

CAUCUS MEETING
March 1, 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, March 1, 2018 at 7:03 P.M.

Mayor Craig Lahullier asked Claire Foy, Borough Clerk to call the roll: Mayor Craig Lahullier, Councilmen Robert Zimmermann, David Stoltz, Richard Bartlett and James Lenoy were present. Councilman William Roseman arrived at 7:30 P.M. and Councilman Joseph Emerson arrived at 7:43 P.M.

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 a copy is on file in the office of the Borough Clerk.

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

Barbara O'Connor President of the Carlstadt Historical Society would like us to consider some things at the 6th Street Historical Society Museum. One thing is the way to resolve a problem that has no access to the upstairs for the people who cannot make the stairs. She showed a drawing of removing a tree that is in the way. With the one tree gone the walkway is straight up to the door. Joseph Crifasi, DPW Operations Manager, mentioned that it would be taken care of.

COUNCILMAN RICHARD BARTLETT

He mentioned that the Nam Knights is requesting the use of the garbage truck for their annual car show on May 6, 2018 with a rain date of May 20, 2018. On motion by Bartlett, seconded by Lenoy, unanimous on call of roll of those present.

The Mens Club at the First Presbyterian Church is having a breakfast on Sunday, March 25, 2018 from 8:30 A.M. to 11:00 A.M. The cost is \$10.00.

Engine 2 will be taking orders for the LCPL Michael Schwarz memorial tee shirt. The money raised for the tee shirt will go towards a scholarship fund to a high school student at Becton. The cost is \$20.00.

He also mentioned there are two sites on line to maybe get rid of the Schwing Truck.

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COUNCILMAN WILLIAM ROSEMAN

He had nothing to discuss at this time.

COUNCILMAN JAMES LENOY

He asked about Patricia Court. Joseph Crifasi said all is well with the parking situation.

COUNCILMAN ROBERT ZIMMERMANN

He had nothing to discuss at this time.

COUNCILMAN DAVID STOLTZ

He had nothing to discuss at this time.

**CONSENT AGENDA
RESOLUTION NO. 2018-90**

BE IT RESOLVED, by the Mayor and Council of the Borough of Carlstadt that the Carlstadt Little League, Ninth Street, Carlstadt, N.J. 07072 be granted permission to hold a raffle on April 7, 2018 for which the application, fee and findings and determination sheet shall be forwarded to the Legalized Games of Chance Control Commission.

RESOLUTION NO. 2018-91

WHEREAS, an application and required fees has been filed requesting renewal of a pocket license in the name of Grippa Realty Associates, Plenary Retail Consumption License No. 0205-33-025-006, for the 2017-2018 license term; and

WHEREAS, the Tax Clearance Certificate for the 2017-2018 license term has been received by the Borough Clerk from the State of New Jersey Division of Taxation; and

WHEREAS, a Special Ruling to permit the renewal of an inactive license pursuant to N.J.S.A.33:1-12.39 for the 2017-2018, 2018-2019 and 2019-2020 license terms for Grippa Realty Associates (Docket No. 08-17-1163) has also been received by the Borough Clerk from the State of New Jersey, Division of Alcoholic Beverage Control indicating that good cause exists for the issuing authority to consider renewal of said license.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the application for renewal of a pocket license in the name of Grippa Realty Associates, Plenary Retail Consumption License No. 0205-33-025-006, for the 2017-2018 license term is hereby approved.

RESOLUTION NO. 2018-92

WHEREAS, Danaro Limousines, Inc. 321 Tenth Street, Carlstadt, NJ 07072 has made application to the Borough of Carlstadt for the renewal of seven (7) 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 seven (7) limousine licenses be and hereby is approved for VIN # 08463, # 08655, # 06220, # 04036, #51447, # 01265 and # 08202.

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 March 2, 2018 and ending March 2, 2019 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. 2018-93

WHEREAS, Pegasus Transport Service, Inc. has made application to the Borough of Carlstadt for the renewal of thirteen (13) limousine licenses; and

WHEREAS, the renewal 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 Pegasus Transport Service, Inc. to renew thirteen (13) limousine licenses at 463 Barell Avenue, Carlstadt, NJ 07072 be and hereby is approved for Vin #43546, #22109, #22112, #22106, #22107, #22110, #22116, #22108, #22111, #22117, #22114, #41377 and #05611.

AND, BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to issue the renewal of the thirteen (13) limousine licenses at the above referenced location for the period of one year, commencing March 2, 2018 and ending on March 2, 2019 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. 2018-94
BOROUGH OF CARLSTADT**

BUDGET RESOLUTION

RESOLUTION: Requesting the Approval of the Director of Local Government Services to Defer School Taxes:

WHEREAS, the local district school tax levy for the 2017-2018 school year is \$ 12,093,229 and the regional high school tax levy was \$ 7,307,335.

BE IT RESOLVED, that the Borough of Carlstadt does hereby request the consent of the Director of the Division of Local Government Services in the Department of Community Affairs to defer \$ 6,046,615 and \$ 3,653,668 not in excess of 50% of 2017-2018 levy.

RESOLUTION NO. 2018-95

**BOROUGH OF CARLSTADT
MUNICIPAL BUDGET 2018**

BE IT RESOLVED that the following statements of revenue and appropriations shall constitute the approved Municipal Budget for the year 2018:

General Appropriations

| | |
|--|-----------------|
| Appropriations within "CAPS" Municipal Purposes | \$17,329,344.93 |
| Appropriations excluded from "CAPS" Municipal Purposes | 5,407,508.80 |
| Reserve for Uncollected Taxes | 490,000.00 |
| Total General Appropriations | 23,226,853.73 |
| Less: Anticipated Revenues | 4,197,237.43 |

Amount to be Raised by Taxes for Support of Municipal Budget

| | |
|------------------------------------|-------------------------|
| Local Tax Municipal Purposes | \$17,929,985.36 |
| Minimum Library Tax | <u>\$1,099,630.94</u> |
| Total to be Raised by Taxes | \$ 19,029,616.30 |

The Governing Body of the Borough of Carlstadt does hereby approve the above as the Budget for the year 2018.

RESOLUTION NO. 2018-96

BOROUGH OF CARLSTADT

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 the BOROUGH of CARLSTADT has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the BOROUGH meets the necessary conditions to participate in the program for the 2018 budget year, so now therefore

BE IT RESOLVED by the BOROUGH Council of the BOROUGH of CARLSTADT that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification, the governing body has found the budget has met the following requirements:

1. That with reference of the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (Complies with the “CAP” law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.

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5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED THAT A COPY OF THIS RESOLUTION BE FORWARDED TO THE (attach Clerk's Certification) DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES UPON ADOPTION.

RESOLUTION NO. 2018-97

**RESOLUTION AUTHORIZING THE EXECUTION OF
INDEMNITY AGREEMENT AND APPROVAL OF ROAD OPENING
AND FIBER OPTIC PERMITS FOR 410 COMMERCE BOULEVARD**

WHEREAS, DJL Construction Corp dba Penta Communications has made application for a Road Opening Permit and Fiber Optic Permit to the Borough of Carlstadt in connection with installation, maintenance, and use of fiber optic cable and/or conduit related to a project entitled "Coach Building A, 410 Commerce Boulevard, Carlstadt, NJ"; and

WHEREAS, the Borough Engineer has reviewed the respective permit applications and finds them to be satisfactory; and

WHEREAS, the Borough Attorney has reviewed the Indemnity Agreement attached hereto and has approved it as to form and content.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt, County of Bergen, New Jersey, hereby approves and authorizes the Mayor to execute the attached Indemnity Agreement between the Borough of Carlstadt and DLJ Construction Corp dba Penta Communications and approves the issuance of Road Opening and Fiber Optic permits for the project at 410 Commerce Boulevard, Carlstadt, NJ.

RESOLUTION NO. 2018-98

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT
FOR PROFESSIONAL REAL ESTATE APPRAISAL SERVICES TO
MARK E. HENDRICKS, CRE, FRICS, CTA, SCREA**

WHEREAS, there exists a need for appraisal services for purposes of filing an application for acquisition funding through Bergen County Open Space; and

WHEREAS, the Mayor and Council of the Borough of Carlstadt desires to contract with Mark E. Hendricks, CRE, FRICS, CTA, SCREA of the firm of Hendricks Appraisal Company, LLC, Seven Hutton Avenue, West Orange, NJ 07052, as appraiser for the purposes of providing professional appraisal services; and

WHEREAS, Mark E. Hendricks will provide an appraisal report which shall be prepared in compliance with New Jersey Green Acres criteria and regulation for the not to exceed amount of \$3,500, and on an hourly basis at the rate of \$200.00 per hour, plus expenses, for meetings, conference or hearings, during the term of the contract; and

WHEREAS, the anticipated term of this appointment and retention is for one (1) year; and

WHEREAS, prior to execution of the contract, pursuant to N.J.S.A. 19:44A-20.26, Mark E. Hendricks shall complete and submit a Business Entity Disclosure Certification certifying that Mark E. Hendricks and/or the firm of Hendricks Appraisal Company, LLC have not made any reportable contributions to a political or candidate committee in the Borough of Carlstadt in the previous one year (January 1, 2017 – December 31, 2017) and that this appointment and retention will prohibit Mark E. Hendricks and the firm of Hendricks Appraisal Company, LLC from making any reportable contributions through the term of the appointment; and

WHEREAS, the Chief Financial Officer has certified that funds in an amount not to exceed \$3,500.00 are available to pay the anticipated amount of the contract for these services; 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 that the Mayor and Council of the Borough of Carlstadt, County of Bergen, New Jersey, as follows:

1. The Mayor and Council hereby authorizes and approves the retention of with Mark E. Hendricks, CRE, FRICS, CTA, SCREA of the firm of Hendricks Appraisal Company, LLC, Seven Hutton Avenue, West Orange, NJ 07052as Appraiser consistent with the proposal dated February 13, 2018.

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2. This 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 contract is for professional engineering services.

3. A Business Disclosure Entity Certification and the Determination of Value are to be placed on file with this resolution.

4. The Mayor be and hereby is authorized to sign the Contract for professional real estate appraisal services in the form attached hereto subject to the approval of the Borough Attorney.

5. A notice of this action shall be printed once in the official newspaper of the Borough of Carlstadt in accordance with N.J.S.A. 40A:11-5(1)(a)(I).

Certification as to the availability of funds:

The Chief Financial Officer/Treasurer hereby certifies that sufficient funds in the amount not to exceed \$3,500.00 are available to pay the anticipated amount of the contract for these services.

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

Mayor Lahullier went over the concert proposals for the summer concert series. There are a total of eight dates all on Tuesdays. The package price is \$26,000.00.

RESOLUTION NO. 2018-99

WHEREAS, the Borough of Carlstadt is desirous of presenting a 2018 Concert Series at the Village Green; and

WHEREAS, quotes were solicited for the coordination and production of eight separate concert events to be held on Tuesday evenings: June 19, 26, July 10, 17, 24 and 31, August 7, and 14; and

WHEREAS, of the three (3) quotes received, the quote of Cliffhanger Productions, Inc. 161 Park Avenue, Rutherford, NJ 07070-2017, in the amount of \$26,000.00 was the lowest responsible quote.

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

1. An award of contract for the 2018 Concert Series shall be made to Cliffhanger Productions, Inc. 161 Park Avenue, Rutherford, NJ 07070-2017 in the quote amount of \$26,000.00; and
2. The Mayor and Clerk are hereby authorized to execute the Contract with Cliffhanger Productions, Inc. in the form attached hereto.
3. This resolution to take effect upon certification of this resolution by the Chief Financial Officer that sufficient funds are available.

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 \$26,000.00 for these services.

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

Mayor Lahullier asked if anyone had any input on what they want to do on the school picnic meetings. He said we normally start the meetings in April. We will start at 6:30 P.M. before our Caucus Meeting in April .

On motion by Stoltz, 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 confidentially no longer exists.

Mayor Lahullier entertained a motion to go into closed session. On motion by Zimmermann, seconded by Lenoy, unanimous on call of roll the meeting went into closed session at 7:45 P.M.

Councilman Bartlett said he will be excusing himself for most of the closed session for the interview.

Councilman Roseman left the meeting at approximately 8:00 P.M.

The meeting went back into open session at 8:22 P.M. with the following members in attendance: Mayor Lahullier, Councilmen Zimmermann, Stoltz, Bartlett, Lenoy and Emerson.

Mayor Lahullier said he would like to go over the Sewerage Authority appointments.

RESOLUTION NO. 2018-100

**RESOLUTION APPOINTING MEMBERS AND ALTERNATE TO THE
CARLSTADT SEWERAGE AUTHORITY**

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey, hereby confirms the following appointments to the Carlstadt Sewerage Authority:

| | <u>Term</u> |
|----------------------------------|-----------------------|
| Thomas Maloney | 2/1/2018 – 1/31/2023 |
| Thomas (Buddy) Davis | 2/1/2017 – 1/31/2022 |
| Vincent DeSimone | 2/1/2016 – 1/31/2021 |
| Craig Lahullier | 2/1/2015 – 1/31/2020 |
| William Roseman (unexpired term) | 2/1/2014 – 1/31/2019 |
| Alternate: Scott Judge | 2/1/2018 – 12/31/2018 |

AND, BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to forward a copy of this Resolution to the Carlstadt Sewerage Authority.

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

RESOLUTION NO. 2018-101

WHEREAS, the Police Chief has previously sought authorization to recommend a PTC certified candidate for immediate appointment to address an unanticipated resignation of an officer from the patrol division so as to maintain manpower at its current level as provided for in Borough Code Section 2-22-5 f.; and

WHEREAS, Borough Code Section 2-22-5 f. provides that the Mayor, as Appropriate Authority, shall determine when circumstances or situations create a shortage of personnel in the Police Department that have the potential to impact the safety of the public; and

WHEREAS, the Police Chief has recommended the appointment of Matthew Bartlett, a PTC certified candidate, for appointment to the patrol division; and

WHEREAS, the Governing Body has conducted the requisite interview and finds Matthew Bartlett to be a qualified candidate for appointment.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that the Mayor, with the consent of the Council, does hereby appoint Matthew Bartlett as

probationary police officer with the Carlstadt Police Department, subject to the requisite background check and psychological evaluations.

On motion by Emerson, seconded by Zimmermann, Councilmen Zimmermann, Stoltz, Lenoy and Emerson voted yes. Councilman Bartlett abstained and Councilman Roseman was not present for the vote.

Mayor Lahullier said we received correspondence from Rebecca Spero who is the Adult Services Coordinator at the Public Library. She is thanking us with regards to our support of their Summer Reading Program. She is asking permission to use the Village Green Park on July 18, 2018 at 7:00 P.M. to host the end of the reading program and featuring the family friendly band, The Kootz.

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

Mayor Lahullier read correspondence from Neglia Engineering for a proposal for Garden Street and Broad Street. The estimate cost will be \$8,430.00. Mayor Lahullier said we should move on this and he feels this is important as it is the last piece of open space.

RESOLUTION NO. 2018-102

WHEREAS, Neglia Engineering Associates will provide the Borough of Carlstadt with engineering services related to the submission of a Bergen County Open Space Grant package for Land Acquisition; and

WHEREAS, the Agreement for Professional Services will include a lump sum cost of \$8,430.00 representing the requisite engineering services; and

WHEREAS, the CFO has certified that these funds have been appropriately budgeted for; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute the agreement of services for the engineering services related to the borough's submission of an application to Bergen County Open Space for land acquisition funding with Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, New Jersey.

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 \$8,430.00 for these services.

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

Mayor Lahullier entertained a motion to adjourn the meeting at 8:30 P.M. On motion by Zimmermann, seconded by Bartlett, unanimous on call of roll of those present.

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APPROVED: _____
CRAIG LAHULLIER, MAYOR

ATTEST: _____
CLAIRE FOY, BOROUGH CLERK