

**CAUCUS MEETING**  
**May 3, 2018**

**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, May 3, 2018 at 7:00 P.M.

Mayor Craig Lahullier asked Claire Foy, Borough Clerk to call the roll: Mayor Craig Lahullier, Councilmen David Stoltz, Richard Bartlett, James Lenoy and Joseph Emerson were present. Councilman William Roseman arrived at 7:26 P.M. and Councilman Robert Zimmermann 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, 2018 and the Herald News on January 6, 2018 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 and is on file in the office of the Borough Clerk.

Robert Ceberio of RCM Ceberio LLC read his report for the month and is on file in the office of the Borough Clerk.

Mr. Ceberio mentioned that they met with the owner of the 12<sup>th</sup> Street property on the Wood-Ridge/Carlstadt border, who is seeking a variance from the NJSEA regarding front yard loading. The NJSEA staff has requested a resolution from the Mayor and Council regarding their decision on the matter. Mr. Ceberio said he believes they approached the Borough about this project several months ago.

There was a lengthy discussion on this matter regarding this with Donna Erem who represented SEI Carlstadt LLC. There will be no truck idling, only trucks going to a loading dock. There was concern regarding paving of the roadway and drainage issues. Mayor Lahullier asked the Council do we need to discuss this any further or are you in favor of going forward with this?

**RESOLUTION NO. 2018-141-A**

**WHEREAS**, SEI Carlstadt, LLC (“SEI”) has an application pending before the NJSEA to allow the construction of a warehouse on Block 84, Lot 1, commonly known as 701 12<sup>th</sup> Street in Carlstadt; and

**WHEREAS**, 12<sup>th</sup> Street is undeveloped, largely unimproved, unpaved, uneven and contains numerous potholes making it difficult to traverse by the motoring public; and

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**WHEREAS**, SEI is seeking permission from the Borough of Carlstadt to improve a portion of 12<sup>th</sup> Street to facilitate truck maneuvers in to and out of the proposed warehouse facility; and

**WHEREAS**, SEI has proposed, at its own expense and at no cost to the Borough, to pave a portion of 12<sup>th</sup> Street beginning at the northerly lot line of Block 84, Lot 1 and continuing south along 12<sup>th</sup> Street to a point 35 feet beyond the southerly lot line of Block 84, Lot 1 consistent with the attached sketch; and

**WHEREAS**, the Mayor and Council find that the proposed improvement of the portion of 12<sup>th</sup> Street serves a public purpose and will improve the safety and welfare of the traveling public using the street to the extent of the improved area; and

**WHEREAS**, SEI has agreed to pay all costs associated with the paving and the curbing of the above-described area, has agreed to pay for and address any drainage issues associated with the above-described area and in making these improvements has agreed to comply with all State, County and local specifications associated with the paving of roads in the Borough of Carlstadt; and

**WHEREAS**, SEI has agreed that use of the above-described portion of 12<sup>th</sup> Street shall be limited to truck maneuvers and that neither SEI nor anyone utilizing SEI's property for any purpose shall utilize 12<sup>th</sup> Street for purposes of parking vehicles or idling vehicles for any period of time exceeding that necessary to maneuver in and out of SEI's property; and

**WHEREAS**, SEI understands and agrees that 12<sup>th</sup> Street is owned by the Borough of Carlstadt and that any improvements paid for by SEI shall be to the benefit of the Borough of Carlstadt. The improved area described herein shall be open to the general public and SEI shall not now or in the future make any claim of ownership, impede, interrupt or otherwise prevent the free flow of vehicular traffic on 12<sup>th</sup> Street; and

**WHEREAS**, until such time as the entire length of 12<sup>th</sup> Street is improved, the improved section of 12<sup>th</sup> Street that is the subject of this Resolution shall be maintained by SEI once the improvements are complete, including all snow and ice removal, maintenance of storm drains and repair of potholes or other roadway abnormalities; and

**WHEREAS**, SEI has agreed to post a two year maintenance bond.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that SEI be and hereby is authorized to pave, curb, install drainage mechanisms and improve the portion of 12<sup>th</sup> Street described herein consistent with the conditions and representations stated above and the sketch plan attached hereto.

Mayor Lahullier asked someone to make a motion on this. He also said for the Borough to have some oversight during the project as far as to make sure it is done with specifications with the Borough Engineer and Joseph Crifasi, DPW Operations Manager. On motion by Emerson, seconded by Bartlett, unanimous on call of roll of those present.

Mayor Lahullier said at this point we have Mr. Bruinooge here to discuss the foot of 14<sup>th</sup> Street. There was a lengthy discussion on this matter and his reason for being there was for the Mayor and Council to accept the concept to move forward on this project and be put on the agenda for an upcoming meeting and have an appropriate ordinance to vacate the dead end portion of the street. This will be the next meeting in June. Mayor Lahullier had a few questions on this. When we discussed this it was mentioned to go midway in the street. Now we are talking about the entire street. Mr. Bruinooge replied the concept was the street would be vacated at a particular point on 14<sup>th</sup> Street all the way down to the dead end. Vacating the street means from curb to curb. Mayor Lahullier asked about the other property owners that are on the foot of 14<sup>th</sup> Street. There is one property on the east side and another on the west side. One of the owners was there and said he had no issues. He had no time to prepare or get his attorney into this situation. There was a lengthy discussion on this. Mayor Lahullier said he would like to further discuss all of this in closed session.

A representative from the Spotlight Playhouse, an East Rutherford sponsored Theatre Company, spoke to the Mayor and Council asking if they could consider sponsoring them in this year's production of The Nightmare before Christmas. She mentioned the East Rutherford Recreation Department has graciously sponsored \$5,000.00 half of the \$10,000.00 that is needed.

They still have to do some fundraising for other things that are needed.

Mayor Lahullier said we have already done our budget for the year. We would have to talk to our Chief Financial Officer to see if there are any funds available and if we do agree when we discuss this whether or not we want to sponsor going forward with this. Mayor Lahullier said we don't know right now if the Chief Financial Officer will be able to tell us we have an extra \$5,000.00.

Erwin Fedkenheuer – 700 Ninth Street - had some questions regarding the smoking of marijuana. He said it is very important what you are doing. You are ahead of the curve and I applaud you for what you are doing. The other side of the coin is does it say in the ordinance you cannot smoke in the Borough wherever cigarettes are not allowed? Mayor Lahullier said he does not think it states that. Mr. Fedkenheuer said it is important because if East Rutherford sells it and Wood-Ridge, the thing is they can walk over here and smoke in our parks. Mayor Lahullier said if you can't smoke, you cannot smoke anything. Mayor Lahullier said he does not know how far you can go with banning the use if it is prescribed medication. Mr. Fedkenheuer said he wanted it on record so that someone cannot say you did it without anybody coming up and complaining.

Mayor Lahullier said our Borough Attorney is looking over the ordinance now,

Mayor Lahullier said what we did here is more of distribution, sales and no retail. Only if it is for medical growing it has to be in a certain area. It really didn't go into much of what you are getting to and where you can use it.

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Mayor Lahullier said if you have a prescription, you can't preclude it from your home.

**CONSIDERATION OF ORDINANCES  
FINAL READING**

**ORDINANCE NO. 18-7**

AN ORDINANCE AMENDING SUBSECTION 21-21 "SPECIAL REGULATIONS" OF CHAPTER XXI ENTITLED "ZONING," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002

Mayor Lahullier entertained a motion to open this ordinance to a hearing of citizens.

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

Mayor Lahullier asked Mr. Fedkenheuer if he wanted to repeat his comments from before. Mr. Fedkenheuer said no as long as they get put in there.

Mayor Lahullier asked if any citizen wished to be heard on this ordinance.

Mayor Lahullier entertained a motion to close this ordinance to a hearing of citizens.

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

**RESOLUTION NO. 2018-141-B**

**BE IT RESOLVED** that the ordinance entitled:

AN ORDINANCE AMENDING SUBSECTION 21-21 "SPECIAL REGULATIONS" OF CHAPTER XXI ENTITLED "ZONING," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002

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 Emerson, 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 and property.

**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 property.

**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 8:10 P.M. On motion by Bartlett, seconded by Roseman, unanimous on call of roll of those present.

The meeting went back into open session at 9:40 P.M. with the following members in attendance: Mayor Lahullier, Councilmen Stoltz, Bartlett, Lenoy, Emerson and Roseman.

**CONSENT AGENDA  
RESOLUTION NO. 2018-142**

**ENABLING RESOLUTION  
RESOLUTION OF ENDORSEMENT OF OPEN SPACE APPLICATION**

**WHEREAS**, the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund (“County Trust Fund”), provides grants to municipal governments and to nonprofit organizations for assistance in the acquisition of lands for open space conservation purposes and/or outdoor recreation facilities; and,

**WHEREAS**, the Borough of Carlstadt desires to further the public interest by obtaining a grant of One Million Seven Hundred Thirty Two Thousand Five Hundred Dollars (\$1,732,500) from the County Trust Fund to fund the following project the Garden-Orchard Street Open Space Project; and

**WHEREAS**, the Mayor and Borough Council of Carlstadt have reviewed the County Trust Fund Program Statement, the County Program Open Space Policy and Procedures Manual, and the open space application and instructions and desires to make an application for such a grant and provide application information and furnish such documents as may be required; and

**WHEREAS**, as part of the application process, the Mayor and Borough Council will hold the required public hearing on May 17, 2018 to receive comments prior to the submission of said application; and

**WHEREAS**, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and

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**WHEREAS**, the Mayor and Borough Council are willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the Garden-Orchard Street Open Space Project; and

**WHEREAS**, if the Borough of Carlstadt is successful in acquiring said project through the use of a County Trust Fund grant, then the Borough of Carlstadt will permanently preserve said project for open space conservation and/ or outdoor recreation purposes through a recorded deed of easement.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Carlstadt:

1. That it is hereby authorized to submit the above completed project application to the County by this year's deadline established by the County; and
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Borough of Carlstadt has, or will secure, the balance of funding necessary to complete the project; and
3. That the Borough of Carlstadt agrees to comply with all applicable federal, state, and local laws, rules and regulations in its performance of the project; and
4. That this resolution will take effect immediately.

**RESOLUTION NO. 2018-143**

**WHEREAS**, the Borough of Carlstadt ("Borough") is required pursuant to State law P.L. 2017, Chapter 331 to appoint an Municipal Humane Law Enforcement Officer (MHLEO) within the Carlstadt Police Department; and

**WHEREAS**, the MHLEO shall serve as liaison between the municipality and the Bergen County Prosecutor's Office and shall have the power and authority within the municipality to enforce the animal cruelty laws of the State and animal cruelty ordinances of the municipality; and

**WHEREAS**, the Borough has received from Thomas Nielsen, Chief of the Police of the Carlstadt Police Department, a recommendation to appointment Lieutenant Denise Kimak as MHLEO; and

**WHEREAS**, the Mayor and Council of the Borough are desirous of appointing Lieutenant Denise Kimak to serve as MHLEO for the Carlstadt Police Department and the Borough of Carlstadt in accordance with the requirements and procedures mandated in P.L. 2017, c.331 (C.4:22-14.4) et seq.

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

1. That Lieutenant Denise Kimak of the Carlstadt Police Department is hereby appointed to serve as the Municipal Humane Law Enforcement Officer for the Borough of Carlstadt.
2. That Lieutenant Denise Kimak shall perform all such duties and carry out all of the responsibilities as set forth in accordance with the requirements and procedures mandated under P.L. 2017, c331 (C4:22-14.4), et seq.
3. That no further action of the Borough shall be required.

**RESOLUTION NO. 2018-144**

**REJECTION OF BIDS**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey upon the recommendation of Neglia Engineering Associates that the Bids for:

**455 SIXTEENTH STREET DRAINAGE IMPROVEMENTS PROJECT**  
**(NJEDA FUNDED)**

be rejected as the bids exceeded the Borough's appropriation for the project. Therefore in accordance with N.J.S.A. 40A:11-13.2b, Neglia Engineering Associates recommends that the Borough of Carlstadt reject all bids.

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby authorized and directed to return the certified checks and/or bid bonds of the unsuccessful bidders.

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the Borough Clerk is hereby directed to re-advertise for bids.

**RESOLUTION NO. 2018-145**

**WHEREAS**, the Borough of Carlstadt has previously established a Flexible Benefits Plan for eligible employees who wish to participate; and

**WHEREAS**, the Governing Body is desirous of continuing to afford eligible employees the option of establishing a Section 125 Flexible Spending Account for the year 2018.

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**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the form of amended Cafeteria Plan including a Health Flexible Spending Account and Dependent Care Flexible Spending account effective January 1, 2018, presented to this meeting is hereby approved and adopted and that an authorized representative of the Borough is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

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

Mayor Lahullier said we have a letter from Herb Scheidewig regarding the Memorial Day Parade budget. He is asking for \$4,200.00. This will cover the Bergen County Firefighters Pipe Band, the floral design, Becton Regional High School Band, the bugler and this will be put on the May 21, 2018 Consent Agenda.

## **CONSIDERATION OF ORDINANCES**

### **FINAL READING**

#### **ORDINANCE NO. 18-5**

AN ORDINANCE AMENDING CHAPTER X "TRAFFIC", SECTION 10-2 "EMERGENCY NO PARKING" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT 2002 TO REGULATE PARKING ON PATRICIA COURT

Mayor Lahullier entertained a motion to open this ordinance to a hearing of citizens.

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

Mayor Lahullier asked if any citizen wished to be heard on this ordinance.

Mayor Lahullier said to let the record note there are no citizens to speak on this ordinance.

Mayor Lahullier entertained a motion to close this ordinance to a hearing of citizens.

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

#### **RESOLUTION NO. 2018-146**

**BE IT RESOLVED** that the ordinance entitled:

AN ORDINANCE AMENDING CHAPTER X "TRAFFIC", SECTION 10-2 "EMERGENCY NO PARKING" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT 2002 TO REGULATE PARKING ON PATRICIA COURT.

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 Lenoy, seconded by Stoltz, unanimous on call of roll of those present.

**FINAL READING**

**ORDINANCE NO. 18-6**

AN ORDINANCE AMENDING CHAPTER X "TRAFFIC", SECTION 10-3 "PARKING" OF REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002 TO REGULATE PARKING

Mayor Lahullier entertained a motion to open this ordinance to a hearing of citizens.  
On motion by Emerson, seconded by Bartlett, unanimous on call of roll of those present.  
Mayor Lahullier asked if any citizen wished to be heard on this ordinance.  
Mayor Lahullier said to let the record note there are no citizens to speak on this ordinance.  
Mayor Lahullier entertained a motion to close this ordinance to a hearing of citizens.  
On motion by Lenoy, seconded by Bartlett, unanimous on call of roll of those present.

**RESOLUTION NO. 2018-147**

**BE IT RESOLVED** that the ordinance entitled:

AN ORDINANCE AMENDING CHAPTER X "TRAFFIC", SECTION 10-3 "PARKING" OF REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002 TO REGULATE PARKING

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 Stoltz, seconded by Lenoy, unanimous on call of roll of those present.

Mayor Lahullier said we need to ratify a fruit basket for Gregory Kane and dishgarden for the families of George Venturini and Jeff Ferraro.

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

Mayor Lahullier said we need approval for the \$500.00 scholarship for the Becton student.

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

Mayor Lahullier said we received correspondence from Chief Nielsen that the East Rutherford Police Department is requesting one Special Police Officer to assist in covering the Dance Theater Workshop recital on May 5, 2018 from 2:00 P.M. – 5:00 P.M.

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

Mayor Lahullier said we received correspondence from the Wildcats Track Booster Club. They are asking for any donations we can give. It was decided to approve the initial amount of \$500.00.

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

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**COUNCILMAN RICHARD BARTLETT**

The Fire Department Memorial Service is Saturday, May 19, 2018 at 5:00 P.M. at Memorial Park with the inspection to follow. Inclement weather like we have done in the past, it will be downstairs.

On June 2, 2018 the NJ/NY Firemen's Association is running a training session in Bergenfield, NJ at their training center. There are five members of our department that are interested in going. They got the Certificate of Insurance which is requested by the Bergenfield Fire Training Center. They want confirmation that they can take it.

Councilman Emerson made the motion to allow the five members to attend, seconded by Bartlett, unanimous on call of roll of those present.

**COUNCILMAN WILLIAM ROSEMAN**

He had nothing to discuss at this time.

**COUNCILMAN JAMES LENOY**

He had nothing to discuss at this time.

**COUNCILMAN JOSEPH EMERSON**

He mentioned he went to the Board of Education meeting at Becton High School and everything was upbeat and a lot of things were on the table about change and the budget. He went into detail on some of the things that were discussed at this meeting.

**COUNCILMAN DAVID STOLTZ**

He had nothing to discuss at this time.

Mayor Lahullier entertained a motion to adjourn the meeting at 10:10 P.M.

On motion by Bartlett, seconded by Emerson, the meeting was unanimously adjourned.

APPROVED: \_\_\_\_\_  
CRAIG LAHULLIER, MAYOR

ATTEST: \_\_\_\_\_  
CLAIRE FOY, BOROUGH CLERK