

CAUCUS/FINANCE MEETING

October 6, 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, October 6, 2021 at 7:00 P.M.

Mayor Robert Zimmermann asked Claire Foy, Borough Clerk to call the roll: Mayor Robert Zimmermann, Council members James Lenoy, Joseph Emerson, Suzanne Fonseca and Diane DeBiase were present. Councilman William Roseman arrived at 7:07 P.M. and Councilman David Stoltz arrived at 7:12 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.

SPECIAL REPORT

Fire Chief Dennis Kronyak, Jr. mentioned they had their open house last Friday at the firehouse. They decided to do it on a Friday as they had fire prevention in the school. The turnout was good. Everyone had a great time. He thanked the Mayor and Council for the approval of new Scott Packs. He also mentioned the Boy Scouts are having their Pasta Dinner on Saturday, October 9, 2021 at the First Presbyterian Church.

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

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

Mayor Zimmermann asked if there is any citizen here that wished to be heard.

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

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

**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 Brough 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, entered a motion to go into closed session at 7:12 P.M. On motion by Emerson, seconded by Fonseca, unanimous on call of roll of those present.

Mayor Zimmermann entertained a motion to go back into open session at 11:40 P.M. On motion by Roseman, seconded by Fonseca, unanimous on call of roll.

CONSENT AGENDA

RESOLUTION NO. 2021-234

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the contract for **5th Street Emergency Retaining Wall Repair** was constructed by **Joseph M. Sanzari, Inc., 100 West Franklin Street, Hackensack, New Jersey 07601**, in accordance with the Bid Solicitation and any approved Change Orders, as directed by the Borough Engineer. The contractor has submitted a one-year guarantee in accordance with the Bid Solicitation. The said construction is hereby accepted and final payment in the amount of **Ninety-One Thousand Five Hundred Thirty-Four Dollars and Thirty-Two Cents (\$91,534.32)** is hereby approved.

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

RESOLUTION NO. 2021-235
BOROUGH OF CARLSTADT COUNTY OF BERGEN
AGREEMENT FOR PROFESSIONAL SERVICES

WHEREAS, Neglia Engineering Associates has provided the Borough with an Agreement for Additional Construction Management Services for the Garden Orchard Recreation Complex – Phase I Development (Passive Park and Parking Lot) project; and

WHEREAS, the Agreement for Additional Construction Management Services for the proposed dog park and Lincoln Street drainage improvements includes a not to exceed cost to be invoiced on a time basis (schedule in contract) of \$18,635.00 representing Construction Management Services; and

WHEREAS, the CFO has certified that these funds have been appropriately budgeted for; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute the agreement of services for the project for Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, New Jersey.

RESOLUTION NO. 2021-236

WHEREAS, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of JD FD, LLC for property located at 263 Veterans Boulevard, Block 124 Lot 43 as per Docket No. 003390-2018 dated 8/6/2021 reducing the 2018 property tax assessment from \$2,218,600.00 to \$1,915,000.00; and

WHEREAS, the Borough of Carlstadt approved Resolution Number 2021-210 dated 9/2/2021 and issued a refund in the amount of \$5,571.06 based on the 2018 assessment; and

WHEREAS, the 2019 property tax assessment increased in the amount of \$282,400.00 with a judgment reduction of \$1,915,000.00 creating an additional overpayment in the amount of \$5,182.04 based on the 2019 Freeze Act attached to the Judgment.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$ 5,182.04 and the Tax Collector shall adjust his books accordingly. It is noted that the total refund for this Tax Appeal is \$10,753.10.

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 Ken Porro, 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.

CAUCUS/FINANCE MEETING

October 6, 2021

Page 4

The refund shall be made payable to:
JDFD, LLC

The refund shall be mailed to:
Zipp & Tannenbaum, LLC
C/O: Peter Zipp, Esq.
280 Raritan Center Parkway
Edison, New Jersey 08837

RESOLUTION NO. 2021-237

WHEREAS, the Bergen County Board of Taxation issued a Memorandum of Judgment for property located at Passaic Avenue, Carlstadt, New Jersey Block 86 Lot 4 B01 dated 7/31/2019 as per Appeal No. 05-1900119L reducing the property tax assessment from \$84,900.00 to \$16,200.00; and

WHEREAS, in addition, for the property located at Passaic Avenue, Carlstadt, New Jersey Block 84 Lot 4 B02 dated July 31, 2019 as per Appeal No. 05-1900120L reducing the 2019 property tax assessment from \$237,300.00 to \$36,300.00; and

WHEREAS, both Tax Appeals were applied as credits to each property but due to the large reductions have continued to be credits to both properties; and

WHEREAS, the Attorney for the property owner has requested a refund of the credit balance for both properties.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Carlstadt that a refund in the amount of \$ 6,922.20 shall be paid to the Attorney representing the property owner and the Tax Collector shall adjust his books accordingly. (Block 86 Lot 4 B01: \$1,736.17; Block 86 Lot 4 B02: \$ 5,186.03).

The refund shall be made payable to:
Outdoor Systems in care of Stavitsky & Associates.

The refund shall be mailed to:
Stavitsky & Associates
Attn.: Ray Tai
350 Passaic Avenue
Fairfield, New Jersey 07004

RESOLUTION 2021-238

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that the following music /entertainment permit applications are hereby approved by the Carlstadt Police Department as the applicants' premises and use thereof complies with the Carlstadt Zoning Ordinance and all other rules, regulations, ordinances and laws:

1. Biggies
2. La Fortaleza Restaurant and Bar
3. Redd's
4. Maggies

RESOLUTION NO. 2021-239

**RESOLUTION AUTHORIZING MAYOR TO EXECUTE
NJDEP TREATMENT WORKS APPLICATION**

WHEREAS, the Borough of Carlstadt, is in the process of submitting an application to the New Jersey Department of Environmental Protection for the TWA Sanitary Sewer System to be located at 558 Division Avenue; and

WHEREAS, the New Jersey Department of Environmental Protection requires a Statement of Consent from the Borough of Carlstadt for the Treatment Works Approval Application for the property known and located at the TWA Sanitary Sewer System to be located at 558 Division Avenue in the Borough of Carlstadt; and

WHEREAS, the Borough Engineer has performed a thorough and appropriate review of the New Jersey Department of Environmental Protection Treatment Works Approval Application as well as supporting plans and documents for the above referenced project; and

WHEREAS, the consent document to be executed by the appropriate Borough Officials for the purposes hereinabove described is annexed hereto and made a part of this resolution.

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

1. The Mayor and Borough Clerk of the Borough of Carlstadt are hereby authorized and directed to execute the attached Statement of Consent for the Treatment Works Approval Application.

RESOLUTION NO. 2021-240

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the contract for the **Fifth Street Roadway Improvements Phase II & III Various Streets** was constructed by **Smith-Sondy Asphalt Construction Corp., 150 Anderson Avenue, Wallington, New Jersey 07057** in accordance with the Plans and Specifications, as directed by the Project Engineer. The said construction is hereby accepted and final payment in the amount of **Eighteen Thousand Two Hundred Fifty-One Dollars and Twenty-Four Cents (\$18,251.24)** is hereby approved.

This Resolution to take effect immediately.

CAUCUS/FINANCE MEETING

October 6, 2021

Page 6

RESOLUTION NO. 2021-241

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. WERC Warriors Cheering Program – Tuesday, October 12, 2021 from 6:00 P.M. to 8:00 P.M. to have a meeting.
2. Carlstadt Girl Scouts – Wednesday, October 13, 2021 at 7:00 P.M. to have a leader meeting.

Council Chambers:

1. Carlstadt Soccer – Thursday, September 23, 2021 at 7:00 P.M. for a soccer board meeting.
2. Carlstadt Little League – Thursday, October 14, 2021 at 8:00 P.M. for a reorganization meeting.

Caucus Room:

1. Sgt. Scott Tronziger – Monday, October 25, 2021 and Tuesday, October 26, 2021 from 6:00 A.M. to 6:00 P.M. for training the newly hired full-time dispatchers to become certified as Terminal Operators.

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

CONSIDERATION OF ORDINANCES

FIRST READING

ORDINANCE NO. 21-12

CAPITAL ORDINANCE OF THE BOROUGH OF CARLSTADT, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$359,590 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL FUND BALANCE OF THE BOROUGH.

BE IT ORDAINED by the Borough Council of the Borough of Carlstadt, in the County of Bergen, New Jersey, as follows:

Section 1. The Borough of Carlstadt, in the County of Bergen, New Jersey (the "Borough") is hereby authorized to make the following public improvements in, by and for the Borough, including all work, materials and appurtenances necessary and suitable therefor: (A) planting trees at various locations; and (B) construction of a soccer field at Garden, Orchard and Broad Streets.

Section 2. The sum of \$359,590 is hereby appropriated to the payment of the cost of the improvements authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be raised from Capital Fund Balance of the Borough. The sum of \$359,590 is hereby appropriated from Capital Fund Balance of the Borough to the payment of the cost of said purpose.

Section 3. Said improvements are lawful capital improvements of the Borough having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 5. This ordinance shall take effect at the time and in the manner provided by law.

RESOLUTION NO. 2021-242

BE IT RESOLVED that the ordinance entitled:

CAPITAL ORDINANCE OF THE BOROUGH OF CARLSTADT IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$359,590 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL FUND BALANCE OF THE BOROUGH.

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 20th day of October, 2021 at 7:00 o'clock P.M. or as soon therefore 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 notion 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 Roseman, seconded by Emerson, unanimous on call of roll.

CAUCUS/FINANCE MEETING

October 6, 2021

Page 8

FIRST READING

ORDINANCE NO. 21-13

AN ORDINANCE AMENDING SECTION 2-38.3 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002, ENTITLED LENGTH OF SERVICE AWARDS PROGRAM, CRITERIA

2-38.3 Criteria. The LOSAP shall provide for annual contributions commencing January 1, 2001, to each eligible member who meets the following criteria:

- c. The proposed maximum annual contribution for each active volunteer member is \$1,400.00.
- d. The estimated cost of this program has been calculated at approximately \$91,000.00 per year.

RESOLUTION NO. 2021-243

BE IT RESOLVED that the ordinance entitled:

AN ORDINANCE AMENDING SECTION 2-38.3 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002, ENTITLED LENGTH OF SERVICE AWARDS PROGRAM, CRITERIA

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 20th day of October, 2021 at 7:00 o'clock or as soon therefore 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 Roseman, seconded by DeBiase, unanimous on call of roll.

Mayor Zimmermann entertained a motion to approve a Special Police Officer for the November 2, 2021 General Election.

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

Mayor Zimmermann entertained a motion to appoint two new crossing guards, Krista Soltys and Cameron McCartney, subject to a background check.

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

Mayor Zimmermann entertained a motion to hire Mark Dunn as Borough Vehicle and Equipment Coordinator and Snow Control with a salary of \$55,000.00 per year. His start date will be October 12, 2021.

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

Mayor Zimmermann said he needs approval for him to sign the Police Chief's contract.

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

Mayor Zimmermann entertained a motion to adjourn the meeting at 11:50 P.M.

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

APPROVED: _____
ROBERT J. ZIMMERMANN, MAYOR

ATTEST: _____
CLAIRE FOY, BOROUGH CLERK