

CAUCUS/FINANCE MEETING

July 7, 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, July 7, 2021 at 7:04 P.M.

Mayor Robert Zimmermann asked Claire Foy, Borough Clerk to call the roll: Mayor Robert Zimmermann, Council members David Stoltz, James Lenoy, Joseph Emerson, Suzanne Fonseca and Diane DeBiase were present. Councilman William Roseman was present telephonically at 8:00 P.M.

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.

Mayor Zimmermann entertained a motion to accept the minutes of June 2, 2021 Caucus/Finance Meeting (Open and Closed Sessions.)

On motion by Emerson, seconded by DeBiase, Council members Stoltz, Lenoy, Emerson, Fonseca and DeBiase voted yes. Councilman Roseman was not present for the vote.

PROFESSIONAL REPORT

Robert Ceberio of RCM Ceberio, LLC 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.

CONSENT AGENDA **RESOLUTION NO. 2021-148**

WHEREAS, an application and required fees had been timely filed regarding renewal of a pocket license in the name of Merwind Inc., Plenary Retail Consumption License #0205-33-024-005 for the 2021-2022 license term; and

WHEREAS, the Tax Clearance Certificate for the 2021-2022 license term has been received by the Borough Clerk from the State of New Jersey Division of Taxation for license #0205-33-024-005; and

WHEREAS, a Special Ruling to permit the renewal of an inactive license pursuant to N.J. S.A. 33:1-12.39 for the 2021-2022, 2022-2023 and 2023-2024 license terms for Merwind Inc., license #0205-33-024-005 (Docket No. 06-21-412) has been received by the Borough Clerk stating that the license has established good cause in accordance with the statutory requirements to warrant the renewal of the license for the 2021-2022, 2022-2023 and 2023-2024 license terms.

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NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey 07072, that the application for renewal of the pocket license in the name of Merwind Inc., Plenary Retail Consumption License #0205-33-024-005 for the 2021-2022 license term is hereby approved.

RESOLUTION NO. 2021-149

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 date:

Community Center:

1. Carlstadt PTA – Tuesday, June 29, 2021 from 6:45 P.M to 8:30 P.M. to have a meeting.
2. Carlstadt Library – Wednesday, September 22, 2021, October 27, 2021, November 10, 2021, December 29, 2021 from 6:00 P.M. to 9:00 P.M. and October 13, 2021 and December 8, 2021 from 1:00 P.M. to 4:00 P.M. to hold Library programs.

RESOLUTION NO. 2021-150
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:

10TH STREET PLAYGROUND IMPROVEMENTS AND ADA RAMP PROJECT

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.

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

CORRESPONDENCE

Mayor Zimmermann said we have a request from the Board of Deacons of the First Presbyterian Church to use Lindbergh Field on August 7, 2021 from 7:30 A.M. to 6:00 P.M. for a benefit softball game for the Perine Family .

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

Also, in conjunction with the fund-raising event for the Perine family, the First Presbyterian Church is seeking permission to hold a raffle and donations for items that are needed to be in no later than July 28, 2021.

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

Mayor Zimmermann said we have correspondence from the Wildcat Hoop Club. They are the booster organization supporting Carlstadt and East Rutherford students who attend Becton Regional High School and participate in the summer basketball program. They are asking for their annual financial support from Carlstadt and East Rutherford budgets to help offset costs of registering the students/athletes in summer programs. They are asking Carlstadt to contribute \$450.00 toward this program.

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

Councilman Emerson asked the Mayor to approve to have a Special Police Officer on duty so we have someone there for this event at Lindbergh Field on August 7, 2021.

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

Mayor Zimmermann opened the floor to a hearing of citizens,

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

Mayor Zimmermann asked if there was any citizen who wished to speak.

Joshua Celeste, 431 Jefferson Street – he said his house has been a hot topic for the last couple of weeks. He hopes this will be resolved. He apologized to the Mayor and Council. He spoke to Joseph Crifasi, Borough Administrator and Frank Recanati, Construction Official and said he hopes to resolve some of the issues. On June 26th there was an incident in his house. He wasn't home and he apologized for that. He was disappointed as to what had happened. He is sure the problem has been resolved. On June 5th he celebrated his 30th birthday. The day before his birthday he came to the Police Department with flyers that he was having a BBQ. He wanted to be considerate of his neighbors. He knew the party would get loud at some point. Once the police came and told him to shut it down, he did and no summons was issued that day. He wanted to be mindful of his community. He has an issue that his community has not been considerate to him. Any complaints made to his house resolves in a summons. On June 27th he had a BBQ with his family with his nieces and nephews and at 7:00 P.M. received a summons. There was no music playing. The only loud noise was the laughing of children. Instead of dealing with his house on a case-by-case decision, they decided on the summons. His situation is that there is always noise there and feels he has hypersensitive neighbors. He tried to remedy the situation as much as he can and put sound proof panels in his house. This all started when he had his windows open and his neighbors are two feet away from the house. The windows were open because his air conditioning was not working but now it is fixed. He gave other incidents when the police were called to his house. Since he moved to Carlstadt in November, he has had the police enter his house numerous times. He also brought up a parking sticker that has resulted in him getting tickets. He has had a police car sit in front of his house from 8:00 P.M. to 4:00 A.M. which is a very uneasy feeling.

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He mentioned he has worn a uniform and fought in the war for twelve years but can't believe what he is going through now with the police.

Mayor Zimmermann thanked Joshua Celeste for his service. He said we appreciate everything you do for our country.

Mayor Zimmermann said the way he looks at this is that you have dug yourself a hole. He asked if he agreed with that and he replied yes. Mayor Zimmermann said once you dig yourself a hole, his suggestion is to stop digging the hole. This wasn't one incident but a culmination over time of parties happening every week. The Mayor has lived in Carlstadt all his life and turned sixty years old this year and has been on this Council for twenty years. The entire time he has been up here we have never had the problem with a home as at 431 Jefferson Street.

Mayor Zimmerman said he received a call one Saturday night and took a ride up to his house. It was very noisy with people in the backyard. SUV's let out people and parked in front of the driveway and another vehicle came and let three more people out. We are not on an acre of land here, we are on a 50 x 100 lot so you have to be respectful of your neighbors. This has gone on over and over again. The Mayor appreciates him coming up here and apologizing as well as what he has done over the last few weeks. He said you have to understand you are under a microscope and this community will not allow that to happen. The Mayor said he respects him and what he has done for this country. If there is a party there with loud music, neighbors are being disturbed. They have a right that they can go out in their backyard and sit and enjoy their evening without a loud party going on.

Kathleen Plaha, 753 Ramapo Valley Road, Oakland – she said the thing about the summons that Joshua Celeste gets, her dad gets it as well, as he is the owner of the property. She spoke to the police about the situation. A lot of the complaints are noise complaints and hanging out. Mayor Zimmermann said these parties were going on week after week. The two big parties were June 26th and his 30th birthday party. She realizes the police are fed up with this. If his nieces and nephews come over, all they want to do is entertain with dinner and talking. There was a lengthy discussion regarding this matter.

Mayor Zimmermann asked if any other citizen wished to speak.

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

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

CONSIDERATION OF ORDINANCES

FIRST READING

ORDINANCE NO. 21-8

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE BOROUGH OF CARLSTADT, COUNTY OF BERGEN, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID REVISED GENERAL ORDINANCES; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; AND ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE REVISED GENERAL ORDINANCES

Section 1. Adoption of Revised General Ordinances.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Borough of Carlstadt of a general and permanent nature adopted by the Mayor and Council of the Borough of Carlstadt, as revised, codified and consolidated into chapters and sections, and consisting of Chapters 1 through XXI, are hereby approved, adopted, ordained and enacted as the "Revised General Ordinances of the Borough of Carlstadt, 2002, hereinafter known and referred to as the "2002 Revision."

Section 2. Revision Supersedes Prior Ordinances.

This ordinance and the 2002 Revision shall supersede all other general and permanent ordinances enacted prior to the enactment of this 2002 Revision, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

Section 3. When Effective.

This ordinance shall take effect immediately upon passage and publication according to law.

Section 4. Copy of Revision on File.

A copy of the 2002 Revision in loose-leaf form has been filed in the office of the Borough Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Borough of Carlstadt by impressing thereon the Seal of the Borough, as provided by law, and such certified copy shall remain on file in the office of the Clerk of the Borough, to be made available to persons desiring to examine the same during all times while said Code is in effect.

Section 5. Amendments to Revision.

Any and all additions, amendments or supplements to the Revision, when passed and adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such Revision so that reference to the "Revised General Ordinances of the Borough of Carlstadt, 2002," shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the 2002 Revision shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said 2002 Revision as amendments and supplements thereto.

Section 6. Publication; Filing.

The Clerk of the Borough of Carlstadt, pursuant to law, shall cause this Adopting Ordinance to be published, in the manner required, in a newspaper of general circulation in the Borough. Sufficient copies of the 2002 Revision shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours.

Section 7. Revision to be Kept Up-To-Date.

It shall be the duty of the Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing the 2002 Revision required to be filed in his or her office for the use of the public. All changes in said 2002 Revision and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the 2002 Revision shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said 2002 Revision, at which time such supplements shall be inserted therein.

Section 8. Sale of Revision.

Copies of the 2002 Revision, or any chapter or portion of it, may be purchased from the Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by the Mayor and Council. The Clerk may also arrange for procedures for the periodic supplementation of the 2002 Revision.

Section 9. Altering or Tampering with Revision; Penalties for Violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the 2002 Revision or to alter or tamper with such 2002 Revision in any manner whatsoever which will cause the law of the Borough of Carlstadt to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to one or more of the following: a fine of not more than \$1,000, imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

Section 10. Severability of Revision Provisions.

Each section of the 2002 Revision and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

Section 11. Severability of Ordinance Provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

Section 12. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances inconsistent with the provisions contained in the 2002 Revision adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Borough of Carlstadt which is not in conflict with the provisions of the Revision shall be deemed to remain in full force and effect.

Section 13. Ordinances saved from Repeal.

The adoption of this Revision and the repeal of ordinances provided for in Section 1-12 of this ordinance shall not affect the following ordinances which are hereby expressly saved from repeal:

Any ordinance adopted subsequent to Ordinance No. 02-23.

RESOLUTION NO. 2021-151

BE IT RESOLVED that the ordinance entitled:

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE BOROUGH OF CARLSTADT, COUNTY OF BERGEN, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID REVISED GENERAL ORDINANCES; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THERE; AND ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE REVISED GENERAL ORDINANCE.

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 21st day of July, 2021 at 7 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 Emerson, unanimous on call of roll of those present.

COUNCILMAN JOSEPH EMERSON

He talked about summer recreation and with the warm weather it is off to a good start. He also had things to discuss in closed session.

COUNCILWOMAN SUZANNE FONSECA

She spoke about the Community Garden and was thankful for all of the donations we have been receiving. She said we are going to be receiving another donation of \$5,000.00 to purchase the picnic tables for the garden. That will bring us over \$55,000.00 in donations to get the project up and running. She had other things to talk about in closed session.

COUNCILMAN DAVID STOLTZ

He had things to discuss in closed session.

COUNCILWOMAN DIANE DeBIASE

She had things to discuss in closed session.

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COUNCILMAN JAMES LENOY

He had nothing to discuss at this time.

**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 7:57 P.M. On motion by Emerson, seconded by Lenoy, unanimous on call of roll of those present.

Mayor Zimmermann entertained a motion to go back into open session at 9:25 P.M. On motion by Emerson, seconded by DeBiase, unanimous on call of roll.

Mayor Zimmermann brought up the policy for parking permits with registration, driver's license and car insurance. On motion by Stoltz, seconded by Lenoy, unanimous on call of roll.

Mayor Zimmermann said we need to change the call-in days on line or by phone. Delete the thirty days condition and make it fourteen days. On motion by DeBiase seconded by Emerson, unanimous on call of roll.

Mayor Zimmermann said the Community Garden quote for the greenhouse is \$25,000.00 as a one-time expense. On motion by Emerson, seconded by Lenoy, Councilmembers Stoltz, Lenoy, Emerson, Roseman and DeBiase voted yes. Councilwoman Fonseca abstained.

Mayor Zimmermann said of the three quotes for clay for the Little League Field it will be awarded to Outdoor Living for \$8,700.00. On motion by Lenoy, seconded by Emerson, unanimous on call of roll.

Mayor Zimmermann entertained a motion to adjourn the meeting at 9:29 P.M. On motion by Stoltz, seconded by Emerson, unanimous on call of roll.

APPROVED: _____
ROBERT J. ZIMMERMANN, MAYOR

ATTEST: _____
CLAIRE FOY, BOROUGH CLERK