

## **CAUCUS/FINANCE MEETING**

**July 1, 2020**

**A RESCHEDULED CAUCUS/FINANCE 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 Wednesday, July 1, 2020 at 4:30 P.M.

Mayor Robert Zimmermann asked Claire Foy, Borough Clerk to call the roll: Mayor Robert Zimmermann, Council members David Stoltz, Joseph Emerson, Suzanne Fonseca and Diane DeBiase responded present. Councilmen James Lenoy and William Roseman were absent.

Joseph Donahue, Borough Attorney and Joseph Crifasi, DPW Operations Manager were also present.

Gregory Polyniak of Neglia Engineering and Robert Ceberio of RCM Ceberio LLC responded telephonically.

Mayor Zimmermann led all present in the Pledge of Allegiance to the Flag.

Mayor Zimmermann – 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, 2020 and the Herald News on January 6, 2020 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 Zimmermann read the following rescheduled meeting notice which was posted on the Borough's website and published in The Record on June 30, 2020.

### **BOROUGH OF CARLSTADT RESCHEDULED MEETING NOTICE**

The time for the July 1, 2020 Caucus/Finance Meeting of the Mayor and Council of the Borough of Carlstadt has been changed from 7:00 P.M. to 4:30 P.M. and will be held in the Borough Hall Council Chambers, 500 Madison Street, Carlstadt N.J. 07072. Borough Hall has been closed to the public for public safety purposes. Given the current state of emergency and in the interest of public safety, the public will not be permitted to attend the meeting but can listen in by dialing: 425-436-6300 access #592364.

### **PROFESSIONAL REPORTS**

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

Robert Ceberio of RCM Ceberio, LLC read his report for the month regarding projects that are being done in the Borough of Carlstadt. A copy of his report is on file in the Borough Clerk's office.

Mayor Zimmermann will meet with Robert Ceberio and Joseph Crifasi, DPW Operations Manager for a Storm Water Operations and Maintenance meeting.

**CONSENT AGENDA**

**RESOLUTION NO. 2020-139**

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 AN \$8,675,000 BOND ANTICIPATION NOTE, DATED JUNE 26, 2020 AND PAYABLE JUNE 25, 2021, 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 an \$8,675,000 bond anticipation note, dated June 26, 2020 and payable June 25, 2021 (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 2020.

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 2020.

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 2020 dated as of the date of delivery of the Note.

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

**RESOLUTION NO. 2020-140**  
**RESOLUTION AUTHORIZING CHANGE ORDER N<sup>o</sup> 3 FOR**  
**Installation of Landscape Plantings**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey upon the recommendation of the Borough Capital Improvements Engineer that the Change Order for the Contract listed below be and is hereby approved.

**TITLE OF JOB:** Zimmermann Park Improvements (Bergen County Open Space Fund)

**CONTRACTOR:** DTS Trucking LLC.

**CHANGE ORDER No.:** 3 & Final

**AMOUNT OF CHANGE THIS RESOLUTION:** -\$30.00 Decrease: 0.01%

This Resolution to take effect upon certification of this Resolution by the Borough Treasurer that sufficient funds are available.

**RESOLUTION NO. 2020-141**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the contract for **Zimmermann Park Improvements (Bergen County Open Space)** was constructed by **DTS Trucking LLC., 65 Royal Avenue, Hawthorne, NJ 07506**, in accordance with the Plans and Specifications and any approved Change Orders, as directed by the Borough Engineer. The said construction is hereby accepted and final payment in the amount of **Forty-Seven Thousand Sixty-Seven Dollars and Sixty-Six Cents (\$47,067.66)** is hereby approved.

This Resolution to take effect upon certification of this Resolution by the Borough Treasurer that sufficient funds are available.

**RESOLUTION NO. 2020-142**  
**APPROVING THE BYLAWS OF**  
**THE**  
**SOUTH BERGEN MUNICIPAL JOINT INSURANCE FUND**

**WHEREAS**, the Borough of Carlstadt is a member of the South Bergen Joint Insurance Fund, hereinafter the "FUND"; and

**WHEREAS**, recent changes in within the ownership of the Fund's TPA require the "FUND'S" bylaws to be revised; and

**WHEREAS**, after a public hearing conducted on April 15, 2020 the Executive Committee of the “FUND” adopted revised bylaws; and

**WHEREAS**, these revised bylaws must be ratified by at least three fourths of the twenty-three member towns before they can become effective.

**NOW, THEREFORE BE IT RESOLVED** by the governing body of the Borough of Carlstadt that the revised bylaws are hereby ratified.

**RESOLUTION NO. 2020-143  
AGREEMENT FOR PROFESSIONAL SERVICES**

**WHEREAS**, Neglia Engineering Associates has provided the Borough with an Agreement for Professional Services for the Garden Orchard Recreation Complex – Phase I Development (Passive Park and Parking Lot) project; and

**WHEREAS**, the Agreement for Professional Services includes a lump sum cost of \$35,060.00 representing Engineering and Surveying Costs, includes a lump sum cost of \$24,010.00 representing Licensed Site Remediation Professional Costs, and includes a not to exceed cost to be invoiced on a time basis (schedule in contract) of \$31,205.00 representing Construction Management Services; and

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

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized to execute the agreement of services for the project for Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, New Jersey.

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

**MISCELLANEOUS, NEW BUSINESS AND UNFINISHED BUSINESS**

Mayor Zimmermann entertained a motion to approve the purchase of a fruit basket for the family of Tony Pierantoni on his passing.

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

Mayor Zimmermann entertained a motion to approve the Open and Closed Session minutes of 6/17/2020 Caucus/Council Meeting.

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

Mayor Zimmermann entertained a motion to table the salary Ordinance No. 20-3 due to ongoing circumstances (COVID-19 Pandemic.)

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

Mayor Zimmerman mentioned that Tamia Anderson was offered as a candidate for the vacant Library Board Appointment. She is considering it and will decide by the next Mayor and Council meeting of July 15, 2020.

## CORRESPONDENCE

A letter was received from Olivette Diaz, 519 Eighth Street, Carlstadt - seeking approval to hold a block party on Sunday, July 12, 2020 from 11:00 A.M. to 9:00 P.M All social distancing guidelines will be followed.

Mayor Zimmermann entertained a motion to approve the resident's request based on the Police Department's parameters.

On motion by Fonseca, seconded by DeBiase, unanimous on call of roll of those present.

A request was received from the Carlstadt/East Rutherford Junior Wildcats Football and Cheering for its 2020 annual operating funds of \$4,500.00 from Carlstadt. (East Rutherford also contributes \$4,500.00)

Mayor Zimmermann entertained a motion to approve the payment of the operating funds.

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

A request was received from the Wildcat Hoop Club that serves Carlstadt/East Rutherford/Becton Regional High School summer basketball program for a \$450.00 contribution for the summer basketball program.

Mayor Zimmermann entertained a motion to approve the contribution of \$450.00.

On motion by DeBiase, seconded by Fonseca, unanimous on call of roll of those present.

## HEARING OF CITIZENS

Mayor Zimmermann entertained a motion to open the floor to a hearing of citizens.

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

Mayor Zimmermann asked if any citizens were on the line to speak at this time.

Michael Cugini, 97 Carlyle Court, Carlstadt – he wanted to discuss the use of the basketball court near his home which is being used late at night causing noise issues for the residents as well as garbage concerns. He believes that it is due to the surrounding towns that did not open their basketball courts. Mayor Zimmermann informed him that the Borough is aware of the issues and there is video surveillance of the courts which is monitored by the Police Department. There are extra police patrols of the area and new signage was posted regarding dusk to dawn use of courts, etc. Mayor Zimmermann asked Mr. Cugini to call the police desk if there are issues that he notices. Mr. Crifasi suggested that the gates be locked at 8:00 P.M. and re-opened at 8:00 A.M. so that cars can't park during the night. Mayor Zimmermann agreed. The situation will be monitored and the Borough will continue to implement measures if the issues become worse.

Mr.Cugini also wanted to update the Mayor and Council about the status of addressing the COVID-19 guidelines/requirements and the upcoming season of the Carlstadt Soccer League which is

estimated to start the first week of September. They are currently taking registrations and planning to coordinate and implement COVID-19 measures based on requirements/recommendations from the State of New Jersey, the New Jersey Soccer Association and the local municipalities where they practice and play matches. Mayor Zimmermann asked that representatives of the Carlstadt Soccer League meet with Borough officials (committee) closer to the start date to review final plans for the season.

There were no other citizens on the line to speak.

Mayor Zimmermann entertained a motion to close the floor to a hearing of citizens.  
On motion by Fonseca, seconded by DeBiase, unanimous on call of roll of those present.

Mayor Zimmermann asked if anyone had other matters to discuss.

**COUNCILWOMAN DIANE DEBIASE**

She had nothing to discuss at this time.

**COUNCILWOMAN SUE FONSECA**

She had nothing to discuss at this time.

**COUNCILMAN JOSEPH EMERSON**

He commented on the soccer season and Mr. Cugini's information regarding the start of the season. He reiterated the need to follow the COVID-19 guidelines to ensure all participants' safety.

Regarding the budget and financial status of the Borough, he is waiting on an update from the Chief Financial Officer, Domenick Giancaspro.

**COUNCILMAN DAVID STOLTZ**

He informed the Mayor and Council that the Fire Department personnel is reduced by six members and there are two or three people currently in the Fire Academy. However, the Fire Academy requires them to use Borough equipment. Extra equipment needs to be purchased so that the trucks have the equipment on calls if and when some equipment is at the Academy.

Councilman Emerson mentioned adding the new equipment purchase to the upcoming Bond and will discuss it with the Chief Financial Officer, Domenick Giancaspro.

**DPW OPERATIONS MANAGER, JOSEPH CRIFASI**

The Mayor and Council needs to approve the fees for David Corrigan, Esq., the Borough's Labor Counsel to proceed with personnel matters discussed in Closed Session.

Mayor Zimmermann entertained a motion to approve the fees.

On motion by Fonseca, seconded by DeBiase, unanimous on roll call of those present.

In response to the COVID-19 Pandemic the Borough will be purchasing temperature reading machines to take the temperatures of persons coming into the Borough Hall, the Civic Center, Library and the school

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gym. The total cost with a discount is \$14,933.33. The CFO, Domenick Giancaspro, will issue a purchase order and expense will be reimbursed for 75% by FEMA.

Mayor Zimmermann entertained a motion to approve the purchase.

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

The Borough's Senior Bus which is almost twelve years old needs to be repaired at an estimated cost of \$10,340.00. The Borough has been using a bus donated by Becton Regional High School when the bus is out of service. Mr. Crifasi informed the Mayor and Council that, in the near future, a new smaller bus needs to be purchased which will not require a driver to have a commercial driver's license (CDL.) The purchase amount can be added to an upcoming Bond. The older bus (28 seater) will be kept for larger groups when needed.

Mayor Zimmermann entertained a motion to approve the repairs.

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

**BOROUGH CLERK, CLAIRE FOY**

She reminded the Mayor and Council that the State's Annual Financial Disclosure filings for elected and public officials are due by July 31, 2020.

**EXECUTIVE SESSION MEETING ACT  
RECESS INTO CLOSED SESSION**

**WHEREAS**, it is necessary for the Governing Body of the Borough of Carlstadt to conduct an executive session closed to the public in order to discuss one or more of the following subjects: personnel and property.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Carlstadt hereby moves to go into executive session in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et. Seq. for the purpose of discussing one or more of the following subjects: personnel and property.

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

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

Mayor Zimmermann entertained a motion to go into closed session at 5:30 P.M. On motion by Fonseca, seconded by Emerson, unanimous on call of roll of those present.

On motion by Stoltz, seconded by Emerson, unanimous on call of roll of those present, the meeting went back into open session at 6:03 P.M.

Mayor Zimmermann entertained a motion to adjourn the meeting at 6:04 P.M.  
On motion by Emerson, seconded by DeBiase, unanimous on call of roll of those present.

APPROVED: \_\_\_\_\_  
ROBERT J. ZIMMERMANN, MAYOR

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