

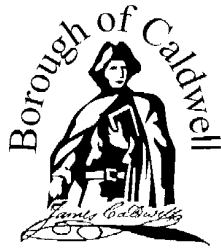


***BOROUGH OF CALDWELL
NEW JERSEY***



**COUNCIL BUSINESS MEETING
March 1, 2016**

Caldwell 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

March 1, 2016 / 7:00PM

MAYOR
Ann Dassing

BOROUGH COUNCIL
Pasquale Capozzoli - President
Richard Hauser
Thomas O'Donnell
Kristian Brown
John Cascarano
Frank Rodgers

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

February 16, 2016

PRESENTATION

1. Stuart Koperweis / Special Improvement District

INTRODUCTION OF ORDINANCES

ORDINANCE# 1318-16: CAPITAL ORDINANCE OF THE BOROUGH OF CALDWELL, COUNTY OF ESSEX, STATE OF NJ AUTHORIZING PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF CALDWELL, APPROPRIATING THEREFOR THE SUM OF \$100,000 FROM THE SEWER CAPITAL IMPROVEMENT FUND

PUBLIC HEARING AND ADOPTION OF ORDINANCES

ORDINANCE# 1317-16: AN ORDINANCE CREATING CHAPTER 195 OF THE CODE OF THE BOROUGH OF CALDWELL TO PROHIBIT SMOKING ON PROPERTY OWNED BY THE BOROUGH OF CALDWELL

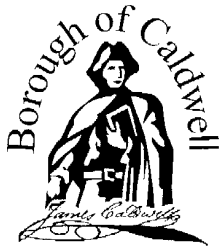
OPEN PUBLIC COMMENTS ON RESOLUTIONS

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.

3-70	RESOLUTION AUTHORIZING THE PARTICIPATION IN THE LOCAL GOVERNMENT ENERGY AUDIT (LGEA) PROGRAM
3-71	AUTHORIZING THE ISSUANCE OF A SPECIAL LIQUOR PERMIT / APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE CLERK'S OFFICE - CALDWELL PUBLIC LIBRARY FOUNDATION
3-72	AUTHORIZING THE LIEN REDEMPTION OF TAX LIEN CERTIFICATE #15-00006, Block 26 Lot 15



Council Chambers
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3-73	RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND TAX OVERPAYMENT FOR BLOCK 35, LOT 10, 33 RAVINE AVENUE, CALDWELL
3-74	STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES ENABLING RESOLUTION
3-75	AUTHORIZING THE APPOINTMENT OF LIBRARY BOARD OF TRUSTEE
3-76	AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH MARCH 1, 2016 FOR 2016 BILLS IN THE TOTAL AMOUNT OF \$2,231,929.96
3-77	TBD – Salary resolution for Mark Guilliano

REPORT OF MAYOR *Mayor Dassing*

REPORT OF BOROUGH ADMINISTRATOR *Paul M. Carelli*

NEW BUSINESS

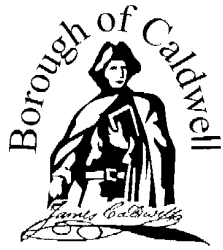
1. Borough Street Signs

REPORT OF BOROUGH ATTORNEY *Greg Mascera*

REPORT OF COUNTY LIAISON *Patricia Keenan*

OPEN PUBLIC MEETING

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



Council Chambers

1 Provost Square Caldwell, NJ

Borough of Caldwell Council Business Meeting AGENDA

Phone: (973) 226-6100

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March 1, 2016 / 7:00PM

MAYOR
Ann Dassing

BOROUGH COUNCIL
Pasquale Capozzoli - President
Richard Hauser
Thomas O'Donnell
Kristian Brown
John Cascarano
Frank Rodgers

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 02/26/2016 with all available information as of this date. This agenda has been sent to four official newspapers of the Borough on 02/26/2016 in compliance with P. L. 1975, c 213

Lisa O'Neill, Deputy Clerk.

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – February 16, 2016**

Page 1 of 3

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:00PM

PRESENT: Mayor Dassing, Council President Capozzoli, Councilman Hauser, O'Donnell, Brown, Cascarano and Rodgers

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

Adequate notice of this Council Business/Conference meeting was given on January 1, 2016. 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.

PLEDGE OF ALLIGENCE

**APPROVAL OF MINUTES:
February 2, 2016**

Moved by Councilman Cascarano, seconded by Councilman Brown. No Discussion. On roll call, all voted in the affirmative. Council President Capozzoli abstained. Minutes approved 02/16/16.

OPEN PUBLIC COMMENTS ON RESOLUTIONS:

Moved by Councilman O'Donnell, seconded by Councilman Cascarano to open to the Public for Consent Agenda

RESOLUTIONS – CONSENT AGENDA

- 2-60:** AUTHORIZING THE APPOINTMENT OF FRANCINE T. PASERCHIA AS THE QUALIFIED PURCHASING AGENT OF THE BOROUGH OF CALDWELL AT AN ANNUAL STIPEND OF \$4,000 EFFECTIVE JANUARY 1, 2016
- 2-61:** AUTHORIZING THE BOROUGH ADMINISTRATOR TO ADVERTISE AND RECEIVE PROPOSALS FOR LAWN MAINTENANCE SERVICES FOR THE BOROUGH OF CALDWELL
- 2-62:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Northern NJ Region – Federation of Jewish Mens Clubs, Off Premise – Merchandise Raffle, June 15, 2016 – 9:00PM
- 2-63:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #15-00004, Block 17 Lot 21
- 2-64:** RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND TAX OVERPAYMENT FOR BLOCK 65, LOT 2, 80 BLOOMFIELD AVENUE, CALDWELL, NJ DUE TO TAX COURT JUDGEMENT 2014 & 2015 STATE TAX BD JUDGEMENT
- 2-65:** RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND TAX OVERPAYMENT FOR BLOCK 65, LOT 1.19, 19 FELS MANOR ROAD, CALDWELL, NJ DUE TO TAX COURT JUDGEMENT 2015 STATE TAX BD JUDGEMENT
- 2-66:** AUTHORIZING ISSUANCE OF ONE TAXICAB LICENSES TO Rafik Hana, 52 Park Terrace North, Caldwell, NJ 07006. APPLICATION AND APPLICANT HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS
- 2-67:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH FEBRUARY 16, 2016 FOR 2016 BILLS IN THE TOTAL AMOUNT OF \$4,125,989.16
- 2-68:** AUTHORIZING THE LIEN REDEMPTION OF TAX LIEN CERTIFICATE #15-00002, Block 5 Lot 4

CONSENT

Moved by Councilman O'Donnell, seconded by Councilman Cascarano. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 2/16/16.

COUNCIL COMMITTEE REPORTS:

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – February 16, 2016**

Page 2 of 3

Councilman Hauser reported that the personnel committee reviewed resumes for the Community Center Director and they have scheduled three interviews for Thursday night. Mayor Dassing responded that Councilman Brown would like to join in the Committee interviews. Councilman Hauser continued with the Historic Preservation Commission which met last week and there is a prospect for a Class A position. The Commission is working on a standardized form submission of any historic applicants who have an interest and they are looking to identify one property this year. The Council moved to add a resolution for a Class A member Mr. Godlewski.

2-69: AUTHORIZING THE APPOINTMENT OF HISTORIC PRESERVATION COMMITTEE MEMBER FRANK GERARD GODLEWSKI

Moved by Council President Capozzoli, seconded by Councilman Hauser. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 2/16/16.

Councilman Brown reported that Arbor Day/Earth Day Event will be on Saturday, April 30th from 9:30AM – 12:30PM. The Environmental Commission will be working with James Caldwell High School Scholarship Committee with a dual Shredding event. There will be a 3rd annual bike swap where people can bring in bikes they no longer use and someone else can have. There will also be other events for the Personette Street Park the Commission is not firm on the dates for volunteer days but he will make sure to keep everyone up to date once he receives them.

REPORT OF MAYOR:

Mayor Dassing reported that the Board of Education and the Borough of Caldwell are going to work together on a creation of an outdoor classroom at the Elm Road property. The Board of Education superintendent has secured a grant for \$10,000 to help start with that program. The Children from Lincoln School can walk there and learn about nature in the outdoor classroom. We have received six proposals from banks in the area on banking services today. There was a finance meeting tonight and thank you to the finance committee Councilman Rodgers, Councilman Cascarano, our CFO and Borough Administrator we had our first run on the budget. Councilman Cascarano responded that the goal is to keep the Municipal tax target at \$30.00 per household.

REPORT OF BOROUGH ADMINISTRATOR

Paul Carelli reported on the following:

- Year-end surplus balance was \$839,000 down from 835,000 last year.
- Certified net valuation from the tax assessor and unfortunately the Borough has gone down another 12.2 million dollars and what that means for the Municipal portion of the budget is we have to make up \$83,600.00 to be equal to last year.
- Re-valuation is all set. New Engineer will be updating the tax maps.
- Five (5) banking services were received and one declined.
- Agreement with EVS and Oval extension was sent to Greg this afternoon from West Caldwell.
- Interviews for the Community Center Director are set up for Thursday night.
- He will have training for Channel 35 on Thursday night.

REPORT OF BOROUGH ADMINISTRATOR:

Greg Mascera reported that after he received the email from Paul he received a call from Mr. Jemas and he wanted me to know that the EVS documents were sent and West Caldwell was meeting and speaking about their proposals tonight.

REPORT OF POLICE CHIEF:

James Bongiorno reported that thankfully with the zero degree temperature there is nothing to report.

REPORT OF ESSEX COUNTY LIASSON

Patricia Keenan reported that there are two upcoming events the first is Essex County Home Improvement Program on Tuesday, March 8th from 6-8pm and Saturday, March 12th from 10am-12 noon and it's at the Montclair Municipal Building. The second event is 2016 Essex County Division of Senior Services Legacies writing Contest. This is encouraging seniors to give life to your memories, your half-forgotten stories and relive your past and share it with others. Entry deadline is Monday, March 21st. For additional information, call the Essex County Division of Senior Services at 973-395-8389. The Mayor asked if there could be a meeting set up with Sanjeev, the Chief, Borough Administrator and the public safety committee about the traffic light on Bloomfield Avenue and Gould at their convenience.

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – February 16, 2016**

Page 3 of 3

Mayor Dassing reported that they will be meeting with Caldwell University on Monday, February 29th at 5PM and West Caldwell will be in attendance along with Mario Iannelli.

OPEN PUBLIC MEETING:

Moved by Councilman Brown, seconded by Councilman Cascarano to open meeting to the Public.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Cascarano, seconded by Councilman Brown unanimously affirmed by all members present, the meeting was adjourned at 7:26P.M.

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

DATE



BOROUGH OF CALDWELL
NEW JERSEY



ORDINANCE# 1318-16

CAPITAL ORDINANCE OF THE BOROUGH OF CALDWELL, COUNTY OF ESSEX, STATE OF NJ
AUTHORIZING PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF CALDWELL,
APPROPRIATING THEREFOR THE SUM OF \$100,000 FROM THE SEWER CAPITAL IMPROVEMENT FUND

BE IT ORDAINED by the Council of the Borough of Caldwell, County of Essex, State of New Jersey, (not less than 2/3 of all members thereof affirmatively concurring) as follows:

SECTION 1. The improvements described in section 3 of this ordinance are hereby authorized as improvements to be made by the Borough of Caldwell in the County of Essex. For said improvements or purposes stated in section 3, there is hereby appropriated the sum of \$100,000.

SECTION 2. For financing of said improvements and to meet the costs and expenses in connection therewith, there is hereby appropriated the sum of \$100,000 from the following source by virtue of its availability for these purposes from funds provided in a budget or budgets of the Borough of Caldwell heretofore adopted:

Sewer Capital Improvement Fund \$100,000

SECTION 3. The improvements hereby authorized for which the aforesaid sum is appropriated are as follows:
Improvements related to Sand Filter upgrades at the Caldwell Wastewater Treatment Plant including all labor, material costs and appurtenances necessary and suitable thereto \$100,000.

SECTION 4. Said improvements are lawful capital improvements of the Borough having a period of usefulness of at least five years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

SECTION 5. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

SECTION 6. This capital ordinance shall take effect at the time and in the manner provided by law.

DATE OF FIRST READING: March 1, 2016 DATE OF SECOND READING: April 5, 2015
DATE OF PUBLICATION: March 10, 2016 DATE OF ADOPTION: April 5, 2015
MOVED: MOVED:
SECONDED: SECONDED:

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Table with 10 columns: Councilman Name, Yes, No, Absent, Abstain, Councilman Name, Yes, No, Absent, Abstain. Rows include Capozzoli, Hauser, O'Donnell, Brown, Cascarano, and Rodgers.

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.

January 29, 2016

Mr. Gregory Seaman
Utility Director
Borough of Caldwell
One Provost Square Caldwell, New Jersey

RE: Sand Filter Rehabilitation

Dear Mr. Seaman:

Hatch Mott MacDonald is pleased to submit the following proposal for the Rehabilitation of the Caldwell WWTP Sand Filters for your review and approval. The pricing and scope of work for this proposal is for all material and labor required to rehabilitate (1) Cell of the Treatment Plant Sand Filter System. We have included certain “one time” work items, such as “mudwell” and “clearwell” draining and cleaning in the scope and budget for the rehabilitation of the first cell, as they would occur in the normal execution of the work.

The scope of work for Cell #1 shall be as follows:

1. Furnish labor and equipment required to remove existing media (sand) in the filter cell and disposal as required.
2. Furnish labor and equipment required to remove the back wash troughs, weirs and support structures. Sandblast and recoat troughs and related components.
3. Furnish labor and equipment required to dismantle and remove air diffusers, fiberglass grating, frame hold down beams, stainless steel screen and under drain core assemblies
4. Drain and clean “mudwell’ and “clearwell.”
5. Sandblast and recoat frame hold down beams.
6. Power wash fiberglass grating and PVC core modules.
7. Furnish materials, labor and equipment required to install PVC core modules, new s/s media screen, new grating gaskets, fiberglass grating and recoated hold down beams. This includes new s/s nuts, bolts and threaded rod fasteners.
8. Furnish materials, labor and equipment required to install the new filter media to a depth of 10”

9. Furnish labor, material and equipment to install the recoated backwash troughs, weirs and support frames. All new s/s assembly hardware included.

Cost for the above scope of work is \$72,500

Since the “mudwell” and “clearwell” cleaning will be accomplished with the Cell #1 work, the cost of rehabilitating subsequent cells would be less.

Other unforeseen items may be:

1. The under drain frames may be beyond rehabilitated and / or are damaged beyond repair / reuse. If this occurs, we will immediately notify the borough with the estimated additional cost.
2. We will evaluate the condition of the backwash pumps and recommend either repairing or replacing same.
3. Finally, the system controls probably will require upgrading. We recommend addressing this separately.

Our price and scope are for the rehabilitation of Cell #1. Should the Borough desire to undertake the rehabilitation of two cells at a time, there may be opportunities to reduce the price.

HMM will require a payment of \$36,000 at Notice to Proceed for the rehabilitation of Cell #1.

When Scope Items 1 through 6 are complete, we will require a payment of \$18,250 and a Final Payment of \$18,250 at the completion of Cell #1.

HMM is confident that the Rehabilitation of the Tertiary Sand Filters at the WWTP, can be successfully accomplished in the manner we have proposed.

Very truly yours,

Hatch Mott MacDonald

Thomas L. Patterson
Vice President



BOROUGH OF CALDWELL NEW JERSEY



ORDINANCE# 1317-16

AN ORDINANCE CREATING CHAPTER 195 OF THE CODE OF THE BOROUGH OF CALDWELL TO PROHIBIT SMOKING ON PROPERTY OWNED BY THE BOROUGH OF CALDWELL

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

That the Code of the Borough of Caldwell, New Jersey be amended by Adding Chapter 195, as herein set forth:

S 195- 1 Title

This Chapter shall be known and may be cited as the “No Smoking Ordinance” of the Borough of Caldwell.

S 195-2 Policy Statement

Pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

Previous State legislation which prohibited municipalities from passing strict local smoking laws that differed from the State standards was repealed and the State now expressly authorizes municipalities to enact strict ordinances regulating smoking under N.J.S.A. 26:3D-63; and

2C:33-13b also provides that the owner and/or operator of a public place, such as public parks and recreational areas, may prohibit smoking on such property; and

The governing body recognizes the well-known health and safety risks posed by smoking and finds that it is within the public interest to prohibit smoking in public buildings and on Borough owned public property, such as public parks and recreation areas; and

The governing body also finds that the appearance of parks and recreation areas can be enhanced and the limited resources of the Borough’s Department of Public Works can be conserved if smoking were banned from such areas, thereby keeping such areas free of the litter typically generated by the smoking of cigarettes, such as cigarette butts, ashes and packaging.

§195-3 Definitions. As used in this Chapter, the following words and phrases shall have the following meanings:

ENCLOSED AREA shall mean all areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

PARKS AND RECREATIONAL FACILITIES shall include all public parks, playgrounds, ball fields, publicly owned or leased by the Borough of Caldwell and all property owned or leased by the Borough of Caldwell upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway or drive aisle.

MUNICIPAL BUILDINGS AND GROUNDS shall include all structures and property owned, leased, rented and/or operated by the Borough of Caldwell, and/or occupied by Borough employees and used for official business of the Borough of Caldwell.



BOROUGH OF CALDWELL NEW JERSEY



SMOKING -- The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

§195-4. Prohibition of smoking in public places; signs.

A. Smoking shall be prohibited in all Municipal Buildings as defined herein. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted at each Municipal Building entrance and within each closed area where smoking is prohibited by this Chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

B. Smoking shall be prohibited within a thirty-five-foot radius of the front entrance of all Municipal Buildings. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted both on the building and at the thirty-five-foot perimeter of the front entrance of all Municipal Buildings where smoking is prohibited by this Chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

C. Smoking shall be prohibited in all public parks and recreation facilities owned or leased by the Borough of Caldwell and all property owned or leased by the Borough of Caldwell upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway or drive aisle, which have been designated with no-smoking signs. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted in all areas regulated by this Chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited at the designated area. The sign shall also indicate that violators are subject to a fine.

D. Smoking shall be prohibited in all vehicles registered to the Borough of Caldwell.

S 195-5 Enforcement.

The enforcement authority of this Chapter shall be the Police Department, Fire Department, Recreation Department, Public Works Department and Health Department of the Borough of Caldwell.

S 195-6 Violations and Penalties.

A. Unless another penalty is expressly provided by New Jersey statute, every person convicted of a violation of any section of this Chapter or any supplement hereto shall be subject to a fine not less than \$250 for the first offense and a fine not less than \$500 for each subsequent offense..

B. Any municipal employee found in violation of this Chapter may, in addition to the violation and penalties set forth herein, be subject to discipline in accordance with the provisions of the Borough of Caldwell's policies and procedures.

S 195-6 Severability.

If any section or provision of this Chapter shall be deemed to be invalid by any court, the same shall not affect the other sections or provisions of this Chapter that can be given effect without the invalid section or provision.



**BOROUGH OF CALDWELL
NEW JERSEY**



S 195-7 Conflicts.

All ordinances or parts of ordinances held to be inconsistent herewith are hereby repealed to the extent of such inconsistency.

DATE OF FIRST READING: February 2, 2016 DATE OF SECOND READING: March 1, 2016
DATE OF PUBLICATION: February 11, 2016 DATE OF ADOPTION: March 1, 2016

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Capozzoli						Brown				
Hauser						Cascarano				
O'Donnell						Rodgers				

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: 3-70

Date of Adoption: March 1, 2016

TITLE:

RESOLUTION AUTHORIZING THE PARTICIPATION IN THE LOCAL GOVERNMENT ENERGY AUDIT (LGEA) PROGRAM

WHEREAS, the New Jersey Board of Public Utilities, Office of Clean Energy administers the Local Government Energy Audit Program (Program), an incentive program to assist local government agencies to conduct energy audits and to encourage implementation of energy conservation measures; and,

WHEREAS, the Governing Body of The Borough of Caldwell has decided to apply to participate in the Local Government Energy Audit Program; and,

WHEREAS, the facilities to be audited are in New Jersey, are owned by the Borough of Caldwell, are served by a New Jersey regulated public utility, and that the Borough of Caldwell has not already reserved \$100,000 in the Program this year as of this application; and,

WHEREAS, it is acknowledged that acceptance into the Program is dependent on the Scope of Work and cost proposal, and that Program rules will have to be met in order to receive incentive funds; and,

WHEREAS, upon acceptance into the Program, the Borough of Caldwell will prepare Facility Data Forms and Scopes of Work for each facility to be audited, solicit quotations from the authorized contractors, and submit the Firm Selection Form; and,

WHEREAS, the Borough of Caldwell understands that energy audit work cannot proceed until a Application Approval Notice is received from the Program; and,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Caldwell, approves the submission of an Application for participation in the Local Government Energy Audit Program of the New Jersey Board of Public Utilities; and,

CERTIFICATION

I, Lisa O'Neill, Deputy Clerk of the Borough of Caldwell in the County of Essex, and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the Governing Body at its meeting of March 1, 2016.

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

Capozzoli						Brown				
Hauser						Cascarano				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 3-71

Date of Adoption: March 1, 2016

TITLE:

AUTHORIZING THE ISSUING OF A SPECIAL LIQUOR PERMIT. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE CLERK'S OFFICE – CALDWELL PUBLIC LIBRARY FOUNDATION

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey that the Borough Council be an is hereby authorized and directed to certify that the Mayor and Council have no objection to the granting of a Special Liquor permit to offer alcoholic beverages at a special social affair to be conducted by the following:

Caldwell Public Library Foundation
268 Bloomfield Avenue
Caldwell, New Jersey 07006

Event to Be Held:

Caldwell Public Library
268 Bloomfield Avenue
Caldwell, New Jersey 07006

May 11, 2016
7:00PM – 9:00PM

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Capozzoli						Brown				
Hauser						Cascarano				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 3-72

Date of Adoption: March 1, 2016

TITLE:

**AUTHORIZING THE LIEN REDEMPTION OF TAX LIEN CERTIFICATE #15-00006, Block 26
Lot 15**

WHEREAS, at the Borough of Caldwell Tax Sale held on December 23, 2015, a lien was sold on Block 26, Lot 15 also known as 15 Park Avenue in Caldwell, NJ for delinquent water; and

WHEREAS, this lien, known as Tax Sale Certificate 15-00006, was sold to US BANK CUST FOR PC 6 STERLING at a premium \$1,000.00; and

WHEREAS, the HOMEOWNERS BANK has effected redeemed the Certificate 15-00006 in the amount of \$322.08; and

NOW THEREFORE BE IT RESOLVED that authorization is hereby given to issue a check in the amount of \$1322.08 payable to US BANK CUST FOR PC 6 STERLING, LLC for the redemption of Tax Sale Certificate 15-00006

Certificate 15-00006

PRINCIPAL.....	\$ 267.08
PREMIUM.....	\$ 1,000.00
RECORDING FEES.....	\$ <u>55.00</u>
 TOTAL REDEMPTION.....	 \$ 1,322.08

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Capozzoli						Brown				
Hauser						Cascarano				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 3-73

Date of Adoption: March 1, 2016

TITLE:

RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND TAX OVERPAYMENT FOR BLOCK 35, LOT 10, 33 RAVINE AVENUE, CALDWELL

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, NJ that authorization is hereby given to refund the following tax overpayment to Michael & Lisa Judge, Property was sold and both bank and closing agents paid the 1st quarter 2016 taxes.

<u>BLOCK & LOT</u>	<u>RECIPIENT</u>	<u>REFUND AMOUNT</u>
B35, L10	Michael & Lisa Judge c/o Robert E. Corrado, Esq. 142 Totowa Road, Suite 2 Totowa, NJ 07512	\$2,462.83

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Capozzoli						Brown				
Hauser						Cascarano				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



BOROUGH OF CALDWELL
NEW JERSEY



Resolution No: 3-74

Date of Adoption: March 1, 2016

TITLE:

STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Caldwell desires to further the public interest by obtaining a loan of \$283,000 and/or a grant of \$542,000 from the State to fund the following project: GA #0703-06-44 / Kiwanis Oval Field Improvement

NOW, THEREFORE, the governing body resolves that the Borough Administrator is hereby authorized to:

- (a) make application for such a loan and/or such a grant
(b) provide additional application information and furnish such documents as may be required
(c) act as the authorized correspondent of the above named applicant, and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

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

- 1. The Borough Administrator is hereby authorized to execute an agreement and any amendment thereto with the State known as Kiwanis Oval Field Improvements, and;
2. The applicant has its matching share of the project, if a match is required, in the amount of \$1,343,000.
3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. That this resolution shall take effect immediately.

CERTIFICATION

I, Lisa O'Neill do hereby certify that the foregoing is a true copy of a resolution adopted by Governing Body of the Borough of Caldwell at a meeting held on the 1st day of March, 2016.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 1st day of March, 2016.

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

Table with 10 columns for council members and their votes (Yes, No, Absent, Abstain). Rows include Capozzoli, Hauser, O'Donnell, Brown, Cascarano, and Rodgers.

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

GREEN ACRES PROGRAM

MAIL CODE 501-01

P.O. BOX 420

TRENTON, NEW JERSEY 08625-0420

TEL: 609-984-0500 FAX: 609-984-0608

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

February 19, 2016

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

Re: Project # 0703-06-044
Project Name: Kiwanis Oval Field Improvement
Caldwell Boro, Essex County

Dear Mr. Carelli:

Please find enclosed are two Green Acres **Project Agreements**, which will be used to set up the account for the referenced project. Please review the agreements for accuracy, and have both executed as follows:

1. Page 12 is to be dated and signed by the local unit attorney and the chief executive officer. Please note that the person who signs must be specifically designated in the enabling resolution adopted per item 3 of this letter. If more than one person is designated in the enabling resolution, both people must sign the project agreements.
2. The top of the Declaration of Encumbrance page is to be signed by the official designated in the resolution, witnessed by the local unit attorney, and certified by the local unit clerk.
3. Caldwell Borough must adopt an **Enabling Resolution** using the exact language of the enclosed sample, and return it with the agreements.

Also enclosed is a Green Acres **Account Information form**. To access funding for this project, Caldwell Boro must establish a separate, non-interest-bearing bank account. If Caldwell Boro has undertaken more than one Green Acres funded project, a single account may be established to receive all Green Acres project disbursements. Grant payments will be mailed to Caldwell Boro in the form of a check that must be deposited into this account. Loan disbursements will be transmitted by wire transfer directly into this account. We caution you that, by regulation, the account must be non-interest bearing, may only be used for Green Acres projects, and will be subject to DEP audit.

Please have the Chief Financial Officer complete the enclosed **Certification of Debt Reporting**, and return it to my attention. This document is required for review and evaluation of loan repayments.

To ensure timely obligation of Caldwell Boro's funding award, please return these documents by March 31, 2016.

Please call me at (609) 341-2053 if you have any questions about the Project Agreement or funding procedures.

Sincerely,



Cathy Elliott-Shaw, Project Manager
Urban Acquisition and Park Development Team

Enclosures



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 3-75

Date of Adoption: March 1, 2016

TITLE:

AUTHORIZING THE APPOINTMENT OF LIBRARY BOARD OF TRUSTEE

BE IT RESOLVED by Mayor Ann Dassing hereby appoints the following persons to the Library Board of Trustees 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 Library Board of Trustees

Thomas Soprano

Trustee
Five-Year Term

Expires December 31, 2020

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Capozzoli						Brown				
Hauser						Cascarano				
O'Donnell						Rodgers				

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.



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 3-76

Date of Adoption: March 1, 2016

TITLE:

AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH MARCH 1, 2016 FOR 2016 BILLS IN THE TOTAL AMOUNT OF \$2,231,929.96

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 2015 and/or 2016 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

Capozzoli						Brown				
Hauser						Cascarano				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor