

CAUCUS/FINANCE MEETING

November 2, 2022

A REGULAR SCHEDULED CAUCUS/FINANCE MEETING of the Mayor and Council of the Borough of Carlstadt was held in the Caucus Room of the Borough Hall, 500 Madison Street, Carlstadt, New Jersey on Wednesday, November 2, 2022 at 7:00 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 7:28 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 asked everyone to remain standing for a moment of silence for former Police Captain Richard Berta who passed away this week.

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 REPORTS

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. Mr. Polyniak asked if anyone had any questions or comments. Councilman Joseph Emerson said in generalization with soccer in the recreational facility it is in the beginning stages and the activity is an important piece to continue with. It is happening. Now that we put the shovel in the ground, there is more action that you see. Mr. Polyniak said within the next two weeks you will see the wall going up and the bounds of the development as to where things are going. Month to month you will see a lot of progress.

Robert Ceberio of RCM Ceberio, LLC Management Consultants read his report which is on file in the Borough Clerk's office. We have some good news that the NJ Sports and Exposition Authority did approve the re-development of the Henkel property and that approval was submitted to the Mayor's committee. He went into detail on this.

He continued with his report that included Stormwater Utility, Assumption of NJSEA Permitting, Senior/Assisted Living Facility and Carlstadt Logistic Center.

CONSENT AGENDA

RESOLUTION NO. 2022-258

WHEREAS, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of DGL Realty Associates for property located at 111 Amor Avenue, Block 123 Lot 13 as per Docket No. 000255-2014 dated 7/14/2022 reducing the 2014 property tax assessment from \$8,200,000.00 to \$8,000,000.00 and as per Docket No. 000792-2015 dated 7/14/2022 reducing the 2015 property tax assessment from \$8,200,000.00 to \$8,000,000.0 and as per Docket No. 004342-2016 dated 7/14/2022 reducing the 2016 property tax assessment from \$8,200,000.00 to \$8,000,000.00; and

WHEREAS, the reduction in the 2014 property tax assessment is \$200,000.00 or \$3,982.00 in 2014 property tax and the reduction in 2015 property tax assessment is \$200,000.00 or \$4,140.00 in 2015 property tax and the reduction in the 2016 property tax assessment is \$200,000.00 or \$4,252.00 in 2016 property tax.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$12,374.00 and the Tax Collector shall adjust his books accordingly. (2014: \$3,982.00; 2015: \$4,140.00; 2016: \$4,252.00).

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: DGL Realty Associates and the payment shall be mailed to:

Zipp & Tannenbaum, LLC
280 Raritan Center Parkway
Edison, NJ 08837

RESOLUTION NO. 2022-259

WHEREAS, the Borough of Carlstadt, received payment to redeem Tax Sale Certificate Number 20220002 that was sold on June 3, 2022 for 613 Second Street, Carlstadt, NJ Block 31 Lot 2 in the amount of \$ 1,259.05; and

WHEREAS, the redemption amount is \$4,859.47; and

WHEREAS, Trystone Capital Assets, LLC holds Tax Sale Certificate Number 20220002 and paid a premium in the amount of \$11,000.00 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 \$15,859.47 (\$ 4,859.47 for the Tax Sale Certificate Redemption and \$11,000.00 for the premium) and the Carlstadt Tax Collector will adjust his books accordingly.

The payment should be made payable to:

Trystone Capital Assets, LLC

and should be mailed to:

Trystone Capital Assets, LLC
P.O. Box 1030
Brick, NJ 08723

NOTE: CFO: 1099 FORM

RESOLUTION NO. 2022-260

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Borough Council of the Borough of Carlstadt, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Bergen.

NOW, THEREFORE BE IT RESOLVED by the Borough of Carlstadt, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Carlstadt Municipal Alliance grant for fiscal year 2024 in the amount of:

DEDR	\$	3,836.33
Cash Match	\$	959.08
In Kind	\$	2,877.25

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance audit requirements.

RESOLUTION NO. 2022-261

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the contract for the **Garden Orchard Recreation Complex – Phase II & III Development (BCOS Funded)** currently in construction by **Union Paving & Construction Co., Inc., 1140 Globe Avenue, Mountainside, NJ 07902** in accordance with the Plans and Specifications, as directed by the Project Engineer. The said construction is hereby accepted for Payment No. 1 in the amount of **One-Hundred Sixty-Two Thousand, Eighteen Dollars and Fifty Cents (\$162,018.50)** is hereby approved.

This Resolution to take effect immediately.

RESOLUTION NO. 2022-262

**BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
APPLICATION – BCCD COVID FUNDING – BOROUGH OF CARLSTADT FD
RESTROOMS (2), PD RESTROOM (1), AND WASHINGTON AVE FD RESTROOMS
(2) – TOUCHLESS FIXTURES (TOWEL, TOILETS, SINKS)
MUNICIPAL ENDORSING RESOLUTION**

BOROUGH OF CARLSTADT

WHEREAS, a Bergen County Community Development Block Grant totaling \$189,480.00 has been proposed by the Borough of Carlstadt for the BCCD COVID Funding – Borough of Carlstadt FD Restrooms (2), PD Restroom (1), and Washington Ave FD Restrooms (2) – Touchless Fixtures (towel, toilets, sinks) in the municipality of Carlstadt, and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS, aforesaid project is in the best interest of the people of Carlstadt and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development application.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Carlstadt Mayor and Council hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Division of Community Development (Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, 4th Floor; Hackensack, N.J. 07601) so that implementation of the aforesaid project may be expedited.

RESOLUTION NO. 2022-263

WHEREAS, Adila Enterprise, LLC DBA Danaro Limousines, Inc. 321 Tenth Street, Carlstadt, NJ 07072 has made application to the Borough of Carlstadt for the renewal of one (1) limousine license; and

WHEREAS, the application has been filed together with the requisite fee, and proof of insurance and Power of Attorney as required under N.J.S.A. 48:16-14 and 16 and vehicle and driver information as required by the ordinance to the satisfaction of the Borough Clerk.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, County of Bergen, State of New Jersey that the application of Adila Enterprise, LLC DBA Danaro Limousines, Inc., 321 Tenth Street, Carlstadt, NJ 07072 for the renewal of one (1) limousine license be and hereby is approved for VIN # 16931 nunc pro tunc.

AND, BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to renew said license at the above referenced location for the period of one year, commencing October 27, 2022 and ending October 27, 2023 and a Certificate of Compliance with the requirements of N.J.S.A. 48:16-14 and 16, through the period indicated on the proof of insurance as submitted with the application.

RESOLUTION NO. 2022-264

WHEREAS, the Carlstadt Planning Board granted site plan approval to 7-Eleven to open a retail outlet at the property known as 643 Paterson Ave., Block 2, Lot 9; and

WHEREAS, among the conditions of such approval were posting of a Performance Bond, a Maintenance Bond and a cash deposit; and

WHEREAS, 7-Eleven has provided the Borough with a Performance Bond with a penal sum of \$127,649.61 dated June 26, 2020 issued by Liberty Mutual Insurance Company, Bond No. 022227290 (the "Performance Bond") together with a cash deposit of \$14,183.29; as required by the Planning Board resolution; and

WHEREAS, 7-Eleven has requested that the Performance Bond be released and that the cash deposit be returned; and

WHEREAS, the Mayor and Council requested the Borough Engineer to review the status of the improvements that were covered by the bond as required by N.J.S.A. 40:55D-53; and

WHEREAS, the Borough Engineer conducted such a review, reported to the Mayor and Council that the improvements covered by the Performance Bond and cash deposit were satisfactorily completed and recommended release of the Performance Bond; but subject to the Borough's receipt of a Maintenance Bond; and

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WHEREAS, the Borough received a Maintenance Bond dated January 5, 2021 issued by Liberty Mutual Insurance Company, Bond No. 022229603 which is still in force.

NOW, THEREFORE BE RESOLVED by the Mayor and Council of the Borough of Carlstadt that the Borough of Carlstadt hereby releases the Performance Bond for the project and authorizes return of the cash deposit of \$14,183.29 to L&L Property Enterprises, LLC.

RESOLUTION NO. 2022-265

**BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
APPLICATION – BROAD STREET ROADWAY IMPROVEMENTS (MONROE STREET
TO WASHINGTON STREET)
MUNICIPAL ENDORSING RESOLUTION**

BOROUGH OF CARLSTADT

WHEREAS, a Bergen County Community Development Block Grant totaling \$246,504.00 has been proposed by the Borough of Carlstadt for the Broad Street Roadway Improvements (Monroe Street to Washington Street) in the Borough of Carlstadt; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, aforesaid project is in the best interest of the people of Carlstadt; and,

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development application; and

NOW, THEREFORE BE IT RESOLVED by the Borough of Carlstadt Mayor and Council hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Division of Community Development (Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, 4th Floor; Hackensack, N.J. 07601) so that implementation of the aforesaid project may be expedited.

RESOLUTION NO. 2022-266

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

1. 409 Union 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 Acting Police Chief remove same from the certified list of handicapped parking spaces.

Mayor Zimmermann entertained a motion to approve the Consent Agenda. On motion by Emerson, seconded by DeBiase, Council members Emerson, Lenoy, Fonseca and DeBiase voted yes. Councilman Stoltz abstained on Resolution No. 2022-261 and Councilman Roseman was not present for the vote.

Mayor Zimmermann entertained a motion to approve the minutes of 8/17/22 Caucus Meeting, 8/17/22 Council Meeting, 9/21/22 Caucus Meeting and 9/21/22 Council Meeting (Open and Closed Sessions)

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

Mayor Zimmermann entertained a motion to ratify the fruit basket for John Solimine and flowers for the family of Richard Berta. On motion by Stoltz, seconded by Emerson, unanimous on call of roll of those present.

Mayor Zimmermann said he received a nice thank you tonight from John Solimine for the fruit basket and also sent cookies up to the Borough Hall.

Mayor Zimmermann said he would like to add into the minutes that the Borough Council has reviewed the 2022 Best Practices Survey.

CORRESPONDENCE

We received a letter from Elizabeth Penna from the Wildcat Diamond Club. They are planning a trip to Myrtle Beach this Spring of 2023 for the Becton High School Baseball players who will participate in several tournaments with teams from all over the country. They are looking for a donation for the bus rental, hotel reservations and entrance fees.

Mayor Zimmermann entertained a motion to approve the amount of \$250.00 to the Becton Wildcat Diamond Club.

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

Mayor Zimmermann said we received a letter from the Carlstadt Fire Department from LOSAP Administrator Anthony Silleto. It is a request from Scott Wrocklage to withdraw from the LOSAP program.

Mayor Zimmermann entertained a motion for Scott Wrocklage to withdraw from the LOSAP program. On motion by Stoltz, seconded by DeBiase unanimous on call of roll of those present.

CONSIDERATION OF ORDINANCES

FINAL READING

ORDINANCE NO. 22-11

AN ORDINANCE AMENDING SECTION 2-38.3 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002 AND ORDINANCE 21-13, ENTITLED LENGTH OF SERVICE AWARDS PROGRAM (LOSAP), CRITERIA

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

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

Mayor Zimmermann asked if any citizen wished to speak on this ordinance.

Mayor Zimmermann said to let the record note there is no citizen here that wished to speak.

Mayor Zimmermann entertained a motion to close this ordinance to a hearing of citizens.

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

RESOLUTION NO. 2022-267

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 AND ORDINANCE 21-13, ENTITLED LENGTH OF SERVICE AWARDS PROGRAM (LOSAP), CRITERIA

heretofore introduced, does now pass on final reading and the Borough Clerk is hereby authorized and directed to publish said ordinance according to law.

Mayor Zimmermann entertained a motion to adopt this ordinance. On motion by Stoltz, seconded by Lenoy, unanimous on call of roll of those present.

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 of those present.

Mayor Zimmermann asked if any citizen wished to be heard.

Gunter Kuprat, 507 Washington Street – he said we have Veterans Day coming up on November 11, 2022. He found out the school is on break. He got together with Mr. Foy and they will have a get together on November 9, 2022 and will speak to them around 1:00 P.M. with the veterans and the students.

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

On motion by Stoltz, 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 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 7:28 P.M. On motion by Fonseca, seconded Lenoy, unanimous on call of roll of those present.

On motion by Emerson, seconded by DeBiase, unanimous on call of roll, the meeting went back into open session at 9:38 P.M.

FIRST READING

ORDINANCE NO. 22-12

AN ORDINANCE GRANTING MUNICIPAL CONSENT TO COMCAST TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN CARLSTADT BOROUGH, COUNTY OF BERGEN, NEW JERSEY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF CARLSTADT BOROUGH, AS FOLLOWS:

SECTION 1. PURPOSE OF THE ORDINANCE

The Borough hereby grants to Comcast of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the municipality, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Borough of a cable television and communications system. This consent is subject to the terms and conditions of this Ordinance and upon the condition that the Company accepts the provisions of this Ordinance and confirms that it shall comply with the commitments contained herein.

SECTION 2. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

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- a. "Borough" or "Municipality" is Carlstadt Borough, County of Bergen, State of New Jersey.
- b. "Company" is the grantee of rights under this Ordinance and is known as Comcast of the Meadowlands, LLC.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, et seq.
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Cable Service" means the one-way transmission to subscribers of (i) video programming or (ii) other programming service, and subscriber interaction, if required for the selection or use of such video programming or other programming service.
- h. "Application" is the Company's Application for of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

SECTION 3. STATEMENT OF FINDINGS

A public hearing concerning the consent herein granted to the Company was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the municipality having received all comments regarding the qualifications of the Company to receive this consent, and the representations of the Company that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE

The non-exclusive Municipal Consent granted herein shall expire 10 years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE

Pursuant to the terms and conditions of the Act, N.J.S.A. 48:5A-30(d), the Company shall, during each year of operation under the consent granted herein, pay to the Municipality 3.5% of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount permitted by the Act or otherwise allowable by law. The current franchise fee paid to the Township is 3.5%.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance for the franchise shall apply to the entirety of the Municipality and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE

The company shall, during the franchise period, be required to offer service to any present or future dwelling unit, school, institution, and business located and to be located along any public rights-of-way in the primary service area, as set forth in the company's application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application, with a HPM ("homes-per-mile") of 35 dwellings per linear mile from the nearest active trunk or feeder line from which a usable cable signal may be obtained. For purposes of this section and the Company's implementation of the LEP, a home shall only be counted as a "dwelling unit" if such home is occupied and within two hundred seventy-five (275) feet of the public right of way.

SECTION 8. CONSTRUCTION REQUIREMENTS

- a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as reasonably good a condition as existed prior to the commencement of said work.
- b. Relocation: If at any time during the period of this consent, the City shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the City, shall remove, re-lay or relocate its equipment, at the expense of the Company.
- c. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

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SECTION 9. CUSTOMER SERVICE

In providing Cable Service to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.**
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.**
- c. Nothing herein shall impair the right of any subscriber or the Borough to express any comment with respect to telephone accessibility to the Complaint Officer or impair the right of the Complaint Officer to take any action that is permitted under applicable law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the Complaint Officer for the Borough pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Borough shall have the right to request copies of records and reports pertaining to complaints by Borough customers from the OCTV.

SECTION 11. LOCAL OFFICE

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving local complaints regarding the quality of service, equipment malfunctions, and similar matters.

SECTION 12. PERFORMANCE BONDS

During the life of the franchise the Company shall give to the municipality a bond in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

SECTION 13. SUBSCRIBER RATES

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 14. COMMITMENTS BY THE COMPANY

- a. The Company and will continue to provide courtesy cable television service on one (1) outlet, to the municipal building, library, community center and each public and private school within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets except for equipment.
- b. Within six months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Borough a one-time PEG Access Capital Grant in the amount of \$10,000 to meet the PEG Access capital needs of the community.
- c. The Communications Act of 1934, as amended (47 U.S.C. §543(b)(4)), allows the Company to itemize and/or identify the amount on the monthly bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, educational, and governmental channels, or the use of such channels or any other services required under the franchise.

SECTION 15. EMERGENCY USES

- a. The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations.
- b. The Company shall in no way be held liable for any injury suffered by the municipality or any other person, during an emergency, if for any reason the Municipality is unable to make full use of the cable television system as contemplated herein.

SECTION 16. LIABILITY INSURANCE

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of \$5,000,000.

SECTION 17. INCORPORATION OF THE APPLICATION

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

SECTION 18. COMPETITIVE EQUITY

Should the Municipality grant a franchise or other authorization to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. 14:17-6.7.

SECTION 19. SEPARABILITY

If any section, subsection, sentence, clause, phrase, or other portion of this Ordinance is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body, or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

SECTION 20. THIRD PARTY BENEFICIARIES

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 21. NEW DEVELOPMENTS

The Municipality, for its part, shall endeavor to exercise reasonable efforts to require developers and utility companies to provide the Company with at least fifteen (15) days advance notice of an available open trench for the placement of necessary cable.

SECTION 22. EFFECTIVE DATE

This Ordinance shall take effect immediately upon issuance of a Certificate of Approval from the BPU.

RESOLUTION NO.2022-268

BE IT RESOLVED that the ordinance entitled:

AN ORDINANCE GRANTING MUNICIPAL CONSENT TO COMCAST TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN CARLSTADT BOROUGH, COUNTY OF BERGEN, NEW JERSEY

heretofore introduced, does now pass on first reading and that said ordinance be further considered for final passage at a meeting to be held on the 16th day of November, 2022 at 7:00 o'clock P.M.

Mayor Zimmermann entertained a motion to approve the Comcast Ordinance on first reading.
On motion by Lenoy, seconded by Stoltz, unanimous on call of roll.

RESOLUTION NO. 2022-256

WHEREAS, the Borough of Carlstadt has solicited quotes for the construction of a garage/shed to store the Carlstadt Police Motorcycles in the Borough of Carlstadt; and

WHEREAS, the money for said project has been appropriated; and

WHEREAS, of the three (3) received solicitations, the quote of J Russo Construction of 41 Mozart Street, East Rutherford, New Jersey 07073, in the amount of \$28,500.00 was the lowest responsible quote for the Base Bid, and complete in all respects.

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

1. An award of contract for the Police Garage/Shed shall be made to J Russo Construction, 41 Mozart Street, East Rutherford, New Jersey 07073 in the quote amount of \$28,500.00; and
2. This resolution to take effect upon certification of this resolution by the Chief Financial Officer that sufficient funds are available.

Certification as to the availability of funds:

The Chief Financial Officer/Treasurer hereby certifies that sufficient funds are available to pay the anticipated amount of the fees and disbursement for these services.

Mayor Zimmermann entertained a motion to proceed with the police motorcycle garage.

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

Mayor Zimmermann entertained a motion to allow the Chief to schedule the Special Police for the upcoming events for November and December of 2022.

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

Mayor Zimmermann entertained a motion to allow the Acting Police Chief to send four officers to New Mexico for training on April 17 through the 21, 2023 at no cost to the Borough.

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

Mayor Zimmermann entertained a motion to adjourn the meeting at 9:42 P.M. On motion by DeBiase, seconded by Emerson, the meeting was unanimously adjourned.

APPROVED: _____
ROBERT J. ZIMMERMANN, MAYOR

ATTEST: _____
CLAIRE FOY, BOROUGH CLERK