

CAUCUS MEETING

August 3, 2017

A REGULAR SCHEDULED CAUCUS MEETING of the Mayor and Council of the Borough of Carlstadt was held in the Caucus Room of the Borough Hall, 500 Madison Street, Carlstadt, New Jersey on Thursday, August 3, 2017 at 7:30 P.M.

Council President Joseph Emerson asked Claire Foy, Borough Clerk to call the roll: Councilmen Robert Zimmermann, David Stoltz, Richard Bartlett, Joseph Emerson and William Shockley were present. Mayor Craig Lahullier and Councilman James Lenoy were absent.

Council President Emerson led all present in the Pledge of Allegiance to the Flag.

Council President Emerson – This meeting has been called pursuant to the Open Public Meetings Law and in accordance with Section 5 of the Open Public Meetings Act, adequate notice of this meeting having been provided in the annual notice schedule which contained the time, date and location of the meeting, copies of which were sent and advertised in the following official newspapers of Carlstadt: The Record on January 6, 2016 and the Herald News on January 6, 2016 a copy of which is on the Bulletin Board in the Borough Hall and a copy on file in the office of the Borough Clerk.

Gregory Polyniak of Neglia Engineering read his report for the month regarding projects that are being done in the Borough of Carlstadt.

Councilman Stoltz made a motion to have the engineer prepare the specs for Fifth Street, seconded by Zimmermann, unanimous on call of roll of those present.

Robert Ceberio of RCM Ceberio, LLC Management Consultants read his Economic Development Report for Carlstadt which is on file in the office of the Borough Clerk. This was with Arsynco/Cosan and the Redevelopment Survey.

CONSENT AGENDA RESOLUTION NO. 2017-227

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CARLSTADT, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF CARLSTADT AND AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$9,754,039 BOND ANTICIPATION NOTE, DATED JULY 28, 2017 AND PAYABLE JULY 27, 2018, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED .

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WHEREAS, the Borough of Carlstadt, in the County of Bergen, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough intends to issue a \$9,754,039 bond anticipation note, dated July 28, 2017 and payable July 27, 2018 (the "Note"); and

WHEREAS, the Borough desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Carlstadt, in the County of Bergen, New Jersey, as follows:

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) said Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2017.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2017.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2017 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

RESOLUTION NO. 2017-228

**RESOLUTION AUTHORIZING CHANGE ORDER Nº 1 & FOR THE
FOUR DOOR DUMP TRUCK WITH SNOW PLOW AND SPREADER**

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey upon the recommendation of the Borough Capital Improvements Engineer that the Change Order for the Contract listed below be and is hereby approved.

TITLE OF JOB: FOUR DOOR DUMP TRUCK WITH SNOW PLOW AND SPREADER

CONTRACTOR: Beyer Brothers, 109 Broad Avenue, Routes 1 & 9, Fairview, NJ 07022

NJDOT CHANGE ORDER No.: 1

AMOUNT OF CHANGE THIS RESOLUTION: (\$5,542.00) Increase: 7.51%

This Resolution to take effect upon certification of this Resolution by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 2017-229

**RESOLUTION AUTHORIZING CHANGE ORDER Nº 1 & FOR THE
TWO DOOR DUMP TRUCK WITH SNOW PLOW AND SPREADER**

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey upon the recommendation of the Borough Capital Improvements Engineer that the Change Order for the Contract listed below be and is hereby approved.

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TITLE OF JOB: TWO DOOR DUMP TRUCK WITH SNOW PLOW AND SPREADER

CONTRACTOR: Beyer Brothers, 109 Broad Avenue, Routes 1 & 9, Fairview, NJ 07022

NJDOT CHANGE ORDER No.: 1

AMOUNT OF CHANGE THIS RESOLUTION: (\$5,542.00) Increase: 7.86%

This Resolution to take effect upon certification of this Resolution by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 2017-230

BE IT RESOLVED, by the Mayor and Council of the Borough of Carlstadt that a handicapped parking space is hereby approved at the following location:

1. 306 Ninth Street

all in accordance with the requirements as stated in Chapter 10-3.10 and with the recommendation of the Police Chief of the Carlstadt Police Department.

BE IT FURTHER RESOLVED that said location shall be added to the certified list of designated handicapped parking spaces.

RESOLUTION NO. 2017-231

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that Immaculate Conception Church, 49 Vreeland Avenue, Hackensack, NJ 07601 be granted permission to hold two raffles on Thursday, October 19, 2017 from 6:00 P.M. to 11:00 P.M. at Redd's Restaurant, 317 Washington Avenue, Carlstadt, NJ 07072 for which the applications, fees and findings and determination sheets shall be forwarded to the Legalized Games of Chance Control Commission.

RESOLUTION NO. 2017-232

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that the Carlstadt Firefighters Foundation, Inc. be granted permission to hold a raffle on Thursday, December 7, 2017 at 8:00 P.M. at the Carlstadt Borough Hall, 500 Madison Street, Carlstadt, NJ 07072 for which the application, fee and findings and determination sheet shall be forwarded to the Legalized Games of Chance Control Commission.

RESOLUTION NO. 2017-233

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that the following street opening deposit be refunded from the Trust Account as approved by the Construction Code Official:

Permit # 036 \$1,000.00

Alex Gabriel
49 Kossuth Street
Wallington, NJ 07057

RESOLUTION NO. 2017-234

WHEREAS, the Borough of Carlstadt held an auction for the sale of equipment with receipt of bids no later than March 15, 2016; and

WHEREAS, Jersey One Auto Sales, 495-497 Tonnelle Avenue, Jersey City, NJ bid \$7,121.00 on a 1995 Bobcat Vin# 512816637 on March 15, 2016 which was below the minimum bid of \$10,000.00 and the only bid received for that piece of equipment on that date; and

WHEREAS, certain pieces of equipment were bid below the minimum bid requested and as a result a second auction was held listing the same equipment with receipt of bids no later than July 14, 2017; and

WHEREAS, Antonino Surace, 74 Eighth Street, Wood-Ridge, NJ offered a bid of \$3,000.00 for the above mentioned equipment on July 4, 2017 which was also below the requested minimum bid of \$10,000.00 and the only bid received on that day.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that the higher bid of \$7,121.00 be awarded to Jersey One Auto Sales as per State statute.

RESOLUTION NO. 2017-235

WHEREAS, the Borough of Carlstadt held an auction for the sale of equipment with receipt of bids no later than March 15, 2016; and

WHEREAS, Auto Salvage Corp. One Park Place, Lodi, NJ bid \$301.00 on a 1988 Chevy Bus Vin# 02345 on March 15, 2016 which was below the minimum bid of \$500.00 received on that date; and

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WHEREAS, certain pieces of equipment were bid below the minimum bid requested and as a result a second auction was held listing the same equipment with receipt of bids no later than July 14, 2017; and

WHEREAS, no other bids were received on July 14, 2017 for the above mentioned equipment.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that the bid of \$301.00 be awarded to Auto Salvage Corp. as per State statute.

RESOLUTION NO. 2017-236

**Supporting the 2017 Drive Sober or Get Pulled Over
Statewide Labor Day Crackdown**

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 27% of motor vehicle fatalities in New Jersey in 2013 were alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *2017 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from August 18 through September 4, 2017; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW, THEREFORE BE IT RESOLVED that the Borough of Carlstadt declares its support for the *2017 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown* from August 18 through September 4, 2017 and pledges to increase awareness of the dangers of drinking and driving.

RESOLUTION NO. 2017-237

**RESOLUTION APPROVING ADDITIONAL BUDGET FOR THE
FIRM OF REMINGTON & VERNICK IN CONNECTION WITH
PREPARATION OF COAH DOCUMENTS**

WHEREAS, the Governing Body previously retained the firm of Remington & Vernick, 232 Kings Highway East, Haddonfield, NJ 08083, to prepare the Borough's COAH Housing Element and Fair Share Plan with an original budget not to exceed \$22,800.00; and

WHEREAS, the original budget was expanded in May 2016 to include an additional \$4,960.00 for completion of documents related to the borough's on-going court proceedings; and

WHEREAS, the original and extended budget as approved have been exhausted, but additional work is required by way finalizing and presenting the final documents and there also remains the potential for the need to participate in on-going court proceedings; and

WHEREAS, by letter dated July 31, 2017, Remington & Vernick outlined the work completed and reported work that remains to be completed, together with a request for an additional amount of \$5,000.00 to be budgeted for the finalization and presentation of the documents; and

WHEREAS, the Governing Body is desirous of Remington & Vernick fulfilling the original purpose of its retention with regard to preparation of the Borough's COAH Housing Element and Fair Share Plan; and

WHEREAS, the Chief Financial Officer has certified that funds are available to pay the anticipated amount of the compensation, fees and disbursement for these services.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey, hereby authorizes and approves the increased budget amount of \$5,000.00 to Remington & Vernick for such purposes;

Certification as to the availability of funds:

The Chief Financial Officer/Treasurer hereby certifies that sufficient funds are available to pay the anticipated amount of the fees and disbursement for these services.

On motion by Zimmermann, seconded by Stoltz, unanimous on call of roll of those present.

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CONSIDERATION OF ORDINANCES

FINAL READING

ORDINANCE NO. 17-7

AN ORDINANCE TO FIX AND DETERMINE THE SALARIES AND COMPENSATION OF THE SEVERAL OFFICERS AND EMPLOYEES OF THE BOROUGH OF CARLSTADT, AND TO PROVIDE THE MANNER AND PAYMENT THEREOF, REVISED TO 2017.

Council President Emerson entertained a motion to open this ordinance to a hearing of citizens.

On motion by Bartlett, seconded by Zimmermann, unanimous on call of roll of those present.

Council President Emerson asked if any citizen wished to be heard on this ordinance.

Council President Emerson said to let the record note there are no citizens to speak on this ordinance.

Council President Emerson entertained a motion to close this ordinance to a hearing of citizens.

On motion by Zimmermann, seconded by Bartlett, unanimous on call of roll of those present.

RESOLUTION NO. 2017-238

BE IT RESOLVED that the ordinance entitled:

AN ORDINANCE TO FIX AND DETERMINE THE SALARIES AND COMPENSATION OF THE SEVERAL OFFICERS AND EMPLOYEES OF THE BOROUGH OF CARLSTADT, AND TO PROVIDE THE MANNER AND PAYMENT THEREOF, REVISED TO 2017.

heretofore introduced, does now pass on final reading and the Borough Clerk is hereby authorized and directed to publish said ordinance according to law.

On motion by Zimmermann, seconded by Bartlett, unanimous on call of roll of those present.

**EXECUTIVE SESSION MEETING ACT
RECESS INTO CLOSED SESSION**

WHEREAS, it is necessary for the Governing Body of the Borough of Carlstadt to conduct an executive session closed to the public in order to discuss one or more of the following subjects:
personnel

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt hereby moves to go into executive session in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et. Seq. for the purpose of discussing one or more of the following subjects: personnel

AND, BE IT FURTHER RESOLVED that the public will be informed either later this evening after reconvening the public meeting or at a future public meeting said date is not predictable at the present time.

AND, BE IT FURTHER RESOLVED that the matters discussed in and minutes of the closed session be disclosed to the public when the reason for confidentiality no longer exists.

Council President Emerson entertained a motion to go into closed session at 7:55 P.M. On motion by Zimmermann, seconded by Stoltz, unanimous on call of roll of those present.

The meeting went back into open session at 9:55 P.M. with the following members in attendance: Councilmen Zimmermann, Stoltz, Bartlett, Emerson and Shockley.

RESOLUTION NO. 2017-239

**A RESOLUTION AUTHORIZING THE RENEWAL OF THE
BOROUGH'S PARTIALLY SELF-FUNDED HEALTH BENEFITS
PROGRAM WITH INSURANCE DESIGN ADMINISTRATORS (IDA)
FOR THE PERIOD 8/1/17 THROUGH 8/1/18**

WHEREAS, the Borough provides medical, prescription and vision benefits through a partially self-funded plan administered by Insurance Design Administrators (IDA), a subsidiary of AmeriHealth NJ, with offices located in Oakland, NJ; and

WHEREAS, due diligence was performed in the renewal process associated with this Program and it was determined that the **Renewal**, as offered by U.S. Fire Insurance Company, an A+ rated carrier, as rated by A.M. Best, has been determined to be most competitive in comparison to the alternate proposals solicited and evaluated by the Health Benefits Consultant and presented to the Borough for review and consideration; and

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WHEREAS, the proposed Renewal maintains the existing level of benefits in accordance with the contractual requirements promulgated by the various collective bargaining unit agreements within the Borough.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Carlstadt, County of Bergen, State on New Jersey, the **Renewal** offering a:

\$45,000 Aggregating Specific Stop Loss with a
\$40,000 Corridor and an
Aggregate Attachment Point (Maximum Claims Liability) of \$3,958,328 and
a Maximum Program Liability of \$4,794,633

through U.S. Fire Insurance Company (the re-insurer) for the period 8/1/17 through 8/1/18 is hereby accepted and directed to the Borough Administration and Health Benefits Consultant for contract review and execution; and

BE IT FURTHER RESOLVED, the Renewal Proposal for Third Party Administrative (TPA) Services, offered by Insurance Design Administrators (IDA), that maintains fees at the expiring rate are also accepted and directed to the Borough Administration and Health Benefits Consultant for contract review and execution; and

BE IT FURTHER RESOLVED, the Mayor, Borough Clerk and Borough Benefits Consultant are further directed to take the appropriate steps necessary to effectuate full implementation of the renewal as outlined in the analysis presented by the Health Benefits Consultant; and

BE IT FURTHER RESOLVED, the contract award for the re-insurance component of the proposal is to a duly licensed and admitted Insurance Company within the State of NJ and therefore, such award is exempt from the requirements set forth by P.L. 2004, Chapter 19 (as amended by P.L. 2005, c.51) N.J.S.A. 19:44A-20.5 et seq.

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to the Borough CFO, Borough Auditor, and PIA Security Programs, Inc. 429 Hackensack Street, P.O. Box 818, Carlstadt, NJ 07072, Health Benefits Consultant to the Borough.

On motion by Stoltz, seconded by Bartlett, unanimous on call of roll of those present.

Councilman Stoltz made a motion for the Carlstadt Ambulance Corps to add to the per diem list the names of Sharon Dunn, Heather Schmidt and Destiny Cardona.

On motion by Zimmermann, seconded by Emerson, unanimous on call of roll of those present.

COUNCILMAN RICHARD BARTLETT

Councilman Bartlett asked if the specs for the Fire Department pick-up truck were seen and will be given to Ken Schwarz to look over.

Councilman Bartlett would like to make a motion that once Ken Schwarz gets the specs they will be given to the engineer to review and then go out to bid, seconded by Stoltz, unanimous on call of roll of those present.

COUNCILMAN ROBERT ZIMMERMANN

He had nothing to discuss at this time.

COUNCILMAN WILLIAM SHOCKLEY

He had nothing to discuss at this time.

COUNCILMAN DAVID STOLTZ

Councilman Zimmermann made a motion at the request of Councilman Stoltz to keep four DPW summer help workers for four more weeks, seconded by Emerson, unanimous on call of roll of those present.

Joseph Crifasi, DPW Operations Manager spoke about having a new customer service window by the Zoning and Construction Office. This would be a great help to them because they have to stop all the time from doing their work to help people out looking for a specific office.

COUNCILMAN JOSEPH EMERSON

He wanted to thank the Police Chief and the department for the National Night Out on August 1, 2017. Everything went smooth considering it was at a different location at the Little League Field. Councilman Emerson read the correspondence that was received. A letter was received from Evelyn Cordero, 340 Division Avenue, Carlstadt, NJ. Her neighbor at 430 Tenth Street planted bamboo all around the perimeter of his property. The bamboo is growing wild and is invading her property. It is out of control now as it is underneath her fence around her property and wrapping around evergreen trees causing them to be suffocated. It is also growing under her sheds causing them to be uplifted and new sprouts of bamboo are coming up in the yard in the middle of the lawn. She has been maintaining the bamboo on the property but is no longer able to now because of injuries sustained in the NJ Transit accident on September 29, 2016.

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She came to Borough Hall and spoke to Bruce Young, Code Enforcement Officer and spoke to her neighbor who was noncompliant. She came here again to Borough Hall June of 2017 to get in touch with Bruce again. Bruce sent him a letter stating he had to take care of the bamboo on both properties which to no avail has not been done.

She is asking the Mayor and Council to establish an ordinance that will prohibit the planting of bamboo and implementing an ordinance that makes owners of bamboo responsible for the care and maintenance plus removal of bamboo from their neighbor's property effective immediately.

This situation was discussed among the Council members. Jane Fontana, Legislative Research Officer said she will look at some of the ordinances we have and then we can decide on what to do. Since the bamboo is now out of control on the neighbor's property, something needs to be done.

A letter was received from Mayor Tomko of Wallington. He has enclosed a letter he sent to NJ Transit regarding the horrible conditions of the railroad crossings between our two towns. He is asking us to also send a letter to NJ Transit also voicing this condition. Everyone on the Council agreed to send a letter to NJ Transit.

Councilman Stoltz wanted to know how things are going with the senior housing survey. Jane Fontana replied it will be going out shortly to everyone in the Borough age 55 or better. There is a list of approximately 1,200 people. They all have return envelopes to go to the Senior Housing Committee.

Council President Emerson entertained a motion to adjourn the meeting at 10:30 P.M. On motion by Stoltz, seconded by Bartlett, the meeting was unanimously adjourned.

APPROVED: _____
JOSEPH EMERSON, COUNCIL PRESIDENT

ATTEST: _____
CLAIRE FOY, BOROUGH CLERK