



***BOROUGH OF CALDWELL
NEW JERSEY***



**COUNCIL BUSINESS MEETING
March 21, 2017**

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 21, 2017 / 7:00PM

MAYOR
Ann Dassing

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

March 7, 2017

PRESENTATION

1. Municipal Cards, LLC / Local Merchant Program

INTRODUCTION OF ORDINANCES

ORDINANCE# 1328-17: AN ORDINANCE AMENDING CHAPTER A270-1 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SCHEDULE OF FEES CHARGED BY THE BOROUGH, SO AS TO MODIFY THE AMOUNT OF FEES CHARGED FOR CERTAIN BOROUGH SERVICES

ORDINANCE# 1329-17: 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.

3-87	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, Inc., 7 Park Avenue, Caldwell - Michael J. Conley
3-88	AUTHORIZING ISSUANCE OF TWO (2) TAXICAB LICENSES TO JEZAI (SERGIO) GURSES, 806 Murray Street, Avenel, NJ07001. APPLICATION AND APPLICANT HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS
3-89	AUTHORIZING ISSUANCE OF FOUR (4) TAXICAB LICENSES TO Caldwell Taxi, 570 Bloomfield Avenue, Bloomfield, NJ 07003. APPLICATION AND APPLICANT HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPTS



Council Chambers

1 Provost Square Caldwell, NJ

Borough of Caldwell Council Business Meeting AGENDA

Phone: (973) 226-6100

Website: www.caldwell-nj.com

March 21, 2017 / 7:00PM

MAYOR
Ann Dassing

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

3-90	AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #16-00006, Block 17, Lot 21
3-91	AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #16-00003, Block 6, Lot 13
3-92	AUTHORIZING THE REFUND OF A ZONING PERMIT PAYMENT PAYABLE TO SIGNARAMA OF \$75.00
3-93	AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Rotary/Kiwanis Caldwell Street Fair Inc. – Off Premise/ 50/50 Raffle, October 1, 2017 – 11:00AM – 5:00PM
3-94	AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Rotary/Kiwanis Caldwell Street Fair Inc. – Off Premise/ 50/50 Raffle, October 1, 2017 – 11:00AM – 5:00PM
3-95	AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – HSA Trinity Academy – Off Premise/ 50/50 Raffle, May 18, 2017 – 9:00PM
3-96	RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION FOR TWENTY SEVEN CENTRAL LLC, 27 CENTRAL AVENUE, CALDWELL, NJ
3-97	RESOLUTION CONDEMNING ALL EFFORTS TO DELEGITIMIZE THE STATE OF ISRAEL AND THE GLOBAL MOVEMENT TO BOYCOTT, DIVEST FROM AND SANCTION THE PEOPLE OF ISRAEL
3-98	RESOLUTION AUTHORIZING 2017 APPROPRIATION RESERVE TRANSFERS
3-99	AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH MARCH 21, 2017 FOR 2017/2016 BILLS IN THE TOTAL AMOUNT OF \$1,735,641.10
3-100	AUTHORIZING THE AUTHORIZE THE REDUCTION OF THE SITE PERFORMANCE BOND FOR THE BROWNSTONES AT CALDWELL PROJECT TO AN AMOUNT OF \$27, 150
3-101	RESOLUTION DECLARING THE WEEK OF MARCH 18, 2017 AS GROVER CLEVELAND WEEK IN THE BOROUGH OF CALDWELL

RESOLUTION – For Discussion

Resolution to be discussed prior to consideration - A representative from Verizon Wireless will be available for questions.

3-102	RESOLUTION AUTHORIZING NON-SITE SPECIFIC CONSENT GRANTING PERMISSION TO LOCATE AND OPERATE IN THE RIGHT-OF-WAY IN THE BOROUGH OF CALDWELL BY ATTACHING TO EXISTING AND NEW UTILITY POLES
--------------	--



Council Chambers

1 Provost Square Caldwell, NJ

Borough of Caldwell Council Business Meeting AGENDA

Phone: (973) 226-6100

Website: www.caldwell-nj.com

March 21, 2017 / 7:00PM

MAYOR
Ann Dassing

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

COUNCIL COMMITTEE REPORTS

Borough Council Members

1. Council President Cascarano
2. Councilman Brown

REPORT OF MAYOR

Mayor Dassing

REPORT OF BOROUGH ADMINISTRATOR

Paul M. Carelli

REPORT OF BOROUGH ATTORNEY

Greg Mascera

OPEN PUBLIC MEETING

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

EXECUTIVE SESSION

Closed Session

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

ADJOURNMENT

Additional items may be added to this agenda. Final action may be taken on all matters listed or added to this agenda. This agenda was prepared as of 3/17/2017 with all available information as of this date. This agenda has been sent to four official newspapers of the Borough on 3/17/2017 in compliance with P. L. 1975, c 213

Lisa O'Neill, Deputy Clerk

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – March 7, 2017**

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 7:04PM.

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

ALSO PRESENT: Borough Administrator, Paul Carelli & Borough Attorney, Greg Mascera

ABSENT: Deputy Clerk, Lisa O'Neill

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 21, 2017**

Moved by Council President Cascarano seconded by Councilman Brown. No Discussion. On roll call, all voted in the affirmative. Minutes approved 03/07/17.

OPEN PUBLIC COMMENTS ON RESOLUTIONS

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

RESOLUTIONS – CONSENT AGENDA

- 3-78:** AUTHORIZING THE REFUND OF A CONSTRUCTION DEPARTMENT PERMIT PAYMENT PAYABLE TO SOLAR CITY OF \$106.00
- 3-79:** RESOLUTION TO SUPPORT FROM LOCAL GOVERNING BODY AUTHORIZING THE SUSTAINABLE JERSEY GRANT APPLICATION
- 3-80:** AUTHORIZING THE AWARD OF A CONTRACT FOR WATER MAIN IMPROVEMENTS TO WASHBURN PLACE, HANFORD PLACE AND LINCOLN TERRACE TO REIVAX CONTRACTING CORP, 356 THOMAS STREET, NEWARK, N.J. 07114 IN THE AMOUNT OF \$625,320.00

CONSENT

Moved by Councilman O'Donnell, seconded by Council President Cascarano. No Discussion. On roll call, all voted in the affirmative. Resolutions approved 3/07/17.

- 3-81:** RESOLUTION AUTHORIZING THE FINAL ONE YEAR EXTENSION OF EXISTING CONTRACT WITH JAMES R. HAAS LANDSCAPE SPECTRUM LLC, 128 HILLSIDE AVENUE, WEST CALDWELL, NJ 07006 FOR LAWN MAINTENANCE SERVICES IN THE BOROUGH OF CALDWELL

Moved by Councilman O'Donnell, seconded by Council President Cascarano. No Discussion. On roll call, Council President Cascarano, Councilman Hauser, O'Donnell and Brown voted in the affirmative. Councilman Capozzoli and Rodgers abstained. Resolutions approved 3/07/17.

- 3-82:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH MARCH 7, 2017 FOR 2017/2016 BILLS IN THE TOTAL AMOUNT OF \$2,012,926.52
- 3-83:** AUTHORIZING AWARD OF A PROFESSIONAL SERVICES CONTRACT TO CREW ENGINEERS, INC. TO CONDUCT HYDRANT FLOW TESTS AND PERFORM A HYDRAULIC EVALUATION OF THE ENTIRE BOROUGH OF CALDWELL WATER DISTRIBUTION SYSTEM FOR AN AMOUNT NOT TO EXCEED \$38,800.00
- 3-84:** AUTHORIZING THE APPOINTMENT OF JOSEPHINE MAROULIS AS A FULL-TIME CROSSING GUARD IN THE BOROUGH OF CALDWELL EFFECTIVE IMMEDIATELY AT ANNUAL RATE OF \$5,200.00
- 3-85:** RESOLUTION AUTHORIZING REFUND OF SUBSEQUENT TAX & WATER PAYMENTS FOR 2017 1ST AND 2ND QUARTER. TAXES FOR BLOCK 52, LOT 19.01 FOR 25 BROOKSIDE AVENUE, CALDWELL, NJ AND 4TH QUARTER 2016 WATER

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – March 7, 2017**

Page 2 of 3

3-86: RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO SEEK THE SERVICES OF A TRAFFIC ENGINEER TO CONDUCT A TRAFFIC STUDY FOR THE FEASIBILITY OF A FOUR-WAY STOP INTERSECTION AT FOREST AVENUE AND HATFIELD STREET FOR AN AMOUNT NOT TO EXCEED \$5,000.00

CONSENT

Moved by Councilman O'Donnell, seconded by Council President Cascarano. Discussions Ensued. On roll call, all voted in the affirmative. Resolutions approved 3/07/17.

COUNCIL COMMITTEE REPORTS:

Councilman Hauser reported that the DPW Committee met again and they have moved forward with a number of action items and we will be having another meeting on March 17th. Some information has been passed to West Caldwell that relates to a Street Sweeper. Neighboring Borough's either don't have one or not interested in going in on one. Once Paul gets answers to somethings we will pass that along to the Finance Committee.

Councilman Brown reported that the 3rd Wednesday of every month will now be Bulk Pick up day. All information is on the website. The Environmental Commission will be having their Earth Day on April 22 from 9:30AM-12:30PM. There will be paper shredding which is in collaboration with James Caldwell High School and Cali Carting will be helping us with that. This will benefit the High School Scholarship Fund. There will be a bike swap so if you have bikes that you are not using or if you are looking for bikes also there will be a pollinary garden table along with recycling of cell phones, tablets, lab tops and cameras which will benefit "Paws". At 10:30AM there will be a presentation by Conserve Wildlife the New Jersey's rare reptiles and amphibians. Environmental Commission will be doing their annual contest which is entitled this year "How plastic is your day". More information is available on the Environmental Commission website.

Council President Cascarano reported that the Health Department had a rabies clinic which was a big success. There were about 60 cats and dogs that showed up. On June 24th is the Camp Wyonokie outing. You can sign up at campwyonokie.com.

Councilman O'Donnell reported that the St. Patrick's Day Party is scheduled for Wednesday, March 15th at the Community Center from 11:30AM for seniors. They will be servicing Corn Beef, Cabbage, Irish soda bread and Carrot Cake for \$9. There will be music and Bag Pipers. To make a reservation please contact Maria Burak at 973-403-4623. He would like to recognize Chief Bongiorno and his department football team that played in a fund raiser for Special Olympics at Giant Stadium and the department raised a total of \$6,550.00. It's an annual event and the players were Geary, Adams, Paxon, DeAngelo, Adamo, Roberts and Kraynanski congratulations to the Chief you did a great job in supporting the Special Olympics.

REPORT OF MAYOR:

Mayor Dassing reported that she was contacted by another Property Tax Rebate Card Company. The Mayor has asked that the Caldwell Merchants Association to look at the information and they are interested as a group to learn more about it so she has asked this company to come to the March 21st meeting and make a presentation. She will send to the Council all the information that she has in regards to this particular program. If you spend about \$9,000 in the downtown you will save almost \$500 a year on your property taxes. It can also be extended to other towns that would be interested.

REPORT OF BOROUGH ADMINISTRATOR:

Paul Carelli reported:

- In regards to Police Dispatch he would like to place a resolution on the next meeting. The contract is in the neighborhood of \$135,000 at this point.
- The Senior Transportation is typically a two year contract which is up and he has given a draft to Councilman Brown and he is waiting for a final numbers from Maria because she keeps track of each town on how many people actually use the bus.
- We have been working with our consultant to move along the Health care. They did want to meet with the employees on March 17th but he has suggested to the Mayor that he would like to see the presentation first before the employees see it.
- Bulk pickup starts March 15th and it is on the website and channel 35.
- He received a couple of quotes for an electric gate at the compost and there were three quotes roughly around \$18,000.

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – March 7, 2017**

Page 3 of 3

Mayor Dassing expressed her condolences to Sammy Calamito whose mom had passed away.

REPORT OF POLICE CHIEF:

Chief Bongiorno reported they have increased their daily enforcement in the area of Forest and Hatfield and they are also conducting a speed survey which they will have done at the end of the week.

REPORT OF BOROUGH ATTORNEY:

Greg Mascera discussed with the Mayor and Council the taxicab ordinance. He had a request that the ordinance be modified for those who are applying for a license is fingerprinted. Greg went over the ordinance with the Mayor and Council. He also discussed the non-life Hazard Ordinance and Greg has spoken with Mark Guiliano and he wrote the ordinance based on what Mark had presented to him and Mark had a couple of modifications and he was very happy with the proposed ordinance. We are creating a registry for non-life Hazard properties within the Borough. Discussions Ensued.

REPORT OF ESSEX COUNTY LIAISON:

Patricia Keenan discussed the 2017 Municipal Guide which is a handy Guide for all the County and Municipal Services as well as elected officials from Judges to Board of Education all their contact information.

OPEN PUBLIC MEETING:

Moved by Council President Cascarano, seconded by Councilman Hauser to open meeting to the Public.

Fran De Palma-Iozzi, 112 Central Avenue discussed the water report and West Caldwell water has chromium- 6 in it, which is bad for you, and if you look on line Caldwell was the only town that does not have chromium-6 in their water.

Gail Black & Stephanie Bond representing Caldwell Hadassah they would like the Mayor and Council to consider a resolution which is a Global Boycott, Divestment and Sanctions Movement (BDS Movement) that will exclude Israeli people from the economic, cultural, and academic life of humanity. After discussion a resolution will be on the next Council Meeting.

Robert Martoglio, Grover Lane has concerns on Grover Lane with being the last streets to be plowed on a snow storm. He also asked about shared services with the DPW between Caldwell and West Caldwell.

John Lace, Welshman Court recommended that the Council pass a resolution to declare the week of March 18th Grover Cleveland week. He also asked if there was a public policy for protocol that exists when one police officer files a formal complaint against another police officer in terms that the information gets back to the Council. Mayor Dassing responded internally it would be the police committee.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Brown, seconded by Council President Cascarano unanimously affirmed by all members present, the meeting was adjourned at 8:10PM.

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

DATE



**BOROUGH OF CALDWELL
NEW JERSEY**



ORDINANCE# 1328-17

AN ORDINANCE AMENDING CHAPTER A270-1 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SCHEDULE OF FEES CHARGED BY THE BOROUGH, SO AS TO MODIFY THE AMOUNT OF FEES CHARGED FOR CERTAIN BOROUGH SERVICES

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

That Chapter 270 of the Code of the Borough of Caldwell, New Jersey be amended as herein set forth:

NOTICE OF PUBLIC HEARING ON ORDINANCE

Please take Notice that the foregoing ordinance was introduced at a meeting of the Council of the Borough of Caldwell on the 21st day of March, 2017 and passed on first reading; and the same was then ordered to be published according to law; and that such ordinance will be further considered for final passage at a meeting of the Council to be held at the Caldwell Municipal Building, 1 Provost Square, Caldwell, NJ on the 18th day of April, 2017 at seven o'clock p.m. prevailing time or as soon thereafter as the matter may be reached, at which time and place, or at any time and place to which such meeting shall from time to time be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

BY ORDER OF THE COUNCIL

DATE OF FIRST READING: March 21, 2017 DATE OF SECOND READING: April 18, 2017
DATE OF PUBLICATION: March 30, 2017 DATE OF ADOPTION: April 18, 2017
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

Cascarano					Capozzoli				
Hauser					Brown				
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



ORDINANCE# 1329-17

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 create a Non- Life Hazard Use registry and to update the fee structure for inspections by the Fire Prevention Bureau; 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:

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

Section 109-3 is deleted in its entirety and replaced with:

The local enforcement agency shall enforce the Uniform Fire Safety Act and the New Jersey Uniform Fire Code and all other codes and regulations adopted under it in all buildings, structures and premises within the Borough of Caldwell, required to be registered within the Borough as a Life Hazard Use and shall further enforce the Uniform Fire Safety Act and the New Jersey Uniform Fire Code and all other codes and regulations adopted under it in all buildings, structures and premises within the Borough of Caldwell, required to be registered within the Borough in accordance with this Chapter as a Non-Life Hazard Use.

Section 109-4 is modified by adding the following to the end of the existing paragraph:

The local enforcing agency shall additionally conduct periodic inspections of non-Life Hazard Dwellings in accordance with the terms of this Chapter”; and

Section 109-9 is modified by deleting the phrase “[u]nless otherwise provided by ordinance” and replacing it with:

“Except as otherwise set forth in the Borough Fee Ordinance, (A-270)”; and

Section 109-11 is added as follows:

All building types or uses, except owner occupied one and two family dwelling, not required to be registered a “Life Hazard Use” in accordance with the New Jersey Uniform Fire Code shall be registered with the Borough as a Non-Life Hazard and shall pay the cost of such annual registration in accordance with the Borough Fee Schedule (Schedule A-270);

Section 109-12 is added as follows:

- A.** False Fire Alarms: A False Fire Alarm is defined as any transmission that reports a fire, either directly or indirectly to the West Caldwell Police Department Dispatch Center, the Caldwell Police Department or the Caldwell Fire Department, not caused by a fire, smoke or other condition that would require the dispatch of emergency personnel to the location from which the transmission occurred despite that such emergency personnel were not required.
- B.** The owner of the property from which the False Fire Alarm originated shall be subject to a penalty as set forth in the Borough Fee Schedule (Schedule A-270)
- C.** Any person, firm or entity causing a False Fire Alarm while installing, testing, tampering with or performing any work on a fire alarm or resulting from any construction, alteration, remodeling or renovation shall be subject to a penalty as set forth in the Borough Fee Schedule (Schedule A-270).



BOROUGH OF CALDWELL NEW JERSEY



Section 109-13 is added as follows:

When in the opinion of the Fire Official and pursuant to the most current edition of the International Fire Code, New Jersey edition, when fire watch of a property or an event within the Borough is required and carried out, the owner of such property shall pay the Fire Official or his or her designee who conducts the fire watch such fees as set forth in the Borough Fee Schedule (Schedule A-270);

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.

NOTICE OF PUBLIC HEARING ON ORDINANCE

Please take Notice that the foregoing ordinance was introduced at a meeting of the Council of the Borough of Caldwell on the 21st day of March, 2017 and passed on first reading; and the same was then ordered to be published according to law; and that such ordinance will be further considered for final passage at a meeting of the Council to be held at the Caldwell Municipal Building, 1 Provost Square, Caldwell, NJ on the 18th day of April, 2017 at seven o'clock p.m. prevailing time or as soon thereafter as the matter may be reached, at which time and place, or at any time and place to which such meeting shall from time to time be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

BY ORDER OF THE COUNCIL

DATE OF FIRST READING:	March 21, 2017	DATE OF SECOND READING:	April 18, 2017
DATE OF PUBLICATION:	March 30, 2017	DATE OF ADOPTION:	April 18, 2017
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

Cascarano					Capozzoli				
Hauser					Brown				
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: 3-87

Date of Adoption: March 21, 2017

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, Inc.,7 Park Avenue, Caldwell – Michael J. Conley

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, Michael J. Conley, 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

Cascarano						Capozzoli				
Hauser						Brown				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 3-88

Date of Adoption: March 21, 2017

TITLE:

AUTHORIZING ISSUANCE OF TWO (2) TAXICAB LICENSES TO JEZAI (SERGIO) GURSES, 806 Murray Street, Avenel, NJ07001. APPLICATION AND APPLICANT HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey, that they have no objections to the issuance of Two (2) Taxicab Licenses to Jezai (Sergio) Gurses, 806 Murray Street, Avenel New Jersey 07001 from April 1, 2017 through March 31, 2018. Applicant and application have been approved by the appropriate municipal departments

2007 Lincoln Town Car
2011 Cadillac Escalade

1LNHM84W77Y612398
1GYS4JEF5BR111491

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano						Capozzoli				
Hauser						Brown				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 3-89

Date of Adoption: March 21, 2017

TITLE:

AUTHORIZING ISSUANCE OF FOUR (4) TAXICAB LICENSES TO Caldwell Taxi, 570 Bloomfield Avenue, Bloomfield, NJ 07003. APPLICATION AND APPLICANT HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey, that they have no objections to the issuance of Four (4) Taxicab Licenses to Caldwell Taxi, 570 Bloomfield Avenue, Bloomfield, New Jersey 07003 from April 1, 2017 through March 31, 2018. Applicant and application have been approved by the appropriate municipal departments

2003 Lincoln Town Car	1LNHM82W63Y603656
2003 Lincoln Town Car	1LMHM81W83Y630309
2005 Lincoln Town Car	1LNHM81W65Y649640
2005 Lincoln Town Car	1LNHM82WX5Y671574

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano						Capozzoli				
Hauser						Brown				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 3-90

Date of Adoption: March 21, 2017

TITLE:

AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #16-00006, Block 17, Lot 21

WHEREAS, at the Borough of Caldwell Tax Sale held on December 22, 2016, a lien was sold on Block 17, Lot 21 also known as 18 Orchard Square in Caldwell, NJ for delinquent water; and

WHEREAS, this lien, known as Tax Sale Certificate 16-00006, was sold to RICHARD LEONARDIS with a premium \$100.00; and

WHEREAS, as lien has redeemed the Certificate 16-00006 in the amount of \$230.22; and

NOW THEREFORE BE IT RESOLVED that authorization is hereby given to issue a check in the amount of \$330.22 payable to RICHARD LEONARDIS for the redemption of Tax Sale Certificate 16-00006

Certificate 16-00006

PRINCIPAL.....	\$	175.22
PREMIUM.....	\$	100.00
RECORDING FEES.....	\$	<u>55.00</u>
TOTAL REDEMPTION.....	\$	330.22

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano						Capozzoli				
Hauser						Brown				
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: 3-91

Date of Adoption: March 21, 2017

TITLE:

AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #16-00003, Block 6, Lot 13

WHEREAS, at the Borough of Caldwell Tax Sale held on December 22, 2016, a lien was sold on Block 6, Lot 13 also known as 10 Hatfield Street in Caldwell, NJ for delinquent Tax; and

WHEREAS, this lien, known as Tax Sale Certificate 16-00003, was sold to CCE HOLDINGS LLC; and

WHEREAS, the HOMEOWNERS BANK has effected redeemed the Certificate #16-00003 in the amount of \$34,590.70; and

NOW THEREFORE BE IT RESOLVED that authorization is hereby given to issue a check in the amount of \$34,590.70 payable to CCE HOLDINGS, LLC for the redemption of Tax Sale Certificate 16-00003

Certificate 16-00003

PRINCIPAL.....	\$	34,535.70
RECORDING FEES.....	\$	<u>55.00</u>
TOTAL REDEMPTION.....	\$	34,590.70

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano						Capozzoli				
Hauser						Brown				
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: 3-92

Date of Adoption: March 21, 2017

TITLE:

**AUTHORIZING THE REFUND OF A ZONING PERMIT PAYMENT PAYABLE TO
SIGNARAMA OF \$75.00**

WHEREAS, it has been determined by the Construction Department that a customer paid for a permit for a sign that was not approved; 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 Zoning Permit payment;

<u>RECIPIENT</u>	<u>REFUND AMOUNT</u>
Signarama 681 Van Houten Avenue Clifton, New Jersey 07013	\$75.00

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano						Capozzoli				
Hauser						Brown				
O'Donnell						Rodgers				

Lisa O'Neill, Acting Borough Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 3-93

Date of Adoption: March 21, 2017

TITLE:

AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK’S OFFICE – Rotary/Kiwanis Caldwell Street Fair Inc. – Off Premise/ 50/50 Raffle, October 1, 2017 – 11:00AM – 5:00PM

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

RA-1348 Rotary/Kiwanis Caldwell Street Fair Inc.
Off Premise – 50/50 Raffle
October 7, 2017 – 11:00AM – 5:00PM

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

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano						Capozzoli				
Hauser						Brown				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 3-93

Date of Adoption: March 21, 2017

TITLE:

AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK’S OFFICE – Rotary/Kiwanis Caldwell Street Fair Inc. – Off Premise/ 50/50 Raffle, October 1, 2017 – 11:00AM – 5:00PM

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

RA-1348 Rotary/Kiwanis Caldwell Street Fair Inc.
Off Premise – 50/50 Raffle
October 7, 2017 – 11:00AM – 5:00PM

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

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano						Capozzoli				
Hauser						Brown				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 3-95

Date of Adoption: March 21, 2017

TITLE:

**AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION
HAVE BEEN APPROVED BY THE CLERK’S OFFICE – HSA Trinity Academy – Off Premise/
50/50 Raffle, May 18, 2017 – 9:00PM**

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

RA-1350 HSA Trinity Academy
Off Premise – 50/50 Raffle
May 18, 2017 – 9:00PM

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

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano						Capozzoli				
Hauser						Brown				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 3-96

Date of Adoption: March 21, 2017

TITLE:

**RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION FOR
TWENTY SEVEN CENTRAL LLC, 27 CENTRAL AVENUE, CALDWELL, NJ**

WHEREAS, Twenty Seven Central LLC (“Applicant”) requires approval from the Borough of Caldwell Sewer Utility for a SANITARY SEWER INCREASE IN FLOW to service property known as B36, Lot 15; and

WHEREAS, the project is more specifically known as 27 Central Avenue, Caldwell, NJ; and

WHEREAS, the applicant is proposing 5 new equivalent units; and

WHEREAS, the connection fee for this project is calculated as follows: 5 EDU x \$3600/EDU = \$18,000.00

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

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

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

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE BOROUGH OF CALDWELL, ESSEX COUNTY, NEW JERSEY, AT A REGULAR MEETING HELD ON March 21, 2017.

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

Cascarano						Capozzoli				
Hauser						Brown				
O’Donnell						Rodgers				

Lisa O’Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 3-97

Date of Adoption: March 21, 2017

TITLE:

RESOLUTION CONDEMNING ALL EFFORTS TO DELEGITIMIZE THE STATE OF ISRAEL AND THE GLOBAL MOVEMENT TO BOYCOTT, DIVEST FROM AND SANCTION THE PEOPLE OF ISRAEL

WHEREAS, the Global Boycott, Divestment and Sanctions Movement (BDS Movement) is a campaign seeking to exclude the Israeli people from the economic, cultural, and academic life of humanity; and

WHEREAS, this movement targets not just the Israeli government but Israeli academic, cultural, and civil society institutions, as well as individual Israeli citizens of all political persuasions, and in some cases even Jews of other nationalities who support Israel; and

WHEREAS, the Global BDS Movement targets Israel and only Israel, while ignoring the world's myriad despotic regimes; and

WHEREAS, Israel is far and away the most democratic and open society in the Middle East, with well-established rights for religious minorities, women, and all citizens that far exceeds those of any other nation in the region; and

WHEREAS, the Global BDS Movement does not recognize the right of the Jewish people to national self-determination; and

WHEREAS, some of the BDS Movement's supporters and leaders have trafficked in unacceptable anti-Semitic rhetoric, including comparison of Israeli policy to that of Nazi Germany; and

WHEREAS, University-based BDS efforts violate the core goals of the university and global cultural development, which thrive on a free and open exchange and debate; and

WHEREAS, both Israelis and Palestinians have the right to live in safe and secure states, free from fear and violence, with mutual recognition; and

WHEREAS, the Global BDS Movement does not support the two-state solution, a goal which can only be reached through direct negotiations between Israel and the Palestinians; and

WHEREAS, Israel is an ally of the United States and has a long-standing relationship with the City of New York; and

WHEREAS, our local region has the largest population of Jewish residents in the nation and is home to the largest Jewish Community outside of Israel; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Caldwell condemns all efforts to delegitimize the State of Israel and the global movement to boycott, divest from, and sanction its government and people.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano						Capozzoli				
Hauser						Brown				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 3-98

Date of Adoption: March 21, 2017

TITLE:

RESOLUTION AUTHORIZING 2017 APPROPRIATION RESERVE TRANSFERS

WHEREAS, various 2016 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2016 Budget in the last two months of 2016; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Caldwell, in the County of Essex, State of New Jersey, (2/3 of the majority of the full membership concurring herein) that the transfers in the amount of **33,250.62** be made between the 2017 Budget Appropriation Reserves as follows:

	<u>IN</u>	<u>OUT</u>
LEGAL O/E	\$ 4,227.63	
ZONING BOARD OF ADJUSTMENT O/E	\$ 586.97	
UNIFORM CONSTRUCTION CODE O/E	\$ 481.35	
RENT REVIEW BOARD O/E	\$ 2,000.00	
EMPLOYEE HEALTH INSURANCE O/E	\$ 1,842.88	
POLICE DEPARTMENT O/E	\$ 537.55	
CALDWELL COMMUNITY CENTER O/E	\$ 8,194.29	
FIRE O/E	\$ 15,000.00	
SOCIAL SECURITY	\$ 379.95	
SOLID WASTE COLLECTION O/E		\$ 33,250.62
TOTAL	\$ 33,250.62	\$ 33,250.62

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano					Capozzoli				
Hauser					Brown				
O'Donnell					Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 3-99

Date of Adoption: March 21, 2017

TITLE:

AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH MARCH 21, 2017 FOR 2017/2016 BILLS IN THE TOTAL AMOUNT OF \$1,735,641.10

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 2016 and/or 2017 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

Cascarano						Capozzoli				
Hauser						Brown				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 3-100

Date of Adoption: March 21, 2017

TITLE:

AUTHORIZING THE AUTHORIZE THE REDUCTION OF THE SITE PERFORMANCE BOND FOR THE BROWNSTONES AT CALDWELL PROJECT TO AN AMOUNT OF \$27, 150

WHEREAS, Dewberry Engineers, Inc., on behalf of the Brownstones at Caldwell project owner, Carmen Vacchiano, in a letter dated September 19, 2016, requests a bond reduction to an amount of \$27,150; and

WHEREAS, the Caldwell Borough Engineer, Glen Beckmeyer has reviewed the matter and recommends the reduction of the Site Performance Bond for the Brownstones at Caldwell.

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey that they do hereby authorize the reduction of the Site Performance Bond for the Brownstones at Caldwell Project to an amount of \$27, 150.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano						Capozzoli				
Hauser						Brown				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 3-101

Date of Adoption: March 21, 2017

TITLE:

RESOLUTION DECLARING THE WEEK OF MARCH 18, 2017 AS GROVER CLEVELAND WEEK IN THE BOROUGH OF CALDWELL

WHEREAS, Grover Cleveland served as the 22nd & 24th President of the United States, from 1885-1889 and 1893-1897; and

WHEREAS, President Grover Cleveland was born in in Caldwell, New Jersey on March 18, 1837 at a home located at 207 Bloomfield Avenue; and

WHEREAS, the Grover Cleveland Birthplace State Historic Site is the only house museum in the country dedicated to the interpretation of President Cleveland's life; and

WHEREAS, the Grover Cleveland Birthplace has been documented by the National Park Service's Historic American Buildings Survey.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council in recognition of the historical significance of the Borough of Caldwell and the 180th anniversary of President Grover Cleveland's birth, do hereby proclaim the week of March 18, 2017 as Grover Cleveland Week in the Borough of Caldwell.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano						Capozzoli				
Hauser						Brown				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



BOROUGH OF CALDWELL NEW JERSEY



Resolution No: 3-102

Date of Adoption: March 21, 2017

TITLE:

RESOLUTION AUTHORIZING NON-SITE SPECIFIC CONSENT GRANTING PERMISSION TO LOCATE AND OPERATE IN THE RIGHT-OF-WAY IN THE BOROUGH OF CALDWELL BY ATTACHING TO EXISTING AND NEW UTILITY POLES

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless, ("Verizon Wireless"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Borough of Caldwell; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Caldwell, County of Essex, State of New Jersey that:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public rightof- way in the Borough of Caldwell, subject to the following:

A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.

B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Caldwell.

C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of Caldwell, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the publicright-of-way, except to the extent resulting from the acts or omissions of the Borough of Caldwell.

D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Borough of Caldwell as an additional insured.

E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.

F. Notwithstanding any provision contained herein, neither the Borough of Caldwell nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.

G. This instrument shall be adopted on behalf of the Borough of Caldwell by the Borough Council of the Borough of Caldwell and attested to by the Borough of Caldwell Clerk who shall affix the Borough of Caldwell Seal thereto.



**BOROUGH OF CALDWELL
NEW JERSEY**



H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

STATEMENT

This resolution authorizes Verizon Wireless to use poles erected within the public right of way of the Borough of Caldwell by parties that have the lawful right to maintain such poles.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano						Capozzoli				
Hauser						Brown				
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.



283 King George Road
Warren, New Jersey 07059

February 13, 2017

Borough of Caldwell
ATTN: Lisa O'Neill, Deputy Clerk
Borough Hall
Provost Square
Caldwell, NJ 07006

Dear Ms. O'Neill:

Verizon Wireless is in the process of planning to upgrade and enhance its network for 2017 by deploying small network nodes in the public right-of-way. Part of the planning process includes securing the permissions necessary for that deployment.

Obtaining consent from municipalities to locate and operate in the right-of-way is the first level of permission that Verizon Wireless seeks. Verizon Wireless would like to receive non-site specific consent granting permission to locate and operate in the right-of-way in the Borough of Caldwell by attaching to existing and new utility poles, and would later obtain any required site specific permits for each node through the building departments. As such, Verizon Wireless is requesting consent from the Borough Council of the Borough of Caldwell to use facilities lawfully erected in the public right-of-way for small network nodes, and respectfully requests to be placed on the next available agenda for consideration of this request by the Borough Council.

To facilitate this request, Verizon Wireless has provided a fact sheet with details of the proposal, a proposed form of resolution for adoption by the Borough Council and relevant statutes for reference.

By way of the above, Verizon Wireless hereby submits this application for authorization by the Borough Council of the Borough of Caldwell to locate and operate small network nodes in the public right of way by attaching to existing and new utility poles.



Verizon Wireless hereby authorizes employees of Tilson Technology Management, Inc. to deliver this request, to represent Verizon Wireless at meetings of the Borough Council and to discuss this proposal with officials of the Borough of Caldwell.

Questions about this proposal can be directed to Kathryn Windsor at (816) 351-6208 or kwindsor@tilsonotech.com. Notices regarding this proposal and hearing date should be sent electronically to kwindsor@tilsonotech.com or by mail to:

Tilson
ATTN: Kathryn Windsor
245 Commercial Street, Suite 203
Portland, ME 04101

VERIZON WIRELESS

By: 
Steven J. Weiss

Title: Manager – Real Estate, NNJ

Date: 02/13/17



Fact Sheet

What is Verizon Wireless Planning in the Borough of Caldwell?

Verizon Wireless is deploying small network nodes in the municipal and county rights-of-way in New Jersey, which enables it to increase coverage and network data capacity. Small network nodes are a low-powered wireless technology that involves the use of antennas, two to three feet long, and radio cabinets, approximately 20-inches wide and 55-inches tall, which are mounted on existing or new utility poles or light poles which are lawfully erected in the public right-of-way. These network nodes augment the coverage from new and existing tower and rooftop sites, providing signal in terrain challenged areas. They are also an important part of Verizon Wireless' capacity focused mobile network. These small network nodes will help provide residents, commuters, and emergency responders in the Borough of Caldwell access to the next generation of wireless networks, and a roadmap toward upcoming emerging wireless technologies like 5G.

Small network nodes are typically deployed in areas that have some existing Verizon Wireless service, but where the coverage needs to be augmented. Capacity may also be exhausted at various times due to high demand when there are many users performing high-data usage functions (streaming video, uploading files, sending photos, using GPS, etc.). This sector exhaust is likely to increase as the technology used by network subscribers on multiple devices becomes exponentially more sophisticated. Without reliable coverage or when sector exhaust occurs Verizon Wireless network users will have insufficient network access, leading to dropped calls, a potential degradation of 911 services, and the inability to access applications, email, internet and GPS, all of which have potential impacts on public safety.

Small network nodes can be used to offload data capacity from the existing sites, freeing them up for others trying to make phone calls and use data anywhere within their radio frequency footprint. They can also be used to augment coverage from the existing macro network. In this way small network nodes complement macro sites, but are not a substitute for them. Small network nodes are located near street level where they can serve high traffic areas such as outdoor recreation facilities, homes, heavily-traveled roadways and intersections. The functional distance of a small network node is dictated by line of sight, and is limited by its low power.

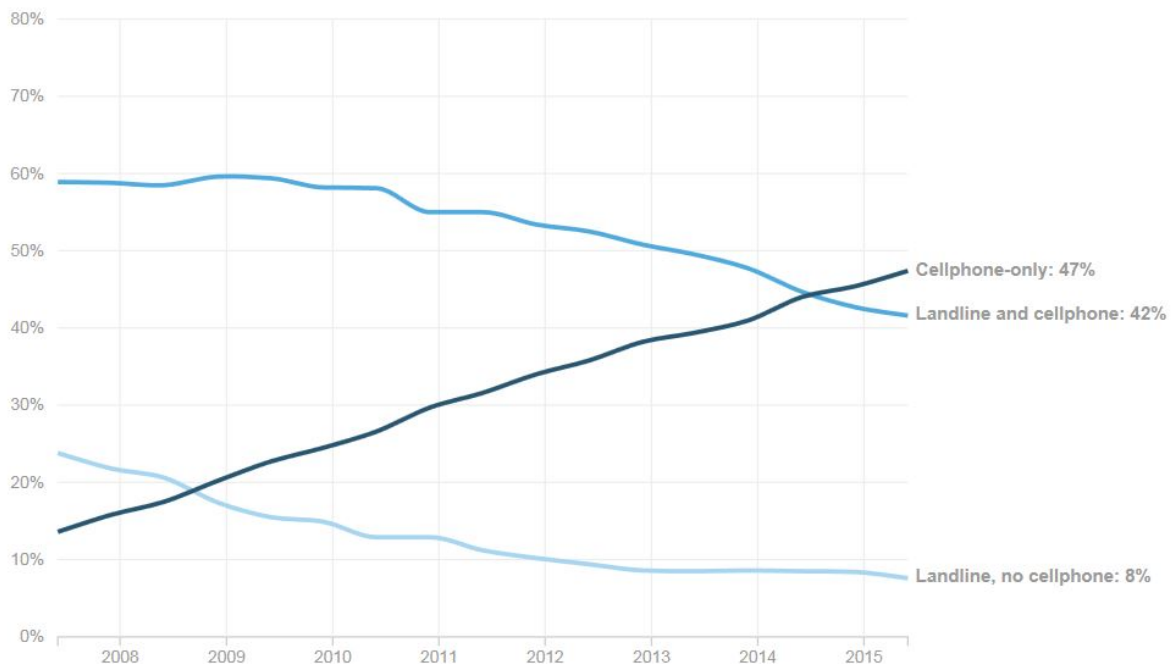
The consent that Verizon Wireless is seeking from the Borough of Caldwell is permission to operate in the public right of way. This consent will not allow Verizon Wireless to construct nodes without site-specific review by the building department.

Why are Small Network Nodes so Important?

Small network nodes fill in coverage and capacity gaps created by both sector exhaust and by the inability of larger macro sites to fill in those small gaps. Providing network coverage and data capacity to all users in both their homes and on the road is increasingly important. Between 2014 and 2015 the number of “wireless only” homes surpassed the number of homes with both landline and cell phone connectivity.

The Rise Of The Cellphone-Only Household

Share of households, by type of phone



Source: CDC/NCHS, National Health Interview Survey

Credit: Alyson Hurt and Alina Selyukh/NPR

Additionally, the National Highway Traffic Administration reported in February, 2016 that 76% of all 911 calls originate from a cell phone. Having a strong wireless network is not just for convenience, but is also necessary for public safety.

The use of wireless devices is increasing exponentially. In the United States there are 355 million wireless devices in use by 319 million residents (CTIA, June 2015). The demand for wireless data services has nearly doubled over the last year, and is expected to grow 650% between 2013 and 2018 (Cisco, VNI Mobile Forecast Highlights, 2013-2018). The increased use of smart phones, tablets, health monitors and other wireless devices in everyday life relies on the Verizon Wireless Network. Small cell networks will add coverage and capacity and improve in-building coverage, voice quality, reliability and data speeds for the Borough of Caldwell residents, businesses, first responders and visitors using the Verizon Wireless Network. Having adequate coverage has become a necessity of daily life and for public safety.

Are Small Network Nodes Safe?

The FCC, in consultation with numerous other federal agencies, including the Environmental Protection Agency, the Food and Drug Administration and the Occupational Safety and Health Administration, has developed safety standards designed to protect against adverse health effects. The standards were developed by expert scientists and engineers after extensive reviews of the scientific literature related to radio frequency (RF) biological effects. The FCC explains that its standards “incorporate prudent margins of safety.” It explains further that “radio frequency emissions from antennas used for cellular and PCS transmissions result in exposure levels on the ground that are typically thousands of times below safety limits.”

The FCC provides information about the safety of RF emissions from wireless base stations on its website at: <http://www.fcc.gov/oet/rfsafety/rf-faqs.html>. In general, due to their small size, low wattage and limited coverage, emissions from small network nodes are a small fraction of FCC-permitted levels in any publicly accessible area.

Where are Small Network Nodes Placed?

Small Network Nodes are most often attached to wood utility poles in the public right-of-way. Verizon Wireless always looks to attach to existing utility poles as a first option, however, due to utility company restrictions, only a small percentage of existing utility poles meet the requirements for attachment. In situations where, because of utility company requirements, Verizon Wireless cannot attach to existing wood utility poles they will request that a public utility set a new pole for their use. The pole will be set in the public right-of-way, and will be of the same size and type that the public utility is permitted to set in the area so as not to be out of character with the current infrastructure.

In locations where there are no existing wooden utility poles, such as downtown areas or newer subdivisions with underground utilities, Verizon Wireless will not place new wooden poles, and would instead seek to have placed new or replacement stealth fixtures that integrate the small network node equipment into a streetlight structure. This would be a different phase of the development and Verizon Wireless would approach the municipality with a new proposal for this type of development.

Photographic representations of all of the above-referenced small network node deployment types are provided on the following pages.

Verizon Wireless Small Network Node on Existing Wood Utility Pole



Verizon Wireless Small Network Node on a New Wood Utility Pole



What is Verizon Wireless seeking from the Borough of Caldwell?

A provision of the New Jersey Public Utility Act, N.J.S.A. 48:3-18 (copy enclosed), permits any company (not necessarily public utilities) to use poles that have been lawfully erected in the public right-of-way. Where the second company is not itself a franchised utility, which is the case with Verizon Wireless, the consent of the municipality is required under N.J.S.A. 48:3-19 (copy enclosed). A form of proposed resolution for adoption to formalize such consent is attached.

Can the Borough of Caldwell Reject the Request?

Under Federal law, specifically Section 253 of the Federal Telecommunications Act, 47 U.S.C. 253 (copy enclosed), the municipality may not withhold approval, but it may impose reasonable conditions, such as requiring insurance and repair to any damage caused, which have been included in the attached proposed resolution.

What Sort of Fee is Allowable?

The Borough of Caldwell may not impose a tax on these facilities, but it is entitled to recover the reasonable costs for actual services that it incurs in reviewing and approving Verizon Wireless' request. The relevant state statute is N.J.S.A. 54:30A-124 (copy enclosed).

What is Verizon Wireless **NOT** seeking to do in the Borough of Caldwell?

Verizon Wireless is aware that many wireless service providers and other telecommunications infrastructure providers are also seeking consent from municipalities in New Jersey to install wireless transmitting equipment in the public rights of way. Understanding the visual sensitivities of residents and Borough leaders, Verizon Wireless is committed to first, using existing infrastructure, and second, only installing new infrastructure when necessary, and ensuring that any new infrastructure is in character with the existing streetscape. Additionally, Verizon Wireless will not install new wood poles that are substantially taller (10%) than existing utility poles, or install utility poles made of steel or other non-wood material in an area with existing wood utility poles.

Verizon Wireless is seeking this consent exclusively for their own equipment to provide services to customers using the Verizon Wireless network. The consent from the municipality will not be used by Verizon Wireless to construct infrastructure to be leased to others.

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CALDWELL

No. _____

Date of Adoption _____

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless, (“Verizon Wireless”), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Borough of Caldwell; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF CALDWELL, COUNTY OF ESSEX, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Borough of Caldwell, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Caldwell.
 - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of Caldwell, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public

right-of-way, except to the extent resulting from the acts or omissions of the Borough of Caldwell.

- D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Borough of Caldwell as an additional insured.
- E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- F. Notwithstanding any provision contained herein, neither the Borough of Caldwell nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- G. This instrument shall be adopted on behalf of the Borough of Caldwell by the Borough Council of the Borough of Caldwell and attested to by the Borough of Caldwell Clerk who shall affix the Borough of Caldwell Seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

STATEMENT

This resolution authorizes Verizon Wireless to use poles erected within the public right-of-way of the Borough of Caldwell by parties that have the lawful right to maintain such poles.



KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

[New Jersey Statutes Annotated](#)
[Title 48. Public Utilities \(Refs & Annos\)](#)
[Chapter 3. Public Utilities in General \(Refs & Annos\)](#)
[Article 4. Joint Use of Poles](#)

N.J.S.A. 48:3-18

48:3-18. Agreements

[Currentness](#)

Any person municipal or otherwise, may enter into a written agreement with any other such person owning or using any poles erected under municipal consent in any street, highway or other public place for the use by the former person of the poles upon such terms and conditions as may be agreed upon by the persons.

Credits

Amended by L.1962, c. 198, § 41.

N. J. S. A. 48:3-18, NJ ST 48:3-18

Current with laws effective through L.2015, c. 115 and J.R. No. 7.

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.

New Jersey Statutes Annotated
Title 48. Public Utilities (Refs & Annos)
Chapter 3. Public Utilities in General (Refs & Annos)
Article 4. Joint Use of Poles

N.J.S.A. 48:3-19

48:3-19. Municipal consent

[Currentness](#)

The consent of the municipality shall be obtained for the use by a person of the poles of another person unless each person has a lawful right to maintain poles in such street, highway or other public place.

Credits

Amended by L.1962, c. 198, § 42.

N. J. S. A. 48:3-19, NJ ST 48:3-19

Current with laws effective through L.2015, c. 115 and J.R. No. 7.

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.

New Jersey Statutes Annotated

Title 54. Taxation

Subtitle 4. Particular Taxes on Corporations and Others

Part 5. Taxation of Certain Public Utilities

Chapter 30A. Franchises and Gross Receipts Taxes (Refs & Annos)

Article 4. Transitional Energy Facility Assessment Act

N.J.S.A. 54:30A-124

54:30A-124. Certain local government fees, taxes, levies or assessments prohibited

Currentness

a. No municipal, regional, or county governmental agency may impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against energy companies subject to the provisions of P.L.1940, c. 5 ([C.54:30A-49 et seq.](#)) prior to January 1, 1998 or telecommunication companies. Nothing in this section shall be construed as a bar to reasonable fees for actual services made by any municipal, regional or county governmental agency. Nothing in this section shall be construed to affect the franchising process or the assessment of franchise fees with respect to the provision of cable television service in accordance with the provisions of P.L.1972, c. 186 ([C.48:5A-1 et seq.](#)).

b. Nothing in this section shall be construed to limit municipal taxation of real or personal property pursuant to [R.S.54:4-1](#) of local exchange telephone, telegraph and messenger systems, companies, corporations or associations that were subject to tax under P.L.1940, c. 4 ([C.54:30A-16 et seq.](#)) as of April 1, 1997.

Credits

[L.1997, c. 162, § 69, eff. Jan. 1, 1998.](#)

N. J. S. A. 54:30A-124, NJ ST 54:30A-124

Current with laws effective through L.2015, c. 115 and J.R. No. 7.

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.

United States Code Annotated

Title 47. Telecommunications (Refs & Annos)

Chapter 5. Wire or Radio Communication (Refs & Annos)

Subchapter II. Common Carriers (Refs & Annos)

Part II. Development of Competitive Markets (Refs & Annos)

47 U.S.C.A. § 253

§ 253. Removal of barriers to entry

Effective: February 8, 1996

[Currentness](#)

(a) In general

No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.

(b) State regulatory authority

Nothing in this section shall affect the ability of a State to impose, on a competitively neutral basis and consistent with [section 254](#) of this title, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.

(c) State and local government authority

Nothing in this section affects the authority of a State or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.

(d) Preemption

If, after notice and an opportunity for public comment, the Commission determines that a State or local government has permitted or imposed any statute, regulation, or legal requirement that violates subsection (a) or (b) of this section, the Commission shall preempt the enforcement of such statute, regulation, or legal requirement to the extent necessary to correct such violation or inconsistency.

(e) Commercial mobile service providers

Nothing in this section shall affect the application of [section 332\(c\)\(3\)](#) of this title to commercial mobile service providers.

(f) Rural markets

It shall not be a violation of this section for a State to require a telecommunications carrier that seeks to provide telephone exchange service or exchange access in a service area served by a rural telephone company to meet the requirements in [section 214\(e\)\(1\)](#) of this title for designation as an eligible telecommunications carrier for that area before being permitted to provide such service. This subsection shall not apply--

(1) to a service area served by a rural telephone company that has obtained an exemption, suspension, or modification of [section 251\(c\)\(4\)](#) of this title that effectively prevents a competitor from meeting the requirements of [section 214\(e\)\(1\)](#) of this title; and

(2) to a provider of commercial mobile services.

CREDIT(S)

(June 19, 1934, c. 652, Title II, § 253, as added [Pub.L. 104-104, Title I, § 101\(a\)](#), Feb. 8, 1996, 110 Stat. 70.)

47 U.S.C.A. § 253, 47 USCA § 253

Current through P.L. 114-61 (excluding P.L. 114-52, 114-54, 114-59, and 114-60) approved 10-7-2015

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.