

THE OCTOBER 13, 2016 FINANCE MEETING of the Mayor and Council of the Borough of Carlstadt was rescheduled to Monday, October 17, 2016 at 6:00 P.M. in the Borough Hall Caucus Room, 500 Madison Street, Carlstadt, New Jersey 07072 followed by the regularly scheduled Council Meeting at 7:00 P.M. in the Council Chambers.

A notice of the rescheduled meeting was published in The Record on Friday, October 14, 2016.

Mayor Craig Lahullier asked Claire Foy, Borough Clerk to call the roll: Mayor Craig Lahullier, Councilmen Robert Zimmermann, David Stoltz, Richard Bartlett and Joseph Emerson were present. Councilman William Shockley arrived at 6:15 P.M. and Councilman James Lenoy was absent.

Mayor Lahullier led all present in the Pledge of Allegiance to the Flag.

Mayor Lahullier – 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.

RESOLUTION NO. 2016-332

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CARLSTADT,
IN THE COUNTY OF BERGEN, NEW JERSEY, MAKING APPLICATION TO THE
LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-7(d), N.J.S.A. 40A:2-11(c)
AND N.J.S.A. 40A:2-26(e)**

WHEREAS, the Borough Council of the Borough of Carlstadt desires to make application to the Local Finance Board for its review and/or approval of (A) a proposed bond ordinance (without a down payment) authorizing the Industrial Area Road Reconstruction and Stormwater Drainage Improvements Project to be undertaken by the Borough of Carlstadt and (B) a maturity schedule for a proposed bond issue for a loan from the New Jersey Economic Development Authority (subject to 100% forgiveness) with principal amounts of annual installments that deviate from the requirements of N.J.S.A. 40A:2-26(b); and

WHEREAS, the Borough Council of the Borough of Carlstadt believes:

- (a) The limitations as to principal amounts of annual installments set forth in N.J.S.A. 40A:2-26(b) will adversely affect the financial position of the local unit;
- (b) It is in the public interest to accomplish such purpose;
- (c) Said purpose or improvements are for the health, welfare and convenience or betterment of the inhabitants of the local unit or units;

- (d) The amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and
- (e) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units.

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 application to the Local Finance Board is hereby approved, and Rogut McCarthy LLC, Bond Counsel, and Garbarini & Co., Borough Auditor, along with other representatives of the Borough of Carlstadt, are hereby authorized to prepare such application and to represent the Borough of Carlstadt in matters pertaining thereto.

Section 2. The Borough Clerk of the Borough of Carlstadt is hereby directed to prepare and file a copy of this resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statutes.

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

**CONSIDERATION OF ORDINANCES
FIRST READING**

ORDINANCE NO. 16-21

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE INDUSTRIAL AREA ROAD RECONSTRUCTION AND STORMWATER DRAINAGE IMPROVEMENTS PROJECT IN, BY AND FOR THE BOROUGH OF CARLSTADT, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,453,415.87 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

WHEREAS, the Borough of Carlstadt, in the County of Bergen, State of New Jersey (the ABorough@) has received a commitment from the New Jersey Economic Development Authority ("NJEDA") providing for the NJEDA to make a Stronger New Jersey Neighborhood Community Revitalization Development and Public Improvement Program loan (the "NJEDA Loan") to the Borough in the amount of \$3,453,415.87 for the purpose of financing the undertaking of the Industrial Area Road Reconstruction and Stormwater Drainage Improvements Project; and

WHEREAS, the NJEDA Loan is subject to 100% forgiveness upon completion of said project (with no principal or interest payments due prior to completion), and is, in effect, a grant; and

WHEREAS, it is necessary for the Borough to authorize said project and the issuance of bonds to evidence the Borough's obligation to repay the NJEDA Loan until the loan is forgiven; and

WHEREAS, the Borough Council has heretofore adopted a resolution making application to the Local Finance Board in the Division of Local Government Services of the New Jersey Department of Community Affairs (the "Local Finance Board") for approval of the Borough's request for an exemption from the down payment requirement for this bond ordinance pursuant to N.J.S.A. 40A:2-7(d) and N.J.S.A. 40A:2-11(c) and for a waiver of the maturity schedule requirement for bonds issued by the Borough to evidence the NJEDA Loan pursuant to N.J.S.A. 40A:2-26(e).

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

Section 1. The Borough of Carlstadt, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to undertake the Industrial Area Road Reconstruction and Stormwater Drainage Improvements Project, including the making of related improvements and all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$3,453,415.87 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized by this ordinance. No down payment is required for this bond ordinance pursuant to the provisions of N.J.S.A. 40A:2-11(c) and 40A:2-7(d). Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the total estimated cost of said purpose is \$3,453,415.87, and (4) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$3,453,415.87, and (5) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$370,008.84 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. This bond ordinance authorizes obligations of the Borough solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the Borough. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the Borough or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. The Local Finance Board has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

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Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$3,453,415.87 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$3,453,415.87 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of thirty years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$3,453,415.87 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose (except the NJEDA Loan, which shall be applied to the payment of the cost of such purpose or to the payment of any outstanding bond anticipation notes, but shall not reduce the amount of bonds authorized for such purpose), shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board

showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 12. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough expects to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

RESOLUTION NO. 2016-333

BE IT RESOLVED that the ordinance entitled:

“BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE INDUSTRIAL AREA ROAD RECONSTRUCTION AND STORMWATER DRAINAGE IMPROVEMENTS PROJECT IN, BY AND FOR THE BOROUGH OF CARLSTADT, IN THE CONTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,453,415.87 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.”

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 10th day of November, 2016, at 7:00 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

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

RESOLUTION NO. 2016-333-A

**RESOLUTION AUTHORIZING
AGREEMENT FOR WETLANDS PRESERVATION
BETWEEN THE BOROUGH OF CARLSTADT AND
DOREMUS NEWARK, LLC**

RE: BLOCK 84, LOTS 9, 11 AND 12 AND BLOCK 138, LOT 8

WHEREAS, the Borough of Carlstadt has ownership of numerous properties that were obtained by foreclosure consisting of wetlands and otherwise non-developable parcels scattered with the commercial/industrial portion of the Borough; and

WHEREAS, Doremus Newark, LLC is desirous of meeting an existing mitigation obligation by having the Borough of Carlstadt record a Conservation Easement in favor of the NJDEP permanently preserving certain of those properties from development; and

WHEREAS, the Governing Body has considered the benefit of and terms of the attached Agreement for Wetland Preservation between the Borough of Carlstadt and Doremus Newark, LLC and finds it to be in the best interest of the Borough to enter into the Agreement.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey, that:

1) The Mayor be and hereby is authorized to enter into the Agreement for Wetlands Preservation between the Borough of Carlstadt and Doremus Newark LLC in the form attached hereto, as approved by the Borough Attorney.

2) The Mayor and Borough Clerk are hereby authorized to execute any all documents approved by the Borough Attorney that are necessary in order to effectuate the intent of said Agreement, including the execution of Conservation Easements, and to attend to the Recording of same, for the specified parcels identified as Block 84, Lots 9, 11 and 12 and Block 138, Lot 8.

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

Mayor Lahullier asked if everyone had a chance since our last meeting to go over the Best Practices Worksheet CY 2016/SFY 2017. Mayor Lahullier said he had a problem with one that bothered him. It was the employee personnel manual or handbooks. It is saying every five years it should be updated. Mayor Lahullier said we should set a date maybe the first meeting in March or April where every year we put this on the table and do it. There is no reason we cannot have a yes in that box. This is something that really doesn't take that much effort. It is one more step to get a perfect mark.

Mayor Lahullier entertained a motion to approve this as it is filled out. On motion by Stoltz, seconded by Emerson, unanimous on call of roll of those present.

Mayor Lahullier went over the correspondence that was received. We received a memo from Chief Thomas Nielsen regarding an entertainment license application for the American Legion Post #69.

Chief Nielsen is recommending the license be approved.

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

Mayor Lahullier mentioned a letter was received from Michele Muller who is a crossing guard at Summit

and Madison Streets. She will be retiring from her post as of January 1, 2017.

Mayor Lahullier said a letter was received from Thomas John Ondrof. He is requesting that his longevity pay that he is to receive during the next three years be applied to his weekly pay starting January 2017. This request is based upon the anticipation of his retirement at the end of year 2019.

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

Mayor Lahullier said most likely we will be hiring police officers next year. One of the things that he would like to see that we require a few more credits and include military service or veteran's service or honorable discharge. This went into a lengthy discussion.

FIRST READING

ORDINANCE NO. 16-22

**AN ORDINANCE TO AMEND CHAPTER II
"ADMINISTRATION," SECTION 2-22 ENTITLED
"POLICE DEPARTMENT," SUBSECTION 2-22.5
ENTITLED "QUALIFICATIONS" OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002**

NOW, THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Carlstadt, County of Bergen and State of New Jersey, that Chapter II, entitled "ADMINISTRATION," Section 2-22 entitled "POLICE DEPARTMENT," Subsection 2-22.5 entitled "QUALIFICATIONS," shall be and hereby is amended as follows:

2-22 Police Department.

2-22.5 Qualifications.

Subsection e. shall be deleted in its entirety and replaced and amended to hereafter read as follows:
e. In addition to all other requirements set forth herein, each candidate for appointment to the Police Department shall have obtained a minimum of sixty-four (64) credits from a regionally accredited institution of higher education recognized by national or international accreditation agencies or have served three (3) years of military service and honorably discharged. Candidates shall be required to submit an official college transcript or diploma evidencing satisfaction of the credit requirement or a copy of honorable discharge evidencing military service.

Savings Clause. All other provisions of Chapter II, Section 22, including Subsection 2-22.5, shall remain unchanged and in full force and effect.

Repeal of Prior or Inconsistent Ordinances. All ordinances or parts thereof inconsistent herewith are hereby repealed as to such inconsistency only.

Severability. If any section, clause, sentence or other part of this Ordinance or the application thereof to any person or circumstance shall be any reason be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

Effective Date. This Ordinance shall take effect immediately upon passage and publication as required by law.

RESOLUTION NO. 2016-333-B

BE IT RESOLVED that the ordinance entitled:

**AN ORDINANCE TO AMEND CHAPTER II
“ADMINISTRATION,” SECTION 2-22 ENTITLED
“POLICE DEPARTMENT,” SUBSECTION 2-22.5
ENTITLED “QUALIFICATIONS” OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002**

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 3rd day of November, 2016 at 7:00 o'clock P.M. or as soon thereafter as the matter can be reached, at the regular meeting place of the Carlstadt Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk be, and she hereby is, authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

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

Mayor Lahullier said we need to put together a meeting for next week or the week after to discuss the 2017 budget. He talked to Domenick Giancaspro, CFO and he is good any night we want to do it. It was decided that next Tuesday, October 27, 2016 at 7:00 P.M. would be good for everyone.

Matthew Kronyak, President of the Carlstadt Volunteer Ambulance Corps. wanted to know if we were all on the same page with the operating budget that is going to be cut back in the next three years. Mayor Lahullier said we are not going to take your clothing allowance from you to help you pay for your new ambulance.

COUNCILMAN ROBERT ZIMMERMANN

He had nothing to discuss at this time.

COUNCILMAN WILLIAM SHOCKLEY

He wanted to change the location for the Trunk or Treat on Friday, October 28, 2016. He wants to use the paved parking lot and grassy area around the hockey rink. Last year we had ten tables from the Civic Center and the DPW helped pick them up and set them up before and after the event. We had two men to do this.

COUNCILMAN RICHARD BARTLETT

He had nothing to discuss at this time.

COUNCILMAN DAVID STOLTZ

He spoke to Joseph Crifasi about doing an ordinance for the diagonal parking at the Washington School

Park that when it snows that two hours after it snows you have to move your vehicle. It was decided to give them twenty-four hours after the snow stops.

COUNCILMAN JOSEPH EMERSON

He commented that he had a breakdown of the budget as to what amounts are left in each department.

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: **Budget Items.**

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: **Budget Items.**

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 shall be disclosed to the public when the reason for confidentiality no longer exists.

Mayor Lahullier entertained a motion to go into closed session at 6:45 P.M. On motion by Bartlett, seconded by Shockley, the meeting unanimously went into closed session.

The meeting went back into open session at 7:00 P.M. with the following members in attendance: Mayor Lahullier, Councilmen Zimmermann, Stoltz, Bartlett, Emerson and Shockley.

Mayor Lahullier entertained a motion to adjourn the Finance Meeting. On motion by Zimmermann, seconded by Bartlett, the meeting was unanimously adjourned.

APPROVED: _____
CRAIG LAHULLIER, MAYOR

ATTEST: _____
CLAIRE FOY, BOROUGH CLERK