

**CAUCUS MEETING**  
**January 18, 2023**

**A REGULAR SCHEDULED CAUCUS 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, January 18, 2023 at 7:00 P.M.

Council President James Lenoy asked Claire Foy, Borough Clerk to call the roll: Council members David Stoltz, James Lenoy, William Roseman, Joseph Emerson, Suzanne Fonseca and Diane DeBiase were present. Mayor Robert Zimmermann was absent.

Joseph Crifasi, Borough Administrator and Joseph Donahue Attorney were also present.

Council President Lenoy led all present in the Pledge of Allegiance to the Flag.

Council President Lenoy – 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 13, 2023 and the Herald News on January 13, 2023 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.

Robert Ceberio of RCM Ceberio, LLC Management Consultants read his report on Carlstadt Economic Development. A copy is on file in the Borough Clerk's office.

Council President Lenoy asked if any of the Councilmembers had anything to discuss. No one did.

**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.

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**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 confidentially no longer exists.

On motion by Fonseca, seconded by Emerson, unanimous on call of roll, the meeting went into closed session at 7:18 P.M.

On motion by Fonseca, seconded by Emerson, the meeting unanimously adjourned at 7:58 P.M.

APPROVED: \_\_\_\_\_  
JAMES LENOY, COUNCIL PRESIDENT

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

**COUNCIL MEETING  
January 18, 2023**

**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 18, 2023 at 8:00 P.M.

Council President James Lenoy asked Claire Foy, Borough Clerk to call the roll: Council members David Stoltz, James Lenoy, Joseph Emerson, William Roseman, Suzanne Fonseca and Diane DeBiase were present. Mayor Robert Zimmermann was absent.

Joseph Crifasi, Borough Administrator and Joseph Donahue, Borough Attorney were also present.

Council President Lenoy led all present in the Pledge of Allegiance to the Flag.

Council President Lenoy – 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 13, 2023 and the Herald News on January 13, 2023 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.

**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. 2023-26**

**RESOLUTION - SUPPORT RESOLUTION - IN SUPPORT OF DIMENSION  
RENEWABLE ENERGY  
COMMUNITY SOLAR PROJECTS**

**WHEREAS**, Dimension RE LLC (“Dimension Renewable Energy” or “Dimension”) is developing the following community solar projects located within the Borough of Carlstadt; and

Project LLC	Address	Project Size
Starke Solar LLC	350 Starke Road	3.38

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**WHEREAS**, the Dimension projects will bring other benefits to the Borough of Carlstadt. Dimension has committed to working with local non-profits, community organizations, affordable housing partners, and workforce training partners to maximize the impact of its projects through the funding and implementation of initiatives that will provide K-12 renewable energy STEM education, solar-specific workforce development, funding for community projects and programs, and prioritization of solar access for low- and moderate-income households; and

**WHEREAS**, it is the intention of the Borough of Carlstadt to support community solar development for the purpose of achieving the multiple economic, health, environmental, social justice, and educational benefits of solar energy, while maintaining the community character, design standards, and livability of the Borough of Carlstadt; and

**WHEREAS**, solar energy facilities and technologies can be deployed in the Borough of Carlstadt and implemented to ensure the maximum use of solar energy in the community; and

**WHEREAS**, the deployment of community solar energy facilities can greatly reduce the cost of energy for local residents while lowering New Jersey's carbon emissions; and

**WHEREAS**, the Borough of Carlstadt wishes to support local community solar projects that are being submitted into the New Jersey Board of Public Utilities' Community Solar Program to ensure our residents and business enjoy the many benefits of community solar development; and

**WHEREAS**, the Borough of Carlstadt desires to work with Dimension to collaboratively market the opportunity for local residents to subscribe to the projects above to ensure the local community receives the subscriber benefits and associated cost savings.

**NOW, THEREFORE BE IT RESOLVED** on the 18<sup>th</sup> day of January, 2023, by the Mayor and Council of the Borough of Carlstadt that it supports the Dimension Renewable Energy community solar rooftop projects identified above in this Resolution; and

**BE IT FURTHER RESOLVED** that the Borough of Carlstadt endorses for selection by the New Jersey Board of Public Utilities, the Dimension Renewable Energy community solar projects identified above in this Resolution.

**RESOLUTION NO. 2023-27**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the contract for the **Street Tree Installations** has been completed by **Wetlands, Inc., 569 North Midland Avenue, Saddle Brook, New Jersey 07663** in accordance with the Plans and Specifications, as directed by the Project Engineer. The said construction is hereby accepted for Payment No. 1 and final in the amount of **Thirty-Eight Thousand, Seven Hundred Fifty Dollars and Zero Cents (\$38,750.00)** is hereby approved.

**RESOLUTION NO. 2023-28**  
**RESOLUTION AUTHORIZING CHANGE ORDER N° 1 FOR**  
**Reductions for Street Tree Installations**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey upon the recommendation of the Borough Capital Improvements Engineer that the Change Order for the Contract listed below be and is hereby approved.

**TITLE OF JOB:** Street Tree Installations

**CONTRACTOR:** Wetlands, Inc.

**CHANGE ORDER No.:** 1

**AMOUNT OF CHANGE THIS RESOLUTION:** \$3,000.00 Decrease: 7.19%

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

**RESOLUTION NO. 2023-29**

**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)** has been completed 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. 3 in the amount of **Three-Hundred Forty-One Thousand, Five Hundred Seventy-Nine Dollars and Zero Cents (\$341,579.00)**. is hereby approved.

**RESOLUTION NO. 2023-30**

**RESOLUTION AUTHORIZING PARTICIPATION IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE CARLSTADT POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT**

**WHEREAS**, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county, and State law enforcement agencies (LEAs); and

**WHEREAS**, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

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**WHEREAS**, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

**WHEREAS**, although property is provided through the 1033 Program and at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

**WHEREAS**, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through the 1033 Program.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Carlstadt, County of Bergen, State of New Jersey, that the Carlstadt Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate in terminating on December 31 of the calendar year from January 1, 2023 to December 31, 2023; and

**BE IT FURTHER RESOLVED**, that the Carlstadt Police Department is hereby authorized to acquire items of non-controlled property designated “DEMIL A,” which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this Resolution authorizes, based on the needs of the Borough of Carlstadt without restriction; and

**BE IT FURTHER RESOLVED**, that the Carlstadt Police Department is hereby authorized to acquire the following “DEMIL B through Q” property, if it shall become available in the period for which this Resolution authorizes; and

**BE IT FURTHER RESOLVED**, that the property available through the Program, “DEMIL A through Q” is attached hereto; and

**BE IT FURTHER RESOLVED**, that the Carlstadt Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

**BE IT FURTHER RESOLVED**, that the entity shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately and shall be valid to authorize requests to acquire (1) “DEMIL A” property and (2) “DEMIL B through Q” property that may be made available through the 1033 Program during the period of time which this Resolution authorizes; with Program participation and all property request authorization terminating on December 31 of the calendar year from January 1, 2023 to December 31, 2023.

**RESOLUTION NO. 2023-31**

**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	\$ 1,072,863.92
Regional Board of Education	566,224.58
South Bergen Municipal Joint Insurance Fund First Quarter FY 2023	326,376.00
County Open Space Trust Fund	64,272.50
County of Bergen 1 <sup>st</sup> Quarter Taxes	1,546,630.00

**RESOLUTION NO. 2023-32**

**WHEREAS**, Franklin Smith retired Police Captain has filed a request for reimbursement for Medicare Part B premiums for the year 2022 consistent with the Carlstadt SOA Contract and the Carlstadt PBA Local #312 following the filing a formal grievance and the matter having proceeded to Arbitration with a finding in favor of the Carlstadt PBA Local #312; and

**WHEREAS**, the Opinion and Award of the Public Employment Relations Commission, PERC Docket No. AR 2009-98 provides for a reimbursement to be made from the date of the Opinion and thereafter.

**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 representing reimbursement to Franklin Smith and Anita Smith for the year 2022 in the amount of \$3,231.90 as evidenced by the documents submitted as proof thereof. Subsequent payment for future reimbursements shall be made upon request and proof of deductions submitted by Franklin Smith.

**RESOLUTION NO. 2023-33**

**WHEREAS**, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of C & C Arc Stone Realty LLC or property located at 690 Washington Avenue, Carlstadt, New Jersey Block 126 Lot 43 Qualifier: HM as per Docket No. 003388-2013 dated 11/15/2022 reducing the 2013 property tax assessment from \$2,804,600.00 to \$2,400,000.00 and as per Docket No. 003554-2014 dated 11/15/2022 reducing the 2014 property tax assessment from \$2,804,600.00 to \$2,400,000.00 and as per Docket No. 0035554-2014 (Freeze Act Year is 2015) dated 11/15/2022 reducing the 2015 property tax assessment from \$2,804,600.00 to \$2,400,000.00 and as per Docket No. 000804-2016 dated 11/15/2022 reducing the 2016 property tax assessment from \$2,804,600.00 to \$2,250,000.00; and

**WHEREAS**, the reduction in the 2013 property tax assessment is \$404,600.00 or \$8,018.17 in 2013 property tax and the reduction in the 2014 property tax assessment is \$404,600.00 or \$8,055.88 in 2014 property tax and the reduction in the 2016 property tax assessment is \$554,600.00 or \$11,790.79 in 2016 property tax; and

The parties having agreed that there has been no change in value or municipal-wide revaluation or reassessment adopted for the tax year(s) 2015 (Freeze Act Year(s)) the provisions of N.J.S.A.54:51a-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year(s). No Freeze Act year shall be the basis for application of the Freeze Act for any subsequent year. The reduction in the property tax assessment for 2015 is \$404,600.00 or \$8,375.22 in 2015 property tax.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Carlstadt that a refund in the amount of \$36,240.76 is authorized and the Tax Collector shall adjust his books accordingly. (2013: \$8,018.17; 2014: \$8,055.58. 2015: \$8,375.22; 2016: \$11,780.79).

It is noted that the Borough's Finance Officer has reviewed this Tax Appeal Settlement and certifies that the Appeal is genuine and that funds are available for payment. It is also noted that Tax Appeal Attorney John Bang, Esq. has negotiated this Tax Appeal and has approved the settlement on behalf of the Borough of Carlstadt and that the Carlstadt Borough Attorney Joseph Donahue, Esq. has reviewed this Resolution and finds it to be satisfactory and legal. In addition, the Auditor for the Borough of Carlstadt has reviewed the calculations and finds them to be true.

The refund shall be made payable to:  
Wolf Vespasiano LLC Attorney Trust Account and  
C & C Arc Stone Realty LLC

The refund shall be mailed to:  
Wolf Vespasiano LLC  
331 Main Street  
Chatham, New Jersey 07928

**RESOLUTION NO. 2023-34**

**WHEREAS**, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of PETRA HOLDINGS LLC, 491 Broad Street, Carlstadt, New Jersey, Block 59 Lot 14 as per Docket No. 008242-2018 dated 09/28/2022 and received 01/06/2023 reducing the 2018 property tax assessment from \$962,400.00 to \$288,900.00; and

**WHEREAS**, the 2019, 2020 Tax Appeal Dockets were dismissed.

**WHEREAS**, the reduction in 2018 property tax assessment is \$ 673,500.00 or \$ 12,944.67 in 2018 property tax; and

**WHEREAS**, property taxes are delinquent for the fourth (November) quarter of 2022 in the amount of \$1,014.36 on this property so that amount will be deducted from the refund amount.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Carlstadt that a refund in the amount of \$ 11,930.31 (\$12,944.67 less delinquent amount of \$1,014.36 equals \$11,930.31) and the Tax Collector shall adjust his books accordingly.

It is noted that the Borough's Finance Officer has reviewed this Tax Appeal Settlement and certifies that the Appeal is genuine and that funds are available for payment. It is also noted that Tax Appeal Attorney John Bang, Esq. has negotiated this Tax Appeal and has approved the settlement on behalf of the Borough of Carlstadt and that the Carlstadt Borough Attorney, Joseph Donahue, Esq. has reviewed this Resolution and finds it to be satisfactory and legal. In addition, the Auditor for the Borough of Carlstadt has reviewed the calculations and finds them to be true.

The refund shall be made payable to:  
PETRA HOLDINGS, LLC

and shall be mailed to:  
Strasser & Associates, PC  
Attn.: Conrad M. Olear, Esq.  
7 East Ridgewood Avenue  
Paramus, New Jersey 07652

**RESOLUTION NO. 2023-35**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that St. Dominic Academy Alumnae Association, 2572 Kennedy Boulevard, Jersey City, NJ 07304 be granted permission to have an off-premise 50/50 raffle at IL Villaggio, Route 17 North, Carlstadt, NJ 07072 on Saturday, April 1, 2023 for which the application, fee and findings and determination sheet shall be forwarded to the Legalized Games of Chance Control Commission.

**RESOLUTION NO. 2023-36**  
**RESOLUTION TO ADVERTISE FOR BIDS**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey upon the recommendation of the Borough Engineer, Neglia Engineering Associates that the plans & specifications for:

**SMALL STREET & VARIOUS PARKING LOT IMPROVEMENTS**  
**(CDBG FUNDED)**

**BOROUGH OF CARLSTADT**  
**BERGEN COUNTY, NEW JERSEY**

are hereby approved and the Borough Clerk is hereby authorized to advertise for bids. This Resolution to take effect immediately.

**RESOLUTION NO. 2023-37**

**WHEREAS**, Neglia Engineering Associates has provided the Borough with an Agreement for Professional Services for the 8<sup>th</sup> Street Improvements - Division Avenue to Hoboken Road (NJDOT Municipal Aid Grant Funded) project; and

**WHEREAS**, the Agreement for Professional Services includes a lump sum cost of \$22,330.00 representing Engineering and Surveying Costs and includes a not to exceed cost to be invoiced on a time basis (schedule in contract) of \$21,795.00 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.2023-38**

**WHEREAS**, it is upon the advice and recommendation of the Borough Counsel, Tax Assessor, Special Tax Appeal Counsel, Appraisal and Financial Consultants to seek formal approval of this property tax appeal matter as follows:

- **Block 127, Lot 7.02 49 Commerce Road**
- The property is owned by Plaintiff, 49 Commerce Road LLC.
- The within Resolution relates to the settlement of the pending tax appeal matter entitled 49 Commerce Road LLC v. Borough of Carlstadt, filed in the Tax Court of New Jersey under Docket Nos. 006727-18; 001512-19; 005394-20; & 004736-21.
- The proposed settlement terms and conditions related to this matter reflect a refund of \$1,922.00.

- Refund payment to be made within ninety (90) days of the Tax Court judgment.

**WHEREAS**, it is in the best interest of the Borough to approve the proposed settlement to avoid the cost and uncertainty of litigation; and

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

**RESOLUTION NO. 2023-39**

**WHEREAS**, in accordance with the Recycling Enhancement Act (REA)P.L. 2008, Chapter 6, beginning 2012 each New Jersey municipality is required to submit an Annual Recycling Tonnage Report to the New Jersey Department of Environmental Protection (NJDEP) signed by a Certified Recycling Professional (CRP) on or before April 30<sup>th</sup> of each year; and

**WHEREAS**, as part of the BCUA's Certified Recycling Professional Tonnage Grant Assistance Program, the BCUA will provide the services of a CRP to sign and submit the Annual Recycling Tonnage Report to the NJDEP at no cost to a Municipality.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough Carlstadt does hereby approve the BCUA Service Agreement; and

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to sign said agreement.

**RESOLUTION NO. 2023-40**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the Borough Clerk be and hereby is authorized and directed to advertise for bids for recreation equipment for the 2023 recreation program.

**RESOLUTION NO. 2023-41**

**Mutual Aid Plan & Rapid Deployment Force Interlocal Service Agreement**

**WHEREAS**, the Police Departments in Bergen County have a day-to-day responsibility to provide for the security of lives and property, for the maintenance and preservation of the public peace and order; and

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**WHEREAS**, Law enforcement officials also have a responsibility to provide for the preparedness against natural emergencies, such as floods, hurricanes, earthquakes, major storms, etc., manmade causes, civil unrest, and civil disobedience such as riots, strikes, jail or prison riots, train wrecks, aircraft crashes, major fires, ethnic disorder riots, terrorism incidents and bombings, State and National emergencies; and

**WHEREAS**, the Bergen County Police Chiefs Association has proposed a Mutual Aid Plan and Rapid Deployment Force to deal with these emergencies; and

**WHEREAS**, the Plan is adopted in accordance with the provisions of N.J.S.A.40A.:14-156,N,], S.A.40A:14-156.1, N.J.S.A.40A:14-156.4, and N.J.S.A. App. A: 9-40.6; and

**WHEREAS**, this Plan will provide a uniform procedure for the coordination of the requesting, dispatching, and utilization of law enforcement personnel and equipment whenever a local law enforcement agency requires mutual aid assistance from any other jurisdiction, both contiguous and non-contiguous, in the event of an emergency, riot, or disorder in order to protect life and property; and

**WHEREAS**, it is also recognized that the Carlstadt Police Department Chief of Police, in accordance with the provisions of N.J.S.A 40A: 14-118 and under the authority of the Bergen County Prosecutor, has the authority to assign officers to a task force, Rapid Deployment Team or Regional SWAT Team operated in conjunction with the Bergen County Prosecutor's Office; and

**WHEREAS**, it is the desire of the Mayor and Council of the Borough of Carlstadt to participate in a Mutual Aid Plan and Rapid Deployment Force in accordance with the plan submitted by the Bergen County Police Chiefs Association.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that the Carlstadt Police Department, under the direction of the Chief of Police, cooperate with the Bergen County Police Chiefs Association to create an Interlocal Services Agreement with all municipalities in the County of Bergen in order to put into place the Mutual Aid Plan and Rapid Deployment Force; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the County Executive, the Board of Chosen Freeholders, the County Prosecutor, the County Sheriff and all Bergen County Municipalities.

**RESOLUTION NO. 2023-42**

**WHEREAS**, it is upon the advice and recommendation of the Borough Counsel, Tax Assessor, Special Tax Appeal Counsel, Appraisal and Financial Consultants to seek formal approval of this property tax appeal matter as follows:

- **Block 126, Lot 69    575 Gotham Parkway**

- The property is owned by Plaintiff, MG Whitehouse LP.
- The within Resolution relates to the settlement of the pending tax appeal matter entitled MG Whitehouse LP v. Borough of Carlstadt, filed in the Tax Court of New Jersey under Docket Nos. 003818-17; 002438-18; 002846-19; 004004-20 & 004197-21.
- The proposed settlement terms and conditions related to this matter reflect a refund of \$16,701.45.
- Refund payment to be made within ninety (90) days of the Tax Court judgment.

**WHEREAS**, it is in the best interest of the Borough to approve the proposed settlement to avoid the cost and uncertainty of litigation; and

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

**RESOLUTION NO. 2023-43**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Carlstadt that the First Presbyterian Church, 457 Division Avenue, Carlstadt, NJ 07072 be granted permission to hold a raffle at 457 Division Avenue, Carlstadt, NJ 07072 on Sunday, June 4, 2023 for which the application, fee and finding and determination sheet shall be forwarded to the Legalized Games of Chance Control Commission.

Council President Lenoy entertained a motion to approve the Consent Agenda.

On motion by Emerson, seconded by DeBiase, Council member Lenoy, Emerson, Roseman, and Fonseca voted yes. Councilman Stoltz abstained on the Neglia resolutions and voted yes on the other ones and Councilwoman DeBiase abstained on Resolution No. 2023-31 and voted yes on the other ones

**FINANCE** – Councilman Emerson reported progress.

**POLICE** – Councilman Emerson reported progress.

**FIRE/OEM/AMBULANCE** – Councilman Stoltz reported progress.

**PUBLIC WORKS/PUBLIC PROPERTY** – Councilman Lenoy reported progress.

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

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**ZONING** – Councilman Lenoy reported progress.

**HEALTH/SOCIAL SERVICES** – Councilwoman Fonseca reported progress.

**RECREATION** – Councilman Emerson reported progress.

**BOROUGH EQUIPMENT** – Councilwoman DeBiase reported progress.

**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. 2023-44**

**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:

**CURRENT ACCOUNT**

BARELL 482 SG LLC	\$	5,611.26
485 BARELL SG LLC		5,361.58
495 BARELL SG LLC		4,461.94
760 WASHINGTON AVE LLC		22,609.95
AGGRESSIVE ENERGY LLC		12,092.02
AHOLD FINANCIAL SERVICES		897.08
ALPHADOG SOLUTIONS, INC.		1,095.00
AMERICAN HOSE & HYDRAULICS		36.96
AMERICAN PAPER & SUPPLY		15.38
A.N.D. SERVICE		3,649.79
APPRAISAL SYSTEMS INC.		3,900.00
ARAMARK UNIFORM SERVICES		620.55
ARROW ELEVATOR		230.00
ASHLEY MORRONE		360.00
ATLANTIC UNIFORM CO. INC		3,783.81
AT&T MOBILITY		422.22
BARELL 472 SG LLC		3,810.09
BAYLEY CORRIGAN		120.00
BELLAQUA INC		567.20

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BERGEN COUNTY TREASURER	3,063.50
BEYER BROTHERS CORP.	548.00
CARLSTADT RECREATION BASKETBALL	500.00
CHASEN, LAMPARELLO, MALLON	10,537.90
CHOCOLATE DREAMS	662.00
CLIFFSIDE BODY CORP	80.00
CLIFFHANGER PRODUCTIONS INC	8,500.00
COMCAST	880.70
COMPREHENSIVE BEHAVORIAL	6,500.00
DAVID F. CORRIGAN	10,341.50
DELGADO INTERPRETING SERVICES	380.00
DENISE KIMAK	2,845.99
DENISE OEHLMANN	63.00
DENNIS MURRAY	100.00
DIRECT ENERGY BUSINESS	2,027.95
EDMUNDS GOVTECH, INC	7,489.39
ENVIRONMENTAL RENEWAL L.L.C.	743.75
FETTE FORD	345.96
GADALETA HEATING & COOLING LLC	1,800.00
GARBARINI & CO.	16,250.00
HADDAD ELECTRIC LLC	877.00
HARRIS UNIFORMS INC	3,011.90
HOMETOWN AUTO PARTS	2,687.88
I.D.A.	65,783.02
IMPRESSIVE PRINTING INC.	5,550.99
JOSEPH R. DONAHUE LLC	9,739.16
KIMBERLY KOZIEL	100.00
LAW SOFT INC	12,800.00
LEVITT'S LLC	990.00
LUCY MACIAG	100.00
MAGLOCEN, INC	400.00
MCI COMM SERVICE	615.68
MEADOWLANDS HARDWARE PLUMB INC	583.26
MEADOWLANDS AREA YMCA	525.00
MERCHANTS ALARM SYSTEMS INC.	17.50
MSI TECHNOLOGIES LLC	1,437.00
MUNCO OF NJ	75.00
NEGLIA ENGINEERING ASSOCIATES	8,511.88
NICK'S TOWING SERVICE, INC.	3,546.15
NJ CONFERENCE OF MAYORS	395.00
NORTHEAST SWEEPERS INC	23,125.00
PAYROLL ACCOUNT	1,092.67

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PLAID MOTORS	1,000.63
PSE&G	25,529.15
RE-TRON TECHNOLOGIES INC	2,387.14
REDICARE LLC	143.83
REMINGTON AND VERNICK	595.00
ROBERT HEALEY	119.40
R.S. KNAPP CO.	24.11
SBI MATERIALS LLC INC	747.38
SENSTAR INC	200.00
S&G OIL INC.	27.10
SHARON DUNN	36.00
SHERWIN WILLIAMS, INC.	589.14
SMITH, FRANKLIN	3,231.90
SPRINKLER SURGEON LLC	815.00
STAN'S SPORT CENTER, INC	4,695.00
STAPLES ADVANTAGE	1,564.09
STROEDECHE, WARREN	600.00
TCTA OF BERGEN COUNTY	112.00
THE STANDARD INSURANCE CO.	3,556.15
TURN OUT UNIFORMS, INC.	39.00
UNUM LIFE INSURANCE COMPANY OF AMERICA	2,462.62
U.S. OVERALL	4,828.30
ADPP ENTERPRISES INC.	1,220.80
VERIZON	907.13
VERIELLA'S BAKERY	130.00
VERIZON	1,921.49
V.E. RALPH & SON, INC.	26.83
VERIZON	129.99
VERIZON	4,176.78
VERIZON BUSINESS	44.67
VFIS	6,511.38
VIKING PEST CONTROL	307.00
VIP CAR WASH & LUBE LLC	243.00
WESTERN PEST SERVICES	250.00
WILDCAT HOOP CLUB	450.00
WITMER ASSOCIATES INC	7,807.64
WORLD INSURANCE ASSOC. LLC	100.00
ATLANTIC COAST FIBERS	5,361.93
BELLAQUA INC	138.00
CARLSTADT BOARD OF EDUCATION	1,072,863.92
COUNTY OF BERGEN	1,546,630.00
COUNTY OPEN SPACE TRUST FUND	64,272.50
PETRA HOLDINGS, LLC	11,930.31

RCM CEBERIO, LLC	3,500.00
REGIONAL BOARD OF EDUCATION	566,224.58
RICHARD S. CEDZIDLO	1,000.00
SO. BER. MUNC.JT. INS FD	326,376.00
VEOLIA WATER NEW JERSEY	103.28
WOLF, VESPASIANO, LLC	36,240.76
MILLS BAKERY	175.00
LJ'S CORPORATE AND PRIVATE	802.50
MEDICAL BENEFITS ACCOUNT	600,000.00
ASSENHEIMER, CHRISTOPHER	190.67
HOLIDAY INN EXPRESS	118.00
NEGLIA ENGINEERING ASSOCIATES	85,879.39
UNION PAVING & CONSTRUCTION	341,579.00
<b>(TOTAL)</b>	<b>\$ 3,997,439.49</b>
<b>TOTAL BILLS FOR THE MONTH</b>	<b>\$ 5,026,184.05</b>

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 Lenoy, Emerson, Roseman, Fonseca and DeBiase voted yes. Councilman Stoltz abstained on Neglia checks and voted yes on the other ones.

#### **UNFINISHED BUSINESS**

None.

Council President Lenoy entertained a motion to open the hearing of citizens. On motion by Fonseca, seconded by DeBiase, unanimous on call of roll.

#### **HEARING OF CITIZENS**

**Donald Molzon, 530 Madison Street** – he was there regarding sad news as he has brought up several times to the Mayor and Council about his neighbors across the street. One of the ladies has expired. They found her laying on the floor still alive but she did not make it. He was a little upset that the town could not do anything, not as the Mayor and Council but some type of avenue that somebody could have come to help these ladies. The one will be buried and the other is in a nursing home. He does not know what will happen to the house.

Council President Lenoy said we have a presentation this evening.

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**Steven Pemperton**, Counsel for Herb Haus LLC, introduced the leadership team and stated that the company is a class 5 cannabis retailer. They have until June 2023 to submit additional information to the State for full authorization and are asking the Borough of Carlstadt to express their support for Herb Haus. They seek to locate its Class 5 Cannabis Retailer storefront at 300 Washington Avenue and need a resolution of support and zoning verification at that location. Mr. Pemperton thanked the Council for allowing them to give their presentation. Council President Lenoy asked if any other citizen wished to be heard. No other citizen wished to be heard.

Council President Lenoy entertained a motion to close the hearing of citizens. On motion by Fonseca, seconded by Stoltz, unanimous on call of roll.

Council President Lenoy entertained a motion to rescind the vote taken on January 1, 2023 to introduce an ordinance for the purchase of the Garden Street property on first reading, Ordinance No. 23-1. The amount is \$2,600,000.

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

**CONSIDERATION OF ORDINANCES**  
**FIRST READING**

**ORDINANCE NO. 23-1**

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR RECREATION PURPOSES IN, BY AND FOR THE BOROUGH OF CARLSTADT, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,600,000 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 acquire real property, including an existing structure, in, by and

for the Borough for recreation purposes. Said improvement shall include real estate transaction expenses and all work, materials and appurtenances necessary and suitable therefor.

The property to be acquired has a street address of 447 Garden Street and is designated as Block 18, Lot 2 on the Tax Assessment Map of the Borough.

Section 2. The sum of \$2,600,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$2,600,000 , and (4) \$124,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose,

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and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$2,476,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$100,000 which is estimated to be necessary to finance the cost of such purpose, 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 4. It is hereby determined and stated that moneys exceeding \$124,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purpose. The sum of \$124,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$2,476,000 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 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$2,476,000 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 amount 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 7. 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 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

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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 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 9. 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 \$2,476,000 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 10. 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 purpose, shall be applied to the

payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. 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 12. The Borough intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. 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 13. 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

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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 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

**RESOLUTION NO. 2023-45**

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

“BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR RECREATION PURPOSES, IN, BY AND FOR THE BOROUGH OF CARLSTADT, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,600,000 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 1<sup>st</sup> day of February, 2023 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 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 Emerson, unanimous on call of roll.

Council President Lenoy entertained a motion to ratify the purchase of a dish garden for Vincent DeSimone and a fruit basket for Domenick Giancaspro and Mayor Zimmermann.

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

Council President Lenoy entertained a motion for approval for the Borough Clerk to obtain quotes for the 2024 Fire Department Dinner.

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

Council President Lenoy entertained a motion to approve three plaques for the Voice of Democracy winners. On motion by DeBiase, seconded by Fonseca, unanimous on call of roll.

### **CORRESPONDENCE**

A letter was received from the Carlstadt Volunteer Fire Department Board of Fire Officers that the following items were approved at the January 9, 2023 Board of Officers meeting: Rev. Donald Pitches was approved for retirement after serving 25 years on Bergen Engine One and 35 years as Department Chaplin.

In addition, a three (3) month leave of absence was approved for David M. Stoltz from Bergen Engine One. Michael Norling was approved for retirement after serving 25 years on Engine Company Two.

The resignation of Michael Popejoy was approved from Engine Three. Also, there was a change in the Company Officers in Engine Three, Robert Popejoy and Michael Popejoy were replaced by Ex-Chiefs Brian Cervasio and First Lieutenant and Ex-Chief Matt Moran as Second Lieutenant. Robert Popejoy was suspended for 90 days from Engine Three for violating Company By-Laws, effective December 20, 2022.

Council President Lenoy entertained a motion to accept this.  
On motion by Roseman, seconded by DeBiase, unanimous on call of roll.

Councilman Stoltz said with the information on the firemen that are retiring, it has been past practice that the Fire Department asked in the future to give them a plaque and be given the plaque at a Council Meeting.

Council President Lenoy asked if anyone had anything in open session.

### **COUNCILMAN DAVID STOLTZ**

He asked for Council approval to have Lawrence Wood contact Joseph Crifasi to test drive the small Borough bus for the seniors when he takes them on senior outings to the Bergen PAC Center.

Council President Lenoy entertained a motion to approve this.  
On motion by Emerson, seconded by DeBiase, unanimous on call of roll.

### **COUNCILMAN JOSEPH EMERSON**

He brought up the American Dream. He would just like to proceed as to what we are entitled to from American Dream and to start the process looking into it. He would like to approve Robert Ceberio and Joseph Crifasi and the Borough Attorney to look into the matter.  
On motion by Emerson, seconded by Fonseca, unanimous on call of roll.

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Council Present Lenoy entertained a motion to adjourn the meeting at 8:28 P.M.  
On motion by Fonseca, seconded by Stoltz, the meeting was unanimously adjourned.

APPROVED: \_\_\_\_\_  
JAMES LENOY, COUNCIL PRESIDENT

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