



***BOROUGH OF CALDWELL
NEW JERSEY***



**COUNCIL BUSINESS MEETING
February 5, 2013**

Borough Hall Council Chambers
1 Provost Square
Caldwell, New Jersey 07006
7:00pm



Council Chambers
1 Provost Square Caldwell, NJ

Borough of Caldwell Council Business Meeting

AGENDA

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

February 5, 2013 - REVISED

MAYOR
Ann Dassing

BOROUGH COUNCIL
Richard Hauser – President / CCC
Thomas O'Donnell / Public Safety
John Coyle / Public Works
John Kelley / Community Relations
Frank Rodgers / Personnel
Edward Durkin Jr. / Finance

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 15, 2013

PRESENTATION

Camp Wyanokie Presentation

INTRODUCTION OF ORDINANCES

- ORDINANCE# 1272-13:** AN ORDINANCE AMENDING CHAPTER 230 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION GOVERNING VEHICLES AND TRAFFIC
- ORDINANCE# 1273-13:** AN ORDINANCE AMENDING CHAPTER 20, THE CHAPTER ESTABLISHING THE CODE OF ETHICS, OF THE CODE OF THE BOROUGH OF CALDWELL
- ORDINANCE# 1274-13:** AN ORDINANCE AMENDING CHAPTER 37, THE CHAPTER GOVERNING PERSONNEL POLICIES, OF THE CODE OF THE BOROUGH OF CALDWELL

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.

- 2-54:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 12-00017 PAYABLE TO CCE HOLDINGS, LLC
- 2-55:** AUTHORIZING THE ISSUANCE OF LICENSE FOR MOTOR VEHICLE LOT LICENSE IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT, CONSTRUCTION DEPARTMENT AND THE BOROUGH CLERK'S OFFICE – Al Emmel Auto Body, LLC



Council Chambers
1 Provost Square Caldwell, NJ

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RESOLUTIONS - CONSENT AGENDA (continued)

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.

- 2-56: AUTHORIZING THE ISSUANCE OF LICENSE FOR MOTOR VEHICLE LOT LICENSE IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT, CONSTRUCTION DEPARTMENT AND THE BOROUGH CLERK'S OFFICE – RC Auto Sales
- 2-57: AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH FEBRUARY 5, 2013 FOR 2012 BILLS IN THE TOTAL AMOUNT OF \$ 2,694,087.31
- 2-58: RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH ENVIROTACTICS IN AN AMOUNT NOT TO EXCEED \$17,959.00 FOR REMEDIAL INVESTIGATION SERVICES AT THE PROPERTY DESIGNATED AS BLOCK 22 / LOT 25.02 LOCATED AT 27 PERSONETTE STREET IN THE BOROUGH OF 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 ADMINISTRATOR

Paul M. Carelli

Administrator Report – February 5, 2013

REPORT OF ATTORNEY

Gregory Mascera

OLD BUSINESS

- 1. Water Main Improvement Project - Updates

NEW BUSINESS

Members of the Governing Body may choose to bring up new items at this time.

- 1. Correspondence from Paul Milani – Dumpster Permit Application/Ordinance for Consideration



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MAYOR
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BOROUGH COUNCIL
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Edward Durkin Jr. / Finance

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.

1. Personnel

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 2/1/2013 with all available information as of this date. This agenda has been sent to four official newspapers of the Borough on 2/1/2013 in compliance with P. L. 1975, c 213

Lisa O'Neill, Deputy Clerk.

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – January 15, 2013**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:09 PM

PRESENT: Mayor Dassing, Council President Richard Hauser, Councilman Coyle, O'Donnell, Kelley, Rodgers and Durkin

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

ABSENT:

Adequate notice of this Council Business/Conference meeting was given on January 1, 2013. Notice was posted on the bulletin board on the first floor of the Borough Hall, One Provost Square, Caldwell, New Jersey on January 1, 2013. Four official newspapers of the Borough were notified of this meeting by mail on January 1, 2013. Notice was posted and all persons requesting notice were sent same.

**APPROVAL OF MINUTES:
December 18, 2012**

Moved by Councilman Coyle, seconded by Councilman O'Donnell. No Discussion. On roll call, Councilman Hauser, Coyle, O'Donnell, Kelley and Rodgers voted in the affirmative. Councilman Durkin abstained. Minutes approved 01/15/13.

December 27, 2012 – Special Meeting

Moved by Councilman Coyle seconded by Councilman O'Donnell. No Discussion. On roll call, Councilman Hauser, Coyle, O'Donnell, Kelley and Rodgers voted in the affirmative. Councilman Hauser, Kelley and Durkin abstained. Minutes approved 01/15/13.

January 1, 2013

Moved by Councilman Coyle, seconded by Councilman Kelley. No Discussion. On roll call, all present voted in the affirmative. Minutes approved 01/15/13.

PUBLIC HEARING AND ADOPTION OF ORDINANCES:

ORDINANCE# 1269-12: AN ORDINANCE AMENDING CHAPTER 20, THE CHAPTER ESTABLISHING THE CODE OF ETHICS, OF THE CODE OF THE BOROUGH OF CALDWELL

ORDINANCE# 1271-12: AN ORDINANCE AMENDING CHAPTER 37, THE CHAPTER GOVERNING PERSONNEL POLICIES, OF THE CODE OF THE BOROUGH OF CALDWELL

After discussion Greg Mascera, Borough Attorney stated that the Council can't act and carry over an ordinance. Both ordinances will have to be re-introduced and started over. The new body is considered a new independent body.

Ann Marchioni – Environmental Commission presents a Certificate of Appreciation to Doris Halprin for her many years of service.

OPEN PUBLIC COMMENTS ON RESOLUTIONS:

Bob Christensen, 3 Ravine Avenue, was happy to hear that Joseph Norton was in the Traffic Committee and wanted to know who else was on the Committee.

RESOLUTIONS – CONSENT AGENDA

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – January 15, 2013**

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- 1-34:** AUTHORIZING THE EXECUTION OF MUNICIPAL INFORMATION FORM - COMMUNITY FORESTRY MANAGEMENT PLAN GUIDELINES
- 1-35:** AUTHORIZING APPOINTMENT OF DONALD O'CONNOR, ESQ. AS MUNICIPAL COURT JUDGE FOR THREE YEARS FROM JANUARY 1, 2013 THROUGH DECEMBER 31, 2015 AND UNTIL HIS SUCCESSOR IS APPOINTED AND QUALIFIED.
- 1-36:** AUTHORIZING THE CANCELLATION OF SMALL BALANCES ON TAX ACCOUNTS FOR THE YEAR ENDING 12/31/12
- 1-37:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 12-00009 PAYABLE TO US BANK CUST-PROCAP 11, LLC.
- 1-38:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 12-00018 PAYABLE TO ISAAC MORADI
- 1-39:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 12-00003 PAYABLE TO US BANK CUST-PROCAP 11, LLC
- 1-40:** AUTHORIZING THE APPOINTMENT OF LIBRARY BOARD OF TRUSTEES – John J. Donovan
- 1-41:** AUTHORIZING THE APPOINTMENT OF HISTORIC PRESERVATION COMMITTEE – Beverly W. Crisfasi
- 1-42:** APPROVING A TOW OPERATOR'S LICENSE FOR AJACO TOWING, INC. IN ACCORDANCE WITH THE PROVISIONS OF BOROUGH ORDINANCE 1201-09
- 1-43:** APPROVING A TOW OPERATOR'S LICENSE CAMP AUTO & TRUCK PARTS, INC. IN ACCORDANCE WITH THE PROVISIONS OF BOROUGH ORDINANCE 1201-09
- 1-44:** APPROVING A TOW OPERATOR'S LICENSE CRIGER'S SERVICE, INC. IN ACCORDANCE WITH THE PROVISIONS OF BOROUGH ORDINANCE 1201-09
- 1-45:** APPROVING A TOW OPERATOR'S LICENSE J&M TOWING IN ACCORDANCE WITH THE PROVISIONS OF BOROUGH ORDINANCE 1201-09
- 1-46:** AUTHORIZING THE ISSUING OF A SPECIAL LIQUOR PERMIT. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE CLERK'S OFFICE – Giblin Associates
- 1-47:** AUTHORIZING THE APPOINTMENT OF TRAFFIC COMMITTEE MEMBER – Joseph Norton

Moved by Councilman Kelley, seconded by Councilman Rodgers. Discussions Ensued. On roll call, Councilman Durkin and Councilman Kelley voted in the affirmative. Councilman Rodgers, O'Donnell, Hauser and Coyle voted in the negative. Resolution was not approved.

- 1-48:** RESOLUTION TO AMEND RESOLUTION 12-264 AUTHORIZING BUDGET TRANSFERS FOR CALENDAR YEAR 2012
- 1-49:** DISPOSAL OF OBSOLETE POLICE DEPARTMENT VEHICLES
- 1-50:** AUTHORIZING THE CHANGE OF STATUS FROM PROBATIONARY POLICE OFFICERS TO FULL POLICE OFFICERS IN THE CALDWELL POLICE DEPARTMENT FOR THE THREE OFFICERS HIRED JANUARY 1, 2012
- 1-51:** RESOLUTION AUTHORIZING THE CALDWELL COMMUNITY CENTER TO EXTEND THE CURRENT CALDWELL FIRE DEPARTMENT VOLUNTEER DISCOUNT TO ACTIVE MEMBERS FOR THE CALENDAR YEAR 2013

CONSENT

Moved by Councilman Coyle, seconded by Councilman O'Donnell. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 01/15/13.

**BOROUGH OF CALDWELL
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Councilman Durkin reported that he attended the Board of Health Committee and there will be a Rabbi's Clinic and will let everyone know when. I also attended the Environmental Commission workshop. On Wednesday, January 23rd there will be a workshop at 2:15pm "Making your Business Greener" Doug Shattuck P.E., a Senior Project Consultant at EAM Associates, will be here also.

Council President Hauser reported that the Library has a lot going on. There are a variety of events Blind Date with a Book, Black History Month, Valentine's Day and things going on in March. There are a lot of good things going on at the Library involving various aspects of the Community so I encourage everyone to check that out.

Councilman Kelley reported that Ed Durkin and he attended the Caldwell Merchants Association last week and it was held at the coloring room. The attendance was a little light but they answered the questions regarding the property tax program and moving forward on their part. They are looking for 20 to 25 merchants to sign up and are very excited about moving forward.

Mayor Dassing reported that she met with Finn Credit this evening along with our Tax Collector and our new CFO we are looking for a sponsor for the cards. It's a shop Caldwell program and every time you shop in these businesses you get a card and they swipe it and it gets added up and at the end of the year it gets sent to town hall toward property taxes. If you don't own a property you will receive a check in the mail. We will need a sponsorship for the cards which are like credit cards that will be mailed out to all the residents in Caldwell. This will encourage people to shop in downtown. We are hoping to get about 30 businesses involved. Every business will have a shop Caldwell in their window. She also met with PSE&G representatives this evening. She had received hundredths of phone calls as well as the clerk, police department, Borough Administrator and other Council members from various neighborhoods in Town. We are going to have a Town Hall meeting on Tuesday, January 29th at 7:00PM the place will most likely be at the Community Center. They gave us a lot of information that I think will be very good for the residents to have and some solutions that they have put into place already and are currently being worked on. I will be dancing with the stars on February 23rd at 7:00PM which will raise money for the Caldwell/West Caldwell Education Foundation.

REPORT OF ADMINISTRATOR:

Paul Carelli reported that there will be five (5) employees retiring. The first, Lt. Anthony Marta who left on January 4th his official retirement date is in November but he has left the building. Next is our Court Administrator, Marilyn Reeve who will be retiring on February 1st. We have put out advertisements for replacements for two positions Court and Deputy Court Administrator. There will be two public works employees also retiring and when those dates are firmed up I will let you know. Our financial management consulting firm has started on January 4th and the person that has been stationed here is our CFO Chris Battaglia and so far so good he is doing a great job and has made a lot of recommendations and has updated our software. As we roll over in 2013 we will have a new system in place for financial reports.

Council President Hauser discussed about one of the ordinances, having been on the personnel committee for three years, five people times' maybe fifty resumes for a position you are talking about maybe fifty resumes that some Councilman are proposing that the personnel committee go through review, make selections, and interview. He asked that they consider what that would entail in terms of slowing down the hiring process.

REPORT OF ATTORNEY:

Greg Mascera reported that in regards to 14 Park Avenue we have substantially completed the amendment of application to HHS the application will be sent in tomorrow and we hope to have approval whenever the Government Agency responds back to us. The two other matters are litigation matters, Ingris 3 and Gleason will be discussed thoroughly in executive session.

OLD BUSINESS:

Update of Caldwell Water Utility Projects and Timelines

Paul Carelli reported that the water main repair at Caldwell College has successfully been completed. The Brookside water main project will be starting in about two weeks. The residents

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – January 15, 2013**

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will be notified. We received a request from West Caldwell there are two water hook ups that they asked if we would try and hook up to our system.

NEW BUSINESS:

Council President Hauser spoke about a Councilman from West Caldwell who reached out to him for a potential of combining service contracts for Garbage Collection and Recycling. Paul Carelli responded that he spoke to Jock Watkins about this and he asked for information on how we handled that. Discussion Ensued.

Michael Mignone, 23 Westville Avenue, spoke about issues that he had with the Caldwell Community Center.

Diane Lily, The Jersey Tomato Press, read an email from Governor Christy stating that they did pass 60 Billion dollars for Hurricane Sandy.

Ann Marchioni, Environmental Commission, she attended the Board of Education meeting and was invited by Ecology club of the middle school to attend. Ann is working with the Ecology Club and it is called DOT “do one thing to help the environment”.

Mayor Dassing responded that Janet Markman is quite a nature photographer and has informed me that the Hilltop Conservancy is restoring some of the forest floor. Janet responded with our Open Space in the cedars maybe the students would like to do a project that will attract natural like bugs.

Janet Markman, 501 Bloomfield Avenue, spoke about the Legacy of Literacy and what a nice job Ann and Susan did and everyone else. She was asked for the month of February to put up some of the photos that were taken that evening.

On a motion made by Councilman O’Donnell and seconded by Councilman Coyle, unanimously affirmed, the Council moved into Executive Session at 8:18PM.

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. Greg Mascera responds that the Executive Session will be discussion of Contracts with the Sewer Plant, Ingris, Gleason and PBA.

The Executive Session was adjourned and upon a motion by Councilman Hauser, seconded by Councilman O’Donnell, the Council Business Conference Meeting was opened to the public and the press at 9:33P.M.

1-52: RESOLUTION AUTHORIZING A THREE YEAR EXTENSION TO THE CURRENT BOROUGH OF CALDWELL COLLECTIVE BARGAINING AGREEMENT WITH WEST ESSEX PBA LOCAL 81 (CALDWELL UNIT) WITH TERMS AS CURRENTLY AGREED

Moved by Councilman Durkin, seconded by Councilman O’Donnell. Discussions Ensued. On roll call, Councilman O’Donnell, Coyle, Rodgers and Durkin voted in the affirmative. Council President Hauser and Councilman Kelley voted in the negative. Resolutions approved 01/15/13.

1-52: AUTHORIZING THE BOROUGH ADMINISTRATOR TO NEGOTIATE AND EXTENSION TO THE AGREEMENT EXPIRING ON JANUARY 31, 2013 WITH HATCH MOTT MACDONALD OPERATING SERVICES FOR THE OPERATION AND MAINTENANCE OF THE CALDWELL WASTEWATER TREATMENT PLANT

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
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Moved by Councilman Coyle, seconded by Councilman Kelley. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 01/15/13.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Coyle, seconded by Councilman O'Donnell, unanimously affirmed by all members present, the meeting was adjourned at 9:35P.M.

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

DATE



**BOROUGH OF CALDWELL
NEW JERSEY**



ORDINANCE# 1272-13

AN ORDINANCE AMENDING CHAPTER 230 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION GOVERNING VEHICLES AND TRAFFIC

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

That Chapter 230, Article III, Parking, Standing and Stopping, Section 18 of the Code of the Borough of Caldwell, New Jersey, "Regulations established; effect on statutory provisions; violations and penalties; terms defined" be amended as herein set forth:

Chapter 230, the Chapter governing Vehicles and Traffic is amended as follows:

1. **Amend Article III , Section 18B by deleting "\$50" and replacing it with "\$35" so that the minimum fine imposed shall not be less than \$35.**
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 5, 2013
DATE OF PUBLICATION: February 14, 2013
MOVED:
SECONDED:

DATE OF SECOND READING: March 5, 2013
DATE OF ADOPTION: March 5, 2013
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						Kelley				
O'Donnell						Rodgers				
Coyle						Durkin				

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# 1273-13

AN ORDINANCE AMENDING CHAPTER 20, THE CHAPTER ESTABLISH THE CODE OF ETHICS, OF THE CODE OF THE BOROUGH OF CALDWELL

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

That Chapter 20 of the Code of the Borough of Caldwell, New Jersey be amended as herein set forth:

That Chapter 20, Section 3, of the Code of the Borough of Caldwell, the Section titled "Standards of Conduct" is hereby amended as follows:

1. That existing subsection G be deleted and replaced as follows:

G. No local government officer or employee shall:

(i) use, or allow to be used, his or her public office or employment or any information, not generally available to the members of the public, which he or she receives or acquires in the course of and by reason of his or her office or employment, for the purpose of securing financial gain for himself or herself, any member of his or her immediate family or any business organization with which he or she is associated;

(ii) use Borough real property and/or personal property for private or political use;

2. All Ordinances 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 5, 2013
DATE OF PUBLICATION: February 14, 2013
MOVED:
SECONDED:

DATE OF SECOND READING: March 5, 2013
DATE OF ADOPTION: March 5, 2013
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						Kelley				
O'Donnell						Rodgers				
Coyle						Durkin				

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# 1274-13

**AN ORDINANCE AMENDING CHAPTER 37, THE CHAPTER GOVERNING PERSONNEL
POLICIES, OF THE CODE OF THE BOROUGH OF CALDWELL**

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

That Chapter 37 of the Code of the Borough of Caldwell, New Jersey be amended as herein set forth:

That Chapter 37, Section 3, of the Code of the Borough of Caldwell, the Section titled "Employment Practices" is hereby amended as follows:

1. That existing subsection 3E be amended by adding the phrase "and by the Department Head to whom the employee will report" after "Administrator" at the conclusion of the first sentence. The amended Subsection E shall now read as follows:

All applications received by the Administrator shall be reviewed by the Administrator and, if applicable, by the Department Head to whom the employee will report. Those applicants who appear to be most qualified shall be interviewed by the Administrator. During the interview, the applicant shall be apprised of the borough's personnel policies, terms and conditions of employment, duties of the position, benefits and other appropriate information.

2. That existing subsection 3H be deleted and replaced with the following:

The Administrator shall have the authority to, and shall, fill a vacant position after having considered all of the applicants in the manner set forth in this section. Despite the foregoing, the Mayor and Council, and not the Administrator, shall act to fill a vacant or new position for a Department Head after having received and considered the recommendation of the Administrator.

2. All Ordinances 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 5, 2013
 DATE OF PUBLICATION: February 14, 2013
 MOVED:
 SECONDED:

DATE OF SECOND READING: March 5, 2013
 DATE OF ADOPTION: March 5, 2013
 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						Kelley				
O'Donnell						Rodgers				
Coyle						Durkin				

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: 2-54

Date of Adoption: February 5, 2013

TITLE:

AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 12-00017 PAYABLE TO CCE HOLDINGS, LLC

WHEREAS, it has been determined by the Borough Tax Collector that the taxpayers has redeemed the Lien on the property listed at 87 Roseland Avenue, Unit C0092, Caldwell, NJ; and

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Caldwell, NJ that the Chief Financial Officer is hereby authorized to refund the following lien redemption;

<u>BLOCK & LOT</u>	<u>RECIPIENT</u>	<u>REDEMPTION AMOUNT</u>
Block 54 Lot 3.38	CCE Holdings, LLC. 11 Hillside Avenue Roseland, NJ 07068	\$4,627.06
		PREMIUM \$1,200.00
		<hr/>
	TOTAL	\$5,827.06

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 2-55

Date of Adoption: February 5, 2013

TITLE:

AUTHORIZING THE ISSUANCE OF LICENSE FOR MOTOR VEHICLE LOT LICENSE IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT, CONSTRUCTION DEPARTMENT AND THE BOROUGH CLERK’S OFFICE – Al Emmel Auto Body, LLC.

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey that they do hereby approve the application for issuance of a motor vehicle lot license to Al Emmel Auto Body, LLC., 95 Bloomfield Avenue, Caldwell, New Jersey in accordance with the application filed. Applicant and application has been investigated and approved by the Police Department, Construction Department and the Borough Clerk’s office.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Kelley				
Coyle						Rodgers				
O’Donnell						Durkin				

Lisa O’Neill, Acting Borough Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 2-56

Date of Adoption: February 5, 2013

TITLE:

AUTHORIZING THE ISSUANCE OF LICENSE FOR MOTOR VEHICLE LOT LICENSE IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT, CONSTRUCTION DEPARTMENT AND THE BOROUGH CLERK'S OFFICE – RC Auto Sales

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey that they do hereby approve the application for issuance of a motor vehicle lot license to RC Auto Sales, 7 Park Avenue, Caldwell, New Jersey in accordance with the application filed. Applicant and application has been investigated and approved by the Police Department, Construction Department and the Borough Clerk's office.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

Lisa O'Neill, Acting Borough Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 2-57

Date of Adoption: February 5, 2013

TITLE:

AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH FEBRUARY 5, 2013 FOR 2012 BILLS IN THE TOTAL AMOUNT OF \$2,694,087.31

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey that,

WHEREAS, certain bills which are contained on the bills list which is annexed hereto and incorporated herein have been submitted to the Borough of Caldwell for payment, and;

WHEREAS, pursuant to N.J.S.A. 40A:5:16, it has been certified to the governing body that the goods or services for which said bills were submitted have been received by or rendered to the Borough of Caldwell, and;

WHEREAS, the Director of Finance of the Borough of Caldwell has certified to the governing body that there are funds legally appropriated and available in the current operating budget for the payment of said bills and that the said payment will not result in the disbursement of public monies or in the encumbering of same in excess of the 2012 and/or 2013 appropriation for said purpose;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Caldwell that the, Borough Administrator and Deputy Clerk be and are hereby authorized to sign checks in payment of the bills set forth in the annexed schedule.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 2-58

Date of Adoption: February 5, 2013

TITLE:

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH ENVIROTACTICS IN AN AMOUNT NOT TO EXCEED \$17,959.00 FOR REMEDIAL INVESTIGATION SERVICES AT THE PROPERTY DESIGNATED AS BLOCK 22 / LOT 25.02 LOCATED AT 27 PERSONETTE STREET IN THE BOROUGH OF CALDWELL

WHEREAS, the Borough of Caldwell with an address of 1 Provost Square, Caldwell, New Jersey has agreed to pursue the preservation of the property known as 27 Personette Street also known as Block (22), Lot (25.02) on the tax maps of Borough of Caldwell, County of Essex, State of New Jersey for open space and/or recreation use and;

WHEREAS, the required due diligence for this transaction will consist of an appraisal to determine the property value, a Preliminary Assessment report, a survey of the property, and a title search and;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Caldwell as follows:

- 1) The Mayor and Borough Clerk are hereby authorized to execute an agreement with Envirotactics in an amount not to exceed \$17,959.00.
- 2) The Borough Clerk is hereby authorized and directed to publish a copy of this resolution in the Borough's official newspaper and to provide a copy of this resolution to the Chief Financial Officer and The Land Conservancy of New Jersey.

CLERK'S CERTIFICATION

I, Lisa O'Neill, Deputy Clerk of the Borough of Caldwell do hereby certify that the attached is a true copy of a resolution duly adopted by the Mayor and Council of the Borough of Caldwell at a regular meeting held on February 5, 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						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor

December 5, 2012

Paul M. Carelli
Borough of Caldwell
1 Provost Square
Caldwell, NJ 07006

**Re: UST Remedial Investigation Services Price Estimate
27 Personette Street, Caldwell, New Jersey
NJDEP Case #10-08-18-1710-08
Envirotactics Change Order Proposal #3416.2**

Dear Mr. Carelli:

As requested by The Land Conservancy, Envirotactics, Inc. is pleased to present this proposal to perform a Remedial Investigation at the location of a former #2 heating oil underground storage tank (UST) located at the above referenced property (site) for your review and approval.

Envirotactics was contracted by the Borough of Caldwell to conduct a Preliminary Assessment Report (PAR) for the above referenced property. As part of the information reviewed for the PAR, documentation was provided with indicating that a 550-gallon heating oil underground storage tank (UST) was removed from the property by A-1 Tank Services. During the removal of the UST, contaminated soil was identified and NJDEP case number 10-08-18-1710-08 was assigned. To date, no remedial activities have been completed.

The remediation of the soils at the former tank location is warranted to satisfy NJDEP Technical Requirements for Site Remediation (N.J.A.C. 7:26E). For the purposes of this proposal, Envirotactics estimates that up to 50-tons of soil may require disposal. Since it is unclear if groundwater was encountered during the tank removal activities, pricing to conduct a limited groundwater investigation is also provided to satisfy NJDEP requirements.

Any site restoration or repairs to any landscaping or site features (i.e. fencing, grass, shrubs, asphalt driveway, concrete walks, etc.) is not included in this proposal and will be the responsibility of the client.

The purpose of the remedial investigation is to satisfy the NJDEP requirements in accordance with N.J.A.C. 7:26E pursuant to a reported discharge from the UST.

Scope of Work

Envirotactics will provide the necessary personnel, equipment and materials to perform the following tasks as part of the remedial investigation activities:

Envirotactics will arrange for a current utility mark out service for the site prior to the mobilization of any equipment. Prior to scheduling the excavation of contaminated soils,

Envirotactics, Inc.
1625 Highway 71
Wall, NJ 07719
Phone 732.449.0077
Fax 732.449.5810

Envirotactics will collect and analyze a representative soil sample from the former tank area for waste classification purposes, as required by the disposal (soil recycling) facility.

Once the approvals from the disposal facility are obtained, Envirotactics will mobilize an excavator, operators, a dump truck, service vehicles and necessary personnel and equipment to the site to perform the soil excavation, loading, transportation and disposal of petroleum-contaminated soils to an approved soil recycling facility. Any clean overburden soils will be temporarily staged on-site for re-use as backfill material.

For the purposes of this proposal, Envirotactics estimates that approximately 50 tons (two truckloads) will be required for disposal. Typically, leaking heating oil UST's require at least 1-2 truckloads of petroleum-contaminated soils to be removed and disposed. It should be noted that this volume of soil is an estimate since no delineation of the area has been conducted.

Envirotactics will also endeavor to field screen excavated soils using an organic vapor meter (OVM) and will segregate any clean soil to be used as backfill material thereby minimizing the amount of contaminated soil requiring excavation and disposal.

A 25-ton minimum transportation fee for each load will apply. It should be noted that actual field conditions dictate the amount of contaminated soil to be removed and will be verified on actual weight tickets.

After all soil excavation has been completed, Envirotactics will perform soil sampling to satisfy the NJDEP post-excavation soil sampling requirements. Envirotactics anticipates that five (5) soil samples will be collected from the tank excavation area. Additionally, Envirotactics estimates that one (1) soil sample will be collected with respect to the appurtenant piping run. A total of six (6) soil samples will be submitted to a New Jersey-certified laboratory and analyzed for Extractable Petroleum Hydrocarbons (EPH).

If any samples contain concentrations above 1,000 ppm, the sample with the highest EPH concentration will also be analyzed for Base Neutral Compounds (BN's) that will specifically include Naphthalene and 2-Methylnaphthalene.

Please note that when groundwater is encountered or impacted, the NJDEP will require a groundwater investigation. If groundwater is encountered during the excavation activities, Envirotactics will install a temporary well point in the vicinity of the tank excavation area, as required. (See Groundwater Sampling & Analysis)

Approximately 48-hours after the temporary well point installation, Envirotactics will return to the site to collect a groundwater sample and analyze for Volatile Organic compounds (VO+10) and Base Neutral (BN+15) SIMS compounds. Following sampling collection, the well point materials will be removed and the borehole backfilled to grade.

It should also be noted that the NJDEP may require the future installation of a permanent monitoring well and the cost is not included in this proposal. However, Envirotactics anticipates the use of a temporary well point to satisfy the DEP groundwater investigation requirements.

The results of the groundwater investigation will be utilized to satisfy NJDEP requirements and to determine if tank closure (NFA) can be obtained through the DEP's Unregulated Heating Oil Tank Program.

If groundwater contamination is present, additional investigation and/or remediation will be required. The costs to conduct any additional groundwater investigation and/or remediation are not included in this proposal.

Once the post-excavation soil sampling has been completed and the temporary well point is installed, the excavation area will be backfilled using certified clean fill material to grade condition only. Repairs to the sidewalk or final lawn restorations to the tank area are not included in this proposal and will be the responsibility of the client.

Upon completion of remedial activities, soil and groundwater sampling, an Unregulated Heating Oil Tank Program Questionnaire and Remedial Action Report will be prepared for submission to the NJDEP. The report will detail the site remediation and provide recommendations for no further action, if warranted.

Please note that a submittal will be made to the NJDEP Unregulated Heating Oil Tank Program (UHOT) only if the results of the site investigation indicate that a letter of no further action is warranted. If soil or groundwater contamination is identified above the applicable remediation standards, further remediation of the tank area prior to report submittal to UHOT would be warranted.

****A review fee of \$400 will be required upon report submittal to NJDEP Unregulated Heating Oil Tank Program. This fee (check) is made payable to "Treasurer, State of New Jersey" and will be paid directly by the client.**

Price Estimate

The time and materials price estimate to complete the scope of work is **\$17,959**. A detailed breakdown of the price estimate is provided below.

Waste Classification Soil Sampling **\$1,365**

- Project Manager (NJDEP-Certified Subsurface Evaluator) for collection of soil samples for waste classification purposes (\$95/hour x 6-hours estimated)
- Organic Vapor Meter (OVM) and camera (\$100/day x 1 day estimated)
- Utility Vehicle (\$125/day x 1 day estimated)

Project Management – Soil Excavation and Loading **\$1,555**

- Project Manager (NJDEP-Certified Subsurface Evaluator) for oversight of soil excavation, soil sampling, soil load out activities, backfilling and temporary well installation oversight. (\$95/hour x 14-hours estimated*)
- Organic Vapor Meter (OVM) and camera (\$100/day x 1 day estimated)
- Utility Vehicle (\$125/day x 1 day estimated)

Soil Excavation & Loading **\$5,200**

- Provide a Backhoe & Operator, Service Vehicle, Two Dump Trucks, Equipment & Laborers (\$5,200/day x 1 day estimated)

Soil Sampling Analysis **\$1,790**

- Analyze one (1) soil sample for Waste Classification Analysis (commercial property) (\$950/sample)
- Analyze six (6) soil samples for EPH (\$140/sample)

* If EPH is detected above 1,000 ppm, one sample will require analysis for BN's at \$220/sample

Backfilling **\$1,500**

- Supply and install clean backfill material to grade (\$30/ton x 50 tons estimated)

Soil Disposal**\$2,750**

- Disposal of Petroleum Contaminated Soils (\$55/ton x 50-tons estimated*)
- Light Load Handling Fee (\$390 for any site shipping less than 25-tons*)

*Actual tonnage will be verified on weight tickets.

Groundwater Sampling and Analysis (if required)**\$1,790**

- Environmental Scientist for collection of one round of groundwater samples (\$95/hour x 6-hours estimated*)
- Temporary Well Point Materials (\$250/well point)
- Utility Vehicle (\$125/day x 1 day)
- Groundwater Sampling Equipment (\$300/day x 1 day)
- Analyze one (1) groundwater sample for VO+10 at \$195/sample
- Analyze one (1) groundwater sample for BN+15 SIM at \$350/sample

*Envirotactics anticipates one 6-hour day to perform one round of groundwater sampling (portal to portal).

Report Preparation**\$2,000**

- Prepare Unregulated Heating Oil Tank Program Questionnaire for submittal to the NJDEP
- Prepare Remedial Action Report for submittal to the NJDEP

Conditions

The following conditions are considered as part of this price estimate.

- The above price excludes any local permit fees or NJDEP application and/or review fees.
- The above price excludes any additional soil sampling or analyses than otherwise specified in this proposal. If additional samples are required, the following unit prices will apply: EPH will be performed at \$140/sample; VO's will be performed at \$195/sample; BN's will be performed at \$220/sample and BN+15 (SIMS) will be performed at \$350/sample.
- When required to enter private property we do so with the permission of the client and are not responsible for damage resulting there from.
- Envirotactics is not liable for damages caused by delays in performance of the services, which, may arise from events beyond its reasonable control.
- Envirotactics liability for this project is limited to the total cost of the project as outlined in this proposal.
- Nothing contained within this agreement shall be construed or interpreted as requiring Envirotactics to assume the status of a generator, storer, treater, or disposal facility as those terms appear within RCRA or within any federal or state statute or regulation governing the generation, treatment, storage and disposal of pollutants. The client shall be solely responsible for their obligations under RCRA, Federal and State DOT, Federal UST laws, the New Jersey UST law, and other applicable NJDEP regulations.
- Payment of invoice is due upon receipt.
- Invoices not paid within 30 days will be subject to a 1.5% surcharge per month.
- DEFAULT AND COLLECTION COSTS: Client will be in default if it does not pay a balance on time, files for bankruptcy, or make assignment for the benefit of creditors. Default means we can demand immediate payment for the full balance. Client agrees to pay any collection fees incurred due to the non-payment of monies due past thirty (30) days.
- Report will be forwarded upon receipt of balance due.

Proposal Acceptance #3416.2

The proposal is acceptable. I agree to the conditions outlined herein. Please signify your acceptance of this proposal and authorization for Envirotactics to proceed by executing this proposal and returning it to Envirotactics along with a \$5,000 deposit amount.

Thank you for the opportunity to work with you on this project. If you have any questions, please call me at (732) 449-0077.

Sincerely,
For Envirotactics, Inc.



Brian McKay
Project Manager

Authorized By: _____ Date: _____
(Client)

Deposit Payment Option (charge my) <input type="checkbox"/> VISA <input type="checkbox"/> MASTERCARD <input type="checkbox"/> AMEX
Account Number: _____ Expiration Date: _____
Billing Address: _____ Zip Code: _____