

REGULAR MEETING
September 16, 2019

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 Monday, September 16, 2019 at 7:03 P.M.

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

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.

Council President Bartlett said at this time he would like to change the regular order of business to make presentations of certificates to the Carlstadt/East Rutherford Babe Ruth 13U baseball team. On motion by Lenoy, seconded by Zimmermann, unanimous on call of roll of those present.

Councilman Emerson congratulated the players and coaches for their championship accomplishment.

Coach Salvatore Penna thanked his coaches, parents and the Mayor and Council for their continued support.

Council President Bartlett entertained a motion to return to the regular order of business. On motion by Zimmermann, seconded by Lenoy, unanimous on call of roll of those present.

READING OF MINUTES:

Council President Bartlett entertained a motion to accept the minutes of 8/1/19 Caucus Meeting, 8/15/19 Finance Meeting and 6/17/19, 7/15/19 and 8/19/19 Council Meetings (Open and Closed Sessions). Councilmen Zimmermann, Bartlett, Lenoy and Emerson voted yes. Councilman Stoltz abstained on the July Meeting and voted yes on the other ones. Councilman Roseman was absent.

CORRESPONDENCE:

None to be read.

REPORT OF THE MAYOR:

No report.

SPECIAL REPORTS:

REGULAR MEETING

September 16, 2019

Page 2

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

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

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

The Economic Development Consultant's report was read for the month of August. This report will be filed.

STANDING COMMITTEES:

FINANCE – Councilman Emerson said we have resolutions.

CONSENT AGENDA

RESOLUTION NO. 2019-207

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	\$ 1,046,601.17
Regional Board of Education	602,552.67

RESOLUTION NO. 2019-208

BE IT RESOLVED, that the following payments made by the Chief Financial Officer from Valley National Bank during the month of August, 2019 be ratified:

<u>Date</u>	<u>Check</u>	<u>Account</u>	<u>Payee</u>	<u>Amount</u>
8/23/19	501853	Current	Medical	\$ 36,000.00
8/23/19	501854	Current	Comcast	134.60
8/23/19	501855	Current	Verizon	199.99
8/23/19	501856	Current	Great Am. Financial	425.00
8/23/19	501857	Current	Suez Water	675.57
8/23/19	501858	Current	PSE&G	21,319.75
8/26/19	501859	Current	PSE&G	76.02
8/27/19	501860	Current	Verizon	56.75
8/27/19	501861	Current	M&R	35.00
8/28/19	501862	Current	Payroll	16,738.81
8/28/19	501863	Current	Payroll	335,092.13
8/28/19	501864	Current	Verizon	259.98
8/29/19	501865	Current	Medical	50,000.00
8/29/19	501866	Current	Suez Water	1,021.38

RESOLUTION NO. 2019-209

WHEREAS, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of Roadway Express, 700 Commercial Avenue, Carlstadt, New Jersey, Block 126 Lot 74 as per Docket No. 011039-2009 dated 8/9/2019 reducing the 2009 property tax assessment from \$4,600,000.00 to \$3,750,000.00; and

WHEREAS, the reduction in 2009 property tax assessment is \$850,000.00 or \$32,538.00 in 2009 property tax; 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) 2010 and 2011, (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.

- 2010: \$850,000.00 Reduction. \$34,008.50.
- 2011: \$850,000.00 Reduction. \$34,127.50

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt authorize the refund in the amount of \$100,674.00 (2009: \$32,538.00; 2010: \$34,008.50; 2011: \$34,127.50).

The refund shall be made payable to: Bruce J. Stavitsky, Esq. for the benefit of Roadway Express and shall be mailed to: Stavitsky & Associates LLC, 350 Passaic Avenue, Fairfield, New Jersey 07004.

RESOLUTION NO. 2019-210

WHEREAS, the Borough of Carlstadt received payment to redeem Tax Sale Certificate Number 20180006 that was sold on December 19, 2018 for 521 Gotham Parkway, Carlstadt, NJ, Block 126 Lot 1, in the amount of \$34,763.86; and

WHEREAS, Robert Rothman holds Tax Sale Certificate Number 20180006 and paid a premium in the amount of \$308,100.00 for this Tax Sale Certificate.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that the Borough Treasurer will issue a refund in the amount of \$503,025.54 (\$194,925.54 for the Tax Sale Certificate Redemption and \$308,100.00 for the premium) and the Carlstadt Tax Collector will adjust his books accordingly.

The payment should be made payable to: Robert Rothman and should be mailed to: Robert Rothman, 411 Grand Avenue, Englewood, New Jersey 07631.

RESOLUTION NO. 2019-211

WHEREAS, N.J.S.A. 40:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed as a minimum, the sections of the annual audit entitled:

General Comments

Recommendations

and

WHEREAS, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves, with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provision of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52 – “A local officer or member of a local Governing Body, who, after a date

fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both in addition shall forfeit his office.”

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Carlstadt, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION NO. 2019-212

WHEREAS, the Director of the Division of Local Government Services has formally directed all municipalities to adopt a Corrective Action Plan as part of their annual audit process; and

WHEREAS, this Corrective Action Plan shall be submitted to the Director of Local Government Services upon adoption by the Borough Council and it shall be kept on file with the Borough Clerk; and

WHEREAS, the plan shall cover all audit findings and recommendations and be prepared in accordance with the Single Audit Act OMB circular 12A and Local Finance Notice 92-15.

NOW, THEREFORE BE IT RESOLVED that the Borough Council hereby approves the attached Corrective Action Plan for the 2018 Annual Audit; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution including the Corrective Action Plan, be forwarded to the Director of Local Government Services.

RESOLUTION NO. 2019-213

WHEREAS, the Board of Officers has approved the membership of the following person as a regular member of the Carlstadt Fire Department:

1. Mark Dunn, Jr. – Engine Company Three

and

WHEREAS, said individual has satisfactorily passed the required physical examination.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that Mark Dunn, Jr. is hereby appointed as a regular member of the Carlstadt Fire Department.

RESOLUTION NO. 2019-214

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 dates:

Community Center

1. Carlstadt Recreation Soccer – Wednesday, September 4, 2019 from 6:30 P.M. to 9:30 P.M. to distribute uniforms.

Council Chambers

1. Carlstadt Little League – Wednesday, September 25, 2019 from 7:30 P.M. to 10:30 P.M. to have a meeting.

Caucus Room

1. Carlstadt Recreation Soccer – Tuesday, August 27, 2019 from 7:30 P.M. to 9:00 P.M. to have a meeting.

RESOLUTION NO. 2019-215

**RESOLUTION AUTHORIZING AGREEMENT WITH
CIRKIEL ACTUARIAL CONSULTING LLC**

WHEREAS, the Borough of Carlstadt desires to delineate present and future obligations under NJ LFN 2007-15 under GASB 75 and is need of the professional services of an actuary to provide a comprehensive report; and

WHEREAS, Robert Cirkiel, FCA, ASA, MAAA, EA, of Cirkiel Actuarial Consulting LLC, 3 Highland Terrace, Upper Montclair, NJ 07042 has submitted a proposal to provide professional actuarial services dated September 3, 2019; and

WHEREAS, the Council has reviewed the scope of services for such actuarial services and desires to contract with Cirkiel Actuarial Consulting LLC for the purposes of providing professional actuarial services; and

WHEREAS, the services to be performed shall be on a flat fee of \$6,500.00; and

WHEREAS, the Chief Financial Officer has certified that funds in an amount not to exceed \$6,500.00 are available to pay the anticipated amount of the contract for these services; and

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

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

1. The Mayor and Council hereby authorizes and approves the retention of Robert Cirkiel, FCA, ASA, MAAA, EA of Cirkiel Actuarial Consulting LLC, 3 Highland Terrace, Upper Montclair, NJ, as Actuary consistent with the proposal dated September 3, 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 appraisal services.

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

4. 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 are available to pay the anticipated amount of the contract for these services in Account No. 41346009.

RESOLUTION NO. 2019-216

**RESOLUTION APPROVING ADDITIONAL BUDGET
EXPENDITURE BY THE CARLSTADT FIRE DEPARTMENT
FOR THE IMPROVEMENTS TO THE KITCHEN FACILITIES
AT THE JEFFERSON STREET FIREHOUSE**

WHEREAS, the Governing Body previously approved and authorized the Carlstadt Fire Department to undertake improvements of the kitchen facilities at the Jefferson Street Firehouse with an original budget not to exceed \$25,000,00; and

WHEREAS, the original scope of the project was expanded with approval of the Governing Body creating a need to reconfigure the original floor plan of the kitchen facility resulting in an additional expense of \$25,000.00; and

WHEREAS, the original budget as approved has been exhausted and the CFO has advised that Fire Department budget for 2019 has sufficient funds to cover the expense of the additional work; and

WHEREAS, the Chief Financial Officer has certified that funds are available to pay the anticipated amount of \$25,000.00 in the Fire Department 2019 budget for the expense incurred by the expanded scope of the project.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey, hereby approves the increased budget amount of \$25,000.00 from the Fire Department 2019 budget for such purposes.

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 \$25,000.00 in the Fire Department 2019 budget, Account No. 41346009.

Council President Bartlett entertained a motion to approve the Consent Agenda. On motion by Zimmermann, seconded by Emerson, unanimous on call of roll of those present.

POLICE – In the absence of Mayor Lahullier, Councilman Stoltz read the report for the month of August. This report will be filed.

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

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

PLANNING – In the absence of Councilman Roseman, Councilman Lenoy read the report for the month of August.

ZONING – Councilman Lenoy read his report for the month of August. This report will be filed.

PUBLIC HEALTH – Councilman Bartlett had no report.

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

BOROUGH EQUIPMENT – Councilman Zimmermann read his report for the month of August. This report will be filed.

RECYCLING – Councilman Lenoy read his report for the month of August. This report will be filed.

PROJECTS – Councilman Zimmermann read his report for the month of August. This report will be filed.

HUMAN RESOURCES – In the absence of Mayor Lahullier, Councilman Emerson reported progress.

REPORTS OF SPECIAL COMMITTEES:

There were no reports of special committees.

READING OF BILLS:

RESOLUTION NO. 2019-217

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

Neglia Engineering Associates	\$ 16,602.50
Rogut McCarthy LLC	3,126.24
Lawn Boys Landscaping	700.00

TRUST ACCOUNT

Walter Slomieski, Jr. Esq.	635.50
Neglia Engineering Associates	1,443.00
Current Account	56,526.36
Kimberly Koziel	100.00
Denise M. Murray	100.00
Beckmeyer Engineering P.C.	3,025.02

DOG WARDEN TRUST

N.J. Dept. of Health & Senior Services	36.00
TYCO Animal Control Services	791.66

CURRENT ACCOUNT

AGGRESSIVE ENERGY LLC	4,338.30
A&K EQUIPMENT CO.	528.00
AMERICAN HOSE & HYDRAULICS	292.50
AMERICAN PAPER & SUPPLY	355.43
APPRAISAL SYSTEMS INC.	5,800.00
ARROW ELEVATOR INC.	207.00
ATLANTIC COAST FIBERS	1,569.37
BCMCAA C/O D'ALESSANDRO	65.00
BELLAQUA INC.	491.25
BERGEN FENCE	11,196.00
BERGEN COUNTY CLERK	4,771.38
BEYER BROTHERS CORP.	2,975.26
BLUE 360 MEDIA	405.12
BOROUGH OF RUTHERFORD	7,610.44
BRUCE J. STAVITSKY ESQ.	100,674.00
BSN SPORTS	361.49
CARLSTADT FIRE DEPARTMENT	7,000.00
CARLSTADT AMBULANCE CORP.	25,000.00
CARLSTADT SOCCER LEAGUE	3,870.00
CARLSTADT BOARD OF EDUCATION	1,046,601.17
CARLSTADT BOY SCOUTS TROOP 1	100.00
CHEEMA OIL CORPORATION	22.34
CHEM-TEC	2,986.00
CHRISTOPHER GARVIN ESQ.	200.00

REGULAR MEETING

September 16, 2019

Page 10

CLIFFHANGER PRODUCTIONS INC	14,695.59
COLANERI BROTHERS	46.99
COMPLETE SAE & GARDEN EQUIP.	126.00
DELGADO INTERPRETING SERVICES	440.00
DENISE OEHLMANN	144.00
DOSCH KING CO. INC.	1,092.00
THE CHOI LAW GROUP LLC	7,278.34
FELDMAN BROTHERS ELECTRICAL	94.73
FIRE & SAFETY SERVICES	68.91
GARDEN STATE CURBS & SIDEWALKS	1,600.00
GARBARINI & CO.	18,646.25
GARDEN STATE HWY PRODUCTS	121.00
GARDEN STATE BOBCAT	1,019.97
GENERAL CODE PUBLISHERS	1,195.00
GOOSETOWN COMMUNICATIONS	50.00
GRAINGER	200.52
HOMETOWN AUTO PARTS	161.15
HUDSON TIRE EXCHANGE	1,085.44
I.D.A.	131,315.13
IKEN MEDIA	230.48
IMPRESSIVE PRINTING	290.43
INTERGLOBE COMMUNICATIONS INC.	3,595.00
INTERNATIONAL ASSOCIATION OF	875.00
INTERSTATE WASTE SERVICES INC.	20,577.52
JOSEPH R. DONAHUE LLC	6,512.50
KORSEN'S CARPET CLEANING	934.00
KYLE MCMANUS ASSOCIATES LLC	380.00
LANGUAGE LINE SERVICE	1.85
LEXISNEXIS RISK SOLUTIONS	91.00
LORI KENNEDY	207.84
LOWE'S BUSINESS ACCT/GEMB	641.65
MCNERNEY & ASSOCIATE	2,800.00
MEADOWLANDS HARDWARE	311.44
METRO FIRE & SAFETY EQUIPMENT	36.55
MGL PRINTING SOLUTIONS	377.00
MICROSYSTEMS-NJ.COM LLC	1,354.41
MR. JOHN	134.40
MUNICIPAL COURT ADMIN. ASSOC.	90.00
NARITA MARAJ LLC	1,679.42
NASSOR ELECTRICAL SUPPLY	36.40
NATURE'S CHOICE CORP.	586.00
NATIONAL WATER MAIN	3,150.00
NATIONAL PEN COMPANY	161.13

REGULAR MEETING

September 16, 2019

Page 11

NEXTEL COMMUNICATIONS	82.58
NJ FIRE EQUIPMENT CO.	1,001.45
NORTH JERSEY MEDIA GROUP INC.	596.65
NORTHEAST SWEEPERS & RENTALS	974.12
P&A AUTO PARTS	2,906.48
PAC TOOL & SUPPLY CO	170.00
PANORAMA TOURS INC.	1,795.00
PAYROLL ACCOUNT	298.62
PBA LOCAL 312	2,562.42
ESS, INC	4,913.33
PRESTI, ROSARIO JR., ESQ.	418.23
PSEG	19,046.81
REGIONAL BOARD OF EDUCATION	602,552.67
REMINGTON AND VERNICK	847.50
ROBERT T. REGAN ESQ.	1,024.95
ROBERT ROTHMAN	503,025.54
SENIOR FRIENDSHIP CLUB	300.72
SHERWIN WILLIAMS, INC.	2,199.00
SIRCHIE FINGERPRINT LAB	46.66
STAN'S SPORT CENTER	5,583.80
QUALITY AUTO MALL	11,001.06
STAPLES ADVANTAGE	3,427.25
STEPHEN P. SINISI ESQ. LLC	31.25
STROEDECKE, WARREN	900.00
THE TERRE CO.	96.00
THE BADGE COMPANY OF NJ INC.	504.50
THE RECORD	145.45
T&R ALARM SYSTMS INC.	480.00
TRAFFIC SAFETY & EQUIPMENT	145.00
UNUM LIFE INS. CO. OF AMERICA	1,035.62
USCOMPUTECH	100.00
ADPP ENTERPRISES INC	272.26
VALTEK INC.	7,242.72
WALLINGTON PLUMBING SUPPLY INC	179.32
WALTER BEESE	2,339.98
921-PRAXAIR DIST MID-ATLANTIC	175.89
WILFRED MAC DONALD INC.	848.59
WILLIAM J. LAUER CORP.	200.00
PAYROLL ACCOUNT	4,810.40
COMCAST	431.22
STAN'S AUTO BODY	3,421.60
MEDICAL BENEFITS ACCT	58,000.00
PSE&G	1,773.01

REGULAR MEETING

September 16, 2019

Page 12

VERIZON	889.40
US POSTAL SERVICE (CMRS-FP)	1,900.00
SUEZ WATER NEW JERSEY	79.12
VERIZON	763.10
PSE&G	1,612.60
SUEZ WATER NEW JERSEY	709.88
SUEZ WATER NEW JERSEY	10,653.44
PAYROLL ACCOUNT	19,450.69
PAYROLL ACCOUNT	342,686.49
MEDICAL BENEFITS ACCT	96,000.

TOTAL \$3,174,507.46

TOTAL BILLS FOR THE MONTH \$2,257,593.74

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

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

UNFINISHED BUSINESS:

None.

Council President Bartlett entertained a motion to open the hearing of citizens. On motion by Zimmermann, seconded by Lenoy, unanimous on call of roll of those present.

HEARING OF CITIZENS:

Bobbie O'Connor, President of the Carlstadt Historical Society – she asked the Council why the plans for Zimmermann Park are different from when they were originally presented. Ms. O'Connor mentioned a few factors that she believes the Mayor and Council should take a look at for possible remedies.

Kelly Nicholaides, 335 First Street – she thanked the Mayor and Council for maintaining open space for recreational purposes. Also she asked about the plans for Zimmermann Park which are different from when they were originally presented. Councilman Zimmermann explained to Ms. Nicholaides about the problems encountered with soil erosions and some other construction issues which the Borough Engineer is looking into.

Gunter Kuprat, 507 Washington Street – he asked the Council if the report from the Economic Development Consultant is only for the Mayor and Council. Council President said you can request a copy of his report. He thanked the Mayor and Council for the 9-11 Memorial Services.

Council President Bartlett entertained a motion to close the hearing of citizens. On motion by Zimmermann, seconded by Emerson, unanimous on call of roll of those present.

CONSIDERATION OF ORDINANCES:

None.

MISCELLANEOUS AND NEW BUSINESS:

Councilman Emerson asked the Council to approve payment for three Carlstadt baseball players to participate in a NJ State Baseball All-Stars Tournament with the Borough of Wallington totaling \$1,836.00. On motion by Emerson, seconded by Zimmermann, unanimous on call of roll of those present.

Council President Bartlett entertained a motion to adjourn the meeting at 7:59 P.M. On motion by Emerson, seconded by Zimmermann, unanimous on call of roll of those present.

APPROVED: _____
RICHARD BARTLETT, COUNCIL PRESIDENT

ATTEST: _____
CLAIRE FOY, BOROUGH CLERK