

CAUCUS MEETING
July 9, 2015

A RESCHEDULED 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, July 9, 2015 at 7:15 P.M.

Council President Craig Lahullier asked Claire Foy, Borough Clerk to call the roll: Councilmen Craig Lahullier, Robert Zimmermann, David Stoltz, Richard Bartlett, James Lenoy and Joseph Emerson were present. Councilman James Lenoy arrived at 7:25 P.M. and Mayor William Roseman arrived at 8:05 P.M.

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

Council President 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 7, 2015 and the Herald News on January 15, 2015 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.

The rescheduled meeting notice was published in The Record on June 24, 2015 as follows: The July 2, 2015 Caucus Meeting of the Mayor and Council of the Borough of Carlstadt is rescheduled to Thursday, July 9, 2015 at 7:00 P.M. in the Borough Hall Caucus Room, 500 Madison Street, Carlstadt, N.J. 07072.

RESOLUTION NO. 2015-162-A

RESOLUTION DECLARING THE INTENT OF THE BOROUGH OF CARLSTADT TO FULLY COMPLY WITH ITS CURRENT AND FUTURE MOUNT LAUREL OBLIGATIONS AND TO SERVE AS THE “CATALYST FOR CHANGE” TO RENDER ANY EXCLUSIONARY ZONING LAWSUITS AS “UNNECESSARY LITIGATION”

WHEREAS, on or about June 1, 2006, the Superior Court entered a Final Judgment in the matter entitled **Tomu Development Co. v. Borough of Carlstadt** (the “Tomu Decision”) which among other things, determined that the Borough failed to meet its Affordable Housing obligations, appointed a Compliance Monitor (the Monitor) to supervise the Borough’s land use regulatory system and required the Borough and the Monitor to draft and submit an Affordable Housing Plan to Council on Affordable Housing (“COAH”) to obtain substantive Certification from COAH of the Borough’s Affordable Housing Plan; and

WHEREAS, the **Tomu** decision awarded a Builder’s Remedy to **Tomu** permitting it to construct 420 units of housing in Carlstadt at the site of which 80 units would be affordable; and

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WHEREAS, the Court's Final Judgment in Tomu required the Borough to seek substantive Certification of its Housing Element and Fair Share Plan ("HEFSP") through COAH and therefore the Borough brought itself under COAH's jurisdiction to permit administrative process to resolve disputes over affordable housing matters rather than litigation (see N.J.S.A. 52:27D-303); and

WHEREAS, on or about May 26, 2010, the Borough submitted a HEFSP and a Petition for Substantive Certification to the Council on Affordable Housing ("COAH"); and

WHEREAS, the Borough's Petition was deemed complete by COAH on or about September 10, 2010; and

WHEREAS, the Borough has awaited the COAH process to move forward pursuant to its duly adopted regulations; and

WHEREAS, as a result of that filing with COAH, the Borough has been protected against exclusionary zoning and builder's remedy lawsuits by the provisions of the Fair Housing Act, N.J.S.A. 52:27D-316 pending completion of COAH's process; and

WHEREAS, on September 26, 2013, the Supreme Court released In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 215 N.J. 578 (2013) which invalidated the Round 3 regulations adopted in 2008 by the New Jersey Council on Affordable Housing ("COAH"); and

WHEREAS, the HEFSP submitted by the Borough was based upon the regulatory requirements of the regulations invalidated in that case; and

WHEREAS, on March 14, 2014, the Supreme Court issued an order directing COAH to propose new Round 3 regulations on or before May 1, 2014 and to adopt them by October 22, 2014; and

WHEREAS, the March 14, 2014 Order further provided that, if COAH failed to meet these deadlines, the Court would entertain a Motion in Aid of Litigant's Rights which could include an application for the right, on a case-by-case basis, to file a builder's remedy suit against a municipality under COAH's jurisdiction, such as the Borough; and

WHEREAS, on April 30, 2014, in accordance with the March 14, 2014 Order, COAH proposed Round 3 regulations and published them in the New Jersey Register on June 2, 2014; and

WHEREAS, the proposed third round regulations again modified the regulatory basis for calculating the Borough's "fair share;" and

WHEREAS, COAH accepted public comments on the proposed Round 3 regulations until August 1, 2014, and indeed received roughly 3,000 comments; and

WHEREAS, on October 20, 2014, the COAH board met to consider adopting the proposed regulations, reached a 3-3 deadlock and therefore did not adopt the proposed regulations; and

WHEREAS, COAH therefore failed to meet the Supreme Court's October 22, 2014 deadline; and

WHEREAS, COAH's failure to adopt the proposed regulations has left the Borough in a continuing state of limbo, without knowledge of the applicable governing standards, despite its continuing commitment to satisfying its obligations voluntarily and without the need for litigation; and

WHEREAS, on October 31, 2014, Fair Share Housing Center ("FSHC") filed a Motion In Aid of Litigant's Rights urging the Supreme Court, among other things, to direct trial judges – instead of COAH – to establish standards with which municipalities must comply; and

WHEREAS, FSHC's motion included an alternative fair share calculation for each municipality, further highlighting the uncertainty of the regulatory framework with which municipalities must ultimately comply; and

WHEREAS, on March 10, 2015, the Supreme Court issued its decision which removed the immunity provided to municipality like Carlstadt that complied with the Fair Housing Act and COAH's regulations but did so prospectively by affording those municipalities, including Carlstadt, a stay of 90 days plus a 30 day period following that stay wherein Carlstadt would have an exclusive right to seek Court approval of its HEFSP and an extension of the immunity from Mt. Laurel lawsuits; and

WHEREAS, the Supreme Court's March 10, 2015 decision did not adopt the FSHC's alternative calculations; however, as a result of future regulations, litigation, and/or legislation, it is entirely possible that the Borough's obligation may indeed differ from those proposed by COAH or advocated by FSHC; and

WHEREAS, in light of all this uncertainty, it is possible that the Borough's HEFSP may not be in compliance with the latest iteration under applicable State law of its affordable housing obligations; and

WHEREAS, regardless of whatever its obligation is ultimately assigned, the Borough remains committed to comply voluntarily with its obligations; and

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WHEREAS, the Borough wishes to be in a position to complete its efforts to comply voluntarily once its obligations are defined; and

WHEREAS, in So. Burlington County N.A.A.C.P. v. Tp. Of Mount Laurel **92 N.J. 158, 279-80 (1983)** (“**Mount Laurel II**”), the New Jersey Supreme Court ruled, subject to several other limitations, that in order for a plaintiff to be entitled to a builder’s remedy, it must “succeed in litigation,” and

WHEREAS, in Toll Bros, Inc. v. Tp. Of W. Windsor, **173 N.J. 502, 507 (2002)**, the Supreme Court ruled that in order for a developer to succeed in litigation, it must not only prove that the municipality failed to create a realistic opportunity to satisfy its affordable housing obligation, but also must be the “catalyst for change; and

WHEREAS, the Borough, in cooperation with the Monitor, has complied with its obligations under the Fair Housing Act and duly adopted COAH regulations; and

WHEREAS, accordingly, the Borough wishes to seek a continuation of its immunity from the courts now that the Supreme Court has ruled that trial judges should perform COAH’s functions so that the Borough can complete its efforts to comply voluntarily with whatever standards the courts may determine are appropriate; and

WHEREAS, the Borough herein intends to make its intentions to continue that voluntary compliance process inescapably clear to the public and all concerned.

NOW THEREFORE, BE IT RESOLVED as follows:

1. The Borough acknowledges that, given its reliance upon COAH’s original Round 3 regulations and subsequent uncertainty in the law, it is entirely possible that the Housing Element and Fair Share Plan (“HEFSP”) submitted to COAH in May of 2010 may not be in compliance with the Borough’s affordable housing obligations as may need to be revised to comply with standards other than the original Round 3 regulations.
2. The Borough hereby reaffirms its commitment to satisfy its affordable housing obligations, however they may ultimately be defined, voluntarily and in the absence of any Mount Laurel Lawsuits.
3. The Borough directs the Borough Attorney and Borough Planner, subject to the supervision of the Monitor, to revise the Borough’s HEFSP to reflect compliance with the latest requirements and to submit that revised HEFSP to the Planning Board for further action. Once its affordable housing obligations are defined, the Borough directs its legal and planning professionals to take all reasonable and necessary action to enable it and its Planning Board to satisfy those obligations expeditiously.

4. The Borough Attorney and Borough Planner, in cooperation with the Monitor, shall take such action as may be necessary or advisable, including the institution of an action in the Superior Court for a Judgment of Compliance and Repose granting the Borough immunity from exclusionary zoning and builder's remedy lawsuits and to rely upon this Resolution as appropriate to maintain the Borough's current immunity from exclusionary zoning suits.
5. The Borough Clerk shall forward a copy of this Resolution to the Carlstadt Planning Board and to Robert T. Regan, Esq., the Monitor and to place this Resolution on file in Borough Hall to put the public and all interested parties on notice of the formal commitments herein.
6. This Resolution shall take effect immediately.

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

**CONSENT AGENDA
RESOLUTION NO. 2015-163**

AWARD OF CONTRACT

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey upon the recommendation of Neglia Engineering Associates that the Contract for:

SENIOR CENTER & CIVIC CENTER RETAINING WALL AND ADA RAMP

be awarded to Trino Associates, 354 Verona Way, Paramus, New Jersey 07652 for the bid amount of Two Hundred Ninety Two Thousand Six Hundred and Zero Cents (\$292,600.00) (which represents the Base Bid, Alternate Bid 'A', and Alternate Bid 'B') being the lowest and only bid submitted. This Resolution to take effect upon certification of this Resolution by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 2015-164

WHEREAS, the Borough of Carlstadt uses Edmunds and Associates as the software company for property tax collection; and

WHEREAS, Carlstadt has entered into an agreement with Edmunds and Associates for the Carlstadt Tax Collectors Office to accept electronic payments in the order of Automated Clearing House, (ACH), payments and also credit card payments as another form of payment(s) and to increase the percentage of property tax collection; and

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WHEREAS, the Borough Attorney has reviewed the contracts from Edmunds and Associates that are required to be signed by the Tax Collector on behalf of the Borough of Carlstadt and has found all of the contracts to be in proper order. In addition the Carlstadt Finance Officer has approved the acceptance of ACH payments and also credit card payments as a way to increase tax collection payments.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Carlstadt, that the Carlstadt Tax Collector is hereby authorized to sign any and all contracts on behalf of the Borough of Carlstadt from Edmunds and Associates that are associated in any way with the Edmunds and Associates Web Inquiry and Payment Portal (WIPP) Program to accept electronic payments by the way of ACH payments and also credit card payments.

RESOLUTION NO 2015-165

WHEREAS, endorsement of a General Industrial Treatment Works Approval Permit Application is required for property located at 511 Thirteenth Street (Block 91, Lot 1) in the Borough of Carlstadt; and

WHEREAS, Neglia Engineering Associates has reviewed said application and recommends that this application be endorsed by Mayor William Roseman.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Carlstadt that Mayor William Roseman is hereby authorized to endorse the General Industrial Treatment Works Approval Permit Application for property located at 511 Thirteenth Street (Block 91, Lot 1) in the Borough of Carlstadt.

RESOLUTION NO. 2015-166

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that Immaculate Conception High School, 258 South Main Street, Lodi, N.J. 07644 be granted permission to hold a raffle at IL Villaggio, Route 17 North, Carlstadt, NJ 07072 on Thursday, October 22, 2015 for which the application, fee and findings and determination sheet shall be forwarded to the Legalized Games of Chance Control Commission.

RESOLUTION NO. 2015-167

WHEREAS, the Carlstadt Fire Department has been contacted by Langan Engineering which is in the process of constructing a new building at One Palmer Terrace, Carlstadt, New Jersey; and

WHEREAS, the site plans were approved with an additional fire hydrant shown being installed toward the East end of Palmer Terrace which additional fire hydrant is needed to provide adequate water supply for firefighting equipment; and

WHEREAS, the new fire hydrant will be installed at no cost to the Borough and will be installed for firefighting use only with the request that this hydrant becomes a “public hydrant” and that the Borough of Carlstadt becomes responsible for owning and maintaining the hydrant after installation.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that permission is granted for the installation of an additional fire hydrant at the East end of Palmer Terrace with the approval for United Water to add this new hydrant to the list of existing fire hydrants and that the Borough is responsible for the monthly service charge.

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

FIRST READING

ORDINANCE NO. 15-5

AN ORDINANCE AMENDING CHAPTER VI, LICENSING GENERAL, SECTION 6-12 ENTITLED TOWING OF VEHICLES OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Carlstadt that Section 6-12 entitled “Towing of Vehicles” of the Revised General Ordinances of the Borough of Carlstadt 2002, be and hereby is amended and supplemented as follows:

Section 6-12.20 “Additional Restrictions and Requirements”

- a. A “junk vehicle” shall be defined as a motor vehicle incapable of being operated safely or of being put in a safe operational condition except at a cost in excess of the value thereof. If the vehicle is unclaimed by the owner or other person having legal right thereto for a period of 15 business days, the licensee shall notify a designee of the Police Department that the vehicle has been held for the statutory time and that the vehicle is ready for sale.
- b. An “abandoned vehicle” shall be defined as a motor vehicle which cannot be certified for a junk title certificate pursuant to N.J.S.A. 39:10A-3. If the vehicle is unclaimed by the owner or other persons having legal right thereto for a period of 20 business days, the licensee shall notify a designee of the Police Department that the vehicle has been held for the statutory time and that the vehicle is ready for sale.

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- c. Proceeds from the sale of junk or abandoned vehicles shall be used to satisfy any towing or storage charges which may have accumulated on the vehicle. Excess proceeds shall be paid to the borough treasury. If the proceeds are insufficient to cover accumulated costs, such excess cost shall be waived by the licensee and no further funds will be due from the borough or the purchaser of the vehicle.
- d. The Carlstadt Police Department, on behalf of all the licensees hereunder, shall be charged with the obligation to obtain junk titles from the Director of the Division of Motor Vehicles whether any such vehicles are denominated as junk vehicle and/or an abandoned vehicle pursuant to N.J.S.A. 39:10A-1 et. seq. For purposes of this section, all such licensees shall be defined as a "motor vehicle repair facility" by either trade name and/or corporate designation. The owner of vehicles towed by order of the Police Department for violations of law and/or are deemed to be abandoned shall be subject to provide any licensee hereunder with the necessary title provided for in N.J.S.A. 39A:10A-1 et. Seq.
- e. This section will be administered in accordance with N.J.S.A. 39A:10A-1, et. seq.

Savings Clause. All other provisions of Chapter VI, Section 6-12 shall remain in full force and effect.

Repealer. All Ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

Severability. If any provisions of this Ordinance are found to be invalid for any reason, by the final judgment of a Court of competent jurisdiction, the invalidity of such portions shall not affect the remaining provisions of the Ordinance, which shall be severable therefrom.

Effective Date. This Ordinance shall take effect immediately upon passage and publication as required by law and upon approval of the Commission of Transportation.

RESOLUTION NO. 2015-168

BE IT RESOLVED that the ordinance entitled:

AN ORDINANCE AMENDING CHAPTER VI, LICENSING GENERAL, SECTION 6-12 ENTITLED TOWING OF VEHICLES OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 6th day of August, 2015 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 Emerson, unanimous on call of roll of those present.

**PROCLAMATION
IN RECOGNITION OF
WOMEN'S FEDERATION FOR WORLD PEACE
AS
ADVOCATES FOR PEACEFUL KOREA PENINSULA UNITY**

WHEREAS, the people of the Borough of Carlstadt to recognize and acknowledge the significant contributions of Women's Federation for World Peace therein; and

WHEREAS, Korea Peninsula Unity program promotes peaceful reconciliation, offering Koreans in New Jersey the opportunity to cross the Bridge of Peace in their community; and

WHEREAS, I am justly proud to pay tribute to American Korean War Veterans and the representatives of the other 15 nations in the United Nations who give their lives to end the slaughter and fighting between North and South Korea in 1945; and

WHEREAS, July 11, 2015 the Women's Federation for World Peace will host a Bridge of Peace reconciliation between North and South Koreans as an internal healing ceremony that begins the process of external democratic unity activities with collaboration, goodwill, mutual respect and cooperation and brotherhood and in the absence of bloodshed and violence; and

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WHEREAS, the Women's Federations Founder Mrs. Hak Ja Han's vision of United States as the main nation in fostering a United Korea. For the unity to be based God-centered love and living for the sake of others, as tenets that would be utilized in the highest level deliberations so that the Koreans could embrace, and utilize their passions for the betterment of our world; and now, therefore, be it

RESOLVED, That I, Mayor Wm. Jay Roseman hereby issue this Proclamation to commend and congratulate Women's Federation for World Peace on the occasion of being champions for Korea Peninsula Unity and to proclaim July 11, 2015 Korea Peninsula Unity and Peace day.

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

RESOLUTION NO. 2015-169

WHEREAS, Pegasus Transport Service, Inc. has made application to the Borough of Carlstadt for one (1) additional limousine license; 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 of Pegasus Transport Service, Inc. to operate one (1) additional limousine at 463 Barell Avenue, Carlstadt, NJ 07072 be and hereby is approved.

AND, BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to issue the license to operate one (1) additional limousine at the above referenced location for the period of one year, commencing July 10, 2015 and ending on July 10, 2016 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.

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

Council President Lahullier entertained a motion to approve a fruit basket for Kim Koziel. On motion by Zimmermann, seconded by Emerson, unanimous on call of roll of those present.

Council President Lahullier entertained a motion to approve the use of Lindbergh Field on July 25, 2015 and also the use of seven tables and ten chairs for a charity and fundraising softball game honoring Lillian Gonzalez, a member of the Carlstadt Board of Health, who passed away suddenly on June 24, 2015. On motion by Stoltz, seconded by Zimmermann, unanimous on call of roll of those present.

Council President Lahullier mentioned the letter that was received for approval for a pony ride service for a birthday party on August 9, 2015 to be held at the First Presbyterian Church, 457 Division Avenue, Carlstadt, NJ. The party will be from 1:30 P.M. to 5:30 P.M. The company they are using is Pony Express Entertainment, Yorktown Heights, NY. They will provide the pony rides for one hour during the party. They will be walking the ponies on the sidewalk so as not to disturb the flow of traffic. They must provide a Certificate of Insurance.

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

Council President Lahullier mentioned the correspondence received regarding 430 10th Street. They have been growing bamboo on their property and their neighbors are disturbed how it is growing wildly at an alarming rate and encroaching onto their properties. Joseph Crifasi, Operations Manager, DPW Director said he will send someone from the Zoning Department to address the matter.

Council President Lahullier mentioned the correspondence that was received for a resident's request to hold a block party on July 11, 2015 from 3:00 P.M. to 9:00 P.M. on Division Avenue between 9th and 10th Street. The Police Department has no objection to the request.

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

Council President Lahullier brought up the Construction Office Agreement with the towns of Rutherford, East Rutherford and Carlstadt to share services. He feels we should move forward with this request.

RESOLUTION NO. 2015-169-A

RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A SHARED SERVICE AGREEMENT BETWEEN THE BOROUGH OF RUTHERFORD, THE BOROUGH OF CARLSTADT, AND THE BOROUGH OF EAST RUTHERFORD

WHEREAS, Carlstadt and East Rutherford, and Rutherford, share contiguous borders and have the proximity and size that makes sharing construction code enforcement services feasible; and

WHEREAS, Carlstadt and East Rutherford currently share the same Construction Official; and

WHEREAS, Rutherford currently has a vacancy in the office of Construction Official; and

WHEREAS, the Parties share the same Plumbing Sub-Code Official (who also serves as Construction Official for Carlstadt and East Rutherford) and many of the same sub-code officials and inspectors; and

WHEREAS, Rutherford's need for a Construction Official, together with the Parties' close proximity and common employees, make it feasible and advantageous for the Parties to be able to cooperatively assign the various tasks to be performed by the Construction Official, the various sub-code officials and inspectors; and

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WHEREAS, there is a mutually beneficial opportunity to further improve the efficacy of construction code enforcement for each municipality, while at the same protecting the health, safety, and welfare of municipal residents and reducing the costs of delivering these services for the respective local governments; and

WHEREAS, pursuant to N.J.S.A. 40A:65-14(a), the Parties desire to create a joint meeting and operate a Joint Construction Code Enforcement Office to be known as the South Bergen Joint Construction Code Office (“SBJCCO”); and

WHEREAS, the Parties are authorized by the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., to enter into this Shared Services Agreement; and

WHEREAS, notwithstanding any law to the contrary concerning approval of contracts, N.J.S.A. 40A:65-16 (b) (1) requires a shared service agreement be approved by resolution of the governing bodies of each participating municipality prior to its execution by the official or officials who are so authorized.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that Mayor William J. Roseman is authorized to execute a shared services agreement with Rutherford and East Rutherford setting forth the terms of the joint meeting contingent upon being authorized via resolution by the respective governing bodies of the Borough of Rutherford and the Borough of East Rutherford; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Carlstadt that the Borough Clerk shall forward a copy of this resolution to the Director of Local Government Services in the Department of Community Affairs and to the respective Clerks of the Borough of Rutherford and the Borough of East Rutherford once resolution(s) authorizing each of these respective municipalities is approved by their governing bodies; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Carlstadt that the Borough Clerk shall forward a copy of this resolution to the Civil Service Commission for their review in accordance with 40A:65-19.

Council President Lahullier made a motion to approve this Construction Office Agreement, seconded by Emerson, unanimous on call of roll.

COUNCILMAN RICHARD BARTLETT

In the firehouse lights have been out for a while. They were supposed to be replaced and they have not been replaced. These lights are inside by the trucks.

The Fire Department boat was involved in an accident. It was parked in Wallington, NJ when we were called for the person who was inspecting the bridge and was swept away from the raging water.

A tractor trailer tried to make it into the street and clipped the trailer. The insurance adjuster came up and totaled the trailer. We have to order another trailer from Boston Whaler which is located in Florida. Councilman Bartlett feels we should go after the trucking company. Our insurance company will lay out the initial funds and then they can get reimbursed from the trucking company.

COUNCILMAN CRAIG LAHULLIER

He had nothing to discuss at this time.

COUNCILMAN ROBERT ZIMMERMANN

He had nothing to discuss at this time.

COUNCILMAN DAVID STOLTZ

He had nothing to discuss at this time.

COUNCILMAN JAMES LENOY

He had nothing to discuss at this time.

COUNCILMAN JOSEPH EMERSON

He had nothing to discuss at this time.

Joseph Crifasi, Operations Manager mentioned to Mayor Roseman that we received a donation for OEM of six AED machines. We have one for this building, the Civic Center, the First Presbyterian Church, Little League, the Police Department, the Library and down by Lindbergh Field. Classes for AED and CPR need to be set up. Hernan Lopez, OEM Director said that he can get one class on August 12, 2015 from 7:00 P.M. to 9:00 P.M. and the second class would be August 26, 2015 from 7:00 P.M. to 9:00 P.M. The training will be offered to coaches and volunteers and then second to that can be the parent of someone who participates can also take the class. An AED sticker will be put on the buildings that have this device.

Councilman Stoltz made a motion to approve the dates for AED and CPR training, seconded by Bartlett, unanimous on call of roll

Councilman Bartlett made a motion that the training be held at the Civic Center, seconded by Lahullier, unanimous on call of roll.

Mayor Roseman entertained a motion to go into closed session at 8:15 P.M. to discuss personnel and property. On motion by Bartlett, seconded by Lahullier, unanimous on call of roll.

The meeting went back into open session at 9:45 P.M. with the following members in attendance: Mayor Roseman, Councilmen Lahullier, Zimmermann, Stoltz, Bartlett, Lenoy and Emerson.

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**CONSIDERATION OF ORDINANCES:
FIRST READING**

ORDINANCE NO. 15-6

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

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

Subsection 2.22.1 entitled "Established, Composition" shall be amended by the addition of one (1) deputy chief position, which shall be permissible, but not mandatory. Section 2-22.1 shall hereafter read as follows:

2-22 Police Department.

2-22.1 Established; Composition,

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

A chief of police

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

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

Five (5) lieutenants of police

Six (60) sergeants of police

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

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

AND BE IT FURTHER ORDAINED that Subsection 2-22.13, entitled "Promotions," shall be and hereby is amended as follows:

Subparagraph a. shall be and hereby is amended by adding the words "Deputy Chief and Captain(s)." Section 2-22.13a. shall hereafter read as follows:

2.22.13 Promotions.

- a. The Mayor, as the appropriate authority, shall make the appointment to the position of Chief, Deputy Chief, and Captain(s), as administrative/executive officers of the Department. The appointment of Chief, Deputy Chief and Captain(s) shall be subject to the advice and consent of the Council. The Mayor, as appropriate authority, shall make his determination based on his review of the applicant's past record, thirty percent (30%), and the results of an oral interview, seventy percent (70%). The member's length of service shall be employed only in the event of a tie.

Subparagraph b. shall be and is amended by adding the words "Deputy Chief and Captain(s)". Section 2-22.13b. shall hereafter read as follows:

- b. The Mayor as appropriate authority, shall make promotions to all other superior positions in the Police Department, except the position of Chief, Deputy Chief, and Captain(s) with the advise and consent of the Council. All such promotions to superior positions other than the administrative executive positions of Chief, Deputy Chief, and Captain, shall be made from the membership of the Department as constituted at the time of the promotion and shall be made with due regard to the length of service of the person proposed to be promoted and his/her merit in the Department, preference being given to the office who has served the longest period of time in the Department. No person shall be eligible for promotion to a superior position unless (s)he shall have first served in the grade of patrol officer in the Department for not less than three years and meets the departmental promotional requirements as promulgated by the Chief of Police.

All other provisions of Section 2-22.13 shall remain unchanged and in full force and effect.

Except as otherwise provided hereinabove, all other provisions of Section 2-22 shall remain unchanged and in full force and effect.

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

Severability. If any section, clause, sentence or other part of this Ordinance or the application thereof to any person or circumstance shall for any reason be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance

Effective Date. This Ordinance shall take effect immediately upon passage and publication as required by law.

RESOLUTION NO. 2015-170

BE IT RESOLVED that the ordinance entitled:

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

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 3rd day of September, 2015 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 Lahullier, seconded by Zimmermann, unanimous on call of roll.

Councilman Lahullier made a motion to settle the Petra Holdings litigation, seconded by Lenoy, unanimous on call of roll.

Mayor Roseman entertained a motion to adjourn the meeting at 9:50 P.M. On motion by Lenoy, seconded by Emerson, the meeting was unanimously adjourned.

APPROVED: _____
WILLIAM ROSEMAN, MAYOR

ATTEST: _____
CLAIRE FOY, BOROUGH CLERK