough and Meridia entered into a Settlement Agreement and a First Amended Settlement Agreement (“Settlement Agreement”); and

**WHEREAS**, in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et. seq.* the Settlement Agreement, among other things, called for the redevelopment of Block 139, Lot 20.1 (formerly Lots 19, 20 & 21) (hereinafter, the “Property”); and

**WHEREAS**, on August 21, 2017, the Borough’s Governing Body adopted Resolution No. 17-195, accepting the findings of the Board and designating the Property as an area in need of rehabilitation; and

**WHEREAS**, with effective date of October 16, 2017, the Borough adopted Ordinance No. 13-17, adopting the Lincoln Park Station Redevelopment Plan (the “Plan”); and

**WHEREAS**, the Borough Council is the designated Redevelopment Entity for the Plan; and

**WHEREAS**, Meridia proposed to design, develop, finance and construct a building on the Property consisting of twenty (20) affordable housing rental units, twenty-five (25) market rate residential rental units and approximately 4,700 square feet of commercial space, all in accordance with the Settlement Agreement (the “Project”); and

**WHEREAS**, the LRHL (i.e., N.J.S.A. 40A:12A-8) authorizes the Borough to enter into contracts or agreements for the planning, construction or undertaking of any development project or redevelopment work to effectuate a plan of redevelopment; and

**WHEREAS**, Meridia agreed that the Property was legally and lawfully designated as an area in need of redevelopment in accordance with N.J.S.A. 40A:12A-1 *et. seq.*, and that such designation is unappealable and that the Property meets the statutory criteria as an area in need of redevelopment; and

**WHEREAS**, on November 4, 2019, the Borough adopted Ordinance No. 15-19 entitled “An Ordinance of the Borough of Lincoln Park Authorizing the Execution and Delivery of a Financial Agreement by and between the Borough of Lincoln Park and Meridia, Transit Village, Urban Renewal, Lincoln Park, LLC” and on December 16, 2019, the Borough and Meridia Lincoln Park entered into a Financial Agreement for the redevelopment of the Property (the “Financial Agreement”); and

**WHEREAS**, on December 16, 2019, the Borough adopted Resolution No. R19-226, approving and authorizing the execution of the Redevelopment Agreement with Meridia for the redevelopment of the Property; and

**WHEREAS**, on May 4, 2021, Meridia submitted an application for a Certificate of Amendment to its Certificate of Formation to amend its name to MERIDIA LINCOLN PARK 241, URBAN RENEWAL, LLC (“Meridia Lincoln Park 241”); and

**WHEREAS** on June 21, 2021, the State of New Jersey, Department of Community Affairs and the New Jersey State Treasurer approved and filed Meridia Lincoln Park 241’s application pursuant to N.J.S.A. 40A:20-1 *et. seq.*, the Long Term Tax Exemption Law; and

**WHEREAS**, the Borough and its professionals have undertaken a review of the qualifications and financial capabilities of Meridia Lincoln Park 241 and recommend that Meridia Lincoln Park 241 has the experience and financial ability to assume Meridia’s responsibilities and obligations under the Redevelopment Agreement and the Financial Agreement and complete the construction of the Property pursuant to the terms in the Redevelopment Agreement; and

**WHEREAS**, Meridia Lincoln Park 241 and the Borough have proposed to enter into an Assignment and Assumption of the Redevelopment Agreement in order to effectuate the transfer to, and the assumption by, Meridia Lincoln Park 241 of all of the respective rights, obligations, covenants, duties and liabilities of the Meridia under the Redevelopment Agreement; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Lincoln Park that it hereby approves and authorizes the execution of various documents for the assignment and assumption by Meridia Lincoln Park 241, Urban Renewal, LLC of the Redevelopment Agreement and the Financial Agreement by and between the Borough of Lincoln Park and Meridia, Transit Village, Urban Renewal, Lincoln Park, LLC, regarding the redevelopment of the properties known as tax block 139, Lot 20.1;

**BE IT FURTHER RESOLVED** that the Mayor and the Borough Clerk are hereby authorized to execute any and all documents, including the Redevelopment Agreement and the Assignment and Assumption Agreement substantially consistent with the form of agreement attached hereto, to effectuate the completion and implementation of this project, subject to final review by general counsel as to legal form and content.

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

Seise: Any questions, comments or corrections? Call the Roll.

Yes: Antonetti, Gemian, Gurkovich, Ross, Thompson, and Seise

No: Moeller

Absent: None

Abstain: None

Resolution R22-65 was Adopted.

Seise: R22-66 Meridia Redevelopment Agreement Block 3.05, Lots 305 and 305.5

Gemian: So Moved

Gurkovich: Second

## **BOROUGH OF LINCOLN PARK**

### **RESOLUTION R22-66**

#### **RESOLUTION AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS FOR THE ASSIGNMENT AND ASSUMPTION BY MERIDIA LINCOLN PARK 115, URBAN RENEWAL, LLC OF THE FIRST AMENDED TO THE REDEVELOPMENT AGREEMENT BY AND BETWEEN THE BOROUGH OF LINCOLN PARK AND MERIDIA URBAN RENEWAL, LINCOLN PARK, LLC REGARDING THE REDEVELOPMENT OF THE PROPERTIES KNOWN AS TAX BLOCK 3.05, LOTS 305 AND 305.5**

**WHEREAS**, on or about May 2, 2017, the Borough of Lincoln Park ("Borough") entered into a Settlement Agreement between the Borough and Meridia, Transit Village, Urban Renewal, Lincoln Park, LLC (including Meridia Urban Renewal, Lincoln Park, LLC (hereinafter "Meridia Lincoln Park")), in an effort to resolve the declaratory judgment action filed on July 1, 2015 in the Superior Court of New Jersey, Law Division, Morris County, known as In the Matter of the Application of the Borough of Lincoln Park, Docket No. MRS-L-1638-15 (the "DJ Action"); and

**WHEREAS**, on May 15, 2017, the Borough adopted and on June 14, 2017, Fair Share Housing Center, as Intervenor/Interested Party, confirmed the settlement agreement that resolved the primary concerns of the DJ Action; and

**WHEREAS**, the Borough and Meridia Lincoln Park entered into a Settlement Agreement and a First Amended Settlement Agreement ("Settlement Agreement"); and

**WHEREAS**, the Borough determined that under the Settlement Agreement, the proposal submitted by the Meridia Lincoln Park closely reflected the goals and objectives of the Borough with respect to the position of the Borough and aligned with the Borough's anticipated and effectuated Housing Element and Fair Share Plan and would result in a project that, in the aggregate, will be beneficial to the community; and

**WHEREAS**, the Settlement Agreement has been approved by the Court; and

**WHEREAS**, in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*, the Settlement Agreement, among other things, called for the redevelopment of certain parcels of real property described on the Borough's official Tax Map as Block 3.05, Lots 305 and 305.05 (the "Property"); and

**WHEREAS**, by Resolution No. R18-143 adopted on June 18, 2018, the Borough's Governing Body authorized the Planning Board (the "Board") to conduct a preliminary investigation pursuant to N.J.S.A. 40A:12A-6 of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*, (the "LRHL") to determine whether certain parcels of land located in the Borough constituted an area in need of redevelopment or rehabilitation; and

**WHEREAS**, the Board undertook said investigation and conducted a public hearing, all in accordance with N.J.S.A. 40A:12A-6; and

**WHEREAS**, thereafter the Board found that the Property satisfied certain of the statutory criteria and thus constituted an area in need of redevelopment or rehabilitation in accordance with N.J.S.A 40A:12A-5 and N.J.S.A. 40A:12-6; and

**WHEREAS**, on December 17, 2018, the Borough's Governing Body adopted Resolution No. R18-220, accepting the findings of the Board and designating the Property as an area in need of condemnation redevelopment; and

**WHEREAS**, Meridia Lincoln Park agreed that the Property was legally and lawfully designated as an area in need of redevelopment in accordance with N.J.S.A. 40A:12A-1 et. seq., and that such designation is unappealable and that the Property meets the statutory criteria as an area in need of redevelopment; and

**WHEREAS**, with effective date of June 10, 2019, the Borough adopted Ordinance No. 1,595, adopting the Upper Main Street Redevelopment Plan (the "Plan"); and

**WHEREAS**, the Borough Council is the designated Redevelopment Entity for the Plan; and

**WHEREAS**, on November 4, 2019, the Borough adopted Ordinance No. 17-19 entitled "An Ordinance of the Borough of Lincoln Park Authorizing the Execution and Delivery of a Financial Agreement by and between the Borough of Lincoln Park and Meridia, Urban Renewal, Lincoln Park, LLC" and on December 16, 2019, the Borough and Meridia Lincoln Park entered into a Financial Agreement for the redevelopment of the Property (the "Financial Agreement"); and

**WHEREAS**, the LRHL (i.e., N.J.S.A. 40A:12A-8) authorizes the Borough to enter into contracts or agreements for the planning, construction or undertaking of any development project or redevelopment work to effectuate a plan of redevelopment; and

**WHEREAS**, in order to implement the development, financing, construction, operation and management of the construction of a building consisting of fourteen (14) affordable housing rental units and one hundred sixty-one (161) market rate residential rental units, all in accordance with the Settlement Agreement (the "Project"), the Borough determined to enter into the Financial Agreement and Redevelopment Agreement with Meridia Lincoln Park; and

**WHEREAS**, Meridia Lincoln Park submitted an application to the Board for preliminary and final major site plan approval for the development of the Project; and

**WHEREAS**, on April 23, 2020, the Board granted the application for preliminary and final major site plan approval with certain deviations (Board application #367) and granted a grading permit application #G19-05 for the Project; and

**WHEREAS**, the approval of the Board was memorialized in a resolution dated May 28, 2020, which memorialized the Board action taken on April 23, 2020 in accordance with law (the "Prior Approval"); and

**WHEREAS**, on October 28, 2020, Meridia Lincoln Park filed with the Board an application which Meridia Lincoln Park (a) intended to affect certain amendments to the Prior Approval and (b) to request amended preliminary and final major site plan approval and amended grading permit approval; and

**WHEREAS**, on May 20, 2021, the Board adopted a Resolution approving the Meridia Lincoln Park's application for amended preliminary and final major site plan approval and issuance of an amended grading permit; and

**WHEREAS**, on November 15, 2021, the Borough adopted Resolution No. R21-187, approving and authorizing the execution of the First Amendment to the Redevelopment Agreement with Meridia Lincoln Park (the "Amended Redevelopment Agreement") for the redevelopment of the Property; and

**WHEREAS**, on May 4, 2021, Meridia Urban Renewal submitted an application for a Certificate of Amendment to its Certificate of Formation to amend its name to MERIDIA LINCOLN PARK 115, URBAN RENEWAL, LLC ("Meridia Lincoln Park 115"); and

**WHEREAS** on June 21, 2021, the State of New Jersey, Department of Community Affairs and the New Jersey State Treasurer approved and filed Meridia Lincoln Park 115's application pursuant to N.J.S.A. 40A:20-1 et. seq., the Long Term Tax Exemption Law; and

**WHEREAS**, the Borough and its professionals have undertaken a review of the qualifications and financial capabilities of Meridia Lincoln Park 115 and recommend that Meridia Lincoln Park 115 has the experience and financial ability to assume Meridia Lincoln Park's responsibilities and obligations under the Amended Redevelopment Agreement and complete the construction of the Property pursuant to the terms in the Amended Redevelopment Agreement; and

**WHEREAS**, Meridia Lincoln Park 115 and the Borough have proposed to enter into an Assignment and Assumption of the Amended Redevelopment Agreement and Financial Agreement in order to effectuate the transfer to, and the assumption by, Meridia Lincoln Park 115 of all of the respective rights, obligations, covenants, duties and liabilities of the Meridia Lincoln Park under the Amended Redevelopment Agreement and the Financial Agreement; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Lincoln Park that it hereby approves and authorizes the execution of various documents for the assignment and assumption by Meridia Lincoln Park 115, Urban Renewal, LLC of the First Amended Redevelopment Agreement and the

Financial Agreement by and between the Borough of Lincoln Park and Meridia Urban Renewal, Lincoln Park, LLC, regarding the redevelopment of the properties known as tax block 3.05, Lots 305 and 305.5;

**BE IT FURTHER RESOLVED** that the Mayor and the Borough Clerk are hereby authorized to execute any and all documents, including the First Amendment to the Redevelopment Agreement and the Assignment and Assumption Agreement substantially consistent with the form of agreements attached hereto, to effectuate the completion and implementation of this project, subject to final review by general counsel as to legal form and content.

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

Seise: Any questions, comments or corrections? Call the Roll.

Yes: Antonetti, Gemian, Gurkovich, Ross, Thompson, and Seise

No: Moeller

Absent: None

Abstain: None

Resolution R22-66 was Adopted.

## **VII. PUBLIC HEARING:**

Ross: Motion to go to Public

Moeller: Second

Council President Seise asked for a Voice Vote. The Public Hearing was Opened.

Ross: Seeing no one wishing to speak I Move we close the Public Hearing.

Gemian: Second

Council President Seise asked for a Voice Vote. The Public Hearing was Closed.

## **VIII. ADJOURNMENT:**

Moeller: Motion to Adjourn.

Ross: Second

There being no further business to discuss the Work Meeting of January 3, 2022 was Adjourned at 8:20 PM.

ATTEST:

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Courtney Fitzpatrick, Deputy Municipal Clerk

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Andrew Seise, Council President

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Mayor David Runfeldt