



***BOROUGH OF CALDWELL  
NEW JERSEY***



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**COUNCIL BUSINESS MEETING  
May 1, 2012**

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



Council Chambers  
1 Provost Square Caldwell, NJ

# Borough of Caldwell Council Business Meeting

## AGENDA - Revised

Phone: (973) 226-6100  
Website: [www.caldwell-nj.com](http://www.caldwell-nj.com)

May 1, 2012 - REVISED

MAYOR  
Ann Dassing

BOROUGH COUNCIL  
Richard Hauser – President  
Peter Murray  
John Coyle  
Thomas O'Donnell  
John Kelley  
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

April 3, 2012 / April 17, 2012

### PRESENTATION OF AWARDS

Caldwell Environmental Commission – Ann Marchioni

### INTRODUCTION OF ORDINANCES

**ORDINANCE# 1251-12:** AN ORDINANCE AMENDING CHAPTER 230 – ARTICLE V OF THE CODE OF THE BOROUGH OF CALDWELL, TRAFFIC REGULATIONS

#### Supplemental Debt Statement – May 1, 2012

**ORDINANCE# 1252-12:** BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$165,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$156,750 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

#### Ordinance Revote with revised Supplemental Debt Statement

**ORDINANCE 1248-12:** BOND ORDINANCE PROVIDING FOR VARIOUS STREET IMPROVEMENTS IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,375,900 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,326,605 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

**ORDINANCE 1249-12:** BOND ORDINANCE PROVIDING FOR VARIOUS WATER MAIN IMPROVEMENTS IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$975,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$975,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF

### PUBLIC HEARING OF ORDINANCES

**NOTE:**  
**ORDINANCE 1246-12:** This ordinance is no longer necessary and will not be moved on. (Resolution passed on 4-17-2012)  
ORDINANCE OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY PROVIDING FOR THE CANCELLATION OF \$115,000 BOND AUTHORIZATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES AND TO TRANSFER THE \$115,000 IN BOND PROCEEDS TO THE BOROUGH GENERAL CAPITAL FUND



Council Chambers  
1 Provost Square Caldwell, NJ

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### OPEN PUBLIC COMMENTS ON RESOLUTIONS

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

### RESOLUTIONS - CONSENT AGENDA

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

- 5-112:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH MAY 1, 2012 FOR 2012 BILLS IN THE TOTAL AMOUNT OF \$326,047.88
- 5-113:** AUTHORIZING THE REFUND OF A TAX OVERPAYMENT PAYABLE TO: MATT BOLGER
- 5-114:** AUTHORIZING THE BOROUGH CLERK TO PREPARE SPECIFICATIONS AND ADVERTISE FOR THE COLLECTION AND HAULING OF RECYCLABLE MATERIALS FOR THE PURPOSE OF RECYCLING IN THE BOROUGH OF CALDWELL

### FINANCE

*Council President Hauser*

Liaison: Library Board of Trustees / Recreation

### PUBLIC SAFETY

*Councilman Murray*

Liaison: Rent Board / Traffic Committee

### PERSONNEL / HEALTH AND HUMAN SERVICES

*Councilman Rodgers*

Liaison: Board of Health / Senior Citizens Transportation

### COMMUNITY OUTREACH

*Councilman Kelley*

Liaison: Board of Education / Community Development / Camp Wyanokie

### REPORT OF MAYOR

*Mayor Dassing*

### REPORT OF ADMINISTRATOR

*Paul M. Carelli*

1. Administrator Report Spreadsheet – May 1, 2012

### REPORT OF ATTORNEY

*Gregory Mascera*



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John Kelley  
Frank Rodgers

### OLD BUSINESS

1. Oak Ridge Road / Cherry Lane – Paving Update

### NEW BUSINESS

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

1. Kiwanis Oval Security Cameras
2. Compost Facility Management

### OPEN PUBLIC MEETING

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

### EXECUTIVE SESSION

*Closed Session*

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

1. Personnel
2. Contracts – Joint Dispatch
3. Housing Structure Notice

### 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 4/27/2012 with all available information as of this date. This agenda has been sent to four official newspapers of the Borough on 4/27/2012 in compliance with P. L. 1975, c 213

Lisa O'Neill, Acting Borough Clerk.

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – April 3, 2012**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:03 PM

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

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

**ABSENT:**

Adequate notice of this Council Business/Conference meeting was given on January 1, 2012. Notice was posted on the bulletin board on the first floor of the Borough Hall, One Provost Square, Caldwell, New Jersey on January 1, 2012. Four official newspapers of the Borough were notified of this meeting by mail on January 1, 2012. Notice was posted and all persons requesting notice were sent same.

**APPROVAL OF MINUTES:**

March 20, 2012

Moved by Councilman Coyle, seconded by Councilman Kelley. No Discussion. On roll call, all present voted in the affirmative. Minutes approved 04/03/12.

**INTRODUCTION OF ORDINANCES:**

**ORDINANCE 1246-12:** ORDINANCE OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY PROVIDING FOR THE CANCELLATION OF \$115,000 BOND AUTHORIZATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES AND TO TRANSFER THE \$115,000 IN BOND PROCEEDS TO THE BOROUGH GENERAL CAPITAL FUND

Moved by Councilman Kelley, seconded by Councilman Hauser. No Discussion. On roll call, Councilman Hauser, Kelley and Rodgers voted in the affirmative. Councilman Murray, O'Donnell and Coyle voted in the negative. Mayor Dassing voted in the affirmative. Ordinance Introduced 4/03/12.

**PUBLIC HEARING AND ADOPTION OF ORDINANCE:**

**ORDINANCE 1245-12:** BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$175,000 FOR WATER SYSTEM IMPROVEMENTS IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$175,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION

Moved by Councilman Kelley, seconded by Councilman Coyle. Discussions Ensued. On roll call, all present voted in the affirmative. Ordinance Adopted 4/03/12.

**OPEN PUBLIC COMMENTS ON RESOLUTIONS:**

**RESOLUTIONS – CONSENT AGENDA**

**4-89:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH APRIL 3, 2012 FOR 2012 BILLS IN THE TOTAL AMOUNT OF \$2,529,755.75

**BOROUGH OF CALDWELL  
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- 4-90:** AUTHORIZING THE BOROUGH ADMINISTRATOR TO SUBMIT THE ANNUAL RECYCLING TONNAGE REPORT TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PERIOD JANUARY 1, 2011 THROUGH DECEMBER 31, 2011
- 4-91:** RESOLUTION APPOINTING PAUL M. CARELLI AS FUND COMMISSIONER AND JAMES BONGIORNO ALTERNATE FUND COMMISSIONER FOR THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND
- 4-92:** AUTHORIZING THE ISSUANCE OF A PERMIT FOR PEDDLER LICENSE OR IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE BOROUGH CLERK'S OFFICE – Bob Hofmann, the Towne Scoop
- 4-93:** AUTHORIZING THE APPLICATION BY THE CALDWELL TENANTS ASSOCIATION FOR USE OF THE FIRE HOUSE MEETING ROOM IN THE BOROUGH OF CALDWELL FIRE HOUSE FOR THEIR GENERAL MEETINGS
- 4-94:** 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
- 4-95:** 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.
- 4-96:** 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

**CONSENT**

Moved by Councilman Coyle, seconded by Councilman Kelley. No Discussion. On roll call, all present voted in the affirmative. Resolutions approved 04/03/12.

**4-97: HOLD**

**Councilman O'Donnell** – responded to the letter to the Progress relative to some of the conditions at the Community Center. Majority of improvements will occur in September. They will be installing cameras throughout the Community Center so they can monitor the activities, acid washing and grouting of the pool, two major repairs are the women and men's locker room, , the pool platform will be replaced, the re-sanding of the Basketball floor, installing stereo equipment throughout the rooms, chair lift in the pool that will be replaced, downstairs in the exercise room we will be removing ceiling and bathrooms, and lastly we are looking to do front desk renovations. The monies have been appropriated and approved and work will be done in September.

**Mayor Dassing** - responded that we have a new method by which we ascertained that we have for comments good or bad at the Community Center and there is a book at the front desk and members can write their comments in and they will be reviewed by the Committee. We ask that your name be put to the complaint so that the Committee can get back to you

**Councilman Hauser** – reported that the proposed introduction of the Budget is scheduled for April 17<sup>th</sup>.

**Councilman Murray** – reported that there was a meeting about dispatch and they went into the meeting thinking that we would have to pay \$50,000 for the equipment upgrade and we actually walked out with them paying us \$25,000 for our equipment. In 2004 or 2006 we purchased equipment for dispatch and the equipment that we still have is very viable and with the end of life equipment that West Caldwell has we will be able to take

**BOROUGH OF CALDWELL  
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our two dispatch stations and bring them to West Caldwell and the agreement is we would split the cost 50/50. The only cost to us is any installation cost. We talked about some other share services; they are going to give us a proposal for police car maintenance, recycling, transferring Municipal Alliance, joint courts and West Caldwell provides Board of Health service so they asked to review our agreements. Verona is putting together a Master Plan two areas that would house a lot of hardware that the towns can go into to use for joint dispatch operation. They also said they would be interested in merging courts. We currently have a water connection with Verona and I asked Mr. Carelli to speak to Mr. Frint to the extent what this water connection is.

**Councilman Rodgers** – reported that the Board of Health met and the key topic was their website. The Personnel committee met and we should have the performance document ready for the Borough Administrator. As far as the Senior Transportation, Maria Burak will be submitting an application for a new Senior bus.

**Mayor Dassing** – read a letter from the Governor;

I am writing to share some good news regarding the impact of last year's historic, bipartisan pension and health benefit reforms on the taxpayers of Caldwell.

Thanks to our pension and health benefit reforms, State and local governments will save an estimated \$122 billion in pension contributions over the next 30 years. Although you may know that direct savings to school districts, towns and counties will total an estimated \$43 billion over that period, you may not be aware that taxpayers in Caldwell will save \$167,726 in the current fiscal year, including \$131,899 in savings under the Police and Fireman's Retirement System (PFRS) and \$35,827 in savings under the Public Employee Retirement System (PERS). For your convenience, I am pleased to enclose a breakdown of these savings for each unit of government in Caldwell.

These savings to the State and municipalities around New Jersey under pension reform are just one example of how bipartisan reforms are providing relief to taxpayers and spurring private sector job growth in the Garden State. I look forward to continuing to work together to build the New Jersey Comeback.

**REPORT OF ADMINISTRATOR:**

**Paul Carelli** – reported that the number one item is Gladding Road. Tilcon measured all the streets. He is finalizing the sewer bills. Ventola will be taking care of Hanford Lot. On Thursday we will be having our new email. The Parking Deck care testing will be forwarded to Glenn Beckmeyer. We have received 15 Resumes to date for the Auxiliary Police.

**REPORT OF ATTORNEY:**

**Greg Mascara** – reported that he will distribute the Tree Ordinance for everyone to look at and would like to have it ready for the April 17<sup>th</sup> meeting. The fence ordinance is complete and he will email to the Mayor.

**OLD BUSINESS:**

Paving Status of Gladding Road, Cherry Lane & Oak Ridge Road  
Water/Road Improvement Projects – Capital Plan Update

**Councilman O'Donnell** asked the question how we are financing these projects, Cherry Lane and Oak Ridge Road. **Councilman Murray** also said that \$60,000 for these radios and if we do not get the fire grant that we applied for we will need \$15,000 in equipment and gear. We are still looking at the \$60,000 for the generator and another \$40,000 for the Chief car. Discussions Ensued.

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**Councilman Murray** spoke about the Parking issue. We have moved ahead with meters, three hour parking which is in our ordinance right now.

**Councilman Hauser** reported that over the last several weeks Councilman Kelley, myself and two staff members, have met with numerous payroll companies and we have received four quotes and we are going to save 50% of what we have been paying for payroll service.

**OPEN PUBLIC MEETING:**

**Stacey Palmisano, 13 Oak Grove Road** – asked if the Street sign can be placed up on Oak Grove Road and Roseland Avenue.

**James Jorgensen, Liaison for Essex County** – there will be an OSHA preparation program at Essex County College and it's free.

**Paul Carelli** reported that there will be a Public Works employee working full-time at the Community Center. It is my intention that this person will report to me.

On a motion made by Councilman Hauser and seconded by Councilman Coyle, unanimously affirmed, the Council moved into Executive Session at 9:05PM.

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

The Executive Session was adjourned and upon a motion by Councilman Coyle, seconded by Councilman Kelley, the Council Business Conference Meeting was opened to the public and the press at 10:49P.M.

**PRESENTATION:**

**Caldwell Department of Public Works – Mario Bifalco/Superintendent**

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Kelley, seconded by Councilman Murray, unanimously affirmed by all members present, the meeting was adjourned at 11:20P.M.

Prepared by: \_\_\_\_\_  
Lisa O'Neill, Acting Borough Clerk

\_\_\_\_\_  
DATE



**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – April 17, 2012**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:03 PM

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

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

**ABSENT:**

Adequate notice of this Council Business/Conference meeting was given on January 1, 2012. Notice was posted on the bulletin board on the first floor of the Borough Hall, One Provost Square, Caldwell, New Jersey on January 1, 2012. Four official newspapers of the Borough were notified of this meeting by mail on January 1, 2012. Notice was posted and all persons requesting notice were sent same.

**INTRODUCTION OF ORDINANCES:**

**ORDINANCE 1247-12:** CALENDAR YEAR 2012 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Moved by Councilman Coyle, seconded by Councilman Rodgers. Discussions Ensued. On roll call, all present voted in the affirmative. Ordinance Introduced 4/17/12.

**ORDINANCE 1248-12:** BOND ORDINANCE PROVIDING FOR VARIOUS STREET IMPROVEMENTS IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,375,900 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,326,605 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Moved by Councilman Coyle, seconded by Councilman O'Donnell. No Discussion. On roll call, all present voted in the affirmative. Ordinance Introduced 4/17/12.

**ORDINANCE 1249-12:** BOND ORDINANCE PROVIDING FOR VARIOUS WATER MAIN IMPROVEMENTS IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$975,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$975,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF

Moved by Councilman Coyle, seconded by Councilman O'Donnell. No Discussion. On roll call, all present voted in the affirmative. Ordinance Introduced 4/17/12.

**ORDINANCE 1250-12:** BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$220,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$209,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Moved by Councilman Murray, seconded by Councilman O'Donnell. Discussions Ensued. On roll call, all present voted in the negative. Ordinance was not Introduced 4/17/12.

**OPEN PUBLIC COMMENTS ON RESOLUTION:**

**RESOLUTIONS – CONSENT AGENDA**

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- 4-98:** AUTHORIZING THE 2012 EQUIVALENT CONNECTION CHARGE OF \$358.51 PER EQUIVALENT CONNECTION, BASED ON THE NUMBER OF EQUIVALENT CONNECTIONS AND THE APPLICATION OF THE SEWER USER AGREEMENTS BETWEEN THE BOROUGH OF CALDWELL AND THE SEWER USER MUNICIPALITIES OF WEST CALDWELL, NORTH CALDWELL, ESSEX FELS, FAIRFIELD AND ROSELAND
- 4-99:** RESOLUTION AUTHORIZING A CONTRACT MODIFICATION CM-008 TO THE WASTEWATER TREATMENT PLANT UPGRADES, CONTRACT NO. 2007-1 – ADDITIONAL AMOUNT \$27,555.60 – NEW TOTAL AMOUNT \$12,487,091.05
- 4-100:** AUTHORIZING ADOPTION OF EMERGENCY TEMPORARY APPROPRIATION FOR THE YEAR 2012
- 4-101:** AUTHORIZING THE ISSUING OF A SPECIAL LIQUOR PERMIT. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE CLERK'S OFFICE – The People of Hope
- 4-102:** AUTHORIZING THE ISSUING OF A SPECIAL LIQUOR PERMIT. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE CLERK'S OFFICE – Rotary Club of the Caldwells
- 4-103:** 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 – C&G Auto Tech, Inc
- 4-104:** 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 – Jamie Classic Cars
- 4-105:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – First Presbyterian Church at Caldwell/ On Premise – 50/50 Raffle / May 4, 2012 – 4:00PM – 10:00PM
- 4-106:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH APRIL 17, 2012 FOR 2012 BILLS IN THE TOTAL AMOUNT OF \$602,326.87
- 4-107:** RESOLUTION AUTHORIZING THE BROOKSIDE AVENUE / RUNNYMEDE ROAD INTECONNECTION IMPROVEMENT AGREEMENT WITH THE TOWNSHIP OF WEST CALDWELL AND THE BOROUGH OF ESSEX FELS
- 4-108:** RESOLUTION AUTHORIZING THE BROOKSIDE AVENUE / RUNNYMEDE ROAD INTECONNECTION OPERATIONS AND MAINTENANCE PLAN AGREEMENT WITH THE TOWNSHIP OF WEST CALDWELL AND THE BOROUGH OF ESSEX FELS
- 4-109:** RESOLUTION TO CANCEL IMPROVEMENT AUTHORIZATION BALANCES
- Moved by Councilman Coyle, seconded by Councilman O'Donnell. Discussions Ensued. On roll call, Councilman Hauser, Kelley and Rodgers voted in the affirmative. Councilman Murray, O'Donnell and Coyle voted in the negative. Mayor Dassing voted in the affirmative. Resolution approved 4/17/12.
- 4-110:** RESOLUTION TO REQUEST TO THE DIRECTOR OF THE DIVISION OF LOCAL SERVICES TO PERMIT THE COUNCIL TO ANTICIPATE A CURRENT TAX COLLECTION PERCENTAGE EXPERIENCE OF 99.806% FOR THE YEAR ENDED DECEMBER 31, 2012

**CONSENT**

Moved by Councilman Coyle, seconded by Councilman O'Donnell. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 04/17/12.

**INTRODUCTION OF THE 2012 MUNICIPAL BUDGET:**

**Summary was read by title and amount and copy is available with the Municipal Clerk**

**COUNCIL BUSINESS/CONFERENCE MEETING  
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**Introduction of the 2012 Municipal Budget – Borough of Caldwell**

Moved by Councilman Kelly, seconded by Councilman Hauser. Discussions Ensued. On roll call, Councilman Rodgers, Murray, Hauser, Kelley and Coyle voted in the affirmative. Councilman O'Donnell abstained. Budget Introduced 04/17/12.

**Councilman Hauser** thanked the Budget Committee for the work that has been done so far and to Marge and Paul as well.

**Councilman Murray deferred to the Police Chief.**

**Chief Bongiorno** reported that on Saturday, April 28<sup>th</sup> at 10PM – 2PM the Caldwell Police Department will be participating in Operation take back in New Jersey. This will give the residents of Caldwell to drop off their unused and expired medicines.

**Councilman Murray** reported that he saw Sergeant Geary on Bike patrol. I told the Council last meeting that I would give my final recommendation based on Parking Ordinance. I will have one more meeting with the Chief and by next meeting we should be able to move forward with Parking Lots. At the last meeting and based on the presentation that we gave we are looking to stay the same. The three hour meters are going in. The on street parking we are going to recommend that the Police Department continue to maintain as they have been however with stricter guidelines.

**Mayor Dassing** reported that she went to the dedication of a new American Flag and a new POW Flag with Councilman Murray and Councilman Hauser. It was donated by the Free Mason Lodge in Caldwell in memory of one of their members who was a war hero and passed away last week. They give \$15,000 - \$20,000 in scholarships to our schools and they help with our Eagle Scouts. On Saturday there will be a camp open house at the Caldwell Community Center from 12:30-4:30PM. Summer sessions start on June 25 and run through August 27<sup>th</sup>. On Sunday the Taste of Caldwell will be at the Caldwell College from 4:00PM – 7:00PM and it benefits the Caldwell – West Caldwell Educational Foundation.

**REPORT OF ADMINISTRATOR:**

**Paul Carelli** reported that the stop signs on Brookside Avenue are up. The Hanford Lot has been repaired. The sewer bills have been sent out for 2012. The email has been started and 80% of this is done. The cameras for Community Center will be installed on Thursday and Friday. Our meters are up and the rates will be changed. There was discussion on paving Gladding Road.

**4-11**      **AUTHORIZING THE BOROUGH CLERK TO PREPARE BIDS FOR THE IMPROVEMENT OF GLADDING ROAD, OAK RIDGE AND A PORTION OF CHERRY LANE.**

Moved by Councilman O'Donnell, seconded by Councilman Coyle. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 04/17/12.

**REPORT OF ATTORNEY**

**Greg Mascara** reported that there are about 30 residential tax appeals filed in the tax court. There was discussion on a revaluation. There were four Police Officers that have been sued in Federal Court and it has been sent to the JIFF.

**James Jorgensen, Liaison of Essex County**, reported that there are a number of different events scheduled.

On a motion made by Councilman Coyle and seconded by Councilman O'Donnell, unanimously affirmed, the Council moved into Executive Session at 9:09PM.

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

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discussion, which shall be conducted in closed session, shall be disclosed upon termination of litigation or contractual matter, upon resolution of the personnel matter with consent of said person or persons and as provided by N.J.S.A. 4-12 but in no case later than two (2) years from this date. These minutes shall be available as soon as the matter is resolved or not later than two years hence. Greg Mascera responds that the Executive Session will be discussion of Personnel and issue in regards to Police investigation and Sewer.

The Executive Session was adjourned and upon a motion by Councilman Coyle, seconded by Councilman Kelley, the Council Business Conference Meeting was opened to the public and the press at 9:36P.M.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Coyle, seconded by Councilman Rodgers, unanimously affirmed by all members present, the meeting was adjourned at 9:37P.M.

Prepared by: \_\_\_\_\_  
Lisa O'Neill, Acting Borough Clerk

\_\_\_\_\_  
DATE



# BOROUGH OF CALDWELL NEW JERSEY



## ORDINANCE# 1251-12

### AN ORDINANCE AMENDING CHAPTER 230 – ARTICLE V OF THE CODE OF THE BOROUGH OF CALDWELL, TRAFFIC REGULATIONS

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

That Chapter 230 of the Code of the Borough of Caldwell, New Jersey be amended as herein set forth:

Delete Article III, sections 230-18 through 230-29

Delete Article IV, sections 230-30 through 230-34

Delete Article V, sections 230-35 through 230-44

Delete Article VI, sections 230-45 through 230-54

Delete Article VI, section 230-69 through 230-79

That pursuant to Chapter 230 of the Code of the Borough of Caldwell, the deleted sections are replaced as follows:

## ARTICLE III

### Parking, Standing and Stopping

#### **S 230-18 Parking allowed in accordance with regulations. Violations**

A. Lawful parking on the streets of the Borough of Caldwell and in parking lots maintained by the Borough of Caldwell shall be allowed in accordance with the regulations prescribed herein. The provisions of this Article imposing restrictions on parking shall not relieve any person of the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles as set forth in NJSA 39:4-138, or any other New Jersey statute or as hereinafter provided

B. Unless specifically set forth in another section of this Chapter, any person who causes, allows, or permits any vehicle registered in the name of such person to be parked in a manner so as to violate any section of this Chapter shall be fined not less than \$50 nor more than \$500 for each such violation. A separate violation of this Chapter shall be deemed to have occurred for every calendar day that a vehicle is parked in violation of any section of this Chapter.

C. Senior Citizen. For purposes of this Chapter, a "senior citizen" shall be defined as any individual who reaches the age of 62 during the then current calendar year.

D. "Sunday" and "holiday" defined. For purposes of this Chapter, whenever enforcement of a regulation is suspended on a Sunday or holiday, the suspension shall be from between the hours between of 6:00a.m. and 12:00 midnight on the Sunday or holiday. Despite anything contained in this Chapter to the contrary, all regulations shall remain in effect up until 6:00a.m. on all Sundays and holidays.

#### **S 230-19 Marking of spaces and parking stalls**

A. The Chief of Police may identify permitted parking areas by markings or other means as he deems appropriate to permitted parking areas. When installed, no person shall park any vehicle across any such line or marking or space or park any vehicle in such position that it shall not be entirely within the area so designated by such lines or markings.

B. It shall be unlawful and a violation of the provisions of this section for any person to deface, injure, tamper with, or willfully, destroy or impair the usefulness of any marking installed under the provisions of this Chapter.



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C. Any person violating the provisions of sub-section (B) of this this section shall, upon conviction thereof, be punished by a fine not to exceed \$500 or by imprisonment in the Essex County jail for a period not to exceed 90 days, or by both such fine and imprisonment.

### S 230-20 Overnight Street Parking

Overnight parking on all streets in the Borough is prohibited.

### S 230- 21 Permit Parking Spaces – Borough Lots and Streets

The Chief of Police hereby is authorized and directed to set aside and designate permit parking spaces, by permit type, in certain sections in each of the following municipal parking lots in the Borough:

Name of Lot	Type of Permit
Lot 1A, Provost Square Parking Plaza	Borough Employee
Lot 1B, Firemen's Parking Plaza	Residential Day Residential Night
Lot 2, Parsons Parking Plaza	Residential Day Residential Night
Lot 3, George Kaplan Parking Plaza	Residential Day Residential Night
Lot 4, Hanford Place Parking Plaza	Residential Day Residential Night
Lot 5, Smull Avenue Parking Plaza	Residential Commuter Merchant Employee
Lot 6, Cook's Lane Parking Plaza	Residential Night

### S 230-22 Permit Type

A. The Chief of Police shall have the authority to classify permits by parking lot and by permitted hours of parking. Permit type shall be distinguished by lettering, as determined by the police department. Each permit shall authorize the person to whom it is issued to park a designated motor vehicle in the permit parking spaces in a designated parking lot as set forth in this chapter, during the hours when vehicles may be legally parked in such municipal parking lots. Every person obtaining a permit shall display the permit in the authorized vehicle in a place and manner as directed by the Chief of Police at the time the permit is issued.

B. Parking permits shall be valid for a period of up to one calendar year from the day issued, but may be issued on a quarterly basis.

C. The permits issued pursuant to this section shall be as follows:

(1) Residential Day - A residential day permit shall entitle the holder thereof to park the registered vehicle in an assigned spot or location, as the Police Chief shall direct, between the hours of 8:00 a.m. and 6:00 p.m. seven days a week.

(2) Residential Night – A residential night permit shall entitle the holder thereof to park the registered vehicle in an assigned spot or location as the Police Chief shall direct, between the hours of 6:00 p.m. and 6:00 a.m. seven days a week.

(3) Residential Commuter – A residential commuter permit shall entitle the holder thereof to park the registered vehicle in an assigned spot or location as the Police Chief shall direct between the hours of 6:00a.m and 2: a.m. Monday through Friday, holidays excepted. For purposes of this section (3), "Friday" shall include the hours between 12:00 midnight on Friday and 2:00a.m on the following Saturday morning.

(4) Merchant Employee – A merchant employee permit shall entitle the holder thereof to park the registered vehicle in an assigned spot or location and during hours as the Police Chief shall direct.

(5) Despite the foregoing provisions of this section, Borough residents may purchase from the Caldwell Police Department temporary overnight parking permits for the sum of \$5 per night (or such higher fee determined



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by the Police Department after a public hearing conducted upon prior notice to the Borough Council.) Permits shall be in the form determined by the Chief of Police, and each permit shall allow the permit holder to park an automobile in any lot in the Borough during the hours of 2:00 a.m. through 6:00 a.m.

The sections of the foregoing parking lots designated for permit parking shall be so marked by the Chief of Police. At each space so marked, it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within the limits of the space so designated.

In no event shall a vehicle that is parked in a parking spot by permit remain in the parking spot beyond the time for which the permit is issued.

### **S 230-23 Permit applications; issuance.**

The Chief of Police hereby is authorized to issue permits to persons for the parking of vehicles in the permit parking spaces in the parking lots named in this chapter, but there shall not be issued at any one time a greater number of permits for any one of the aforementioned parking lots than the number of permit parking spaces set aside and designated by the Chief of Police for such parking lots. No person shall be issued a permit for any vehicle that is not legally registered and legally insured, nor shall any person be issued a permit if the Chief of Police determines in accordance with regulations established by the Chief of Police that a permit should not be issued.

Despite anything in this Chapter to the contrary, no permit shall be issued pursuant to this section to any commercial vehicle unless the commercial vehicle is owned and operated by an individual or business having a main business address in the Borough.

### **S 230-24 Permit fees.**

The Chief of Police shall collect all parking permit fees in advance of issuing any permit. The Chief of Police is not authorized to refund all or any part of any permit fee for any reason.

There shall be a fee of \$90 per quarter for each Residential Day, Residential Night, Residential Commuter and Merchant Employee parking permit issued in accordance with this section, except that the fee for a senior citizen who purchases any such permit for personal use shall be \$85 per quarter.

Despite the fees set forth in the preceding paragraph, there shall be a fee of \$45 per quarter for Merchant Employee permits issued in accordance with this section for the Small Avenue Lot.

### **S 230-25 Permit transferability; transfer fee.**

A person to whom a parking permit other than a Merchant Employee permit has been issued pursuant to this section may transfer the permit from one vehicle to another vehicle owned by the same person at any time during the period for which the permit is issued, subject to the approval of the Chief of Police. There shall be a \$5.00 fee payable to the Chief of Police for each such transfer.

### **S 230-26 Manner of parking.**

Every vehicle parked in any permit parking space shall be parked within the space marked upon the pavement for the parking of a single motor vehicle.

### **S 230-27 Unlawful acts.**

Any vehicle that is parked without a valid permit in an area designated for permit parking, contrary to the provisions of this Article, may be towed and removed by the police, and all costs of such towing, removal and storage shall be paid by the owner of the vehicle.

No person shall cause, allow or permit any vehicle registered in the name of or operated by such person to be parked for longer than three hours in any municipal parking lot at any time between the hours of 6:00 a.m. and 6:00 p.m., Monday through Saturday, unless a parking permit otherwise authorizing parking has been obtained and is displayed in accordance with regulations established by the Chief of Police.

No person shall cause, allow or permit any vehicle registered in the name of or operated by such person to be parked in a municipal parking lot space between 8:00 a.m. and 6:00 p.m. designated for day permit parking, or in a municipal parking lot space between 6:00 p.m. and 6:00 a.m., designated for night permit parking, unless the person has first obtained the appropriate parking permit allowing parking during such period and has properly displayed the permit in accordance with the regulations established by the Chief of Police.

Despite anything contained herein to the contrary, no person shall cause, allow or permit any vehicle registered in the name of or operated by such person to be parked in the Provost Square Parking lot between the hours of 10:00 p.m. and 5:00 a. m, nor for more than two hours between the hours of 5:00a.m. and 10:00p.m.



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Despite anything contained herein to the contrary, no person shall cause, allow or permit any vehicle registered in the name of or operated by such person to be parked in the same parking spot for more than three hours between the hours of 6:00 a.m. and 10:00.p.m unless such person has first obtained a Borough Employee parking permit from the Chief of Police.

### **S 230-28 No parking, stopping or standing**

No person shall park, stop or stand a vehicle upon any of the following described streets or parts of streets:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Academy Road	North	From Bloomfield Avenue to a point 205 feet west thereof
Academy Road	North	From the curb cut at 484 Bloomfield Avenue to the curb cut at 494 Bloomfield Avenue.
Academy Road	South	From Prospect Street extending the entire length to Washburn Place on the south side.
Ashland Street	North	Beginning at the east curblineline of Ryerson Avenue and extending the entire length of Ashland Street to Beekman Hill Road
Bloomfield Avenue	North	From the easterly line of the parking lot entrance driveway at 501 Bloomfield Avenue to Lane Avenue
Bloomfield Avenue	North	Between Arlington Avenue and Elm Road
Bloomfield Avenue	North	From a point 87 feet west of the western side line of Forest Avenue running west for 37 feet
Bloomfield Avenue	North	From the Caldwell - West Caldwell line to the western side line of Lane Avenue extended
Bloomfield Avenue	North	From the easterly curblineline of the exit of St. Aloysius Church 80 feet east to the west curblineline of the entrance to St. Aloysius Church
Bloomfield Avenue	South	From the eastern curblineline of Lane Avenue running east to the curb cut at 490 Bloomfield Avenue
Bloomfield Avenue	South	From the point 159 feet east of the extended eastside curblineline of Arlington Avenue to the Essex Fells line.
Brookside Avenue	East	From the entrance to Grover Cleveland Park north to Westville Avenue
Brookside Avenue	West	From Westville Avenue to the Caldwell - West Caldwell line
Central Avenue	East	Between Bloomfield Avenue and Whitfield Street
Central Avenue	West	Between Bloomfield Avenue and Ravine Avenue
Cleveland Street	West	Between Bloomfield Avenue and Whitfield Street





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<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Elizabeth Street	West	Between Academy Road and Florence Place
Elm Road	North	From Bloomfield Avenue to the Borough line
Espy Road	East/ North	From Bloomfield Avenue curblin to the curblin of Ravine Avenue
Espy Road	West	From the curblin of Bloomfield Avenue to a point 1,262 feet down Espy Road
Florence Place	North	Between Elizabeth Street and Thomas Street
Forest Avenue	East	Between Kirkwood Place and Crane Street
Forest Avenue	West	From Bloomfield Avenue to Hatfield Street
Gould Place	East	From Bloomfield Avenue to Westville Avenue
Gould Place	West	From Bloomfield Avenue for a distance of 290 feet
Hawthorne Road	Both	From Ryerson Avenue to the Caldwell/Essex Fells line
Kirkwood Place	North	From Forest Avenue to Personette Street
Lane Avenue	East	Between Bloomfield Avenue and the Caldwell - West Caldwell line
Lane Avenue	West	From the southern curb of Bloomfield Avenue south for 229 feet
Lincoln Terrace	Both	Entire Length
Linwood Terrace	West	From Bloomfield Avenue to Elm Road
Mascari Lane	Both	Entire length
Mountain Avenue	Both	From Bloomfield Avenue to a point 25 feet north of Elm Road
Oak Grove Road	North	From Caldwell/Essex Fells Line to a point 168 feet west thereof
Oak Grove Road	North	From Roseland Avenue east to Parkway West
Oak Grove Road	South	From Roseland Avenue to a point 142 feet east thereof
Oak Grove Road	South	From Caldwell/Essex Fells Line to a point 97 feet west thereof
Park Avenue	East	For a distance of 245 feet from Bloomfield Avenue
Park Avenue	West	From Bloomfield Avenue to Wakefield Place
Personette Street	Both	From Bloomfield Avenue to Kirkwood Place
Prospect Street	Both	From Bloomfield South for a distance of 245 feet
Prospect Street	East	From the Caldwell/West Caldwell line north to a point 25 feet of the extended north curblin of Highview Raod (South)
Provost Square	Both	Entire length
Ravine Avenue	North	From Central Avenue to the North Caldwell line
Roseland Avenue	East	From Bloomfield Avenue south to the Essex Fells line



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Name of Street	Side	Location
Roseland Avenue	West	A distance of 63 feet
Roseland Avenue	West	From Bloomfield Avenue to a point 712 feet south
Roseland Avenue	West	From a point 25 feet south of the extended south side curb line of Oak Grove Road to a point 240 feet north of the extended curb line of the north side of Oak Grove Road
Ryerson Avenue	East	From Bloomfield Avenue to the northerly corner of Grove Street
Ryerson Avenue	West	From Hawthorne Road to Grove Street
Ryerson Avenue	West	From Bloomfield Avenue to a point 405 feet south thereof
Ryerson Avenue	West	From a point 25 feet north of the northerly curb line of Seymour Street south to Hawthorne Road
Smull Avenue	East	From Myrtle Avenue to a point 300 feet north thereof
Smull Avenue	East	From the southern extended curbline of Ward Place to a point 25 feet north of the northern curbline of Hatfield Street.
Smull Avenue	West	From Bloomfield Avenue to Caldwell/West Caldwell line
Thomas Street	Both	From a point 126 feet south of the southern curb of Florence Place running south for 198 feet
Thomas Street	East	Between Academy Road and Florence Place
Thomas Street	East	From Academy Road to a point 126 feet south of the southern curb line of Florence Place
Washburn Place	East	Between Bloomfield Avenue and Westville Avenue
Westover Avenue	West	Between Bloomfield Avenue and Ravine Avenue
Westville Avenue	Both	From Roseland Avenue to a point 200 feet west.
Westville Avenue	North	From Thomas Street to the curbcut at 123 Westville Avenue
Westville Avenue	Both	From a point 25 feet east of the intersection with Brookside Avenue To the intersection of Brookside Avenue
Westville Avenue	South	From the West Caldwell line east to a point 25 feet east of the extended easterly curbline of Thomas Street
Whitfield Street	North	From the eastern curb line of Cleveland Street 100 feet east
Whitfield Street	South	From Park Avenue to Central Avenue

### **S 230-29 Parking prohibited certain hour**

No person shall park, cause, allow or permit any vehicle registered in the name of such person or operated by such person, a vehicle on any county road within the Borough between the hours of 2:00a.m. and 6:00a.m..

No person shall park a vehicle on any Borough road for more than 30 minutes between the hours of 2:00 a.m. and 6:00a.m. unless the police department has issued prior permission.

No person shall park a vehicle between the hours listed upon any of the following described streets or parts of streets:



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Bloomfield Avenue	Both	2:00 a.m. to 6:00 a.m./ All	Entire length
Central Avenue	Both	2:00 a.m. to 6:00 a.m./ All	Entire length
Crane Street	Both	8:00 a.m. to 4:00 p.m./ School days	From Arlington Avenue to Erwin Place
Hanford Place	East	12:00 a.m. to 6:00 a.m./ All	From Bloomfield Avenue to a point 187 feet north of Bloomfield Avenue
Hanford Place	West	12:00 a.m. to 6:00 a.m./ All	From Bloomfield Avenue to a point 175 feet north of Bloomfield Avenue
Hanford Place	East	9:00 p.m. to 6:00 a.m./All	From a point 187 feet north of Bloomfield Avenue to Whitfield Street
Hanford Place	West	9:00 p.m. to 6:00 a.m./All	From a point 175 feet north of Bloomfield Avenue to Whitfield Street
Lane Avenue	Both	2:00 a.m. to 6:00 a.m./ All	Entire length
Mountain Avenue	Both	2:00 a.m. to 6:00 a.m./ All	Entire length
Prospect Street	West	8:00 a.m. to 4:00 p.m./ School days	From Academy Road to the Caldwell - West Caldwell line
Roseland Avenue	Both	2:00 a.m. to 6:00 a.m./ All	Entire length
Seymour Street	North	7:00 a.m. to 7:00 p.m./ All	Entire length
Seymour Street	South	7:00 a.m. to 7:00 p.m./ All	Entire length
Thomas Street	West	8:00 a.m. to 4:00 p.m./ School days	From Academy Road to a point 25 feet south of the southerly curb of Florence Place
Westville Avenue	Both	2:00 a.m. to 6:00 a.m./ All	Entire length

### S 230-30 Parking Prohibited – Time Limit

No person shall park a vehicle for longer than the time limit specified upon any of the following described streets or parts thereof:

Name of Street	Side	Time Limit; Hours/Days	Location
Brookside Avenue	East	3 hours; 8:00 a.m. to 6:00 p.m./All except Sundays and public holidays	From Westville Avenue to a point 427 feet north thereof
Brookside Avenue	West	3 hours; 8:00 a.m. to 6:00 p.m./All except Sundays and public holidays	From Westville Avenue to a point 489 feet south thereof



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Name of Street	Side	Time Limit; Hours/Days	Location
Cleveland Street	East	3 hours; 8:00 a.m. to 6:00 p.m./All except Sundays and public holidays	From Bloomfield Avenue to Whitfield Street
Gould Place	West	3 hours; 8:00 a.m. to 6:00 p.m./All except Sundays and public holidays	From a point 200 feet south of the southerly curb of Bloomfield Avenue to Westville Avenue
Park Avenue	East	15 min.; 8:00 a.m. to 6:00 p.m./All, except Sundays and public holidays	From a point 245 feet north of Bloomfield Avenue a distance of 60 feet
Roseland Avenue	West	3 hours; 8:00 a.m. to 6:00 p.m./All except Sundays and public holidays	From a point 712 feet south of Bloomfield Avenue to a point 25 feet north of the extended northern curb line of Oak Grove Road

### S 230- 31 Reserved

### S 230-32 Bus stops

The following described locations are hereby designated as bus stops. No vehicle other than an omnibus, picking up or discharging passengers, shall be permitted to occupy said location.

#### Name of Street/Location

Bloomfield Avenue, westbound, on the north side at:

Arlington Avenue (far side) beginning at a point 12 feet west of the west curb of Arlington Avenue and thence west for 100 feet

Cleveland Street, on the easterly side, from Bloomfield Avenue west of the westerly curb of Cleveland Street and running westerly for 100 feet

Elm Road (southside) beginning at a point at the south curb of Elm Road and running east for 105 feet

Linwood Terrace (far side) beginning at a point 10.5 feet west of the west curb of Linwood Terrace and running west for 100 feet

Mountain Avenue (near side) beginning at a point 13 feet east of the east curb of Mountain Avenue and running east for 105 feet

Prospect Street (midblock) beginning at a point 20 feet east of the prolongation of the east curb of Prospect Street and running east for 135 feet

Smull Avenue (far side) beginning at a point 10 feet west of the west curb of Smull Avenue and running west for 100 feet

Westover Avenue (far side) beginning at a point 200 feet west of the projection of the west curblines of Westover Avenue and extending 105 feet west therefrom

Bloomfield Avenue, eastbound, on the south side at:

Academy Road (near side) beginning at a point 36 feet west of the prolongation of the north curb of Academy Road and running west for 105 feet

Arlington Avenue (midblock) beginning at a point 150 feet west of the prolongation of the west curb of Arlington Avenue and running west for 135 feet

Brookside Avenue (near side) beginning at a point formed by the intersection of Bloomfield Avenue and the curb on the west side of Brookside Avenue and running west for 112 feet



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### Name of Street/Location

Elm Road (far side) beginning at the projection of the easterly curbline of Elm Road and extending 105 feet easterly therefrom

Lane Avenue and Prospect Street (midblock) beginning 186 feet east of the easterly curbline of Lane Avenue and extending 135 feet easterly therefrom

Mountain Avenue extended (midblock) beginning at a point formed by the intersection of the east curbline of Mountain Avenue extended with the south curbline of Bloomfield Avenue and running east for 135 feet

Prospect Street (far side) beginning at a point 130 feet east of the east curb of Prospect Street and running east for 100 feet

Roseland Avenue (near side) beginning at a point 20 feet west of the west curb of Roseland Avenue and running west for 120 feet

Ryerson Avenue (far side) beginning at a point formed by the intersection of Bloomfield Avenue and the curbline on the east side of Ryerson Avenue and running east 100 feet

Westover Avenue (midblock) beginning at a point 38 feet west of the prolongation of the west curb of Westover Avenue and running west for 135 feet

**S 230-33 Handicapped parking.** The following described street or part of street shall be reserved for use by persons who have been issued special vehicle identification cards by the New Jersey Motor Vehicle Commission. The number of reserved spaces and their specific location shall be determined by the Chief of Police in accordance with all applicable legal requirements, including the requirements of N.J.S.A. 52:32-12. The Police Department shall erect proper signs calling attention to the provisions of this section.

Brookside Avenue	South / east side – 50 feet south of Gould Place
	South / east side - 96 feet south of Westville Avenue

All municipal parking lots shall contain parking spaces designated as restricted parking spaces for use by persons who have been issued special vehicle identification cards by the New Jersey Motor Vehicle Commission. No other person shall be permitted to park in the spaces so reserved. The specific locations of these spaces shall be in areas of the parking lot or facility most accessible and approximate to the building or buildings or area served by the lot or facility. The number of reserved spaces and their specific location shall be determined by the Chief of Police in accordance with all applicable legal requirements, including the requirements of N.J.S.A. 52:32-12. The Police Department shall erect or install in all municipal parking lots and parking decks proper signs calling attention to the provisions of this section.

Municipal Parking Lot	Number of Handicapped Parking Spaces
Cooks Lane	2
Firehouse Plaza	4
Hanford Plaza	3
Kaplan Plaza	5
Parsons Plaza	4
Provost Square	2
Smull Plaza	4



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## ARTICLE IV

### Emergency No Parking

**S 230-30 Declaration of Emergency** In the event that the Essex County Sheriffs Department, Office of Emergency Management declares an emergency due to disaster situations such as fires, floods, accidents, terrorist attacks, storms, or other events and conditions that may interfere with the free flow of traffic, there shall be no parking on streets or sections of streets where Emergency "No Parking When Emergency Declared" signs are displayed, or as otherwise directed during the emergency. Any unoccupied vehicle, whether parked or standing, shall be in violation of this section and shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and shall be removed.

**S 230-31 Parking Prohibited** Parking shall be prohibited at the following locations upon declaration of an emergency by the County of Essex:

Name of Street	Side	Location
Bloomfield Avenue	Both	Between Mountain Avenue and Lane Avenue
Central Avenue	Both	Between Bloomfield Avenue and Miller Street
Lane Avenue	Both	Between Bloomfield Avenue and the Borough boundary line
Mountain Avenue	Both	Between Bloomfield Avenue and the Borough boundary line
Roseland Avenue	Both	Between Bloomfield Avenue and the Borough boundary line
Westville Avenue	Both	Between Roseland Avenue and the Borough boundary line

**S 230-32 No parking during general emergency; emergency parking violations and penalties.**

Upon the declaration of an emergency by the Chief of Police or by the Borough Office of Emergency Management, there shall be no parking upon streets or parts of streets where temporary emergency no-parking signs are displayed. The Chief of Police, or in his absence, the ranking police officer, is authorized to direct the posting of said emergency no-parking signs when weather conditions, accidents, fires or public celebrations dictate or require the avoidance of hazards or other conditions which interfere with the free flow of traffic.

**S 230-33 No parking on snow-covered streets; exceptions; snow parking violations and penalties.**

A. It is the purpose and intent of this section, in the interests of public safety and the general welfare of the Borough, to facilitate snow removal from curb to curb on public streets of the Borough as efficiently and expeditiously as possible after a snowfall.

B. Despite any regulation to the contrary, no person shall park a vehicle upon either side of any public street or allow any portion of a vehicle to extend into the roadway when any accumulation of snow completely covers the roadway and obstructs road markings.

C. The above parking prohibition shall remain in effect after the snow has ceased until the entire block on which a vehicle seeks to park has been plowed.

This section shall not be applicable to locations designated for metered parking pursuant to § 230-41 except during the following hours.

(1) The hours of 2:00 a.m. to 6:00 a.m.

(2) From 7:00 a.m. to 9:00 a.m., on the south and west side of the street.



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(3) From 4:00 p.m. to 6:00 p.m., on the north and east side of the street.

D. As used in this section, the term "snow" shall mean any precipitation depositing any accumulation on the public streets of the Borough requiring plowing, including without limitation, snow, sleet, hail or ice.

E. Regulatory and warning signs in accordance with N.J.S.A.39:4-138 shall be erected and maintained at major street entrances to the Borough for motor vehicles. Signs for exempt streets shall be posted as applicable. Notice of said parking prohibition shall be deemed adequate when posted on the Borough website and available via prerecorded phone message.

F. Vehicles displaying a valid handicapped placard or having handicapped license plates otherwise legally parked shall be permitted to remain parked without violating this section notwithstanding that snow is covering the street.

G. On streets where overnight parking is allowed by permit, parking shall be prohibited while streets are snow covered as follows:

(1) On even calendar days, permit parking (including daily permits) shall be allowed on the north and east sides of the street.

(2) On odd calendar days, parking shall be allowed on the south and west sides of the street.

### Article VI

#### Metered Parking

##### **S 230-34 Definitions**

The following words and phrases, which are not defined in Subtitle 1 of Title 39 of the New Jersey Statutes Annotated, shall have the meanings respectively ascribed to them in this section for purposes of this article:

##### **Parking Meter**

Any mechanical or electronic multispace device or meter placed or erected for the regulation of parking by authority of this article. Each "parking meter" or "electronic multispace meter device" installed shall indicate by proper legend the legal parking time established by the terms of this article and, when operated, shall at all times indicate the balance of legal parking time and, at the expiration of such period, shall indicate illegal or overtime parking. For purposes of this section, the phrases "parking meter" and "electronic multispace meter device" are interchangeable.

##### **Parking Meter Space**

Any space within a parking meter zone which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street adjacent to or adjoining the parking meters.

##### **Parking Meter Zone**

Any restricted on-street parking area or off-street parking lot upon which parking meters are installed and in operation.

##### **S230-35 Designation of parking spaces.**

The Chief of Police is hereby directed and authorized to provide for the marking of individual parking spaces in the parking meter zones designated and described in §230-41, said parking spaces to be designated by lines painted or marked on the curbing or surface of the street. At each space so marked, it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within the limits of the space so designated.

##### **S 230-36 Installation of parking meters.**

In said parking meter zones, the Police Department shall cause parking meters to be installed upon the curb, sidewalk or area immediately adjacent to the parking spaces provided in § 230-41 of this Chapter. No parking meters shall be installed in areas where parking is prohibited pursuant to the provisions of N.J.S.A. 39:4-138.



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The Chief of Police shall be responsible for the regulation, control, operation, maintenance and use of such parking meters. Each device shall be so set as to display a signal showing legal parking upon the deposit of the appropriate coin, credit or debit card, or lawful money of the United States of America, for the period of time prescribed in § 230-41. Each device shall be so arranged that upon the expiration of the lawful time limit, it will indicate by a proper, visible signal that the lawful parking period has expired, and in such case the right of such vehicle to occupy such space shall cease, and the operator, owner, possessor or manager thereof shall be subject to the penalties hereinafter provided. Each electronic multispace meter, when activated, shall alternately display the parking space number and the expiration time.

### **S 230-37 Operation of parking meters**

Except in a period of emergency determined by an officer of the Fire or Police Department, or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle shall be parked in any parking space alongside or next to which a parking meter is located, or otherwise marked to indicate that parking in the parking space is regulated by a parking meter, the operator of such vehicle shall, upon entering the said parking space, immediately deposit or cause to be deposited in said meter such proper coin of the United States of America, or credit card or debit card, as is required for such parking meter and as is designated by proper directions on the meter, and when required by the directions on the meter, the operator of such vehicle, after the deposit of the proper coin or by credit card or debit card, shall also set in operation the timing mechanism on such meter in accordance with directions properly appearing thereon, and failure to deposit such proper coin and to set the timing mechanism in operation when so required shall constitute a violation of this article. Upon the deposit of such coin (and the setting of the timing mechanism in operation when so required), the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the part of the street in which said parking space is located, provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin or to pay any additional sum by other means, so long as occupancy of said space does not exceed the indicated unused parking time. If said vehicle shall remain parked in any such parking space beyond the parking time limit set for such parking space and if the meter shall indicate such illegal parking, then and in that event such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed a violation of this article.

### **S 230-38 Manner of parking**

A. When a parking meter space is parallel with the adjacent curb or sidewalk, no person shall park or permit the parking of any vehicle in such parking space in any other position than with the foremost part of such vehicle nearest to the parking meter; when a parking meter space is diagonal to the curb or sidewalk, no person shall park or permit the parking of any vehicle in such parking space in any other position than with the foremost part of such vehicle nearest to the parking meter; when a parking meter shall have been installed at the head of and immediately adjacent to any parking space on a municipal off-street parking lot, no person shall park or permit the parking of any vehicle in such parking space in any other position than with the foremost part of such vehicle nearest to the parking meter.

B. Handicapped parking. In spaces so designated by proper signage indicating handicapped parking, only those motor vehicles exhibiting license plates designating the handicapped status of the same shall be entitled to occupy said space.

C. Any person parking a motor vehicle in a restricted parking space without a special vehicle identification card shall be liable to a fine of \$250 for the first offense and, for subsequent offenses, a fine of at least \$250 and up to 90 days' community service on such terms and in such form as the court shall deem appropriate, or any combination thereof.

### **S230-39 Violations**

A. It shall be unlawful and a violation of the provisions of this article for any person to:

(1) Cause, allow, or permit any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any parking meter zone as herein described, or to deposit in any parking meter any coin for the purpose of parking beyond the maximum legal parking time for the particular parking meter zone.

(2) Permit any vehicle to remain or be placed in any parking space adjacent to any parking meter while said meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking space.

(3) Park any vehicle across any line or marking of a parking meter space or in such position that the vehicle





# BOROUGH OF CALDWELL NEW JERSEY



shall not be entirely within the area designated by such lines or markings.

(4) Deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this article.

(5) Deposit or cause to be deposited in any parking meter any slug, device or metal substance or other substitute for lawful coins.

(6) Park or permit the parking of any vehicle in any parking meter space where the meter does not register lawful parking.

### 230-40 Collection of coins from meters; disposition thereof

It shall be the duty of the Chief of Police to designate a person or persons to make regular collections of the moneys deposited in said meters, and it shall be the duty of such person or persons so designated to remove from the parking meters the locked containers therein containing the coins so deposited in said meters and to deliver such locked containers to the Police Department, which shall unlock them and count the funds contained in such containers and deposit such funds in the usual manner provided by law.

### 230-41 Parking meter zones

On-street parking meter zones. In accordance with § 230-39, parking or standing a vehicle in a parking meter space in the on-street parking meter zones described below shall be lawful for up to three consecutive hours only upon the deposit of such amount (the "meter rate") as is indicated for each specified period of time.

Name of Street	Side	Location	Time Limit/ Rate
Academy Road	North	From Bloomfield Avenue to Thomas Street	50 cents per hour
Bloomfield Avenue	North	From a point 798 feet east from the east side curb of Westover Avenue and running east to the west curb of Arlington Avenue	50 cents per hour
Bloomfield Avenue	South	From a point 688 feet east from the east curb of Prospect Street and running east to a point 571 feet west of the west curb of Arlington Avenue	50 cents per hour
Brookside Avenue	Both	From Bloomfield Avenue to a point 202 feet south thereof	50 cents per hour
Forest Avenue	East	From Bloomfield Avenue to Kirkwood Place	50 cents per hour
Hanford Place	Both	From Bloomfield Avenue to Whitfield Street	50 cents per hour
Park Avenue	East	From Ward Place to a point 228 feet north of the north curb of Bloomfield Avenue	50 cents per hour
Smull Avenue	East	From Bloomfield Avenue to a point 800 feet north of the north side of Bloomfield Avenue	50 cents per hour
Washburn Place	West	From Bloomfield Avenue to a point 138 feet south thereof	50 cents per hour



## BOROUGH OF CALDWELL NEW JERSEY



Despite anything contained in this section to the contrary, no person shall be obligated to pay the meter rate as a condition to lawfully park in a meter spot on a Sunday or holiday.

### **230-42 Meter Rates**

Effective April 1, 2012, the meter rates and the days and hours of operation set forth in any other section of the Borough Code are repealed. From and after April 1, 2012, the meter rates and the days and hours of operation for all on-street parking meter zones shall be as set forth herein. All meter rates shall be displayed in the Borough Clerk's office, in the Police Department, and posted on the Borough's Web site.

### **230-43 Removal or immobilization of vehicles for nonpayment of parking tickets.**

Removal authorized. The Chief of Police is authorized, in accordance with N.J.S.A. 39:4-139.13, to immobilize, remove or cause to be removed any vehicle found operating or parked on a public highway, in a municipal parking lot or on other property owned, leased or under the control of the Borough where there are any outstanding warrants against such vehicle. In addition to or in lieu of removal, any such vehicle may be immobilized by use of a device or other mechanism, which will cause no damage to such vehicle unless moved when such device or mechanism is in place. In any case involving immobilization of a vehicle pursuant to this section, the Chief of Police or his designee shall cause to be placed on such vehicle, in a conspicuous manner, notice sufficient to warn any individual of the effect that any attempt to move such vehicle might result in damage to such vehicle.

Notice of impoundment and disposition. It shall be the duty of the Chief of Police or his designee, within 48 hours, to make every effort to ascertain the identity of the last registered owner and to notify such owner personally or by registered or certified mail of the immobilization, removal and disposition of such vehicle and all charges which must be paid by the owner to redeem the same.

Any such vehicle so removed pursuant to this section shall be impounded and stored in a place designated by the Chief of Police and shall be held until it is redeemed or disposed of pursuant to §230-44B below.

### **S 230-44 Release or sale of vehicle.**

A. Before the owner or person in charge of any vehicle impounded pursuant to this section shall be allowed to repossess or secure the release of said vehicle, the owner or the agent of such owner shall pay all sums legally due the Borough for warrants issued and outstanding against such vehicle and all sums due for towing and storage of the vehicle and an administrative fee of \$25.

B. Any vehicle not claimed by its registered owner, or someone authorized in writing to act on behalf of the owner, by the 30th day following the day on which the vehicle was impounded or immobilized may be sold at public auction in accordance with N.J.S.A. 39:4-139.13.

1. 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.
2. 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.



# BOROUGH OF CALDWELL NEW JERSEY



## 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 27th, day of September, 2011 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 11th day of October, 2011 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

Lisa O'Neill  
Acting Municipal Clerk

DATE OF FIRST READING: May 1, 2012  
DATE OF PUBLICATION: May 3, 2011  
MOVED:  
SECONDED:

DATE OF SECOND READING: June 5, 2012  
DATE OF ADOPTION: June 5, 2012  
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					O'Donnell				
Murray					Kelley				
Coyle					Rodgers				

\_\_\_\_\_  
**Lisa O'Neill, Acting Borough 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# 1252-12**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$165,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$156,750 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

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**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Caldwell, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$165,000, including the aggregate sum of \$8,250 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$156,750 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:



**BOROUGH OF CALDWELL  
NEW JERSEY**



<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Providing for the acquisition of public safety radios, fire department gear and fire chief command vehicle, including all related costs and expenditures incidental thereto.	\$95,000	\$90,250	5 years
b) Providing for the acquisition of emergency generator for the municipal complex, including all related costs and expenditures incidental thereto.	\$70,000	\$66,500	15 years
<b>TOTALS</b>	<b><u>\$165,000</u></b>	<b><u>\$156,750</u></b>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

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



## BOROUGH OF CALDWELL NEW JERSEY



Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Borough may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 9.24 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$156,750, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$16,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market



**BOROUGH OF CALDWELL  
NEW JERSEY**



disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

DATE OF FIRST READING: May 1, 2012  
DATE OF PUBLICATION: May 3, 2012  
MOVED:  
SECONDED:

DATE OF SECOND READING: May 15, 2012  
DATE OF ADOPTION: May 15, 2012  
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						O'Donnell				
Murray						Kelley				
Coyle						Rodgers				

\_\_\_\_\_  
**Lisa O'Neill, Acting Borough 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: 5-112

Date of Adoption: May 1, 2012

**TITLE:**

**AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH MAY 1, 2012 FOR 2012 BILLS IN THE TOTAL AMOUNT OF \$326,047.88**

**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 2011 and/or 2012 appropriation for said purpose;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Caldwell that the, Borough Administrator and Assistant Treasurer 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						O'Donnell				
Murray						Kelley				
Coyle						Rodgers				

\_\_\_\_\_  
Lisa O'Neill, Acting Borough Clerk

\_\_\_\_\_  
Ann Dassing, Mayor





**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 5-113

Date of Adoption: May 1, 2012

**TITLE:**

**AUTHORIZING THE REFUND OF A TAX OVERPAYMENT PAYABLE TO: MATT BOLGER**

**WHEREAS**, it has been determined by the Borough Tax Collector that the taxpayers Bank has over paid the tax, for 69 Smull Avenue, Caldwell, NJ; resulting in a overpayment 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 tax overpayment;

See attached letter from homeowner requesting overpayment be returned:

<u>BLOCK &amp; LOT</u>	<u>RECIPIENT</u>	<u>REFUND AMOUNT</u>
Block 25 Lot 13	Matt Bolger 69 Smull Avenue Caldwell, NJ 07006	<b>\$786.01</b>

**RECORD OF COUNCIL VOTE**

Councilman: \_\_\_\_\_ presented the following resolution - Seconded by Councilman: \_\_\_\_\_

COUNCILMAN    Yes    No    Absent    Abstain    COUNCILMAN    Yes    No    Absent    Abstain

Hauser					O'Donnell				
Murray					Kelley				
Coyle					Rodgers				

\_\_\_\_\_  
Lisa O'Neill, Acting Borough Clerk

\_\_\_\_\_  
Ann Dassing, Mayor



**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 5-114

Date of Adoption: May 1, 2012

**TITLE:**

**AUTHORIZING THE BOROUGH CLERK TO PREPARE SPECIFICATIONS AND ADVERTISE FOR THE COLLECTION AND HAULING OF RECYCLABLE MATERIALS FOR THE PURPOSE OF RECYCLING IN THE BOROUGH OF CALDWELL**

**WHEREAS**, the current Collection and Hauling of Recyclable Materials contract expires on May 31, 2012 and;

**WHEREAS**, it is necessary to receive bids for the Collection and Hauling of Recyclable Materials,

**BE IT RESOLVED** by the Borough Council of the Borough of Caldwell, New Jersey that they do hereby authorize the Borough Clerk to prepare specifications and advertise for the receipt of bids for the Collection and Hauling of Recyclable Materials 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

Hauser					O'Donnell				
Murray					Kelley				
Coyle					Rodgers				

\_\_\_\_\_  
**Lisa O'Neill, Acting Borough Clerk**

\_\_\_\_\_  
**Ann Dassing, Mayor**