

REGULAR MEETING
January 19, 2016

A REGULAR SCHEDULED COUNCIL MEETING of the Mayor and Council of the Borough of Carlstadt was held in the Council Chambers of the Borough Hall, 500 Madison Street, Carlstadt, New Jersey on Tuesday, January 19, 2016 at 7:00 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. Councilman James Lenoy arrived at 7:20 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, 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.

Mayor Lahullier said at this time we are going to change the regular order of business to present the Fire Safety Poster Contest Awards.

Mayor Lahullier called on Robert Moore, Fire Official to present the Fire Safety Poster Contest Awards. Fire Official, Robert Moore thanked all of the children involved for doing such a wonderful job with their posters. He thanked the Mayor and Council for their continued support as well as the Carlstadt Board of Education and Superintendent Stephen Kollinok and Principal Kenneth Foy. Mr. Moore explained to the audience the importance of practicing fire escapes and being careful to prevent house fires. This year’s theme is Hear the Beep Where you Sleep. He explained the importance of having working fire alarms.

Mr. Moore turned the presentation over to Henry Riveros who announced the winners to receive their \$50.00 gift certificate.

2015-2016 Poster Winners

Pre-K A.M.....	Hailey McGuire
Pre-K P.M.....	Meryem Ozdogru
Kindergarten 1.....	Yasemin Koroglu
Kindergarten 2.....	Addison Hansen
Kindergarten 3.....	Amanda Cantatore
Grade 1-1.....	Chloe Doyle
Grade 1-2.....	Zack Alami Ouali
Grade 1-3.....	Leonardo Onori
Grade 2-1.....	Susanna Fracz
Grade 2-2.....	Miley Barczynsky* Division 1

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Grade 2-3.....	Samantha Harlarp
Grade 3-1.....	Sophia Offreda
Grade 3-2.....	Giovanna Yoshimoto Cugini
Grade 3-3.....	Shayla Maurer
Grade 4-1.....	Darien Colombo
Grade 4-2.....	Daniel O'Donnell
Grade 4-3.....	Tyler Soto* Division 2
Grade 5-1.....	Brianna Zhang
Grade 5-2.....	Deborah Kim
Grade 5-3.....	Benjamin Shue
Grade 6-1.....	Yomna Hammouda* Division 3
Grade 6-2.....	Karmel Jaber
Grade 6-3.....	Arianna Bosco
Grade 7-1.....	Valerie Amado
Grade 7-2.....	Sofiya Terentyeva
Grade 7-3.....	Dak Cheung Cheng
Grade 8-1.....	Liliana Seoror
Grade 8-2.....	Reilly Sylvester
Grade 8-3.....	Macy Thompson
	Damani Frias* Division 6

Mayor Lahullier thanked everyone for coming and all of those who were involved with this.

Mayor Lahullier said at this time he would like to return to the normal order of business.

READING OF MINUTES:

Mayor Lahullier entertained a motion to accept the minutes of 12/17/15 Finance Meeting. (Open and Closed Sessions).

On motion by Emerson, seconded by Stoltz, Councilmen Stoltz, Bartlett, Lenoy and Emerson voted yes. Councilman Shockley abstained and Councilman Zimmermann was absent.

CORRESPONDENCE:

None to be read

REPORT OF THE MAYOR:

Mayor Lahullier said this is his first regular meeting on the dais and he wanted to welcome all.

SPECIAL REPORTS:

The Construction Official's report was read for the month of December. This report will be filed.

The Borough Clerk's report was read for the month of December. This report will be filed.

The Tax Collector's report was read for the month of December. This report will be filed.

STANDING COMMITTEES:

FINANCE – Councilman Lenoy said we have resolutions.

CONSENT AGENDA

RESOLUTION NO. 2016-28

BE IT RESOLVED by the Mayor and Council that the proper Borough Officials are hereby authorized and directed to make the following disbursements:

Carlstadt Board of Education	\$993,158.68
Regional Board of Education	528,487.67
South Bergen Municipal Joint Insurance Fund	
First Quarter FY 2016	252,847.99
2015 Additional Assessment	2,000.00
County Open Space Trust Fund	12,850.00
County of Bergen	
1 st Quarter Taxes	1,216,000.00
Interest on Bond 1/15/16	
Depository Trust	104,812.50
Bond Payment 1/15/16	
Depository Trust	1,000,000.00
2015 Added/Omitted Taxes	1,114.11
2015 Open Space Added/Omitted	13.75

RESOLUTION NO. 2016-29

**Mutual Aid Plan & Rapid Deployment Force
Interlocal Service Agreement**

WHEREAS, the Police Departments in Bergen County have a day-to-day responsibility to provide for the security of lives and property, for the maintenance and preservation of the public peace and order; and

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WHEREAS, Law enforcement officials also have a responsibility to provide for the preparedness against natural emergencies, such as floods, hurricanes, earthquakes, major storms, etc., manmade causes, civil unrest, and civil disobedience such as riots, strikes, jail or prison riots, train wrecks, aircraft crashes, major fires, ethnic disorder riots, terrorism incidents and bombings, State and National emergencies; and

WHEREAS, the Bergen County Police Chiefs Association has proposed a Mutual Aid Plan and Rapid Deployment Force to deal with these emergencies; and

WHEREAS, the Plan is adopted in accordance with the provisions of N.J.S.A.40A.-14-156, N.J.S.A.40A:14-156.1, N.J.S.A.40A:14-156.4, and N.J.S.A. App. A:9-40.6; and

WHEREAS, this Plan will provide a uniform procedure for the coordination of the requesting, dispatching, and utilization of law enforcement personnel and equipment whenever a local law enforcement agency requires mutual aid assistance from any other jurisdiction, both contiguous and non-contiguous, in the event of an emergency, riot, or disorder in order to protect life and property; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Carlstadt to participate in a Mutual Aid Plan and Rapid Deployment Force in accordance with the plan submitted by the Bergen County Police Chiefs Association.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that the Carlstadt Police Department, under the direction of the Chief of Police, cooperate with the Bergen County Police Chiefs Association to create an Interlocal Services Agreement with all municipalities in the County of Bergen in order to put into place the Mutual Aid Plan and Rapid Deployment Force; and

BE IT FURHTER RESOLVED that a copy of this Resolution be forwarded to the County Executive, the Board of Chosen Freeholders, the County Prosecutor, the County Sheriff, the County Chief of Police, and all Bergen County Municipalities.

RESOLUTION NO. 2016-30

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL
ENTITLED GATES REALTY CORP. V. BOROUGH OF CARLSTADT
AT 727 COMMERCIAL AVENUE, BLOCK 126, LOT 58
FOR TAX YEARS 2013 THROUGH 2015.**

WHEREAS, Gates Realty Corp. has filed action with the Tax Court of New Jersey against the Borough of Carlstadt challenging the tax assessed against property located at 727 Commercial Avenue and identified on the Borough's tax maps as Block 126, Lot 58 for tax years 2013 through 2015; and

WHEREAS, the Borough Appraiser, after examination and consideration of all relevant facts and after performing all necessary due diligence, is of the opinion that the settlement proposed below is in the best interest of the Borough of Carlstadt; and

WHEREAS, the Borough Tax Appeal Attorney, after examination and consideration of all relevant facts and after performing all necessary due diligence, is of the opinion that the settlement proposed below is in the best interest of the Borough of Carlstadt; and

WHEREAS, the Borough Assessor, after examination and consideration of all relevant facts and after performing all necessary due diligence, is of the opinion that the settlement proposed below is in the best interest of the Borough of Carlstadt; and

WHEREAS, the Borough Assessor, the Borough Tax Appeal Attorney and Borough Appraiser, after independent review and upon consulting with each other, jointly recommends that this matter be settled according to the terms listed below.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the Borough Tax Appeal Attorney be hereby authorized and directed to execute any and all documents necessary in order to settle this matter according to the following proposed terms:

- 1) The assessment for tax year 2013 to be reduced from \$ 2,530,300 to \$ 1,850,000.
- 2) The assessment for tax year 2014 to be reduced from \$ 2,530,300 to \$ 2,100,000.
- 3) The assessment for tax year 2015 to be reduced from \$ 2,530,300 to \$ 2,250,000.

RESOLUTION NO. 2016-31

WHEREAS, there has been proposed an Shared Service Agreement between the Borough of Carlstadt and the Wallington Board of Health to provide a monthly Child Health Conference; and

WHEREAS, the Borough of Carlstadt is desirous to enter into a contract via the Uniform Shared Services and Consolidation Act (N.J.S.A.:40A:65-let. seq.) with the Wallington Board of Health for the aforementioned services; and

WHEREAS, the maximum amount of the contract is \$1,200.00 a year and the Financial Officer has determined sufficient funds are available in the General Account as is evidenced by Treasurer's Certification attached hereto and made a part hereof; and

WHEREAS, the contract documents to be executed by the Borough of Carlstadt and the Wallington Board of Health for the purposes hereinabove described are annexed hereto and is made a part of this resolution.

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

1. The Mayor and Borough Clerk of the Borough of Carlstadt are hereby authorized and directed to execute the attached agreement with the Wallington Board of Health.
2. Said agreement has been reviewed by the Board Attorney and Board of Health Members and said officials approve of same as to form and substance.
3. All Ordinances and/or Resolutions or parts thereof inconsistent with this Resolution shall be and the same are hereby repealed.
3. This Resolution shall take effect immediately in accordance with appropriate law.

RESOLUTION NO. 2016-32

WHEREAS, the Borough of Carlstadt is in need of the services of an Animal Control Officer; and

WHEREAS, Tyco Animal Services has proposed an Agreement whereby they will provide Animal Control Services to the Borough for one (1) year period January 1, 2016 to December 31, 2016 for an annual fee of \$9,200.00.

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

1. The Contract between Tyco Animal Services and the Borough of Carlstadt for provision of Animal Control Services for the period January 1, 2016 to December 31, 2016 for the amount of Nine Thousand Two-Hundred (\$9,200.00) Dollars be and hereby is approved and authorized.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute the Agreement as proposed, a copy of which is attached hereto.

Certification as to the availability of funds:

The CFO/Treasurer hereby certifies that sufficient funds are available to pay the amount of \$9,200.00 in accordance with the terms of the contract.

RESOLUTION NO. 2016-33

WHEREAS, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of 480 Gotham Parkway LLC, for property located at 480 Gotham Parkway, Carlstadt, New Jersey, 07072 for Block 123.01 Lot 14 as per Docket No. 007606-2012 dated 10/30/2015 reducing the 2012 property tax assessment from \$2,686,400.00 to \$1,900,000.00 and as per Docket No. 010032-2013 dated 10/30/2015 reducing the 2013 property tax assessment from \$5,478,300.00 to \$3,675,000.00 and as per Docket No. 008051-2014 dated 10/23/2015 reducing the 2014 property tax assessment from \$5,478,300.00 to \$3,675,000.00; and

WHEREAS, the Carlstadt Governing Body approved Resolution Number 2015-201 on August 17, 2015 authorizing the Tax Appeal Attorney to execute any and all documents necessary to settle this matter; and

WHEREAS, the reduction in 2012 property tax assessment is \$786,400.00 or \$32,596.28 in 2012 property taxes and the reduction in 2013 property tax assessment is \$1,803,300.00 or \$35,741.41 in 2013 property taxes and the reduction in 2014 property tax assessment is \$1,803,300.00 or \$35,903.70 in 2014 property taxes.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt authorize the reduction of \$104,241.39 (2012: \$32,596.28, 2013: \$35,741.41, 2014: \$35,903.70) and the Tax Collector shall adjust his books accordingly.

It is noted that the Borough's Finance Officer has reviewed this Tax Appeal Settlement and certifies that the Appeal is genuine and that funds are available for payment. It is also noted that the Borough's Tax Appeal Attorney, John Bang, Esq. has negotiated this Tax Appeal and has approved the settlement on behalf of the Borough of Carlstadt and that the Carlstadt Tax Collector is authorized to prepare the tax appeal Resolution. It is also noted that a Tax Court Judgment for this property was not received for tax year 2015, nor was there a Freeze Act year paragraph attached to any of the judgments.

RESOLUTION NO. 2016-34

WHEREAS, the Borough of Carlstadt, received payment from Lereta Corporation to redeem Tax Sale Certificate Number 14-00002 that was sold on August 22, 2014 for 318 Madison Street, Carlstadt, NJ, Block 68 Lot 15.01 in the amount of \$12,115.40; and

WHEREAS, TWR/ CST for EBURY FND holds Tax Sale Certificate Number 14-00002 and paid a premium in the amount of \$11,000.00.

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NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that the Borough Treasurer will issue refund in the amount of \$23,115.40 for the Tax Sale Certificate Redemption and the Carlstadt Tax Collector will adjust his books accordingly.

The payment should be made payable to: TWR/CST for EBURY FND and should be mailed to: TWR/SCT for EBURY FND., P.O. Box 54908, New Orleans, LA 70154.

RESOLUTION NO. 2016-35

WHEREAS, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of Amor SGE, LLC for property located at 50 Amor Avenue, Carlstadt, New Jersey 07072 for Block 123 Lot 27 as per Docket No. 003014-2012 dated 12/24/2015 reducing the 2012 property tax assessment from \$1,200,000.00 to \$1,050,000.00; and

WHEREAS, the Carlstadt Governing Body approved Resolution Number 2015-286 refunding the tax over payment at the November 16, 2015 Council Meeting; and

WHEREAS, the reduction in the 2012 property tax assessment is \$150,000.00 or \$6,217.50 in 2012 property taxes.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$6,517.50 and the tax collector shall adjust his books accordingly.

It is noted that the Borough's Finance Officer has reviewed this Tax Appeal Settlement and certifies that the Appeal is genuine and that funds are available for payment. It is also noted that the Borough's Tax Appeal Attorney, John Bang, Esq. has negotiated this Tax Appeal and has approved the settlement on behalf of the Borough of Carlstadt and the Tax Collector is authorized to prepare the Tax Refund Resolution.

RESOLUTION NO. 2016-36

WHEREAS, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of Northern Eagle Beverage Co., Inc., for property located at 600 16th Street, Carlstadt, New Jersey for Block 84 Lot 4 as per Docket No. 004133-2008 dated 11/6/2015 reducing the 2008 property tax assessment from \$2,981,100.00 to \$2,600,000.00 and as per Docket No. 005084-2009 dated 11/6/2015 reducing the 2009 property tax assessment from \$2,981,100.00 to \$2,280,000.00 and as per Docket No. 006578-2011 dated 11/6/2015 reducing the 2011 property tax assessment from \$2,981,100.00 to \$2,200,000.00 and as per Docket No. 006842-2012 dated 11/6/2015 reducing the 2012 property tax assessment from \$2,981,100.00 to \$2,315,000.00 and as per Docket No. 003393-2013 dated 11/6/2015 reducing the 2013 property tax assessment from \$5,667,800.00 to \$5,030,000.00 and as per Docket No. 003540-2014 dated 11/6/2015 reducing the 2014 property tax assessment from \$5,667,800.00 to \$5,030,000.00; and

WHEREAS, the reduction in 2008 property tax assessment is \$381,100.00 or \$13,357.56 in 2008 property taxes and the reduction in 2009 property tax assessment is \$701,100.00 or \$26,838.11 in 2009 property taxes and the reduction in 2011 property tax assessment is \$781,100.00 or \$31,361.17 in 2011 property taxes and the reduction in 2012 property tax assessment is \$666,100.00 or \$27,609.85 in 2012 property taxes and the reduction in 2013 property tax assessment is \$637,800.00 or \$12,641.20 in 2013 property taxes and the reduction in 2014 property tax assessment is \$637,800.00 or \$12,698.60 in 2014 property tax assessment; and

WHEREAS, the parties having agreed that there has been no change in value or municipal-wide revaluation or reassessment adopted for the tax year(s) 2015 (Freeze Act Year(s)), the provisions of N.J.S.A. 54: 51A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year(s). No Freeze Act year shall be the basis for application of the Freeze Act for any subsequent year; and

WHEREAS, as per Docket No. 003540-2014 included 2015 as a Freeze Act year the reduction of 2015 property tax assessment is \$637,800.00 or \$13,202.46 in 2015 property taxes.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$137,708.95 (2008: \$13,357.56, 2009: \$26,838.11, 2011: \$31,361.17, 2012: \$27,609.85, 2013: \$12,641.20, 2014: \$12,698.60, 2015 (Freeze Act year): \$13,202.46 and the Tax Collector shall adjust his books accordingly.

It is noted that the Borough's Finance Officer has reviewed this Tax Appeal Settlement and certifies that the Appeal is genuine and that funds are available for payment. It is also noted that the Borough's Tax Appeal Attorney, John Bang, Esq, has negotiated this Tax Appeal and has approved the settlement on behalf of the Borough of Carlstadt and has authorized the Borough of Carlstadt Tax Collector to produce this Resolution.

The tax appeal refund shall be made payable to: "Michael A. Vespasiano, Attorney Trust Account" and shall be mailed to: Michael A. Vespasiano, 331 Main Street, Chatham, NJ 07928.

RESOLUTION NO. 2016-37

WHEREAS, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of Modern Realty Inc., for property located at 610 Commercial Avenue, Carlstadt, New Jersey for Block 126 Lot 73 as per Docket No. 008947-2010 dated 11/20/2015 reducing the 2010 property tax assessment from \$1,300,000.00 to \$900,000.00 and as per Docket No. 006579-2011 dated 11/20/2015 reducing the 2011 property tax assessment from \$1,300,000.00 to \$1,000,000.00 and as per Docket No. 006824-2012 dated 11/20/2015 reducing the 2012 property tax assessment from \$1,300,000.00 to \$1,100,000.00 and as per Docket No. 003391-2013 dated 11/20/2015 reducing the 2013 property tax assessment from \$2,844,800.00 to \$2,450,000.00 and as per Docket No. 003538-2014 dated 11/20/2015 reducing the 2014 property tax assessment from \$2,844,800.00 to \$2,450,000.00; and

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WHEREAS, the parties having agreed that there has been no change in value or municipal-wide revaluation or reassessment adopted for the tax year(s) 2015 and 2016 (Freeze Act year(s)), the provisions of N.J.S.A. 54:51a-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year(s). No Freeze Act year shall be the basis for application of the Freeze Act for any subsequent year. As per Docket No. 003538-2014 dated 11/20/2015 which lists the Freeze Act, the reduction in 2015 property tax assessment is from \$2,844,800.00 to 2,450,000.00; and

It is noted that the 2016 Freeze Act reduction shall be calculated on the Final 2016 Property Tax Bill when it is processed during the approximate time frame of the second half of 2016.

WHEREAS, the reduction in 2010 property tax assessment is \$400,000.00 or \$16,004.00 in 2010 property tax and the reduction in 2011 property tax assessment is \$300,000.00 or \$12,045.00 in 2011 property tax and the reduction in 2012 property tax assessment is \$200,000.00 or \$8,290.00 in 2012 property tax and the reduction in 2013 property tax assessment is \$394,800.00 or \$7,824.94 in 2013 property tax and the reduction in 2014 property tax assessment is \$394,800.00 or \$7,860.47 in 2014 property tax and the reduction in 2015 property tax assessment is \$394,800.00 or \$8,172.36 in 2015 property tax.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$60,196.77 (2010: \$16,004.00, 2011: \$12,045.00, 2012: \$8,290.00, 2013: \$7,824.94, 2014: \$7,860.47, 2015: \$8,172.36) and the Tax Collector shall adjust his books accordingly.

It is noted that the Borough's Finance Officer has reviewed this Tax Appeal Settlement and certifies that the Appeal is genuine and that funds are available for payment. It is also noted that the Borough's Tax Appeal Attorney, John Bang, Esq, has negotiated this Tax Appeal and has approved the settlement on behalf of the Borough of Carlstadt.

The refund payment shall be made payable to "Michael A. Vespasiano, Attorney Trust Account" and shall be mailed to Michael A. Vespasiano, 331 Main Street, Chatham, New Jersey 07928.

RESOLUTION NO. 2016-38

WHEREAS, the Borough of Carlstadt, received payment from Prestige Title Agency, Inc. to redeem Tax Sale Certificate Number 15-00004 that was sold on August 28, 2015 for 619 Fifth Street, Carlstadt, NJ, Block 45 Lot 4, in the amount of \$8,975.24; and

WHEREAS, SLS 1, LLC holds Tax Sale Certificate Number 15-00004 and paid a premium in the amount of \$24,500.00.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that the Borough Treasurer will issue refund in the amount of \$33,475.24 (\$8,975.24 for the Tax Sale Certificate Redemption and \$24,500.00 for the Premium) and the Carlstadt Tax Collector will adjust his books accordingly.

The payment should be made payable to: SLS 1, LLC and should be mailed to: SLS 1, LLC, 21 Robert Pit Drive, #207, Monsey, NY 10952.

RESOLUTION NO. 2016-39

WHEREAS, Henry S. Cosgrove, retired employee of the Carlstadt Department of Public Works has filed a request for reimbursement for the purchase of a Medicare supplement; and

WHEREAS, pursuant to the CDPWBA Contract Article XVII D 1.the amount of said reimbursement for the year 2016 is \$1,125.00.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that the Chief Financial Officer is hereby authorized to make payment in the amount of \$1,125.00 representing reimbursement for his Medicare supplement for the year 2016, pursuant to Article XVII D 1. of the Contract between the Borough of Carlstadt and the CDPWBA.

RESOLUTION NO. 2016-40

WHEREAS, the Board of Officers has approved the membership of Gabriel A. Rodriguez and Cody M. Preuss as probationary members of the Carlstadt Fire Department; and

WHEREAS, said individuals have successfully passed the required physical examination; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that Gabriel A. Rodriguez and Cody M. Preuss are hereby appointed as probationary members to the Carlstadt Fire Department.

RESOLUTION NO. 2016-41

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that Zakeria Kandiel is hereby appointed as a Junior Member of the Carlstadt Fire Department as approved by the Carlstadt Fire Department Board of Officers.

RESOLUTION NO. 2016-42

RESOLUTION ACCEPTING DONATION OF FIREFIGHTING FOAM AND AUTHORIZING EXECUTION OF AGREEMENT WITH THE COUNTY OF BERGEN REGARDING THE TERMS THEREOF.

WHEREAS, the County of Bergen operates the Bergen County Law and Public Safety Institute (the "Institute"); and

WHEREAS, the New York City Fire Department ("FDNY") has removed from service 7,820 gallons of National Foam Kidd brand firefighting foam concentrate, ("Firefighting Foam") that is past its shelf life and has thus exceeded its operational life for firefighting purposes; and

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WHEREAS, the City of New York ("the City"), acting by and through the FDNY, has agreed to donate the Firefighting Foam to the County for use by the Institute for training purposes; and

WHEREAS, the Bergen County Board of Chosen Freeholders, by Resolution No. 1198-15, adopted on October 14, 2015, authorized the County to share the donated Firefighting Foam with the Borough of Carlstadt for training purposes, subject to availability and the terms set forth in an "AGREEMENT TO SHARE DONATED FIREFIGHTING FOAM CONCENTRATE," (the "Agreement") annexed hereto as Exhibit A; and

WHEREAS, the Governing Body of the Borough of Carlstadt has determined that it is in the best interest of the residents and taxpayers of the municipality to accept the donation of the Firefighting Foam for training purposes, subject to the terms and conditions set forth in the Agreement,

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Carlstadt, as follows:

1. The recitals set forth above are incorporated into the body of this resolution as if set forth at length herein.
2. The Borough of Carlstadt hereby accepts the donation from the County of Bergen of the Firefighting Foam as set forth above, subject to the terms of the Agreement annexed hereto as Exhibit A.
3. The Mayor is hereby authorized to execute an Agreement with the County of Bergen in the form annexed hereto as Exhibit A, together with any other documents necessary to complete the above contemplated transaction.

RESOLUTION NO. 2016-43

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, January 15, 2016 from 6:30 P.M. to 9:00 P.M. and Friday, March 18, 2016 from 5:00 P.M. to 10:00 P.M. to have a meeting.

RESOLUTION NO. 2016-44

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that Mickey's Kids Foundation, Inc. 50 Central Avenue, Hasbrouck Heights, NJ 07604 be granted permission to hold two raffles at IL Villaggio, Route 17 North, Carlstadt, NJ 07072 on Friday, April 8, 2016 for which the applications, fees and findings and determination sheets shall be forwarded to the Legalized Games of Chance Control Commission.

RESOLUTION NO. 2016-45

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL
ENTITLED FRANKLIN/CALANDRA'S INN V. BOROUGH OF CARLSTADT
AT 296 PATERSON PLANK ROAD, BLOCK 124, LOT 7
FOR TAX YEARS 2013 THROUGH 2015.**

WHEREAS, Franklin/Calandra's Inn has filed action with the Tax Court of New Jersey against the Borough of Carlstadt challenging the tax assessed against property located at 296 Paterson Plank Road and identified on the Borough's tax maps as Block 124, Lot 7 for tax years 2013 through 2015; and

WHEREAS, the Borough Appraiser, after examination and consideration of all relevant facts and after performing all necessary due diligence, is of the opinion that the settlement proposed below is in the best interest of the Borough of Carlstadt; and

WHEREAS, the Borough Tax Appeal Attorney, after examination and consideration of all relevant facts and after performing all necessary due diligence, is of the opinion that the settlement proposed below is in the best interest of the Borough of Carlstadt; and

WHEREAS, the Borough Assessor, after examination and consideration of all relevant facts and after performing all necessary due diligence, is of the opinion that the settlement proposed below is in the best interest of the Borough of Carlstadt; and

WHEREAS, the Borough Assessor, the Borough Tax Appeal Attorney and Borough Appraiser, after independent review and upon consulting with each other, jointly recommends that this matter be settled according to the terms listed below;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the Borough Tax Appeal Attorney be hereby authorized and directed to execute any and all documents necessary in order to settle this matter according to the following proposed terms:

- 1) The assessment for tax year 2013 to be reduced from \$ 1,241,100 to \$ 900,000.
- 2) The assessment for tax year 2014 to be reduced from \$ 1,241,100 to \$ 900,000.
- 3) The assessment for tax year 2015 to be reduced from \$ 1,241,100 to \$ 835,000.

RESOLUTION NO. 2016-46

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL
ENTITLED DAIR MANAGEMENT CO., L.P. V. BOROUGH OF CARLSTADT
AT 773 WASHINGTON AVENUE, BLOCK 131.01, LOT 2
FOR TAX YEAR 2015.**

WHEREAS, Dair Management Co., L.P. has filed action with the Tax Court of New Jersey against the Borough of Carlstadt challenging the tax assessed against property located at 773 Washington Avenue and identified on the Borough's tax maps as Block 131.01, Lot 2 for tax year 2015; and

WHEREAS, the Borough Appraiser, after examination and consideration of all relevant facts and after performing all necessary due diligence, is of the opinion that the settlement proposed below is in the best interest of the Borough of Carlstadt; and

WHEREAS, the Borough Tax Appeal Attorney, after examination and consideration of all relevant facts and after performing all necessary due diligence, is of the opinion that the settlement proposed below is in the best interest of the Borough of Carlstadt; and

WHEREAS, the Borough Assessor, after examination and consideration of all relevant facts and after performing all necessary due diligence, is of the opinion that the settlement proposed below is in the best interest of the Borough of Carlstadt; and

WHEREAS, the Borough Assessor, the Borough Tax Appeal Attorney and Borough Appraiser, after independent review and upon consulting with each other, jointly recommends that this matter be settled according to the terms listed below.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the Borough Tax Appeal Attorney be hereby authorized and directed to execute any and all documents necessary in order to settle this matter according to the following proposed terms:

The assessment for tax year 2015 to be reduced from \$ 1,057,700 to \$ 855,000.

RESOLUTION NO. 2016-47

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL
ENTITLED NASH ASSOCIATES, LLC V. BOROUGH OF CARLSTADT
AT 773 WASHINGTON AVENUE, BLOCK 131.01, LOT 2
FOR TAX YEAR 2014.**

WHEREAS, Nash Associates, LLC has filed action with the Tax Court of New Jersey against the Borough of Carlstadt challenging the tax assessed against property located at 773 Washington Avenue and identified on the Borough's tax maps as Block 131.01, Lot 2 for tax year 2014; and

WHEREAS, the Borough Appraiser, after examination and consideration of all relevant facts and after performing all necessary due diligence, is of the opinion that the settlement proposed below is in the best interest of the Borough of Carlstadt; and

WHEREAS, the Borough Tax Appeal Attorney, after examination and consideration of all relevant facts and after performing all necessary due diligence, is of the opinion that the settlement proposed below is in the best interest of the Borough of Carlstadt; and

WHEREAS, the Borough Assessor, after examination and consideration of all relevant facts and after performing all necessary due diligence, is of the opinion that the settlement proposed below is in the best interest of the Borough of Carlstadt; and

WHEREAS, the Borough Assessor, the Borough Tax Appeal Attorney and Borough Appraiser, after independent review and upon consulting with each other, jointly recommends that this matter be settled according to the terms listed below.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the Borough Tax Appeal Attorney be hereby authorized and directed to execute any and all documents necessary in order to settle this matter according to the following proposed terms:

The assessment for tax year 2014 to be reduced from \$ 1,057,700 to \$ 840,000.

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

Mayor Lahullier entertained a motion to approve the Consent Agenda. On motion by Lenoy, seconded by Emerson, unanimous on call of roll of those present.

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POLICE – Mayor Lahullier read his report for the month on December. This report will be filed.

FIRE/AMBULANCE - Councilman Bartlett read his reports for the month of December. These reports will be filed.

PUBLIC WORKS/PROPERTY – Councilman Stoltz read his report for the month of December. This report will be filed.

PLANNING – Councilman Shockley read his report for the month of December. This report will be filed.

ZONING – Councilman Shockley read his report for the month of December. This report will be filed.

STREET LIGHTING – Councilman Emerson read his report for the month of December. This report will be filed.

HEALTH – Councilman Bartlett read his report for the month of December. This report will be filed.

RECREATION – Councilman Emerson read his report for the month of December. This report will be filed.

BOROUGH EQUIPMENT – In the absence of Councilman Zimmermann, Councilman Emerson stated there is no report at this time.

RECYCLING – Councilman Stoltz read his report for the month of December. This report will be filed.

PROJECTS – In the absence of Councilman Zimmermann, Councilman Bartlett had no report at this time. Mayor Lahullier mentioned we are getting the doors repaired at the Civic Center so that they both don't open at the same time. We are also getting a price to upgrade the switches. Mayor Lahullier asked Joseph Crifasi, Operations Manager in the absence of Councilman Zimmermann is there anything further on projects to report. Mr. Crifasi said he knows you signed a grant from the EDA which will allow us to pave roads and improve drainage down in the Meadowlands area for our businesses. At the last meeting you approved the reconstruction and paving of Monroe Street from the Wood-Ridge border past the water tank. The contract has been issued and probably in the spring they will be repaving Monroe Street.

REPORTS OF SPECIAL COMMITTEES:

There were no reports of special committees.

READING OF BILLS:

RESOLUTION NO. 2016-48

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that the following bills having been approved by the Finance Committee are approved herewith for payment:

CAPITAL ACCOUNT

Trino Associates, LLC	\$	15,680.00
Neglia Engineering Associates		4,775.23
Smith Sondy		307,624.84

TRUST ACCOUNT

Treasurer State of New Jersey	\$	7,337.00
Treasurer State of New Jersey		275.00

CURRENT ACCOUNT

1 ST RESPONDER NEWSPAPER	80.00
480 GOTHAM PARKWAY LLC	104,241.39
ACTION RUBBER & INDUSTRIAL	1,005.96
AMCHAR WHOLESALE INC	251.31
AMERICAN PAPER & SUPPLY	926.43
AMOR SGE LLC	6,517.50
ARAMARK UNIFORM SERVICES	1,378.50
ARROW ELEVATOR INC.	145.00
B.C. PROSECUTORS OFFICE	6,000.00
BECTON PROJECT GRADUATION	1,000.00
BELLAQUA INC.	167.00
BILL O'SHEA'S	131.95
BRAEN STONE INDUSTRIES INC.	365.75
CARLSTADT FIRE DEPARTMENT	8,600.00
CARLSTADT BOARD OF EDUCATION	993,158.68
CARLSTADT PTA	600.00
CARLSTADT BASKETBALL LEAGUE	6,907.00
CENTER FOR OCCUPATIONAL MED.	1,200.00
CERTIFIED PRODUCTS, INC.	371.94
CHEEMA OIL CORPORATION	2,440.54
CHRISTOPHER GARVIN ESQ.	200.00
CLAIRE FOY	750.00
COMPLETE SAW & GARDEN EQUIP.	594.00

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COMPREHENSIVE BEHAVORIAL	6,500.00
COUNTY OF BERGEN	1,217,114.11
COUNTY OPEN SPACE TRUST FUND	12,863.75
DENISE OEHLMANN	36.00
DMK APPAREL	140.00
EDMUNDS & ASSOCIATES INC.	6,113.00
EVERBRIDGE, INO DBA NIXLE	2,700.00
F& E CHECK PROTECTOR SALES CO.	300.00
FIRE & SAFETY SERVICES	5,393.80
FIREHOUSE MAGAZINE	29.95
FORD MOTOR CREDIT CO. LLC	13,402.37
GARBARINI & CO.	15,750.00
GARDEN STATE HWY PRODUCTS	313.00
G.T.B.M. INC.	1,350.00
HEDIGER'S FUEL OIL INC.	2,478.69
HENRY COSGROVE	1,125.00
HI-VIZ SAFETY WEAR LLC	75.45
HOMETOWN AUTO PARTS	159.12
H.S. PARK CORP.	6,937.92
HUDSON TIRE EXCHANGE	1,081.88
I.D.A.	132,775.01
IMPRESSIVE PRINTING	165.75
INT'L INSTITUTE OF MUNICIPAL	170.00
JESCO INC.	9,687.82
KIMBALL MIDWEST	600.67
KRANOS CORPORATION	4,296.69
LAW SOFT INC.	6,800.00
LAWNBOYS LANDSCAPING	125.00
MCNERNEY & ASSOCIATES	1,200.00
MEADOWLANDS HARDWARE	157.74
MINORITIES & SUCCESS	1,295.00
MODERN REALTY INC.	60,196.77
MSI TECHNOLOGIES LLC	1,786.00
NARITA MARAJ LLC	1,227.25
NATIONAL WATER MAIN	1,533.00
NEGLIA ENGINEERING ASSOCIATES	3,652.50
NEXTEL COMMUNICATIONS	77.87
NJ CONFERENCE OF MAYORS	395.00
NJ PLANNING OFFICIALS	325.00
NJ STATE LEAGUE OF	618.00
NORTH JERSEY MEDIA GROUP INC.	1,404.14
NORTHERN EAGLE BEVERAGE CO.	137,708.95

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OLD DOMINION BRUSH	1,993.98
OFFICE BUSINESS SYSTEMS	3,305.58
ON TIME SOLUTIONS LLC	1,804.00
PIA	3,670.00
PINNACLE	130.00
POLICE TRAFFIC OFFICERS ASSOC.	200.00
PRESTI, ROSARIO JR., ESQ.	493.83
PSE&G	24,564.11
PUBLIC WORKS ASSOC. OF NJ	60.00
RCM CEBERIO LLC	2,850.00
REGIONAL BOARD OF EDUCATION	528,487.67
RITCHIE, DENNIS	5,150.00
ROBERT T. REGAN ESQ.	1,332.00
SCHUMACHER CHEVROLET	396.46
SHERWIN WILLIAMS, INC.	149.08
SLS 1	33,475.24
SO. BER. MUNC. JT. INS FD	254,847.99
QUALITY AUTO MALL	2,491.76
TA ASSO. BERGEN/PASSAIC CTY.	50.00
TCTANJ	200.00
TCTA OF BERGEN COUNTY	100.00
THE RODGERS GROUP LLC	11,075.00
T&R ALARM SYSTEMS INC.	1,802.70
TRANSUNION RISK & ALTERNATIVE	31.75
TWR/CST FOR EBURY FND	23,115.40
UNITED WATER NEW JERSEY	11,894.56
VALLEY PHYSICIAN SERVICES	122.00
VERIZON	4,766.73
VERIZON WIRELESS	1,379.51
VFIS	1,904.25
WALLINGTON BOARD OF HEALTH	160.00
WAREKA CATERERS	847.50
WASTE MANAGEMENT OF NJ INC.	17,497.07
921-PRAXAIR DIST MID-ATLANTIC	127.40
MEDICAL BENEFITS ACCT	45,945.50
SENIOR FRIENDSHIP CLUB	3,500.00
PAYROLL ACCOUNT	356,112.63
MEDICAL BENEFITS ACCT	87,000.00
CAPITAL ACCOUNT	1,104,812.50
PAYROLL ACCOUNT	27,008.76
PAYROLL ACCOUNT	33,575.08
PAYROLL ACCOUNT	20,629.06

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MEDICAL BENEFITS ACCT	36,210.60
TOTAL	\$ 5,452,364.85
TOTAL BILLS FOR THE MONTH	\$ 5,788,056.92

The Chief Financial Officer certified there are sufficient funds available for payment of the afore mentioned bills.

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

UNFINISHED BUSINESS:

None.

Mayor Lahullier would like to open the floor to a hearing of citizens. On motion by Emerson, seconded by Bartlett, unanimous on call of roll of those present.

Bruce Young, 720 Washington Street – said he went to Trenton, NJ a few weeks ago. This was about a program called Sustainable New Jersey for our schools. He went into detail about this program.

Robert Van Naarden - the CEO of Delta Thermo Energy of Trevoise, Pennsylvania, Inc. made a proposal to Carlstadt to be part of a shared service to take our waste and to dispose of it into an environmental friendly and safe way with a considerable savings to the Borough. He mentioned that he received an email from Bob Ceberio listing reasons why the town has chosen not to move forward with it. He said there is no basis of fact in this and that is what he would like to discuss. This went into a lengthy discussion. Mayor Lahullier said he would contact Bob Ceberio to go over the response to his letter and he will also ask him to come and address the Mayor and Council at our next February meeting.

John Morano, 628 Sixth Street – said he had a photo to show he was not able to move his vehicle when we had the blizzard with all the snow. He received a summons for this. He would appreciate it if the Carlstadt OEM could send Nixle to the residents to tell them to move their cars. The summons was issued February 22, 2015 for not moving a vehicle during a Nor'easter. It was the next day after the storm. Mayor Lahullier said he would talk to the Police Chief regarding this.

Frank Kelly, 622 Monroe Street – he wanted to know if we could get somebody to write a letter regarding what everyone's job is. Mayor Lahullier said since he just took over as Mayor what he is doing is changing some of the duties of what the Councilmen do and at that point he will put a list together that will show what each Councilmen's jobs are and what they are head of.

He also wanted to know if there is a figure that you go by on how many people you put on the Fire Department. Councilman Bartlett said yes it is covered by a Borough Ordinance and we are allowed 96 members. Mr. Kelly wanted to know if we need 96 members. Councilman Bartlett said it is a help to have that many people because not everybody is around 24 hours, 7 days a week. Right now we have about 88 members. Mr. Kelly wanted to know if we have an agreement with our neighboring towns. Councilman Bartlett said yes we do. Mr. Kelly had some questions about the street by his house by Monroe Street and asked why it is not repaved after some work was done. Mayor Lahullier explained to him part is Carlstadt and the rest of the street is Wood-Ridge. This went into a lengthy discussion.

Alex Jakulevicius, 611 Monroe Street – he wanted to know if NJ Transit got back to us about the buses. Mayor Lahullier said that Joseph Crifasi has an answer. We received a report from the Police Department that they performed a traffic study on the speed of the buses and the officer in charge of this did not find any vehicles going over the speed limit. The officer contacted NJ Transit. NJ Transit was going to monitor the jake brake situation on Monroe Street but the second part was NJ Transit is coming out with new technology and will be eliminating the jake brake problem. The new technology should be available in the summer of 2016. That report was submitted to the Mayor and Council in December, 2015.

Diane Lahullier, 600 Eighth Street – she said the night we had our Board of Education meeting it was decided that effective today hover boards are banned from school property.

Someone mentioned the new street sweeper we have and wanted to know why we are not using the sweeper that was a service contract. Mayor Lahullier said the person operating the vehicle was not using water and was making a lot of dust and left a messy streak on the street. He was more interested in getting done as fast as he could. The sweeper we have now is under contract from bumper to bumper for 7 years. It is costing us less now to own the sweeper than to have an outside contractor do it for us.

Mayor Lahullier entertained a motion to close the floor to a hearing of citizens. On motion by Bartlett, seconded by Stoltz, unanimous on call of roll of those present.

**CONSIDERATION OF ORDINANCES:
FIRST READING**

ORDINANCE NO. 16-1

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

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NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Carlstadt, County of Bergen, State of New Jersey, that Chapter II, entitled "Administration," Section 2-22 entitled "Police Department," be and hereby is amended as follows:

Subsection 2-22.1 entitled "*Established, Composition*" shall be amended by the addition of one (1) lieutenant of police juvenile officer, which shall be permissible, but not mandatory. Section 2-22.1 shall hereafter read as follows:

2-22 Police Department

2-22.1

Established; Composition

a. Composition. The police department of the Borough of Carlstadt is hereby established and shall consist of the following members:

A chief of police

A deputy chief of police, which shall be permitted at the option of the Mayor and Council and not mandatory

At least one (1), but not more than two (2), captains of police

Five (5) lieutenants of police

One (1) lieutenant of police juvenile officer, which shall be permitted at the option of the Mayor and Council and not mandatory whose duties shall specifically include acting as liaison to Carlstadt public school and regional high school as well as other duties as may be assigned by the Chief of Police;

Six (6) sergeants of police

and such other members as the Mayor as the appropriate authority may from time to time appoint thereto with the advice and consent of Council.

All other provisions of Section 2-22.1 shall remain unchanged and in full force and effect.

Repealer. All Ordinances or parts thereof inconsistent herewith are hereby repealed as to such inconsistency only.

Serverability. If any section, clause, sentence or other part of this Ordinance or the application thereof to any person or circumstance shall for 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. 2016-49

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 first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 4th day of February, 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.

MISCELLANEOUS AND NEW BUSINESS:

Councilman Emerson read a letter from the Carlstadt Active Association. This is in regards to the children for gymnastics. They are thanking the Mayor and Council for making this possible for the children. Mayor Lahullier said he would like to thank the Carlstadt Turnvein for what a special group they are and are proud to have them as part of Carlstadt.

Mayor Lahullier entertained a motion to adjourn the meeting at 8:20 P.M. On motion by Stoltz, seconded by Emerson, unanimous on call of roll of those present.

APPROVED: _____
CRAIG LAHULLIER, MAYOR

ATTEST: _____
CLAIRE FOY, BOROUGH CLERK