



***BOROUGH OF CALDWELL
NEW JERSEY***



**COUNCIL BUSINESS MEETING
February 4, 2014**

Caldwell Community Center
1 Provost Square
Caldwell, New Jersey 07006
7:00pm



Council Chambers
1 Provost Square Caldwell, NJ

Borough of Caldwell Council Business Meeting

AGENDA - REVISED

Phone: (973) 226-6100
Website: www.caldwell-nj.com

February 4, 2014 / 7:00PM

MAYOR
Ann Dassing

BOROUGH COUNCIL
Richard Hauser - President
Thomas O'Donnell
John Kelley
Frank Rodgers
Edward Durkin
Pasquale Capozzoli

CALL TO ORDER

Honorable Ann Dassing, Mayor of the Borough of Caldwell Presiding

Roll Call
Statement of Compliance w/ Open Public Meetings Act
Pledge of Allegiance to the Flag

APPROVAL OF MINUTES

January 28, 2014

RECOGNITION OF SERVICE

Lieutenant Anthony Marta / Retired - Caldwell Police Department

AWARD PROCLAMATIONS

1. Caldwell Police Department
2. West Essex First Aid Squad

PRESENTATIONS

1. Barb Hauck-Mah / Caldwell Public Library Grant Presentation
2. Caldwell Volunteer Fire Department – Fire Safety Bureau

INTRODUCTION OF ORDINANCES

- ORDINANCE# 1284-14:** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 41 ENTITLED "POLICE DEPARTMENT," OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF CALDWELL, NEW JERSEY," IN ORDER TO ESTABLISH A POLICE AUXILIARY UNIT AND TO PRESCRIBE APPROPRIATE TERMS, CONDITIONS AND REGULATIONS ASSOCIATED THEREWITH..
- ORDINANCE# 1285-14:** AN ORDINANCE AMENDING CHAPTER 182 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION GOVERNING REGISTRATION AND INSPECTION OF APARTMENT UNITS
- ORDINANCE# 1286-14:** AN ORDINANCE ADDING SECTIONS 1, 2 AND 3 OF CHAPTER 131 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE CHAPTER TITLED "HOUSING" GOVERNING REGISTRATION AND INSPECTION OF APARTMENT UNITS



Council Chambers
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OPEN PUBLIC COMMENTS ON RESOLUTIONS

Members of the public are invited to comment at this time on any resolution.

RESOLUTIONS - CONSENT AGENDA

All items listed on the Consent Agenda are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council request specific items to be removed for separate action.

1-55	RESOLUTION AUTHORIZING 2013 APPROPRIATION RESERVE TRANSFERS
1-56	AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Parent Faculty Association of Mt. St. Dominic Academy/ Off Premise – 50/50 Raffle, June 2, 2014 – 8:00PM.
1-57	RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION Block 7, Lot 12.01, Sheryll Perez, 26 Cooper Avenue, Roseland, NJ
1-58	AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 13-00014, Block 48, Lot 6
1-59	AUTHORIZING THE APPOINTMENT OF BOARD OF HEALTH MEMBER - Valerie L. Schleck
1-60	AUTHORIZING THE APPOINTMENT OF RENT REVIEW BOARD MEMBER – Grace Kerrigan
1-61	RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION Block 72, Lot 1.04, Michael Shansky, 33 Birkendene Road, Caldwell

COUNCIL COMMITTEE REPORTS

Borough Council Members

Members of the Borough Council may choose to report on their respective committees.

REPORT OF MAYOR

Mayor Dassing

REPORT OF BOROUGH ADMINISTRATOR

Paul M. Carelli

REPORT OF ATTORNEY

Gregory Mascera



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REPORT OF POLICE CHIEF

Chief James H. Bongiorno, CPD

REPORT OF ESSEX COUNTY LIASSON

James Jude Jorgensen, QPA

OLD BUSINESS

NEW BUSINESS

OPEN PUBLIC MEETING

Members of the public are invited to comment at this time on any issues, whether or not on the agenda

EXECUTIVE SESSION

Closed Session

BE IT HEREBY RESOLVED in accordance with the provisions of N.J.S.A. 10:12 and 13, the public shall be excluded from the Executive Session of the Governing Body which is being held for the discussion of the following subject matters: 1. Pending or anticipated litigation or contract negotiation; 2. Personnel matters; 3. This Executive Session shall continue for an indefinite period of time and upon termination of the Executive Session, the Governing Body may choose to resume the public portion of the meeting. The discussion, which shall be conducted in closed session, shall be disclosed upon termination of litigation or contractual matter, upon resolution of the personnel matter with consent of said person or persons and as provided by N.J.S.A. 4-12 but in no case later than two (2) years from this date. These minutes shall be available as soon as the matter is resolved or not later than two years hence.

ADJOURNMENT

Additional items may be added to this agenda. Final action may be taken on all matters listed or added to this agenda. This agenda was prepared as of 1/31/2014 with all available information as of this date. This agenda has been sent to four official newspapers of the Borough on 1/31/2014 in compliance with P. L. 1975, c 213

Lisa O'Neill, Deputy Clerk.

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – January 28, 2014**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at **7:04PM**

PRESENT: Mayor Dassing, Councilman O'Donnell, Kelley, Rodgers, Durkin and Capozzoli

ALSO PRESENT: Deputy Clerk, Lisa O'Neill, Borough Administrator, Paul Carelli and Borough Attorney, Greg Mascera

ABSENT AT ROLL CALL: Council President Hauser

Adequate notice of this Council Business/Conference meeting was given on January 1, 2014. Notice was posted on the bulletin board on the first floor of the Borough Hall, One Provost Square, Caldwell, New Jersey. Official newspapers of the Borough were notified of this meeting by mail. Notice was posted and all persons requesting notice were sent same.

Council President Hauser arrived.

Joseph DeBellis, Gould Place, commended the great job that the Caldwell Fire Department did on January 23rd and that house is two doors down from my house. The reason we are still at my house is because of our Caldwell Fire Department. They did an outstanding job and he appreciates it so much. He also commended Caldwell Police Department; Chief Bongiorno has a great crew especially Jessica Luszcz and Paul Stabile they went into that house and being in fires before it's the scariest thing that you will ever been involved in. Our officers went to the third floor and they took out people and the only reason they are alive because of the great work of those two officers. The Police and Fire Department are a great asset to our town. Thank you all and to the WEFAS for always being there for us. He was at the scene and Mayor Dassing and Councilman Capozzoli and we stood together at the curb watching that house in flames it was amazing to him that while this was all going on Mayor Dassing had plans and she was there for the fireman and policeman everything that was needed she was there she did not leave. While this was going on she was planning on getting clothes and finances since they lost everything. Ann sent a message and I decided to get involved. He spoke to Dan Handy from the American Legion, and he said that he would do whatever we needed. We have a date of March 9th from 12noon to 6PM at the American Legion on the corner of Personette and Bloomfield Avenue and ongoing benefit. There will be food there the whole day. It's time to show appreciation for the people involved and to help your neighbor. Everyone is welcomed it's a Borough Caldwell and American Legion joint effort to help these people.

Mayor Dassing reported that there are two other fund raisers Friday, February 7th at Ringside Pub it's a Fire and Ice Event there will be bands, some food and beer we have received some donations from Anthony Calandra and Corner Butcher and thank you to them. February 23rd there will be a tricky tray at the Verona Inn. Maria Burak, Human Resources is taking donations you can write a check to Borough of Caldwell and in memo you can put 12 Gould Place.

**APPROVAL OF MINUTES:
December 17, 2013**

Moved by Councilman Hauser, seconded by Councilman Durkin. No Discussion. On roll call, Council President Hauser, Kelley, Rodgers and Durkin voted in the affirmative. Councilman O'Donnell and Capozzoli abstained. Minutes approved 01/28/14.

December 27, 2013

Moved by Councilman Hauser, seconded by Councilman Durkin. No Discussion. On roll call, Council President Hauser, Councilman O'Donnell and Durkin voted in the affirmative. Councilman Kelley, Rodgers and Capozzoli abstained. Minutes approved 01/28/14.

January 4, 2014

Moved by Councilman Hauser, seconded by Councilman Durkin. No Discussion. On roll call, Council President Hauser, Councilman O'Donnell, Kelley, Durkin, and Capozzoli voted in the affirmative. Councilman Rodgers abstained. Minutes approved 01/28/14.

OPEN PUBLIC COMMENTS ON RESOLUTIONS:

Moved by Councilman Hauser, seconded by Councilman Durkin to open to the Public for Consent Agenda

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
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Caroline Mescia, 6 Bowers Road, asked the question on Resolution 1-47 what are the circumstances leading to this decision.

Paul Carelli responded that this is just a contract for the maintenance of the Dectron unit. This is in regards to the pool heating.

RESOLUTIONS – CONSENT AGENDA

- 1-32:** AUTHORIZING THE CANCELLATION OF SMALL BALANCES ON TAX ACCOUNTS FOR THE YEAR ENDING 12/31/13
- 1-33:** RESOLUTION TO CANCEL CERTAIN GRANT BALANCES
- 1-34:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 13-00001, Block 2, Lot 9
- 1-35:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 13-00013, Block 41.02, Lot 6
- 1-36:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 13-00009, Block 30.02, Lot 8
- 1-37:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 13-00019, Block 58.01, Lot 22
- 1-38:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 11-00011, Block 29, Lot 36
- 1-39:** AUTHORIZING THE ISSUING OF A SPECIAL LIQUOR PERMIT. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE CLERK'S OFFICE – CONGREGATION AGUDATH ISRAEL
- 1-40:** APPROVING A TOW OPERATOR'S LICENSE FOR AJACO TOWING, INC., IN ACCORDANCE WITH THE PROVISIONS OF BOROUGH ORDINANCE 1201-09
- 1-41:** APPROVING A TOW OPERATOR'S LICENSE FOR CAMP AUTO & TRUCK PARTS INC., IN ACCORDANCE WITH THE PROVISIONS OF BOROUGH ORDINANCE 1201-09
- 1-42:** APPROVING A TOW OPERATOR'S LICENSE FOR NAPOLI TRANSPORTATION, INC. T/A C& L TOWING IN ACCORDANCE WITH THE PROVISIONS OF BOROUGH ORDINANCE 1201-09
- 1-43:** APPROVING A TOW OPERATOR'S LICENSE FOR CRIGER SERVICE, INC., IN ACCORDANCE WITH THE PROVISIONS OF BOROUGH ORDINANCE 1201-09
- 1-44:** APPROVING A TOW OPERATOR'S LICENSE FOR JML, INC., T/A J & M TOWING IN ACCORDANCE WITH THE PROVISIONS OF BOROUGH ORDINANCE 1201-09
- 1-45:** APPROVING A TOW OPERATOR'S LICENSE FOR TRITON TOWING, LLC. IN ACCORDANCE WITH THE PROVISIONS OF BOROUGH ORDINANCE 1201-09
- 1-46:** RESOLUTION OF THE BOROUGH OF CALDWELL, COUNTY OF ESSEX AND STATE OF NEW JERSEY INCREASING THE BID THRESHOLD FOR CONTRACTS SUBJECT TO PUBLIC BIDDING UNDER THE LOCAL PUBLIC CONTRACTS LAW TO \$36,000
- 1-47:** RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXECUTE A PREVENTIVE MAINTENANCE CONTRACT WITH SH TECHNICAL SERVICES, INC. FOR MAINTENANCE OF THE DECTRON UNIT AT THE CALDWELL COMMUNITY CENTER FOR AN ANNUAL AMOUNT OF \$1,854.00
- 1-48:** AUTHORIZING THE CHANGE OF STATUS FROM PROBATIONARY POLICE OFFICER TO FULL POLICE OFFICER IN THE CALDWELL POLICE DEPARTMENT FOR NICHOLAS P. ADAMO HIRED ON JANUARY 1, 2013
- 1-49:** AUTHORIZING THE EMPLOYMENT OF ROBERT E. PAXSON , 43 RESERVOIR ROAD, CEDAR GROVE, NJ 07009 AS A PROBATIONARY POLICE OFFICER IN THE CALDWELL POLICE DEPARTMENT EFFECTIVE FEBRUARY 1, 2014 WITH AN ANNUAL BASE SALARY OF \$35,000
- 1-50:** AUTHORIZING THE ISSUING OF A SPECIAL LIQUOR PERMIT. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE CLERK'S OFFICE - GIBLIN ASSOCIATION

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
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1-51: AUTHORIZING THE LIEN REDEMPTION OF TAX LIEN CERTIFICATE 13-00011, BLOCK 36.01, LOT 18.09

CONSENT

Moved by Councilman Durkin, seconded by Councilman Capozzoli. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 01/28/14.

COUNCIL COMMITTEE REPORTS:

Councilman Durkin thanked the Fire, Police and Emergency responders and our neighbors. When people were running from the fire these guys were there including our Chief James Bongiorno. He is happy to have the Council meeting televised and it makes the meeting more transparent and open. He thanked Mario Bifalco, Director of DPW, when storms hit he is the first guy out there and the roads are very clear. There was a water main break today and he was out there. He thanked everyone who reached out to him about the passing of his grandfather.

Councilman Capozzoli reported that he had the pleasure of meeting with Chief Bongiorno and as well with Chief Garamella and he was very impressed on the way they run their departments. Caldwell is very lucky to have you guys. He met with the Merchants Association and they are talking about doing a few things down town and I will get back to the Council in upcoming meetings.

Councilman O'Donnell thanked the Caldwell Volunteer Fire Department. He also thanked former Councilman Piazza for bringing Caldwell TV live. They will be looking into introducing our Budget and the goal will be between a zero and a half percent tax increase for this year.

Council President Hauser thanked Chief Bongiorno and Chief Garamella and all the first responders. He attended the Environmental Committee meeting and they are looking at programs to raise our status and open our doors for grant money.

Councilman Rodgers thanked Chief Bongiorno and Chief Garamella for a fine job they did. He attended a Library Board meeting and they went over some preliminaries for the upcoming budget and Barbara and Nancy are eager to meet the Borough Administrator.

Councilman Kelley thanked Chief Bongiorno and the Fire Department you guys do an outstanding job and we are all very proud of you. There were three meetings that he attended. We discussed at the Board of Health an issue in the ladies locker room. The Rabies Clinic is February 8th and there is no charge. One of the recommendations at the meeting was how to communicate on our calendar and they referenced Montclair's Calendar there were questions about recycling issues and some missed pick up. On the Rent Board Nancy Busby has resigned after twenty (20) plus years of service and they would like to commend her and Gus Lembo at a Council Meeting. In February the Rent Board will be hearing a complaint. The Personnel Committee's meeting was very productive and there are some goals that we are moving forward with the performance appraisals which is a target date of the end of February and the manual being distributed to the employees. A topic that came up was security in our building.

REPORT OF MAYOR:

Mayor Dassing thanked our brave fire fighters and our brave police officers as well as their leaders. It starts at the top and you are to be commended obviously yourself (James Bongiorno) and Gary Garamella are terrific role models for these young men and woman. The responders at WEFAS are amazing they are calm and they just do their job and are not affected she would put her life in their hands. Maria Burak was there taking care of our families. Pat and I came back to the Police Station and the Red Cross was there and thank you to Maria for all her hard work and her connections. She reported that our town engineer, Glenn Beckmeyer has started to work on a letter of intent for grant applications for the Pine Brook erosion issue. One of her committee member is a former teacher and has volunteered to prepare these grant applications. She thanked Bob Colaizzo for agreeing to be our film crew. We talked about in a shared service meeting that we had with the Board of Ed about open space money from the County. After some research we can potentially do a joint application like we did for the Oval. The application is due on Friday and I learned that West Caldwell has an engineering firm that will submit their application. It is \$150,000 per town to turf EVS field which is down on Clinton Road in West Caldwell. There are other organizations that will want to rent the field.

REPORT OF BOROUGH ADMINISTRATOR:

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
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Paul Carelli reported, there was a concern from a resident about plowing and we have resolved that problem. As a result we have started some training with the JIFF and they had some training classes for Blood Borne pathogens, Snow Plowing safety and work force safety.

The JIFF will pay for this program and basically we will have stickers on our public works vehicles with a reference number and a number to call if you have any concerns. Mario is on board with this and the guys do a great job and most of the calls are people commending.

There are six responses for the RFP for operation of the sewer plant; part of the RFP was if you had any questions you would have to submit by January 31st they want to extend it. Greg responded that every entity that has picked up an application needs to be notified and you need to publish on the website. The new packages will have it in them.

The contractor is on site for the Library ramp and the sign is up.

The performance appraisals have gone out to all the employees and all self-appraisals are due back Friday.

We will be setting up a meeting with Finance

Edmunds was rolled over 2nd week of January. The requisitions are being automated

The Annual Debt statement has been filed to the State

The Annual Financial Statement is due February 10th

Fund balance ended at \$540,000 we have projected that this year will be around \$725,000 at the end of this year and the AFS is showing \$872,000. We replenished our surplus and then some.

Sign off from Tax Assessor for our ratable and we dropped another six million dollars this year

Next meeting he will have a resolution to purchase the phone system. The cost is about \$20,000 for equipment and installation.

Every year he receives an audit comment in regards to segregation of duties and collecting cash.

Thinking about that and how we can solve that problem and how we can tie that into security in this building. He would like to close off the front door basically with a cashier window and hiring a person as a cashier / helping other departments as needed.

We hired an engineer for the problem at the CCC pool and he said that the dectron unit is working it was designed properly for the use at the time and being that the pool is now used a lot it is not sized properly for the pool now. Rob has come up with converting the pool over to a salt water pool. We have one price to convert it and it would take about a week. It is environmentally friendly. The quote was about \$25,000.00 and we will need another quote. Part two of that is we received a quote for converting that pool to fiberglass that would be another \$82,000.00.

Councilman Hauser asked for some pros and cons to something like this and for the hiring of someone and what their job will be.

Resolution for a cleaning service will be on at next meeting.

REPORT OF ATTORNEY:

Greg Mascera reported that a necessity of a re-examination report and will probably entail a hiring of a planner.

REPORT OF POLICE CHIEF:

James Bongiorno thanked the Mayor and Council for all your support in respect to the fire. Thank you for honoring my officers and representatives to the fire department. He thanked Captain DeBellis for all his support. Mayor and Councilman Capozzoli for being out there and just seeing your faces that means a lot emotionally to everyone. He is very proud of Officer Luszcz, Sgt. Stabile and Officer Roberts they did a great job and was quick to respond. The collaborate effort from all departments police, fire department, mutual aid fire departments, first aid squad, public works who did a fantastic job. Kudos to the fire department for keeping it contained to that one structure. Councilman Hauser we are working on the Cooks lot with PSE&G and we still have two lights that are out. We are working on getting the double arrows on Roseland Avenue we did put it in writing and we are just waiting for it.

REPORT OF ESSEX COUNTY LIASSON:

James Jorgensen on behalf of Essex County Executive Joseph DeVincenzo, Jr and himself would like to commend Chief Bongiorno, Chief Garamella and all the first aid that responded to this tragedy. He presented a check in the amount of \$56,000.00 for the ADA chair lift from the Division of Housing and Community Development.

OLD BUSINESS:

Councilman Hauser asked about the status on Brookside and Westville. **Paul** responded that he will be meeting with Bill Frint and Glenn Beckmeyer on Thursday and he does have the drawings but he wants to make sure about the water.

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
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Councilman Hauser asked if on the website we could post about road repairs and priorities.

Councilman O'Donnell asked about the Knights of Columbus and an update. Greg Mascera responded that we should hear in 4 – 6 weeks.

NEW BUSINESS:

Councilman Hauser talked about communication with the residents. He asked how we take information that we have and let the residents know. **Councilman Durkin** responded that he had reached out to Mayor Duthie and Councilman Tsilionis from Roseland about their communication to their residents. Councilman Tsilionis formalized into a committee they have someone from the Board of Ed they have residents. We could have someone in charge of our website, newsletter, robo calls and text. He would like to solicit people who would like to help. Discussions Ensued.

Councilman Hauser stated that he thinks that they should consider doing a revaluation. There has been a tremendous drop in the tax base. Discussions Ensued.

OPEN PUBLIC MEETING:

Moved by Councilman Hauser, seconded by Councilman Rodgers to Open Public Meeting.

Diane Lilly, 72 Forest Avenue, she said that apps might be the one thing to think about. You can have a design and publish for less than \$2,000.00. Everyone has a cell phone.

Caroline Mescia, 6 Bowers Road, she would like to commend Rob Paterson, Paul Carelli and Mayor Dassing for the work that you have done in investigating a solution for the air quality at the Community Center. The swimmers will greatly appreciate a saline pool it will help with their breathing and their red skin. She read an article from the USA swimming website in reference to more swimmers cause more chloramines in the water.

Doug Piazza, Erwin Place, he thanked the Mayor and Council, Paul and the Borough for getting us on TV. A lot of hard work went into designing this system. He suggested reaching out to Caldwell College for assistance so all the meetings can be televised.

Councilman Hauser thanked Mr. Piazza for being the one pushing for it and when you were no longer up here, on the Council, you didn't walk away and let it go away and I appreciate the fact that not only you were committed when you were up here but also committed to after you weren't.

On a motion made by Councilman Hauser and seconded by Councilman Durkin, unanimously affirmed, the Council moved into Executive Session at 8:36PM.

Mayor Dassing read the following statement: BE IT HEREBY RESOLVED in accordance with the provisions of N.J.S.A. 10:12 and 13, the public shall be excluded from the Executive Session of the Governing Body which is being held for the discussion of the following subject matters: 1. Pending or anticipated litigation or contract negotiation; 2. Personnel matters; 3. This Executive Session shall continue for an indefinite period of time and upon termination of the Executive Session, the Governing Body may choose to resume the public portion of the meeting. The discussion, which shall be conducted in closed session, shall be disclosed upon termination of litigation or contractual matter, upon resolution of the personnel matter with consent of said person or persons and as provided by N.J.S.A. 4-12 but in no case later than two (2) years from this date. These minutes shall be available as soon as the matter is resolved or not later than two years hence. The Executive Session will be discussion of Joint Dispatch and Gleason litigation.

The Executive Session was adjourned and upon a motion by Councilman Hauser seconded by Councilman Capozzoli, the Council Business Conference Meeting was opened to the public and the press at 8:55PM

1-52: APPROVAL TO SUBMIT A JOINT GRANT APPLICATION WITH THE TOWNSHIP OF WEST CALDWELL FOR THE 2014 OPEN SPACE LOCAL AID PROGRAM OFFERED BY THE ESSEX COUNTY RECREATION AND OPEN SPACE TRUST FUND

Moved by Councilman Hauser, 2nd by Councilman O'Donnell. No Discussion Ensued. On roll call, all present voted in the affirmative. Resolution approved 01/28/14.

**BOROUGH OF CALDWELL
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1-53: RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO OBTAIN QUOTES AND PURCHASE A SALT WATER GENERATOR FOR THE CALDWELL COMMUNITY CENTER SWIMMING POOL FOR AN AMOUNT NOT TO EXCEED \$25,000.00

Moved by Councilman O'Donnell, 2nd by Councilman Rodgers. No Discussion Ensued. On roll call, Council President, Councilman O'Donnell, Kelley, Rodgers and Durkin voted in the affirmative. Councilman Capozzoli abstained. Resolution approved 01/28/14.

1-54: RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF WEST CALDWELL FOR JOINT DISPATCH SERVICES

Moved by Councilman Rodgers, 2nd by Councilman Hauser. No Discussion Ensued. On roll call, all present voted in the affirmative. Resolution approved 01/28/14.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Rodgers, seconded by Councilman Kelley, unanimously affirmed by all members present, the meeting was adjourned at 8:57PM

Prepared by: _____
Lisa O'Neill, Deputy Borough Clerk

DATE



**BOROUGH OF CALDWELL
NEW JERSEY**



ORDINANCE# 1284-14

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 41 ENTITLED “POLICE DEPARTMENT,” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF CALDWELL, NEW JERSEY,” IN ORDER TO ESTABLISH A POLICE AUXILIARY UNIT AND TO PRESCRIBE APPROPRIATE TERMS, CONDITIONS AND REGULATIONS ASSOCIATED THEREWITH..

WHEREAS, the Borough Council (the “ Council”) of the Borough of Caldwell, New Jersey, wishes to create a Police Auxiliary Unit within the Borough and to prescribe appropriate terms, conditions and regulations associated therewith, in accordance with the provisions of the “Special Law Enforcement Officers’ Act,” N.J.S.A. 40A:14-146.8, et seq.; and

WHEREAS, in connection therewith, the Council wishes to amend certain provisions contained within Chapter 41 of the Borough Code relating to the Borough’s Police Department as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Caldwell, in the County of Essex and State of New Jersey, that Chapter 41 of the “Revised General Ordinances of the Borough of Caldwell, New Jersey” is hereby amended and supplemented as follows:

Section 41-42 Auxiliary Police - Establishment

In cooperation with the New Jersey State Police Office of Emergency Management, and pursuant to this article, the Borough of Caldwell in the County of Essex has established an auxiliary police unit. The Caldwell Auxiliary Police Unit will be as prescribed by the Annotated Statutes of New Jersey, Appendix A., Chapter 9 (National Defense Title) and other related orders and directives of the State Director of Emergency Management, or the Governor of New Jersey, and the State Civil Defense Act (Chapter 251, P.L. 1942, as amended). As prescribed by these statutes, auxiliary police shall be used, under direct supervision of the chief of police, only during a properly declared state of local emergency or disaster,” and during periods of bona fide training in preparation for such occurrences, as approved by the Mayor in cooperation with the municipal emergency management coordinator.

Sec. 41-43 Appointment

The Council as it deems necessary from time to time may appoint auxiliary police officers sufficient to perform the duties and responsibilities for such officers prescribed by the Annotated Statutes of New Jersey, Appendix A., Chapter 9 (National Defense Title) and other related orders and directives of the State Director of Emergency Management, or the Governor of New Jersey, and the State Civil Defense Act (Chapter 251, P.L. 1942, as amended).)

DATE OF FIRST READING: February 4, 2014
DATE OF PUBLICATION: February 6, 2014
MOVED:
SECONDED:

DATE OF SECOND READING: February 18, 2014
DATE OF ADOPTION: February 18, 2014
MOVED:
SECONDED:

RECORD OF COUNCIL VOTE

Councilman: _____ presented the following resolution - Seconded by Councilman: _____

COUNCILMAN	Yes	No	Absent	Abstain	COUNCILMAN	Yes	No	Absent	Abstain
Hauser					Rodgers				
O’Donnell					Durkin				
Kelley					Capozzoli				

Lisa O’Neill, Deputy Clerk

Ann Dassing, Mayor

This ordinance, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.



**BOROUGH OF CALDWELL
NEW JERSEY**



ORDINANCE# 1285-14

**AN ORDINANCE AMENDING CHAPTER 182 OF THE CODE OF THE BOROUGH OF CALDWELL,
BEING THE SECTION GOVERNING REGISTRATION AND INSPECTION OF APARTMENT UNITS**

BE IT ORDAINED by the Council of the Borough of Caldwell as follows:

That Chapter 182, Sections 7 and 8 of the Code of the Borough of Caldwell, New Jersey be amended as herein set forth:

Chapter 182, the Chapter governing Rent Control and Rental Units, hereby is amended as follows:

Repeal Chapter 182 Section 7

Repeal Chapter 182 Section 8

2. All Ordinances and/or Resolutions of the Borough of Caldwell, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.
3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
4. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

DATE OF FIRST READING: February 4, 2014
 DATE OF PUBLICATION: February 6, 2014
 MOVED:
 SECONDED:

DATE OF SECOND READING: February 18, 2014
 DATE OF ADOPTION: February 18, 2014
 MOVED:
 SECONDED:

RECORD OF COUNCIL VOTE

Councilman: _____ presented the following resolution - Seconded by Councilman: _____

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Rodgers				
O'Donnell						Durkin				
Kelley						Capozzoli				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor

This ordinance, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.



**BOROUGH OF CALDWELL
NEW JERSEY**



ORDINANCE# 1286-14

AN ORDINANCE ADDING SECTIONS 1, 2 AND 3 OF CHAPTER 131 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE CHAPTER TITLED "HOUSING" GOVERNING REGISTRATION AND INSPECTION OF APARTMENT UNITS

BE IT ORDAINED by the Council of the Borough of Caldwell as follows:

That Chapter 131, of the Code of the Borough of Caldwell, New Jersey be amended as herein set forth:

Chapter 131, the Chapter governing Housing, hereby is amended as follows:

Add new Section 1 the following definitions:

Chapter 131, Section 1

Definitions.

Unless the context clearly indicates a different meaning, the following words or phrases, when used in this article, shall have the following meaning:

AGENT

The individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner of this article. The term does not necessarily mean a licensed real estate broker or salesman of the State of New Jersey, as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesman of the State of New Jersey if such person designated by the owner as his agent is so licensed.

APARTMENT or DWELLING

Any apartment, cottage, bungalow, any room or rooms in a rooming/boarding house or other dwelling unit, consisting of one or more rooms occupying all or part of a floor in a building, whether designed with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment be designed for residence, for office or the operation of any industry or business or for any other type of independent use. Each unit shall contain no more than one kitchen or cooking facility.

DWELLING UNIT

Any room or rooms or suite or apartment, including any room or rooms in a room/boarding house, whether furnished or unfurnished, which is occupied or intended, arranged or designed to be occupied for sleeping or dwelling purposes by one or more persons, including but not limited to the owner thereof or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with use or occupancy thereof.

LICENSE

The license issued by the Borough Clerk or designee attesting that the rental unit has been properly registered in accordance with this article.

LICENSEE

The person to whom the license is issued pursuant to this article. The term "licensee" includes within its definition the term agent, where applicable.

OWNER

Any person or group of persons, firm, corporation or officer thereof, partnership, association or trust who owns, operates, exercises control over or is in charge of a rental facility.

OWNER-OCCUPIED

A portion of a rental facility, dwelling, commercial unit or dwelling unit shall be considered owner-occupied if the owner makes his primary residence therein. A person may have only one primary residence in the Borough.

PERSON

An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.



BOROUGH OF CALDWELL NEW JERSEY



RENTAL FACILITY

Every building, group of buildings or a portion thereof consisting of less than three dwelling units and has sleeping facilities for less than 25 occupants, kept, used, maintained, advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished.

RENTAL UNIT

A dwelling unit which is available by lease, rental or otherwise, to persons other than the owner. Rental unit shall not include that portion of a rental facility or dwelling unit that is owner-occupied.

RENT or RENTED

Occupied by any person or persons other than the owner, regardless or whether there is a written or oral agreement and regardless of whether the owner receives consideration for the occupancy.

TENANCY

Occupancy of the unit by one or more tenants.

TENANT

Occupant in a unit other than the owner.

Add new Section 2, the following:

Section 2.

131-2.01 Registration forms; filing; contests.

Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental units shall be registered and licensed as provided herein. Every owner shall file with the Borough Clerk or designee of the Borough of Caldwell a registration form for each unit contained within a building or structure, which shall include the following information:

A. The name and address of the record owner or owners of the premises and the record owner or owners of the rental business, if not the same persons. In the case of a partnership, the name and addresses of all general partners shall be provided, together with the telephone numbers for each of such individuals where such individual may be reached both during the day and evening hours.

B. If the address of any record owner is not located in Caldwell or in Essex County, the name and address of a person who resides in Essex County and who is authorized to accept notices from a tenant and to issue receipts therefore and to accept service of process on behalf of the record owner.

C. The name and address of the agent of the premises, if any.

D. The name and address, including the dwelling unit number, of the superintendent, janitor, custodian or other individual employed by the owner or agent to provide regular maintenance service, if any.

E. The name, address and telephone number of an individual representative of the owner or agent or the owner, if domiciled in Caldwell County, who may be reached or contacted at any time in the event of emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith.

F. The name and address of every holder of a recorded mortgage on the premises.

G. If fuel oil is used to heat the building, the name and address of the fuel oil dealer servicing the building and the grade of the fuel oil used.

H. As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this provision, an owner shall submit a floor plan, which shall become part of the application and which shall be attached to the registration form when filed by the Borough Clerk or designee.

I. The names, age and gender of each tenant who is to occupy the dwelling unit.

J. Such other information as may be prescribed by the Borough of Caldwell.



BOROUGH OF CALDWELL NEW JERSEY



K. The Borough Clerk or designee shall index and file the registration forms. In doing so, The Borough Clerk or designee shall follow the mandates of N.J.S.A. 46:8-28.1, as amended, so that the filing of the registration form will simultaneously satisfy the registration requirements of N.J.S.A. 46:8-28 to the extent that it applies to the property being registered, and will also satisfy the registration requirements of this article. The owner shall post the certificate of inspection or license.

131-2.02 **Registration form; amendments; filling.**

Every person required to file a registration form pursuant to this article shall file an amended registration form within 20 days after any change in the information to be included thereon. No fee required for the filling of an amendment, except where the ownership of the premises is changed.

131-2.03 **Date of Registration**

Each rental unit shall be registered yearly and with each change of occupancy. The license term shall commence on August 1 of each year and shall be valid for a calendar year, at which time it shall expire and a new registration shall be required. All rental units must file an initial registration which shall be submitted on or before August 1, 2010.

131-2.04 **Periodic inspections.**

A. Each rental unit that is part of a rental facility that contains 19 or less rental units shall be inspected at least once per year.

B. Such inspections shall be performed by the Construction Code Official or by his designee, and inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Borough of Caldwell shall not be used as a valid substitute.

C. Such inspection shall be for the purpose of determining zoning ordinance compliance, and to the extent applicable, to determine if the property complies with the Property Maintenance Code, BOCA Maintenance Code and Housing Code and/or Uniform Fire Safety Act.

D. Unsatisfactory inspection. In the event that the inspection(s) of a rental unit does not result in a satisfactory inspection, such property shall not thereafter be registered, nor shall a license issue, and the owner of the property or his agent shall not lease or rent such property, nor shall any tenant occupy the property, until the necessary corrections have been made so as to bring the property and rental unit into compliance with the applicable code, and the property is thereafter subsequently inspected, registered and licensed. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 30 days, and, if not made within that time period, the owner shall be deemed in violation of this article, and, every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of section 131-7.14 herein. The owner shall be permitted to apply for extension of time to make repairs or corrections so as to comply with this article, for good cause shown, and such extension may be granted, provided that such extension shall not exceed 30 days.

131-2.05 **Access for inspections; repairs.**

A. The inspection officers are hereby authorized to make inspections to determine the condition of rental facilities, rental units and rooming/boarding houses in order that they may promote the purposes of this article to safeguard the health, safety and welfare of the occupants of rental facilities, rental units and rooming/boarding houses and of the general public. For the purposes of making such inspections, the inspecting officers are hereby authorized to enter, examine and survey rental facilities, rental units and rooming/boarding houses at all reasonable times. The owner or occupant of every rental facility, rental unit and rooming/boarding house shall give the inspecting officer free access to the rental facility, rental unit and rooming/boarding house at all reasonable times for the purpose of such inspections, examinations and surveys.

B. Every occupant shall give the owner of the rental facility, rental unit and rooming/boarding house access to any part of such rental facility, rental unit and rooming/boarding house at all reasonable times for the purpose of making such repairs or alternations, as are necessary, to effect compliance with the provisions of this article or any lawful order issued pursuant thereto.

C. Complaints. Within 10 days of receipt of a complaint alleging a reported violation of this article, an inspecting officer shall conduct an inspection as hereinbefore provided.

131-2.06 **Prohibitions on occupancy.**

No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit within the Borough of Caldwell, which is not registered and licensed in accordance with this article.

131-2.07 **License.**

Upon the filing of a completed registration form and payment of the prescribed fee, the owner shall be entitled to the issuance of a license commencing on the date of issuance and expiring on December 31 of the calendar year. A registration form shall be required for each rental unit, and a license shall issue to the owner for each rental unit, if more than one rental unit is contained in the property.



BOROUGH OF CALDWELL NEW JERSEY



131-2.08 **Fees.**

At the time of the filling of the registration form, and prior to the issuance of a license, the owner or agent of the owner must pay a fee in accordance with the following:

A. An annual registration fee as follows:

(1) \$30 per unit.

B. A re-inspection fee as follows:

(1) First re-inspection, no charge.

(2) Second re-inspection, \$25 per unit.

(3) Any additional re-inspection, \$50 per unit.

C. If the owner of the property is a senior citizen who resides in a unit of the property and rents out the remaining unit and would otherwise qualify under the State of New Jersey property tax deduction under N.J.S.A. 54:4-8.41, there shall be no fee.

D. If the owner of the property is registered as 501(c)3 corporation, and thus considered tax exempt by the IRS, or have similar tax exempt status from the State of New Jersey and file annual returns if they are incorporated, there shall be no fee.

E. If any fee is not paid within 30 days of its due date, a late fee surcharge of \$30 will be assessed, per month or part of month, up to three months. A failure to pay the initial fee and any late fee shall be deemed a violation of this article.

F. A failure to pay any fee as required by this article shall be deemed a violation of this chapter.

131-2.09 **Providing registration form to occupants and tenants.**

Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the registration form required by this article. This particular provision shall not apply to any hotel, motel or guesthouse registered with the State of New Jersey, pursuant to the Hotel and Multiple Dwelling Act, as defined in N.J.S.A. 55:13A-3. This provision may be complied with by posting a copy of the registration certificate in conspicuous place within the rental unit(s).

131-2.10 **Maximum number of occupants; posting.**

A. The maximum number of occupants, as determined by the Construction Code Official, shall be posted in each rental unit. It shall be unlawful for any person, including the owner, agent, tenant or registered tenant, to allow a greater number of persons than the posted maximum number of occupants to sleep in or occupy overnight the rental unit for a period exceeding five consecutive days or for more than 29 days within any 360 day period. Any person violating this provision shall be subject to the penalty provisions of section 131-2.14 herein.

B. Only those occupant's whose names are on file with the Borough of Caldwell, as required in this article, may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises, and any owner, agent, tenant or registered tenant allowing a non-registered party to reside in said premises shall be in violation of this section and shall be subject to the penalty provisions of section 131-2.14 herein.

131-2.11

Taxes and other municipal charges; payment precondition for registration and license.

No rental unit may be registered and no license shall issue for a property containing a rental unit unless all municipal taxes, water and sewer charges and any other municipal assessments are paid on a current basis.

131-2.12 **Occupant(s) standards.**

A. Occupants. Only those occupants whose names are on file with the Borough Clerk, as provided in this article, may reside in the licensed premises. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the landlord, tenant or other person residing in said premises.

B. Nuisance prohibited. No rental facility shall be conducted in a manner which shall result in any unreasonable disturbance or disruption to the surrounding properties and property owners or the public in general, such that it shall constitute a nuisance, as defined in the ordinances of the Borough of Caldwell.

C. Compliance with other laws. The maintenance of all rental facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances and regulations of the Borough of Caldwell and with all applicable state and federal laws.

D. Penalties. Any landlord, tenant or other person violating the provisions of this section shall be subject to the penalty provisions of § 131-2.14 of this article.



BOROUGH OF CALDWELL NEW JERSEY



131-2.13 **Revocation of license; procedure.**

A. Grounds. In addition to any other penalty prescribed herein, an owner may be subject to the revocation or suspension of the license issued hereunder upon the happening of one or more of the following:

- (1) Conviction of a violation of this article in the Municipal Court or any other court of competent jurisdiction.
- (2) Determination of a violation of this article at a hearing held pursuant to Subsection B herein.
- (3) Continuously renting the unit or units to tenants who are convicted of a violation of the Borough's Noise Ordinance.
- (4) Continuously permitting the rental unit to be occupied by more than the maximum number of occupants as defined in this article.
- (5) Maintaining the rental unit or units or the property in which the rental unit is a part in a dangerous condition likely to result in injury to person or property.

B. Procedure; written complaint; notice; hearing.

(1) A complaint seeking the revocation or suspension of a license may be filed by any one or more of the following: Chief of Police, Construction Code Official, the Zoning Enforcement Officer or any other persons or office authorized to file such a complaint. Such complaint shall be in writing and filed with the Borough Clerk or designee. The complaint shall be specific and shall be sufficient to apprise the licensee of the charges so as to permit the licensee to present a defense. The individual(s) filing the complaint may do so on the basis of information and belief, and need not rely on personal information.

(2) Upon the filing of such written complaint, the Borough Clerk or designee shall immediately inform the Governing Body, and a date for a hearing shall be scheduled, which shall not be sooner than 10 nor more than 30 days thereafter. The Borough Clerk or designee shall forward a copy of the complaint and a notice, as to the date of the hearing, to the licensee and the agent, if any, at the address indicated on the registration form. Service upon the agent shall be sufficient.

(3) The hearing required by this section shall be held before the Governing Body. Following the hearing, a decision shall be rendered dismissing the complaint, revoking or suspending the license or determining that the license shall not be renewed or reissued for one or more subsequent license years.

(4) A stenographic transcript shall be made of the hearing. All witnesses shall be sworn prior to testifying. The strict rules of evidence shall not apply, and the evidential rules and burden of proof shall be that which generally controls administrative hearings.

(5) The Borough Attorney or a designee shall appear and prosecute on behalf of the complainant in all hearings conducted pursuant to this section.

C. Defenses. It shall be a defense to any proceeding for the revocation, suspension or other disciplinary action involving a rental license by demonstrating that the owner has taken appropriate action and has made a good faith effort to abate the conditions or circumstances giving rise to the revocation proceeding, including but not limited to the institution of legal action against the tenant(s), occupant(s) or guests for recovery of the premises, eviction of the tenant(s) or otherwise.

131-2.14 **Violations and penalties.**

A. Any person violating or failing to comply with any provision of this section shall, upon conviction thereof, be punished by a fine of no less than \$100 and no more than \$1,250. In addition to the fine, such person may be sentenced to imprisonment not to exceed 90 days, or by community service of not more than 90 days, or any combination of imprisonment and community service, in the discretion of the Municipal Court Judge. The continuation of any such violation for each successive day shall constitute a separate punishable offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided herein for each separate offense.

B. Despite anything contained herein, in the event that a violation order is not promptly complied with, the Construction Code Official may institute an appropriate action or proceeding at law or equity to exact the penalty provided or may request the legal representative to proceed at law or in equity against the persons responsible for the violation for the following purposes:

- (1) to restrain, correct or remove the violation or refrain from any further execution of work;
- (2) to restrain or correct the erection, installation or alteration of each structure;
- (3) to require the removal of work in violation; or
- (4) to prevent the occupation or use of the structure or part thereof which was erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this Code or in violation of a plan or specification under which an approval, permit or certificate was issued



BOROUGH OF CALDWELL NEW JERSEY



Add new Section 3 the following

131-3.01 Inspection Upon Vacancy

All buildings, structures and units thereof comprised of 20 or more residential units that are leased or rented, regardless of the term, for living or sleeping purposes shall be inspected by the Code Official on every initial occupancy or change of occupancy after the effective date of this article, but there shall not be more than one such inspection biannually of any apartment or units thereof. All buildings, structures and units thereof which are leased or rented, and not currently occupied at the time this article takes effect, shall be considered an initial occupancy and shall be subject to the inspection provisions hereof.

131-3.02 Construction Code Compliance

All buildings, structures and units thereof which are inspected pursuant to this Chapter shall comply in all respects with the requirements of Borough ordinances and the applicable provisions of the New Jersey Uniform Construction Code and the provisions of N.J.S.A. 55:13A-1 et seq. and 55:13B-1 et seq.

131-3.03 Duty to Notify Construction Code Official

The owner, rental agent or manager of all buildings and structures and units thereof which are subject to inspection pursuant to this article shall be responsible for notifying, in writing, the Code Official that such premises are leased or rented or being offered to be leased or rented so that an inspection or re-inspection may be made.

131-3.04 Posting of Certificate

Upon completion of an inspection of the premises and the same being determined by the Code Official to comply with this article, a rental certificate of occupancy shall be issued. A copy of the certificate shall be posted by the owner, rental agent or manager of the inspected property in each separate leased or rented unit. No tenant shall occupy any building, structure or any units thereof until a rental certificate of occupancy has been issued.

131-3.05 Notice of Violation; Re-inspection

In the event that the Code Official determines, after an inspection, that the premises in question are in violation of this article or of any other governing section of the Borough Code, the Code Official shall notify, in writing, the owner, rental agent or manager of the violations noted. Upon correction of the violations, the owner, rental agent or manager shall notify, in writing, the Code Official that the corrections have been made so that a re-inspection of the property may occur. If upon re-inspection of the property, the Code Official determines that previous violations have not been corrected or that new violations exist, then the Code Official shall, again in writing, notify the owner, rental agent or manager of the inspected property of the violations, and this process shall continue until all violations have been corrected.

131-3.06 Proper Notice

Notice shall be deemed to be properly served upon such owner if a copy thereof is delivered to the owner, rental agent or manager personally; or by leaving the notice at the usual place of abode in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or by certified or registered mail addressed to the owner at the last known address with return receipt requested; or, if the certified or registered letter is returned with receipt showing that it has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice;

131-3.07 Right to Further Inspection

If, subsequent to the issuance of a rental certificate of occupancy, the Code Official learns or becomes aware of violations of any governing section of the Borough Code, an inspection shall be made of the subject premises. If violations exist, notification in writing shall be given to the owner, rental agent or manager, and said person shall have 10 days from service of the notice to correct all deficiencies noted therein. In the event that the same have not been corrected within 10 days, then the rental certificate of occupancy may be revoked by the Construction Code Official by mailing a notice of revocation by certified mail to the owner, rental agent or manager and to the tenant or tenants, and the premises shall be vacated.

131-3.08 Violations; Penalties

A. Any person violating or failing to comply with any provision of this section shall, upon conviction thereof, be punished by a fine of no less than \$100 and no more than \$1,250. In addition to the fine, such person may be sentenced to imprisonment not to exceed 90 days, or by community service of not more than 90 days, or any combination of imprisonment and community service, in the discretion of the Municipal Court Judge. The continuation of any such violation for each successive day shall constitute a separate punishable offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided herein for each separate offense.



BOROUGH OF CALDWELL NEW JERSEY



B. Despite anything contained herein, in the event that a violation order is not complied with promptly, the Code Official may institute an appropriate action or proceeding at law or equity to exact the penalty provided or may request the legal representative to proceed at law or in equity against the persons responsible for the violation for the following purposes:

- (1) to restrain, correct or remove the violation or refrain from any further execution of work;
- (2) to restrain or correct the erection, installation or alteration of each structure;
- (3) to require the removal of work in violation; or
- (4) to prevent the occupation or use of the structure or part thereof which was erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this Code or in violation of a plan or specification under which an approval, permit or certificate was issued.

131-3.09 **Cost of Relocation Assistance**

In addition to any other fine or penalty imposed by this Chapter, if an Owner fails to comply with any provision of this Chapter, and a tenant is required to relocate, or if the Borough subsequently is required to relocate a tenant from a rental unit, the owner will be liable for all of the costs of the tenant's relocation and shall further be liable, and shall reimburse the Borough, for any payment the Borough makes to relocate the tenant under any applicable laws and regulations.

2. All Ordinances and/or Resolutions of the Borough of Caldwell, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.
3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
4. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

DATE OF FIRST READING: February 4, 2014
 DATE OF PUBLICATION: February 6, 2014
 MOVED:
 SECONDED:

DATE OF SECOND READING: February 18, 2014
 DATE OF ADOPTION: February 18, 2014
 MOVED:
 SECONDED:

RECORD OF COUNCIL VOTE

Councilman: _____ presented the following resolution - Seconded by Councilman: _____

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser					Rodgers				
O'Donnell					Durkin				
Kelley					Capozzoli				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor

This ordinance, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 1-55

Date of Adoption: February 4, 2014

TITLE:

RESOLUTION AUTHORIZING 2013 APPROPRIATION RESERVE TRANSFERS

WHEREAS, various 2013 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2013 Budget in the last two months of 2013; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the closed of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Caldwell, in the County of Essex, State of New Jersey, (2/3 of the majority of the full membership concurring herein) that the transfers in the amount of \$5,000.00 be made between the 2013 Budget Appropriation Reserves as follows:

FROM

Administrative and Executive
Salaries and Wages \$5,000.00

TO

Aid to West Essex First Aid Squad
Other Expenses \$5,000.00

RECORD OF COUNCIL VOTE

Councilman: _____ presented the following resolution - Seconded by Councilman: _____

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Rodgers				
O'Donnell						Durkin				
Kelley						Capozzoli				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 1-56

Date of Adoption: February 4, 2014

TITLE:

AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK’S OFFICE – Parent Faculty Association of Mt. St. Dominic Academy/ Off Premise – 50/50 Raffle, June 2, 2014 – 8:00PM.

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey that the following be and is hereby granted a raffle license in accordance with the application filed. Applicant and application has been approved by the Borough Council.

RA-1281 Parent Faculty Association of Mt. St. Dominic Academy
Off Premise – 50/50 Raffle
June 2, 2014 – 8:00PM

FURTHER BE IT RESOLVED that the Clerk be and is hereby authorized to sign a statement of Findings and Determination granting said license and the Borough Clerk be and is hereby authorized to sign said license.

RECORD OF COUNCIL VOTE

Councilman: _____ presented the following resolution - Seconded by Councilman: _____

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Rodgers				
O'Donnell						Durkin				
Kelley						Capozzoli				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 1-57

Date of Adoption: February 4, 2014

TITLE:

RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION Block 7, Lot 12.01, Sheryll Perez, 26 Cooper Avenue, Roseland, NJ

WHEREAS, Richard Angerer, (“Applicant”) requires approval from the Borough of Caldwell Sewer Utility for a SANITARY SEWER INCREASE IN FLOW to service property known as B7, Lot 12.01; and

WHEREAS, the project is more specifically known as 252 Notch Road, Clifton, New Jersey; and

WHEREAS, the applicant is proposing 1 new equivalent dwelling units; and

WHEREAS, the connection fee for this project is calculated as follows: 1 EDU x \$3600/EDU = \$3,600.00

WHEREAS, the Sewer Utility Director recommends approval in accordance with the Authority’s Rules and Regulations and payment of the above referenced connection fees;

NOW THEREFORE BE IT RESOLVED by the Borough of Caldwell that the Sewer Director be and hereby approves this application, in accordance with the recommendations.

BE IT FURTHER RESOLVED that this approval is further subject to compliance by the Applicant with the Rules and Regulations of the Borough of Caldwell Sewer Utility and other applicable regulatory agencies.

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE BOROUGH OF CALDWELL, ESSEX COUNTY, NEW JERSEY, AT A REGULAR MEETING HELD ON May 21, 2013.

Lisa O’Neill, Deputy Clerk

RECORD OF COUNCIL VOTE

Councilman: _____ presented the following resolution - Seconded by Councilman: _____

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Rodgers				
O’Donnell						Durkin				
Kelley						Capozzoli				

Lisa O’Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 1-58

Date of Adoption: February 4, 2014

TITLE:

AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 13-00014, Block 48, Lot 6

WHEREAS, at the Borough of Caldwell Tax Sale held on December 27, 2013, a lien was sold on Block 48, Lot 6 also known as 57 Gould Place in Caldwell, NJ for delinquent water; and

WHEREAS, this lien, known as Tax Sale Certificate 13-00014, was sold to ROBERT PALMISANO at a Premium \$100.00; and

WHEREAS, the HOMEOWNER has effected redeemed the Certificate 13-00014 in the amount of \$211.59

NOW THEREFORE BE IT RESOLVED that authorization is hereby given to issue a check in the amount of \$311.59 payable to ROBERT PALMISANO for the redemption of Tax Sale Certificate 13-00014

Certificate 13-00014

PRINCIPAL.....	\$159.59
RECORDING FEE.....	\$ 52.00
PREMIUM.....	<u>\$100.00</u>
 TOTAL REDEMPTION.....	 \$311.59

RECORD OF COUNCIL VOTE

Councilman: _____ presented the following resolution - Seconded by Councilman: _____

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Rodgers				
O'Donnell						Durkin				
Kelley						Capozzoli				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.

January 2, 2014
01:10 PM

BOROUGH OF CALDWELL
Lien Redemption Work Sheet

Certificate: 13-00014
Prop Loc: 57 GOULD PLACE

Owner: PUCCIARELLO, ANTHONY & BARBARA
Address: 57 GOULD PLACE
CALDWELL, NJ 07006

Type of Lien: Outside
Interest Rate: 0.00
Apr 2: N
Premium: 100.00

Block/Lot/Qual: 48.
Sale Date: 12/27/13

6.

Holder Name: PALMISANO, ROBERT
Address: 51 GROVER LANE
WEST CALDWELL, NJ 07006

Holder Id: 00019

Redemption Calculation Date: 01/21/14
Include Current Charges: N

TAX SALE CERTIFICATE:

Balance Type	Principal	Interest	Total
Water	85.99	8.60	94.59
		Cost:	65.00
		Total Certificate:	159.59
#Days: 24 Per Diem:	0.000000	Int on Cert:	0.00
	Redemption Penalty (0.00 %):		0.00
		Total:	159.59

SUBSEQUENT CHARGES:

Balance Type	Year Prd	Date	Prin/Penalty	Interest Rate	Per Diem	#Days	Interest	Total
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BALANCE TYPE SUMMARY:

	Certificate Total & Subseq. Prin/Penalty	Interest	Total
Certificate Water	94.59	0.00	94.59
Total Water	94.59	0.00	94.59
Certificate Cost	65.00	0.00	65.00

LIEN REDEMPTION:

Principal:	159.59
Redemption Penalty (0.00 %):	0.00
Interest:	0.00
Recording Fees:	52.00
TOTAL REDEMPTION:	211.59

Total Per Diem: 0.000000

PAID

JAN 2 2014

BOROUGH OF CALDWELL



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 1-59

Date of Adoption: February 4, 2014

TITLE:

AUTHORIZING THE APPOINTMENT OF BOARD OF HEALTH MEMBER

BE IT RESOLVED by Mayor Ann Dassing hereby appoints the following persons to the Board of Health for the terms set forth below. Mayor Dassing has requested the consent of the Council, that they do hereby authorize the appointment of the following Board of Health Members:

Valerie L. Schleck

Member

Expires December 31, 2015

RECORD OF COUNCIL VOTE

Councilman: _____ presented the following resolution - Seconded by Councilman: _____

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Rodgers				
O'Donnell						Durkin				
Kelley						Capozzoli				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



BOROUGH OF CALDWELL NEW JERSEY



Resolution No: 1-60

Date of Adoption: February 4, 2014

TITLE:

AUTHORIZING THE APPOINTMENT OF RENT REVIEW BOARD MEMBER

BE IT RESOLVED by Mayor Ann Dassing hereby appoints the following persons to the Rent Review Board for the terms set forth below. Mayor Dassing has requested the consent of the Council, that they do hereby authorize the appointment of the following Rent Review Board Members:

Grace Kerrigan Homeowner Alternate Member Expires December 31, 2016

RECORD OF COUNCIL VOTE

Councilman: _____ presented the following resolution - Seconded by Councilman: _____

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Rodgers				
O'Donnell						Durkin				
Kelley						Capozzoli				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 1-61

Date of Adoption: February 4, 2014

TITLE:

**RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION Block 72,
Lot 1.04, Michael Shansky, 33 Birkendene Road, Caldwell**

WHEREAS, Richard Angerer, (“Applicant”) requires approval from the Borough of Caldwell Sewer Utility for a SANITARY SEWER INCREASE IN FLOW to service property known as B72, Lot 1.04; and

WHEREAS, the project is more specifically known as 33 Birkendene Road, Caldwell, New Jersey; and

WHEREAS, the applicant is proposing 1 new equivalent dwelling units; and

WHEREAS, the connection fee for this project is calculated as follows: 1 EDU x \$3600/EDU = \$3,600.00

WHEREAS, the Sewer Utility Director recommends approval in accordance with the Authority’s Rules and Regulations and payment of the above referenced connection fees;

NOW THEREFORE BE IT RESOLVED by the Borough of Caldwell that the Sewer Director be and hereby approves this application, in accordance with the recommendations.

BE IT FURTHER RESOLVED that this approval is further subject to compliance by the Applicant with the Rules and Regulations of the Borough of Caldwell Sewer Utility and other applicable regulatory agencies.

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE BOROUGH OF CALDWELL, ESSEX COUNTY, NEW JERSEY, AT A REGULAR MEETING HELD ON May 21, 2013.

Lisa O’Neill, Deputy Clerk

RECORD OF COUNCIL VOTE

Councilman: _____ presented the following resolution - Seconded by Councilman: _____

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Rodgers				
O’Donnell						Durkin				
Kelley						Capozzoli				

Lisa O’Neill, Deputy Clerk

Ann Dassing, Mayor

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