

CAUCUS AND FINANCE MEETING

July 11, 2019

THE JULY 4, 2019 CAUCUS MEETING of the Mayor and Council of the Borough of Carlstadt was rescheduled to Thursday, July 11, 2019 in the Caucus Room of the Borough Hall, 500 Madison Street, Carlstadt, New Jersey 07072 followed by the regularly scheduled Finance Meeting at 7:15 P.M.

Mayor Craig Lahullier asked Claire Foy, Borough Clerk to call the roll: Mayor Craig Lahullier, Councilmen Richard Bartlett, James Lenoy and Joseph Emerson were present. Councilman William Roseman arrived at 7:40 P.M. Councilman Robert Zimmermann and David Stoltz 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 5, 2019 and the Herald News on January 5, 2019 a copy of which is on the Bulletin Board in the Borough Hall and a copy on file in the office of the Borough Clerk.

Gregory Polyniak of Neglia Engineering read his report for the month regarding projects that are being done in the Borough of Carlstadt and is on file in the office of the Borough Clerk.

Joseph Crifasi, DPW Operations Manager and the Mayor and Council discussed having a crossing guard on the corner of Hoboken Road and Seventh Street for students going to and from Becton Regional High School. There were a number of occasions that students were almost hit while crossing that area.

Mayor Lahullier entertained a motion to have Gregory Polyniak, Borough Engineer write a letter to the County regarding this matter.

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

Mayor Lahullier asked the Council if everyone had a chance to read the resolution regarding the award of the contract for professional legal services to Joseph P. Baumann, Jr. Esq. Mayor Lahullier said Mr. Bauman's company is probably the best at doing what he does as far as commercial property and as far as pilot payments go. He was recommended by Robert McNerney and Robert Ceberio as being the best. Mayor Lahullier went into detail regarding this matter.

Joseph Biggy of the Carlstadt Volunteer Ambulance attended regarding the purchase of two Lucas machines. The grant that was applied for these machines was denied. The total discounted cost for the two machines would be a little over \$21,000.00 one machine for each ambulance. Mayor Lahullier indicated that by October they would check with the Finance Department for the funds and would have to go through the bid process. Mr. Biggy also mentioned that the renovations to the Ambulance Corps building is ongoing.

Mayor Lahullier went over the correspondence that was received.

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A request was received from Anthony Deleasa, a resident of Garden Street, north of Carlyle Court. He said over the last several years there have been quite a few accidents involving parked cars. The street is not wide enough to have cars parked on both sides of the street. Also during the week he sees cars speeding down the street. This is because there is a straight run from Union Avenue in Wood-Ridge to Central Avenue. He asked if a stop sign on the north side of Carlyle Court intersection might slow people down.

Mayor Lahullier entertained a motion to have the Police Department do a traffic survey on Garden Street. On motion by Bartlett, seconded by Emerson, unanimous on call of roll of those present.

Mayor Lahullier said we received correspondence from Hernan Lopez, Board of Health Secretary requesting the approval of Philips Voice Tracer Digital Voice Recorder priced at \$199.00 for recording the Board of Health and Zoning Board of Adjustment meetings.

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

Mayor Lahullier asked Councilman Roseman if he had a chance to look at Resolution No. 2019-163 to hire Joseph P. Baumann, Jr. Esq. in order to deal with the large commercial payments for commercial properties. Councilman Roseman replied yes. Mayor Lahullier said he wanted to place this on the Consent Agenda.

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

**CONSENT AGENDA
RESOLUTION NO. 2019-155**

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CARLSTADT, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF CARLSTADT AND AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$5,700,000 BOND ANTICIPATION NOTE, DATED JUNE 28, 2019 AND PAYABLE JUNE 26, 2020, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of Carlstadt, in the County of Bergen, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt

obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough intends to issue a \$5,700,000 bond anticipation note, dated June 28, 2019 and payable June 26, 2020 (the "Note"); and

WHEREAS, the Borough desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b) (3) of the Code;

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

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b) (3) of the Code.

SECTION 4. It is hereby determined and stated that (1) said Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2019.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2019.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2019 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

RESOLUTION NO. 2019-156

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WHEREAS, a Bergen County Community Development grant of \$226,528.80 has been proposed by the Governing Body of the Borough of Carlstadt for Monroe Street Roadway Improvements in the Borough of Carlstadt; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of the Borough of Carlstadt; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Carlstadt hereby confirms endorsement of the Monroe Street Roadway Improvements; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

RESOLUTION NO. 2019-157

WHEREAS, an application and required fees has been filed requesting renewal of a pocket license in the name of Four Spoons, LLC, Plenary Retail Consumption License No. 0205-33-009-004, for the 2019-2020 license term; and

WHEREAS, the Tax Clearance Certificate for the 2019-2020 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 2019-2020 license term for Four Spoons, LLC, (Docket No. 06-19-311) 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 Four Spoons, LLC, Plenary Retail Consumption License No. 0205-33-009-004, for the 2019-2020 license term is hereby approved.

RESOLUTION NO. 2019-158

WHEREAS, a renewal application for a Massage Therapy Technician/Practitioner License together with a renewal application for a Massage Therapy Establishment License has been

submitted by Lisa Johnson for 317 Hackensack Street, Carlstadt, NJ 07072; and

WHEREAS, all the requirements have been met pursuant to Code Section 6-15.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that the renewal of a Massage Therapy Technician/Practitioner License together with the renewal of a Massage Therapy Establishment License for Lisa Johnson at 317 Hackensack Street, Carlstadt, NJ 07072 is hereby approved.

RESOLUTION NO. 2019-159

WHEREAS, applications for a Massage Therapy Technician/Practitioner License have been received from the following persons:

1. Kenneth Guzman, 108 Elliot Street, Passaic, NJ 07055
2. Rafael Rodriguez, 905 Central Avenue, Union City, NJ 07087
3. Sytania McClear, 276 6th Avenue, Paterson, NJ 07524
4. Gina Fantacone, 12 Buschmann Avenue, Apt. 2 Haledon, NJ 07508
5. Ruddy Gutierrez, 270 East 22nd Street, Paterson, NJ 07514

and;

WHEREAS, all the requirements have been met pursuant to Code Section 6-15.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey, that the issuance of a Technician/Practitioner License to practice Massage Therapy from the Borough of Carlstadt be granted to Kenneth Guzman, Rafael Rodriguez, Sytania McClear, Gina Fantacone and Ruddy Gutierrez and the Borough Clerk is hereby authorized to issue same.

RESOLUTION NO. 2019-160

WHEREAS, renewal applications for a Massage Therapy Technician/Practitioner License have been received from the following persons:

1. Diana Fermin, 426 Park Avenue, Paterson, NJ 07504
2. Anderckson Polanco – Holguin, 223 Monroe Street, Passaic, NJ 07055
3. Ashley Trindade, 117 Magazine Street, 3rd Floor, Newark, NJ 07105

and;

WHEREAS, all the requirements have been met pursuant to Code Section 6-15.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey, that the renewal of a Technician/Practitioner License to

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practice Massage Therapy from the Borough of Carlstadt be granted to Diana Fermin, Anderckson Polanco – Holguin and Ashley Trindade and the Borough Clerk is hereby authorized to issue same.

RESOLUTION NO. 2019-161

WHEREAS, pursuant to Section 2-22.14, the Chief of Police may appoint Special Police Officers for a term not exceeding one year, subject to the approval of the governing body by resolution; and

WHEREAS, the following individuals have been recommended for appointment as Special Police Officer to be included in the Class I SLEO training class:

Mark Dunn, Jr.

NOW, THEREFORE BE IT RESOLVED by the Mayor, with the consent of the Council, does hereby appoint Mark Dunn Jr. as a Special Police Officer, subject to the requisite background check and psychological evaluations.

RESOLUTION NO. 2019-162

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that the following bill for the NJEDA Project 40029 – Carlstadt Road and Storm Drainage Improvements having been approved by the Finance Committee is approved herewith for payment by the NJEDA:

Colonnelli Brothers Inc.

\$ 96,218.53

RESOLUTION NO. 2019-163

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT
FOR PROFESSIONAL LEGAL SERVICES TO
JOSEPH P. BAUMANN, JR., ESQ.**

WHEREAS, the Borough of Carlstadt has a need for professional legal services pursuant to N.J.S.A. 19:44A-20.5 and desires to retain special legal counsel in connection with commercial redevelopment and PILOT issues; and

WHEREAS, Joseph P. Baumann, Jr., Esq. of the firm of McManimon, Scotland & Baumann, LLC, 75 Livingston Avenue, Second Floor, Roseland, NJ 07068, has provided a proposal dated July 2, 2019, to provide the necessary legal advice on such matters; and

WHEREAS, Joseph P. Baumann, Jr., Esq. of the firm of McManimon, Scotland & Baumann, LLC, will provide professional legal services the Borough on an hourly basis at the rate of

\$215.00 per hour, plus costs and expenses, during the term of this contract, said amount may potentially be in excess of \$17,500 during the term of the appointment; and

WHEREAS, services provided and paid through a developer-funded escrow account pursuant to an escrow agreement between the developer and Borough shall be billed at the blended hourly rate of \$375.00 per hour; and

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

WHEREAS, Joseph P. Baumann, Jr., Esq., has completed and submitted a Business Entity Disclosure Certification which certifies that Joseph P. Baumann, Jr., Esq. and the firm of McManimon, Scotland & Baumann, 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, 2018 – December 31, 2018) and that this appointment and retention will prohibit Joseph P. Baumann, Jr., Esq. and the firm of McManimon, Scotland & Baumann, LLL from making any reportable contributions through the term of the appointment; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the legal services to be rendered may exceed \$17,500; and

WHEREAS, the Chief Financial Officer has certified that funds are available to pay the anticipated amount of the compensation, fees and disbursement for these services.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey, hereby authorizes and approves the appointment and retention of Joseph P. Baumann, Jr., Esq. and the firm of McManimon, Scotland & Baumann, LLC as Special Counsel for purposes of providing legal advice with regard to commercial redevelopment and PILOT issues pursuant to the attached Agreement for Legal Services; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value to be placed on file with this resolution; and

BE IT FURTHER RESOLVED that his contract is awarded without competitive bidding as an “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 legal services; and

BE IT FURTHER RESOLVED that the Mayor and Clerk be and hereby are authorized to execute the Agreement for Legal Services in the form attached hereto subject to the approval of the Borough Attorney; and

BE IT FURTHER RESOLVED that notice of this action shall be printed once in the official newspaper of the Borough of Carlstadt.

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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 the fees and disbursement for these services.

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

Mayor Lahullier read correspondence from Thomas Berta, Acting Police Chief. This is regarding the rental of the County band shell. The Nam Knights Motorcycle Club is a military law enforcement club based in Carlstadt. Acting Chief Berta has been a member for ten years. This year the club is celebrating their 30th Anniversary. This celebration will take place on the weekend of July 26, 27 and 28, 2019. The club has applied for and has been granted the Bergen County show mobile stage. The club received an invoice for this usage. The club has utilized this in the past at no charge. To their surprise they are being charged \$980.00. A representative from the Club questioned the invoice from Bergen County Parks and he was told that is the fee for any non-governmental organization who was granted the use of the stage. He was informed the government organization fee is \$250.00. They were informed the Borough of Carlstadt would be willing to transfer this reservation from the Nam Knights to the Borough of Carlstadt that would be granted the fee reduced to \$250.00. The Nam Knights has asked him to request that the Borough transfer this reservation from them to the Borough. The Club will reimburse the Borough for the rental fee.

Mayor Lahullier entertained a motion to approve \$250.00 for the show mobile. On motion by Roseman, seconded by Bartlett, unanimous on call of roll of those present.

Mayor Lahullier read another correspondence from Thomas Berta, Acting Chief of Police. Officer Matthew Bartlett will be getting married on July 19, 2019 at 4:00 P.M. at St. Anthony's Church in Hawthorne, N.J. Officer Bartlett has requested that officers from the Department Motorcycle Unit escort his fiancé, Amanda from her residence to the church which is approximately one mile. This is a voluntary detail by the motorcycle unit. There will be no compensation from the Borough.

Mayor Lahullier asked for a motion to approve this request. On motion by Emerson, seconded by Lenoy, Councilmen Lenoy, Emerson and Roseman voted yes. Councilman Bartlett abstained and Councilmen Zimmermann and Stoltz were absent.

COUNCILMAN RICHARD BARTLETT

He mentioned the body work for Engine Three. The price from Valtech was \$8,304.27. Pierce Manufacturing who manufactured Engine Three will cover ¼ of that which is \$2,076.07. The equipment is eleven years old. The Chiefs would like to go forward on this. Our share of the balance would be \$6,228.20. This is only good for six months from Pierce Manufacturing. The six months will take us to the end of the year.

Councilman Bartlett brought up the Nam Knights party the weekend of July 26, 2019. He is asking the Mayor and Council if it would be okay if Ken Schwarz brought the garbage over to the Borough garage and put it in the packer.

Councilman Bartlett entertained a motion that the Nam Knights bring the garbage to the Borough garage, seconded by Emerson, unanimous on call of roll of those present.

Councilman Bartlett mentioned the lettering on Chief D'Amico's car is peeling away and needs to be replaced. It will go to Riedel in Little Ferry, NJ. The cost is \$1,300.00 and restriped on both sides and it will match the other two chief cars. He is asking for Council approval on this matter.

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

Councilman Bartlett also mentioned that the resident of 86 Carlyle Court would like to have a tree replaced when possible. The tree had come down during a storm. He asked Joseph Crifasi to take care of this request.

COUNCILMAN JOSEPH EMERSON

He had something to discuss in closed session.

COUNCILMAN JAMES LENOY

He had something to discuss in closed session.

COUNCILMAN WILLIAM ROSEMAN

He had something to discuss in closed session.

CONSIDERATION OF ORDINANCES

FINAL READING

ORDINANCE NO. 19-8

AN ORDINANCE AMENDING CHAPTER XII "BUILDINGS AND CONSTRUCTION", SUBCHAPTER 12-8 "FLOODPLAIN MANAGEMENT", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002

THE FLOOD DAMAGE PREVENTION ORDINANCE

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

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

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

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

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

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

RESOLUTION NO. 2019-164

BE IT RESOLVED that the ordinance entitled:

AN ORDINANCE AMENDING CHAPTER XII "BUILDINGS AND CONSTRUCTION"

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SUBCHAPTER 12-8 “FLOORPLAIN MANAGEMENT”, 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 Lenoy, seconded by Emerson, 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: property and personnel.

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: property and personnel.

AND, BE IT FURTHER RESOLVED that the public will be informed either later this evening after reconvening the public meeting or at a future public meeting said date is not predictable at the present time.

AND, BE IT FURTHER RESOLVED that the matters discussed in and minutes of the closed session shall be disclosed to the public when the reason for confidentiality no longer exists.

Mayor Lahullier entertained a motion to go into closed session at 8:05 P.M. to discuss property and personnel. On motion by Lenoy, seconded by Bartlett, unanimous on call of roll of those present.

The meeting went back into open session at 9:30 P.M. with the following members in attendance: Mayor Lahullier, Councilmen Bartlett, Lenoy, Emerson and Roseman.

Councilman Roseman made a motion that a letter be sent to the residents explaining their assessments with regard to their taxes, seconded by Emerson, unanimous on call of roll of those present.

Mayor Lahullier entertained a motion to adjourn the meeting at 9:35 P.M. On motion by Roseman, seconded by Bartlett, the meeting was unanimously adjourned.

APPROVED: _____

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CRAIG LAHULLIER, MAYOR

ATTEST: _____
CLAIRE FOY, BOROUGH CLERK