

CAUCUS/FINANCE MEETING
February 1, 2023

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, February 1, 2023 at 7:05 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 7:12 P.M. Joseph Donahue, Borough Attorney was 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 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 which is on file in the Borough Clerk's office.

A company called Best Budz attended the meeting with regards to their cannabis business. They reported on how they operate and had information in a binder with regards to their business. They were there to answer any questions the Mayor and Council may have had.

CONSENT AGENDA

RESOLUTION NO. 2023-46

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the contract for the **8th Street Roadway Improvements – Section 2 (NJDOT Funded)** currently completed by Smith-Sondy Asphalt are in accordance with the Plans and Specifications, as directed by the Project Engineer. The said core sampling and testing performed by **Keytech** is hereby accepted for Payment No. 5 in the amount of **Two Thousand, Three Hundred Forty Dollars and Zero Cents (\$2,340.00)** is hereby approved.

RESOLUTION NO. 2023-47

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; and

- **Block 130, Lot 5 625 Washington Ave.**
- The property is owned by Plaintiff, 625 Washington Ave Corp. NJ Corp.
- The within Resolution relates to the settlement of the pending tax appeal matter entitled 625 Washington Ave Corp. NJ Corp. v. Borough of Carlstadt, filed in the Tax Court of New Jersey under Docket Nos. 007583-2017; 001894-2018; 001514-2019; 005402-2020; & 004743-2021.
- The proposed settlement terms and conditions related to this matter reflect a refund of \$5,217.98.
- 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.

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. 2023-48

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 123.01, Lot 13 430 Gotham Parkway**
- The property is owned by Plaintiff, Arthra Holdings, LLC.
- The within Resolution relates to the settlement of the pending tax appeal matter entitled Arthra Holding, LLC. v. Borough of Carlstadt, filed in the Tax Court of New Jersey under Docket Nos. 007607-17; 000625-18; 000641-19; 003730-20; & 003604-21.
- The proposed settlement terms and conditions related to this matter reflect a refund of \$14,577.09.
- 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. 2023-49
A RESOLUTION AUTHORIZING THE ADOPTION
OF THE MEL's CYBER JIF CYBERSECURITY RISK MANAGEMENT FRAMEWORK
RELATING TO THE BOROUGH'S CYBER RISK MANAGEMENT PROGRAM

WHEREAS, the Borough obtains its Property & Casualty coverages through its membership in the South Bergen Municipal Joint Insurance Fund (hereinafter, the JIF); and

WHEREAS, the Cybersecurity Risk Management Framework provides a financial incentive (deductible reimbursement), if the Borough establishes and maintains effective policies and practices in accordance with the Cybersecurity Risk Management Framework program promulgated by the JIF and the Municipal Excess Liability Fund (MEL) to safeguard the Information Technology of the Borough and the privacy of its employees, customers and third-party vendors; and

WHEREAS, more specifically, said JIF/MEL achieves Cybersecurity Risk Management Framework compliance through the adoption and implementation of a Two-Level Compliance Program; and

WHEREAS, the Borough places great value and consideration for the Cyber Security programs promulgated by the JIF/MEL.

NOW, THEREFORE BE IT RESOLVED by the Mayor & Council of the Borough of Carlstadt, County of Bergen, State of New Jersey, the Borough hereby adopts the following Policies and Protocols: *(such documentation attached herewith)*; and

MEL's Cybersecurity Risk Management Framework
Respective to
Level 2 & Level 3

BE IT FURTHER RESOLVED the Borough will continue to consider future security enhancements and subsequent modifications to the Cybersecurity Risk Management Framework, as promulgated by the MEL and/or through the recommendation of the Information Technology Professional; and

BE IT FURTHER RESOLVED a certified copy of this Resolution shall be maintained on file in the Borough's office and shall also be forwarded to Professional Insurance Associates, 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ 07072, Risk Management Consultant to the Borough.

RESOLUTION NO. 2023-50
BERGEN MUNICIPAL EMPLOYEE BENEFITS FUND
RESOLUTION TO RENEW

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the **Bergen Municipal Employee Benefits Fund**, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq.; and

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date; and

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND; and

WHEREAS, the Governing Body of the Borough of Carlstadt hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
 - a.) Dental Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.

- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

Bergen Municipal Employee Benefits Fund

RESOLUTION NO. 2023-51

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the contract for the **8th Street Roadway Improvements – Section 2 (NJDOT Funded)** currently completed by **Smith-Sondy Asphalt** are in accordance with the Plans and Specifications, as directed by the Project Engineer. The said construction is hereby accepted for Payment No. 4 and Final in the amount of **Two Thousand, Three Hundred Nine Dollars and Twenty-Seven Cents (\$2,309.27)** is hereby approved.

RESOLUTION NO. 2023-52

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that Friends of the Library of Rutherford, 150 Park Avenue, Rutherford, NJ 07070 be granted permission to have three raffles at IL Villaggio, Route 17 North, Carlstadt, NJ 07072 on Saturday, March 25, 2023 for which the applications, fees and findings and determination sheets shall be forwarded to the Legalized Games of Chance Control Commission.

RESOLUTION NO. 2023-53

WHEREAS, Pegasus Transport Service, Inc. has made application to the Borough of Carlstadt for one additional 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 Pegasus Transport Service, Inc. to operate one additional limousine license at 800 D Central Boulevard, Carlstadt, NJ 07072 be and hereby is approved for VIN#45436 nunc pro tunc.

AND, BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to issue the license to operate one additional limousine at the above referenced location for the period of one year, commencing January 24, 2023 and ending on January 24, 2024 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. 2023-54
RESOLUTION AUTHORIZING CHANGE ORDER N° 2 FOR
Reduction for Emergency Cleaning/Televising at 700 Route 17 South

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: Emergency Cleaning/Televising at 700 Route 17 South

CONTRACTOR: Montana Construction, Inc.

CHANGE ORDER No.: 2

AMOUNT OF CHANGE THIS RESOLUTION: \$ 11,322.25 Decrease: 37.74%

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

RESOLUTION NO. 2023-55

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt that the Carlstadt PTA, 550 Washington Street, Carlstadt, NJ 07072 be granted permission to have to hold a raffle at 500 Madison Street, Carlstadt, NJ 07072 on Friday, March 24, 2023 and Saturday, April 22, 2023 for which the applications, fees and findings and determination sheets shall be forwarded to the Legalized Games of Chance Control Commission.

RESOLUTION NO. 2023-56
AGREEMENT FOR PROFESSIONAL SERVICES

WHEREAS, Neglia Engineering Associates has provided the Borough with an Agreement for Professional Services for Zimmermann Park – Phase II (Bergen County Open Space Grant Funded) project; and

WHEREAS, the Agreement for Professional Services included a lump sum cost of \$58,600.00 representing Engineering and Surveying Costs and includes a not to exceed cost to be invoiced on a time basis (schedule in contract) of \$55,095.00 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. 2023-57
RESOLUTION AUTHORIZING CHANGE ORDER N° 2 and Final FOR
Reduction of Quantities for 8th Street Improvements (NJDOT Funded)

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: 8th Street Improvements (NJDOT Funded)

CONTRACTOR: Smith-Sondy Asphalt Construction Co., Inc.

CHANGE ORDER No.: 2

AMOUNT OF CHANGE THIS RESOLUTION: -\$7.20 Decrease: 0.01%

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

RESOLUTION NO. 2023-58

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey that the contract for the **8th Street Roadway Improvements (NJDOT Funded)** has been completed by **Smith-Sondy Asphalt Construction Co. Inc., 150 Anderson Avenue, Wallington, NJ 07057** in accordance with the Plans and Specifications, as directed by the Project Engineer. The said construction is hereby accepted for Payment No. 3 and Final in the amount of **Two Thousand, One Hundred Seventy Dollars and Forty Cents (\$2,170.40)** is hereby approved.

RESOLUTION NO. 2023-59

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. 4 in the amount of **Three-Hundred Seventy-Four Thousand, Six Hundred Thirty-Nine Dollars and Thirty Cents (\$374,639.30)**. is hereby approved.

Mayor Zimmermann entertained a motion to accept the Consent Agenda.

On motion by Stoltz, seconded by DeBiase. Council members Lenoy, Emerson, Roseman, Fonseca and DeBiase voted yes. Councilman Stoltz abstained on Resolution No. 2023-56 and voted yes on the other ones.

CORRESPONDENCE

Mayor Zimmermann said we have a letter from Marc Caprio, Supervisor of Guidance from Henry P. Becton Regional High School.

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Mayor Zimmermann entertained a motion to approve the scholarship for the Senior Awards Assembly.

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

Mayor Zimmermann said we received a letter from Allison Evans, Superintendent of Schools for Carlstadt Public School. She is seeking a donation for a booster for the 2023 yearbook. The cost is \$200.00.

Mayor Zimmermann entertained a motion to approve the \$200.00 payment.

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

Mayor Zimmermann said we have a letter from Becton Regional High School for the 2023 Annual Fashion Show Tricky Tray.

Mayor Zimmermann entertained a motion to approve this donation.

Councilman Stoltz motioned to give the amount we gave last year, seconded by Emerson, unanimous on call of roll.

Mayor Zimmermann said we received a letter from the Carlstadt Senior Friendship Club that they will be holding their 44th annual Anniversary party on Wednesday, March 22, 2023 at the Fiesta in Wood-Ridge from 12:00 P.M. to 4:00 P.M.

Mayor Zimmermann entertained a motion to approve the town bus and driver to be available on that date.

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

Mayor Zimmermann said we received a letter from the Carlstadt Girl Scouts. They will be holding their VIP Dance on March 3, 2023 at Redd's. They are seeking a donation. We normally donate \$200.00.

Mayor Zimmermann entertained a motion to approve this amount. On motion by Fonseca, seconded by DeBiase, unanimous on call of roll.

Mayor Zimmermann entertained a motion to approve \$250.00 for the Fire Chief's gift.

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

CONSIDERATION OF ORDINANCES

FINAL 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.

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

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

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

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

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

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

RESOLUTION NO. 2023-60

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 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 Ordinance No. 23-1.

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

COUNCILMAN DAVID STOLTZ

He said he talked to the Mayor last Tuesday at the Joint Sewerage Authority Meeting. They are still trying to disband it. The Mayor said they have talked about it. This has to do with the engineering fees.

COUNCILWOMAN DIANE DEBIASE

She said she attended the National Junior Honor Society. There were thirteen in the Junior Honor Society.

COUNCILMAN JAMES LENOY

He had nothing to discuss at this time.

COUNCILMAN WILLIAM ROSEMAN

He had a few things to discuss in closed session.

COUNCILMAN JOSEPH EMERSON

He had nothing to discuss at this time.

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COUNCILWOMAN SUZANNE FONSECA

She had nothing to discuss at this time.

Mayor Zimmermann entertained a motion to reappoint Mark Dunn as his alternate to 12/31/2023. On motion by Roseman seconded by Stoltz, unanimous on call of roll.

Karl Ross asked Mayor Zimmermann to approve something for him. He said he needs the bus for the Girl Scouts on February 12, 2023 to go to New York City. He will be driving. They will be attending a Broadway play.

Mayor Zimmermann entertained a motion to approve this.

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

Richard Bartlett, who lives on Carlyle Court, said he knows you are working on your budget and road improvements. He is asking if you would consider doing Carlyle Court over again. The road is getting very bad.

**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 8:54 P.M.

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

Mayor Zimmermann entertained a motion to go back into open session at 9:45 P.M. On motion by DeBiase, seconded by Roseman unanimous on call of roll.

Mayor Zimmermann entertained a motion to give Beverly Faist a full day's pay but she will be docked one sick day.

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

RESOLUTION NO. 2023-60-A

WHEREAS, Gannett Satellite Information Network, LLC (“Gannett”) commenced an action against the Borough of Carlstadt and Claire Foy in her official capacity as Custodian of Records for the Borough of Carlstadt (the “Borough”) on or about November 14, 2022 in the Superior Court of New Jersey, Law Division, Bergen County, under Docket No. BER-L-6068-22; and

WHEREAS, after consultation with the Carlstadt Borough Attorney and following negotiations between the parties, a proposed settlement was reached in the above-referenced matter; and

WHEREAS, the Mayor and Council of the Borough of Carlstadt have determined, under all of the circumstances, that it is in the best interest of the Borough to resolve the matter amicably, thereby concluding all litigation with Gannett; and

WHEREAS, the Borough does not admit any liability or wrong doing whatsoever through and by this settlement and is taking this action solely as a matter of a business judgment and at the recommendation of its legal counsel; and

NOW, THEREFORE, BE IT RESOLVED that the Borough hereby approves the settlement in the amount of \$2,000.00 with Gannett; and

IT IS FURTHER RESOLVED, that the Borough Attorney is authorized to take all necessary and appropriate steps to implement the aforesaid settlement.

Mayor Zimmermann entertained a motion to allow the Borough Attorney to settle the Gannett lawsuit.

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

Mayor Zimmermann entertained a motion to allow him to sign the Grella property agreement extension.

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

Mayor Zimmermann entertained a motion to adjourn the meeting at 9:56 P.M. On motion by Emerson, seconded by Stoltz, the meeting was unanimously adjourned.

APPROVED: _____
ROBERT J. ZIMMERMANN, MAYOR

ATTEST: _____
CLAIRE FOY, BOROUGH CLERK

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