

**FINANCE MEETING  
December 15, 2016**

**A REGULAR SCHEDULED FINANCE 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, December 15, 2016 at 7:10 P.M.

Mayor Craig Lahullier asked Claire Foy, Borough Clerk to call the roll: Mayor Craig Lahullier, Councilmen David Stoltz, Richard Bartlett, James Lenoy and Joseph Emerson were present. Councilman William Shockley arrived at 8:15 P.M. Councilmen Robert Zimmermann 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.

**CONSENT AGENDA  
RESOLUTION NO. 2016-383**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

**WHEREAS**, the Borough Council of the Borough of Carlstadt, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen.

**NOW, THEREFORE BE IT RESOLVED** by the Borough of Carlstadt, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Carlstadt Municipal Alliance grant for fiscal year 2018 in the amount of:

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DEDR	\$	9,876
Cash Match	\$	2,469
In Kind	\$	7,407

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance audit requirements.

**RESOLUTION NO. 2016-384**

**RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF AN UP TO \$3,453,415.87 GENERAL OBLIGATION NCR D&I LOAN PROMISSORY NOTE OF THE BOROUGH OF CARLSTADT, IN THE COUNTY OF BERGEN, NEW JERSEY, AND PROVIDING FOR ITS DELIVERY TO THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY FOR FUNDING THE BOROUGH'S INDUSTRIAL AREA ROAD RECONSTRUCTION AND STORMWATER DRAINAGE IMPROVEMENTS PROJECT**

**WHEREAS**, the Borough of Carlstadt (the "Borough"), in the County of Bergen, New Jersey, has determined that there exists a need within the Borough to undertake the Industrial Area Road Reconstruction and Stormwater Drainage Improvements Project (the "Project"), as said Project is more particularly defined in that certain Subrecipient Agreement (the "Subrecipient Agreement") to be entered into by and between the Borough and the New Jersey Economic Development Authority (the "Authority"), all pursuant to the Authority's Stronger New Jersey Neighborhood Community Revitalization Development and Public Improvement Program (the "NCR D&I Program"); and

**WHEREAS**, the Borough has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan under the NCR D&I Program, said loan to be made by the Authority in and amount up to \$3,453,415.87 (the "NCR D&I Loan") pursuant to the Subrecipient Agreement; and

**WHEREAS**, pursuant to the Subrecipient Agreement, the NCR D&I Loan is subject to 100% forgiveness upon completion of the Project by September 1, 2018 (with no principal or interest due prior to completion); and

**WHEREAS**, to evidence the NCR D&I Loan, the Authority requires the Borough to authorize, execute, attest and deliver to the Authority the Borough's Stronger NJ Neighborhood & Community Revitalization Program Development and Public Improvement ("NCR D&I") Loan Promissory Note (the "NCR D&I Loan Promissory Note"), said NCR D&I Loan Promissory Note to be issued in an principal amount of up to \$3,453,415.87, pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Subrecipient Agreement; and

**WHEREAS**, on November 9, 2016, the Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey approved a non-conforming maturity schedule pursuant to N.J.S.A. 40A:2-26(e) for the \$3,453,415.87 NJEDA NCR D&I Loan; and

**WHEREAS**, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the NCR D&I Loan Promissory Note to the Authority without any public offering, all under the terms and conditions set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** (by not less than a 2/3 vote of the full membership of the Borough Council of the Borough) as follows:

**Section 1.** In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law, the Borough hereby sells and awards its NCR D&I Loan Promissory Note to the Authority in accordance with the provisions hereof, said NCR D&I Loan Promissory Note to be issued in the aggregate principal amount up to \$3,453,415.87. The NCR D&I Loan Promissory Note has been authorized by Bond Ordinance Number 16-21 of the Borough entitled “BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE INDUSTRIAL AREA ROAD RECONSTRUCTION AND STORMWATER DRAINAGE IMPROVEMENTS PROJECT IN, BY AND FOR THE BOROUGH OF CARLSTADT, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,453,415.87 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS” which was finally adopted by the Borough at a meeting duly called and held on November 10, 2016 (the “Bond Ordinance”), at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

**Section 2.** The NCR D&I Loan Promissory Note shall bear interest, shall be payable in principal installments over thirty (30) years, and shall be subject to 100% forgiveness and to prepayment as shall be provided in the Subrecipient Agreement and as provided in the Authority’s commitment letter dated December 29, 2015, as amended. The acceptance of the commitment letter is hereby ratified and confirmed.

**Section 3.** The Borough hereby determines that certain terms of the NCR D&I Loan Promissory Note shall be as follows:

- (a) The NCR D&I Loan Promissory Note shall be issued in a single denomination and shall be numbered as shall be specified by the Chief Financial Officer.
- (b) The NCR D&I Loan Promissory Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and

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- (c) The NCR D&I Loan Promissory Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal of the Borough or a facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Borough Clerk.

**Section 4.** The NCR D&I Loan Promissory Note shall be substantially in the form set forth in the Subrecipient Agreement.

**Section 5.** The law firm of Rogut McCarthy LLC is hereby authorized to arrange for the printing of the NCR D&I Loan Promissory Note. The Borough auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the NCR D&I Loan Promissory Note. The Mayor, the Chief Financial Officer and the Borough Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

**Section 6.** The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the NCR D&I Loan Promissory Note, and are further authorized to deliver same to the Authority upon delivery of the NCR D&I Loan Promissory Note and the receipt of payment therefor in accordance with the Subrecipient Agreement.

**Section 7.** This resolution shall take effect upon adoption.

**Section 8.** Upon the adoption hereof, the Borough Clerk shall forward a certified copy of this resolution to Rogut McCarthy LLC, bond counsel to the Borough.

**RESOLUTION NO. 2016-385**

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A SUBRECIPIENT AGREEMENT TO BE EXECUTED BY THE BOROUGH OF CARLSTADT, IN THE COUNTY OF BERGEN, NEW JERSEY AND THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF A SUBROGATION AND ASSIGNMENT AGREEMENT, ALL PURSUANT TO THE AUTHORITY'S STRONGER NEW JERSEY NEIGHBORHOOD COMMUNITY REVITALIZATION DEVELOPMENT AND PUBLIC IMPROVEMENT PROGRAM FOR FUNDING THE BOROUGH'S INDUSTRIAL AREA ROAD RECONSTRUCTION AND STORMWATER DRAINAGE IMPROVEMENTS PROJECT**

**WHEREAS**, the Borough of Carlstadt (the “Borough”), in the County of Bergen, New Jersey, has determined that there exists a need within the Borough to undertake the Industrial Area Road Reconstruction and Stormwater Drainage Improvements Project (the “Project”), as said Project is more particularly defined in that certain Subrecipient Agreement (the “Subrecipient Agreement”) to be entered into by and between the Borough and the New Jersey Economic Development Authority (the “Authority”), all pursuant to the Authority’s Stronger New Jersey Neighborhood Community Revitalization Development and Public Improvement Program (the “NCR D&I Program”); and

**WHEREAS**, the Borough has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan under the NCR D&I Program, said loan to be made by the Authority in and amount up to \$3,453,415.87 (the “NCR D&I Loan”) pursuant to the Subrecipient Agreement; and

**WHEREAS**, pursuant to the Subrecipient Agreement, the NCR D&I Loan is subject to 100% forgiveness upon completion of the Project by September 1, 2018 (with no principal or interest due prior to completion); and

**WHEREAS**, to evidence the NCR D&I Loan, the Authority requires the Borough to authorize, execute, attest and deliver to the Authority the Borough’s Stronger NJ Neighborhood & Community Revitalization Program Development and Public Improvement (“NCR D&I”) Loan Promissory Note (the “NCR D&I Loan Promissory Note”), said NCR D&I Loan Promissory Note to be issued in an principal amount of up to \$3,453,415.87, pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Statutes of the State of New Jersey (the “Local Bond Law”), other applicable law and the Subrecipient Agreement; and

**WHEREAS**, in connection with the execution and delivery of the Subrecipient Agreement, the Borough is obligated to execute and deliver to the Authority a Subrogation and Assignment Agreement (the “Subrogation and Assignment Agreement”) to be entered into by and between the Borough and the Authority.

**NOW, THEREFORE BE IT RESOLVED** by the Borough Council of the Borough as follows:

**Section 1.** The Subrecipient Agreement and the Subrogation and Assignment Agreement (collectively, the “Financing Documents”) are hereby authorized to be executed and delivered on behalf of the Borough by the Mayor in substantially the forms attached hereto as Exhibits I and II, respectively, with such changes as the Mayor, in his sole discretion, after consultation with counsel and any advisors to the Borough (collectively, the “Borough Consultants”) and after further consultation with the Authority and its representatives, agents, counsel and advisors (collectively, the “Program Consultants”, and together with the Borough Consultants, the “Consultants”), shall determine, such determination to be conclusively evidenced by the execution of such Financing

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Documents by the Mayor. The Borough Clerk is hereby authorized to attest to the execution of the Financing Documents by the Mayor and to affix the corporate seal of the Borough to such Financing Documents.

**Section 2.** The Mayor, the Chief Financial Officer and other Borough officials (each, an “Authorized Officer”) are hereby further severally authorized to (i) execute and deliver, and the Borough Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Borough to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Borough Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

**Section 3.** The Borough hereby further authorizes, approves and consents to all necessary action to be taken by it for (A) the execution, attestation, delivery and performance of the Subrecipient Agreement and the transactions contemplated thereby; (B) the issuance of the NCR D&I Loan Promissory Note and the sale thereof to the Authority upon the terms set forth therein; and (C) the execution, delivery and due performance of any and all other certificates, agreements and instruments that may be required to be executed, delivered and performed by it in order to carry out, give effect to and consummate the transactions contemplated by the Subrecipient Agreement.

**Section 4.** This resolution shall take effect upon the adoption hereof.

**Section 5.** Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution to Rogut McCarthy LLC, bond counsel to the Borough.

**RESOLUTION NO. 2016-386**

**WHEREAS**, E2J LLC, Plenary Retail Consumption License No. 0205-33-007-009 received a Special Ruling from the Director of A.B.C. for the issuance of a new license pursuant to N.J.S.A. 33:1-12.18 for the 2015-2016 license term; and

**WHEREAS**, E2J LLC received a Special Ruling from the Director of A.B.C. for the renewal of an inactive license pursuant to N.J.S.A. 33:1-12.39 for the 2015-2016 license term; and

**WHEREAS**, E2J LLC has complied with the advertising requirements contained in N.J.S.A. 13:2-2.5 and has received tax clearance for the 2015-2016 license term.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that E2J LLC, Plenary Retail Consumption License No. 0205-33-007-009 is hereby granted a new license and renewal for the 2015-2016 license term.

**RESOLUTION NO. 2016-387**

**WHEREAS**, the Borough of Carlstadt (“Borough”) is required pursuant to State law and the regulations of the State Department of Treasury to appoint a coordinator for the Borough’s emergency telephone system (“9-1-1 System”); and

**WHEREAS**, the municipal coordinator of the 9-1-1 System is responsible for maintaining a plan for enhanced emergency services throughout the Borough and for developing such revisions to the plan as may be necessary for review by the Mayor and Council of the Borough; and

**WHEREAS**, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

**WHEREAS**, the Borough has received a written recommendation from Thomas Nielsen, Chief of the Police of the Carlstadt Police Department, requesting the appointment of Deputy Chief Thomas Berta as the municipal coordinator of the 9-1-1 System; and

**WHEREAS**, the Mayor and Council of the Borough are desirous of appointing Deputy Chief Thomas Berta to serve as municipal coordinator for the 9-1-1 System in accordance with the requirements and procedures mandated under N.J.S.A. 52:17C-1 et seq. and N.J.A.C. 17:24-5.1, et seq.

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

1. That Deputy Chief Thomas Berta of the Carlstadt Police Department is hereby appointed to serve as the municipal coordinator for the Borough’s 9-1-1 System.
2. That Deputy Chief Thomas Berta shall perform all such duties and carry out all of the responsibilities as set forth in the existing plan for enhanced emergency services throughout the Borough and in accordance with the requirements and procedures mandated under N.J.S.A. 52:17C-1 et seq. and N.J.A.C. 17:24-5.1, et seq.
3. That no further action of the Borough shall be required.

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

Mayor Lahullier entertained a motion to ratify a dish garden for Joyce Ranone. On motion by Stoltz, seconded by Bartlett, unanimous on call of roll of those present.

Mayor Lahullier said we need to pick the floater day for next year. It was decided May 26, 2017 which is the Friday before Memorial Day. On motion by Lenoy, seconded by Emerson, unanimous on call of roll of those present.

Mayor Lahullier brought up the November 2017 Council Meeting. After a lengthy discussion the Mayor and Council decided to have the Council Meeting on November 13, 2017. On motion by Lenoy, seconded by Emerson, unanimous on call of roll of those present.

Mayor Lahullier read correspondence from Rebecca Spero, Adult Services Coordinator, 420 Hackensack Street, Carlstadt, NJ thanking us for letting them use the Village Green for their summer reading program on June 22, 2016. They had over two hundred people attend. They would like to inquire about putting a banner across Hackensack Street to publicize a concert for June 2017 as well as the summer reading program and increase awareness of the library and all it has to offer to the community.

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

Councilman Stoltz made a motion to send flowers to the family of Joseph Brentzel, seconded by Emerson, unanimous on call of roll of those present.

Mayor Lahullier read correspondence from Francis Rano, who is a substitute crossing guard. He is resigning from his post due to health issues and to focus on his family as well as himself.

Councilman Stoltz made a motion with regrets to accept his resignation, seconded by Bartlett, unanimous on call of roll of those present.

Mayor Lahullier mentioned we received correspondence from Becton Project Graduation for the 2017 Fashion Show. They asked us to be a sponsor. A motion was made by Emerson, to do the same as we did last year which was \$1,000.00, seconded by Bartlett, unanimous on call of roll of those present.

Mayor Lahullier mentioned that Gail Van Miert, who used to live in Carlstadt and now has moved to East Rutherford, is asking permission to ride our bus to go to the malls. After a lengthy discussion it was decided to tell her no as this would open a gate for more people to do the same.

Mayor Lahullier said we need approval for him to sign the 2017 Mid Bergen Regional Health Contract. On motion by Lenoy, seconded by Emerson, unanimous on call of roll of those present.

**RESOLUTION NO. 2016-387-B**

**WHEREAS**, the Borough of Carlstadt is in need of the services of an Animal Control Officer; and

**WHEREAS**, Tyco Animal Services has proposed an Agreement whereby they will provide Animal Control Services to the Borough for one (1) year period January 1, 2017 to December 31, 2017 for an annual fee of \$9,500.00.

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

1. The Contract between Tyco Animal Services and the Borough of Carlstadt for provision of Animal Control Services for the period January 1, 2017 to December 31, 2017 for the amount of Nine Thousand five-Hundred (\$9,500.00) Dollars be and hereby is approved and authorized.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute the Agreement as proposed, a copy of which is attached hereto.

Certification as to the availability of funds:

The CFO/Treasurer hereby certifies that sufficient funds are available to pay the amount of \$9,500.00 in accordance with the terms of the contract.

Mayor Lahullier said we need to approve the 2017 Tyco Animal Control Contract. On motion by Emerson, seconded by Stoltz, unanimous on call of roll of those present.

**COUNCILMAN RICHARD BARTLETT**

He asked Joseph Crifasi, DPW Operations Manager to look at a storm drain by Garden Street and Carlyle Court as it is sinking. Mr. Crifasi said it has collapsed and it needs to be fixed.

**COUNCILMAN JAMES LENOX**

He had nothing to discuss at this time.

**COUNCILMAN JOSEPH EMERSON**

He had nothing to discuss at this time.

**COUNCILMAN DAVID STOLTZ**

He had nothing to discuss at this time.

**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

**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, 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 Lahullier entertained a motion to go into closed session at 7:35 P.M. On motion by Bartlett, seconded by Emerson, unanimous on call of roll of those present.

On motion by Emerson, seconded by Lenoy, the meeting went back into open session at 10:00 P.M. with the following members in attendance: Mayor Lahullier, Councilmen Stoltz, Bartlett, Lenoy, Emerson and Shockley.

Mayor Lahullier said we have a resolution rescinding Resolution No. 2015-229.

**RESOLUTION NO. 2016-387-A**

**WHEREAS**, by Resolution 2015-229 approved on September 17, 2015 the Mayor and Council of the Borough of Carlstadt designated RPM Development Group, 77 Park Street, Montclair, NJ 07042, or a related entity (“RPM, or Entity”) specifically, the Carlstadt Lincoln Senior Housing Urban Renewal Entity, LLC, organized for the purpose of implementing the Redevelopment Plan as the Redeveloper of the Property to be built and redeveloped by RPM as senior citizen affordable housing (the “Project”) and to be leased to senior occupants in a manner that satisfies the requirements established by the Council on Affordable Housing (“COAH”) in accordance with the objectives of the 2015 Carlstadt Redevelopment Plan; and

**WHEREAS**, since that time, the Borough of Carlstadt, through its consultant, Benecke Economics, and RPM have engaged in on-going negotiations in good faith to arrive at a financial arrangement and suitable site plan to meet the needs of the Borough as set forth in the Redevelopment Plan; and

**WHEREAS**, by letter dated December 5, 2016, RPM Development Group has advised the Borough that it is unable to move forward within the financial parameters to which the Borough has indicated it would be economically feasible to commit to the project.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Carlstadt, County of Bergen, New Jersey, hereby rescinds Resolution 2015-229 previously approved on September 17, 2015, which designated RPM Development Group as Redeveloper of the senior citizen affordable housing project to meet the objectives of the 2015 Carlstadt Redevelopment Plan for the former Lincoln School site.

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

Councilman Stoltz made a motion that all non-contractual employees will go back to Step 1 regarding the tier insurance for the year 2017, seconded by Bartlett, unanimous on call of roll of those present.

Mayor Lahullier entertained a motion to adjourn the meeting at 10:15 P.M. On motion by Stoltz, seconded by Bartlett, the meeting was unanimously adjourned.

APPROVED: \_\_\_\_\_  
CRAIG LAHULLIER, MAYOR

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