

REGULAR MEETING

August 21, 2017

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 21, 2017 at 7:00 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. Councilmen Robert Zimmermann and William Shockley were absent.

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

Mayor Craig 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, 2017 and the Herald News on January 6, 2017 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.

READING OF MINUTES:

Mayor Lahullier entertained a motion to accept the minutes of 7/6/17 Caucus Meeting, 7/13/17 Finance Meeting and 7/17/17 Council Meeting (Open and Closed Sessions). On motion by Lenoy, seconded by Emerson, Councilmen Stoltz and Emerson voted yes, Councilman Bartlett abstained on 7/13/17 and voted yes on the other ones, Councilman Lenoy abstained on 7/6/17 and 7/13/17 and voted yes on the other one. Councilmen Zimmermann and Shockley were absent.

CORRESPONDENCE:

None to be read.

REPORT OF THE MAYOR:

Mayor Lahullier mentioned to the audience the construction of the municipal parking lot and the lighting on Lindbergh Field will be completed by the start of the school year.

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.

The Municipal Court Administrator's report was read for the month of July. This report will be filed.

STANDING COMMITTEES:

FINANCE – Councilman Emerson said we have resolutions.

CONSENT AGENDA

RESOLUTION NO. 2017-240

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	\$ 1,033,525.55
Regional Board of Education	608,944.59
Treasurer State of NJ/1992 GT	4,764.23
County Open Space Taxes 3 rd Quarter	100,869.00
County 3 rd Quarter Taxes	1,381,616.00

RESOLUTION NO. 2017-241

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 2017 be ratified:

<u>Date</u>	<u>Ck #</u>	<u>Account</u>	<u>Payee</u>	<u>Amount</u>
7/19/17	501330	Current	Payroll	\$ 343,437.77
7/20/17	501331	Current	Medical	103,000.00
7/21/17	501332	Current	Bergen Municipal Empl.	17,508.00
7/21/17	501333	Current	Content Rentals	494.94
7/21/17	501334	Current	Postage by Phone	3,700.00
7/24/17	501335	Current	Lowe's	661.59
7/25/17	501336	Current	Trans Union	300.00
7/25/17	501337	Current	Eastern Concrete	777.65
7/29/17	501338	Current	Medical	48,000.00
7/29/17	501339	Current	Payroll	17,669.02
7/29/17	501340	Current	Joe Appleton	300.00

RESOLUTION NO. 2017-242

WHEREAS, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of Amor Realty Co. for property located at One Palmer Terrace, Carlstadt, New Jersey for Block 124 Lot 50 as per Docket No. 006559-2012 dated 6/20/2017 reducing the 2012 property tax assessment from \$4,100,000.00 to \$1,172,000.00 and as per Docket

No. 005685-2013 dated 6/27/2017 reducing the 2013 property tax assessment from \$7,466,100.00 to \$2,925,000.00; and

WHEREAS, the reduction in the 2012 property tax assessment is \$2,928,000.00 or \$121,365.60 in 2012 property tax and the reduction in the 2013 property tax assessment is \$4,541,100.00 or \$90,004.60 in 2013 property tax for a total refund of \$211,370.20.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$211,370.20 and the Tax Collector shall adjust his books accordingly. (2012: \$121,365.60, 2013: \$90,004.60).

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 Joseph Donahue, 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 and true with the Judgments.

The refund shall be made payable to: "Brach Eichler L.L.C. and Amor Realty Co." and shall be mailed to Brach Eichler, 101 Eisenhower Parkway, Roseland, NJ 07068.

RESOLUTION NO. 2017-243

WHEREAS, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of Avenue Real Est LLC for property located at 213 Washington Avenue, Carlstadt, New Jersey for Block 126 Lot 41 as per Docket No. 010552-2016 dated 6/26/2017 reducing the 2016 property tax assessment from \$675,500.00 to \$535,000.00; and

WHEREAS, the reduction in the 2016 property tax assessment is \$140,500.00 or \$2,987.03 in 2016 property tax for a total refund of \$2,987.03.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$2,987.03 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 Joseph Donahue, 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 and true with the Judgments.

REGULAR MEETING

August 21, 2017

Page 4

The refund shall be made payable to Prologis and shall be mailed to Peter Zipp, Zipp, Tannenbaum & Caccavelli, LLC, 280 Raritan Center Parkway, Edison, New Jersey 08837.

RESOLUTION NO. 2017-244

WHEREAS, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of 240-248 Paterson Plank Rd Associates for property located at 248 Paterson Plank Road, Carlstadt, New Jersey for Block 121 Lot 1.02 as per Docket No. 006736-2015 dated 6/21/2017 reducing the 2015 property tax assessment from \$1,611,900.00 to \$1,575,000.00 and as per Docket No. 000454-2016 dated 6/21/2017 reducing the 2016 property tax assessment from \$1,611,900.00 to \$1,500,000.00; and

WHEREAS, the reduction in the 2015 property tax assessment is \$36,900.00 or \$763.83 in 2015 property tax and the reduction in the 2016 property tax assessment is \$111,900.00 or \$2,378.99 in 2016 property tax for a total refund of \$3,142.82.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$3,142.82 and the Tax Collector shall adjust his books accordingly. (2015: \$763.83, 2016: \$2,378.99).

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 Joseph Donahue, 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 and true with the Judgments.

The refund shall be made payable to "Michael I. Schneck, Trustee for 240-248 Paterson Plank Rd Associates" and shall be mailed to Schneck Law Group, LLC, 301 South Livingston Avenue, Suite 105, Livingston, NJ 07039.

RESOLUTION NO. 2017-245

WHEREAS, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of 683-385 Broad Realty LLC for property located at 75 Triangle Blvd., Carlstadt, New Jersey for Block 125 Lot 2 as per Docket No. 006191-2016 dated 6/21/2017 reducing the 2016 property tax assessment from \$1,986,600.00 to \$1,875,000.00 and as per Docket No. 002691-2017 dated 6/21/2017 reducing the 2017 property tax assessment from \$2,166,700.00 to \$2,000,000.00; and

WHEREAS, the reduction in the 2016 property tax assessment is \$111,600.00 or \$2,372.61 in 2016 property tax and the reduction in the 2017 property tax assessment is \$166,700.00 or \$3,177.30 in 2017 property taxes for a total refund of \$5,549.91. (It is noted that the rate used for 2017 is the approved Auditor rate and may change depending on the County of Bergen's approved rate when it is issued).

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$5,549.91 and the Tax Collector shall adjust his books accordingly. (2016: \$2,372.61, 2017: \$3,177.30).

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 Joseph Donahue, 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 and true with the Judgments.

The refund shall be made payable to "The Irwin Law Firm Attorney Trust Acct. FBO 683-685 Broad Realty LLC, Plaintiff" and shall be mailed to The Irwin Law Firm, P.A., 80 Main Street, Suite 410, West Orange, New Jersey 07052.

RESOLUTION NO. 2017-246

WHEREAS, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of 40 Broad St. Assoc., LLC for property located at 40 Broad Street, Carlstadt, New Jersey for Block 120 Lot 19 as per Docket No. 002897-2014 dated 6/27/2017 reducing the 2014 property tax assessment from \$7,110,700.00 to \$6,250,000.00 and as per Docket No. 005341-2015 dated 6/26/2017 reducing the 2015 property tax assessment from \$7,110,700.00 to \$6,500,000.00; and

WHEREAS, the reduction in the 2014 property tax assessment is \$860,700.00 or \$17,136.54 in 2014 property tax and the reduction in the 2015 property tax assessment is \$610,700.00 or \$12,641.49 in 2015 property taxes for a total refund of \$29,778.03.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$29,778.03 and the Tax Collector shall adjust his books accordingly. (2014: \$17,136.54, 2015: \$12,641.49).

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

REGULAR MEETING

August 21, 2017

Page 6

the settlement on behalf of the Borough of Carlstadt and that the Carlstadt Borough Attorney Joseph Donahue, 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 and true with the Judgments.

The refund shall be made payable to “The Irwin Law Firm Attorney Trust Acct. F.B.O. 40 Broad St, LLC, Plaintiff” and shall be mailed to The Irwin Law Firm, P.A., 80 Main Street, Suite 410, West Orange, New Jersey 07052.

RESOLUTION NO. 2017-247

WHEREAS, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of MG Development/Gerry Tramontozzi for property located at 248 Paterson Plank Road, Carlstadt, New Jersey for Block 121 Lot 1.03 as per Docket No. 005909-2012 dated 7/5/2017 reducing the 2012 property tax assessment from \$2,100,000.00 to \$2,050,000.000 and as per Docket No. 009734-2013 dated 6/27/2017 reducing the 2013 property tax assessment from \$4,654,400.00 to \$4,500,000.00 and as per Docket No 004857-2014 dated 6/27/2017 reducing the 2014 property tax assessment from \$4,654,400.00 to \$4,500,000.00 and as per Docket No.001064-2016 dated 6/27/2017 reducing the 2016 property tax assessment from \$4,654,400.00 to \$4,400,000.00; 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 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. The reduction in the 2015 property tax assessment is \$154,000.00 or \$3,196.08 in 2015 property taxes; and

WHEREAS, the reduction in the 2012 property tax assessment is \$50,000.00 or \$2,072.50 in 2012 property tax and the reduction in the 2013 property tax assessment is \$154,000.00 or \$3,060.21 in 2013 property tax and the reduction in the 2014 property tax assessment is \$154,400.00 or \$3,074.10 in 2014 property tax and the reduction in the 2016 property tax assessment is \$254,400.00 or \$5,408.54 for a total refund of \$16,811.44.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$16,811.44, and the Tax Collector shall adjust his books accordingly. (2012: \$2,072.50, 2013: \$3,060.21, 2014: \$3,074.10, 2015: \$3,196.08, 2016: \$5,408.54).

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 Joseph Donahue, 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 and true with the Judgments.

The refund shall be made payable to Saiber Attorney Trust Account and shall be mailed to Saiber, 18 Columbia Turnpike, Suite 200, Florham Park, New Jersey 07932. Attn.: Andrew S. Kessler.

RESOLUTION NO. 2017-248

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. 003638-2017 dated 6/21/2017, reducing the 2017 property tax assessment from \$6,114,400.00 to \$4,700,000.00; and

WHEREAS, the reduction in the 2017 property tax assessment is \$1,414,400.00 or \$26,958.46 in 2017 property tax for a total refund of \$26,958.46. (It is noted that the rate used for 2017 is the approved Auditor rate and not the County of Bergen rate so the rate may change).

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$26,958.46 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 Joseph Donahue, 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 and true 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, New Jersey 07901-2332.

RESOLUTION NO. 2017-249

WHEREAS, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of D & M Carlstadt Properties LLC for property located at 400 Veterans Blvd., Carlstadt, New Jersey for Block 124.01 Lot 5 as per Docket No. 002337-2015 dated 7/10/2017 reducing the 2015 property tax assessment from \$3,223,300.00 to \$3,100,000.00; 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) 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. The reduction in the 2016 property tax assessment is \$123,300.00 or \$2,621.35 in 2016 property taxes; and

WHEREAS, the reduction in the 2015 property tax assessment is \$123,300.00 or \$2,552.31 in 2015 property tax for a total refund of \$5,173.66.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$5,173.66 and the Tax Collector shall adjust his books accordingly. (2015: \$2,552.31, 2016: \$2,621.35).

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 Joseph Donahue, 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 and true with the Judgments.

The refund shall be made payable to "Michael I. Schneck, Trustee for D&M Carlstadt Properties LLC" and shall be mailed to Schneck Law Firm, 301 South Livingston Avenue, Suite 105, Livingston, New Jersey 07039.

RESOLUTION NO. 2017-250

**RESOLUTION AUTHORIZING CHANGE ORDER N^o 3 FOR THE
Addition of 10th Street Little League Improvements Project**

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

TITLE OF JOB: 10th Street Little League Improvements Project

CONTRACTOR: Tec-Con Contractors

CHANGE ORDER No.: 1 & FINAL

AMOUNT OF CHANGE TO DATE: (+\$2,430.96) Increase: 1.02%

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

RESOLUTION NO. 2017-251

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the contract for **10th Street Little League Improvements Project** was constructed by **Tec-Con Contractors, 9 Dodd Street, East Orange, NJ 07018**, in accordance with the Plans and Specifications and any approved Change Orders, as directed by the Borough Engineer. The said construction is hereby accepted and final payment in the amount of **Twenty Thousand Two Hundred Forty Two Dollars and Thirty Six Cents. (\$20,242.36)** is hereby approved.

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

RESOLUTION NO. 2017-252

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 FOUR WHEEL DRIVE FOUR DOOR CREW CAB PICKUP
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. 2017-253

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:

REGULAR MEETING

August 21, 2017

Page 10

Community Center

1. Carlstadt Soccer League – Wednesday, September 6, 2017 from 7:00 P.M. to 10:00 P.M. to have a meeting.
2. Carlstadt/East Rutherford Cub Scout Pack 51/65 – September 15, 2017, October 6, 20 and 27, 2017, November 3 and 10, 2017, December 1 and 8, 2017, January 5 and 12, 2018, February 2 and 9, 2018, March 9 and 16, 2018, April 6 and 13 and 20, 2018 for den meetings.
3. Eighth Grade Graduation Committee – Tuesday, August 22, 2017 at 7:30 P.M. to have a meeting.
4. Project Graduation Committee – Wednesday, August 23, 2017 from 6:00 P.M. to 8:00 P.M. to have a meeting.

Council Chambers

1. Police Department – Monday, August 28, 2017 from 9:00 A.M. to 12 Noon for crossing guard training.

RESOLUTION NO. 2017-254

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that the following bills for the NJEDA Project 40029 – Carlstadt Road and Storm Drainage Improvements having been approved by the Finance Committee are approved herewith for payment by the NJEDA:

Neglia Engineering Associates	\$	41,307.13
Smith Soudy Paving		110,331.95

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

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

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

PUBLIC WORKS/PUBLIC PROPERTY – Councilman Stoltz read his reports for the month of July. These reports will be filed.

PLANNING – In the absence of Councilman Shockley, Councilman Lenoy read the report for the month of July. This report will be filed.

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

PUBLIC HEALTH – Councilman Bartlett had no report.

RECREATION – Councilman Emerson read his report for the month of July. This report will be filed.

BOROUGH EQUIPMENT – In the absence of Councilman Zimmermann, Councilman Lenoy read the report for the month of July. This report will be filed.

RECYCLING – Councilman Stoltz read his report for the month of July. This report will be filed.

PROJECTS – In the absence of Councilman Shockley, Mayor Lahullier read the report for the month of July. This report will be filed.

EDUCATION – In the absence of Councilman Zimmermann, Councilman Emerson had no report.

HUMAN RESOURCES - Mayor Lahullier had no report.

READING OF BILLS:

RESOLUTION NO. 2017-255

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:

CAPITAL ACCOUNT

Garbarini & Co. P.C.	\$	9,038.75
Rogut McCarthy LLC		9,699.75
Bobcat of New Castle		62,972.25
Appraisal Systems Inc.		4,500.00
Merchant Alarm Systems		7,956.00
Tec Con Contractors		20,242.36
Neglia Engineering Associates		16,732.80

TRUST ACCOUNT

CCG		593.20
Current Account		1,082.16
Alex Gabriel		1,000.00
Beckmeyer Engineering		1,391.25
Walter Slomienski, Jr. Esq.		1,175.00
Neglia Engineering Associates		7,873.75

REGULAR MEETING

August 21, 2017

Page 12

DOG WARDEN TRUST

NJ Department of Health & Senior Services	16.20
TYCO Animal Control Services	2,694.86

CURRENT ACCOUNT

201 TACSOLUTIONS, LLC	700.00
A&K EQUIPMENT CO.	1,015.83
AMERICAN PAPER & SUPPLY	1,326.55
A.N.D. SERVICE	19,103.95
ANDREW M. CIMILUCA	418.83
ARROW ELEVATOR INC.	195.00
A.T. EMBLEM CO.	302.25
BALCO INDUSTRIES	62.50
BARCIA BROTHERS FENCE INC.	240.00
BELLAQUA INC.	60.75
BERGEN MUNICIPAL EMPLOYEE	17,508.00
BERGEN COUNTY CLERK	6,002.04
BEYER BROTHERS CORP.	1,194.81
BEYER FLEET SALES/SERVICE	1,135.95
BOLT ATHLETICS	8,656.00
BOROUGH OF RUTHERFORD	5,697.99
BOROUGH OF WOOD-RIDGE	600.00
BRAEN STONE INDUSTRIES INC.	86.63
CAPITAL ACCOUNT	75,000.00
CARLSTADT BOARD OF EDUCATION	1,033,525.55
CENTER FOR OCCUPATIONAL MED.	1,696.00
CHEEMA OIL CORPORATION	470.46
CHEM -TEC	207.00
CHRISTOPHER GARVIN, ESQ.	200.00
CIRCLE D LIGHTS	1,652.35
CLINICAL SERVICES MGMT P C	1,669.50
COMCAST	66.46
COMPLETE SAW & GARDEN EQUIP.	895.90
CORNER TO CORNER	96.18
COUNTY OF BERGEN	1,381,616.00
COUNTY OPEN SPACE TRUST FUND	100,869.00
CREATIVE PRODUCT SOURCE INC.	100.00
DANIEL G. KEOUGH TRUSTEE	26,958.46
DAVID F. CORRIGAN	975.00
DIRECT ENERGY BUSINESS	347.00
DOG WARDEN TRUST ACCOUNT	5,000.00
DOWNES TREE SERVICE INC.	1,250.00
DUX PAINT LLC	2,000.00

REGULAR MEETING

August 21, 2017

Page 13

EICHLER LLC AND AMOR	211,370.20
ENVIRONMENTAL RENEWAL L.L.C.	2,147.00
THE CHOI LAW GROUP LLC	6,996.44
FELDMAN BROTHERS ELECTRICAL	610.60
FIRE & SAFETY SERVICES	152.20
FORD MOTOR CREDIT CO. LLC	13,403.37
FRED VON BARGEN	2,600.00
FRONTIN, M. JOHN	407.35
GARDEN STATE CURBS & SIDEWALKS	7,300.00
GARBARINI & CO.	6,263.75
GARDEN STATE HWY PRODUCTS	1,113.00
GRAINGER	925.03
G.T.B.M. INC.	1,777.67
HARRIS UNIFORMS	678.00
HEALTH AWARENESS REG. PR.	1,500.00
HI-VIZ SAFETY WEAR LLC	1,390.00
HOMETOWN AUTO PARTS	190.70
H R DIRECT	212.41
HUDSON TIRE EXCHANGE	3,295.66
I.D.A.	71,863.21
I.D. SIGNS	360.00
IKEN MEDIA	212.12
IMPRESSIVE PRINTING	2,171.06
INDUSTRIAL ELECTRIC	920.00
INTERGLOBE COMMUNICATIONS INC.	3,428.24
INTERSTATE WASTE SERVICES INC	17,884.30
J&A COPIER	250.00
JOHN GILLIGAN	156.43
JOHNNY ON THE SPOT INC.	247.35
JOSEPH R. DONAHUE LLC	4,800.00
KEEHN POWER PRODUCTS	1,920.00
LEXISNEXIS RISK SOLUTIONS	51.00
MARIO'S LOCKSMITH	332.50
MARLIN LEASING CORP.	894.96
MARK MUSELLA, ESQ.	400.00
MCNERNEY & ASSOCIATE	500.00
MEADOWLANDS HARDWARE	706.95
MEADOWLANDS AREA YMCA	780.00
MEDICAL BENEFITS ACCT.	236.00
MERCHANTS ALARM SYSTEMS	90.00
METROPOLITAN CENTER FOR	450.00
MICHAEL I. SCHNECK TRUST FOR	3,142.82

REGULAR MEETING

August 21, 2017

Page 14

MICHAEL I. SCHNECK TRUSTEE	5,173.66
MID BERGEN REGIONAL COMMISSION	6,631.50
MPH INDUSTRIES INC.	239.85
MSI TECHNOLOGIES LLC	5,896.00
MUNICIPAL CLERKS ASSOCIATION OF NJ	100.00
NARITA MARAJ LLC	2,373.75
NASSOR ELECTRICAL SUPPLY	127.65
NEGLIA ENGINEERING ASSOCIATES	6,410.54
NEW JERSEY STRIDERS INC.	1,250.00
NEXTEL COMMUNICATIONS	79.92
NICK'S TOWING SERVICE	125.00
NJDREA	35.00
NJ DIV. OF ALCOHOLIC BEV.	69.00
NJ FIRE EQUIPMENT CO.	4,610.43
NJ STATE ASSN. OF CHIEFS	1,334.00
NORCON COMMUNICATIONS, INC.	918.43
NORTHEAST SWEEPERS & RENTALS	197.23
OUTDOOR LIVING	625.00
P&A AUTO PARTS	1,478.50
PAC TOOL & SUPPLY CO.	508.50
PASQUALE & DELEASA LLC	1,975.00
PAYROLL ACCOUNT	759.31
PBA LOCAL 312	604.75
PERSONAL PROTECTION CONSULTANT	55.00
PORZIO, BROMBERG, NEWMAN	633.10
PRESTIGE LABORATORIES INC.	313.80
PRESTI, ROSARIO JR., ESQ.	837.56
PRETIGE AWARDS	635.00
PROLOGIS	2,987.03
PSE&G	8,697.94
RAPID PUMP & METER SERVICE CO.	12,835.00
RCM CEBERIO LLC	5,700.00
RE-TRON TECHNOLOGIES INC.	1,307.77
REGAL STAMP CO	35.00
REGIONAL BOARD OF EDUCATION	608,944.59
REMINGTON AND VERNICK	612.00
RIDGEHURST AUTO PARTS	1,626.95
RIEDEL SIGN CO., INC.	45.00
R.R. DONNELLEY	147.00
RSR AUTO BODY	1,800.00
RUTGERS, THE STATE UNIVERSITY	764.00
SAIBER ATTORNEY TRUST ACCOUNT	16,811.44

REGULAR MEETING

August 21, 2017

Page 15

SANITATION EQUIP. CORP.	3,932.73
SCHUMACHER CHEVROLET	466.80
SECURITYMETRICS	259.96
SHARON DUNN	45.00
SHERWIN WILLIAMS, INC.	391.88
STAN'S SPORT CENTER	3,171.70
QUALITY AUTO MALL	7,226.87
STAPLES BUSINESS ADVANTAGE	3,485.37
STROEDECKE, WARREN	900.00
THE BANCORP	3,590.66
THE IRWIN LAW FIRM ATTORNEY'S	29,778.03
THE TERRE CO.	185.00
THE RECORD	152.67
TILCON NEW YORK INC.	493.45
TONY SANCHEZ LTD	410.92
T&R ALARM SYSTEMS INC	210.00
TREASURER STATE OF NEW JERSEY 1992 GT	4,764.23
SUEZ WATER NEW JERSEY	12,639.82
UNUM LIFE INSURANCE CO. OF AMERICA	1,216.99
ADPP ENTERPRISES INC.	777.28
VAN DINES	1,434.95
VERIZON	1,238.90
V.E. RALPH & SON	522.51
VERIZON WIRELESS	1,326.25
VERIZON	204.99
WAGNER TOURS INC.	800.00
921-PRAXAIR DIST MID-ATLANTIC	130.50
WEST PAYMENT CENTER	166.74
WTH TECHNOLOGY INC.	1,000.00
COMCAST	918.28
FUN TIME ENTERTAINMENT	2,000.00
MEDICAL BENEFITS ACCT	132,000.00
COMCAST	1,554.05
PAYROLL ACCOUNT	438,747.02
MEDICAL BENEFITS ACCT	54,000.00
TAPE REPORTERS	500.00
PAYROLL ACCOUNT	17,005.20
PAYROLL ACCOUNT	384,312.42
MEDICAL BENEFITS ACCOUNT	74,000.00
TOTAL	\$ 4,968,628.41
TOTAL BILLS FOR THE MONTH	\$ 5,114,206.49

REGULAR MEETING

August 21, 2017

Page 16

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

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

REPORTS OF SPECIAL COMMITTEES:

There were no reports of special committees.

UNFINISHED BUSINESS:

Councilman Emerson made a motion to approve two Special Police Officers for either August 30, 2017 or September 6, 2017 for the Lindbergh Field lighting ceremony, seconded by Bartlett, unanimous on call of roll of those present.

HEARING OF CITIZENS:

Donald Molzon, 530 Madison Street – mentioned to the Mayor and Council that a film production company was going to do a documentary at the cemetery on September 2, 2017 at 9:00 A.M. and he asked if the town incurred any expenses because of the filming. The Mayor said the town has permit fees and also if the Police Department is needed for traffic that will be an expense on the filming company.

Erwin Fedkenheuer, 700 Ninth Street – asked the Mayor and Council regarding the Teterboro Airport flight path situation. Mayor Lahullier said the TANAAC committee had a meeting a couple of weeks ago regarding the flight path. We will let you know of the findings.

Gunter Kuprat, 507 Washington Street – mentioned to the Mayor and Council that the New Jersey Assembly issued a proclamation to the Turnverein for the years of service.

Bruce Young, 720 Washington Street – asked the Mayor and Council if the town can enact an ordinance regulating the landscapers that work in the Borough. The Mayor said they will discuss this at the September meeting.

Elise Wrede, Demarest Deputy Borough Clerk – presented the Mayor and Council with signatures from Civil War Veterans buried in the Carlstadt cemeteries.

CONSIDERATION OF ORDINANCES:

FIRST READING

ORDINANCE NO. 17-8

AN ORDINANCE AMENDING CHAPTER XV “TREES AND SHRUBS” WITH THE ADDITION OF SUBSECTION 15-6 “REGULATING PLANTING, CONTROLLING AND REMOVAL OF BAMBOO” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002

NOW, THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Carlstadt that **Chapter XV** of the Revised General Ordinances of the Borough of Carlstadt, 2002, entitled “**Trees and Shrubs,**” be and hereby is amended and supplemented as follows:

15-6 BAMBOO

15-6.1 Purpose and Intent.

The purpose of this Chapter is to preserve and protect private and public property from the damaging effects of the spread of certain invasive, non-native plantings such as bamboo; to protect indigenous plant materials from the invasive spread of non-native planting such as bamboo; and to maintain the general welfare of the residents of the Borough of Carlstadt.

15-6.2 Definitions.

For purposes of this Chapter, the following definitions shall apply:

A. **BAMBOO** – Any monopodial (running) tropical or semi-tropical grasses from the genera Phyllostachys or Pseudosasa, including, but not limited to, Phyllostachys aureosulcata – Yellow Grove Bamboo. In addition this definition includes Common Bamboo, Golden Bamboo and Arrow Bamboo.

B. **BAMBOO OWNER** – Any Owner/Occupant who has planted and/or grows Bamboo on their property; who maintains Bamboo on their property; or who permits Bamboo to grow or remain on their property, even if the Bamboo has spread from an adjoining property. A property owner and/or occupant will not be considered to be a Bamboo owner if:

1. He/she has provided satisfactory proof to the Borough that, within a reasonable period of time after discovering the encroachment of Bamboo onto the subject property from an adjoining or neighboring property, he/she advised the owner of such property of his/her objection to the encroachment of the Bamboo; and
2. He/she has initiated steps for the removal of the Bamboo from the subject property, including seeking available remedies at law and/or equity.

REGULAR MEETING

August 21, 2017

Page 18

C. PERSON – Any person owning or occupying any premises within the Borough of Carlstadt. For purposes of this Chapter, Bamboo Owner responsibilities shall apply to the owner in the case of vacant premises or premises occupied by the owner, or to the occupant of the premises in case of premises occupied by other than the owner.

15-6.4 Bamboo Restrictions.

A. Any Bamboo growing upon any premises in the Borough in violation of any of the provisions of this section is hereby declared to be a nuisance and detrimental to the health, safety and welfare of the inhabitants of the Borough.

B. The planting or growing of Bamboo shall be prohibited within the Borough, unless:

1. The root system of such Bamboo plant is entirely contained within a planter, barrier, or other vessel, located entirely above ground-level, and of such design, material, and location as to entirely prevent the spread/growth of the Bamboo's root system beyond the container in which it is planted; or

2. The root system is contained within a barrier, constructed in accordance with the following specifications, and only after a permit is issued by the Borough:

a. the barrier shall be composed of high density polypropylene or polyethylene, forty (40) mil or heavier;

b. portions or sheets of the barrier shall be secured or joined together by the use of stainless steel clamps or stainless steel closure strips designed for such barriers;

c. the entire perimeter of the barrier shall be more than thirty (30) inches below ground level and more than three (3) inches above ground level;

d. when installed, the barrier shall slant outward from the bottom to the top.

Any person who hereafter plants or grows, or causes to be planted or grown, Bamboo within the Borough, except as under the conditions set for the in subparagraph 1. and 2. above, shall be deemed to be in violation of this Chapter and shall be subject to such penalties as are set forth herein.

C. Property Lines and Removal of Bamboo.

1. Bamboo shall not be planted, maintained, or otherwise be permitted to exist within twenty (20) feet of the edge of the pavement or traveled portion of any public roadway in the Borough. Any Bamboo Owner whose property contains Bamboo shall remove and abate the growth of the Bamboo within twenty (20) feet of the edge of the pavement or traveled portion of public road in the Borough.

2. Each Bamboo Owner shall be responsible to ensure that the Bamboo planted or growing on his/her property prior to the effective date of this Ordinance does not encroach or grow upon any adjoining or neighboring property, including all public property and rights-of-ways. Such Bamboo Owners shall be required to take such measures as are reasonably expected to prevent such invasion or encroachment, including, but not limited to, the installation of sheathing comprised of metal or other material impenetrable by Bamboo at a sufficient depth within the property line or lines where the Bamboo is planted or is growing to prevent the growth or encroachment upon adjoining or neighboring property by the Bamboo.

3. Replanting Prohibited. Any Bamboo existing on property prior to the effective date of this Ordinance may not be replanted or replaced in kind once such Bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed except in compliance with the Provisions of this Chapter.

15-6.5 Bamboo Removal from Borough Property.

A. Encroachment. In the event that Bamboo growing on a bamboo Owner's property invades or grows into Borough property, including, but not limited to right-of-ways, the Borough shall notify the Bamboo Owner in writing that Bamboo has invaded the Borough property and that the Bamboo Owner is responsible for the removal of such Bamboo from the Borough property. This Encroachment Notice shall be sent by certified mail, return receipt requested and by regular mail to the last known address of the Bamboo Owner, and a copy of the Notice shall also be posed in a conspicuous location on the Bamboo Owner's property.

B. In the event that the Bamboo Owner does not remove the Bamboo from the Borough property, or does not make an arrangement with the Borough for removal of such Bamboo within fifteen calendar (15) days from the date of the Encroachment Notice, the Borough, at its discretion, may remove such Bamboo from the Borough property. The Bamboo Owner shall be liable and responsible to the Borough for all costs associated with removing the Bamboo from the Borough property. Such costs may be assessed against the property of the Bamboo Owner, and in the event that the costs remain unpaid for then thirty (30) days after the demand for payment has been made by the Borough on the Bamboo Owner, the Borough may lien the property of the Bamboo Owner for these costs, plus interest, fees, and expenses, as allowed by law.

C. In the event that the Borough is compelled to undertake the removal of Bamboo, as provided for above, neither the Borough nor its employees, contractors or agents shall have any liability to the Bamboo Owner for any damages or other claims arising out the removal of such Bamboo. In the event such removal entails or causes damage to the property of any person or entity other than the Bamboo Owner, the Bamboo Owner shall be responsible for such damages.

REGULAR MEETING

August 21, 2017

Page 20

15-6.6 Notice of Violation.

A. In the event that there is any Bamboo growing or remaining upon such premises in violation of the provisions of Section 16-6.4 of this Chapter, the Borough shall notify the Bamboo Owner in writing of the existence of such violation. Notice of Violation shall be served by handing it directly to the Bamboo Owner; by mailing it to the last known address of the Bamboo Owner; or by posting Notice of Violation on the premise as a conspicuous location.

B. Any Bamboo Owner receiving a Notice of Violation shall bring their property into compliance with this Chapter with fifteen (15) calendar days of the Bamboo Owner's receipt of said Notice. If the Bamboo Owner fails to bring his/her property into compliance with the Notice and this Chapter, then the Borough may issue a summons against the Bamboo Owner.

15-6.7 Violation and Penalties.

Any person who violates any of the provisions of this Chapter shall, upon conviction, in a summary proceeding before any Magistrate of the Municipal Court, be subject to the general penalty clause in Chapter I, Section 1-7 of the Code of the Borough of Carlstadt.

In addition the Borough may institute suits, in equity or at law, to restrain, prevent or abate a violation of this Chapter. Such proceedings may be initiated before any court of competent jurisdiction. The expense of such proceedings shall be recoverable from the violator in any manner as may now or hereafter be provided by law.

SAVINGS CLAUSE

All other provisions of Chapter XV shall remain in full force and effect.

SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

INCONSISTENT ORDINANCES

Any Ordinance inconsistent with this Ordinance is repealed, but only to the extent of such inconsistencies.

EFFECTIVE DATE

This Ordinance shall take effect upon immediately upon passage and publication pursuant to law.

RESOLUTION NO. 2017-256

BE IT RESOLVED that the ordinance entitled:

AN ORDINANCE AMENDING CHAPTER XV “TREES AND SHRUBS” WITH THE ADDITION OF SUBSECTION 15-6 “REGULATING PLANTING, CONTROLLING AND REMOVAL OF BAMBOO” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 7th day of September, 2017 at 7:00 o'clock P.M. or as soon thereafter as the matter can be reached, at the regular meeting place of the Carlstadt Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk be, and she hereby is, authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

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

FIRST READING

ORDINANCE NO. 17-10

AN ORDINANCE OF THE BOROUGH OF CARLTADT, COUNTY OF BERGEN, STATE OF NEW JERSEY, TO ESTABLISH A SELF-INSURANCE FUND FOR GROUP HEALTH BENEFITS PURSUANT TO REGULATIONS ESTABLISHED BY THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

WHEREAS, the Mayor and Council of the Borough of Carlstadt (the “Borough”) has determined that providing for partially self-funded health insurance program for its eligible employees for a health reimbursement account (“HRA”) will be an efficient and cost effective method of providing such benefits to its employees; and

WHEREAS, such a program is authorized by N.J.S.A. 40A:10-6e; and

WHEREAS, as the establishment of such a program it is required by N.J.S.A. 40A:10-8 that a board of fund commissioners be created to oversee the safe and proper administration of such a fund;

NOW, THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Carlstadt as follows:

REGULAR MEETING

August 21, 2017

Page 22

1. There is hereby established a Trust Fund that shall be known as “The Self-Insurance Fund for Health Insurance Benefits” (hereafter the “Fund”) pursuant to N.J.S.A. 40A:10-1 et seq. and regulations established by the New Jersey Department of Community Affairs.

2. The Borough Chief Financial Officer shall remain and bear responsibility for the Fund in the same manner and to the same extent as other public funds under his/her care. All interest earned by the Fund shall accrue to the Fund’s principal.

3. The Chief Financial Officer shall annually estimate the probable maximum exposure of the Fund during the calendar year.

4. The Chief Financial Officer shall include as part of the recommended annual operating budget, an amount, in his/her opinion, needed to adequately fully fund the employee reimbursement account and responsibly estimate the costs associated with the calendar year.

5. The Chief Financial Officer, upon the recommendation of the Borough’s Risk Manager shall fix reasonable rates of reimbursements for all insurance carried by the Insurance Fund to be applied to the various covered persons and dependent categories, and shall effect all insurance in the Insurance Fund, or any insurance company or companies authorized to do business in the State of New Jersey.

6. The Mayor and Council of the Borough of Carlstadt shall appropriate such funds as are necessary to accomplish the purposes for which the Self-Insurance Fund for Group Health Insurance Benefits established.

SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

INCONSISTENT ORDINANCES

Any Ordinance inconsistent with this Ordinance is repealed, but only to the extent of such inconsistencies.

EFFECTIVE DATE

This Ordinance shall take effect upon immediately upon passage and publication pursuant to law.

RESOLUTION NO. 2017-257

BE IT RESOLVED that the ordinance entitled:

AN ORDINANCE OF THE BOROUGH OF CARLTADT, COUNTY OF BERGEN, STATE OF NEW JERSEY, TO ESTABLISH A SELF-INSURANCE FUND FOR GROUP HEALTH BENEFITS PURSUANT TO REGULATIONS ESTABLISHED BY THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

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 7th day of September, 2017 at 7:00 o'clock P.M. or as soon thereafter as the matter can be reached, at the regular meeting place of the Carlstadt Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk be, and she hereby is, authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

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

MISCELLANEOUS AND NEW BUSINESS:

Mayor Lahullier entertained a motion to appoint Mark Natale as a stand-by-crossing guard, subject to a background check. On motion by Stoltz, seconded by Bartlett, unanimous on call of roll of those present.

Councilman Lenoy mentioned that the family of Howard Hamilton, a longtime volunteer for the Carlstadt Little League who passed away recently, thanked the Mayor and Council for the plaque the Borough gave them.

Mayor Lahullier entertained a motion to adjourn the meeting at 7:40 P.M. On motion by Lenoy, seconded by Stoltz, unanimous on call of roll of those present.

APPROVED: _____
CRAIG LAHULLIER, MAYOR

ATTEST: _____
CLAIRE FOY, BOROUGH CLERK