

CAUCUS/COUNCIL MEETING
August 19, 2020

A RESCHEDULED CAUCUS/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 Wednesday, August 19, 2020 at 4:30 P.M

Mayor Robert Zimmermann asked Claire Foy, Borough Clerk to call the roll: Council members David Stoltz, Joseph Emerson, Suzanne Fonseca and Diane DeBiase were present. Councilmen James Lenoy and William Roseman were present telephonically.

Joseph Crifasi, DPW Operations Manager was also present. Joseph Donahue, Borough Attorney was also present telephonically.

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

Mayor Zimmermann – 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, 2020 and the Herald News on January 6, 2020 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 Zimmermann read the following rescheduled meeting notice which was posted on the Borough's website and published in The Record on August 14, 2020.

BOROUGH OF CARLSTADT RESCHEDULED MEETING NOTICE

The time for the August 19, 2020 Caucus/Council Meeting of the Mayor and Council of the Borough of Carlstadt has been changed from 7:00 P.M. to 4:30 P.M. and will be held in the Borough Hall Council Chambers, 500 Madison Street, Carlstadt, NJ 07072. Borough Hall has been closed to the public for public safety purposes. Given the current state of emergency and in the interest of public safety, the public will not be permitted to attend the meeting, but may participate by dialing 425-436-6300 with an access code 592364.

Assistant Fire Chief, Dennis Kronyak, Jr. updated the Mayor and Council on the following matters: call volume slightly increasing, new gear ordered with delivery within a month, quarantine requirements for members that travel out of state are fourteen days per State requirements. This includes being absent for duty and not attending social events. Also, the Chief's Annual Dinner may be postponed or not scheduled for this year due to COVID-19 Pandemic. The Fire Department's 150th Anniversary celebrations for 2022 were discussed including Borough involvement and monetary contribution; other gear purchases were mentioned including purchase of two battery sprayers with donation received by the department.

Dennis Kronyak, Jr. thanked the Mayor and Council for their support. The Mayor and Council thanked the Fire Department for their services.

CORRESPONDENCE:

Mayor Zimmermann informed the Council that two members of Engine Company Three, Gary Colombo and Eric Cosgrove, resigned from the Carlstadt Fire Department. The Volunteer Fire Department Board of Fire Officers accepted the resignations.

Mayor Zimmermann entertained a motion for the Council to accept the resignations of Gary Colombo and Eric Cosgrove from Engine Company Three.

On motion by Stoltz, seconded by Fonseca, unanimous on call of roll.

READING OF MINUTES:

Mayor Zimmermann entertained a motion to accept the Open and Closed Session minutes of 8/5/2020 Caucus/Finance Meeting.

On motion by Emerson, seconded by Fonseca, unanimous on call of roll.

CONSENT AGENDA

RESOLUTION 2020-165

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	\$ 1,046,392.83
Regional Board of Education	580,786.75
County Open Space Taxes 3 rd Quarter	61,307.40
County 3 rd Quarter Taxes	1,461,136.00

RESOLUTION 2020-166

BE IT RESOLVED, that the following payments made by the Chief Financial Officer from Valley Bank during the month of July, 2020 be ratified:

<u>Date</u>	<u>Ck#</u>	<u>Account</u>	<u>Payee</u>	<u>Amount</u>
7/17/20	502205	Current	Medical	\$ 76,000.00
7/20/20	502206	Current	Suez Water NJ	1,816.55
7/20/20	502207	Current	Verizon	199.99
7/20/20	502208	Current	D. Giancaspro	73.32
7/21/20	502210	Current	PSE&G	19,824.54
7/22/20	502211	Current	Comcast	48.78

7/22/20	502212	Current	Great Am. Financial	425.00
7/22/20	502213	Current	Lowe's	1,302.66
7/24/20	502215	Current	Medical	178,000.00
7/24/20	502216	Current	IRS	766.80
7/28/20	502217	Current	Comcast	578.08
7/28/20	502218	Current	PSE&G	94.84
7/28/20	502219	Current	MCI	462.24
7/28/20	502220	Current	Verizon	76.77
7/28/20	502221	Current	Verizon	129.99
7/28/20	502222	Current	Comcast	14.60
7/29/20	502223	Current	Payroll	317,939.92
7/29/20	502224	Current	Payroll	18,047.15
7/29/20	502225	Current	Medical	54,500.00

RESOLUTION 2020-167

WHEREAS, the Board of Officers has approved the membership of the following persons as probationary members of the Carlstadt Fire Department:

1. Dylan Harr, Michael Skeahan and James McGraw – Engine Company Two
2. Jason C. Taylor – Engine Company Three

and

WHEREAS, said individuals have satisfactorily passed the required physical examination.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that Dylan Harr, Michael Skeahan, James McGraw and Jason C. Taylor are hereby appointed as probationary members of the Carlstadt Fire Department

RESOLUTION 2020-168

WHEREAS, the Board of Officers has approved the membership of the following person as a regular member of the Carlstadt Fire Department:

1. Bryan R. Reinhardt – Friendship Hook & Ladder Company One

and

WHEREAS, said individual has satisfactorily passed the required physical examination.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that Bryan R. Reinhardt is hereby appointed as a regular member of the Carlstadt Fire Department.

RESOLUTION 2020-169

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that Dylan Kronyak and Shawn Medvar are hereby appointed as Junior Members of the Carlstadt Fire Department as approved by the Carlstadt Fire Department Board of Officers.

RESOLUTION 2020-170

WHEREAS, five (5) applications have been filed requesting renewal of Plenary Retail Consumption Licenses; and

WHEREAS, one (1) application has been filed requesting renewal of a Plenary Retail Distribution License; and

WHEREAS, the regular fee of one thousand seventy-four dollars (\$1,074.00) has been submitted with each application in accordance with the Borough Ordinance governing the same; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey, that the five (5) applications for renewal of Plenary Retail Consumption Licenses and the one (1) application for Plenary Retail Distribution License are hereby approved. All licenses when granted, will be effective on the First Day of July, 2020 and expire on the Thirtieth Day of June 2021; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized and directed to issue the following licenses for Plenary Retail Consumption and Plenary Retail Distribution.

PLENARY RETAIL CONSUMPTION

0205-33-004-001	Carlstadt Turnverein Inc.	500 Broad Street
0205-33-008-008	Leekay, L.L.C.	843 Washington Avenue
0205-33-012-011	Biggies Clam Bar Route 17 LLC	430 Route 17 South
0205-33-016-011	335 PPR, LLC	335 Paterson Plank Road
0205-33-017-010	CJD2L Corp.	2 Palmer Terrace

PLENARY RETAIL DISTRIBUTION

0205-44-010-007	Wine Shop Inc.	434 Hackensack Street
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All licenses are issued subject to any special conditions now existing or hereafter imposed by the A.B.C. or the Borough of Carlstadt. All renewals where fees have been paid by uncertified check are subject to said check being cleared for payment on or before August 18, 2020.

RESOLUTION 2020-171

**RESOLUTION AUTHORIZING CHANGE ORDER N^o 1 FOR
Reduction of unused quantities due to site conditions during construction**

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 and Final Payment for the Contract listed below be and is hereby approved.

TITLE OF JOB: 411 Orchard Street – Demolition Project

CONTRACTOR: Caravella Demolition

CHANGE ORDER No.: 1 & Final

AMOUNT OF CHANGE THIS RESOLUTION: (\$-10,000.00) Decrease: 9.76%

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

RESOLUTION 2020-172

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the contract for **411 Orchard Street – Demolition Project** was constructed by **Caravella Demolition, 40 Deforest Avenue, East Hanover, New Jersey 07936**, 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 **One Thousand Eight Hundred Fifty Dollars and Zero Cents (\$1,850.00)** is hereby approved.

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

RESOLUTION 2020-173

**RESOLUTION AUTHORIZING CHANGE ORDER N^o 1 FOR
Reduction of unused quantities due to site conditions during construction**

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 and Final Payment for the Contract listed below be and is hereby approved.

TITLE OF JOB: Division Avenue Improvements (CDBG – 8th Street to 10th Street)

CONTRACTOR: Your Way Construction, Inc.

CHANGE ORDER No.: 1

AMOUNT OF CHANGE THIS RESOLUTION: _____ (-\$47,683.83) Decrease: 18.35%

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

RESOLUTION 2020-174

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the contract for **Division Avenue Improvements Project (CDBG 8th Street to 10th Street)** was constructed by **Your Way Construction, Inc., 404 Coit Street, Irvington, New Jersey 07111**, 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 **One Hundred Thousand Two Hundred Seventy-Four Dollars and Ninety-Seven Cents (\$100,274.97)** is hereby approved.

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

RESOLUTION 2020-175

WHEREAS, N.J.S.A. 5: 10A-7 grants the New Jersey Sports and Exposition Authority (NJSEA) the power to determine the existence of areas in need of redevelopment and undertake any development or other project it finds necessary to redevelop and improve the land within the district; and

WHEREAS, N.J.S.A. 5: 10A-23 grants the NJSEA the exclusive power to declare the district, or any portion thereof, to be an area in need; and

WHEREAS, C.5: 10A-24 authorizes the NJSEA to prepare and adopt redevelopment plans; and

WHEREAS, the New Jersey Meadowlands Commission (NJMC), predecessor to the NJSEA, conducted an "in-need" investigation and declared an area of Paterson Plank Road to be a redevelopment area; and

WHEREAS, NJMC adopted a redevelopment plan by NJMC Resolution No. 03-66 on September 29, 2003, which was amended by NJMC Resolution No. 04-08 on February 25, 2004 and NJMC Resolution No. 12-55 on December 19, 2012 (Paterson Plank Road Redevelopment Plan); and

WHEREAS, there have been no significant redevelopment projects within the redevelopment area as envisioned by the NJSEA redevelopment plan since the adoption and amendments to the Paterson Plank Road Redevelopment Plan due to several issues, among them, severe site contamination issues; and

WHEREAS, on May 4, 2017, the Borough of Carlstadt adopted Resolution 2017-154 which requested and adopted the following:

1. Requests that the New Jersey Sports and Exposition Authority designates the Borough as the Redeveloper of Block 91, Lots 1,2,3,4 & 5, Block 97, Lots 1,2,3,4, 5, 6, 6.01 & 7, Block 98, Lots 1, 2 & 3, Block 99, Lots 1 & 2 within the Light Industrial Center Zone of the Paterson Plank Road Redevelopment Plan.
2. Adopted the findings contained in the NJMC in-need investigation.
3. Adopts the Paterson Plank Road Redevelopment Plan in its entirety pursuant to the provisions of N.J.S.A. 40A:12A-7.

WHEREAS, a letter and the resolution were sent to Wayne Hasenbalg, President and CEO of the NJSEA, to consider the Borough request; and

WHEREAS, the NJSEA never acted upon or even acknowledged the resolution and letter; and

WHEREAS, in accordance with NJSA 5-10A-24d (6), the NJSEA may enter into a redevelopment agreement pursuant to a redevelopment plan, "by contract or contracts with public agencies or redevelopers or by its own employees' or consultants' plan, plan, construct, reconstruct, operate, maintain, and repair any redevelopment or other project or any part thereof; and

WHEREAS, the Borough of Carlstadt is still desirous of entering into a Redevelopment Agreement with the NJSEA and being designated by NJSEA as the redeveloper of the Project Area to use powers, including eminent domain under the provisions of N.J.S.A. 40A:12A-1 et seq., the Local Redevelopment and Housing Law to develop the Project Area; and

WHEREAS, the Borough, under the provisions of N.J.S.A 40A: 12A-1 et seq, the Local Redevelopment and Housing Law, will be creating a Redevelopment Agency that will be responsible for this redevelopment effort.

NOW, THEREFORE BE IT RESOLVED THAT the Mayor and Council of the Borough of Carlstadt hereby: Requests that the New Jersey Sports and Exposition Authority designates the Borough as the Redeveloper of Block 91, Lots 1,2,3,4 & 5, Block 97, Lots 1,2,3,4, 5 6, 6.01 & 7, Block 98, Lots 1, 2 & 3, Block 99, Lots 1 & 2 within the Light Industrial Center Zone of the Paterson Plank Road Redevelopment Plan.

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

READING OF BILLS:

RESOLUTION 2020-176

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

Neglia Engineering Associates	\$ 9,519.50
SHI	753.45
Riedel Sign Co. Inc.	2,850.00
Continental Fire & Safety Inc.	16,623.10
Rogut McCarthy LLC	4,627.97

TRUST ACCOUNT

Current Account	139,386.07
Walter Slomienski Jr., Esq.	955.25
Neglia Engineering Associates	435.00

DOG WARDEN TRUST

NJ Dept. of Health and Senior Services	13.80
Tyco Animal Control Services	936.66

CURRENT ACCOUNT

ADVANCED AUTOMOTIVE	108.35
AGGRESSIVE ENERGY LLC	4,899.86
AHOLD FINANCIAL SERVICES	605.39
AMERICAN PAPER & SUPPLY	763.12
ARAMARK UNIFORM SERVICES	771.92
ARROW ELEVATOR INC.	216.00
A.T. EMBLEM CO.	323.00
ATLANTIC COAST FIBERS	2,848.42
STEWART & STEVENSON POWER	1,660.37
BELLAQUA INC.	193.55
BERGEN FENCE	9,190.00
BERGEN COUNTY CLERK	4,295.21
BEYER BROTHERS CORP.	159.70
BIOSHINE	693.00
BLUE STAR OF NEW JERSEY INC.	589.85
BMW MOTORCYCLE OF HASBROUCK	875.48
GARDEN STATE BOBCAT	87.34
BOMARK INSTRUMENTS INC.	14,933.33
BOROUGH OF RUTHERFORD	3,161.25

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BRAEN STONE INDUSTRIES INC.	98.45
CANDLEWYCK DINER	60.77
CAROUSEL INDUSTRIES OF NORTH	1,100.00
CARLSTADT FIRE DEPARTMENT	425.00
CARLSTADT BOARD OF EDUCATION	1,046,392.83
CHASEN, LAMPARELLO, MALLON	12,028.95
CHEM-TEC	1,020.00
CIRCLE D LIGHTS	402.00
CLEAN AIR COMPANY	1,495.88
CLEAR GEAR	454.97
CLINICAL SERVICES MGMT P C	1,669.50
COLANERI BROTHERS	306.69
COMFORTABLE SOLUTION	3,100.00
CORPORATE WELLNESS	1,691.00
COUNTY OF BERGEN	1,461,136.00
COUNTY OPEN SPACE TRUST FUND	61,307.40
CRADLEPOINT INC.	180.00
DAVID LEE CONSULTING LLC	1,102.50
DENISE OEHLMANN	72.00
DIRECT ENERGY BUSINESS	124.89
DR. ROBERT PURNELL	493.00
DRAGER, INC.	120.00
ENVIRONMENTAL RENEWAL L.L.C.	792.00
EXPERT SEWER & DRAIN LLC	300.00
EXTECH BUILDING MATERIALS	419.55
E-Z PASS	51.00
THE CHOI LAW GROUP LLC	3,025.00
GARBARINI & CO.	11,750.00
GOOSETOWN COMMUNICATIONS	150.00
GREATAMERICA FINANCIAL SVCS.	425.00
DOOR WORKS INC	2,150.00
G.T.B.M. INC	1,493.40
GUARDIAN EMS	75.00
H&A GLOBAL ENTERPRISES	600.00
HARRIS UNIFORMS	495.00
H.D. SUPPLY	2,245.00
HOMETOWN AUTO PARTS	500.41
HUDSON TIRE EXCHANGE	2,456.61
I.D.A.	69,328.53
ID SIGNS	425.00
IMPRESSIVE PRINTING	6,080.07
INTERSTATE WASTE SERVICES INC.	21,291.32
JOSEPH R. DONAHUE LLC	5,579.16

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KUIKEN BROTHERS COMPANY	44.97
KYLE MCMANUS ASSOCIATES LLC	95.00
LAW SOFT INC.	935.00
LAWNBOYS LANDSCAPING	225.00
LESS STRESS INSTRUCTIONAL SER.	240.00
LOWE'S BUSINESS ACCT/GEMB	828.83
MARIO'S LOCKSMITH	156.40
MARIE J. MICHEL	1,053.24
MATERA'S NURSERY	663.55
MCNERNEY & ASSOCIATE	6,000.00
MEADOWLANDS HARDWARE	1,408.21
MERCHANTS ALARM SYSTEMS	90.00
MGL PRINTING SOLUTIONS	973.00
MID BERGEN REG. COMMISSION	6,972.50
MOTOROLA	828.52
MSI TECHNOLOGIES LLC	1,178.60
NATURE'S CHOICE CORP.	5,016.00
NEGLIA ENGINEERING ASSOCIATES	1,081.72
NEXTEL COMMUNICATIONS	73.98
NFPA	175.00
NICK'S TOWING SERVICE	635.00
NJ FIRE EQUIPMENT CO.	891.15
NORTH JERSEY MEDIA GROUP INC.	801.24
NORTHEAST SWEEPERS & RENTALS	918.20
ON TIME SOLUTIONS LLC	3,218.00
PASQUALE & DELEASA LLC	985.00
PAYROLL ACCOUNT	333.25
PERENNIAL SERVICES LLC	2,195.00
PERFORMANCE TRAILERS INC.	38.00
PIA SECURITY PROGRAMS	12,300.00
PRESTIGE LABORATORIES INC.	300.00
PRESTI, ROSARIO JR., ESQ.	836.66
PROGRESSIVE BRICK CO.	80.00
PSE&G	20,370.05
RCM CEBERIO LLC	3,000.00
RE-TRON TECHNOLOGIES INC.	1,139.54
RECANATI FRANK	157.46
REDICARE LLC	7,511.84
REGAL STAMP CO.	358.75
REGIONAL BOARD OF EDUCATION	580,786.75
RIDGEHURST AUTO PARTS	352.77
SANITATION EQUIP. CORP.	3,652.79
SCHUMACHER CHEVROLET	2,053.15

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SCHILLING & CO ELECTRICAL CONT	2,400.00
SHERWIN WILLIAMS, INC.	1,127.70
SLOMIENSKI, WALTER M.	1,066.66
SMARTSIGN	51.90
SPRINKLER SURGEON LLC	2,268.00
STATE LINE FIRE & SAFETY	259.20
QUALITY AUTO MALL	2,774.63
STAPLES ADVANTAGE	537.42
STROEDECKE, WARREN	900.00
SUNNY COMMUNICATIONS INC.	587.00
SUTPHEN CORPORATION	238.44
TESSCO INCORPORATED	587.86
THE TERRE CO.	507.55
TRAFFIC SAFETY & EQUIPMENT	2,334.40
TRUST ACCOUNT	95.00
TYPEWRITERS.COM	429.00
SUEZ WATER NEW JERSEY	1,103.00
UNUM LIFE INS. CO. OF AMERICA	1,509.63
ADPP ENTERPRISES INC.	388.32
V.E. RALPH & SON	279.24
VERIZON BUSINESS	48.17
VFIS	5,639.14
VIP CAR WASH & LUBE LLC	37.00
921-PRAXAIR DIST MID-ATLANTIC	182.65
WIDMER TIME RECORDER	125.00
WOOD, LAWRENCE	91.00
Y-PERS INC.	1,084.83
VERIZON	1,898.98
MEDICAL BENEFITS ACCOUNT	40,000.00
VERIZON	3,107.81
PSE&G	1,610.87
PSE&G	756.38
FEDEX	290.58
NEW JERSEY MOTOR VEHICLE	420.00
VERIZON WIRELESS	890.36
SUEZ WATER NEW JERSEY	507.83
VERIZON	821.94
SUEZ WATER NEW JERSEY	10,653.44
MEDICAL BENEFITS ACCT	94,000.00
PAYROLL ACCOUNT	17,946.20
PAYROLL ACCOUNT	398,373.50
TOTAL	\$4,039,673.77

TOTAL BILLS FOR THE MONTH \$4,215,774.57

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

On motion by Emerson, seconded by Fonseca, unanimous on call of roll.

HEARING OF CITIZENS:

Mayor Zimmermann entertained a motion to open the floor to a hearing of citizens.

On motion by Fonseca, seconded by DeBiase, unanimous on call of roll.

Dennis Kronyak, Jr. 617 Monroe Street, wanted to acknowledge the great work of the Carlstadt's Fire Department, Police Department and the Department of Public Works handling the response to Tropical Storm Isaias. The Mayor concurred that the Borough's first responders and DPW did a great job.

Mayor Zimmermann said no citizens were present telephonically for hearing of citizens at this time.

Mayor Zimmermann entertained a motion to close the hearing of citizens.

On motion Fonseca, seconded by DeBiase, unanimous on call of roll.

CONSIDERATION OF ORDINANCES:

ORDINANCE NO. 20-3

Mayor Zimmermann entertained a motion to table Ordinance 20-3, the salary ordinance, due to ongoing circumstances (COVID-19 Pandemic.)

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

FIRST READING

ORDINANCE NO. 20-6

**ORDINANCE ADOPTING
MEADOWLANDS REGIONAL COMMISSION
MASTER PLAN, ZONING REGULATIONS, CODES AND STANDARDS**

WHEREAS, the Hackensack Meadowlands Agency Consolidation Act, ("the Act"), in which the New Jersey Meadowlands Commission ("NJMC") became part of the New Jersey Sports and Exposition Authority "NJSEA" or "the commission"), and the Hackensack Meadowlands Transportation Planning District Act of 2015, ("the TPD Act") were adopted, effective February 5, 2015; and

WHEREAS, an amendment to the Act, which clarified and revised certain aspects of the Act, was adopted, effective July 6, 2015; and

WHEREAS, Section 11a. of the Act provides that "A constituent municipality that adopts and maintains the commission's master plan, zoning regulations, codes, and standards shall review and approve or reject applications for the development, improvement, redevelopment, construction, or reconstruction on land in the district upon the commission's determination that the master plan, zoning regulations, codes and standards adopted by the constituent municipality conform in all material respects to those of the commission;" and

WHEREAS, Section 11a. of the Act further provides that "all fees generated by these applications and approvals shall be retained by the municipality," and

WHEREAS, the Borough of Carlstadt hereby elects to assume the responsibilities of the applications specified in Section 11a. of the Act; and

WHEREAS, the NJSEA, formerly the NJMC, is the designated Floodplain Administrator for the Hackensack Meadowlands District by the Federal Emergency Management Agency's National Flood Insurance Program ("NFIP") Community Rating System ("CRS") program; and

WHEREAS, in order for all property owners within the Hackensack Meadowlands District to continue to receive a discount on their flood insurance premiums through the CRS program (currently 15%), the Federal Emergency Management Agency ("FEMA") requires the NJSEA to maintain certain records, perform certain tasks and ensure that certain regulations are being enforced; and

WHEREAS, NJSEA is responsible for review and sign-off on FEMA Elevation Certificates by the Chief Engineer of the NJSEA, provision of map information services, maintenance of flood data records, and maintenance and enforcement of flood plain management regulations.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Carlstadt, that in accordance with Section 11(a) of the Act, the Borough of Carlstadt hereby adopts and maintains the NJSEA's master plan, zoning regulations, codes, and standards and that, further, the following documents are incorporated by reference and deemed to be part of this Ordinance:

- a. NJMC Master Plan, adopted January 2004
- b. NJMC District Zoning Regulations - N.J.A.C. 19:4

- c. NJMC Subdivision Regulations - N.J.A.C. 19:5
- d. NJMC Building Code- N.J.A.C. 19:6
- e. NJMC District Transportation Plan Rules- N.J.A.C. 19:7
- f. Hackensack Meadowlands District Official Zoning Map
- g. Interim Policies Governing Affordable Housing Development in the Meadowlands

District, effective July 24, 2008, last revised July 27, 2011

- h. Redevelopment plans: Paterson Plank Road Redevelopment Plan amended

December 19,2012

- i. Pallet Racking Installation Requirements
- j. Landscape & Open Space Design Guidelines
- k. Open Space Requirements
- l. Recommended Plant List (including Native Plants)
- m. Guideline on Invasive Plants
- n. Tank Checklist; and

BE IT FURTHER ORDAINED that, the Borough of Carlstadt shall adopt, maintain, and abide by all of the applicable rules within the District, as amended and supplemented, inclusive of the aforementioned documents, in the course of any and all land use and zoning application reviews for properties located in the Hackensack Meadowlands District; and

BE IT FURTHER ORDAINED that In the interest of continuity of review, all applications shall be first submitted to the NJSEA, and the NJSEA shall within three business days of receipt forward a complete copy of the application to the Borough of Carlstadt; and

BE IT FURTHER ORDAINED that the Borough of Carlstadt acknowledges that the NJSEA shall continue to perform the following reviews:

- a. Determination of any project which requires a use variance, in accordance with Section 11d. of the Act, which shall be evaluated within five business days of receipt, if possible; and

- b. Calculation of Transportation Mitigation Assessment ("TMAN"), as required by the TPD Act; and
- c. Determination of proposed Finished Floor Elevation, as required by FEMA's National Flood Insurance Program ("NFIP") Community Rating System ("CRS"); and
- d. Administration of Flood Plain Management Regulations/Floodproofing, as required by FEMA's NFIP CRS; and
- e. Evaluation of the State's riparian interest, as required by N.J.S.A. 13:1B-13.8 regarding the New Jersey Department of Environmental Protection Bureau of Tidelands; and
- f. Evaluation of development's conformance with the New Jersey Coastal Zone Management Program, as required by N.J.A.C. 7:7-9.43; and
- g. Conformance with the Interim Policies Governing Affordable Housing Development in the Meadowlands District; and

BE IT FURTHER ORDAINED that the Borough of Carlstadt shall provide the commission with "all documentation, plans, and information regarding all applications," as required by Section 11a. of the Act; and

BE IT FURTHER ORDAINED that if a TMAN is determined by the NJSEA to be required, the Borough of Carlstadt agrees to refrain from issuance of any approval until such time that the TMAN is paid to the NJSEA or the appropriate agreement with the NJ SEA for future payments is signed and filed in the County Registrar's office; and

BE IT FURTHER ORDAINED that 30% of any funds collected in accordance with the TMAN for any project in the Borough of Carlstadt shall be used within the Borough of Carlstadt as required by Section 74k. of the Act; and

BE IT FURTHER ORDAINED that the Borough of Carlstadt acknowledges that the NJSEA shall independently enforce the Hackensack Meadowlands Transportation Planning District Act of 2015, if an approval is issued by the Borough of Carlstadt prior to the payment of the TMAN to the NJSEA; and

BE IT FURTHER ORDAINED that the Borough of Carlstadt shall retain all fees generated by the applications handled by the municipality in accordance with the fee schedule set forth in N.J.A.C. 19:4-11; and

BE IT FURTHER ORDAINED, that the Borough of Carlstadt shall provide all necessary information to and cooperate with the NJSEA to ensure the continuity of the FEMA NFIP CRS

program for the benefit of the constituent property owners within the Borough of Carlstadt as well as within the Hackensack Meadowlands District, including, but not limited to, the following:

1. As-built plans for completed building and/or addition construction prior to the issuance of any temporary or final certificate of completion and/or occupancy approval or certificate of occupancy;
2. A link on the municipal website, listing the NJSEA as the Flood Plain Administrator for all District properties and directing inquiries to the NJSEA.
3. The records for all construction, maintenance and inspections regarding drainage structures located within the District portion of the municipality; and

BE IT FURTHER ORDAINED that the Borough of Carlstadt hereby agrees that, as the NJSEA is the Flood Plain Administrator for the FEMA NFIP CRS program and is responsible for enforcement of the Flood Plain Management Regulations, all applications involving a request for a variance from the NJSEA's required finished floor elevation shall be submitted to the NJSEA for review and approval or rejection; and

BE IT FURTHER ORDAINED that, to the extent that the New Jersey Administrative Code regulations permit an appeal to the Executive Director of the NJMC (by way of example, but not by way of limitation, N.J.A.C. 19:4-4.19), said appeal shall be made to the Zoning Code Official of the Borough of Carlstadt; and

BE IT FURTHER ORDAINED that, to the extent that the New Jersey Administrative Code regulations permit the Executive Director of the New Jersey Meadowlands Commission to waive or reduce any application fee (by way of example, but not by way of limitation, N.J.A.C. 19:4 11.1), said request for a waiver or reduction of the application fee shall be made to the Zoning Code Official of the Borough of Carlstadt; and

BE IT FURTHER ORDAINED that this Ordinance is limited to that portion of the Borough of Carlstadt within the Hackensack Meadowland District, as delineated on the Hackensack Meadowlands District Official Zoning Map. For the remaining portion of the Borough of Carlstadt, which is outside of the Hackensack Meadowlands District Boundaries, all existing development regulations shall remain in full force and effect; and

BE IT FURTHER ORDAINED that if any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so

adjudged and the remainder of this Ordinance shall be deemed to be valid and effective; and

BE IT FURTHER ORDAINED that this Ordinance is hereby referred to the Borough of Carlstadt Planning Board, pursuant to N.J.S.A. 40:55D-64 for a report, if any, pursuant to N.J.S.A. 40:55D-26(a); and

BE IT FURTHER ORDAINED that should the Borough of Carlstadt Planning Board fail to transmit said report within the required 35-day period provided for in said statute, then the governing body shall be relieved from the requirements. of N.J.S.A. 40:55D-26; and

BE IT FURTHER ORDAINED that after completion of the second reading, this Ordinance shall be adopted by the Borough of Carlstadt.

RESOLUTION 2020-177

BE IT RESOLVED that the ordinance entitled:

**ORDINANCE ADOPTING
MEADOWLANDS REGIONAL COMMISSION
MASTER PLAN, ZONING REGULATIONS, CODES AND STANDARDS**

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 16th day of September, 2020 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 DeBiase, seconded by Fonseca, unanimous on call of roll.

Mayor Zimmermann asked if anyone had other matters to discuss.

COUNCILMAN DAVID STOLTZ
He had nothing to discuss at this time.

COUNCILMAN JOSEPH EMERSON
He mentioned the possibilities of resuming some recreation activities, Sport Leagues, Boy Scout meetings, senior activities and outdoor concerts within COVID-19 requirements and guidelines.

COUNCILWOMAN DIANE DEBIASE

She had nothing to discuss at this time.

COUNCILMAN JAMES LENOX

He mentioned that the Carlstadt Public School identification pass cards for recreation volunteers are no longer valid. New cards will be reissued once recreation resumes.

COUNCILMAN WILLIAM ROSEMAN

He had nothing to discuss at this time.

COUNCILWOMAN SUZANNE FONSECA

She suggested a Community Garden for the former Lincoln School site. The Mayor, Council and Joseph Crifasi, DPW Operations Manager discussed the possibility. It will be referred to the Environmental Committee.

JOSEPH CRIFASI, DPW OPERATIONS MANAGER

He updated the Mayor and Council on the following items: waiting on price quotes on a gazebo for the former Lincoln School site, Neglia Engineering is preparing a poster of the plans for the Orchard Street property (former Ganes Chemical site), he is working on a resolution for the Diversity Committee and is requesting pricing for pet waste receptacles.

**EXECUTIVE SESSION MEETING ACT
RECESS INTO CLOSED SESSION**

WHEREAS, it is necessary for the Governing Body of the Borough of Carlstadt to conduct an executive session closed to the public in order to discuss one or more of the following subjects: personnel and property.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt hereby moves to go into executive session in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et. Seq. for the purpose of discussing one or more of the following subjects: personnel and property.

AND, BE IT FURTHER RESOLVED that the public will be informed either later this evening after reconvening the public meeting or at a future public meeting said date is not predictable at the present time.

AND, BE IT FURTHER RESOLVED that the matters discussed in and minutes of the closed session shall be disclosed to the public when the reason for confidentiality no longer exists.

Mayor Zimmermann entertained a motion to go into closed session at 5:05 P.M. On motion by DeBiase, seconded by Fonseca, unanimous on call of roll.

Councilman Lenoy left the meeting at 5:05 P.M. Councilwoman DeBiase left the meeting at 6:15 P.M. Councilman Roseman left the meeting at 6:45 P.M.

Mayor Zimmermann entertained a motion to go back to open session at 7:28 P.M. On motion by Fonseca, seconded by Stoltz, unanimous on call of roll.

MISCELLANEOUS & NEW BUSINESS

Mayor Zimmermann entertained a motion to advertise for the auction of Borough vehicles at the DPW garage.

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

Mayor Zimmermann entertained a motion to adjourn the meeting at 7:30 P.M. On motion by Fonseca, seconded by Emerson, unanimous on call of roll of those present.

APPROVED: _____
ROBERT J. ZIMMERMANN, MAYOR

ATTEST: _____
CLAIRE FOY, BOROUGH CLERK