

CAUCUS MEETING
May 5, 2016

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, May 5, 2016 at 7:10 P.M.

Mayor Craig Lahullier asked Claire Foy, Borough Clerk to call the roll: Mayor Craig Lahullier, Councilmen Robert Zimmermann, David Stoltz, Richard Bartlett and James Lenoy were present. Councilman Joseph Emerson arrived at 8:45 P.M. Councilman William Shockley was absent.

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

Mayor Lahullier – This meeting has been called pursuant to the Open Public Meetings Law and in accordance with Section 5 of the Open Public Meetings Act, adequate notice of this meeting having been provided in the annual notice schedule which contained the time, date and location of the meeting, copies of which were sent and advertised in the following official newspapers of Carlstadt: The Record on January 6, 2016 and the Herald News on January 6, 2016 a copy of which is on the Bulletin Board in the Borough Hall and a copy on file in the office of the Borough Clerk.

Gregory Polyniak of Neglia Engineering read his report for the month regarding projects that are being done in the Borough of Carlstadt.

Mayor Lahullier asked Joseph Crifasi, Borough Operations Manager to give the Council a recap of where we are with the 3.4 million dollar EDA grant. Mr. Crifasi went into detail on this.

Jane Fontana, Legislative Research Officer, mentioned there is correspondence that had come in from Remington & Vernick back in March of 2016 on the Fair Share Housing Plan. They have exhausted the money given to them originally in April of 2015 for the amount that was approved. They are looking for an increased budget of \$4,960.00, as well as the approval of the dollar amount for hourly billing for items that might be required for additional services such as appearing in court.

RESOLUTION NO. 2016-147A

**RESOLUTION APPROVING ADDITIONAL BUDGET FOR THE FIRM OF REMINGTON
VERNICK IN CONNECTION WITH PREPERATION OF COAH DOCUMENTS**

WHEREAS, the Governing Body previously retained the firm of Remington & Vernick, 232 Kings Highway East, Haddonfield, NJ 08083, to prepare the Borough's COAH Housing Element and Fair Share Plan with an original budget not to exceed \$22,800.00; and

WHEREAS, the original budget as approved has been exhausted during the past year, and while substantial progress has been made, additional work is required by way of finalizing and presenting the final documents and there also is potential for the need to participate in on-going court proceedings; and

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WHEREAS, by letter dated March 2, 2016, Remington & Vernick outlined the work completed and reported work that remains to be completed, together with a request for an additional amount of \$4,960.00 to be budgeted for the finalization and presentation of the documents and further for the approval of an hourly rate of \$155.00 for work to be performed on a time and material basis to address work required by the court master, responses to objections and appearance(s) at court, if required; and

WHEREAS, the Governing Body is desirous of Remington & Vernick fulfilling the original purpose of its retention with regard to preparation of the Borough's COAH Housing Element and Fair Share Plan; and

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

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey, hereby authorizes and approves the increased budget amount of \$4,960.00 to Remington & Vernick for such purposes;

AND, BE IT FURTHER RESOLVED that the hourly rate of \$155.00 per hour on a time and material basis is hereby approved for ten (10) hours, or an amount not to exceed \$1,550.00, which shall be paid only upon receipt of an itemized billing statement for work in the nature described above.

Certification as to the availability of funds:

The Chief Financial Officer/Treasurer hereby certifies that sufficient funds are available to pay the anticipated amount of the fees and disbursement for these services.

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

RESOLUTION No. 2016-147-B

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT
FOR PROFESSIONAL LEGAL SERVICES TO BENJAMIN CHOI, ESQ.**

WHEREAS, pursuant to an Order of the Bergen County Tax Court, the Borough undertook a revaluation of properties retaining the firm of Realty Appraisal Company for said purpose by Resolution No. 2011-154 on May 12, 2011, which authorized entering into a professional service contract authorizing Realty Appraisal Company to conduct the revaluation; and

WHEREAS, on January 29, 2013, the Borough of Carlstadt was advised that the revaluation was completed and subsequently promulgated by Realty Appraisal Company; and

WHEREAS, numerous errors, omissions and inconsistencies thereafter were discovered in the revaluation, which upon preliminary investigation, appear to be as a result of the failure of Realty Appraisal Company's to conduct the revaluation in accordance to industry standards and a professional manner as required by the terms of the contract with the Borough; and

WHEREAS, the Borough of Carlstadt desires to authorize the initiation of a legal proceeding against Realty Appraisal Company , in such a manner as my be determined by counsel, in order for the Borough to seek damages and other equitable relief, and, therefore, has a need for professional legal services pursuant to N.J.S.A. 19:44A-20.5; and

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

WHEREAS, Benjamin B. Choi, Esq., of the Choi Law Group, 100 Challenger Road, Suite 302, Ridgfield Park, NJ 07660, will provide professional legal services on an hourly basis at the rate of \$125.00 for initiating suit and litigating this matter with a not to exceed amount of \$25,000.00; and

WHEREAS, Benjamin B. Choi, Esq., has completed and submitted a Business Entity Disclosure Certification which certifies that Benjamin B. Choi, Esq. and the Choi Law Group has not made any reportable contributions to a political or candidate committee in the Borough of Carlstadt in the previous one year (January 1, 2015 – December 31, 2015) and that this appointment and retention will prohibit Benjamin B. Choi, Esq. or the Choi Law Group from making any reportable contributions through the term of the appointment; and

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

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey, hereby authorizes and approves the retention of Benjamin B. Choi, Esq., of the Choi Law Group, as Special Counsel and further authorizes and directs the initiation of legal proceedings in the Superior Court of New Jersey, Law Division, Bergen County, to seek damages and other equitable relief under the terms described herein; and,

BE IT FURTHER RESOLVED that said cause of action shall be filed by no later than July 31, 2016; and

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

BE IT FURTHER RESOLVED that his contract is awarded without competitive bidding as an "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for professional legal services.

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

Certification as to the availability of funds:

The Chief Financial Officer/Treasurer hereby certifies that sufficient funds are available to pay the anticipated amount of the fees and disbursement for these services.

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

CONSENT AGENDA

RESOLUTION NO. 2016-148

RESOLUTION TO ADVERTISE FOR BIDS

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey upon the recommendation of the Borough Engineer, Gregory J. Polyniak, Neglia Engineering Associates that the plans & specifications for:

**BID FOR TYPE I LIGHT DUTY AMBULANCE
BOROUGH OF CARLSTADT
BERGEN COUNTY, NEW JERSEY**

are hereby approved and the Borough Clerk is hereby authorized to advertise for bids. This Resolution to take effect immediately.

RESOLUTION NO. 2016-149

WHEREAS, the Borough of Carlstadt emergency services departments (Police, Fire, OEM, and EMS) exchange GIS Data with the County of Bergen to facilitate the development of geographic information systems for the purposes of mutual aid and public safety; and

WHEREAS, the mutual exchange of such data occurs pursuant to an Agreement between the Borough of Carlstadt and the County of Bergen under the terms and conditions as set forth in a GIS

Data Exchange Agreement that results in the issuance of licenses authorizing use of the THINGGIS system; and

WHEREAS, there is no financial impact to either party under the Agreement.

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

1. The GIS Data Exchange Agreement between the Borough of Carlstadt and the County of Bergen for the year 2016 be and hereby is approved as to form and content.
2. The Mayor is authorized to execute the GIS Data Exchange Agreement in the form attached hereto.

RESOLUTION NO. 2016-150

WHEREAS, Pegasus Transport Service, Inc. has made application to the Borough of Carlstadt for the renewal of two (2) limousine licenses; and

WHEREAS, the renewal 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 renew two (2) limousine licenses at 463 Barell Avenue, Carlstadt, NJ 07072 be and hereby are approved nunc pro tunc for permit #16-14 and #16-15.

AND, BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to issue the renewal of the two (2) limousine licenses at the above referenced location for the period of one year, commencing April 27, 2016 and ending on April 27, 2017 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. 2016-151

WHEREAS, the New Jersey Meadowlands Commission, now the New Jersey Sports and Exposition Authority, adopted the Paterson Plank Road Redevelopment Plan in September 2003; and

WHEREAS, the Paterson Plank Road Redevelopment Plan area is directly impacted by the Berry's Creek Watershed; and

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WHEREAS, the Berry's Creek Watershed contains a variety of industrial and commercial properties, including three hazardous waste sites currently on the U.S. Environmental Protection Agency's (USEPA) Superfund National Priorities List (NPL): the Ventron/Velsicol Site, the Scientific Chemical Processing (SCP) Site, and the Universal Oil Products (UOP) Site; and

WHEREAS, these sites are associated with release of multiple hazardous substances, including mercury and other metals, polychlorinated biphenyls (PCBs), and polycyclic aromatic hydrocarbons (PAHs); and

WHEREAS, mercury and PCB contamination in the surface water and sediment throughout the Berry's Creek Watershed are being investigated as part of the Berry's Creek Study Area (BCSA) Remedial Investigation/Feasibility Study (RI/FS). The BCSA includes Berry's Creek, Berry's Creek Canal, all tributaries to Berry's Creek from its headwaters to the Hackensack River, and wetlands that are hydrologically connected to Berry's Creek and/or its tributaries; and

WHEREAS, the New Jersey Sports & Exposition Authority (NJSEA) held a public hearing on April 12, 2016, to hear the application for a Site Suitability Determination filed by Catalyst Development Partners, LLC (File SP 724), for the premises located at 932 Paterson Plank Road, Block 105.01, Lot 2, in the Borough of East Rutherford, New Jersey within the Paterson Plank Road Redevelopment Area; and

WHEREAS, the Site Suitability Determination is being sought in connection with the applicant's proposal to construct a 397-unit residential development on that site; and

WHEREAS, the proposed residential site is immediately next to the Universal Oil Products Site which even after its remediation has lead contaminated soil at 600 ppm placed under an on-site cap; and

WHEREAS, because of all the contamination issues and the unknown remediation measures to be taken in the Berry's Creek Basin Area, the New Jersey Meadowlands Commission never included as a permitted use housing in this redevelopment plan, and any attempt to allow such a use now may lead to human health impacts in the future.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, that the Borough strongly opposes any attempt to build residential units in the Paterson Plank Road Redevelopment Area because of the environmental issues stated herein.

AND, BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to send a certified copy of this resolution to the NJSEA staff and Commissioners.

RESOLUTION NO. 2016-152

WHEREAS, Pegasus Transport Service, Inc. has made application to the Borough of Carlstadt for the renewal of two (2) limousine licenses; and

WHEREAS, the renewal 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 renew two (2) limousine licenses at 463 Barell Avenue, Carlstadt, NJ 07072 be and hereby are approved for permit #16-16 and #16-17.

AND, BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to issue the renewal of the two (2) limousine licenses at the above referenced location for the period of one year, commencing May 6, 2016 and ending on May 6, 2017 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. 2016-153

WHEREAS, Pegasus Transport Service, Inc. has made application to the Borough of Carlstadt for one 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 additional limousine license at 463 Barell Avenue, Carlstadt, NJ 07072 be and hereby is approved for permit # 16-18.

AND, BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to issue the license to operate one additional limousine at the above referenced location for the period of one year, commencing May 6, 2016 and ending on May 6, 2017 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 Zimmermann, seconded by Bartlett, unanimous on call of roll of those present.

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CONSIDERATION OF ORDINANCES

FINAL READING

ORDINANCE NO. 16-6

AN ORDINANCE AMENDING CHAPTER II “ADMINISTRATION,” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002, CREATING AND ESTABLISHING THE POSITION OF LEGISLATIVE RESEARCH OFFICER IN AND FOR THE BOROUGH OF CARLSTADT

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

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

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

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

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

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

RESOLUTION NO. 2016-154

BE IT RESOLVED that the ordinance entitled:

AN ORDINANCE AMENDING CHAPTER II “ADMINISTRATION,” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002, CREATING AND ESTABLISHING THE POSITION OF LEGISLATIVE RESEARCH OFFICER IN AND FOR THE BOROUGH OF CARLSTADT

heretofore introduced, does now pass on final reading and the Borough Clerk is hereby authorized and directed to publish said ordinance according to law.

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

Mayor Lahullier entertained a motion to table two ordinances until our next meeting, Ordinance No. 16-7 (Borough Operations Manager) and Ordinance No. 16-8 (Economic Development Coordinator).

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

Mayor Lahullier said we have to approve a \$500.00 scholarship for the Becton student. On motion by Stoltz, seconded by Zimmermann, unanimous on call of roll of those present.

Mayor Lahullier said at this time for the Class II Planning Board Member who is supposed to be an employee of the Borough, he would like to see Jane Fontana who does attend meetings already be on that Board.

Mayor Lahullier entertained a motion to appoint Jane Fontana as the Class II Planning Board member to 12/31/16. On motion by Zimmermann, seconded by Bartlett, unanimous on call of roll of those present.

Mayor Lahullier went over the correspondence that was received.

A memo from the Cubmaster, Matt Cotel of Pack 51 is looking to use the Carlstadt Civic Center for a sleepover for the Cub Scouts on May 13 from 7:00 P.M. until May 14, 2016 at 12 noon. If approved, he would also like to use the kitchen. Mr. Cotel is also asking to use the Civic Center on May 6, 2016 for a Cub Scout meeting.

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

Mayor Lahullier said a letter was sent to Joseph Emerson, Recreation Chairman with regards to Carlstadt Senior Babe Ruth. He is requesting the amount of \$2,500.00 to cover the cost of team registration, umpires and equipment. It was stated this money is in the budget already.

Mayor Lahullier entertained a motion to approve the amount of \$2,500.00. On motion by Zimmermann, seconded by Bartlett, unanimous on call of roll of those present.

Mayor Lahullier said we received a letter from Herb Scheidewig, Veterans Memorial Fund Parade Chairman. He is requesting a check in the amount of \$3,700.00 for the Bergen County Firefighter's Pipe Band, Bruce's Floral Design, Becton Regional High School Band and a Bugler which comes to \$3,700.00. The parade is May 30, 2016. On motion by Zimmermann, seconded by Bartlett, unanimous on call of roll of those present.

COUNCILMAN RICHARD BARTLETT

Just a reminder that May 21, 2016 at 5 o'clock is the Memorial Service for the Fire Department at Memorial Park weather permitting. If it is raining, it will be held here at the Jefferson Street firehouse.

He was on the Borough's website the other day and there is nothing about the School Picnic for this year. It should be put on there as we want to make this picnic a successful one since it is the 150th School Picnic. Councilman Bartlett asked if we were going to discuss summer hires tonight. Mayor Lahullier said he talked to Councilman Emerson about that and would like to do this at our next meeting because he wants to be here.

Joseph Crifasi said all Councilman Emerson asks for tonight is to appoint and confirm Greg Barbo as the Summer Recreation Director. On motion by Stoltz, seconded by Bartlett, unanimous on call of roll of those present.

Mayor Lahullier entertained a motion for a fruit basket to be sent to Ken Foy, Principal of the Carlstadt Public School. On motion by Lenoy, seconded by Zimmermann, unanimous on call of roll of those present.

COUNCILMAN JAMES LENOY

He had nothing to discuss at this time.

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COUNCILMAN ROBERT ZIMMERMANN

He had nothing to discuss at this time.

COUNCILMAN DAVID STOLTZ

He had nothing to discuss at this time.

Jane Fontana went over some issues she is working on in the Construction and Zoning Offices with the Mayor and Council, as well as in other areas.

Joseph Crifasi mentioned that the Council should consider a policy that PIA has for attorneys that work full time for the municipality. Also Jane Fontana still has her same cell phone number when she was previously here and would like to put the number back on the Borough Verizon account. Since she is not in Borough Hall and has no access, she needs to have a laptop to use. On motion by Zimmermann, seconded by Lenoy, unanimous on call of roll of those present.

Mayor Lahullier entertained a motion to go into closed session at 8:30 P.M. to discuss personnel and property. On motion by Bartlett, seconded by Stoltz, the meeting unanimously went into closed session.

The meeting went back into open session at 9:20 P.M. with the following members in attendance: Mayor Lahullier, Councilmen Zimmermann, Stoltz, Bartlett, Lenoy and Emerson.

Councilman Emerson mentioned that Joseph Orlando, Deputy Project Manager, acquired a grant for Little League in the amount of \$20,000.00. He read the specifics that go along with this grant for the money to be used. There was a lengthy discussion on this matter.

RESOLUTION No. 2016-155

**RESOLUTION AUTHORIZING THE BOROUGH AUDITOR TO CONDUCT AN
AUDIT OF THE CARLSTADT-EAST RUTHERFORD REGIONAL BOARD OF
EDUCATION 2016/2017 BUDGET**

WHEREAS, the Governing Body has received information concerning the 2016/2017 Carlstadt-East Rutherford Regional Board of Education budget presented on May 4, 2016 and adopted at a Special Emergency Meeting on May 5, 2016; and

WHEREAS, the budget as adopted has a serious detrimental impact on the taxpayers of the Borough of Carlstadt as a result of an increase in the overall budget and the application of the regional funding formula apportioning the financial responsibility among the Boroughs of Carlstadt and East Rutherford; and

WHEREAS, the Governing Body recognizes its fiduciary duty to the taxpayers of the Borough of Carlstadt to address inequities that continue to exacerbate with the use of the regional funding formula; and

WHEREAS, the Governing Body has filed an objection to the 2016/2017 budget with the Superintendent of the Carlstadt-East Rutherford Board of Education and the Bergen County Interim Executive County Superintendent of the Bergen County Office of Education and has further provided notice of the intent to pursue all legal avenues available to it with regard to the budget, budget process, and application of the regional funding formula, to address the unfair and inequitable impact it has on the taxpayers of the Borough of Carlstadt; and

WHEREAS, the Borough of Carlstadt desires to have an immediate audit of the Carlstadt-Becton Board of Education budget and budget process undertaken and an Audit Report provided to support and provide a basis for further action; and

WHEREAS, Paul W. Garbarini, CPA, RMA of the firm of Garbarini & Co., P.C., 285 Division Avenue, Carlstadt, NJ, as the Borough's Auditor, will provide professional auditing services pursuant to its 2016 contract at the agreed upon hourly rate, not to exceed \$10,000, for the conduct of said audit; and

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

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey, hereby authorizes and approves the retention of Paul W. Garbarini, CPA, RMA of the firm of Garbarini & Co., P.C. for purposes of conducting and audit of the Carlstadt-East Rutherford Board of Education 2016/2017 budget and budget process and to provide a Report of said Audit to the Governing Body; and

BE IT FURTHER RESOLVED that said Audit shall be commence immediately with the Report rendered in an expeditious manner;

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.

Councilman Stoltz made a motion to hire Paul Garbarini not to exceed \$10,000.00 to contact the Becton auditor, seconded by Bartlett, unanimous on call of roll of those present.

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Mayor Lahullier entertained a motion to adjourn the meeting at 9:30 P.M. On motion by Bartlett, seconded by Zimmermann, the meeting was unanimously adjourned.

APPROVED: _____
CRAIG LAHULLIER, MAYOR

ATTEST: _____
CLAIRE FOY, BOROUGH CLERK