



***BOROUGH OF CALDWELL
NEW JERSEY***



**COUNCIL BUSINESS
MEETING March 18, 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

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

March 18, 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

March 4, 2014

SWEARING IN OF NEW CALDWELL POLICE OFFICER

1. Robert Paxson

INTRODUCTION OF ORDINANCE

ORDINANCE# 1288-14: AN ORDINANCE AMENDING CHAPTER 31, ARTICLE I OF THE CODE OF THE BOROUGH OF CALDWELL, BEING A CHAPTER TITLED "OFFICER AND EMPLOYEES"

PUBLIC HEARING AND ADOPTION OF ORDINANCES

ORDINANCE# 1287-14: AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE II, GENERAL LEGISLATION, CHAPTER 109, FIRE PREVENTION OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CALDWELL, NEW JERSEY

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.

3-79	AUTHORIZING THE BOROUGH ADMINISTRATOR TO SUBMIT THE ANNUAL RECYCLING TONNAGE REPORT TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PERIOD JANUARY 1, 2013 THROUGH DECEMBER 31, 2013
3-80	RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND TAX OVERPAYMENT FOR BLOCK 65 LOT 1.19 FOR 19 FELS MANOR ROAD, CALDWELL, NJ, DUE TO TAX COURT JUDGEMENT
3-81	RESOLUTION AUTHORIZING REPAYMENT OF TAXES OVERPAYMENT IN ERROR
3-82	AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 09-00011 BLOCK 38, LOT 2.06



Council Chambers
1 Provost Square Caldwell, NJ

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3-83

AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH MARCH 18, 2014 FOR 2013/2014 BILLS IN THE TOTAL AMOUNT OF \$3,670,714.93

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

REPORT OF POLICE CHIEF

Chief James H. Bongiorno, CPD

REPORT OF ESSEX COUNTY LIASSON

James Jude Jorgensen, QPA

OLD BUSINESS

1. Borough Hall Building Repairs

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



Council Chambers
1 Provost Square Caldwell, NJ

Borough of Caldwell Council Business Meeting

AGENDA

Phone: (973) 226-6100
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March 18, 2014 / 7:00PM

MAYOR
Ann Dassing

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

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. Contracts

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 3/14/2014 with all available information as of this date. This agenda has been sent to four official newspapers of the Borough on 3/14/2014 in compliance with P. L. 1975, c 213

Lisa O'Neill, Deputy Clerk.

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – March 4, 2014**

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 Hauser, Kelley, Rodgers, Durkin and Capozzoli

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

ABSENT: Councilman O'Donnell

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.

APPROVAL OF MINUTES:

February 18, 2014

Moved by Councilman Kelley, seconded by Councilman Rodgers. Discussions Ensued. On roll call, all present voted in the affirmative. Minutes were approved with corrections 03/04/14.

PRESENTATIONS:

1. Grover Cleveland Middle School Ecology Club

INTRODUCTION OF ORDINANCE:

Ordinance #1287-14: AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE II, GENERAL LEGISLATION, CHAPTER 109, FIRE PREVENTION OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CALDWELL, NEW JERSEY

Moved by Councilman Hauser, seconded by Councilman Capozzoli. No Discussion. On roll call, all present voted in the affirmative. Ordinance Introduced on 03/04/14.

PUBLIC HEARING AND ADOPTION 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.

Moved by Councilman Hauser, seconded by Councilman Rodgers. No Discussion. On roll call, all present voted in the affirmative. Ordinance Adopted on 03/04/14.

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

Moved by Councilman Hauser, seconded by Councilman Capozzoli. No Discussion. On roll call, all present voted in the affirmative. Ordinance Adopted on 03/04/14.

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

Moved by Councilman Hauser, seconded by Councilman Kelley. No Discussion. On roll call, all present voted in the affirmative. Ordinance Adopted on 03/04/14.

OPEN PUBLIC COMMENTS ON RESOLUTIONS:

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – March 4, 2014**

Moved by Councilman Kelley, seconded by Councilman Capozzoli to open to the Public for Consent Agenda

RESOLUTIONS – CONSENT AGENDA

- 3-71:** AUTHORIZING THE LIEN REDEMPTION OF TAX LIEN CERTIFICATE #13-00010 BLOCK 36.01, LOT 16.09
- 3-72:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Caldwell-West Caldwell Lacrosse Club, Inc./ Off Premise – 50/50 Raffle, June 25, 2014 – 7:00PM.
- 3-73:** AUTHORIZING ISSUANCE OF ONE (7) TAXICAB LICENSES TO Caldwell Taxi, Inc., 570 Bloomfield Avenue, Bloomfield, NJ 07003. APPLICATION AND APPLICANT HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS
- 3-74:** 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., 95 Bloomfield Avenue, Caldwell, NJ – Charles Jencarelli
- 3-75:** 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, 7 Park Avenue, Caldwell, NJ – Michael Conley
- 3-76:** AUTHORIZING ISSUANCE OF A LICENSE TO OPERATE ELECTRONIC, MECHANICAL AND OTHER TYPES OF AMUSEMENT DEVICES; FOR Starz, Inc. t/a Ringside Pub APPLICATION AND APPLICANT HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS

CONSENT

Moved by Councilman Hauser, seconded by Councilman Capozzoli. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 03/04/14.

COUNCIL COMMITTEE REPORTS:

Councilman Durkin thanked the contractors who were responsible for the snow removal on the Avenue. He has received a lot of praise from the merchants thanking the Mayor and Council for doing that. He had a DPW conference call with Paul and the Mayor and Councilman Kelley it was productive and there will be a presentation at the next meeting.

Councilman Capozzoli reported that he spoke with Lt. Mark Guiliano, our newly employed fire inspector and he will be starting April 1st and I look forward to it. He also met with the Caldwell merchants and again they were all happy with the removal of the snow and they thanked all of us. On Tuesday night on the Avenue it is dinner and a movie and will continue until March 18th and it is 20% off the local restaurants, Bangkok Kitchen, Caldwell Seafood, Cloverleaf Tavern, and Cedar Grill, Hog wild BBQ, Ocha Japanese Restaurant and Xunta Spanish Tapas along with a \$6.00 movie ticket. The Black Maria film festival will be held on April 12th.

Councilman Hauser reported that at the Senior Transportation meeting Roseland is apparently authorizing and approving at their council meeting the continuation of the shared service between West Caldwell, Caldwell and Roseland. Paul responded that Maria has reached out to him and he has forwarded the document to Roseland. Councilman Hauser reported that there was discussion about the bus and Maria will be pursuing and looking at some grant money to try and replace the existing bus. We have a meeting scheduled with West Caldwell on recreation Friday the 14th, having to pursue the idea of trying to get some advertising dollars going. He is working on setting up a meeting with West Caldwell for the shared service.

Councilman Rodgers reported that he met with the Board of Trustees from the Library it was a discussion about the budget they are looking to meet with the Finance committee. Barbara and Maria are going to work together for a grant for technology upgrade for the seniors and the children regarding health awareness issues.

Councilman Kelley reported that he attended a meeting for the DPW and they discussed equipment and that will be reviewed during the presentation in a couple of weeks and prior to the presentation he would

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – March 4, 2014**

like to have Mario in for a follow up on that meeting. Mario has done a great job with his crew for managing the snow. He also attended a personnel meeting with Councilman Rodgers, the Mayor and Borough Administrator pertaining to reviews.

Mayor Dassing reported that she and Councilman Hauser attended a Grand Opening of Cross Fit which is located on Bloomfield Avenue and they have free classes on Saturday morning at 10AM & 11AM. She received a letter from a West Caldwell resident which she read: “apparently she was having trouble on February 7th leaving from the back of Ace Parking lot and got stuck on the ice. She contacted the Caldwell Police and two officers arrived in a very short time and they tried to get her car on to the street but there was too much ice so they called AAA and they stayed with her until help arrived and during that whole time Police Officer Marinaro and Officer Adams stayed behind her stuck car and protected her and she wanted to express her gratitude for all the help and services and she wanted to commend our Police Department.” On Thursday, March 13th at 11PM there will be a St. Patrick’s Day party for the seniors at the Community Center. March Madness is coming to the Caldwell Community Center which is a 3 on 3 basketball tournament. With regard to pot holes if you spot a pot hole you can call the County. She received a letter from Montclair State University on Tuesday, March 12th at 9AM public hearing on the budget. She will be attending a workshop on Thursday for Complete Streets Training at the Essex County Environmental Center.

REPORT OF ADMINISTRATOR:

Paul Carelli reported on the ADA Ramp.

He had a meeting with Ray Sullivan to finalize the Phone system. We hope to have that for next meeting. There were no returns for the RFP on the Wheelchair lift.

The training for the automated requisitions has been done. It is now the responsibility of the Department heads to send to the vendors.

The last meeting the Council authorized him to seek contractors to clear the Avenue. I was authorized \$25,000 to do that and the next morning a plan was in place and the Avenue was cleaned in less than 48 hours and the total bill was about \$19,000.00.

Mayor Dassing responded that the DPW was in the Cooks Lane Lot yesterday removing some of the snow.

Paul reported that in the February meeting we authorized the appointment of Mark Guiliano as the fire official and that resolution actually states affective February 4th and we need to amend that to say starting April 1st.

We opened up the proposals for the cleaning service for the Community Center we received three (3) RFP’s that were returned ranging from the lowest \$4,981.78 per month to the highest bidder which was \$7,917.86 per month.

REPORT OF POLICE CHIEF:

James Bongiorno reported that the crews did a great job on the Avenue and our public works in the parking lots. He reminded everyone that the secondary roads are very narrow and use caution while driving and use your best judgment when parking your vehicle on these streets.

OLD BUSINESS:

Councilman Hauser asked where we stand with the issue that Jeff Lawshe talked about the changes to the ordinance with private landscaping/plowing Company’s pushing snow out on the roadways.

Paul Carelli responded that he has had a meeting with Paul Milani and he is putting together more detailed proposal for an ordinance change.

Councilman Hauser asked that we have any necessary changes by the next council meeting so this is dealt with before the winter is over.

NEW BUSINESS:

Borough Hall Building Repairs

Paul Carelli talked about the repairs needed for the building. **Mayor Dassing** responded that they will be touring the building with Architects tomorrow and on Saturday.

OPEN PUBLIC MEETING:

Moved by Councilman Kelley, seconded by Councilman Capozzoli to Open Public Meeting.

Ann Marchioni, Environmental Commission, wanted to remind everyone to use the project medicine drop this is an initiative from Sustainable New Jersey and part of that is to get people aware of that and she is thankful to the Police Department for having it right there. Chief Bongiorno responded that they have collected 80lbs.

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – March 4, 2014**

On a motion made by Councilman Kelley and seconded by Councilman Capozzoli, unanimously affirmed, the Council moved into Executive Session at 8:09PM.

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 Gleason Litigation and update on RFP for Sewer plant and Cleaning.

The Executive Session was adjourned and upon a motion by Councilman Durkin seconded by Councilman Capozzoli, the Council Business Conference Meeting was opened to the public and the press at 8:38PM

3-77: RESOLUTION TO AMEND 1-63 AUTHORIZING THE HIRING OF MARK GUILIANO AS THE FIRE OFFICIAL IN FIRE PREVENTION BUREAU OF THE BOROUGH OF CALDWELL EFFECTIVE APRIL 1, 2014

Moved by Councilman Capozzoli, seconded by Councilman Hauser. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 03/04/14.

3-78: RESOLUTION TO AUTHORIZE THE BOROUGH ADMINISTRATOR TO AWARD CLEANING CONTRACT TO ARMANDO'S CLEANING COMPANY, LLC. AT A MONTHLY FEE OF \$4,981.78 SUBJECT TO ATTORNEY REVIEW AND CERTIFICATION OF FUNDS BY THE CHIEF FINANCIAL OFFICER

Moved by Councilman Hauser, seconded by Councilman Rodgers. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 03/04/14.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Capozzoli, seconded by Councilman Hauser, unanimously affirmed by all members present, the meeting was adjourned at 8:40P.M.

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

DATE



BOROUGH OF CALDWELL NEW JERSEY



ORDINANCE# 1288-14

AN ORDINANCE AMENDING CHAPTER 31, ARTICLE I OF THE CODE OF THE BOROUGH OF CALDWELL, BEING A CHAPTER TITLED "OFFICER AND EMPLOYEES"

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

That Chapter 31 of the Code of the Borough of Caldwell, New Jersey be amended as herein set forth:

Delete Article I, Sections 31-1 through 31-5 and replace with the following:

Section 31-1. Tax Assessor -Establishment.

Pursuant to N.J.S.A. 40A:9-146, there is established the position of a Tax Assessor for the Borough of Caldwell.

Section 31-2. Appointment; Term; Qualification

The Tax Assessor shall be appointed by the Mayor with the advice and consent of the Borough Council. The Tax Assessor shall hold office for a term of four years from the first day of July next following his or her appointment. Vacancies other than due to expiration of term shall be filled by appointment for the unexpired term. The Tax Assessor shall hold a Tax Assessor's Certificate provided for in N.J.S.A. 54:1-35.25 as the same may be amended and supplemented.

Section 31-3. Duties.

The Tax Assessor shall possess and perform such powers and duties as granted or required by law((N.J.S.A. 40A:9-141 et seq) and as the Council may, by ordinance or resolution, require. The Tax Assessor shall maintain adequate assessment records of each separate parcel of real property assessed or exempted for the purpose of general taxation within the Borough of Caldwell and shall maintain a current tax map of the Borough as a public record and cause to be recorded thereon all changes in ownership or character of the real property assessed within the Borough and other Divisions and Departments as may be required.

Section 31-4. Tax Appeals.

The Tax Assessor shall have full authority to settle all real estate tax appeals filed by Borough property owners either with the Essex County Tax Board or in the New Jersey Tax Court provided that the appeal is based upon a claim of overvaluation and/or discrimination.

Section 31-5. Compensation

The Tax Assessor shall receive compensation or salary as the Borough Council may establish by salary ordinance or amendments thereto.

Delete existing Section 31-6.

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.



**BOROUGH OF CALDWELL
NEW JERSEY**



DATE OF FIRST READING: March 18, 2014
DATE OF PUBLICATION: March 18, 2014
MOVED:
SECONDED:

DATE OF SECOND READING: April 15, 2014
DATE OF ADOPTION: April 15, 2014
MOVED:
SECONDED:

RECORD OF COUNCIL VOTE

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

<u>COUNCILMAN</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>	<u>COUNCILMAN</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
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# 1287-14

AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE II, GENERAL LEGISLATION, CHAPTER 109, FIRE PREVENTION OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CALDWELL, NEW JERSEY

WHEREAS, the Borough Council of the Borough of Caldwell, New Jersey, wishes to modify the terms contained in Chapter 109 to designate the Local Enforcement Agency, to properly identify the title of the Uniform Fire Code and to amend the type of structures that are excluded from the enforcement agency's jurisdiction; and

WHEREAS, in connection therewith, the Council wishes to amend certain provisions contained within Chapter 109 of the Borough Code

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 109 of the "Revised General Ordinances of the Borough of Caldwell, New Jersey" is hereby amended and supplemented as follows:

I. That Chapter 109 of the Code of the Borough of Caldwell, the Chapter governing fire prevention is hereby amended as follows:

1. Delete Section 109-3 and replace with the following:

The local enforcement agency shall be the Caldwell Fire Prevention Bureau;

2. Delete references to the "Uniform Fire Safety Code" in Section 109-1, Section 109-3, and Section 109-9, and replace it with:

"New Jersey Uniform Fire Code"

3. Amend Section 109-3 by inserting "used exclusively for dwelling purposes, and buildings structures and premises owned by the Federal Government, interstate agencies or the State of New Jersey" after the phrase "other than owner-occupied one-and two-family dwellings".

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.



**BOROUGH OF CALDWELL
NEW JERSEY**



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

DATE OF SECOND READING: March 18, 2014
DATE OF ADOPTION: March 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: 3-79

Date of Adoption: March 18, 2014

TITLE:

AUTHORIZING THE BOROUGH ADMINISTRATOR TO SUBMIT THE ANNUAL RECYCLING TONNAGE REPORT TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PERIOD JANUARY 1, 2013 THROUGH DECEMBER 31, 2013

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey that they do hereby authorize the Borough Administrator to submit the annual recycling tonnage report to the New Jersey Department of Environmental Protection for the period of January 1, 2013 through December 31, 2013.

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: 3-80

Date of Adoption: March 18, 2014

TITLE:

RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND TAX OVERPAYMENT FOR BLOCK 65 LOT 1.19 FOR 19 FELS MANOR ROAD, CALDWELL, NJ, DUE TO TAX COURT JUDGEMENT.

WHEREAS, it has been determined by the Tax Collector that the owners are entitled to a refund due to a **Tax Court Judgment** for 2013.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Caldwell, NJ that the Tax Collector is hereby authorized to adjust off the following tax amounts.

<u>BLOCK & LOT</u>	<u>RECIPIENT</u>	<u>REFUND AMOUNT</u>
Block 65 Lot 1.19	The Irwin Law Firm Attorney Trust Account F.B.O. Cucuzella, Josephine Trustee	\$947.60

Total Refund \$947.60

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: 3-81

Date of Adoption: March 18, 2014

TITLE:

RESOLUTION AUTHORIZING REPAYMENT OF TAXES OVERPAYMENT IN ERROR

WHEREAS, it has been determined by the Tax Collector has been requested to return a double payment of taxes for block 52 lot 2 for 10 Gould Place, Caldwell, NJ; and

WHEREAS, the HOMEOWNER has sent in payment twice, in the amount of \$2,392.41, and as proof that she did pay once from the online service and once from her bank.

NOW THEREFORE BE IT RESOLVED by the authorization is hereby given to issue a check in the amount of \$2,392.41 payable to Ms. Nancy Hansen, 402 Battery Chase, Beaufort, SC 29902

TOTAL.....**\$2,392.41**

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: 3-82

Date of Adoption: March 18, 2014

TITLE:

AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 09-00011 BLOCK 38, LOT 2.06

WHEREAS, at the Borough of Caldwell Tax Sale held on December 17, 2009, a lien was sold on Block 38, Lot 2.06 also known as 16 Westover Avenue in Caldwell, NJ for delinquent tax; and

WHEREAS, this lien, known as Tax Sale Certificate 09-00011, was sold to US BANK CRESTAR CAPITAL, LLC, at a Premium 0; and

WHEREAS, the HOMEOWNER has effected redeemed the Certificate 09-00011 in the amount of \$3,085.74; and

NOW THEREFORE BE IT RESOLVED that authorization is hereby given to issue a check in the amount of \$83,085.74 payable to US BANK CRESTAR CAPITAL, LLC, for the redemption of Tax Sale Certificate 09-00011

Certificate 09-00011

PRINCIPAL.....	\$ 83,033.74
RECORDING FEES.....	\$ 52.00
PREMIUM.....	<u>\$ 83,085.74</u>
 TOTAL REDEMPTION.....	 \$83,085.74

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: 3-83

Date of Adoption: March 18, 2014

TITLE:

AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH MARCH 18, 2014 FOR 2013/2014 BILLS IN THE TOTAL AMOUNT OF \$3,670,714.93

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 2013 and/or 2014 appropriation for said purpose;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Caldwell that the Chief Financial Officer and Borough Administrator 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						Rodgers				
O'Donnell						Durkin				
Kelley						Capozzoli				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor