

## **REGULAR MEETING**

**August 15, 2016**

**A REGULAR SCHEDULED COUNCIL MEETING** of the Mayor and Council of the Borough of Carlstadt was held in the Council Chambers of the Borough Hall, 500 Madison Street, Carlstadt, New Jersey on Monday, August 15, 2016 at 7:00 P.M.

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

Mayor Lahullier welcomed everyone and mentioned suspending the normal course of business to have commendations to the Police Department for acts of bravery when residents called for help. On motion by Zimmermann, seconded by Lenoy, unanimous on call of roll of those present.

Mayor Lahullier called upon Police Chief Thomas Nielsen to present the commendations.

The following Police Officers received commendations:

Detective/Lt. David Smith, Detective Sgt. John Cleary, Lt. Damir Blagec, Sgt. Scott Jordan, Sgt. Robert Biamonte, Sgt. Christopher Hasch, P.O. John Sanzari, P.O. Felix D'Amico, P.O. James Winand P.O. Jason Colombo, P.O. William Pangaro, P.O. Mark Wong and Police Dispatcher Donald Pomponio.

The Mayor and Council thanked them for their service and dedication to the community.

### **READING OF MINUTES:**

Mayor Lahullier entertained a motion to accept the minutes of the 7/7/16 Caucus Meeting, 7/14/16 Finance Meeting and 7/18/16 Council Meeting (Open and Closed Sessions). On motion by Zimmermann, seconded by Emerson. Councilmen Zimmermann, Bartlett, Emerson and Shockley voted yes. Councilman Lenoy abstained on 7/7/16 and voted yes on the other ones. Councilman Stoltz was absent.

### **CORRESPONDENCE:**

None to be read.

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**REPORT OF THE MAYOR:**

Mayor Lahullier mentioned the success of the National Night Out held on August 2, 2016 and thanked the Police Department for a well-run function on behalf of the Mayor and Council. Councilman Emerson commended the DPW for a job well done after the event.

**SPECIAL REPORTS:**

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

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

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

**STANDING COMMITTEES:**

**FINANCE** – Councilman Lenoy said we have resolutions.

**CONSENT AGENDA**

**RESOLUTION NO. 2016-259**

**WHEREAS**, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of Ken Bar Realty/Barbara Neuhaus for property located at 283 Veterans Boulevard, Carlstadt, New Jersey for Block 124 Lot 42 as per Docket No. 004269-2013 dated 6/24/2016 reducing the 2013 property tax assessment from \$1,480,600.00 to \$1,350,000.00 and as per Docket No. 002677-2014 dated 6/24/2016 reducing the 2014 property tax assessment from \$1,480,600.00 to \$1,450,000.00; and

**WHEREAS**, the Carlstadt Governing Body approved Resolution Number 2016-167 at the May 16, 2016 Council Meeting authorizing the Tax Appeal Attorney to execute any and all documents necessary in order to settle this matter; and

**WHEREAS**, the reduction in the 2016 property tax assessment is \$130,600.00 or \$2,588.99 in 2013 property taxes and the reduction in the 2014 property tax assessment is \$30,600.00 or \$609.25 in 2014 property taxes.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$3,197.74 and the Tax Collector shall adjust his books accordingly. The refund breakdown is:

2013: \$2,588.99

2014: \$ 609.25

The refund shall be made payable to: "Michael I. Schneck, Trustee for KEN BAR REALTY/BARBARA NEUHAUS" and shall be mailed to: Schneck Law Group, LLC, 301 South Livingston Avenue, Suite 105, Livingston, NJ 07039.

It is noted that the Borough's Finance Officer has reviewed this Tax Appeal Settlement and certifies that the Appeal is genuine and that funds are available for payment. It is also noted that the Borough's Tax Appeal Attorney, John Bang, Esq. has negotiated this Tax Appeal and has approved the settlement on behalf of the Borough of Carlstadt and that the Carlstadt Borough Attorney Dennis Ritchie, Esq. has reviewed this Resolution and finds it to be satisfactory and legal. In addition the Borough Auditor has reviewed said calculations and finds them to be satisfactory with the Judgments.

**RESOLUTION NO. 2016-260**

**WHEREAS**, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of Tewani Group, LLC. for property located at 390 Starke Road, Carlstadt, New Jersey for Block 123.01 Lot 28 as per Docket No. 001089-2008 dated 6/17/2016 reducing the 2008 property tax assessment from \$2,439,800.00 to \$1,925,000.00 and as per Docket No. 001917-2010 dated 6/17/2016 reducing the 2010 property tax assessment from \$2,150,000.00 to \$1,700,000.00 and as per Docket No. 001118-2011 reducing the 2011 property tax assessment from \$2,150,000.00 to \$1,990,000.00 and as per Docket No. 010449-2012 dated 6/17/2016 reducing the 2012 property tax assessment from \$2,150,000.00 to \$2,100,000.00 and as per Docket No. 003534-2014 dated 6/17/2016 reducing the 2014 property tax assessment from \$5,283,500.00 to \$5,100,000.00 and as per Docket No. 000207-2015 dated 6/17/2016 reducing the 2015 property tax assessment from \$5,283,500.00 to \$5,050,000.00 and as per Docket No. 000398-2016 dated 6/10/2016 reducing the 2016 property tax assessment from \$5,283,500.00 to \$5,000,000.00; and

**WHEREAS**, the Carlstadt Governing Body approved Resolution Number 2016-168 at the May 16, 2016 Council Meeting authorizing the Tax Appeal Attorney to execute any and all documents necessary in order to settle this matter; and

**WHEREAS**, the reduction in the 2008 property tax assessment is \$514,800 or \$18,043.74 in 2008 property taxes and the reduction in the 2010 property tax assessment is \$450,000.00 or \$18,004.50 in 2010 property taxes and the reduction in the 2011 property tax assessment is \$160,000.00 or \$6,424.00 in 2011 property taxes and the reduction in the 2012 property tax assessment is \$50,000.00 or \$2,072.50 in 2012 property taxes and the reduction in the 2014 property tax assessment is \$183,500.00 or \$3,653.48 in 2014 property taxes and the reduction in the 2015 property tax assessment is \$233,500.00 or \$4,833.45 in 2015 property taxes and the reduction in the 2016 property tax assessment is \$283,500.00 or \$6,027.21 in 2016 property taxes.

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**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$59,058.88 and the Tax Collector shall adjust his books accordingly. It is also noted that the 2009 Tax Appeal Judgement is pending and will be paid at a later date.

The breakdown is as follows on the refund:

2008: \$18,043.74

2010: \$18,004.50

2011: \$ 6,424.00

2012: \$ 2,072.50

2014: \$ 3,653.48

2015: \$ 4,833.45

2016: \$ 6,027.21

It is noted that the Borough's Finance Officer has reviewed this Tax Appeal Settlement and certifies that the Appeal is genuine and that funds are available for payment. It is also noted that the Borough's Tax Appeal Attorney, John Bang, Esq. has negotiated this Tax Appeal and has approved the settlement on behalf of the Borough of Carlstadt and that the Carlstadt Borough Attorney Dennis Ritchie, Esq. has reviewed this Resolution and finds it to be satisfactory and legal. In addition the Borough Auditor has reviewed said calculations and finds them to be satisfactory with the Judgments.

The refund shall be made payable to "Daniel G. Keough, Trustee" and shall be mailed to Ventura, Miesowitz, Keough & Warner; 783 Springfield Avenue, Summit, NJ 07901-2332.

**RESOLUTION NO. 2016-261**

**WHEREAS**, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of MG Whitehouse LP for property located at 575 Gotham Parkway, Carlstadt, New Jersey for Block 126 Lot 69 as per Docket No. 003832-2014 dated 6/24/2016 reducing the 2014 property tax assessment from \$2,486,100.00 to \$2,300,000.00 and as per Docket No. 005620-2015 dated 6/17/2016 reducing the 2015 property tax assessment from \$2,486,100.00 to \$2,400,000.00; and

**WHEREAS**, the parties having agreed that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year 2016 (Freeze Act year(s)) the provisions of N.J.S.A. 54:51a-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year(s). No Freeze Act year shall be the basis for application of the Freeze Act for any subsequent year; and

**WHEREAS** the Governing Body of the Borough of Carlstadt approved Resolution Number 2016-165 on May 16, 2016 authorizing the Borough of Carlstadt Tax Appeal Attorney to execute any and all documents necessary to settle this matter; and

**WHEREAS**, the reduction in the 2014 property tax assessment is \$186,100.000 or \$3,705.25 in 2014 property tax and reduction in the 2015 property tax assessment is \$86,100.00 or \$1,782.27 in 2015 property tax and as per the Freeze Act year of 2016 the reduction in the 2016 property tax assessment is \$86,100.00 or \$1,830.49 in 2016 property taxes.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$7,318.01 (2014: 3,705.25, 2015: \$1,782.27, 2016: \$1,830.49) and the Tax Collector shall adjust his books accordingly.

The refund check shall be made payable to “MG Whitehouse in care of Valerie Hofer, Esq. Trust Account and shall be mailed to: Valerie Hofer, Esq., 120 Lebbie Lane, Fairless Hills, PA 19030.

It is noted that the Borough’s Finance Officer has reviewed this Tax Appeal Settlement and certifies that the Appeal is genuine and that funds are available for payment. It is also noted that the Borough’s Tax Appeal Attorney, John Bang, Esq, has negotiated this Tax Appeal and has approved the settlement on behalf of the Borough of Carlstadt and that the Carlstadt Borough Attorney Dennis Ritchie, Esq. has reviewed this Resolution and finds it to be satisfactory and legal.

**RESOLUTION NO. 2016-262**

**WHEREAS**, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of Park Avenue, Assoc. C/o: Rosenthal USA for property located at 355 Michele Place, Carlstadt, New Jersey for Block 128 Lot 6, as per Docket No. 003395-2013 dated 6/24/2016 reducing the 2013 property tax assessment from \$2,725,400.00 to \$2,450,000.00 and as per Docket No. 003541-2014 dated 6/24/2016 reducing the 2014 property tax assessment from \$2,725,400.00 to \$2,450,000.00; and

The parties having agreed that there has been no change in value or municipal-wide revaluation or reassessment adopted for the tax year 2015 (Freeze Act year) the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year. No Freeze Act year shall be the basis for application of the Freeze Act for any subsequent year. 2015 property tax assessment reduced from \$2,725,400.00 to \$2,450,000.00 and as per Docket No. 000811-2016 dated 6/17/2016 reducing the 2016 property tax assessment from \$2,725,400.00 to \$2,450,000.00; and

**WHEREAS**, the Carlstadt Governing Body approved Resolution Number 2016-164 at the May 16, 2016 Council Meeting authorizing the Tax Appeal Attorney to execute any and all documents necessary in order to settle this matter.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$22,497.42 and the Tax Collector shall adjust his books accordingly. The breakdown is as follows:

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2013: \$5,458.43  
2014: \$5,843.21  
2015: 5,700.78 (Freeze Act year)  
2016: \$5,855.00

It is noted that the Borough's Finance Officer has reviewed this Tax Appeal Settlement and certifies that the Appeal is genuine and that funds are available for payment. It is also noted that the Borough's Tax Appeal Attorney, John Bang, Esq. has negotiated this Tax Appeal and has approved the settlement on behalf of the Borough of Carlstadt and that the Carlstadt Borough Attorney Dennis Ritchie, Esq. has reviewed this Resolution and finds it to be satisfactory and legal. In addition the Borough Auditor has reviewed said calculations and finds them to be satisfactory with the Judgments.

The refund shall be made payable to "Michael A. Vespasiano, Attorney Trust Account" and mailed to Michael A. Vespasiano, 331 Main Street, Chatham, NJ 07928.

**RESOLUTION NO. 2016-263**

**BE IT RESOLVED** by the Mayor and Council that the proper Borough Officials are hereby authorized and directed to make the following disbursements:

Carlstadt Board of Education	\$ 1,009,288.80
Regional Board of Education	600,025.83
Treasurer State of NJ/1992 GT	4,764.23

**RESOLUTION NO. 2016-264**

**BE IT RESOLVED** by the Mayor and Council that the following payments made by the Chief Financial Officer from Valley National Bank during the month of July, 2016 be ratified:

<u>Date</u>	<u>Ck #</u>	<u>Account</u>	<u>Payee</u>	<u>Amount</u>
7/19/16	501146	Current	Dennis Ritchie	\$ 5,150.00
7/19/16	501147	Current	Chase	1,550.43
7/19/16	501148	Current	Suez Water	1,823.31
7/19/16	501149	Current	J. Appleton	300.00
7/20/16	501150	Current	Payroll	323,324.22
7/20/16	501151	Current	Carlstadt Soccer	3,000.00
7/20/16	501152	Current	Medical	60,000.00
7/22/16	501153	Current	Lowe's	1,151.27

7/25/16	501154	Current	Capital	48,914.14
7/26/16	501155	Current	Medical	50,000.00
7/28/16	501156	Current	Medical	175,000.00
7/28/16	501157	Current	Payroll	16,261.27
7/28/16	501158	Current	Internal Revenue	1,805.44

**RESOLUTION NO. 2016-265**

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL  
ENTITLED RALPH MAGLIOCHETTI V. BOROUGH OF CARLSTADT  
AT 701 AND 651 ROUTE 17, BLOCK 82, LOTS 5 & 7 AND BLOCK 86 LOT 15  
FOR TAX YEARS 2014 AND 2015.**

**WHEREAS**, Ralph Magliochetti has filed action with the Tax Court of New Jersey against the Borough of Carlstadt challenging the tax assessed against properties located at 701 and 651 Route 17 and identified on the Borough's tax maps as Block 82, Lots 5 & 7 and Block 86 Lot 15 for tax years 2014 and 2015; and

**WHEREAS**, the Borough Appraiser, after examination and consideration of all relevant facts and after performing all necessary due diligence, is of the opinion that the settlement proposed below is in the best interest of the Borough of Carlstadt; and

**WHEREAS**, the Borough Tax Appeal Attorney, after examination and consideration of all relevant facts and after performing all necessary due diligence, is of the opinion that the settlement proposed below is in the best interest of the Borough of Carlstadt; and

**WHEREAS**, the Borough Assessor, after examination and consideration of all relevant facts and after performing all necessary due diligence, is of the opinion that the settlement proposed below is in the best interest of the Borough of Carlstadt; and

**WHEREAS**, the Borough Assessor, the Borough Tax Appeal Attorney and Borough Appraiser, after independent review and upon consulting with each other, jointly recommends that this matter be settled according to the terms listed below.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the Borough Tax Appeal Attorney be hereby authorized and directed to execute any and all documents necessary in order to settle this matter according to the following proposed terms:

- 1) The assessment for Block 82 Lot 5 to be reduced from \$ 3,767,500 to \$ 3,400,000 for all tax years.

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- 2) The assessment for all other properties under appeal as part of this matter to remain unchanged for all tax years.

**RESOLUTION NO. 2016-266**

**WHEREAS**, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of Cheng's Enterprises, Inc. for property located at 620 Washington Avenue, Carlstadt, New Jersey for Block 126 Lot 21 as per Docket No 006369-2013 dated 6/24/2016 reducing the 2013 property tax assessment from \$3,516,100.00 to \$3,100.00 and as per Docket No. 001032-2014 dated 6/24/2016 reducing the 2014 property tax assessment from \$3,516,100.00 to \$3,200,000.00 and as per Docket No. 003566-2015 dated 6/17/2016, reducing the 2015 property tax assessment from \$3,516,100.00 to \$3,293,000.00 and as per Docket No. 006631-2016 dated 6/17/2016 reducing the 2016 property tax assessment from \$ 3,516,100.00 to \$3,244,000.00; and

**WHEREAS**, the Carlstadt Governing Body approved Resolution Number 2016-166 at the May 16, 2016 Council Meeting authorizing the Tax Appeal Attorney to execute any and all documents necessary in order to settle this matter; and

**WHEREAS**, the reduction in the 2013 property tax assessment is \$416,100.00 or \$8,247.10 in 2013 property taxes and the reduction in the 2014 property tax assessment is \$316,100.00 or \$6,293.55 in 2014 property taxes and the reduction in the 2015 property tax assessment is \$223,100.00 or \$4,618.17 in 2015 property taxes and the reduction in the 2016 property tax assessment is \$272,100.00 or \$5,784.85 in 2016 property taxes.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$24,943.67 (2013: \$ 8,247.10, 2014: \$6,293.55, 2015: \$4,618.17, 2016: \$5,784.85) and the Tax Collector shall adjust his books accordingly.

It is noted that the Borough's Finance Officer has reviewed this Tax Appeal Settlement and certifies that the Appeal is genuine and that funds are available for payment. It is also noted that the Borough's Tax Appeal Attorney, John Bang, Esq. has negotiated this Tax Appeal and has approved the settlement on behalf of the Borough of Carlstadt and that the Carlstadt Borough Attorney Dennis Ritchie, Esq. has reviewed this Resolution and finds it to be satisfactory and legal. In addition the Borough Auditor has reviewed said calculations and finds them to be satisfactory with the Judgment.

The refund shall be made payable to: Cheng's Enterprises and shall be mailed to: Garippa, Lotz & Giannuario, 66 Park Street, Montclair, NJ 07042.

**RESOLUTION NO. 2016-267**

**WHEREAS**, the Borough of Carlstadt is desirous of participating as a sub-grantee of the County of Bergen in a FEMA-sponsored, State of New Jersey's disaster related Hazard Mitigation Grant Program (HMGP) originating from the Federal Government, specifically for the purpose of mitigating hazardous materials accumulating in waterways and various municipalities; and

**WHEREAS**, the Borough of Carlstadt has previously identified five (5) small "pipe outfalls" that discharge into the creeks/waterway located on the dead end of Meadow Lane that are in need of replacement Backflow Preventers on Outfalls (BPOs) which would qualify for utilization of the available HMGP funds; and

**WHEREAS**, the County of Bergen, pursuant to the State-Local Sub-grant Agreement attached hereto, agrees to install the aforementioned BPO and remove any and all silt and debris in the immediate vicinity of the BPO as part of the requirements under the HMGP.

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

1. The Memorandum of Agreement between the County of Bergen and the Borough of Carlstadt has been reviewed and approved as to form and content by the Borough Attorney.
2. The Mayor be and hereby is authorized to execute the Memorandum of Agreement in the form attached hereto on behalf of the Borough of Carlstadt.

**RESOLUTION NO. 2016-268**

**A RESOLUTION AUTHORIZING THE RENEWAL OF THE BOROUGH'S  
PARTIALLY SELF-FUNDED HEALTH BENEFITS PROGRAM WITH INSURANCE  
DESIGN ADMINISTRATORS (IDA) FOR THE PERIOD 8/1/16 THROUGH 8/1/17**

**WHEREAS**, the Borough provides medical, prescription and vision benefits through a partially self-funded plan administered by Insurance Design Administrators (IDA), located in Oakland, NJ; and

**WHEREAS**, due diligence was performed in the renewal process associated with this program and it was determined that Renewal Option I, as offered by U.S. Fire Insurance Company, an A+ rated carrier, as rated by *A.M. Best* and administered through IDA has been determined to be most competitive in comparison to the alternate proposals solicited and evaluated by the Benefits Consultant and presented to the Mayor and Council; and

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**WHEREAS**, the proposed renewal maintains the existing level of benefits in accordance with the contractual requirements promulgated by the various collective bargaining unit agreements within the Borough.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt, County of Bergen, State of New Jersey, the IDA renewal proposal offering a \$45,000 aggregating specific stop loss with a \$40,000 corridor and an aggregate attachment point (maximum claims liability) of \$3,596,665 through U.S. Fire Insurance Company (the re-insurer) with a maximum program liability of \$4,388,856 for the period 8/1/16 through 8/1/17 is hereby accepted and directed to the Borough Administration and Benefits Consultant for implementation; and

**BE IT FURTHER RESOLVED**, the Mayor, Borough Clerk and Borough Benefits Consultant are further directed to take the appropriate steps necessary to effectuate full implementation of the renewal as outlined in the analysis conducted and presented by the Health Benefits Consultant ; and

**BE IT FURTHER RESOLVED**, the contract award for the re-insurance component of the proposal is to a duly licensed and admitted Insurance Company within the State of NJ and therefore, such award is exempt from the requirements set forth by P.L. 2004, Chapter 19 (as amended by P.L. 2005, c.51) N.J.S.A.19:44A-20.5 et seq.; and

**BE IT FURTHER RESOLVED**, a certified copy of this Resolution shall be forwarded to the Borough CFO, Borough Auditor, and PIA Security Programs, Inc., 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ 07072, Benefits Consultant to the Borough.

**RESOLUTION NO. 2016-269**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that St. Dominic Academy Alumnae Association, 2572 Kennedy Boulevard, Jersey City, NJ 07304 be granted permission to have an off-premise 50/50 raffle at IL Villaggio, Route 17 North, Carlstadt, NJ 07072 on Thursday, November 10, 2016 for which the application, fees and findings and determination sheet shall be forwarded to the Legalized Games of Chance Control Commission.

**RESOLUTION NO. 2016-270**

**WHEREAS**, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of Fantis Realty LLC for property located at 60 Triangle Boulevard, Carlstadt, New Jersey, for Block 126 Lot 14 as per Docket No. 015909-2013 dated 6/24/2016 reducing the 2013 property tax assessment from \$3,500,000.00 to \$3,200,000.00 and as per Docket No. 008289-2014 reducing the 2014 property tax assessment from \$3,500,000.00 to \$3,350,000.00 and as per Docket No. 000850-2015 dated 6/17/2016 reducing the 2015 property tax assessment from \$3,500,000.00 to \$3,375,000.00 and as per Docket No. 004972-2016 dated 6/17/2016 reducing the 2016 property tax assessment from \$3,500,000.00 to \$3,200,000.00; and

**WHEREAS**, the Carlstadt Governing Body approved Resolution Number 2016-169 at the May 16, 2016 Council Meeting authorizing the Tax Appeal Attorney to execute any and all documents necessary in order to settle this matter; and

**WHEREAS**, the reduction in the 2013 property tax assessment is \$300,000.00 or \$5,946.00 in 2013 property taxes, and, the reduction in the 2014 property tax assessment is \$150,000.00 or \$2,986.50 in 2014 property taxes and the reduction in the 2015 property tax assessment is \$125,000.00 or \$2,587.50 in 2015 property taxes and the reduction in the 2016 property tax assessment is \$300,000.00 or \$6,378.00 in 2016 property taxes.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$17,898.00 (2013: \$5,946.00, 2014: \$2,986.50, 2015: \$2,587.50, 2016: \$6,378.00) and the Tax Collector shall adjust his books accordingly.

It is noted that the Borough's Finance Officer has reviewed this Tax Appeal Settlement and certifies that the Appeal is genuine and that funds are available for payment. It is also noted that the Borough's Tax Appeal Attorney, John Bang, Esq. has negotiated this Tax Appeal and has approved the settlement on behalf of the Borough of Carlstadt and that the Carlstadt Borough Attorney Dennis Ritchie, Esq. has reviewed this Resolution and finds it to be satisfactory and legal. In addition the Borough Auditor has reviewed said calculations and finds them to be satisfactory with the Judgement.

The refund shall be made payable to "Fantis Realty LLC" and shall be mailed to: Hubschman & Roman, 460 Bergen Boulevard, Palisades Park, NJ 07650.

### **RESOLUTION NO. 2016-271**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that permission is granted to the following for the use of facilities on the specified dates:

#### **Community Center**

1. Carlstadt Soccer League – Wednesday, August 31, 2016 from 6:30 P.M. to 9:00 P.M. for uniform pick-ups.
2. Carlstadt/East Rutherford Cub Scout Pack 51/65 – September 16 and 23, 2016, October 7 and 21, 2016, November 4 and 18, 2016 and December 2 and 9, 2016. January 6 and 13, 2017, February 3 and 10, 2017, March 10 and 24, 2017, April 7, 20 and 28, 2017 and May 12, 2017 from 6:00 P.M. to 9:00 P.M. to have den meetings.

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**Borough Hall Caucus Room**

1. Carlstadt/East Rutherford Cub Scout Pack 51/65 – Tuesday, August 16, 2016 from 7:00 P.M. to 9:00 P.M. for a leaders meeting.

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

**POLICE** – Mayor Lahullier read his report for the month on July. This report will be filed.

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

**PUBLIC WORKS/PROPERTY/BOROUGH EQUIPMENT**– In the absence of Councilman Stoltz, Councilman Emerson read the reports for the month of July. These reports will be filed.

**PLANNING** – Councilman Shockley read his report for the month of July. This report will be filed.

**ZONING** – Councilman Shockley read his report for the month of July. This report will be filed.

**HEALTH/WELFARE** – Councilman Bartlett had no report.

**RECREATION/HUMAN RESOURCES** – Councilman Emerson read his reports for the month of July. These reports will be filed.

**RECYCLING** – In the absence of Councilman Stoltz, Councilman Zimmermann read the report for the month of July. This report will be filed.

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

**EDUCATION** – Councilman Zimmermann had no report.

**READING OF BILLS:**

**RESOLUTION NO. 2016-271-A**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that the following bills having been approved by the Finance Committee are approved herewith for payment:

	<b><u>CAPITAL ACCOUNT</u></b>	
Neglia Engineering Associates		\$ 3,041.85
Pasquale & DeLeasa LLC		24,750.00

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Settembrino Architects	8,500.00
Carousel Industries of North America	840.00
Current Account	4,150.00
Hertrich Fleet Services	18,366.00

**TRUST ACCOUNT**

Current Account	166.47
Neglia Engineering Associates	330.00

**DOG WARDEN TRUST**

TYCO Animal Control Services	826.66
NJ Department of Health & Senior Services	11.40

**CURRENT ACCOUNT**

AMERICAN PAPER & SUPPLY	41.56
A.N.D. SERVICE	2,518.94
ARROW ELEVATOR INC.	145.00
ATHENIA MASON SUPPLY CO.	209.68
BECKMEYER ENGINEERING PC	2,201.25
BELLAQUA INC.	306.25
BERGEN MUNICIPAL EMPLOYEE	17,740.00
BERGEN COUNTY CLERK	5,803.21
BERGEN COUNTY DEPT. HEALTH SERVICES	738.00
BEYER FLEET SALES/SERVICE	1,279.85
BRAEN STONE INDUSTRIES INC.	641.25
BRUCE'S FLORAL DESIGN	989.00
CARLSTADT BOARD OF EDUCATION	1,009,288.80
CHEEMA OIL CORPORATION	3,126.61
CHEM-TEC	242.00
CHENG'S ENTERPRISES	24,943.67
CHRISTOPHER GARVIN ESQ.	400.00
CLARKE CATON HINTZ	19.00
CLIFFSIDE BODY CORP.	1,020.82
COMCAST	33.21
COMFORTABLE SOLUTION	240.00
CORNER TO CORNER	383.91
CREATIVE PRODUCT SOURCE	639.27
DANIEL G. KEOUGH TRUSTEE	59,058.88
DANIEL CARPLUK	87.36
DELUXE SALES & SERVICE	1,645.80
DENISE OEHLMANN	36.00
DR. JOHN COLANERI	150.00

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DRAGER SAFETY DIAGNOSTICS INC.	231.40
DUX PAINT LLC	1,620.00
EAGLE POINT GUN	660.00
EAST COAST EMERGENCY LIGHTING	1,798.20
ENVIRONMENTAL RENEWAL LLC	1,004.00
E-ZPASS	28.50
THE CHOI LAW GROUP LLC	3,593.75
FANTIS REALTY LLC	17,898.00
FASTENAL	110.97
F&E CHECK PROTECTOR SALES CO	65.00
FEMA FLOOD PAYMENTS	10,854.00
FRONTIN, M JOHN	134.78
GARDEN STATE CURBS & SIDEWALKS	3,600.00
GARBARINI & CO.	235.00
GARDEN STATE HWY PRODUCTS	950.00
GARY J. CUCCHIARA ESQ.	600.00
GLEN TYPEWRITER	95.00
G.T.B.M. INC.	1,687.28
HARRIS UNIFORMS	82.00
HEALTH AWARENESS REG. PR.	1,285.50
HEDIGER'S FUEL OIL INC.	2,415.43
HOMETOWN AUTO PARTS	302.95
I.D.A.	67,412.28
IDESCO SAFETY CO	164.80
IDVILLE	243.18
IMPRESSIVE PRINTING	726.06
INDUSTRIAL ELECTRIC	754.00
INSTITUTE FOR PROFESSIONAL	396.00
INTERSTATE BATTERY SYSTEM	130.00
INTERSTATE WASTE SERVICES INC	16,475.20
JOSEPH R. DONAHUE LLC	14,570.95
KAY PRINTING	108.63
KORSEN'S CARPET CLEANING	2,421.00
LAWNBOYS LANDSCAPING	475.00
MARIO'S LOCKSMITH	148.00
MARLIN LEASING CORP	894.96
MCANJ	25.00
MCI COMM SERVICE	39.15
MEADOWLANDS DINER	389.55
MEADOWLANDS HARDWARE	323.93
MEADOWLANDS AREA YMCA	742.50
MERCHANTS ALARM SYSTEMS	90.00

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METRO FIRE & SAFETY EQUIP.	540.00
MG WHITEHOUSE	14,636.02
MICHAEL A. VESPASIANO	22,497.42
MICHAEL I SCHNECK TRUST FOR	3,197.74
MOTOROLA	516.00
MSI TECHNOLOGIES LLC	3,359.57
MUNICIPAL RECORD SERVICE	214.00
MUNICIPAL CLERKS ASSOCIATION OF NJ	100.00
NARITA MARAJ LLC	3,293.75
NASSOR ELECTRICAL SUPPLY	98.10
NEGLIA ENGINEERING ASSOCIATES	990.00
NEW JERSEY STRIDERS INC	852.50
NEXTEL COMMUNICATIONS	77.94
NICK'S TOWING SERVICE	385.00
NJ DIVISION OF PENSIONS & BENEFITS	242.30
NJ FIRE EQUIPMENT CO.	2,294.65
NORTH JERSEY MEDIA GROUP INC.	499.74
NORTHEAST SWEEPERS LLC	1,440.02
P&A AUTO PARTS	853.83
PASQUALE & DELEASA LLC	1,475.00
PAYROLL ACCOUNT	17,542.96
PINNACLE	4,725.00
PLAID MOTORS	4,390.92
PORTER LEE CORPORATION	709.00
PRESTI, ROSARIO JR., ESQ.	837.66
PROGRESSIVE BRICK CO.	216.23
PSE&G	27,691.75
RAINBOW CLEANERS	175.00
RAPID PUMP & METER SERVICE CO	8,550.00
RCM CEBERIO LLC	2,850.00
REGAL STAMP CO.	291.00
REGIONAL BOARD OF EDUCATION	600,025.83
RITCHIE, DENNIS	5,150.00
ROBERT T. REGAN ESQ.	266.50
ROGUT MCCARTHY TROY LLC	1,262.26
RUTGERS, CENTER GOVT. SVC	295.00
SETCOM	295.66
SHARON DUNN	81.00
SHERWIN WILLIAMS, INC.	81.43
SIRCHIE FINGERPRINT LAB	244.25
SMITH, DAVID	708.86
STAN'S SPORT CENTER	731.25

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STATE OF NEW JERSEY	1,367.21
QUALITY AUTO MALL	2,763.10
STAPLES BUSINESS ADVANTAGE	1,527.25
STROEDECKE, WARREN	900.00
TAX COLL/TREAS ASSN OF NJ	35.00
TETERBORO CHYRSLER JEEP	330.80
THE BANCORP	3,590.66
THE TERRE CO.	1,205.37
TMF CORP/T.M. FITZGERALD ASSOC.	7,425.00
TONY SANCHEZ LTD	178.62
TREASURER STATE OF NJ 1992 GT	4,764.23
TRUST ACCOUNT	3,776.54
SUEZ WATER NEW JERSEY	11,594.49
ADPP ENTERPRISES INC.	1,390.67
VERIZON	4,436.24
V.E. RALPH & SON	109.92
VERIZON WIRELESS	1,479.87
VERIZON	289.98
WAGNER TOURS INC.	800.00
921-PRAXAIR DIST MID-ATLANTIC	132.22
WEST PAYMENT CENTER	160.50
WIDMER TIME RECORDER	225.00
WILLIAM DERMODY PUBLIC LIBRARY	40,000.00
WTH TECHNOLOGY INC	1,000.00
FRED VON BARGEN	1,650.00
PAYROLL ACCOUNT	351,149.59
VFIS	3,808.50
MEDICAL BENEFITS ACCT	57,000.00
MEDICAL BENEFITS ACCT	27,000.00
MEDICAL BENEFITS ACCT	60,000.00
<b>TOTAL</b>	<b>\$ 2,614,487.17</b>
<b>TOTAL BILLS FOR THE MONTH</b>	<b>\$ 2,675,469.55</b>

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

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

**REPORTS OF SPECIAL COMMITTEES:**

There were no reports of special committees.

**UNFINISHED BUSINESS:**

None.

**HEARING OF CITIZENS:**

**Bruce Young, 740 Washington Street** – thanked the Mayor and Council for the use of the bus for the Senior Friendship Club to be transported to Bergen PAC for the monthly show.

**Barbara O'Connor, 310 Broad Street** – thanked the Mayor and Council for the services they offer the seniors of Carlstadt especially the senior transport and also thanked Joanne Ramm, the transport driver, for her kindness and professionalism.

**Donald Molzon, 530 Madison Street** – asked the Mayor and Council if it's possible to utilize the Village Green Park for concerts or events for the residents of Carlstadt. Mayor Lahullier said he is forming a committee to look into it.

**Paul Conti, 12 Patricia Court** – commented on the parking situation next to his house and if the Carlstadt engineers could look into it. The DPW Director said measurements were taken and we're waiting for Neglia Engineers' proposal for the Mayor and Council's approval.

**CONSIDERATION OF ORDINANCES:**

**FIRST READING**

**ORDINANCE NO. 16-18**

**BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS IMPROVEMENTS TO THE 10TH STREET LITTLE LEAGUE FIELD COMPLEX IN, BY AND FOR THE BOROUGH OF CARLSTADT, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$250,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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.**

BE IT ORDAINED by the Borough Council of the Borough of Carlstadt, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of Carlstadt, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to undertake various improvements to the 10th Street Little League Field Complex in, by and for the Borough. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

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Section 2. The sum of \$250,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$250,000, and (4) \$12,500 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$237,500, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$25,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$12,500, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purpose. The sum of \$12,500 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$237,500 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$237,500 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of fifteen years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$237,500 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 12. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

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Section 13. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

**RESOLUTION NO. 2016-271-B**

**BE IT RESOLVED** that the ordinance entitled:

**BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF VARIOUS IMPROVEMENTS TO THE 10TH STREET LITTLE LEAGUE FIELD COMPLEX IN, BY AND FOR THE BOROUGH OF CARLSTADT, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$250,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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.**

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 1st day of September, 2016, at 7:00 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 is hereby 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.

Mayor Lahullier entertained a motion to introduce Ordinance No. 16-18. On motion by Bartlett, seconded by Lenoy, unanimous on call of roll of those present.

**MISCELLANEOUS AND NEW BUSINESS:**

Councilman Lenoy mentioned to the Mayor and Council that he was approached by a member of the America Legion to repair the cooling system in the building and would like to know if the Governing Body will consider repairing it. Mayor Lahullier said he would like to discuss it with the Finance Committee.

Mayor Lahullier entertained a motion to adjourn the meeting at 7:45 P.M. On motion by Bartlett, seconded by Lenoy, unanimous on call of roll of those present.

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

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