

CAUCUS/FINANCE MEETING

April 2, 2025

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, April 2, 2025 at 7:01 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 7:09 P.M.

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

Mayor Zimmermann led all present in the Pledge of Allegiance to the Flag.

Mayor Zimmermann – This meeting has been called pursuant to the Open Public Meetings Law and in accordance with Section 5 of the Open Public Meetings Act, adequate notice of this meeting having been provided in the annual notice schedule which contained the time, date and location of the meeting, copies of which were sent and advertised in the following official newspapers of Carlstadt: The Record on January 7, 2025 and the Herald News on January 7, 2025 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 of March on projects that were done and present projects in the Borough of Carlstadt. A copy of his report is on file in the Borough Clerk's office.

The Borough Engineer asked if anyone had any questions. Karl Ross, 309 Division Avenue, Carlstadt, NJ 07072 said there is some damage on Ninth Street. The Borough Engineer said that they were aware of it and they will notify the contractor to rectify it. Mr. Ross asked if the park is going to be able to sustain the weather and can the children use the park for the next month or so. Borough Administrator, Joseph Crifasi replied that the park will be closed due to the digging for the piping so everything is exposed and that everyone in the Borough was notified.

Robert Ceberio of RCM Ceberio, LLC Management Consultants read his report for the month of March 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.

CONSENT AGENDA
RESOLUTION NO. 2025-110
BOROUGH OF CARLSTADT
COUNTY OF BERGEN

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, the Neglia Group, that the plans & specifications for:

MICHELE PLACE ROADWAY IMPROVEMENTS
(NJDOT 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. 2025-111
BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
APPLICATION – 2025 CARLSTADT SIDEWALK REPLACEMENT PROJECT
MUNICIPAL ENDORSING RESOLUTION

WHEREAS, a Bergen County Community Development Block Grant totaling \$601,040.16 has been proposed by the Borough of Carlstadt for the 2025 Carlstadt Sidewalk Replacement Project; 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, the 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 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. 2025-112

WHEREAS, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of SKC 97, LLC for property located at 601 Sixteenth Street, Carlstadt, New Jersey for Block 84 Lot 10 as per Docket No. 005645-2014 dated 2/18/2025 reducing the 2014 property tax assessment from \$3,843,700.00 to \$3,500,000.00 and as per Docket No. 000817-2016 dated 2/18/2025 reducing the 2016 property tax assessment from \$3,843,700.00 to \$3,300,000.00 and as per Docket No. 004897-2022 dated 2/18/2025 reducing the 2022 property tax assessment from \$4,044,800.00 to \$3,500,000.00; and

WHEREAS, the reduction in the 2014 property tax assessment is \$343,700.00 or \$6,843.07 in 2014 property tax and the reduction in the 2016 property tax assessment is \$543,700.00 or \$11,559.06 in 2016 property taxes and the reduction in the 2022 property tax assessment is \$544,800.00 or \$9,196.22 in 2022 property taxes; and

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

WHEREAS, the reduction in the 2015 property tax assessment is \$343,700.00 or \$7,114.59 in 2015 property tax.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt authorize the refund of \$34,712.94 and the Tax Collector shall adjust his books accordingly. (2014: \$6,843.07; 2015: \$7,114.59; 2016: \$11,559.06; 2022: \$9,196.22). It is also noted that the 2017, 2018, 2019, 2020 and 2021 Tax Appeal Judgements have been withdrawn.

It is noted that the Borough's Finance Office 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 the Borough's Tax Appeal Attorney, Kenneth 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 Borough Auditor has reviewed said calculations and finds them to be satisfactory and true with the Judgments.

CAUCUS/FINANCE MEETING

April 2, 2025

Page 4

The refund shall be made payable to:
“Wolf Vespasiano LLC Attorney Trust Account”

The refund shall be mailed to:
Wolf Vespasiano LLC
Attn.: Chad E. Wolf
331 Main Street
Chatham, NJ 07928

RESOLUTION NO. 2025-113

WHEREAS, the Tax Court of New Jersey, County of Bergen issued a Civil Action Judgment in the tax appeal of Z&M Realty Management, LLC, 601 Commercial Avenue, Carlstadt, New Jersey, Block 126 Lot 72 as per Docket No. 001681-2024 dated 03/20/2025 reducing the 2024 property tax assessment from \$5,382,000.00 to \$4,800,000.00; and

WHEREAS, the reduction in 2024 property tax assessment is \$582,000.00, or in 2024 property taxes.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Carlstadt that a refund in the amount of \$9,667.02 and the Tax Collector shall adjust his books accordingly. (2024: \$9,667.02).

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. and Edna J. Jordan, Esq. have negotiated this Tax Appeal and has approved the settlement on behalf of the Borough of Carlstadt and that Carlstadt Borough Attorney Joseph Donahue, Esq. has reviewed the Resolution and finds it to be satisfactory and legal.

The refund payment shall be made payable to:
“Z & M Realty Management, LLC”

The payment shall be mailed to:
Zipp and Tannenbaum, LLC
Attn.: Peter Zipp, Esq.
280 Raritan Center Parkway
Edison, New Jersey 08837

RESOLUTION NO. 2025-114
AWARD OF CONTRACT

BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey upon the recommendation of the Neglia Group that the Contract for:

BID FOR LANDSCAPE SERVICES

be awarded to Watch Us Grow, 190 Veterans Drive, Suite 202, Northvale, NJ for the bid amount of One Hundred Seven Thousand Seventy Dollars and Zero Cents (\$107,070.00) which represents the Base Bid and being the lowest of two bids submitted. This Resolution to take effect upon certification of this Resolution by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 2025-115

WHEREAS, Pegasus Transport Service, Inc. has made application to the Borough of Carlstadt for the renewal of four (4) limousine licenses; and

WHEREAS, the renewal 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 renew four (4) limousine licenses at 800 Central Boulevard, Carlstadt, NJ 07072 be and hereby is approved for Vin # 132026, #131153, #140010 and #138333 nunc pro tunc.

AND, BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to issue the renewal of four (4) limousine licenses at the above referenced location for the period of one year, commencing March 31, 2025 and ending on March 31, 2026 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. 2025-116

Approval of Support for A-4649 to Provide Periodic Cancer Screening for Volunteer Firefighters Through the SHBP and Request Further Amendment to Include All Volunteer First Responders

WHEREAS, current law entitles paid firefighters enrolled in the State Health Benefits Program and paid firefighters eligible for enrollment in the State Health Benefits Program to periodic cancer screening examinations every three years without cost-sharing; and

WHEREAS, by law, the State will reimburse public employers in an amount not to exceed \$1,250 per three-year period for each firefighter; and

WHEREAS, the existing law does not extend to volunteer firefighters, so this bill extends the reimbursement provisions available to paid firefighters under current law to unpaid firefighters serving

CAUCUS/FINANCE MEETING

April 2, 2025

Page 6

in any fire district with a volunteer fire department or wherein there exists one or more incorporated volunteer fire companies affording fire protection to the fire district, or any fire department, unit, or company of or in the State or a political subdivision of this State; and

WHEREAS, the Mayor and Council of the Borough of Carlstadt is desirous of supporting such legislation for the protection of volunteer firefighters throughout not just the Borough of Carlstadt, but the entire State of New Jersey.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Carlstadt hereby expresses their support for Assembly Bill A-4649 to extend periodic cancer screening under the SHBP to volunteer firefighters within the State of New Jersey; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Carlstadt requests that Assembly Bill A-4649 be amended to also include volunteer ambulance corporation members as well as any first responders that are not already covered under the SHBP; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to Senator Paul A Sarlo, Assemblyman Clinton Calabrese, Assemblyman Gary S. Schaer, Governor Phil Murphy, as well as all Bergen County municipalities seeking their support and concurrent resolutions.

RESOLUTION NO. 2025-117

RESOLUTION TO SUPPORT PUBLISHING LEGAL NOTICES ON OFFICIAL GOVERNMENT WEBSITES

WHEREAS, the sunset provision of March 1, 2025, imposed under P.L. 2024 c.106 is fast approaching in what was a temporary solution that allowed local governments to comply with the public notice requirements under the law in time for annual reorganization meetings in January; and

WHEREAS, local government officials serve as the stewards of property taxpayer dollars and should no longer be required to subsidize the newspaper industry with revenues collected from publishing legal notices in the press; and

WHEREAS, long before NJ Advanced Media's announcement that it was terminating daily print publications in January of 2025, local government officials found it increasingly difficult to comply with the public notice requirements under the law as the media has become almost exclusively digitized and struggled to retain staff, resources and publications; and

WHEREAS, legislation that will authorize local governments to publish legal notices on a local government's official website will streamline an antiquated and overly burdensome process and save valuable time, resources and property taxpayer dollars.

NOW, THEREFORE BE IT RESOLVED that the Borough of Carlstadt does in fact, hereby urge state leaders to pass legislation that will authorize municipalities, counties, school districts and all local governments to publish legal notices in a clear, transparent and timely manner on a local government's official website; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be sent to Governor Phil Murphy, Senate President Nicholas Scutari, Speaker of the General Assembly Craig Coughlin, Senator Paul A. Sarlo, Assemblymembers Clinton Calabrese and Gary S. Schaer and the New Jersey State League of Municipalities.

Councilman Stoltz had a question regarding the contract for the landscaping service. Does this also include snow removal as well. Joseph Crifasi, Borough Administrator replied no. The landscape service is for all of our properties to be cut and maintained for bushes, greenery, sprinklers, chemical treatments for every property in Carlstadt that we have. It also includes inside the cemetery property. It includes the school and every piece of property that the DPW cuts. It will cost less than what we pay now for it. In the summer we will put a bid out for snow removal.

Mayor Zimmermann entertained a motion to adopt the Consent Agenda.
On motion by Roseman, seconded by Fonseca, unanimous on call of roll.

CORRESPONDENCE

None

Mayor Zimmermann said that Ordinance No. 25-2 Floodplain Management Regulations will be carried over to April 23, 2025. On motion by Roseman, seconded by Stoltz, unanimous on call of roll.

CONSIDERATION OF ORDINANCES

FIRST READING

ORDINANCE NO. 25-5 (Amends and replace Ordinance 24-12) STORMWATER UTILITY ORDINANCE

WHEREAS, the Borough of Carlstadt is responsible for stormwater management in the Borough; and

WHEREAS, New Jersey Stormwater Management Rules N.J.A.C. 7:8 provides that the purpose of the stormwater management statute is to facilitate municipal compliance with the Water Quality Act of 1977 and applicable EPA regulations, particularly those arising from § 405 of the Water Quality Act of 1987, and § 402 (p) of the Clean Water Act of 1977, and to enable municipalities to regulate stormwater discharges, establish a system of drainage facilities, construct and operate a system of stormwater management and flood control facilities, and to "fix and require

CAUCUS/FINANCE MEETING

April 2, 2025

Page 8

payment of fees for the privilege of discharging stormwater.” The State of New Jersey is currently facing a serious set of problems due to inadequate stormwater infrastructure and management. These problems have a direct and significant impact on the health, safety, economic well-being, and quality of life of New Jersey residents; and

WHEREAS, when storms occur, rainwater runs from impervious surfaces such as roads, roofs, and parking lots into stormwater management systems and waterways. This stormwater carries oil, pesticides, other chemicals, sediments, and bacteria that may contaminate State waters, potentially making them unsafe for drinking, fishing, and recreational purposes. It is estimated that up to 60 percent of the State’s existing water pollution is attributable to stormwater and nonpoint sources of pollution and

WHEREAS, runoff in large volume and force may cause flooding and damage homes, businesses, and property. A projected increase in sea level rise and more frequent and severe storms are expected only to increase flooding and

WHEREAS, New Jersey is prone to pollution and flooding problems, with over 10 percent of its land area covered with impervious surfaces. These problems are particularly acute in the 21 urban New Jersey municipalities with combined sewer systems, which routinely overflow and discharge untreated wastewater and stormwater into the State’s waters, contributing to water pollution and impairing the use and enjoyment of those waters and

WHEREAS, stormwater infrastructure in New Jersey currently lacks a dedicated funding source and receives few upgrades and little maintenance once built, it goes unmonitored and unattended until it breaks down; in other cases, it is simply inadequate to manage stormwater, and

WHEREAS, establishing local stormwater utilities presents an effective management strategy to address stormwater issues. Over 1,500 stormwater utilities operate in 40 states and the District of Columbia. Stormwater utilities are often authorized to assess fair and equitable fees to fund stormwater infrastructure development, improvement, and management and

WHEREAS, the governing body, therefore, determines that it is in the public interest to authorize the establishment of local stormwater utilities area to serve the Meadowlands properties in the Borough of Carlstadt and to allow those utilities to assess fees that are based on a fair and equitable approximation of the proportionate contribution of stormwater runoff from any real property, to finance the improvement of the State’s stormwater infrastructure, better control water pollution and flooding, restore and enhance the quality of the State’s waters, and protect the public health, safety, and welfare and the environment; and

WHEREAS, the governing body further determines that green infrastructure effectively manages stormwater because it reduces and treats stormwater at its source while delivering other

environmental, social, and economic benefits. The use of green infrastructure should be encouraged and, where appropriate, required to help decrease pollutant loads and runoff volumes to receiving water and

WHEREAS, the governing body of a municipality is authorized by the Clean Stormwater and Flood Reduction Act (P.L.2019, c.42) to adopt a system of charges to fund the implementation of stormwater management programs to serve the Meadowlands properties of the Borough of Carlstadt and provides that among other powers municipalities have concerning stormwater facilities, is the power by ordinance or resolution to:

(1) Exercise general regulation over the planning, location, construction, operation, and maintenance of stormwater facilities in the municipality, whether owned or operated by the municipality.

(2) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including adopting a system of fees for services and permits.

(3) Establish standards to regulate the quantity of stormwater discharged and stormwater contaminants as necessary to protect water quality.

(4) Review and approve plans for stormwater management in proposed subdivisions or commercial developments.

(5) Issue permits for stormwater discharges and stormwater facilities' construction, alteration, extension, or repair.

(6) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit.

(7) Regulate and prohibit the discharge of sanitary, industrial, or commercial sewage or otherwise contaminated waters into stormwater facilities.

(8) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private; and

WHEREAS, the Borough of Carlstadt wishes to enact a stormwater management fee system that serves as a stormwater utility in the Meadowlands portion of the Borough of Carlstadt based on factors influencing runoff, including land use and the property's impervious surface; and

WHEREAS, stormwater runoff contributes to nonpoint source pollution to the streams of the

CAUCUS/FINANCE MEETING

April 2, 2025

Page 10

Borough of Carlstadt watersheds, and a stormwater management program can reduce this type of pollution; and

WHEREAS, stormwater can produce local or regional flooding, and proper stormwater management can reduce potential property hazards and thus help preserve its value; and

WHEREAS, a stormwater management fee system offers additional financial management options that could assist the Borough of Carlstadt in improving stormwater and drainage services in that portion of the Borough of Carlstadt in the Meadowlands District; and

WHEREAS, stormwater management can be addressed across municipal boundaries and on a regional and watershed basis, and

WHEREAS, it is in the public interest to fund stormwater management with a user fee system that allocates the cost of stormwater management to all property owners in the Borough of Carlstadt's portion of the Meadowlands District and that further seeks to base the amount of the stormwater management fee on the extent that each parcel of real property contributes to the need for stormwater management.

NOW, THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Carlstadt that:

Section 1. Legislative Findings and Policy

(a) The Borough of Carlstadt maintains a stormwater management system including, but not limited to, inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, and other components.

(b) The stormwater management system in the Borough of Carlstadt's section of the Meadowlands District needs regular maintenance and improvements.

(c) Water quality degrades due to erosion and the discharge of nutrients, metals, oil, grease, toxic materials, and other substances into and through the stormwater management system.

(d) Poor ambient water quality and flooding, resulting from inadequate stormwater management, adversely affect public health, safety, and welfare.

(e) All real property in the Borough of Carlstadt in the Meadowlands District either uses or benefits from the maintenance of the stormwater management system.

(f)The extent to which each property uses the stormwater management system depends on factors influencing runoff, including land use and impervious surfaces.

(g)The costs of improving, maintaining, operating, and monitoring the stormwater management system should be allocated to all property owners in the Meadowlands District portion of the Borough of Carlstadt to the extent practicable based on the impact of runoff from their property's impervious areas on the system.

(h)Stormwater management requires adequate revenues to protect public health, safety, and welfare. It is in the public interest to adequately finance stormwater management with a reasonable and equitable user charge system so that each user pays to the extent they contribute to its needs.

Section 2. Creation of Stormwater Utility.

For those purposes of the Federal Clean Water Act and the New Jersey Clean Stormwater and Flood Reduction Act (P.L.2019, c.42), there is created a stormwater utility under the Borough of Carlstadt Public Works which shall consist of a manager or director and such staff as the municipality's governing body shall authorize the stormwater utility, under the legislative policy, supervision, and control of the governing body of the Borough of Carlstadt.

Section 2.1. Definitions

For this ordinance, the following definitions shall apply: Words used in the singular.

Shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

i. The Meadowlands District means all property designated by NJSA 5:10A-5 as part of the Meadowlands region.

ii. The base rate is the stormwater user's annual fee per Equivalent Residential Unit.

iii. BMPs (Best Management Practices) refer to activities or structural improvements that reduce, retain, or treat stormwater on-site.

iv. Construction means the erection, building, acquisition, alteration, reconstruction, improvement or extension of the stormwater management system; preliminary planning to determine the economic and engineering feasibility of the stormwater management system; the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of the stormwater

CAUCUS/FINANCE MEETING

April 2, 2025

Page 12

management system.

v. Developed Property means a parcel in the Meadowlands portion of the municipality altered from a natural state that contains an impervious Surface. Area equal to or greater than 300 square feet.

vi. Equivalent Residential Unit (ERU) means the measure of impervious ground cover for a typical Single-Family Residential Property used in assessing the fees for each Developed Property, which has been determined to be 2,500 square feet.

vii. Exempt Property means properties which are exempt from paying the fee, herein defined as wetlands, creek beds drainage ditches and open space set asides, agricultural land actively devoted to agricultural or horticultural use that is valued, assessed, and taxed under the "Farmland Assessment Act of 1964, P. L. 1964, c. 48 (C.54:4-23.1 et seq.), as outlined in New Jersey Clean Stormwater and Flood Reduction Act (P.L.2019, c.42), as amended and supplemented from time to time.

viii. Fee or Stormwater Management Fee means the charge established under this ordinance and levied on owners or users of parcels located or pieces of real property in the Meadowlands portion of the Borough of Carlstadt to fund the costs of stormwater management and of operating, maintaining, and improving the stormwater management system in the municipality. The stormwater management fee is in addition to any other fee that the municipality has the right to charge under any other rule or regulation of the municipality.

ix. Fiscal Year means January 1 of a calendar year to December 31.

x. Green infrastructure means stormwater management measures that capture, filter, absorb, and/or reuse stormwater to help restore the natural water cycle by reducing stormwater runoff, promoting infiltration, and/or enhancing transpiration

xi. Impervious Surface Area means a surface that prevents or impedes water infiltration into the ground. Impervious surfaces include, but are not limited to: sidewalks, packed dirt or stone paths, parking areas, driveways and private roads, pavements, driveway areas, and roofs. Any surface area designed to be gravel or crushed stone shall be considered impervious.

xii. Reserved.

xiii. Person means any persons, natural or artificial, including any individual, firm, or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

xiv. Property Owner means the property owner of record as listed in the county's assessment roll. A property owner includes any individual, corporation, firm, partnership, or group of individuals acting as a unit, and/or any trustee, receiver, or personal representative

xv. Stormwater means water resulting from precipitation, including rain and snow, which runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewage or drainage facilities, or is conveyed by snow removal equipment.

xvi. Stormwater Management Fee or Fee is the charge established for property in the Meadowlands District portion of the Borough of Carlstadt under this Chapter and levied on real property owners to fund stormwater management costs and operating, maintaining, and improving the local stormwater system.

xvii. Stormwater management means planning, designing, constructing, regulating, improving, repairing, maintaining, and operating facilities and programs relating to water, floodplains, flood control, grading, erosion, tree conservation, and sediment control.

xviii. Stormwater Management System means any equipment, plant, structures, machinery, apparatus, management practices, design practices, planning activities, or land, or any combination thereof, acquired, used, constructed, implemented, or operated to convey stormwater, control or reduce stormwater runoff and associated pollutants or flooding, induce or control the infiltration of groundwater recharge of stormwater, or eliminate illicit or illegal non-stormwater discharges into stormwater.

xix. Undeveloped Property means any Developed Property with less than 300 square feet of impervious Surface Area.

xx. User means the owner of record of property subject to the stormwater user's fee imposed by this ordinance.

xxi. Water means any storm water, surface water, snow melt, or ground water.

Section 3 Powers of the Stormwater Utility

i.Administer the stormwater management system's acquisition, planning, design, construction, maintenance, and operation, including capital improvements designated in the capital improvement program.

ii.Administer and enforce this ordinance and all regulations and procedures adopted relating to the stormwater management system's design, construction, maintenance, operation, and alteration, including, but not limited to, the quantity, quality, and velocity of the stormwater conveyed.

iii.Advise the Carlstadt governing body and other Borough departments on matters relating to the utility.

CAUCUS/FINANCE MEETING

April 2, 2025

Page 14

iv. Prepare and revise a stormwater management plan, including mapping the stormwater collection system and stormwater management facilities, identifying pollutant sources, and identifying opportunities for retrofitting existing development with stormwater management practices for adoption by Carlstadt's governing body.

v. Develop and implement an asset management program for a stormwater management system.

vi. Review plans and approve or deny, inspect, and accept extensions and connections to the system.

vii. Enforce regulations to protect and maintain water quality and quantity within the system in compliance with water quality standards and the New Jersey Pollutant Discharge.

viii. Water quality monitoring and water quality programs.

ix. Retrofitting developed areas for pollution control.

x. Inspection and enforcement activities.

xi. Billing and administrative costs, to the extent permitted by the Clean Stormwater and Flood Reduction Act (P.L.2019, c.42).

xii. Other activities that are reasonably required, including but not limited to those that are reasonable and necessary to comply with the municipal separate storm sewer (MS4) permit of the Borough.

xiii. The guidelines and the priority ranking system developed under this section for selecting projects or programs to be awarded grants or other forms of financial assistance from the fund shall include factors to ensure that grants or other forms of financial assistance from the fund are allocated to projects or programs that will serve communities that are disproportionately impacted by the effects of environmental degradation and climate change, and alleviate the adverse effects on human health and the environment resulting from that place.

The municipality's governing body shall adopt an operating budget for the stormwater utility each fiscal year. The budget shall set forth the estimated revenues and costs for operations and maintenance, extension and replacement, and debt service for that fiscal year.

Section 4. Stormwater user's fees established.

There shall be imposed on each developed property in the Borough of Carlstadt, except Exempt Property as defined by the Clean Stormwater and Flood Reduction Act (P.L. 2019, c42). Before establishing or amending user's fees, the municipality shall advertise its intent to do so by publishing a notice in a newspaper of general circulation in Carlstadt at least thirty (30) days in advance of the meeting of the municipality's governing body, which shall consider the adoption of the fee or its

amendment.

Developed property fees. The fee for other developed property in the Meadowlands portion of the municipality shall be the base rate multiplied by the numerical factor obtained by dividing the property's total impervious area (square feet) by one base unit. The impervious surface area for other developed properties is the square footage of the buildings and other improvements on the property, as listed in the State Assessment Roll.

Alternatively, upon good cause shown, the impervious surface area of other developed property may be determined through site examination, mapping information, aerial photographs, and other available information.

There shall be no stormwater user's fee for Exempt Property.

Base Rate. The municipality's governing body shall, by ordinance or resolution, establish the base rate for the stormwater user's fee. The base rate shall be calculated to ensure adequate revenues to fund stormwater management costs and to provide for the operation, maintenance, and capital improvements of the stormwater system in the Borough.

Adjustments to stormwater user fees. The stormwater utility shall have the right, on its initiative, to adjust the stormwater user's fees upward or downward concerning any property based on the

Section 4.1 Fee Structure, Budget, and Administration

i. The Stormwater Utility will use the equivalent residential unit approach, the fairest approach to assessing a fee based on the impervious surface. ERU fee structures assign an assessment based on the amount of impervious surface.

ii. The ERU calculation method is used because it ensures fees reflect actual land cover and involves less administration than calculating the impervious surface area on each property.

iii. The formula used in Carlstadt is as follows:

Total square feet in the service area = Number of ERUs in the Service Area
ERU Value

Amount of Square Feet by Individual Property = Number of ERUs for that property

Number of ERUs in the Service Area

Budget Needed to Operate the SWU = Value of Each ERU's

Number of ERUs for Service Area

Value of ERU x Number of ERUs for a Property = Amount to Be Assessed

Adjustments to stormwater user fees.

Section 4.2 Adjustment of Fees

CAUCUS/FINANCE MEETING

April 2, 2025

Page 16

On its initiative, the stormwater utility shall have the right to adjust the stormwater user's fees upward or downward concerning any property based on the approximate percentage of any significant variation in the quality of stormwater emanating from the property compared to similar properties. In determining the similarity of property, the stormwater utility shall consider the location, geography, size, use, impervious area, stormwater facilities on the property, and any other factors that have a bearing on the variation.

Section 4.3 Best Management Practices

Credits will be awarded to property owners using Best Management Practices (BMPs) to manage stormwater. BMPs are green infrastructure techniques that limit impervious cover and reduce the amount of runoff generated. These practices include: • Green roofs • Permeable pavement 10 • Rainwater harvesting • Rain gardens and bioretention basins • Bioswales • Vegetated filter strips • Downspout planters • Stormwater planters • Cisterns and rain barrels • Tree filter boxes • Urban tree canopy • Regional solutions that provide a watershed-wide stormwater mitigation strategy.

Section 4.4. Green Infrastructure Design Standards

Design standards for green infrastructure projects will consider weather projections and climate change. Rainfall data for weather projection purposes are at <https://www.wjnj.gov/dep/climatechange/data.html>.

Section 5 Property owners pay charges.

Each lot or parcel owner, except Exempt Property, shall pay the stormwater user's fees and charges as provided in this ordinance.

1. Rate and Collection Schedule. The stormwater user's fee must be set at a rate and collected on a schedule established by ordinance or resolution. The fee shall be paid in person or by mail at 500 Madison Street, Carlstadt, New Jersey.

2. Delinquent Bills.

Billing procedures and penalties for late payment shall become delinquent as of 45 days following the billing. Any unpaid stormwater user's fee shall bear interest at the legal rate if it remains unpaid after 60 days following the billing.

3. Penalties for Late Payment. Stormwater user fees shall be subject to a late fee established by ordinance or resolution. The municipality shall be entitled to recover the attorney's fees incurred in collecting delinquent fees. Any charge due under this ordinance that is not paid may be recovered by law by the municipality.

Section 6. Appeals of fees

1. Any person who disagrees with the calculation of the stormwater user's fee, as provided in this ordinance or resolution, or who seeks a stormwater user's fee adjustment based upon stormwater management practices, may appeal such fee determination to the stormwater utility within thirty (30) days from the date of the last bill containing stormwater user's fees charges. Any appeal shall be filed in writing, and the grounds for the appeal are stated. The stormwater utility director may request additional information from the appealing party.

2. Adjustments. Stormwater users' fee adjustment for stormwater management practices may be considered for reductions in runoff volume, including discharge to a non-borough drainage system and adequately designed, constructed, and maintained existing retention facilities, i.e., evaporation and recharge. Based on the information provided by the utility and the appealing party, the stormwater utility shall make a final calculation of the stormwater drainage fee. In writing, the stormwater utility shall notify the parties of its decision.

Section 6 Carlstadt Stormwater Utility Credit Program

The same site could also increase the credit award by meeting the current BMP standards approved by the State of New Jersey and Borough of Carlstadt municipality ordinance for reducing, retaining, or treating stormwater on-site.

1. Determining the credit amount for stormwater management practices can depend on various factors, including their effectiveness in reducing runoff, improving water quality, and contributing to overall stormwater management goals. Here are some considerations and a potential approach for calculating credits.

2. A partial fee reduction in the form of credit is available from the Carlstadt Stormwater Utility for any property that implements, maintains, and operates a stormwater management system that meets the New Jersey Clean Stormwater and Food Reduction Act and Borough of Carlstadt Ordinance Chapter XIX Section 19-11 et seq, the local stormwater management standards at the time they were approved, that effectively reduces, retains, or treats stormwater onsite.

3. Any property that has voluntarily installed and is operating and maintaining current stormwater best management practices approved by the NJDEP and the Borough of Carlstadt, which has installed and maintained green infrastructure, is eligible for a fee reduction.

4. The following information is needed to receive credit:

A. Baseline Assessment

B. Determine the baseline stormwater runoff and pollutant load from the property without any stormwater management practices. This serves as the reference point for calculating credits.

CAUCUS/FINANCE MEETING

April 2, 2025

Page 18

C. Effectiveness of Practices

D. Assess the effectiveness of each stormwater management practice in reducing runoff and pollutants. This can be based on:

E. Runoff Reduction: Percentage reduction in stormwater runoff volume.

F.6 Pollutant Removal: Percentage reduction in specific pollutants (e.g., sediments, nutrients).

5. Credit Calculation

A. The assigned credits are based on the effectiveness of the practices.

B. Runoff Reduction Credits: Assign credits based on the percentage reduction in runoff. For example, if a practice reduces runoff by 25%, the property owner could receive 30% off their stormwater fee.

C. Example, if a practice removes 50% of sediment, the property owner could receive an extra 10% credit.

6. Cap and Minimum Credits

A. The maximum amount of credit a property can receive to ensure fairness and financial sustainability. The maximum number of credits would be 35%.

B. A structured approach like this can ensure that credits are awarded fairly and based on the benefits provided by the stormwater management practices.

7. Borough of Carlstadt Stormwater Utility Credit Application

Instructions:

Please complete all sections of this application and submit the required documentation to be considered for stormwater management credits.

Applicant Information

Name: _____

Address: _____

Phone Number: _____

Email Address: _____

Property Information: _____
 Property Address: _____
 Property Type: _____
 Block and Lot: _____

Description of Stormwater Management Practices

Type of Practice: (e.g., Green Roof, Rain Garden, Permeable Pavement)

Installation Date: _____

Area of Impact Area: _____

Documentation

(Please attach the following documents to your application)

Site Plan: Showing the location and design of stormwater management practice.

Maintenance Plan: Outline how the BMP will be maintained to ensure its effectiveness.

Photos: Before and after photos of the installation.

Performance Data: Any data demonstrating the effectiveness of the practice in reducing runoff or improving water quality.

Maintenance and Monitoring

Describe Maintenance Activities:

Frequency of Maintenance:

Monitoring Plan: Outline how the practice's performance will be monitored over time.

Applicant Certification

I certify that the information provided in this application is true and accurate to the best of my knowledge.

Signature: _____

Title: _____

Date: _____

Section 7. Public Engagement.

1. Website - The overseeing authority, agency, or governing body will create a website for the public to learn about the stormwater utility fee, using the Americans with Disabilities Act (ADA) requirements to make it accessible.

2. Hearings and Advisory Committees: Establish hearings and advisory committees to gain public input regarding establishing and managing the stormwater utility.

Section 8. Reporting.

CAUCUS/FINANCE MEETING

April 2, 2025

Page 20

The overseeing authority, agency, or governing body shall prepare and submit a report to the Division of Local Government Services in the Department of Community Affairs and the Department of Environmental Protection within one year of the utility's establishment and each year after that.

This annual report shall include, but need not be limited to, information on the following:

1. The stormwater utility's service area.
2. The schedule of fees, other charges, and credits.
3. The number of properties subject to the stormwater utility's fees and other charges, the number of parcels of each land use type, including but not limited to residential, commercial, and industrial, that have been granted credits or exemptions from the fee, and the cumulative value of credits given to properties of each land use type.
4. The total revenues from stormwater utility fees and other charges collected.
5. The percentage and amount of revenues from fees and other charges spent on each of the purposes authorized in subsection e. of section 8 of P.L.2019, c. 42 (C.40A:26B-8); and
6. All stormwater management projects implemented in the previous fiscal year.
7. As amended and supplemented occasionally, any additional information is required by the New Jersey Clean Stormwater and Flood Reduction Act (P.L.2019, c.42).
8. This ordinance shall take effect 120 days from adoption.

RESOLUTION NO. 2025-118

BE IT RESOLVED that the ordinance entitled:

**STORMWATER UTILITY ORDINANCE
(AMENDS AND REPLACES ORDINANCE NO. 24-12)**

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 23rd day of April, 2025 at 7:00 o'clock P.M. or as soon thereafter as the matter can be reached, at the regular meeting place of the Carlstadt Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk be, and she hereby is, authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Mayor Zimmermann entertained a motion to introduce Ordinance No. 25-2. On motion by Roseman,

seconded by Emerson, unanimous on call of roll.

Mayor Zimmermann asked if we had a name for the Mayor's alternate for the Library Board. Joseph Crifasi, Borough Administrator replied no but we would bring it up again at our next meeting.

Mayor Zimmermann said he would like to appoint the following people for the 159th School Picnic Committee for this year. The picnic will be on Saturday, June 14, 2025 and have their first meeting on April 23, 2025 at 6:00 P.M.

Chris Assenheimer
Marlene and Joe Biggy
Karl Ross
Beth Penna
Jean Kimak
Mirna Lopez
Joe Dato
Mike and Elaine Stevens
Mary Torretaglia
Leslie Molnar
Tara Romano
Councilman Stoltz
Councilwoman Fonseca
Councilman Roseman
Councilman Emerson
Councilwoman DeBiase
Councilman Lenoy
CPS Superintendent
CPS Teachers Union President
Michele Marafelias
Police Chief
Lynn Biamonte
Ambulance Corps President
Lucia and David Suarez
OEM Coordinator
CPS Principal
Fire Chief
CPS Board of Education President
Joseph Crifasi

Mayor Zimmermann entertained a motion to approve the School Picnic Committee.
On motion by Emerson, seconded by DeBiase, unanimous on call of roll.

CAUCUS/FINANCE MEETING

April 2, 2025

Page 22

HEARING OF CITIZENS

Mayor Zimmermann entertained a motion to open the floor to a hearing of citizens. On by Fonseca, seconded by DeBiase, unanimous on call of roll.

Mayor Zimmermann asked if any citizens wished to be heard.

Karl Ross asked did you contact the railroad about the ditches getting repaired.

Gregory Polyniak of Neglia Engineering said it is not the railroad. It is the DOT. They are putting it in their schedule. He also wanted to know if the Mayor and Council changed the street sweeping on a couple of streets. He wants it changed for the morning to the afternoon but doesn't know what streets this involves. Joseph Crifasi said it is Thursday on one side of the street and the other side is Friday.

Karl Ross also mentioned April 12, 2025 is the Spring Festival from 12:00 P.M. to 2:00 P.M. The Little League parade is April 26, 2025 at 9:00 A.M. leaving from the Borough Hall. The Street Fair is June 7, 2025 from 11:00 A.M. to 5:00 P.M. Karl said he will need representation for a presentation for a primary sponsor who has given us \$4,000.00 to cover that. We are having a good year so far for sponsors.

Mayor Zimmermann asked if anyone else wished to speak.

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

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

**EXECUTIVE SESSION MEETING ACT
RECESS INTO CLOSED SESSION**

WHEREAS, it is necessary for the Governing Body of the Borough of Carlstadt to conduct an executive session closed to the public 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 7:22 P.M. On motion by Roseman, seconded by Emerson, unanimous on call of roll.

Mayor Zimmermann entertained a motion to open the meeting at 9:12 P.M. On motion by Fonseca, seconded by DeBiase, unanimous on call of roll.

Joseph Crifasi, Borough Administrator said the first thing is similar to last year Joe Dato and a bunch of Carlstadt residents want to pay to use the soccer field on Sundays from 7:30 A.M. to 9:00 A.M. It will be from May to July. They will sign the hold harmless agreement and according to our rate they will pay \$100.00 per Sunday. On motion by Fonseca, seconded by Emerson, unanimous on call of roll.

Joseph Crifasi, Borough Administrator said you already gave permission but we just have to confirm. Lt. Hasch received permission for attending college classes. He supplied completion of the class and got an A in the class. He is asking for the \$1,200.00 reimbursement.

Mayor Zimmermann entertained a motion to reimburse Lt. Hasch. On motion by Roseman, seconded by DeBiase, unanimous on call of roll.

Joseph Crifasi, Borough Administrator said Lt. Tronziger and he finally got to the bottom of the agreements for the town wide cameras to be mounted to the PSE&G poles. We have the agreement but we just have to get the Mayor to sign the agreement. On motion by DeBiase, seconded by Emerson, unanimous on call of roll.

Joseph Crifasi, Borough Administrator said the budget is being adopted at the April 23, 2025 meeting. In that budget is the money for awarding that. I have met with PSE&G for the lights. There is some type of agreement that has to be signed to be connected to their poles. Neglia Engineering is also doing a load study for the lights. Mr. Crifasi went into detail on the involvement of the work.

Councilman Roseman made a motion to add Chief Charles Schmidt's name to Outwater Lane, seconded by Emerson, unanimous on call of roll.

Mayor Zimmermann entertained a motion to deny the grievance for vacation time for P.O. Steve Ondrof. On motion by Fonseca, seconded by Emerson, unanimous on call of roll.

Mayor Zimmermann entertained a motion to adjourn the meeting at 9:25 P.M. On motion by DeBiase, seconded by Fonseca, unanimous on call of roll.

APPROVED: _____
ROBERT J. ZIMMERMANN, MAYOR

ATTEST: _____

CAUCUS/FINANCE MEETING

April 2, 2025

Page 24

CLAIRE FOY, BOROUGH CLERK