

**CAUCUS MEETING**  
**August 1, 2019**

**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, August 1, 2019 at 7:02 P.M.

Council President Richard Bartlett asked Claire Foy, Borough Clerk to call the roll: Councilmen Robert Zimmermann, David Stoltz, Richard Bartlett and James Lenoy were present. Councilman Joseph Emerson arrived at 7:15 P.M. and Councilman William Roseman arrived at 7:17 P.M.

Council President Bartlett led all present in the Pledge of Allegiance to the Flag.

Council President Bartlett – 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 regarding projects that are being done in the Borough of Carlstadt and is on file in the office of the Borough Clerk.

**CONSENT AGENDA**  
**RESOLUTION NO. 2019-175**

**WHEREAS**, the Carlstadt Department of Works required assistance of a professional tree service to address removal of multiple storm damaged trees requiring large crane and bucket loader equipment on an emergency basis following a recent storm event; and

**WHEREAS**, Downes Tree Services, Inc., 65 Royal Avenue, Hawthorne, NJ 07506 had the necessary manpower and equipment available to address the emergency situation; and

**WHEREAS**, the DPW Director engaged Downes Tree Service to perform the work removing impacted trees from borough owned/leased properties and thoroughfares due to the emergency that existed.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that the CFO be and hereby is authorized to pay Downes Tree Service, Inc., 65 Royal Avenue, Hawthorne, NJ 07506, the amounts of \$1,150.00, \$3,450.00 and \$3,850.00 for Invoice Nos. 256658, 256659 and 256682, respectively, for the emergency tree services performed as a result of the storm.

**Certification as to the availability of funds:**

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The Chief Financial Officer/Treasurer hereby certifies that sufficient funds are available to pay the amount of \$8,450 from account number 41346009.

**RESOLUTION NO. 2019-176**

**WHEREAS**, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of Grand BK/H Mart Co. for property located at 333 Starke Road., Carlstadt, New Jersey for Block 123.01 Lot 4 as per Docket No. 002657-2018 dated 6/19/2019, reducing the 2018 property tax assessment from \$17,196,000.00 to \$11,146,200.00; and

**WHEREAS**, the reduction in the 2018 property tax assessment is \$6,049,200.00 or \$116,277.15 in 2018 property tax.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$116,277.15 and the Tax Collector shall adjust his books accordingly (2018: \$116,277.15).

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 Borough Attorney, Joseph Donahue, Esq. has reviewed this Resolution and finds it to be satisfactory and legal. In addition the Borough Auditor has reviewed said calculations and finds them to be satisfactory and true with the Judgments.

The refund shall be made payable to McCarter & English, LLP, attorneys for Grand BK Corp/H Mart Co. and shall be mailed to McCarter & English, LLP, Attn.: Daniel P. Zazzali, Esq., Four Gateway Center, 100 Mulberry Street, Newark, NJ 07102.

**RESOLUTION NO. 2019-177**

**RESOLUTION AUTHORIZING KENNETH A. PORRO, ESQ. OF  
CHASEN LAMPARELLO MALLON CAPPUZZO, PC  
TO CONDUCT SETTLEMENT NEGOTIATION IN THE  
TRANSCO v. BOROUGH OF CARLSTADT MATTER**

**WHEREAS**, the Borough is desirous of retaining counsel to conduct settlement negotiations in the tax appeal matter captioned Transco v. Borough of Carlstadt; and

**WHEREAS**, Special Counsel, Kenneth A. Porro, Esq. has proposed to conduct such settlement negotiations at the rate of \$175.00 per hour; and

**WHEREAS**, the Governing Body desires to authorize the designated Special Counsel, Kenneth A. Porro, Esq., to immediately engage in settlement negotiations in the above referenced matter; and

**WHEREAS**, Kenneth A. Porro, Esq., of the firm of Chasan Lamparello, Mallon & Cappuzzo, P.C., 300 Lighting Way, Suite 200, Secaucus, NJ 07094, will provide professional legal services on an hourly basis at the rate of \$175.00 per hour to represent the Borough in this matter; 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 Special Counsel, Kenneth A. Porro, Esq., of the firm of Chasan Lamparello Mallon & Cappuzzo, P.C., to conduct settlement negotiations in the matter of Transco v. Borough of Carlstadt on the terms as set forth above, and

**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.

**RESOLUTION NO. 2019-178**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CARLSTADT, IN THE COUNTY OF BERGEN, NEW JERSEY, DESIGNATING A \$9,750,000 BOND ANTICIPATION NOTE, DATED JULY 26, 2019 AND PAYABLE JULY 24, 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"), desires to designate a \$9,750,000 Bond Anticipation Note, dated July 26, 2019 and payable July 24, 2020 (the "Note"), as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (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 Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b) (3) of the Code.

**SECTION 2.** It is hereby determined and stated that (1) the 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 3.** It is further determined and stated that the Borough has, as of the date hereof, issued the following tax-exempt obligations (other than the Note) during the calendar year 2019, viz:

<u>Amount</u>	<u>Dated – Due</u>
\$5,700,000 BAN	6/28/19 - 6/26/20

**SECTION 4.** 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, the Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

**SECTION 5.** 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 6.** This resolution shall take effect immediately upon its adoption.

**RESOLUTION NO. 2019-179**

**WHEREAS,** TMCJ, LLC, 463 Barell Avenue, 2<sup>nd</sup> Floor, Carlstadt, NJ 07072 has made application to the Borough of Carlstadt to renew three (3) 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 to renew three (3) limousine licenses for TMCJ, LLC, at 463 Barell Avenue, 2<sup>nd</sup> Floor, Carlstadt, NJ 07072 be and hereby is approved for VIN # 53165, #36685 and #58743 nunc pro tunc.

**AND, BE IT FURTHER RESOLVED** that the Borough Clerk is hereby authorized and directed to renew the three (3) licenses to operate three (3) limousines at the above referenced location for the period of one year, commencing July 25, 2019 and ending on July 25, 2020 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. 2019-180**

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT  
FOR PROFESSIONAL ENGINEERING SERVICES TO  
JOSEPH P. NOVELLI, P.E., LSRP**

**WHEREAS**, there exists a continued need for a Professional Environmental Engineer, Licensed Site Remediation Professional and Consultant in connection with the real property owned by the Borough known as Block 18, Lots 6 through 10 and Block 19, Lots 9 and 10 on the Tax Map of the Borough of Carlstadt; and

**WHEREAS**, the Mayor and Council of the Borough of Carlstadt desires to appoint and contract with Joseph P. Novelli, P.E., LSRP, LLC as environmental engineer and consultant for the purposes of providing professional environmental engineering consulting, including LSRP services; and

**WHEREAS**, Joseph P. Novelli, P.E., LSRP, LLC, 30 Gladstone Street, Forked River, NJ 08731-1065, will provide professional LSRP, engineering and consultant services on an hourly basis at the rate of \$150.00 per hour for LSRP and Senior Engineer and \$90 per hour for Project Level Engineer, plus costs and expenses, during the term of this contract, said amount not to exceed \$5,000.00 during the term of the appointment; 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, Joseph P. Novelli, P.E., LSRP, LLC shall complete and submit a Business Entity Disclosure Certification certifying that Joseph P. Novelli, P.E., LSRP, LLC has not made any reportable contributions to a

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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. Novelli, P.E., LSRP, 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 \$5,000.00 are available to pay the anticipated amount of the compensation, fees and disbursement 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 appointment and retention of Joseph P. Novelli, P.E., LSRP, LLC, of 30 Gladstone Street, Forked River, NJ 08731-1065 as Environmental Engineer and consultant consistent with the proposal dated June 26, 2019.

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 Professional Services Agreement for environmental engineering and consulting 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 \$5,000.00 are available to pay the anticipated amount of the fees and disbursement for these services.

**RESOLUTION NO. 2019-181**

**WHEREAS**, the Carlstadt Department of Works had a need to remove and replace a catch basin and repair the sidewalk and curbing on Patricia Court as an emergency service; and

**WHEREAS**, Pasquale & DeLeasa, LLC. P.O. Box 498, Carlstadt, NJ 07072 had the necessary manpower and equipment available to address the emergent situation; and

**WHEREAS**, the DPW Director engaged Pasquale & DeLeasa, LLC to perform the work removing and replacing the catch basin and repairing the cement sidewalk and curb and patching the borough street due to the emergency that existed.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that the CFO be and hereby is authorized to pay Pasquale & DeLeasa, LLC, P.O. Box 498, Carlstadt NJ 07072 the amount of \$3,460.00 for Invoice No. 100306 for the emergency services performed.

**Certification as to the availability of funds:**

The Chief Financial Officer/Treasurer hereby certifies that sufficient funds are available to pay the amount of \$3,460.00 from account number 41346009.

**RESOLUTION NO. 2019-182**

**WHEREAS**, the Mayor as the Appropriate Authority of Borough of Carlstadt seeks to make an appointment to the position of Police Chief; and

**WHEREAS**, the Governing Body deems the positions of Police Chief and Deputy Police Chief to be administrative/executive officers within the department and appointments to those positions shall be made by the Mayor, as Appropriate Authority, consistent with Subsection 2-22.13 "Promotions" Subparagraph a. "Chief and Deputy Chief Appointments"; and

**WHEREAS**, the selection process for the positions of Police Chief and Deputy Police Chief as set forth in Section 2-22.13 a. requires that the Mayor, as Appropriate Authority, make his determination based on his review of each applicant's past record (30%) and the conduct of an oral interview (70%); and

**WHEREAS**, the Mayor, as Appropriate Authority, shall make his appointment of the Chief of Police, subject to confirmation of the Council.

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**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the selection process for the appointment to the position of Police Chief in and for the Borough of Carlstadt shall proceed as follows:

1. **Posting.** Notice of the vacancy in the position of Police Chief shall be posted on August 5, 2019.
2. **Eligibility.** All members of the department falling within the eligibility criteria as listed on the posting shall be forwarded a copy of the Notice and shall be required to opt in or opt out, in writing, on the Notice and return it, together with a copy of their resume attached, to the attention of the Mayor and Council by the deadline indicated.
3. **Past Record Review.** The police department files and the personnel jackets of each member who opts to be considered for the position of Police Chief shall be reviewed in camera by the Mayor, as Appropriate Authority.
4. **Interview.** Oral interviews shall be conducted by the Mayor, as Appropriate Authority, and candidates will be notified of the time and place for their individual interview. The interview portion of the process shall proceed as follows:
  - a. Only one candidate shall be permitted to be present during the conduct of each interview.
  - b. Each interview shall be limited to a maximum of thirty (30) minutes, but may be extended at the discretion of the Mayor, as Appropriate Authority, if necessary.
  - c. Each candidate shall first be asked to respond to a prepared set of questions, which shall be confidential and remain undisclosed until the final appointment shall be made. The same prepared set of questions will be posed to every candidate. Each candidate shall be prohibited from discussing or sharing the content or nature of the prepared set of interview questions with other candidates for the duration of the interview process.
  - d. Each candidate shall be given not more than five minutes prior to the conclusion of their interview to make a statement of any nature or to provide any information that they deem pertinent or important for the Mayor, as Appropriate Authority, to know and that might provide valuable assistance in his overall selection process.
  - e. The Mayor, as Appropriate Authority, shall not discuss or disclose any details of the selection process until the file review has been concluded and all candidates have completed their interview.
5. **Ranking.** Upon completion of all interviews, the Mayor, as Appropriate Authority, shall use all information reviewed, provided or obtained by way of oral interview as well as any other

information that may be subject to disclosure from any source in order to form the basis of his reasoned decision in the selection process.

6. **Appointment.** The Mayor, as Appropriate Authority, shall thereafter make his final determination for appointment, based 30% on review of the applicants' past record and 70% on the results of the applicants' oral interview. The successful applicant shall be appointed by the Mayor, and confirmed by the Council, at the next regularly scheduled meeting of the Governing Body.

**RESOLUTION NO. 2019-183**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that the Rutherford Irish American Association Inc. be granted permission to hold a raffle on Friday, September 27, 2019 at Redd's Restaurant, 317 Washington Avenue, Carlstadt, New Jersey for which the application and fee shall be forwarded to the Legalized Games of Chance Control Commission.

**RESOLUTION NO. 2019-184**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that the following music/entertainment permit applications are hereby approved by the Carlstadt Police Department as the applicants' premises and use thereof, complies with the Carlstadt Zoning Ordinance and all other rules regulations, ordinances and laws:

1. American Legion
2. Biggies

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

On Monday, August 5, 2019 the Borough Clerk was requested to do a telephone poll to remove Resolution No. 2019-182 from the Consent Agenda. On motion by Roseman, seconded by Lenoy, unanimous on call of roll to remove Resolution No. 2019-182.

**RESOLUTION NO. 2019-187**

**WHEREAS**, the Borough of Carlstadt is desirous of demolishing the existing residential structure at 411 Orchard Street and is in need of Professional Environmental, Engineering, Bid Document and Construction Management Services for the project; and

**WHEREAS**, Neglia Engineering Associates, 34 Park Avenue, P.O. Box 426, Lyndhurst, New Jersey 07071, has submitted a proposal dated June 26, 2019 to provide the necessary professional Phase 1 Environmental Services on a lump sum basis of \$5,975.00; Phase 2 preparation

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of Construction Documents and Bidding Services on a lump sum basis of \$12,020.00; and Phase 3 Engineering and Construction Management services on a lump sum basis of \$11,110.00.

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

1. Neglia Engineering Associates be and hereby is awarded a contract to provide Professional Environmental, Engineering, Bidding Services and Construction Management services on behalf of the Borough of Carlstadt in connection with the demolition of the residential structure at 411 Orchard Street in the amount of \$29,105.00.
2. The Mayor and Borough Clerk are hereby authorized to execute the Agreement attached hereto with Neglia Engineering Associates, 34 Park Avenue, P.O. Box 426, Lyndhurst, New Jersey 07071 for the professional engineering services.
3. The contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.
4. The Borough Clerk is hereby directed to publish notice of this action once in the official newspaper of the Borough of Carlstadt and maintain a copy of the agreement for public inspection.

Certification as to the availability of funds:

The CFO/Treasurer hereby certifies that sufficient funds are available to pay for professional environmental, engineering, bid document and construction management fees in the amount of \$29,105.00 in accordance with the terms of the aforementioned Agreement.

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

Council President Bartlett went over the correspondence that was received.

A request was received from Laurie Carty, Service GS Service Unit Manager for the Carlstadt Girl Scouts for the use of the Washington Street Park next to CPS for their annual end of year get together and registration on Sunday, August 4, 2019 from 2:00 P.M. to 6:00 P.M.

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

Correspondence was received from Lt. Walter Beese, Carlstadt Police Department stating they will be hosting the Junior Police Academy on August 19 through August 23, 2019 from 8:00 A.M. to 3:00 P.M. He requested to use the court chambers and fire department meeting room during that week. He also requested a bus to transport approximately fifty children and adults to the Bergen County

Prosecutors office in Paramus on Wednesday August 21, the New Jersey Viet Nam Veterans Memorial and Museum in Holmdel on Thursday, August 22 and the Bergen County Detention Center in Hackensack on Friday, August 23, 2019.

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

Council President Bartlett mentioned National Night Out would be August 6, 2019 from 6:00 P.M. to 9:00 P.M. at Lindbergh Field.

Correspondence was received from Rebecca Spero from the Carlstadt Library inviting the Mayor and Council to their grand reopening ceremony which will take place on Friday, September 13, 2019 starting at 6:30 P.M. Claire Foy, Borough Clerk said Mayor Lahullier is unable to make it on that date but is available on Thursday, September 12, 2019.

There was another request for a ribbon cutting ceremony at Caribbean Delicacies, 711 Route 17 North on Thursday, September 5, 2019 at 12:30 P.M. or Friday, September 6, 2019.

The American Legion Post #69 is holding their Annual Family Picnic on Saturday, August 24, 2019 from 12:00 P.M. to 5:00 P.M. They are asking to block off Third Street from the end of the legion property to Broad Street. They are requesting this be done from 10:00 A.M. to 6:00 P.M. to allow for set up and clean up.

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

Linda Kuprat from the Turn Hall was in attendance and mentioned that some trees need to be trimmed by the Turn Hall. She asked if the town could look at it. She feels it is a safety issue.

Councilman Roseman made a motion to have the Borough look at the trees and if we can trim them to the extent that it is safe, seconded by Stoltz, unanimous on call of roll.

All of the Councilmembers had something to discuss in closed session.

Council President Bartlett said he had one thing regarding trees. About two months ago a tree branch was hit by a truck on Monroe Street on the 400 block. He would like the tree crew to start going around and trim the trees throughout the Borough. Joseph Crifasi, DPW Operations Manager said they are doing that now every day. They follow the sweeper route and do it when there is no parking for the sweeper.

A memo was received from Michael Popejoy, Secretary of Engine Company 3 that members of Engine Company 3 are requesting use of 706 utility truck for the Newport, New York Annual Field Days Parade on August 2, 3, and 4, 2019. It is okay with the Chief of the Fire Department.

The insurance company would have to be notified as they are going out of state.

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

Council President Bartlett said there is one thing he would like to recommend that the Borough look into is an ordinance or resolution about drones. There has been an incident about a week and a half

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ago when he had family in his yard and a drone flew over. It most likely has a camera on it and the camera can zoom. This also happened at the school during summer recreation.

## CONSIDERATION OF ORDINANCES

### FIRST READING

#### ORDINANCE NO. 19-9

### ORDINANCE OF THE BOROUGH OF CARLSTADT COUNTY OF BERGEN, NEW JERSEY APPROVING AN APPLICATION FOR A LONG TERM TAX EXEMPTION AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT FOR A TAX EXEMPTION FOR AN URBAN RENEWAL PROJECT WITH RESPECT TO THE PROPERTY COMMONLY KNOWN AS BLOCK 122, LOTS 7, 8 AND 9 ON THE TAX MAP OF THE BOROUGH

**WHEREAS**, the New Jersey Meadowlands Commission (“**NJMC**”) previously designated a large area of Paterson Plank Road located in the Borough of Carlstadt and in the Borough of East Rutherford as an area in need of redevelopment and further adopted the Paterson Plank Road Redevelopment Plan (the “**Redevelopment Plan**”) in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the “**Redevelopment Law**”); and

**WHEREAS**, the Redevelopment Plan includes 192/266 Paterson Plank Road, identified as Block 122, Lots 7, 8 and 9 on the official tax map of the Borough (the “**Redevelopment Area**”); and

**WHEREAS**, MHP Urban Renewal, LLC (the “**Entity**”) has been formed as a special purposes entity organized as an approved New Jersey Urban Renewal Entity to which ownership is being transferred to redevelop the Redevelopment Area, the parcels of which are intended to be consolidated into one (1) lot and renumbered at a later date (the “**Project Area**”); and

**WHEREAS**, the Entity intends to construct upon the Project Area a 6-story limited service hotel containing 149 rooms, meeting space and guest amenities totaling approximately 89,033 square feet in size (the “**Project**”); and

**WHEREAS**, pursuant to and in accordance with the provisions of the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the “**LTTE Law**”), the Borough is authorized to provide for tax abatement within a redevelopment area and for payments in lieu of taxes; and

**WHEREAS**, pursuant to and in accordance with the provisions of the LTTE Law, the Borough of Carlstadt (the “**Borough**”) is authorized, in its sole discretion, to provide for and accept, in lieu of real property taxes, an annual service charge paid by the Entity (as defined herein) to the Borough (the “**Annual Service Charge**”); and

**WHEREAS**, in order to enhance the economic viability of and opportunity for a successful project, the Entity has submitted an application to the Borough (the “**Exemption Application**”), in accordance with N.J.S.A. 40A:20-8, along with a proposed form of Financial Agreement (the “**Financial Agreement**”); and

**WHEREAS**, pursuant to N.J.S.A. 40A:20-8, the Mayor has reviewed the Exemption Application and the Mayor has submitted the Exemption Application and Financial Agreement to the Borough Council with his recommendation for approval, subject to the condition that the Entity pay, in lieu of tax payments on the Project, an Annual Service Charge, such that the combined tax payment on the land and the Annual Service Charge paid by the Entity each year shall be no less than the amount of the total property taxes that the Borough has received from the Redevelopment Area, prior to redevelopment; and

**WHEREAS**, upon review of the proposed Project, the Exemption Application and the Mayor’s recommendation, the Borough has made the following findings with respect to the Project pursuant to N.J.S.A. 40A:20-11:

1. The Redevelopment Area is not currently developed to its maximum potential. The Redevelopment Area is sparsely developed and underutilized and generates minimal taxes for the Borough. Upon expiration of the exemption, the Project shall be fully assessed and conventionally taxed;
2. Given the high development costs as well as the uncertainty and instability of current economic and market conditions as well as aggressive competition within the region, the investment risk makes the financing of the Project infeasible in the absence of a tax exemption provided by the Borough;
3. The construction of the Project will result in the remediation of the Redevelopment Area as well as community benefits in the form of increased jobs, and ratables;
4. The Project is consistent with the Redevelopment Plan, will further its objectives and will contribute to the economic growth of the Borough;
5. The Financial Agreement is an inducement to the Entity to undertake the Project in the Borough and facilitate the redevelopment of the Redevelopment Area;
6. That the assistance provided by the Financial Agreement is a significant and critical inducement to the Entity to proceed with the Project, but for without which the Entity maintains that the Project cannot be built; and

**WHEREAS**, in accordance with the provisions of the LTTE Law, the Borough desires to authorize the execution of the Financial Agreement.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the Borough of Carlstadt, New Jersey as follows:

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Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. An exemption from taxation as set forth in the Exemption Application is hereby approved and granted to the Entity, with respect to the Project in the Redevelopment Area in accordance with the term set forth in the Financial Agreement; provided that in no event shall the term of the Financial Agreement exceed the earlier of (i) thirty-five (35) years from the date of execution of the Financial Agreement or (ii) to the extent permitted by the LTTE Law, thirty (30) years from the Entity's receipt of a Certificate of Occupancy (as defined in the Financial Agreement) for the Project and only so long as the Entity remains subject to and in compliance with the Financial Agreement and the LTTE Law.

Section 3. The form of Financial Agreement submitted by the Entity, attached hereto as **Exhibit A** and made a part hereof, is hereby approved.

Section 4. The Mayor of the Borough is hereby authorized to execute the Financial Agreement, including with such additions, deletions and/or modifications thereto as may be necessary or desirable in consultation with counsel to the Borough, and to prepare, amend or execute any other agreements necessary to effectuate this ordinance, subject to modification or revisions, as deemed necessary and appropriate.

Section 5. The Clerk of the Borough is hereby authorized and directed, upon execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Borough upon such document.

Section 6. The executed copy of the Financial Agreement shall be certified by and filed with the Office of the Borough Clerk. Further, the Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Borough and the Director of the Division of Local Government Services with the Department of Community Affairs, in accordance with Section 12 of the LTTE Law.

Section 7. The Project shall conform with all federal, state and Borough laws, ordinances and regulations relating to its construction and use.

Section 8. This ordinance shall take effect in accordance with all applicable laws.

**RESOLUTION NO. 2019-185**

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

**ORDINANCE OF THE BOROUGH OF CARLSTADT, COUNTY OF BERGEN, NEW JERSEY APPROVING AN APPLICATION FOR A LONG-TERM TAX EXEMPTION AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT FOR A TAX EXEMPTION FOR AN URBAN RENEWAL PROJECT WITH RESPECT TO THE PROPERTY COMMONLY KNOWN AS BLOCK 122 LOTS 7, 8 AND 9 ON THE TAX MAP OF THE BOROUGH**

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 15<sup>th</sup> day of August, 2019 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 Zimmermann, seconded by Stoltz, unanimous on call of roll.

**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, insurance 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, insurance and property.

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

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

Council President Bartlett entertained a motion to go into closed session at 7:30 P.M. On motion by Zimmermann, seconded by Emerson, unanimous on call of roll.

The meeting went back into open session at 9:50 P.M. with the following members in attendance: Councilmen Zimmermann, Stoltz, Bartlett, Lenoy, Emerson and Roseman.

**RESOLUTION NO. 2019-186**

**A RESOLUTION DESIGNATING THE  
CARLSTADT TURN VEREIN AS AN  
EMERGENCY CENTER BY AND FOR THE  
BOROUGH OF CARLSTADT**

**WHERAS**, the Governing Body is desirous of establishing adequate space to provide temporary shelter in the event of an emergency; and

**WHEREAS**, the Carlstadt Turn Verein has suitable space within its facility located at the corner of Broad and Monroe Streets to accommodate members of the general public for purposes of temporary shelter should such an emergency arise; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council does hereby designate the Carlstadt Turn Verein located at the corner of Broad and Monroe Street as an emergency center by and for the Borough of Carlstadt.

On motion by Roseman, seconded by Emerson, unanimous on call of roll.

Joseph Crifasi requested a motion that the Civic Center be used as emergency services for the evacuation of the school children.

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

Councilman Stoltz requested a motion that we extend four DPW summer employees for another month. On motion by Emerson, seconded by Stoltz, unanimous on call of roll.

Councilman Emerson made a motion that recreation pays for the Wallington/Carlstadt girls' softball fee for the Regional Tournament. The overall fee is \$1,800.00, seconded by Stoltz, unanimous on call of roll.

Council President Bartlett entertained a motion that the bus that is at AND Service to be repaired not exceed \$4,000.00. On motion by Stoltz, seconded by Zimmermann, unanimous on call of roll.

Jane Fontana, Legislative Research Officer, brought up the insurance claim of \$3,200.00 (amended to \$3,421.60) for damage to a car. On motion by Roseman, seconded by Emerson, unanimous on call of roll.

### **RESOLUTION NO. 2019-188**

#### **A RESOLUTION AUTHORIZING THE RENEWAL OF THE BOROUGH'S PARTIALLY SELF-FUNDED HEALTH BENEFITS PROGRAM WITH INSURANCE DESIGN ADMINISTRATORS (IDA) FOR THE PERIOD 8/1/19 THROUGH 8/1/20**

**WHEREAS**, the Borough provides medical, prescription and vision benefits through a partially self-funded plan administered by Insurance Design Administrators (IDA), a subsidiary of AmeriHealth NJ, with offices located in Oakland, NJ; and

**WHEREAS**, due diligence was performed in the renewal process associated with this Program and from the process, the following recommendations are hereby submitted for consideration and subsequent acceptance for favorable action:

**STOP LOSS** - the Stop Loss Proposal as offered by Sirius America Insurance Company, an A+ rated carrier, as rated by *A.M. Best* (Option II as illustrated on the Comparison & Analysis spreadsheet), has been determined to be most competitive in comparison to the alternate proposals solicited and evaluated by the Health Benefits Consultant and presented to the Borough for review and consideration. Specifically, Option II represents a contract proposal with the same terms and conditions as the expiring contract (\$75,000 Aggregating Specific with a \$40,000 Corridor, Incurred in 24 Months, Paid in 12 Months) at a significant premium savings of over \$207,000, as compared to the expiring premium;

**NETWORK** – The CIGNA Network has been analyzed and identified to provide a greater number of In-Network Providers (an over 36% increase), based upon the total Providers utilized by Plan Participants in 2018. Utilizing the CIGNA Network would also eliminate the secondary networks currently utilized for out of state claims, thereby simplifying participant usage and claims adjudication through a single national network, while maintaining a comparable discount structure;

**PRESCRIPTION BENEFIT MANAGER (PBM)** – Through an extensive review and analysis of prescription claims and pricing models, the recommendation is to implement the PBM services of ProAct, Inc., which utilizes the Optum RX Network and has been estimated to save approximately 7% on the total drug spend of the Municipality in Program Year 2017. There is also a potential to significantly increase Rebate Savings to the Municipality;

**TRANSPARENCY OF FEES** – The Option II Stop Loss Insurance Contract Proposal specifically excludes the standard commission that traditionally was split by the TPA and Health Benefits Consultant.. Under the proposed renewal offer, fees paid to these professionals are identified in separate line items and would be paid directly by the Municipality to ensure transparency of all fees paid;

**BENEFIT LEVEL ASSURANCE** - The Proposal maintains the existing level of benefits in accordance with the contractual requirements promulgated by the various collective bargaining unit agreements within the Borough.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt, County of Bergen, State of New Jersey, that the Stop Loss Proposal identified as Option II on the Medical Benefits Comparison & Analysis prepared by the Borough's Health Benefits Consultant is hereby accepted and adopted with the specific conditions noted herewith above; and

**BE IT FURTHER RESOLVED**, the contract award for the re-insurance component of the proposal is to a duly licensed and admitted Insurance Company within the State of NJ and therefore,

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such award is exempt from the requirements set forth by P.L. 2004, Chapter 19 (as amended by P.L. 2005, c.51) N.J.S.A.19:44A-20.5 et seq.

**BE IT FURTHER RESOLVED**, the Borough Administration and Health Benefits Consultant are hereby directed to promulgate the renewal process and documents, thereof; and

**BE IT FURTHER RESOLVED**, the Renewal Proposal for Third Party Administrative (TPA) Services, offered by Insurance Design Administrators (IDA), at the fee schedule noted and included with the renewal materials is also accepted and directed to the Borough Administration and Health Benefits Consultant for contract review and execution; and

**BE IT FURTHER RESOLVED**, a certified copy of this Resolution shall be forwarded to the Borough CFO, Borough Auditor, and PIA Security Programs, Inc., 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ 07072, Health Benefits Consultant to the Borough.

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

Councilman Emerson made a motion that we hire Narita Maraj on a part-time basis, twelve months a year, not to exceed \$30,000.00 a year or twenty hours a week, seconded by Roseman, unanimous on call of roll.

Council President Bartlett entertained a motion to adjourn the meeting at 10:04 P.M. On motion by Emerson, seconded by Lenoy, unanimous on call of roll.

APPROVED: \_\_\_\_\_  
RICHARD BARTLETT, COUNCIL PRESIDENT

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