

CAUCUS MEETING
February 4, 2016

A REGULAR SCHEDULED CAUCUS MEETING of the Mayor and Council of the Borough of Carlstadt was held in the of the Borough Hall, 500 Madison Street, Carlstadt, New Jersey on Thursday, February 4, 2016 at 7:15 P.M.

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

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

Mayor Lahullier mentioned to Mr. Polyniak about the handicapped parking at the Civic Center. Perhaps a space can be put closer to the ramp so that they don't have to walk as far. He mentioned he also had issues with the signs in the parking lot of the Civic Center to stop people in town from using it as their own private parking lot. He would like to put signage up to inform people it is not to be used for overnight parking.

Mayor Lahullier entertained a motion to have the Borough Engineer prepare a proposal for the lighting and borings at Lindbergh Field.

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

Mayor Lahullier entertained a motion to go into closed session at 7:40 P.M. to discuss personnel and property. On motion by Emerson, seconded by Stoltz, unanimous on call of roll of those present.

On motion by Stoltz, seconded by Bartlett, the meeting went back into open session at 10:05 P.M. with the following members in attendance: Mayor Lahullier, Councilmen Stoltz, Bartlett, Emerson and Shockley.

RESOLUTION NO. 2016-49-A

BOROUGH OF CARLSTADT

A RESOLUTION APPOINTING AN ATTORNEY TO PERFORM LEGAL SERVICES IN CONNECTION WITH THE ACQUISITION OF REAL PROPOERTY THROUGH EMINENT DOMAIN PURSUANT TO N.J.S.A. 20:3-1, et, seq.

WHEREAS, there exists a need to employ counsel in connection with the acquisition of real property through eminent domain; and

WHEREAS, the Mayor and Council of the Borough of Carlstadt desires to employ and contract with Stephen P. Sinisi, Esq., as “special legal counsel” for the purposes of carrying out the responsibilities of the potential acquisition of real property pursuant to N.J.S.A. 20:3-1 et. seq; and

WHEREAS, the Borough shall pay special legal counsel, Stephen P. Sinisi, Esq., at the rate of \$250.00, per hour plus expenses for services rendered to the Borough of Carlstadt by the special legal counsel with an initial retainer of \$3,000.00; and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A:11-1, et. seq.) requires that a Resolution authorizing the award of contracts for “professional services” without competitive bids and the contract be made available for public inspection.

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

- 1 .The Mayor and Borough Clerk be and are hereby authorized and directed to execute agreements with Stephen P. Sinisi, Esq., located at Two Sears Drive, 2nd floor, Paramus, NJ 07653 as special legal counsel to perform their respective professional services on behalf of the Borough according to applicable laws, ordinances and the rules regulating the respective professional services;
2. The contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the services of the provider are specialized and qualitative in nature and such services cannot be reasonably described by written specification and extensive training and certification are required to satisfactorily provide such services pursuant to the applicable New Jersey State Law.
3. A notice of this action shall be published one time in an official newspaper of the Borough of Carlstadt in accordance with N.J.S.A.40A:11-5(1)(a)(I).

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

**CONSENT AGENDA
RESOLUTION NO. 2016-50**

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that the Carlstadt PTA, 550 Washington Street, Carlstadt, NJ 07072 be granted permission to hold a casino raffle night at The Carlstadt Turnverein, 500 Broad, Carlstadt, NJ 07072 on Saturday, March 5, 2016 for which the application, fee, form 13 and findings and determination sheet shall be forwarded to the Legalized Games of Chance Control Commission.

RESOLUTION NO. 2016-51

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, that the amended By-Laws for the Mayor and Council for the year 2016, a copy of which is attached hereto, be adopted.

RESOLUTION NO. 2016-52

WHEREAS, Danaro Limousines, Inc. 321 Tenth Street, Carlstadt, NJ 07072 has made application to the Borough of Carlstadt for the renewal of nine (9) limousine licenses; and

WHEREAS, the application has been filed together with the requisite fee, and proof of insurance and Power of Attorney as required under N.J.S.A. 48:16-14 and 16 and vehicle and driver information as required by the ordinance to the satisfaction of the Borough Clerk.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, County of Bergen, State of New Jersey that the application of Danaro Limousines, Inc., 321 Tenth Street, Carlstadt, NJ 07072 for the renewal of nine (9) limousine licenses be and hereby is approved.

AND, BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to renew said licenses at the above referenced location for the period of one year, commencing February 5, 2016 and ending February 5, 2017 and a Certificate of Compliance with the requirements of N.J.S.A. 48:16-14 and 16, through the period indicated on the proof of insurance as submitted with the application.

RESOLUTION NO. 2016-53

**Borough of Carlstadt
Bergen County
Proposed Bus Stops
May 1, 2015**

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, County of Bergen, the State of New Jersey

That pursuant to N.J.S.A. 39-4-8(e) the following described locations are **designated** as bus stops:

Added Bus Stops

County Road

1. **Along Washington Avenue (County Road 503), northbound on the easterly side thereof at:**
 - a. Road A – (far side)
Beginning at the prolongation of the northerly curblineline of Road A and extending 100 feet northerly therefrom.
 - b. Jomike Court – (near side)
Beginning at the southerly curblineline of Jomike Court and extending 105 feet southerly therefrom.
 - c. Barell Avenue – (far side)
Beginning at the northerly curblineline of Barell Avenue and extending 100 feet northerly therefrom.
 - d. Between Kero Road and Barell Avenue – (mid-block)
Beginning 117 feet south of the prolongation of the southerly curblineline of Kero Road and extending 135 feet southerly therefrom (at Kilroy's driveway).
 - e. Between Commerce Boulevard and Empire Boulevard – (mid-block)
Beginning 147 feet north of the northerly curblineline of Commerce Boulevard and extending 135 feet southerly therefrom.

- f. Empire Boulevard – (near side)
Beginning at the southerly curbline of Empire Boulevard and extending 105 feet southerly therefrom

- 2. **Along Washington Avenue (County Road 503), southbound on the westerly side thereof at:**
 - a. Beginning Moonachie Avenue and Commerce Road – (mid-block)
Beginning 534 feet south of the southerly curbline of Moonachie Avenue and extending 135 feet southerly therefrom.
 - b. Commerce Road – (near side)
Beginning at the northerly curbline of Commerce Road and extending 105 feet northerly therefrom.
 - c. Between Kero Road and Barrell Avenue – (mid-block)
Beginning 198 feet south of the southerly curbline of Kero Road and extending 135 feet southerly therefrom.
 - d. Barell Avenue – (near side)
Beginning at the prolongation of the northerly curbline of Barell Avenue and extending 105 feet northerly therefrom.
 - e. Veterans Road – (far side)
Beginning at the southerly curbline of Veterans Road and extending 100 feet southerly therefrom.
 - f. Road A – (near side)
Beginning at the northerly curbline of Road A and extending 105 feet northerly therefrom (at address 330).

That pursuant to N.J.S.A. 39-4-8(e) the following described locations are **deleted** as bus stops:

Deleted Bus Stops

County Road

- 3. **Along Washington Avenue (County Road 503), northbound on the easterly side thereof at:**
 - a. Paterson Plank Road – (far side)
Beginning at the northerly curbline of Paterson Plank Road and extending 100 feet northerly therefrom.

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- b. Between Kero Road and Barell Avenue – (mid-block)
Beginning 225 feet south of the southerly curbline of Kero Road and extending 135 feet southerly therefrom (near Kilroy's).
- 4. Along Washington Avenue (County Road 503), southbound on the westerly side thereof at:**
- a. Between Moonachie Avenue and Commerce Road – (mid-block)
Beginning 100 feet south of the southerly curbline of Moonachie Avenue and extending 135 feet southerly therefrom (At address 850).
 - b. Kero Road – (far side)
Beginning at the southerly curbline of Kero Road extending 100 feet southerly therefrom (at Delta Service Station).
 - c. Paterson Plank Road – (near side)
Beginning at the northerly curbline of Paterson Plank Road and extending 105 feet northerly therefrom (at Valero Service Station).

That the Mayor and Council of the Borough of Carlstadt will enforce the needed traffic regulations governing the aforementioned bus stop locations and provide the necessary police security to ensure the safety of the traveling public.

RESOLUTION NO. 2016-54

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that approval is given for the use of tables and chairs from the Community Center for Engine Company No. Two's Annual Fish and Chips Dinner to be held on Friday, March 25, 2016.

BE IT FURTHER RESOLVED that approval is given for the event to be posted on the town bulletin board.

RESOLUTION NO. 2016-55

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that approval is given for a donation of \$100.00 to be made to the Carlstadt-East Rutherford Lions Club for their annual Pancake Breakfast to be held on Sunday, March 6, 2016.

RESOLUTION NO. 2016-56

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that permission is granted to the following for the use of facilities on the specified date:

Community Center

1. Cub Scouts – Friday, February 5, 2016 from 6:30 P.M. to 9:00 P.M. and Saturday, February 13, 2016 from 11:00 A.M. to 1:00 P.M. to have a meeting.

Borough Hall Caucus Room

2. Carlstadt Soccer League – Wednesday, February 3, 2016 and Monday, March 7, 2016 from 7:30 P.M. to 10:00 P.M. to have a meeting.

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

Mayor Lahullier mentioned that we received an estimate for the recodification update. The price will be between \$6,720.00 and \$8,110.00 which includes shipping and handling.

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

Mayor Lahullier mentioned that we received a letter from Laurie Carty of the Carlstadt Girl Scouts. They are having two annual town wide events this year and are asking for any donation we can give. Mayor Lahullier entertained a motion to approve the amount of \$150.00 for a donation. On motion by Bartlett, seconded by Emerson, unanimous on call of roll of those present.

Mayor Lahullier mentioned we received a letter from Rebecca Harper who is the Adult Services Coordinator for the Carlstadt Public Library. She is asking to use the Village Green Park on June 20, 2016 from 6:30 P.M. to 8:30 P.M. for a Summer Reading Kickoff which will feature a family friendly band. The rain date will be June 27, 2016. On motion by Emerson, seconded by Bartlett, unanimous on call of roll of those present.

RESOLUTON NO. 2015-57

WHEREAS, the County of Bergen operates a Fire Academy through the County's Department of Public Safety; and

WHEREAS, the County of Bergen owns certain fire apparatus, including ladder vehicles and engines used for training firefighters; and

WHEREAS, the County of Bergen has made certain Fire Apparatus available to the municipalities within Bergen County on a temporary/emergency basis for use as front line fire apparatus when not needed for training purposes; and

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WHEREAS, the Borough of Carlstadt has determined that it is beneficial to enter into a Shared Services Agreement which govern the terms for borrowing the County's Fire Apparatus in advance of the Borough's need to utilize the Fire Apparatus, so the parties will be able to facilitate the prompt availability of the Fire Apparatus at such time as the Borough has a need to utilize same; and

WHEREAS, the Borough of Carlstadt is authorized to enter into a shared service agreement in accordance with the Uniform Shared Services and Consolidation Act, P.L. 2007, c.63 (C.40A:65-1, et seq.); and

WHEREAS, the County of Bergen has prepared a form of Shared Services Agreement, entitled, "Shared Services Agreement for Short Term Emergency Sharing of Fire Apparatus Between the County of Bergen and Any Municipality Within the County of Bergen" ("Shared Services Agreement"), a copy of which is attached to this Resolution; and

WHEREAS, the Shared Services Agreement sets forth the terms under which the Borough of Carlstadt, may, subject to availability, borrow Fire Apparatus from the County of Bergen on an emergent, temporary basis, such as in circumstances of breakdown or destruction, of the Borough's firefighting vehicles.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Carlstadt that Mayor Craig Lahullier is authorized to execute a shared services agreement with the County of Bergen setting forth the terms of the short term emergency sharing of fire apparatus attached hereto; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Carlstadt that the Borough Clerk shall forward a copy of this resolution to the Bergen County Executive and Board of Chosen Freeholders.

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

Claire Foy, Borough Clerk said we received three quotes for the Fire Department Testimonial Dinner for 2017 and the Graycliff was the lowest.

Councilman Bartlett made a motion to award the Graycliff in Moonachie for the 2017 Fire Department Testimonial Dinner, seconded by Stoltz, unanimous on call of roll of those present.

CONSIDERATION OF ORDINANCES

FINAL READINIG

ORDINANCE NO. 16-1

AN ORDINANCE TO AMEND CHAPTER II “ADMINISTRATION”, SECTION 2-22 ENTITLED “POLICE DEPARTMENT” 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 Bartlett, seconded by Stoltz, 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 is no citizen 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 Stoltz, unanimous on call of roll of those present.

RESOLUTION NO. 2016-58

BE IT RESOLVED that the ordinance entitled:

AN ORDINANCE TO AMEND CHAPTER II “ADMINISTRATION”, SECTION 2-22 ENTITLED “POLICE DEPARTMENT” 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 Bartlett, seconded by Emerson, unanimous on call of roll of those present.

FIRST READING

ORDINANCE NO. 16-2

**BOROUGH OF CARLSTADT
CALENDAR YEAR 2016**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding

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years; and

WHEREAS, the Mayor and Council of the Borough of Carlstadt in the County of Bergen finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$ 520,040 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Carlstadt in the County of Bergen a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Borough of Carlstadt shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$520,040 and that the CY 2016 municipal budget for the Borough of Carlstadt be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

RESOLUTION NO. 2016-59

BE IT RESOLVED that the ordinance entitled:

**BOROUGH OF
CARLSTADT CALENDAR
YEAR 2016**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

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

Mayor Lahullier entertained a motion to approve \$90.95 for the Carlstadt Voluntary Ambulance Corps for meals when they were on call during the snowstorm.

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

Mayor Lahullier entertained a motion to ratify the Arsynco tax appeal with an 85% reduction. On motion by Stoltz, seconded by Emerson, unanimous on call of roll of those present.

Mayor Lahullier entertained a motion to adjourn the meeting at 10:25 P.M. On motion by Bartlett, seconded by Emerson, the meeting was unanimously adjourned.

APPROVED: _____
CRAIG LAHULLIER, MAYOR

ATTEST: _____
CLAIRE FOY, BOROUGH CLERK