

**REGULAR MEETING**  
**November 16, 2015**

**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, November 16, 2015 at 7:05 P.M.

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

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

Mayor Roseman called for a moment of silence for Howard Hamilton, a resident of Carlstadt and a long time volunteer in the Carlstadt Little league.

Mayor Roseman – This meeting has been called pursuant to the Open Public Meetings Law and in accordance with Section 5 of the Open Public Meetings Act, adequate notice of this meeting having been provided in the annual notice schedule which contained the time, date and location of the meeting, copies of which were sent and advertised in the following official newspapers of Carlstadt: The Record on January 7, 2015 and the Herald News on January 15, 2015 a copy of which is on the Bulletin Board in the Borough Hall and a copy on file in the office of the Borough Clerk.

**READING OF MINUTES:**

Mayor Roseman entertained a motion to accept the minutes of 10/1/15 Caucus Meeting, 10/15/15 Finance Meeting and 10/19/15 Council Meeting (Open and Closed Sessions). On motion by Lahullier, seconded by Zimmermann, unanimous on call of roll.

**CORRESPONDENCE:**

A letter was received from the Carlstadt Fire Department Board of Officers accepting the resignation of Robert Carella from the Carlstadt Fire Department Engine Company One. The Borough Clerk also mentioned a letter from David Malinowski, Borough employee requesting permission to hold a toy drive until December 11, 2015 and bring the collected toys to Hackensack Hospital for the Tomorrows Children's Fund. No one had a problem with this request.

**REPORT OF THE MAYOR:**

None.

**SPECIAL REPORTS:**

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

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

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

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**STANDING COMMITTEES:**

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

**CONSENT AGENDA**

**RESOLUTION NO. 2015-276**

**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	\$ 993,158.68
Regional Board of Education	528,487.67

**RESOLUTION NO. 2015-277**

**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 October, 2015 be ratified:

<u>Date</u>	<u>Ck #</u>	<u>Account</u>	<u>Payee</u>	<u>Amount</u>
10/22/15	501001	Current	Lowes	\$ 543.49
10/22/15	501002	Current	Medical	41,000.00
10/26/15	501003	Current	Trust	90,685.50
10/27/15	501004	Current	ADPP	1,343.37
10/28/15	501005	Current	Library Payroll	16,757.42
10/28/15	501006	Current	Dennis Ritchie	5,416.66
10/28/15	501007	Current	Payroll	278,790.99

**RESOLUTION NO. 2015-278**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the Borough Clerk be and hereby is authorized and directed to advertise for bids for recreation equipment for the 2016 recreation program.

**RESOLUTION NO. 2015-279**

**WHEREAS**, John Occhiuzzo Jr. Retired Police Chief has filed a request for reimbursement for Medicare Part B premiums on behalf of himself for the year 2015 consistent with the Carlstadt SOA Contract and the Carlstadt PBA Local #312 following the filing a formal grievance and the matter having proceeded to Arbitration with a finding in favor of the Carlstadt PBA Local #312; and

**WHEREAS**, the Opinion and Award of the Public Employment Relations Commission, PERC Docket No. AR 2009-98 provides for a reimbursement to be made from the date of the Opinion and thereafter.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that the Chief Financial Officer is hereby authorized to make payment representing reimbursement to John Occhiuzzo Jr. for the year 2015 in the amount of \$1,927.70 as evidenced by the documents submitted as proof thereof. Subsequent payment for future reimbursements shall be made upon request and proof of deductions submitted by John Occhiuzzo Jr.

**RESOLUTION NO. 2015-280**

**WHEREAS**, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of Nash Realty Partnership LP for property located at 801 Washington Avenue, Carlstadt, New Jersey for Block 131.01 Lot 5 as per Docket No. 004810-2015 dated 7/24/2015 reducing the 2015 property tax assessment from \$7,242,800.00 to \$6,741,605.00; and

**WHEREAS**, the Carlstadt Governing Body approved Resolution Number 2015-114 authorizing said reduction when the 2015 tax rate was set at the April 20, 2015 Council Meeting; and

**WHEREAS**, the reduction of 2015 property tax assessment is \$501,195.00 or \$10,374.74 in 2015 property tax.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Carlstadt authorize a refund of \$5,482.40 for the overpayment of 2015 property taxes 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.

**RESOLUTION NO. 2015-281**

**WHEREAS**, Andrew S. and Vlasta Berry own the property located at 402 Madison Street, Carlstadt, New Jersey 07072 Block 57 Lot 12; and

**WHEREAS**, Andrew S. Berry served in the United States Army from May 23, 2005 to August 30, 2006 receiving an Honorable Discharge; and

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**WHEREAS**, the United States Department of Veterans Affairs has issued a letter stating that Andrew S. Berry's wartime service connected disability is 100% as per correspondence from the Department of Veterans Affairs (331/30/CS) dated May 8, 2014; and

**WHEREAS**, Andrew S. Berry has certified that the property he owns and occupies is a two family dwelling and he occupies 50 percent of said dwelling.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Carlstadt, that Andrew S. Berry is granted exemption from paying property taxes on 50% of the property located at 402 Madison Street, Carlstadt, New Jersey 07072 Block 57 Lot 12 effective January 1, 2016 as long as he owns said property and the Carlstadt Tax Collector shall adjust his records accordingly.

**RESOLUTION NO. 2015-282**

**WHEREAS**, the Borough of Carlstadt received payment from Comerica Bank to redeem Tax Sale Certificate Number 15-00005 that was sold on August 28, 2015 for 301 Lilac Lane, Carlstadt, NJ, Block 77 Lot 8, in the amount of \$4,566.18; and

**WHEREAS**, the Borough of Carlstadt holds Tax Sale Certificate Number 15-00005.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that Tax Sale Certificate Number 15-00005 is authorized and approved for redemption and the Carlstadt Tax Collector will adjust his books accordingly.

The cancelled Tax Sale Certificate shall be mailed to Melissa Martinez, Nationstar Bldg. 5, Floor 4, One CoreLogic Drive Westlake, TX 76262.

**RESOLUTION NO. 2015-283**

**WHEREAS**, the Borough of Carlstadt received payment from Comerica Bank to redeem Tax Sale Certificate Number 14-00003 that was sold on August 22, 2014 for 500 Ninth Street, Carlstadt, NJ, Block 87 Lot 11, in the amount of \$1,660.83; and

**WHEREAS**, TWR/CST for EBURY FND, INJ, LLC, holds Tax Sale Certificate Number 14-00003 and paid a Premium in the amount of \$1,300.00.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that the Borough Treasurer will issue a refund in the amount of \$2,960.83 (\$1,660.83 for the Tax Sale Certificate Redemption and \$1,300.00 for the Premium) for the Tax Sale Certificate Redemption and the Carlstadt Tax Collector will adjust his books accordingly.

The payment should be made payable to: TWR/CST for EBURY FND INJ LLC, P.O. Box 37695, Baltimore, MD 21297-3695 and the cancelled Tax Sale Certificate shall be mailed to: Nationstar Mortgage, C/O: Robert Vigus, CoreLogic Real Estate, One CoreLogic Drive, Westlake, TX 76262.

**RESOLUTION NO. 2015-284**

**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. Wildcat Cheerleaders – Friday, November 13, 2015 from 4:00 P.M. to 6:15 P.M. to have a meeting.
2. Cub Scout Pack 51/65 – Friday, November 13, 2015 from 6:30 P.M. to 9:00 P.M. to have a meeting.
3. Carlstadt Soccer League – Friday, November 20, 2015 from 6:00 P.M. to 9:00 P.M. to have a meeting.

**RESOLUTION NO. 2015-285**

**WHEREAS**, Deborah Balchan, a realtor handling the property at 601 Hoboken Road, Carlstadt, NJ 07072 applied for a smoke and carbon monoxide detector certificate for the sale of the property for which she paid an amount of \$35.00; and

**WHEREAS**, it was determined that this is a three-family residence and the certificate does not apply.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that a refund be issued to Deborah Balchan in the amount of \$35.00 due to the fact that this certificate does not apply.

**RESOLUTION NO. 2015-286**

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL  
ENTITLED AMOR SGE, LLC V. BOROUGH OF CARLSTADT  
AT 50 AMOR AVENUE, BLOCK 123, LOT 27  
FOR TAX YEARS 2012 AND 2013.**

**WHEREAS**, Amor SGE, LLC has filed action with the Tax Court of New Jersey against the Borough of Carlstadt challenging the tax assessed against property located at 50 Amor Avenue and identified on the Borough's tax maps as Block 123, Lot 27 for tax years 2012 and 2013; 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 tax year 2012 to be reduced from \$ 1,200,000 to \$ 1,050,000.
- 2) The tax appeal for tax year 2013 to be withdrawn by plaintiff.

Mayor Roseman mentioned to the Council that Resolution No. 2015-281 be approved subject to the review of the Borough Attorney.

Mayor Roseman entertained a motion to approve the Consent Agenda. On motion by Lenoy, seconded by Zimmermann, unanimous on call of roll.

**POLICE** – Councilman Lahullier read the report for the month of October. This report will be filed.

**FIRE/AMBULANCE** – Councilman Bartlett read his reports for the month of October. These reports will be filed.

**PUBLIC WORKS/PROPERTY** – Councilman Stoltz read his report for the month of October. This report will be filed.

**PLANNING** – Councilman Lenoy had no report.

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

**STREET LIGHTING** – Councilman Emerson read the report for the month of October. This report will be filed.

**HEALTH** – Councilman Bartlett reported progress.

**RECREATION** – Councilman Emerson read the report for the month of October. This report will be filed.

**BOROUGH EQUIPMENT** – Councilman Zimmermann read his report for the month of October. This report will be filed.

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

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

**REPORTS OF SPECIAL COMMITTEES:**

There were no reports of special committees.

**READING OF BILLS:**

**RESOLUTION NO. 2015-270**

**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>	
Bergen County Soil Conservation	\$ 975.00
Neglia Engineering Associates	15,191.83
Municipal Emergency Services	4,585.41
Nash Realty Partnership LP	5,482.40

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The Choi Law Group LLC	12,946.36
Foley Incorporated	85,300.00
Rogut McCarthy LLC	6,601.12
4 Clean Up Inc.	73,517.93
Trino Associates LLC	35,150.60

**TRUST ACCOUNT**

Beckmeyer	260.00
Hackensack Post Office	225.00
Kim Koziel	90.00
Borough of Carlstadt	300.00
Penta Communications	344.24
Fiber Tech	95.28
Corbel Comm. Ind. LLC	4.50
CCG	219.67
Snow Joe LLC	1,082.96
Current Account	9,700.42

**DOG WARDEN TRUST**

NJ Department of Health & Senior Services	5.40
Tyco Animal Control Service	766.66
Smart Web Apps.	549.00

**CURRENT ACCOUNT**

AHOLD FINANCIAL SERVICES	281.98
AMERICAN PAPER SUPPLY	1,532.17
AMERICAN AUTO BODY & PAINT	2,861.65
A.N.D. SERVICE	5,446.84
ARAMARK UNIFORM SERVICES	971.54
ARROW ELEVATOR INC.	145.00
AVAYA INC.	1,442.73
BALCO INDUSTRIES	140.00
BELLAQUA INC	167.50
BERGEN MUNICIPAL EMPLOYEE	17,325.00
BERGEN COUNTY HARLEY-DAVIDSON	332.26
BEYER BROTHERS CORP.	1,474.54
BOROUGH OF E. RUTHERFORD	3,670.30
CAPITAL ACCOUNT	81,326.25
CARLSTADT AMBULANCE CORP.	35,000.00
CARGILL	12,829.29
CARLSTADT BOARD OF EDUCATION	993,158.68
CARLSTADT/EAST RUTHERFORD WRESTLING	3,450.00
CENTER FOR OCCUPATIONAL MED.	378.00
CHEEMA OIL CORPORATION	2,965.76

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CHEM-TEC	328.95
CHOCOLATE DREAMS	162.50
CLAIRE FOY	728.36
CLIFFSIDE BODY CORP.	1,762.08
COLANERI BROTHERS	377.95
COMCAST	31.16
COMCAST	64.80
COMPLETE SAW & GARDEN EQUIPMENT	299.15
COMFORTABLE SOLUTION	190.00
CUMMINS POWER SYSTEM LLC	54.09
DEBORAH BALCHAN	35.00
DELUXE SALES & SERVICE	281.69
DUX PAINT LLC	275.89
EAST COAST EMERGENCY LIGHTING	462.00
ENVIRONMENTAL RENEWAL L.L.C.	1,311.00
E-ZPASS	24.70
FAIL SAFE FIRE HOSE TESTING	3,472.70
FIRE & SAFETY SERVICES	272.98
FORD CREDIT DEPT. 67-434	6,305.22
FOY, CLAIRE	165.00
FRONTIN M. JOHN	379.37
GARBARINI & CO.	4,852.50
GARDEN STATE HWY PRODUCTS	216.00
GENERAL CODE PUBLISHERS	330.00
G.T.B.M. INC	2,595.32
HANDYMAN	698.24
HARRIS UNIFORMS	922.25
HEDIGER'S FUEL OIL INC.	2,930.88
HOMETOWN AUTO PARTS	96.57
H R DIRECT	200.00
HUDSON TIRE EXCHANGE	2,023.64
I.D.A.	132,103.66
IMPESSIVE PRINTING	2,009.55
INTERSTATE BATTERY SYSTEM	185.00
JOSEPH R. DONAHUE LLC	3,150.00
J.R'S WELDING	900.00
KAY PRINTING	180.07
LADY WILDCATS VARSITY SOFTBALL	250.00
LANGUAGE LINE SERVICE	11.96
LIFESAVERS INC.	134.00
MARLIN LEASING CORP.	948.39
MARK FARRELL	750.00

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MCNERNEY & ASSOCIATE	4,700.00
MEADOWLANDS HARDWARE	1,239.49
MEADOWLANDS AREA YMCA	560.00
MERCHANTS ALARM SYSTEMS	90.00
METRO FIRE & SAFETY EQUIPMENT	152.50
MICROSYSTEMS-NJ	50.00
MSI TECHNOLOGIES, LLC	112.50
NARITA MARAJ LLC	795.00
NASSOR ELECTRICAL SUPPLY	783.01
NEGLIA ENGINEERING ASSOCIATES	12,579.75
NEXTEL COMMUNICATIONS	77.87
NJ FIRE EQUIPMENT CO.	718.47
NJ STATE LEAGUE OF MUNICIPALITIES	25.00
NORTH JERSEY MEDIA GROUP INC	370.70
NORTHEAST SWEEPERS LLC	4,200.00
OCCHIUZZO, JOHN	1,927.70
P&A AUTO PARTS	1,058.89
PASQUALE & DELEASA LLC	1,125.00
PAYROLL ACCOUNT	679.20
PETERS CAMERA & FRAME SHOP	187.50
PINNACLE	4,005.25
PITNEY BOWES INC	33.98
POMPONIO, DONALD	186.85
PRESTI, ROSARIO JR., ESQ	406.63
PSE&G	20,624.87
RE-TRON TECHNOLOGIES INC.	78.11
REGAL STAMP CO.	55.00
REGIONAL BOARD OF EDUCATION	528,487.67
REMINGTON AND VERNICK	6,055.50
RITCHIE, DENNIS	5,416.66
ROBERT T. REGAN, ESQ.	1,110.00
SANITATION EQUIPMENT CORP.	232.68
SCHUMACHER CHEVROLET	782.41
SHERWIN WILLIAMS, INC.	212.08
SLOMIENSKI, WALTER. M	1,066.66
QUALITY AUTO MALL	5,616.82
STAPLES BUSINESS ADVANTAGE	2,582.41
SUTPHEN EAST CORPORATION	114.68
TETERBORO CHYRSLER JEEP	2,087.58
TGA OF BERGEN	550.00
THE TERRE CO.	580.50
TRANSUNION RISK & ALTERNATIVE	44.25

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TRAFFIC SAFETY & EQUIPMENT	2,970.00
TWR/CST FOR EBURY FND INJ LLC	2,960.83
UNITED WATER NEW JERSEY	11,087.40
UNUM LIFE INS. CO. OF AMERICA	840.33
VERIZON	309.98
VERIZON WIRELESS	1,762.24
VFIS	1,904.25
WASTE MANAGEMENT OF NJ INC.	15,680.94
921-PRAXAIR DIST MID-ATLANTIC	254.35
WEST PAYMENT CENTER	362.75
WITMER ASSOCIATES INC.	635.88
MEDICAL BENEFITS ACCT	20,000.00
MEDICAL BENEFITS ACCT	55,000.00
POSTMASTER	196.00
SENIOR FRIENDSHIP CLUB	1,100.00
MEDICAL BENEFITS ACCT	86,000.00
PAYROLL ACCOUNT	16,931.75
PAYROLL ACCOUNT	383,671.22

**TOTAL** \$ 2,550,803.20

**TOTAL BILLS FOR THE MONTH** \$ 2,804,196.98

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

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

**UNFINISHED BUSINESS:**

None.

**HEARING OF CITIZENS:**

**Alex Jakulevicius, 611 Monroe Street** – asked the Mayor and Council if there's any update from New Jersey Transit regarding the noise complaint about the buses on Monroe Street. Mayor Roseman said the town hasn't heard anything yet. Mr. Jakulevicius asked the Mayor and Council to please follow up with New Jersey Transit.

**Gunter Kuprat, 507 Washington Street** – mentioned that the enrollment in gymnastics at the Turn Hall is growing and they had extended the times to fit the program.

**Barbara O'Connor, 310 Broad Street** – thanked the Mayor and Council for the repair of the stairway railings between the 6<sup>th</sup> Street Firehouse and Zimmermann Park.

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**Robert Lavezzi and Ralph Russo from the New York Society of Model Engineers - 341 Hoboken Road** – asked the Mayor and Council of the possibility for their organization to get tax exempt status on their land since their organization is a non-profit organization. Mayor Roseman said the Council will discuss it at the next Caucus meeting.

**CONSIDERATION OF ORDINANCES:**

**None.**

**MISCELLANEOUS & NEW BUSINESS:**

**None.**

Mayor Roseman entertained a motion to go into closed session at 7:35 P.M. to discuss personnel. On motion by Lahullier, seconded by Lenoy, the meeting unanimously went into closed session.

The meeting went back into open session at 9:00 P.M. with the following members in attendance: Mayor Roseman, Councilmen Lahullier, Zimmermann, Stoltz, Bartlett, Lenoy and Emerson.

Mayor Roseman entertained a motion to hire David Corrigan, Esq. to review the contract in preparation for police negotiations. On motion by Lenoy, seconded by Lahullier, unanimous on call of roll.

Mayor Roseman entertained a motion to have a committee consisting of the Mayor, two Councilmen and the Police Chief to start the process of police promotions. On motion by Lenoy, seconded by Lahullier, unanimous on call of roll.

Mayor Roseman entertained a motion to have the Police Chief submit a letter with the names of those individuals who qualify for the police promotions in accordance with the Ordinance. On motion by Stoltz, seconded by Lahullier, unanimous on call of roll.

Mayor Roseman entertained a motion to have David Corrigan, Esq, present at the first meeting with the committee to discuss police promotions on November 23, 2015. On motion by Bartlett, seconded by Lenoy, unanimous on call of roll.

Mayor Roseman entertained a motion to adjourn the meeting at 9:10 P.M. On motion by Bartlett, seconded by Lenoy, the meeting was unanimously adjourned.

APPROVED: \_\_\_\_\_  
WILLIAM ROSEMAN, MAYOR

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