

## **COUNCIL MEETING**

**January 19, 2022**

**A REGULAR SCHEDULED COUNCIL MEETING** of the Mayor and Council of the Borough of Carlstadt was held in the Council Chambers of the Borough Hall, 500 Madison Street, Carlstadt, New Jersey on Wednesday, January 19, 2022 at 8:20 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, William Roseman, Suzanne Fonseca and Diane DeBiase were present.

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 6, 2022 and the Herald News on January 6, 2022 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.

### **APPROVAL OF MINUTES**

Mayor Zimmermann entertained a motion to accept the Open and Closed Session minutes of the 11/3/2021 Caucus/Finance Meeting and 11/17/2021 Caucus and Council Meetings.

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

### **CORRESPONDENCE**

Mayor Zimmermann said a letter was received from Jennifer DeMarco, Girl Scout Unit Manager asking for a donation to the VIP Dance and End of the Year Festival. Mayor Zimmermann entertained a motion to donate \$200.00 to the Girl Scouts. On motion by Fonseca, seconded by DeBiase, unanimous on call of roll.

### **SPECIAL REPORTS**

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

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

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

### **STANDING COMMITTEES**

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

**CONSENT AGENDA**

**RESOLUTION NO. 2022-29**

**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	\$ 1,063,866.41
Regional Board of Education	611,012.42
South Bergen Municipal Joint Insurance Fund First Quarter FY 2022	303,017.75
County Open Space Trust Fund	66,439.00
County of Bergen 1st Quarter Taxes	1,593,150.00
2021 Added/Omitted Taxes	3,814.68
2021 Open Space Added/Omitted	172.64

**RESOLUTION NO. 2022-30**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the contract for the 10th Street Playground and ADA Ramp is currently in construction by Adamo Brothers Construction, 1033 Alexander Avenue, Ridgely, New Jersey 07657 in accordance with the Plans and Specifications, as directed by the Project Engineer. The said construction is hereby accepted for Payment No. 3 in the amount of Eighty-Seven Thousand Two Hundred Twenty Dollars and Zero Cents (\$87,220.00). is hereby approved.

**RESOLUTION NO. 2022-31**

**WHEREAS**, Thomas Ondrof, retired employee of the Carlstadt Department of Public Works has filed a request for reimbursement for the purchase of a Medicare supplement; and

**WHEREAS**, pursuant to the CDPWBA Contract Article XVII D 1. the amount of said reimbursement for the year 2022 is \$1,125.00.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that the Chief Financial Officer is hereby authorized to make payment in the amount of \$1,125.00 representing reimbursement for his Medicare supplement for the year 2022, pursuant to Article XVII D 1. of the Contract between the Borough of Carlstadt and the CDPWBA.

**RESOLUTION NO. 2022-32**

**WHEREAS**, the Borough of Carlstadt, received payment to redeem Tax Sale Certificate Number 202002 that was sold on October 28, 2020 for 512 Monroe Street, Carlstadt, NJ, Block 49 Lot 8, in the amount of \$ 20,148.66; and

**WHEREAS**, John Finan holds Tax Sale Certificate Number 202002 and paid a premium in the amount of \$19,200.00 for this Tax Sale Certificate.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that the Borough Treasurer will issue a refund in the amount of \$39,348.66 (\$ 20,148.66 for the Tax Sale Certificate Redemption and \$19,200.00 for the premium) and the Carlstadt Tax Collector will adjust his books accordingly.

The payment should be made payable to:

John Finan and should be mailed to:

John Finan  
55 MacArthur Avenue  
Closter, New Jersey 07624

**RESOLUTION NO. 2022-33**

**WHEREAS**, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of Kenbar Realty/Barbara Neuhaus for property located at 283 Veterans Boulevard Block 124 Lot 42 as per Docket No. 005372-2019 dated 11/30/2021 reducing the 2019 property tax assessment from \$1,969,700.00 to \$1,900,000.00 and as per Docket No. 006474-2020 dated 11/30/2021 reducing the 2021 property tax assessment from \$2,045,300.00 to \$1,925,000.00; and

**WHEREAS**, the reduction in the 2019 property tax assessment is \$ 69,700.00 or \$1,279.00 in 2019 property tax and the reduction in the 2020 property tax assessment is \$120,300.00 or \$2,135.33 in 2020 property tax.

It is noted that as per Docket No. 004547-2021 dated 11/30/2021 the Civil Action Judgment for 2021 has been withdrawn, the complaint is dismissed.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$3,414.33 and the Tax Collector shall adjust his books accordingly. (2019: \$1,279.00; 2020: \$2,135.33).

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

The refund shall be made payable to:

“Michael I. Schneck, Trustee for Kenbar Realty/Barbara Neuhaus”

The refund shall be mailed to:

Schneck Law Group, LLC  
301 South Livingston Avenue  
Suite 105  
Livingston, New Jersey 07039

**RESOLUTION NO. 2022-34**

**WHEREAS**, Saputo Cheese USA, Inc. overpaid their August 2022 property taxes on 861 Washington Avenue, Carlstadt, New Jersey 07072 Block 132 Lot 5 in the amount of \$43,823.84 and have requested a refund.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Carlstadt that a refund in the amount of \$ 43,823.84 is hereby approved and the Tax Collector shall adjust his books accordingly.

The check shall be made payable to Saputo Cheese USA, Inc. and mailed to:

Saputo Cheese USA Inc.  
Tax Department  
1 Overlook Pt. Ste 300  
Lincolnshire, IL 60069

**RESOLUTION NO. 2022-35**

**WHEREAS**, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of AMB Prop. By Prologis, L.P., owner for property located at 495 Meadow Lane Block 130 Lot 11 as per Docket No. 001699-2015 dated 12/30/ 2021 reducing the 2015 property tax assessment from \$5,431,100.00 to \$5,250,000.00 and as per Docket No. 001975-2016 dated 12/30/2021 reducing the 2016 property tax assessment from \$5,431,100.00 to \$5,250,000.00; and

**WHEREAS**, the reduction in the 2015 property tax assessment is \$ 181,100.00 or \$ 3,748.77 in 2015 property tax and the reduction in the 2016 property tax assessment is \$181,100.00 or \$3,850.19 in 2016 property tax.

It is noted that as per Docket No. 004761-2014, Docket No. 001907-2017 and Docket No. 003093-2018, all dated 12/30/2021 and for all, the Civil Action Judgment for 2014, 2017 and 2018 have been withdrawn and the complaints dismissed.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$7,598.96 and the Tax Collector shall adjust his books accordingly. (2015: \$3,748.77; 2016: \$3,850.19).

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

The refund shall be made payable to:  
AMB Prop. By Prologis, L.P.

The refund shall be mailed to:  
Zipp & Tannenbaum, LLC  
280 Raritan Center Parkway  
Edison, New Jersey 08837

**RESOLUTION NO. 2022-36**

RESOLUTION AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION PURSUANT TO NJS 40A:4-20 FOR THE DOWN PAYMENT ON BONDS AND NOTES FOR THE CURRENT BUDGET

**WHEREAS**, no adequate provision was made in the 2022 Temporary Current Budget for a down payment on Bonds and Notes and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

**WHEREAS**, the total emergency temporary resolutions adopted in the year 2022 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$425,000.

**NOW, THEREFORE, BE IT RESOLVED** that in accordance with NJS 40A:4-20: An emergency temporary appropriation in the amount of \$425,000 is hereby made for the Current Fund Capital Improvement Fund to be used as a down payment for a bond ordinance.

That said emergency temporary appropriation shall be provided for in full in the 2022 budget under the title: Down payment on Improvements

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That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

**RESOLUTION NO. 2022-37**

APPROVAL FOR NEGLIA ENGINEERING ASSOCIATES TO PREPARE AND SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE FEMA ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM ON BEHALF OF THE BOROUGH OF CARLSTADT FOR THE FIRE DEPARTMENT PORTABLE RADIO REPLACEMENT PROJECT. THE BOROUGH OF CARLSTADT DESIRES TO REQUEST A GRANT AMOUNT OF \$414,820.00.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Carlstadt formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Council hereby authorize Neglia Engineering Associates to provide professional services to prepare the grant submission for a lump sum cost of \$6,000.00 representing services for the grant submission package preparation.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application to the FEMA Assistance to Firefighters Grant Program on behalf of the Borough of Carlstadt.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Carlstadt and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

**RESOLUTION NO. 2022-38**

**WHEREAS**, Tax Sale Certificate Number 09-00023 was struck off to the Borough of Carlstadt at a Tax Sale on March 26, 2010 in the amount of \$146,032.34; and

**WHEREAS**, Tax Sale Certificate Number 09-00023 is for property located at Hackensack River, Carlstadt, New Jersey Block 138 Lot 8 assessed to Dieckmann's Estate; C/O Wendick, P.O. Box 175, Wood-Ridge, New Jersey 07075; and

**WHEREAS**, Tax Sale Certificate Number 09-00023 was to be delivered to the Borough of Carlstadt but was not received.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Carlstadt that the Carlstadt Tax Collector is authorized to produce a Duplicate Tax Sale Certificate Number 09-00023-A DUPLICATE and the Tax Collector shall adjust his books accordingly.

**RESOLUTION NO. 2022-39**

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

Dylan Kronyak – Bergen Engine 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 Dylan Kronyak is hereby appointed as a regular member of the Carlstadt Fire Department.

**RESOLUTION NO. 2022-40**

**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:**

Carlstadt Brownies – the second and fourth Tuesday of the month from January 11, 2022 to June 14, 2022 from 4:00 P.M. to 5:00 P.M. to have meetings.

Carlstadt Girl Scouts – the second and fourth Tuesday of the month from January 11, 2022 to June 14, 2022 from 5:00 P.M. to 6:00 P.M. to have meetings.

Borough of Carlstadt – Fridays, January 21 and 28, 2022 and February 4, 2022 from 12 Noon to 6:00 P.M. for Covid-19 testing.

Carlstadt Emergency Management OEM – Friday, April 15, 2022 from 11:00 A.M. to 7:00 P.M. to have a Blood Drive.

**RESOLUTION NO. 2022-41**

**WHEREAS**, Thomas Cox, Sr. former Zoning Official of the Borough of Carlstadt and his spouse, May Cox applied for Supplemental Health Benefits to provide secondary coverage to Medicare; and

**WHEREAS**, in recognition of his dedicated service to the Borough in excess of sixteen years by Resolution No. 2020-25-B the Mayor and Council approved and authorized reimbursement for a Medicare Supplement upon submission of the annual cost thereof.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that the Chief Financial Officer is hereby authorized to make payment in the amount of \$3,261.00 representing payment from August 2020 to July 2021.

**RESOLUTION NO. 2022-42**

**WHEREAS**, the Borough of Carlstadt is in need of the services of an Animal Control Officer; and

**WHEREAS**, Bergen County Department of Health Services has proposed an Agreement whereby they will provide Animal Control Services to the Borough for one (1) year period January 1, 2022 to December 31, 2022 for an annual fee of \$9,313.04.

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

The Contract between Bergen County Department of Health Services and the Borough of Carlstadt for provision of Animal Control Services for the period January 1, 2022 to December 31, 2022 for the amount of Nine Thousand Three-Hundred and Thirteen Dollars and Four Cents (\$9,313.04) be and hereby is approved and authorized.

The Mayor and Borough Clerk are hereby authorized and directed to execute the Agreement 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 \$9,313.04 in accordance with the terms of the contract.

Mayor Zimmermann entertained a motion to approve the Consent Agenda. On motion by Emerson, seconded by Lenoy, Council members Stoltz, Lenoy, Emerson, Roseman, Fonseca voted yes. Councilwoman DeBiase abstained on Resolution No. 2022-29 and voted yes on the other ones.

POLICE – Councilman Emerson read his report. This report will be filed.

FIRE/OEM – Councilman Stoltz read his reports. These reports will be filed.

PUBLIC WORKS/PUBLIC PROPERTY – Councilman Lenoy reported progress.

PLANNING/BUILDING – Councilman Roseman read his report. This report will be filed.

ZONING – Councilman Lenoy read his reports. These reports will be filed.

HEALTH – Councilwoman Fonseca read her report. This report will be filed.

RECREATION – Councilman Emerson read his report. This report will be filed.

BOROUGH EQUIPMENT – Councilwoman DeBiase read her report. This report will be filed.

RECYCLING – Councilman Stoltz reported progress.

PROJECTS – Councilwoman DeBiase reported progress.

HUMAN RESOURCES – Councilwoman Fonseca reported progress.

**REPORTS OF SPECIAL COMMITTEES**

None.

**READING OF BILLS**

**RESOLUTION NO. 2022-43**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that the following bills having been approved by the Finance Committee are approved herewith for payment:

<b><u>CAPITAL ACCOUNT</u></b>	
Riedel Sign Co. Inc.	\$ 1,950.00
Adamo Brothers Construction	87,220.00
<b><u>TRUST ACCOUNT</u></b>	
Treasurer State of N.J.	4,510.00
Treasurer State of N.J.	150.00
<b><u>DOG WARDEN TRUST</u></b>	
Tyco Animal Control Services	816.66
Impressive Printing	815.52
<b><u>CURRENT ACCOUNT</u></b>	
1ST RESPONDER NEWSPAPER	85.00
AGGRESSIVE ENERGY LLC	11,018.10
ALLIANCE BUS GROUP INC	989.76
AMAZON CAPITAL SERVICES	308.14
AMB PROPERTY BY PROLOGIS LP	7,598.96
AMERICAN HOSE & HYDRAULICS	95.66
APPRAISAL SYSTEMS INC	1,300.00
ARAMARK UNIFORM SERVICES	257.32
ARROW ELEVATOR INC	223.00

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ASSENHEIMER, CHRISTOPHER	82.85
ATLANTIC COAST FIBERS	284.25
BECTON PROJECT GRADUATION INC.	1,000.00
BERGEN COUNTY MUNICIPAL CLERKS ASSOCIATION	100.00
BERGEN FENCE	1,080.00
BERGEN MUNICIPAL EMPLOYEE	16,328.00
BC POLICE CHIEF ASSOCIATION INC	500.00
BILL O'SHEAS	106.95
BUSINESS INFORMATION SYSTEM INC	2,347.09
CARLSTADT FIRE DEPARTMENT	12,550.00
CARLSTADT BOARD OF EDUCATION	1,063,866.41
CARLSTADT DPW/BA	1,073.72
CHEEMA OIL CORPORATION	764.42
CINTAS	27.64
CLIFFSIDE BOY CORP.	174.00
COUNTY OF BERGEN	1,596,964.68
COUNTY OPEN SPACE TRUST FUND	66,611.64
DAVID F. CORRIGAN	22,003.22
DIRECT ENERGY BUSINESS	1,637.67
DOMAIN LISTING	228.00
DRAGER INC	179.00
EDMUNDS & ASSOCIATES INC	7,132.75
E&M AUTO REPAIRS INC	1,962.00
ENVIRONMENTAL RENEWAL LLC	280.00
EVERBRIDGE INC.	2,575.00
THE CHOI LAW GROUP LLC	1,500.00
FIREHOUSE MAGAZINE	31.00
FIRST CHOICE AUTO EQUIPMENT INC.	415.02
GARBARINI & CO	31,470.00
GPH INC	1,784.62
GRAINGER	618.57
GREAT AMERICA FINANCIAL SERVICES	425.00
DOOR WORKS INC	1,575.00
HACKENSACK PATHOLGY ASSOCIATES	94.00
HARRIS UNIFORMS	1,411.00
HUDSON TIRE EXCHANGE	389.44
IDA	71,348.34
IMPRESSIVE PRINTING INC	10,762.27
INTERSTATE BATTERY SYSTEM	34.00
INTERSTATE WASTE SERVICES INC	31,538.58
JOHN FINA	39,348.66
JOHN PALSI	90.00
JOSEPH R. DONAHUE LLC	7,514.16

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JULIO C. RODRIGUEZ	200.00
KYLE MCMANUS ASSOCIATES LLC.	1,092.50
LAW SOFT INC	7,300.00
LAWNBOYS LANDSCAPING	550.00
LENOY, MICHAEL	90.00
LEXISNEXIS RISK SOLUTIONS	42.50
LINDE GAS & EQUIPMENT INC	220.15
LUKE PALSI	90.00
MATERA'S NURSERY	279.00
MCNERNEY & ASSOCIATE	7,500.00
MEADOWLANDS HARDWARE	257.67
MEDICAL BENEFITS ACCOUNT	485,039.85
MERCHANTS ALARM SYSTEMS INC	90.00
MICHAEL I. SCHNECK TRUST	3,414.33
MINORITES & SUCCESS	1,995.00
MIRNA LOPEZ	291.06
MOTOROLA SOLUTION INC	7,728.44
MSI TECHNOLOGIES LLC	993.75
NICK'S TOWING SERVICE	7,593.17
NJ CONFERENCE OF MAYORS	395.00
NJ FIRE EQUIPMENT CO.	428.48
NJ STATE LEAGUE OF	669.00
NJSACOP	600.00
NORTHEAST SWEEPERS INC	24,441.14
NRTCTA	30.00
OUTDOOR LIVING	3,888.00
PASQUALE & DELEASA LLC	825.00
POLICE TRAFFIC OFFICERS ASSOCIATION	250.00
PRESTI, ROSARIO JR., ESQ.	418.33
PSE&G	1,431.19
RCM CEBERIO LLC	3,500.00
REGAL STAMP CO	93.50
REGIONAL BOARD OF EDUCATION	611,012.42
RICHARD S. CEDZIDLO	1,000.00
ROYAL TOUCH HAND CAR WASH CORP	375.00
SAPUTO CHEESE USA INC	43,823.84
SBI MATERIALS LLC INC	874.80
SHARON DUNN	36.00
SIGNALSCAPE INC	1,414.00
SOUTH BERGEN MUNICIPAL JOINT INSURANCE FUND	303,017.75
SPATIAL DATA LOGIC, INC	1,800.00
STAPLES ADVANTAGE	1,854.93
STATE TOXICOLOGY LABORATORY	135.00

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TCTANJ	100.00
THOMAS J. ONDROF	1,125.00
TMDE CALIBRATION LABS INC.	80.00
T&R ALARM SYSTEMS INC	855.66
TREASURER, STATE OF NEW JERSEY	191.00
TREASURER, STATE OF NEW JERSEY	178.00
SUEZ WATER NEW JERSEY	196.18
UNUM LIFE INSURANCE CO. OF AMERICA	3,597.31
VALLEY BANK	254.25
VERIZON	1,043.26
VERIZON	4,074.92
VERIZON	268.99
VERIZON BUSINESS	87.75
WALLINGTON PLUMBING SUPPLY INC	135.61
WATCHGUARD VIDEO	215.00
WB MASON COMPANY INC	139.95

(TOTAL) \$ 5,201,844.54

TOTAL BILLS FOR THE MONTH \$ 5,297,306.72

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

On motion by Emerson, seconded by Roseman, Council members Stoltz, Emerson, Roseman, Fonseca and DeBiase voted yes. Councilman Lenoy abstained on check #17204 and voted yes on the other ones.

**UNFINISHED BUSINESS**

Mayor Zimmermann read the report from the Coordinator of Social Services regarding a long time resident on Washington Street.

**HEARING OF CITIZENS**

None to be heard.

**CONSIDERATION OF ORDINANCES**

**FIRST READING**

**ORDINANCE NO. 22-1**

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF CARLSTADT, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$8,500,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

Section 1. The Borough of Carlstadt, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new communication and signal systems equipment and new automotive vehicles, including original apparatus and equipment, in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

**SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS**

- A. Undertaking of the 2022 Road Resurfacing Program (including drainage, sidewalk and curb improvements, where necessary) at various locations in the Borough.

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It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 500,000
Down Payment Appropriated	\$ 23,850
Bonds and Notes Authorized	\$ 476,150
Period of Usefulness	10 years

B. Acquisition of new automotive vehicles, including original apparatus and equipment, consisting of mason dump trucks for the use of the Department of Public Works.

Appropriation and Estimated Cost	\$ 150,000
Down Payment Appropriated	\$ 7,500
Bonds and Notes Authorized	\$ 142,500
Period of Usefulness	5 years

C. Acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of an SUV for the use of the Fire Department.

Appropriation and Estimated Cost	\$ 75,000
Down Payment Appropriated	\$ 23,000
Bonds and Notes Authorized	\$ 52,000
Period of Usefulness	5 years

D. Acquisition of new communication and signal systems equipment and new additional or replacement equipment and machinery for the use of the Fire Department consisting of (i) various communications equipment and (ii) various firefighting, rescue and safety equipment.

Appropriation and Estimated Cost	\$ 425,000
Down Payment Appropriated	\$ 20,250
Bonds and Notes Authorized	\$ 404,750
Period of Usefulness	10 years

E. Acquisition of new automotive vehicles, including original apparatus and equipment, consisting of SUVs for the use of the Police Department.

Appropriation and Estimated Cost	\$ 150,000
Down Payment Appropriated	\$ 7,500
Bonds and Notes Authorized	\$ 142,500
Period of Usefulness	5 years

F. Construction of a soccer field, including related facilities, amenities and improvements at Garden, Orchard and Broad Streets.

Appropriation and Estimated Cost	\$7,200,000
Down Payment Appropriated	\$ 342,900
Bonds and Notes Authorized	\$6,857,100
Period of Usefulness	15 years
Aggregate Appropriation and Estimated Cost	\$8,500,000
Aggregate Down Payment Appropriated	\$ 425,000
Aggregate Amount of Bonds and Notes Authorized	\$8,075,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$300,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$425,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough or heretofore appropriated for down payments or for the capital improvement fund by an emergency temporary appropriation, are now available to finance said purposes. The sum of \$425,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$8,075,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$8,075,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate number of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local

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Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 14.03 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$8,075,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinances. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. The capital budget is hereby amended to conform with the provisions of this 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 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

**RESOLUTION NO. 2022-44**

**BE IT RESOLVED** that the ordinance entitled:

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF CARLSTADT, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$8,500,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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 2nd day of February, 2022 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.

Mayor Zimmermann entertained a motion to approve Ordinance No. 22-1 on first reading. On motion by Lenoy, seconded by Emerson, unanimous on call of roll.

**MISCELLANEOUS & NEW BUSINESS**

Mayor Zimmermann entertained a motion to ratify the phone vote that was taken on Monday, January 10, 2022 for the approval of a Special Police Officer for basketball season. On motion by Fonseca, seconded by Emerson, unanimous on call of roll.

**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

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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 8:45 P.M. On motion by Fonseca, seconded by Emerson, unanimous on call of roll.

Mayor Zimmermann entertained a motion to go back to open session at 9:30 P.M. On motion by DeBiase, seconded by Emerson, unanimous on call of roll.

Mayor Zimmermann entertained a motion to adjourn the meeting at 9:30 P.M. On motion by Stoltz, seconded by Emerson, unanimous on call of roll.

APPROVED: \_\_\_\_\_  
ROBERT J. ZIMMERMANN, MAYOR

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

## **CAUCUS MEETING**

**January 19, 2022**

**A REGULAR SCHEDULED CAUCUS 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, January 19, 2022 at 7:02 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 arrived at 7:20 P.M. Joseph Crifasi, Borough Administrator 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 6, 2022 and the Herald News on January 6, 2022 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.

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.

### **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: property & personnel.

**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 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: property and personnel.

**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.

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Mayor Zimmermann entertained a motion to go into closed session at 7:20 P.M.  
On motion by Roseman, seconded by DeBiase, unanimous on call of roll.

Mayor Zimmermann entertained a motion to go back into open session at 8:18 P.M.  
On motion by Lenoy, seconded by DeBiase, unanimous on call of roll.

Mayor Zimmermann entertained a motion to adjourn the meeting at 8:19 P.M.  
On motion by Lenoy, seconded by Emerson, unanimous on call of roll.

APPROVED: \_\_\_\_\_  
ROBERT J. ZIMMERMANN, MAYOR

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