

CAUCUS/FINANCE MEETING
May 5, 2021

A REGULAR SCHEDULED CAUCUS/FINANCE 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, May 5, 2021 at 7:07 P.M.

Mayor Robert Zimmermann asked Claire Foy, Borough Clerk to call the roll: Mayor Robert Zimmermann, Council members David Stoltz, James Lenoy, Suzanne Fonseca and Diane DeBiase were present. Councilman Joseph Emerson arrived at 7:18 P.M. and William Roseman arrived at 7:14 P.M.

Joseph Crifasi, Borough Administrator, Gregory Polyniak of Neglia Engineering and Joseph Donahue, Borough Attorney were also present.

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 7, 2021 and the Herald News on January 7, 2021 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.

PROFESSIONAL REPORT

Gregory Polyniak of Neglia Engineering read his report for the month regarding projects that are being done in the Borough of Carlstadt. A copy of his report is on file in the Borough Clerk's office.

HEARING OF CITIZENS

Mayor Zimmermann entertained a motion to open the floor to the hearing of citizens on the Garden Orchard Recreation Complex Improvements Project – Phase II.
On motion by Stoltz, seconded by Fonseca, unanimous on call of roll of those present.

Claire Foy, Borough Clerk, read the following published Notice:

**PUBLIC HEARING ON THE SUBMISSION OF A 2021 BERGEN COUNTY
TRUST FUND GRANT APPLICATION**

Application of the Borough of Carlstadt for Bergen County Trust Fund Municipal Program for Park Development grant funding for 2021.

TAKE NOTICE: that the Borough of Carlstadt will hold a Public Hearing on submitting the following application to the 2021 funding round of the Bergen County Trust Fund Municipal Program for Park Development:

- Garden Orchard Recreation Complex – Phase II, Block 18, Lots 6-10, Garden Street, Broad Street and Orchard Street, Carlstadt, NJ 07072.

CAUCUS/FINANCE MEETING

May 5, 2021

Page 2

- This proposed project represents Phase II of improvements to the Garden Orchard Recreation Complex. Phase I is currently under construction and includes construction of a parking lot, passive recreation park and landscaping / streetscape improvements within Block 19, Lot 10. Improvements included within Phase II will include construction of a new parking lot, playground area, walls to address substantial grade changes across the site, drainage improvements, fencing, concrete walkways, lighting and landscaping.

Date of Public Hearing: May 5, 2021

Time: 7:15 PM

Location: Carlstadt Borough Hall, 500 Madison Street, Carlstadt, NJ 07072

Formal action may be taken.

In accordance with the regulations governing the submission of Bergen County Trust Fund Municipal Program for Park Development applications, the Borough of Carlstadt Mayor and Council will conduct a public hearing to obtain citizen input concerning this grant application.

No citizens commented on this grant application.

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

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

Mayor Zimmermann entertained a motion to open the floor to the hearing of citizens on the 2021 Municipal Budget.

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

No citizens commented.

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

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

CONSENT AGENDA

RESOLUTION NO. 2021-100

WHEREAS, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“County Trust Fund”), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and

WHEREAS, the Borough of Carlstadt desires to further the public interest by obtaining a matching grant of \$500,000.00 (\$500,000.00 to be provided by the County and \$2,186,573.00, which exceeds the matching grant amount, to be funded via Borough of Carlstadt Capital Funds)

from the County Trust Fund to fund the following project: **Garden Orchard Recreation Complex Improvements Project – Phase II**; and

WHEREAS, the governing body/board has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions, and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and

WHEREAS, as part of the application process, the governing body/board received held the required Public Hearing to receive public comments on the proposed park improvements in the application on To Be Completed Upon Scheduling of Public Hearing, 2021; and

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above-named project and ensure its completion on or about the project contract expiration date.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Carlstadt Mayor and Council:

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of May 14, 2021, as established by the County; and
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Borough of Carlstadt Mayor and Council has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and
3. That the Borough of Carlstadt Mayor and Council is committed to providing a dollar-for-dollar cash match for the project; and
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
5. That the Borough of Carlstadt Mayor and Council agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and

That this resolution shall take effect immediately.

RESOLUTION NO. 2021-101

WHEREAS, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of Terrenco Dell, LLC/Yellow Equipment Terminal for property located at 700 Dell Road, Block 123.01 Lot 10 as per Docket No. 009644-2013 dated 3/23/2021 reducing the 2013 property tax assessment from \$5,875,000.00 to \$5,650,000.00 and as per Docket No. 007479-2014 dated 3/23/2021 reducing the 2014 property tax assessment from \$5,875,000.00 to

CAUCUS/FINANCE MEETING

May 5, 2021

Page 4

\$5,650,000.00 and as per Docket No. 003416-2015 dated 3/23/2021 reducing the 2015 property tax assessment from \$5,875,000.00 to \$5,650,000.00 and as per Docket No. 006647-2016 dated 3/23/2021 reducing the 2016 property tax assessment from \$5,875,000.00 to \$5,650,000.00; and

WHEREAS, the reduction in the 2013 property tax assessment is \$225,000.00 or \$4,459.50 in 2013 property tax, and, the reduction in the 2014 property assessment is \$225,000.00 or \$4,479.75 in 2014 property tax, and, the reduction in the 2015 property tax assessment is \$225,000.00 or \$4,657.50 in 2015 property tax and the reduction in the 2016 property tax assessment is \$225,000.00 or \$4,783.50.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$18,380.25 and the Tax Collector shall adjust his books accordingly. (2013: \$4,459.50; 2014: \$4,479.75; 2015: \$4,657.50; 2016: \$4,783.50).

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 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 Auditor for the Borough of Carlstadt has reviewed the calculations and finds them to be true.

The refund check shall be made payable to:

Bruce J. Stavitsky, Esq. for the benefit of Terrenco Dell LLC/Yellow Equipment Terminal" and shall be mailed to:

Stavitsky & Associates, LLC
350 Passaic Avenue
Fairfield, NJ 07004

RESOLUTION NO. 2021-102

WHEREAS, notification was received that the following handicapped parking space is no longer needed and should be removed from this location:

1. 631 Fifth Street

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that the Borough Clerk notify the DPW to remove the above mentioned handicapped parking space and that the Police Chief remove same from the certified list of handicapped parking spaces.

RESOLUTION NO. 2021-103

WHEREAS, it is upon the advice and recommendation of the Borough Counsel, Tax Assessor, Special Tax Appeal Counsel, and Appraisal Expert to seek formal approval of the here within settlement as follows:

Please see the attached schedule for the property information:

- As noted on the Borough Tax Map and owned by the named plaintiff's on the attached schedule.
- The within Resolution relates to the settlements of the pending tax appeal matters listed on the attached schedule and that have been filed in the Tax Court of New Jersey under the docket numbers listed on the attached schedule.
- The proposed settlement terms and conditions related to this matter are noted in the attached settlement recommendation letter and chart; and

WHEREAS, it is in the best interest of the Borough to approve the proposed settlement(s) to avoid the cost and uncertainty of litigation.

NOW, THEREFORE BE IT RESOLVED by the Mayor & Counsel of the Borough of Carlstadt, County of Bergen, State of New Jersey that the Borough Tax Counsel is hereby authorized and directed to further prepare, execute any and all documents necessary in order to facilitate the further processing for the above stated tax appeal settlement, with copies of same to the Borough Clerk, Borough Attorney, Borough Tax Collector and Borough Tax Assessor.

Schedule of Settled Cases for Global Settlement

RUSSO DATA CENTERS

Name	Block/Lot	Address
1. 760 Washington Avenue	127/11	760 Washington Avenue

INDUSTRIAL BUILDING

2. 800 Central Avenue	131.01/10	800 Central Avenue
3. 450 Commerce Boulevard	131.01/14	450 Commerce Boulevard
4. 400 Commerce Boulevard	131.01/16	400 Commerce Boulevard

A.M.B.

5. AMB	120/18	50 Broad Street
6. AMB	123/4	374 Starke Road
7. AMB	123/6	370 Starke Road
8. AMB	123/7	368 Starke Road
9. AMB	123/20	140 Grand Street
10. AMB	123/26 & 26.02	100 Amor Avenue

CAUCUS/FINANCE MEETING

May 5, 2021

Page 6

11. AMB	123.01/27	725 Dell Road
12. AMB	124/37	435 Oehler Place
13. AMB	126/2	555 Gotham Parkway
14. AMB	126/78	120 Asia Place
15. AMB	126/79	110 Asia Place

PROLOGIS

16. Prologis	124/24	330 Washington Avenue
17. Prologis	124/25	340 Washington Avenue
18. Prologis	127/24	118 Moonachie Road

SITEX

19. Veterans SG	124/45	223 Veterans Boulevard
20. Palmer SG	124/50	760 Washington Avenue
21. 650 Washington SG	126/22	650 Washington Avenue

KLATSKIN

22. Klatskin	131/1	400 Meadow Lane
23. Klatskin	131/2	440 Meadow Lane

Other cases

24. Eagle Realty	126/60	707 Commercial Avenue
25. Cephren	129/3	462 Barell Avenue

RESOLUTION NO. 2021-104

WHEREAS, it is upon the advice and recommendation of the Borough Counsel, Tax Assessor, Special Tax Appeal Counsel, and Appraisal Expert to seek formal approval of the here within settlement as follows:

Please see the attached schedule for the property information:

- As noted on the Borough Tax Map and owned by the named plaintiff's on the attached schedule.
- The within Resolution relates to the settlements of the pending tax appeal matters listed on the attached schedule and that have been filed in the Tax Court of New Jersey under the docket numbers listed on the attached schedule.
- The proposed settlement terms and conditions related to this matter are noted in the attached settlement recommendation letter and chart; and

WHEREAS, it is in the best interest of the Borough to approve the proposed settlement(s) to avoid the cost and uncertainty of litigation.

NOW, THEREFORE BE IT RESOLVED by the Mayor & Counsel of the Borough of Carlstadt, County of Bergen, State of New Jersey that the Borough Tax Counsel is hereby authorized and directed to further prepare, execute any and all documents necessary in order to facilitate the further processing for the above stated tax appeal settlement, with copies of same to the Borough Clerk, Borough Attorney, Borough Tax Collector and Borough Tax Assessor.

Schedule of Settled Cases for Freeze Act Motions

Name	Block/Lot	Address	Docket Number
ICON IPV CIMMARON NJ OWNER POOL 4 NJ, LLC	3 18 & 17	585-587 Industrial Road	001397-2016
Lucky 13 th St. Realty	110 3,4 & 5	326 Thirteenth Street	003809-2018
AMB	123.01 11	350 Gotham Parkway	003114-2018
GOTHAM SG LLC	123.01 12	400 Gotham Parkway	001994-2016
GOTHAM 620 SG	123.01 19	620 Gotham Parkway	003023-2018
AMB BY PROLOGIS INSTITUTIONAL ALLIANCE FUND 2, L.P.	123.01 20	640 Gotham Parkway	003115-2018
AMB BY PROLOGIS INSTITUTIONAL ALLIANCE FUND 2, L.P.	123.01 24	525 Dell Road	001630-2015
JDFD LLC	124 43	263 Veterans Boulevard	003390-2018
AVENUE REAL EST LLC	126 41	213 Washington Avenue	012302-2017
WASHINGTON AVE REALTY HOLDINGS, LLC	126 42	212 Washington Avenue	002986-2018
PROLOGIS/510 COMMERCIAL	126 62	510 Commercial Avenue	001936-2016
BARELL 472 SG LLC	129 4	472 Barell Ave	001989-2016
BARELL 485 SG LLC	128 24	485 Barell Ave	001984-2016
BARELL 482 SG LLC	129 5	482 Barell Ave	001993-2016
BARELL 495 SG LLC	128 23	551 Barell Ave	001988-2016

RESOLUTION NO. 2021-105

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:

**MONROE STREET IMPROVEMENTS (FROM BROAD STREET TO DIVISION AVENUE)
(BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED)
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. 2021-106

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:

8TH STREET IMPROVEMENTS (NJDOT FUNDED)

**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. 2021-107

**RESOLUTION AUTHORIZING GRANT APPLICATION SUBMISSION
LOCAL RECREATION IMPROVEMENT GRANT (LRIG) FY2021**

WHEREAS, the Borough of Carlstadt desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$534,300.00 to carry out a project to reconstruct the 9th Street Playground and provide ADA accessibility.

NOW, THEREFORE BE IT RESOLVED:

- 1) that the Borough of Carlstadt does hereby authorize the application for such a grant; and,
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant

to the terms of the agreement between Borough of Carlstadt and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

RESOLUTION NO. 2021-108
BOROUGH OF CARLSTADT
BERGEN COUNTY, NEW JERSEY

SELF-EXAMINATION OF BUDGET RESOLUTION
[as required by DCA]

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the **BOROUGH of CARLSTADT** has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2021 budget year.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the **BOROUGH of CARLSTADT** that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.

CAUCUS/FINANCE MEETING

May 5, 2021

Page 10

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

AND BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

RESOLUTION NO. 2021-109
BOROUGH OF CARLSTADT
MUNICIPAL BUDGET 2021

BE IT RESOLVED, that the following statements of revenue and appropriations shall constitute the adopted Municipal Budget for the year 2021:

General Appropriations

Appropriations within "CAPS" - Municipal Purposes	\$18,660,660.25
Appropriations excluded from "CAPS" - Municipal Purposes	4,702,754.70
Reserve for Uncollected Taxes	440,000.00
Total General Appropriations	23,803,414.95
Less: Anticipated Revenues	2,890,115.13
Amount to be Raised by Taxes for Support of Municipal Budget	

Local Tax Municipal Purposes	\$20,033,598.59
Minimum Library Tax	<u>\$879,701.23</u>
Total to be Raised by Taxes	\$20,913,299.82

The Governing Body of the Borough of Carlstadt does hereby adopt the above as the Budget for the year 2021.

RESOLUTION NO. 2021-110

WHEREAS, Donald Pomponio has notified the Borough of Carlstadt of his intent to retire from the position of Police Dispatcher Class A in the Police Department on March 1, 2022; and

WHEREAS, pursuant to the terms and conditions set forth in the attached letter dated April 12, 2021, he has been granted terminal leave of seven (7) months in recognition of his almost 30 years of dedicated service to the Borough of Carlstadt.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the retirement of Police Dispatcher Donald Pomponio effective March 1, 2022, be and hereby is accepted.

AND, BE IT FURTHER RESOLVED that consistent with the attached letter dated April 12, 2021, the Payroll Clerk and Chief Financial Officer are hereby directed and authorized to pay to Donald Pomponio, an amount equal to seven (7) months' salary, which includes all allotted time regardless of nature, together with any other amounts that may be due to him upon separation from service.

AND, BE IT FURTHER RESOLVED that in recognition of his dedicated service to the Borough of almost 30 years, the Mayor and Council approve and authorize continuation of Husband/Wife Medical Insurance coverage until age 65, and reimbursement for a Medicare Supplement Part B of his choice for single coverage upon submission of the annual cost thereof.

RESOLUTION NO. 2021-111

WHEREAS, the Borough of Carlstadt is in need of public health services; and

WHEREAS, the Carlstadt Board of Health is required to maintain a program of recognized standards of performance as set forth in the New Jersey Administrative Code, Title 8 – Chapter 52, effective as of February 18, 2003; and

WHEREAS, the Health Awareness Regional Program of the Hackensack University Medical Center has proposed a contract to the Borough for the one (1) year period January 1, 2021 through December 31, 2021 for an annual fee of \$9,545.00.

CAUCUS/FINANCE MEETING

May 5, 2021

Page 12

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

1. The Contract between the Health Awareness Regional Program and the Borough of Carlstadt for the provision of public health services for the period January 1, 2021 to December 31, 2021 for the amount of nine thousand five-hundred forty-five (\$9,545.00) dollars be and hereby is approved and authorized.

2. The Mayor and Borough Clerk are hereby authorized and directed to execute the Contract as proposed, a copy of which is attached hereto.

Certification as to the availability of funds:

The CFO/Treasurer hereby certifies that sufficient funds are available to pay the amount of \$9,545.00 in accordance with the terms of the Contract.

Mayor Zimmermann entertained a motion to approve the Consent Agenda.

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

CONSIDERATION OF ORDINANCES

Mayor Zimmermann entertained a motion to carry over Ordinance No. 21-6 to amend Chapter 2-22 Police Department, section 2-22.1 Composition; 2-22.5 Qualifications; 2-22.13 Promotions of the Revised General Ordinances of the Borough of Carlstadt, 2002.

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

APPROVAL OF MINUTES

Mayor Zimmermann entertained a motion to accept the minutes of 4/7/2021 Caucus/Finance Meeting and 4/21/2021 Caucus/Council Meeting (Open and Closed Sessions.)

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

SPECIAL REPORTS

Fire Chief Dennis Kronyak, Jr. invited the Mayor and Council to the Fire Department's Memorial Day Bar-B-Q which will be held immediately after the Memorial Day Parade. He also wanted to thank the Mayor and Council in advance for approving the repair of the fire horns.

Sharon Dunn, President of the Carlstadt Volunteer Ambulance Corp. informed the Mayor and Council that a donation was received for the purchase of a Power Stretcher Load System. She was also hoping that the Borough could apply for additional grant funds from Bergen County. The Mayor and Council asked that State Cooperative Contracts be reviewed for purchasing the system at a better price. Ms. Dunn also thanked the Mayor and Council for the LUCAS machine for mechanical chest compressions which was purchased by the Borough. The device was received and members are awaiting training before it is put into service.

HEARING OF CITIZENS

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

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

Abhishake Shah, 311 Lilac Lane – he asked for the Mayor and Council to consider supporting the LGBT community by raising the LGBT flag on June 26, 2021 or during June which is Pride month. (He is willing to donate the flag.) He also inquired about the Liason and first meeting for the Community Relations Advisory Committee. He was advised to contact Pastor Debra Gargiulo at the First Presbyterian Church.

Dennis Kronyak, Jr., 617 Monroe Street – he wanted to inform the Mayor and Council that the tree trimming that PSE&G was performing around their wires and lines was unsightly.

Joseph Crifasi, Borough Administrator, mentioned that the Borough was advised by PSE&G arborists that the tree trimming was designed to protect the wires and lines. Also, PSE&G has the Right of Way with the trees surrounding their wires and lines.

Richard Bartlett, 117 Carlyle Court – he asked for a tree to be removed from the front of his home due to the lifting of the sidewalk and slabs and the roots growing closer to his gas valve. He advised Councilman Roseman that the tree may not be able to be replaced. He also requested that the milling and repaving of Carlyle Court be considered for the 2022 budget. The street has not been repaved in almost twenty years.

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

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

CORRESPONDENCE

Mayor Zimmermann entertained a motion to approve the 2020-2021 Entertainment and Music applications for Maggie's. The Borough Clerk received approval from the Carlstadt Police Department.

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

Before going into Executive Closed Session, Councilwoman Fonseca thanked Joseph Orlando, Deputy Project Manager, who was present in the audience, for his work on the Veteran's Banner Project. She displayed a sample banner for the Mayor and Council.

**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 7:45 P.M. On motion by Lenoy, seconded by Fonseca, unanimous on call of roll.

Mayor Zimmermann entertained a motion to go back to open session at 9:53 P.M. On motion by DeBiase, seconded by Fonseca, unanimous on call of roll.

UNFINISHED BUSINESS/NEW BUSINESS

Mayor Zimmermann entertained a motion to suspend the Borough Mechanic without pay for a month, effective immediately, and upon his agreeing to a Last Chance Agreement. If he does not agree, then the Mayor and Council will revert to Resolution No. 2021-112.

RESOLUTION NO. 2021-112

WHEREAS, disciplinary charges were brought against Borough Mechanic William Radzinski on January 13, 2021 after an investigation was performed by Carlstadt Labor Counsel David Corrigan; and

WHEREAS, a hearing was held before Hearing Officer Benjamin B. Choi where both Mr. Radzinski and the Borough of Carlstadt were represented by counsel; and

WHEREAS, Hearing Officer Choi issued a written decision on April 26, 2021 with factual findings and sustaining the disciplinary charges filed against Mr. Radzinski; and

WHEREAS, Hearing Officer Choi has recommended dismissal or removal, pursuant to Borough Ordinance § 3-5.1; and

WHEREAS, the Mayor and Council reviewed the decision of Hearing Officer Choi and the arguments of Labor Counsel David Corrigan and counsel for William Radzinski; and

WHEREAS, Labor Counsel Corrigan has recommended that the Mayor and Council adopt the findings and recommendation of Hearing Officer Choi and dismiss Mr. Radzinski as the Borough of Carlstadt Mechanic.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that apart from the discipline recommended by Hearing Officer Choi and Labor Counsel Corrigan, the findings of Hearing Officer Choi and Labor Counsel Corrigan are hereby accepted and adopted; and it is

FURTHER RESOLVED that William Radzinski is hereby suspended immediately for a period of thirty days without pay with the understanding that he will immediately execute a last chance agreement prepared by the Borough; and it is

FURTHER RESOLVED that in the event that Mr. Radzinski fails to execute the last chance agreement, the thirty-day suspension without pay shall immediately revert to a dismissal of Mr. Radzinski as the Borough of Carlstadt Mechanic.

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

Mayor Zimmermann asked if anyone had other matters to discuss.

COUNCILMAN DAVID STOLTZ

He informed the Mayor and Council that the Police Chief requested two Special Police Officers for the School Picnic on June 19, 2021 and the Movie Under The Stars.

COUNCILMAN JOSEPH EMERSON

He asked that the Borough Attorney research the regulations regarding flying the LGBT flag.

Councilwoman Fonseca suggested placing a flag pole at the Community Garden between Sixth and Seventh Streets.

COUNCILWOMAN SUZANNE FONSECA

She thanked the Department of Public Works and Joseph Crifasi, Borough Administrator, for handling the donation of soil for the Community Garden and she updated the Mayor and Council on progress at the Community Garden including twenty-two planting beds installed with the help of volunteers; also Library sponsorship of the Butterfly Garden and the Bird House building event in August. Composting has also started at the garden.

Councilman Stoltz thanked Councilwoman Fonseca for her work with the Community Garden.

CAUCUS/FINANCE MEETING

May 5, 2021

Page 16

The Mayor and Council discussed a Groundbreaking Ceremony.

COUNCILMAN JAMES LENOY

He had nothing to discuss at this time.

COUNCILMAN WILLIAM ROSEMAN

He had nothing to discuss at this time.

COUNCILWOMAN DIANE DeBIASE

She had nothing to report at this time.

BOROUGH ATTORNEY, JOSEPH DONAHUE

He had nothing to discuss at this time.

JOSEPH CRIFASI, BOROUGH ADMINISTRATOR

He had nothing to discuss at this time.

BOROUGH CLERK, CLAIRE FOY

She had nothing to discuss at this time.

Mayor Zimmermann entertained a motion to adjourn the meeting at 10:05 P.M. On motion by DeBiase, seconded by Lenoy, unanimous on call of roll.

APPROVED: _____
ROBERT J. ZIMMERMANN, MAYOR

ATTEST: _____
CLAIRE FOY, BOROUGH CLERK