



***BOROUGH OF CALDWELL  
NEW JERSEY***



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**COUNCIL BUSINESS  
MEETING May 7, 2013**

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



Council Chambers  
1 Provost Square Caldwell, NJ

# Borough of Caldwell Council Business Meeting

## AGENDA

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

May 7, 2013

MAYOR  
Ann Dassing

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

### CALL TO ORDER

*Honorable Ann Dassing, Mayor of the Borough of Caldwell Presiding*

Roll Call  
Statement of Compliance w/ Open Public Meetings Act  
Pledge of Allegiance to the Flag

### APPROVAL OF MINUTES

April 16, 2013

### PRESENTATION

1. Ann Marchioni / Environmental Commission – Tree Day Awards Contest

### INTRODUCTION OF ORDINANCES

**ORDINANCE# 1277-13:** CALENDAR YEAR 2013 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

### PUBLIC HEARING AND ADOPTION OF ORDINANCES

**ORDINANCE# 1276-13:** BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$570,050 FOR VARIOUS WATER MAIN IMPROVEMENTS IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$570,050 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION

### 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.*

- 5-130:** RESOLUTION APPROVING A CONTRACT BETWEEN THE BOROUGH OF CALDWELL AND THE TOWNSHIP OF VERONA – SUMMER SWIM TEAM 2013
- 5-131:** AUTHORIZING THE BOROUGH ADMINISTRATOR TO PREPARE A REQUEST FOR PROPOSAL FOR SOLAR POWERED BUS STOPS IN THE BOROUGH OF CALDWELL CAPABLE OF PROVIDING ADVERTISING SPACE TO FUND THE CONSTRUCTION AND MAINTENANCE OF THE SHELTERS



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### RESOLUTIONS - CONSENT AGENDA (continued)

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

- 5-132:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 12-00021 PAYABLE TO US BANK CUST-PROCAP 11, LLC.
- 5-133:** RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION Block 15.05, Lot 10 –18 Beachmont Terrace, North Caldwell, NJ to Andrzej Kapitula
- 5-134:** AUTHORIZING THE ISSUING OF A SPECIAL LIQUOR PERMIT. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE CLERK'S OFFICE – ACAP Academy of Clinical & Applied Psychoanalysis
- 5-135:** AUTHORIZING THE AWARD OF A CONTRACT FOR THE GOULD PLACE, CEDARS ROAD, KNOLLWOOD TERRACE AND OVERLOOK ROAD WATER MAIN REPLACEMENT PROJECT TO MATINA & SON, 148 ENGLISH STREET, HACKENSACK, NJ 07601 IN THE AMOUNT OF \$673,000.00
- 5-136:** AUTHORIZING AWARD OF A PROFESSIONAL SERVICES CONTRACT TO CREW ENGINEERS, INC. FOR PROFESSIONAL ENGINEERING – CONSTRUCTION-RELATED SERVICES FOR THE GOULD PLACE, CEDARS ROAD, KNOLLWOOD TERRACE & OVERLOOK ROAD WATER MAIN REPLACEMENT PROJECT

### INTRODUCTION OF THE 2013 MUNICIPAL BUDGET

Introduction of the 2013 Municipal Budget – Borough of Caldwell

### COUNCIL COMMITTEE REPORTS

*Borough Council Members*

*Members of the Borough Council may choose to report on their respective committees.*

### REPORT OF MAYOR

*Mayor Dassing*

### REPORT OF ADMINISTRATOR

*Paul M. Carelli*

Administrator Report – May 7, 2013

### REPORT OF ATTORNEY

*Gregory Mascera*



Council Chambers  
1 Provost Square Caldwell, NJ

# Borough of Caldwell Council Business Meeting

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May 7, 2013

MAYOR  
Ann Dassing

BOROUGH COUNCIL  
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John Coyle / Public Works  
John Kelley / Community Relations  
Frank Rodgers / Personnel  
Edward Durkin Jr. / Finance

### OLD BUSINESS

1. Water Main Improvement Projects - Status

### NEW BUSINESS

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

1. Removal of a Soliciting Permit for New Jersey Youth Club, Inc.

### 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 5/06/2013 with all available information as of this date. This agenda has been sent to four official newspapers of the Borough on 5/06/2013 in compliance with P. L. 1975, c 213

Lisa O'Neill, Deputy Clerk.

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE  
MEETING MINUTES – April 16, 2013**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at **7:13PM**

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

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

**ABSENT:**

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

**APPROVAL OF  
MINUTES: April 2, 2013**

Moved by Councilman Coyle seconded by Councilman Hauser. No Discussion. On roll call, all present voted in the affirmative. Minutes approved 04/16/13.

**PRESENTATION:**

- 1. Relay for Life – Allison Lopreato/Director – Special Events**
- 2. Project Main Street – Caldwell Beautification Day**

**-Discussion on Beautification Day, Baskets along Bloomfield Avenue and watering of the baskets and the green.**

**Comments by:**

**Ann Marchioni, Environmental Commission**, the Environmental Commission should be seeing the plans like they do with all site plans.

**June Cowell, 29 Brookside Avenue**, The Caldwell Merchants Association has never been opposed to the Beautification it is part of our published statement. What we were objecting to and our concerns are that it would be done in a fiscal, responsible and sustainable way.

**Richard Basta**, Historic Preservation Commission, showed the Council pictures of the history of the common.

**Beverly Crisfasi**, Historic Preservation Commission, she spoke about the history in Caldwell.

**David Cowell, 29 Brookside Avenue**, he spoke about the planting on the common.

**Diane Lily, NJ Tomato Press**, asked about the watering cost of the plants.

**Alan Shlinder**, he feels that working with the historic commission and the Environmental Commission is a great idea.

**Amy Piazza, 24 Erwin Place**, she feels that doing the beautification day on a Saturday is a problem for the merchants as far as the parking.

**Bob Markman**, he spoke about the changes in Caldwell.

**Douglas Piazza, 24 Erwin Place**, spoke about volunteering with the different organizations in town and being board members. He talked about procedures and how Project Main Street has not reached out to anyone until now.

**Bob Christensen, 3 Ravine Avenue**, things have changed in this town and we need to be looking at the town and stop the arguing about flowers.

**4-128: RESOLUTION AUTHORIZING PROJECT MAIN STREET TO HOLD THE CALDWELL BEAUTIFICATION DAY ON SATURDAY, MAY 18, 2013 WITH A RAIN DATE OF SUNDAY, MAY 19, 2013**

Moved by Councilman Kelley, seconded by Councilman Durkin. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 04/16/13.

**OPEN PUBLIC COMMENTS ON RESOLUTIONS:**

**RESOLUTIONS – CONSENT AGENDA**

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE  
MEETING MINUTES – April 16, 2013**

**2 of 4**

- 4-113:** 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 – Linda Hofmann, The Towne Scoop
- 4-114:** 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 – North Jersey Collision, Phil Inarella
- 4-115:** 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., Kirk Marcou
- 4-116:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Caldwell Downtown Alliance/ Off Premise – 50/50 Raffle, June 13, 2013 – 6:30PM
- 4-117:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Grover Cleveland Park Conservancy/ Off Premise – 50/50 Raffle, September 21, 2013 – 1:00PM – 4:00PM
- 4-118:** AUTHORIZING THE ISSUING OF A SPECIAL LIQUOR PERMIT. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE CLERK'S OFFICE – First Presbyterian Church at Caldwell

Moved by Councilman Coyle, seconded by Councilman Rodgers. Discussions Ensued. On roll call, Councilman Durkin, Rodgers, O'Donnell, Kelley and Coyle voted in the affirmative. Councilman Hauser abstained. Resolutions approved 04/16/13

- 4-119:** AUTHORIZING THE APPOINTMENT OF Carmine P. Saldutto, Jr. AS A FIREFIGHTER IN THE CALDWELL VOLUNTEER FIRE DEPARTMENT
- 4-120:** AUTHORIZING THE APPOINTMENT OF Conor P. Cunningham AS A FIREFIGHTER IN THE CALDWELL VOLUNTEER FIRE DEPARTMENT
- 4-121:** AUTHORIZING THE APPOINTMENT OF Charles J. Minetti, Jr., AS A FIREFIGHTER IN THE CALDWELL VOLUNTEER FIRE DEPARTMENT
- 4-122:** RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION Block 33, Lot 4 – 7 Eisenhower Parkway, Roseland, NJ to DW Smith Associates, LLC.
- 4-123:** RESOLUTION ADOPTING A FLEXIBLE SPENDING PLAN
- 4-124:** AUTHORIZING THE REFUND OF OVERPAYMENT OF 2013 TAXES FOR BLOCK 54 LOT 2.50, FOR 63 ROSELAND AVENUE, CALDWELL, NJ
- 4-125:** RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS
- 4-126:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH APRIL 16, 2013 FOR 2012/2013 BILLS IN THE TOTAL AMOUNT OF \$5,604,250.96
- 4-127:** RESOLUTION AUTHORIZING GREGORY SEAMAN TO ENDORSE THE AVALON BAY COMMUNITIES, INC. TREATMENT WORKS APPROVAL APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

**CONSENT**

Moved by Councilman Coyle, seconded by Councilman Rodgers. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 04/16/13.

**COUNCIL COMMITTEE REPORTS:**

**Councilman Durkin** reported that the budget will be introduced at the next meeting.

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE  
MEETING MINUTES – April 16, 2013**

**3 of 4**

**Councilman Rodgers** reported that he attended the Board of Ed meeting and Marie Lanfrank was honored from the Caldwell/West Caldwell Foundation. Marie founded the organization and raised money to donate to the school systems. His wife and son went to the skate-a-thon for the Courtright it was a success. They asked that I remind everyone if they can participate in the walk- a-thon on Thursday, June 6<sup>th</sup> at Grover Cleveland Park at 6:00PM. They have a website [www.cff.org](http://www.cff.org) with all the information.

**Councilman Hauser** reported that the Library on April 18<sup>th</sup> will be honoring Mary Nolfi for twenty years of volunteering service. Mrs. Nolfi is 89 years old and this is all part of National Volunteer Library week.

**Councilman Kelley** reported that he attended the Camp Wyanokie meeting and there is a summer camping event on June 22<sup>nd</sup>. They are in the process of seeking out some hamburger and hot dog donations for the cookout. On this Saturday the Grover Cleveland Park Conservancy is having a volunteer effort to clean up the park. It runs from 9am to 12 and there will be a number of people there and he will be one of them.

**Mayor Dassing** asked for a moment of silence for those killed and injured at the Boston Marathon. She has spoken to the Building owners at 40 and 48 Roseland Avenue where there seems to be quite a collection of baseballs and softballs. We have put in place a solution here in our Parking lot which is the other side of the field. Mr. Carelli put together a nice package and they are both very receptive. She also sent an email to the recreation committee because she would like to hold another meeting we had discussed in putting in the two pieces of netting on the first base line and she doesn't think it has been done. She met with a company about solar energy in the Sewer plant and they shared with us some really cool bus stop samples. They have Wi-Fi in them, they are run by the sun and they have lights that motion detected. The Mayor would like the Borough Attorney to look at the agreement. She attended the Complete Streets presentation with Councilman Kelley and Councilman Durkin at the County in the Boat House in Verona.

**REPORT OF ADMINISTRATOR:**

**Paul Carelli**, reported that Councilman Durkin asked him to send out the Budget documents along with a chart to show the impact of tax levy's for the Council. He sent it to the Auditors for preparation of the budget documents. Mayor Dassing asked if the Council has questions whom should they go through, Paul, Ed? Councilman Durkin responded to give it to Paul he is the professional and has a lot of experience. Paul responded send your comments and now would be a good time to do that especially if you have any questions. We are having an Employee Incentive Plan roll out meeting on next Wednesday at 12:30PM. Councilman Hauser responded that he saw the budget amount for this year has decreased from \$20,000 to \$5,000 so that makes it difficult to excite people. Discussions Ensued.

Paul Carelli, we introduced the amended Bond Ordinance for the work in the Cedars and that will be scheduled for public hearing on May 7<sup>th</sup>. That same night we will like to award the contract to Matina and Son they were the low bidders for the Cedars.

**Mayor Dassing** reported that in regards to the moving of the bus stop and with the blessing of the County it will now be on the corner of Bloomfield Avenue and Personette Street which is a little further West. Transit will be putting up the signs.

**REPORT OF ATTORNEY:**

**Greg Mascara** reported that in regards to the Community Center, Rules and Regulations, he has not gone over it with Rob yet but he has completed them to his satisfaction.

**Paul Carelli** responded that the first meeting in June is on Primary so we need to reschedule. Greg responded yes. The meeting will be advertised to June 6<sup>th</sup>.

**4-129: RESOLUTION AUTHORIZING THE BOROUGH CLERK TO ADVERTISE A SPECIAL MEETING ON JUNE 6<sup>TH</sup> DUE TO THE PRIMARY DATE OF JUNE 4<sup>TH</sup>**

Moved by Councilman Coyle, seconded by Councilman Kelley. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 04/16/13.

**OLD BUSINESS:**

Water Main Improvement Project – Update

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE  
MEETING MINUTES – April 16, 2013**

**4 of 4**

**Paul Carelli** reported that Matina and Son has completed the Brookside Avenue Water Main Project. He read an email from Mr. Matina “the project was completed on time and it could not have been accomplished without the support of Crew Engineers, Bill Frint, the DPW and the Police Department. All the parties should be commended on a job well done; they are very dedicated in the performance of their duties. They were very responsive no matter what situation arose”.

**NEW BUSINESS:**

**OPEN PUBLIC MEETING:**

**Ann Marchioni, Environmental Commission**, she wanted to remind everyone that they are still taking entries for the tree contest. We are having a tree day on Saturday, May 4<sup>th</sup>, there will be a shred it event and we are partnering with the High School. The Middle School will back to set up a table and everyone should come and purchase a reusable water bottle.

**Bob Markman**, he wanted to comment on Frank Rodger who spoke about Greg Courtright and he wanted to thank the Caldwell Merchants Association who had Greg speak a couple of months ago and he was very moved by him. He talked about the historic roots that the Courtright’s have in Caldwell.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Coyle, seconded by Councilman Kelley, unanimously affirmed by all members present, the meeting was adjourned at 10:09P.M.

Prepared by: \_\_\_\_\_  
Lisa O’Neill, Deputy Borough Clerk

\_\_\_\_\_  
DATE



BOROUGH OF CALDWELL
NEW JERSEY



ORDINANCE# 1277-13

CALENDAR YEAR 2013 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Caldwell in the County of Essex finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$106,913 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Caldwell, in the County of Essex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Borough of Caldwell shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$249,463, and that the CY 2013 municipal budget for the Borough of Caldwell be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

DATE OF FIRST READING: May 7, 2013
DATE OF PUBLICATION: May 16, 2013
MOVED:
SECONDED:

DATE OF SECOND READING: June 6, 2013
DATE OF ADOPTION: June 6, 2013
MOVED:
SECONDED:

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Table with 10 columns: Councilman Name, Yes, No, Absent, Abstain, Councilman Name, Yes, No, Absent, Abstain. Rows include Hauser, Coyle, O'Donnell, Kelley, Rodgers, Durkin.

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor

This ordinance, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.

# The Misunderstood COLA Ordinance

*By David H. Evans, CPA, RMA, PSA, Partner*

Yes, I know it has been a while since you have heard from me, and no, contrary to what you've heard, I haven't died, retired, or moved into a condo in Florida. As with most of you, I get caught up in those day to day issues that must be addressed, and can't seem to find the time to put my thoughts down on paper.

The Local Finance Board recently released a notice (LFN 2012-23) indicating that the 2013 expenditure "CAP" will be 2% without the adoption of a COLA ordinance. Most of you know that we recommend that the municipality adopt a COLA ordinance every year, regardless of where your spending levels are expected to be. Many ask "Why do we need a COLA ordinance when our expenditures are increasing by less than 2%?" Good question.



Before we answer that question, some explanation is in order. The adoption of a COLA ordinance allows the town to increase its in-CAP appropriations by 3.5%, instead of the automatic 2%. More importantly, it also provides for "banking" of unused CAP for up to 2 years. This means that whatever CAP that is unused under a COLA ordinance in 2013 may be used in the 2014 and 2015 budgets. Why is this important, even if the town plans to always keep those in CAP expenditures at 2% or less?

The answer is simple. It's "protection". Protection from what you ask? This particular CAP has been around for a long time (almost as long as me), and the rules seem to change just about every year. What was allowed outside the CAP in previous years may not be this year. This "banking" gives your town maximum flexibility in preparing your annual budget.

Each municipality faces 3 challenges with regard to the preparation to the municipal budget. They are as follows:

- 1) Be in compliance with the expenditure CAP
- 2) Be in compliance with the tax levy CAP
- 3) Striking a balance between the level of services to be provided and the amount to be raised by taxation.

Items #2 and #3 are difficult enough, without being concerned about #1. Generally speaking, the adoption of a COLA ordinance makes being in compliance with the expenditure CAP the easiest of the 3 to complete.

As I am writing this, I realize that 2012 is rapidly coming to a close. Not sure where the year went, but it sure went fast. We at Nisivoccia want to wish you and your families a happy and healthy holiday season. I'm sure that you will be hearing more from me in 2013.



**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 5-130

Date of Adoption: May 7, 2013

**TITLE:**

**RESOLUTION APPROVING A CONTRACT BETWEEN THE BOROUGH OF CALDWELL  
AND THE TOWNSHIP OF VERONA – SUMMER SWIM TEAM 2013**

**WHEREAS**, the Borough of Caldwell sponsors a summer swim team known as the Caldwell Cyclones (“Cyclones”); and

**WHEREAS**, the Cyclones need a venue in which to conduct its summer practices; and

**WHEREAS**, the Township of Verona has made the Verona Community Pool available to the Cyclones to use for the Cyclones’ purposes.

**NOW, THEREFORE, IN CONSIDERATION** of the mutual promises and covenants herein contained, **BE IT RESOLVED** by the Borough Council of the Borough of Caldwell, County of Essex, as follows:

- (1). The Mayor and Borough Clerk are hereby authorized and directed to execute the attached Contract and hold Harmless Agreement with the Township of Verona, which agreement shall be maintained on file with the Borough Clerk and be available for public inspection.

**RECORD OF COUNCIL VOTE**

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

COUNCILMAN    Yes    No    Absent    Abstain    COUNCILMAN    Yes    No    Absent    Abstain

Hauser						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

\_\_\_\_\_  
Lisa O'Neill, Deputy Clerk

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



**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 5-131

Date of Adoption: May 7, 2013

**TITLE:**

**AUTHORIZING THE BOROUGH ADMINISTRATOR TO PREPARE A REQUEST FOR PROPOSAL FOR SOLAR POWERED BUS STOPS IN THE BOROUGH OF CALDWELL CAPABLE OF PROVIDING ADVERTISING SPACE TO FUND THE CONSTRUCTION AND MAINTENANCE OF THE SHELTERS**

**WHEREAS**, the Borough has determined that there is a need to replace existing bus stop shelters in the Borough of Caldwell with solar powered bus stop shelters ; and

**WHEREAS**, the Borough has determined cost and maintenance of the bus shelters can be paid for by providing advertising space on the bus stop shelters; and

**BE IT RESOLVED** by the Borough Council of the Borough of Caldwell, New Jersey that they do hereby authorize the Borough Administrator to prepare a request for proposal for solar powered bus stops in the Borough of Caldwell capable of providing advertising space to fund the construction and maintenance of the shelters.

**RECORD OF COUNCIL VOTE**

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

\_\_\_\_\_  
Lisa O'Neill, Deputy Clerk

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



**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 5-132

Date of Adoption: May 7, 2013

**TITLE:**

**AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 12-00021 PAYABLE TO US BANK CUST-PROCAP 11, LLC.**

**WHEREAS**, it has been determined by the Borough Tax Collector that the homeowners Bank has redeemed the (Water Lien on the property listed at 12 Dorset Circle, Caldwell, NJ; and

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

<u>BLOCK &amp; LOT</u>	<u>RECIPIENT</u>	<u>REDEMPTION AMOUNT</u>
Block 66 Lot 1.12	US Bank Cust-Procacp 11, LLC. 50 South 16 <sup>th</sup> St Suite 1950 Philadelphia, PA 19102	\$1,182.60
		PREMIUM \$ <u>500.00</u>
		<b>\$1,682.60</b>

**RECORD OF COUNCIL VOTE**

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

\_\_\_\_\_  
Lisa O'Neill, Deputy Clerk

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

April 15, 2013  
02:39 PM

BOROUGH OF CALDWELL  
Lien Redemption Work Sheet

Certificate: 12-00021  
Prop Loc: 12 DORSET CIRCLE C0012

Owner: PUZINO, GLENN  
Address: 12 DORSET CIRCLE  
CALDWELL, NJ 07006

Type of Lien: Outside  
Interest Rate: 0.00  
Apr 2: N  
Premium: 500.00

Block/Lot/Qual: 66.  
Sale Date: 12/20/12  
Redemption Calculation Date: 05/15/13  
Include Current Charges: Y

1.12  
Holder Name: US BANK CUST-PRDCAPITAL 11,LLC  
Address: U.S. BANK TLSG  
50 SOUTH 16TH ST. SUITE 1950  
PHILADELPHIA, PA 19102

Holder Id: 00033

TAX SALE CERTIFICATE:

Balance Type	Principal	Interest	Total
Water	655.71	100.72	756.43
		Cost: 40.13	
		Total Certificate:	796.56
#Days: 145 Per Diem:	0.000000	Int on Cert:	0.90
		Redemption Penalty ( 2.00 %):	15.93
		Total:	812.49

SUBSEQUENT CHARGES:

Balance Type	Year Prd	Date	Prin/Penalty	Interest Rate	Per Diem	#Days	Interest	Total
Water	2012	4 02/20/13	312.21	8.00	0.069380	85	5.90	318.11
		Total:	312.21				5.90	318.11

BALANCE TYPE SUMMARY:

	Certificate Total & Subseq.	Prin/Penalty	Interest	Total
Certificate Water		756.43	0.00	756.43
Subseq Water		312.21	5.90	318.11
Total Water		1,068.64	5.90	1,074.54
Certificate Cost		40.13	0.00	40.13

LIEN REDEMPTION:

Principal: 1,108.77  
 Redemption Penalty ( 2.00 %): 15.93  
 Interest: 5.90  
 Recording Fees: 52.00  
 TOTAL REDEMPTION: 1,182.60  
 Total Per Diem: 0.069380

*Handwritten notes:*  
 1182.60  
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 with current!

CMSBatchId 4828628  
CMSId: 1001413609



**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 5-133

Date of Adoption: May 7, 2013

**TITLE:**

**RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION Block 15.05,  
Lot 10 –18 Beachmont Terrace, North Caldwell, NJ to Andrzej Kapitula**

**WHEREAS**, Andrzej Kapitula, (“Applicant”) requires approval from the Borough of Caldwell Sewer Utility for a SANITARY SEWER INCREASE IN FLOW to service property known as B15.05, Lot 10; and

**WHEREAS**, the project is more specifically known as 18 Beachmont Terrace, North Caldwell, New Jersey; and

**WHEREAS**, the applicant is proposing 1 new equivalent dwelling units; and

**WHEREAS**, the connection fee for this project is calculated as follows: 1 EDU x \$3600/EDU = \$3,600.00

**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 May 7, 2013.

\_\_\_\_\_  
Lisa O’Neill, Deputy Clerk

**RECORD OF COUNCIL VOTE**

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

COUNCILMAN    Yes    No    Absent    Abstain    COUNCILMAN    Yes    No    Absent    Abstain

Hauser						Kelley				
Coyle						Rodgers				
O’Donnell						Durkin				

\_\_\_\_\_  
Lisa O’Neill, Deputy Clerk

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

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.



**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 5-134

Date of Adoption: May 7, 2013

**TITLE:**

**AUTHORIZING THE ISSUING OF A SPECIAL LIQUOR PERMIT. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE CLERK'S OFFICE – ACAP Academy of Clinical & Applied Psychoanalysis**

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

ACAP  
301 South Livingston Avenue  
Livingston, New Jersey 07039

Event to Be Held:

Caldwell College  
120 Ryerson Avenue  
Caldwell, New Jersey 07006

July 14, 2013  
6:00PM – 9:30PM

July 16, 2013  
4:00PM – 6:00PM

**RECORD OF COUNCIL VOTE**

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

\_\_\_\_\_  
Lisa O'Neill, Deputy Clerk

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

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.



**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 5-135

Date of Adoption: May 7, 2013

**TITLE:**

**AUTHORIZING THE AWARD OF A CONTRACT FOR THE GOULD PLACE, CEDARS ROAD, KNOLLWOOD TERRACE AND OVERLOOK ROAD WATER MAIN REPLACEMENT PROJECT TO MATINA & SON, 148 ENGLISH STREET, HACKENSACK, NJ 07601 IN THE AMOUNT OF \$673,000.00**

**WHEREAS,** the Borough of Caldwell advertised for and received bids for the Gould Place, Cedars Road, Knollwood Terrace and Overlook Road Water Main Replacement on March 26, 2013; and

**WHEREAS,** the Borough of Caldwell received proposals from (12) contractors; and

**WHEREAS,** this matter was reviewed by the Borough’s Engineering professional and Licensed Water Operator; and

**WHEREAS,** the lowest responsible bidder was Matina & Son, 148 English Street, Hackensack, NJ 07601 with a bid of \$673,000.00; and

**WHEREAS,** a certification is attached hereto indicating the availability of funds within the anticipated appropriation

**NOW THEREFORE, BE IT RESOLVED,** that Borough Council of the Borough of Caldwell, New Jersey does hereby authorize the award of a contract for the Brookside Avenue Water Main Replacement to Matina & Son, 148 English Street, Hackensack, N.J. 07601

**BE IT FURTHER RESOLVED** by the Borough Council of the Borough of Caldwell that the Borough Administrator is authorized to execute the necessary contracts and documents upon approval.

**RECORD OF COUNCIL VOTE**

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

\_\_\_\_\_  
Lisa O'Neill, Deputy Clerk

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

March 27, 2013

**HAND-DELIVERED**

Mr. Paul M. Carelli, Administrator  
Borough of Caldwell Water Department  
One Provost Square  
Caldwell, NJ 07006

Re: Gould Place, Cedars Road, Knollwood Terrace, and Overlook Road Water Main Replacement  
Borough of Caldwell, NJ  
Crew Proj. No. CLD007.190

Dear Mr. Carelli:

Bids were received by the Borough of Caldwell on March 26, 2013 for the construction of the Gould Place, Cedars Road, Knollwood Terrace, and Overlook Road Water Main Replacement. Twelve bids were received by the Borough. Attached is the Bid Tab listing Contractors and their respective bids, from a low of \$673,000.00 to a high of \$1,189,225.00. The average of the bids was \$879,638.81. Bids for the three lowest bidders were checked for accuracy and completeness; other bids were not.

We found the bids submitted by Matina & Son, Inc. (Matina), the apparent low bidder, Penn-Bower, Inc. (Penn-Bower), and CARO Corporation (CARO) to be complete as submitted with the following exception: Matina did not list the unit price for Item 10D in words, but only in figures. We believe this is a minor informality.

In accordance with the requirements of the Department of Labor, we have reviewed the March 18, 2013 list of contractors in violation of the Prevailing Wage Act prepared by the New Jersey Department of Labor, and have ascertained that the three lowest bidders are not on this list and are, therefore, not prohibited in this regard from receiving a Public Works Contract award.

A review of the three lowest bids submitted indicates that there was a minor mathematical error in one of the extended totals for the bid submitted by CARO. However, there are no mathematical errors that would affect the relative positioning of the bidders.

Matina listed numerous recently completed projects of similar nature to the above-referenced project. Furthermore, Matina is currently constructing the Brookside Avenue Water Main Replacement and recently constructed the Lane Avenue water main improvements for the Borough, which work was designed by our office. Matina's work and cooperation during the construction phase was considered to be very good.

Crew Engineers, Inc. (Crew) has worked with Penn-Bower in the past on a non-utility project. Crew has also worked with CARO in the past on several water system improvement projects. Both Penn-Bower's and CARO's performance in the past was considered satisfactory.

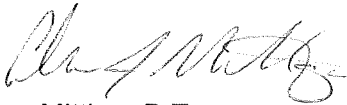
Matina did not list any subcontractors for the project. Matina submitted their State of New Jersey Business Registration Certificate.

Mr. Paul M. Carelli, Administrator  
March 27, 2013  
Page 2

Crew recommends that the construction of the Gould Place, Cedars Road, Knollwood Terrace, and Overlook Road Water Main Replacement project be awarded to Matina, subject to the Borough Attorney's review and approval of the original Bid Documents. The Bid Bonds for the three lowest bidders will remain in effect until the Contract is executed.

Very truly yours,

CREW ENGINEERS, INC.

A handwritten signature in cursive script, appearing to read 'Alec Mittiga', written in black ink.

Alec Mittiga, P.E.

AM:js

cc: William Frint, Water Operator

E:\Wpdocs\Letter\carelli.mar.doc

**BID TABULATION**

**CLIENT:** Borough of Caldwell

**PROJECT:** Gould Place, Cedars Road, Knollwood Terrace, and Overlook Road Water Main Replacement

**CONTRACT:** \_\_\_\_\_

**BIDS RECEIVED:** Tues., March 26, 2013, 2:00 p.m.

BIDDERS	BID SECURITY	BID	
Matina & Son, Inc. 146 English St. Hackensack, NJ 07601		\$673,000.00	
Penn-Bower, Inc. 143 W. Main St. High Bridge, NJ 08829		\$698,905.25	
CARO Corp. 70-76 Passaic Ave. Florham Park, NJ 07932		\$699,829.75	
Reivax Contracting 356 Thomas Street Newark, NJ 07114		\$702,827.45	
Mullen, D.R. Construction Co. 38 Edison Ave. Oakland, NJ 07436		\$733,609.60	
John Garcia Construction Co., Inc. 183 Friar Lane Clifton, NJ 07013-3226		\$765,133.15	
P.M. Construction 1310 Central Ave. Hillside, NJ 07205		\$790,425.00	
Colonnelli Brothers, Inc. 409 South River St. Hackensack, NJ 07601		\$876,585.00	
MSP Construction Corp. 126 Walnut St. Newark, NJ 07105		\$896,502.30	
Rock Solid Construction, Inc. 83 Clifford St. Newark, NJ 07105		\$984,650.00	
Montana Construction 80 Contant Ave. Lodi, NJ 07644		\$1,150,600.80	
Sanitary Construction Co., Inc. 415 Franklin Ave. Rockaway, NJ 07866		\$1,189,225.00	
Metra Industries 50 Muller Pl. Little Falls, NJ 07424		No Bid	
Tilcon 625 Mt. Hope Rd. Wharton, NJ 07885		No Bid	

## Paul Carelli

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**From:** Greg Mascera <gmascera@veronalaw.com>  
**Sent:** Tuesday, April 09, 2013 3:23 PM  
**To:** Lisa O'Neill; Paul Carelli  
**Subject:** RE: FEEDBACK REQUIRED: WATER MAIN BID - Low Bidder Matina and Sons

Paul and Lisa

I have reviewed the Proposal submitted by Matina and Son, Inc for the water main project at Gould Place, Cedars Road, Knollwood Terrace and Overlook Terrace and find the proposal to be acceptable as to the form of submission. You have advised that Matina is the low bidder on the project. Based upon my review of the proposal and your advice, the project may be awarded to Matina and Son, Inc.

Greg Mascera

Bannon Rawding McDonald & Mascera  
10 South Prospect Street  
Verona, NJ 07044

973 239 2800

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**From:** Lisa O'Neill [<mailto:loneill@caldwell-nj.com>]  
**Sent:** Tuesday, April 09, 2013 8:50 AM  
**To:** Paul Carelli; Greg Mascera  
**Subject:** RE: FEEDBACK REQUIRED: WATER MAIN BID - Low Bidder Matina and Sons

Good Morning Greg,

Attached please find the information you requested.

Have a good day!

**Lisa O'Neill**  
*Deputy Clerk*  
*Borough of Caldwell*  
*1 Provost Square*  
*Caldwell, New Jersey 07006*  
*(973) 403-4638 (office)*  
*(973) 403-1355 (fax)*

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**From:** Paul Carelli  
**Sent:** Monday, April 08, 2013 5:47 PM  
**To:** Greg Mascera; Lisa O'Neill  
**Subject:** RE: FEEDBACK REQUIRED: WATER MAIN BID - Low Bidder Matina and Sons

Greg,

I think I did not include them in the scan to you – I will double check and get them to you first thing tomorrow.

PC

---

**From:** Greg Mascera [<mailto:gmascera@veronalaw.com>]  
**Sent:** Monday, April 08, 2013 5:05 PM  
**To:** Paul Carelli  
**Subject:** RE: FEEDBACK REQUIRED: WATER MAIN BID - Low Bidder Matina and Sons  
**Importance:** High

Paul

There is no consent of surety or bid bond attached. Please advise ASAP. Crucial.

Greg

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**From:** Paul Carelli [<mailto:pcarelli@caldwell-nj.com>]  
**Sent:** Wednesday, April 03, 2013 12:01 PM  
**To:** Greg Mascera; Greg Mascera  
**Cc:** Ann Dassing; John Coyle; Richard Hauser; Bill Frint  
**Subject:** FEEDBACK REQUIRED: WATER MAIN BID - Low Bidder Matina and Sons

Greg,

As discussed last night, attached is the BID from the apparent low bidder Matina and Sons.

Also attached is the recommendation letter from Crew Engineers.

Please review the documents and let me know if it is acceptable to proceed with the award.

If you have any questions, please do not hesitate to call.

Thanks

Paul

*Paul M. Carelli*  
*Borough Administrator*  
Caldwell Borough  
1 Provost Square  
Caldwell, N.J. 07006  
(973) 403-4634



**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 5-136

Date of Adoption: May 7, 2013

**TITLE:**

**AUTHORIZING AWARD OF A PROFESSIONAL SERVICES CONTRACT TO CREW ENGINEERS, INC. FOR PROFESSIONAL ENGINEERING – CONSTRUCTION-RELATED SERVICES FOR THE GOULD PLACE, CEDARS ROAD, KNOLLWOOD TERRACE & OVERLOOK ROAD WATER MAIN REPLACEMENT PROJECT**

**WHEREAS,** the Borough has determined that there is a need to hire an engineering firm to provide professional engineering – construction-related services for the Gould Place, Cedars Road, Knollwood Terrace & Overlook Road Water Main Replacement Project; and

**WHEREAS,** the Borough of Caldwell advertised for and received bids for Gould Place, Cedars Road, Knollwood Terrace & Overlook Road Water Main Replacement Project on March 26, 2013, and:

**WHEREAS,** the Borough of Caldwell received bids from one (1) engineering firm, and;

**WHEREAS,** it is the desire of the Borough Council of the Borough of Caldwell, New Jersey to award a contract to Crew Engineers, Inc., 1250 Route 23 North, Butler, New Jersey 07405, and;

**WHEREAS,** Crew Engineers, Inc. has agreed to provide these services for a lump sum cost of \$65,000.00 for Professional engineering – construction-related services, and;

**WHEREAS,** the governing body of the Borough of Caldwell pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Caldwell that they do hereby award a contract to Crew Engineers, Inc. subject to an agreement to be approved and executed by the Borough Administrator.

**RECORD OF COUNCIL VOTE**

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

\_\_\_\_\_  
Lisa O'Neill, Deputy Clerk

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

March 1, 2013

**VIA FEDEX**

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

Re: Proposal for Professional Engineering Services  
Construction-Related Services  
Gould Place, Cedars Road, Knollwood Terrace, and Overlook Road Water Mains  
Caldwell, NJ  
Crew Proj. No. P2163

Dear Mr. Carelli:

In response to the Borough's Request for Proposal (RFP), Crew Engineers, Inc. (Crew) is pleased to present this Proposal-Agreement to the Borough of Caldwell (Borough) for Professional Engineering - Construction-Related Services required for the above-referenced project. These mains will replace the existing 4-inch water mains to improve flow and pressure to this portion of the water system.

In general, work consists of approximately 4,300 linear feet of 8-inch water main replacement on Gould Place, Cedars Road, Knollwood Terrace, and Overlook Road, including the transferring of the individual customer service lines from the existing mains to the new water lines. These system improvements were designed by Crew for the Borough and are ready to be constructed, subject to the receipt of the New Jersey Department of Environmental Protection (NJDEP) Construction Permit and Essex County Soils Conservation Certification.

**Scope of Work**

The engineering services to be performed by Crew relating to the construction of the water main improvements will generally consist of the following major activities and tasks:

Nominal Construction Services

- Review Shop Drawings for specified materials and other submittals, including construction schedules, furnished by the Contractor to determine compliance with Contract requirements.
- Coordinate and attend Preconstruction Meeting and Construction Meetings.
- Review and process contractor's requests for payments and furnish recommendations to the Borough.

Mr. Paul M. Carelli, Administrator  
March 1, 2013  
Page 2

- Prepare Record Drawings for the constructed improvements and issue reproducible set to the Borough for their files.

#### Construction Observation

- Act as the Borough's professional representative, and provide assistance to the Borough during construction relative to construction activities. Provide interpretation of construction requirements as may be needed during construction.
- Provide full-time construction observation during construction of the proposed water system improvements to measure and record material quantities for payment, and verify that work is performed in accordance with the design drawings and specifications.
- Maintain daily construction reports recording Contractor's activities and work performance, including field sketches for installed work. One bound copy containing these reports and sketches shall be provided to the Borough.
- Coordinate and observe field testing of water main performed by Contractor.
- Review and provide recommendations to Borough for any field modifications and issue appropriate Change Orders to Contractor when needed.
- Issue Construction Completion Certification to the NJDEP upon completion of all construction work.

#### **Engineering Fee, Payments, and Period of Services**

The level of effort for engineering services during construction is related to the competence and performance of the Contractor, as well as conditions encountered during construction, which are not readily predictable. Therefore, it is proposed that the engineering services for the construction-related services be performed on an hourly basis. Crew will bill the Borough monthly for these services based on the actual hours worked by the personnel used during the assignment at their current hourly fee rate at the time the work is performed plus reimbursable expenses. The estimated fee for the Construction-Related Services is predicated on a total of 725 manhours.

Based on the project approach, scope of work, and method of payment described above, the fee for engineering services for the construction of the water main improvements will be as follows:

Mr. Paul M. Carelli, Administrator  
March 1, 2013  
Page 3

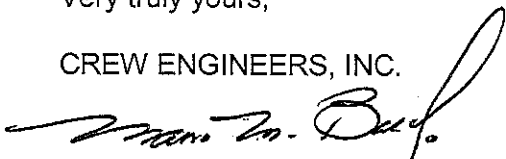
<i>Task</i>	<i>Fee</i>
<b>Construction-Related Services (suggested budget)</b>	
• <b>Nominal and Construction Observation Services .....</b>	<b>\$65,000 Hourly (Not-to-Exceed)</b>

In addition to the attached Billing Rate Schedule are our Standard Terms and Conditions and State of New Jersey Business Registration Certificate, which are considered integral parts of this Proposal.

Crew appreciates this opportunity to provide continued Professional Engineering services to the Borough of Caldwell. Please advise us if you need additional information or require clarification of the Proposal.

Very truly yours,

CREW ENGINEERS, INC.



Mauro M. Bacolo, P.E.

MMB:js  
Enclosure  
E:\Wpdocs\PROP-A-L\Caldwell\P2163.doc

Client hereby engages Crew Engineers, Inc. to perform the services described above for the compensation set forth and under Crew Engineers, Inc.'s Standard Terms and Conditions. Crew Engineers, Inc. shall be authorized to commence the services upon receipt of this letter. We agree that this letter, together with the listed enclosures, constitutes the entire agreement between Borough of Caldwell and Crew Engineers, Inc. relating to the project.

**ACCEPTED**

**Borough of Caldwell  
Caldwell, New Jersey**

By: \_\_\_\_\_  
Typed Name and Title

\_\_\_\_\_  
Signature

**CREW ENGINEERS, INC.  
BILLING RATE SCHEDULE**

Crew Engineers, Inc. (Crew) will be compensated for professional services in accordance with the following hourly billing rates:

General Description	Hourly Billing Rates
Principal	\$160
Senior Project Manager	\$140
Project Manager	\$135
Senior Project Engineer	\$120
Project Engineer/Project Scientist	\$110
Chief Designer/Chief Surveyor/Senior Designer	\$90
Engineer/Scientist	\$90
CADD Operator/Draftsperson/Inspector	\$80
Field Technician	\$75
Technical Support/Technical Typist	\$60

The hourly billing rates indicated above are for the calendar year and are subject to revision and adjustments as of January 1 of each calendar year.

- Crew will bill the CLIENT monthly, with net payment due in 45 days. Past due invoices will be subject to a service charge at the rate of 1-1/2 percent per month. The bill shall consist of a summary of direct labor hours by personnel, plus a listing of reimbursable costs incurred. Unless CLIENT provides Crew with a written statement of any objections to the bill within 15 days of receipt, CLIENT shall be deemed to accept the bill as submitted.
- The above rates include *all* employees' wages, payroll burdens, overhead, and profit.
- CLIENT is charged for time actually spent on the project. Timesheets are available for inspection by prior arrangement.
- Non-project stenographic, general clerical and accounting work, general office expense, and general administrative costs are included in overhead. These costs are not billed separately.
- Normal and reasonable time for contract negotiations are also covered in overhead; however, extended contract negotiations or time spent resolving differences in terms and conditions, scopes of work, or change notices will be billed.

In addition to regular hourly billing rates listed above, the CLIENT will also pay for:

- Overtime at straight time rates for exempt employees to the extent an employee works more than 40 hours per week for CLIENT.
- Cost of a record set of reproducible originals or duplicates to be retained by Crew in cases where the CLIENT wants the originals and for the cost of postage and insurance for mailing such originals.
- Cost of any office space and accompanying services used by CLIENT'S representatives.
- All reproductions on behalf of the assignment at our standard rates or billed by outside services.
- All field office expenses.
- Cost for the use of special field equipment, safety equipment, and field sampling equipment or consumables in accordance with billing by outside services, plus 10% handling charges.
- Courier service.
- Travel and subsistence of Crew personnel incurred on behalf of the project. (Current rate for the use of vehicles is in accordance with the present IRS standard mileage rate.)
- Cost plus 15 percent of outside consulting and/or professional services - such as, analytical, drilling, legal, accounting, engineering, and other specialized services. Crew will obtain CLIENT'S approval before authorizing such services.
- Pay for expert witness testimony equal to 1-1/2 times their hourly billing rate.

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## STANDARD TERMS AND CONDITIONS

**1. STANDARD OF CARE.** Services shall be performed in accordance with the standard of professional practice ordinarily exercised by the applicable profession at the time and within the locality where the Services are performed. Professional services are not subject to, and Crew can not provide, any warranty or guarantee, express or implied, including warranties or guarantees contained in any uniform commercial code. Any such warranties or guarantees contained in any purchase orders, requisitions or notices to proceed issued by Client are specifically objected to.

**2. CHANGE OF SCOPE.** The scope of Services set forth in this Agreement is based on facts known at the time of execution of this Agreement, including, if applicable, information supplied by Client. For some projects involving conceptual or process development services, scope may not be fully definable during initial phases. As the Project progresses, facts discovered may indicate that scope must be redefined. Crew will promptly provide Client with an amendment to this Agreement to recognize such change, which shall be deemed approved if not objected to within 15 days of receipt by Client.

**3. SAFETY.** Crew has established and maintains programs and procedures for the safety of its employees. Unless specifically included as a service to be provided under this Agreement, Crew specifically disclaims any authority or responsibility for general job site safety and safety of persons other than Crew employees.

**4. DELAYS.** If events beyond the control of Client or Crew, including, but not limited to, fire, flood, explosion, riot, strike, war, process shutdown, act of God or the public enemy, and act or regulation of any government agency, result in delay to any schedule established in this Agreement, such schedule shall be amended to the extent necessary to compensate for such delay. In the event such delay exceeds 90 days, Crew shall be entitled to an equitable adjustment in compensation.

In the event Crew is delayed by Client and such delay exceeds 30 days, Crew shall be entitled to an extension of time equal to the delay and an equitable adjustment in compensation.

**5. TERMINATION/SUSPENSION.** Either party may terminate this Agreement upon 30 days' written notice to the other party. Client shall pay Crew for all Services, including profit relating thereto, rendered prior to termination, plus any expenses of termination.

In the event either party defaults in its obligations under this Agreement (including Client's obligation to make the payments required hereunder), the non-defaulting party may provide 7 days' written notice stating its intention to suspend performance under the Agreement if cure of such default is not commenced and diligently continued. Failure of the defaulting party to commence cure within such time limit and diligently continue shall be cause to suspend performance under this Agreement.

**6. OPINIONS OF CONSTRUCTION COST.** Any opinion of construction costs prepared by Crew is supplied for the general guidance of the Client only. Since Crew has no control over competitive bidding or market conditions, Crew cannot guarantee the accuracy of such opinions as compared to contract bids or actual costs to Client.

**7. RELATIONSHIP WITH CONTRACTORS.** Crew shall serve as Client's professional representative for the Services, and may make recommendations to Client concerning actions relating to Client's contractors, but Crew specifically disclaims any authority to direct or supervise the means, methods, techniques, sequences or procedures of construction selected by Client's contractors.

**8. CONSTRUCTION REVIEW.** For projects involving construction, Client acknowledges that under generally accepted professional practice, interpretations of construction documents in the field are normally required, and that performance of construction-related services by the design professional for the project permits errors or omissions to be identified and corrected at comparatively low cost. Client agrees to hold Crew harmless from any claims resulting from performance of construction-related services by persons other than Crew.

**9. INSURANCE.** Crew will maintain insurance coverage for Professional, Comprehensive General, Automobile, Worker's Compensation, and Employer's Liability in amounts in accordance with legal, and Crew's business requirements. Certificates evidencing such coverage will be provided to Client upon request. For projects involving construction, Client agrees to require its construction contractor, if any, to include Crew as an additional insured on its policies relating to the Project. Crew's coverages referenced above shall, in such case, be excess over contractor's primary coverage.

**10. INDEMNITIES.** To the fullest extent permitted by law, Crew shall indemnify and save harmless Client from and against loss, liability, and damages sustained by Client, its agents, employees, and representatives by reason of injury or death to persons or damage to tangible property to the extent caused directly by the willful misconduct or failure to adhere to the standard of care described in Paragraph 1 above by Crew, its agents or employees.

To the fullest extent permitted by law, Client shall defend, indemnify, and save harmless Crew, its agents, employees, and representatives from and against loss, liability, and damages (including reasonable litigation costs) arising from or relating to



**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 5-137

Date of Adoption: May 7, 2013

**TITLE:**

**RESOLUTION AUTHORIZING CANCELLATION OF CURRENT EMERGENCY  
APPROPRIATIONS FOR THE 2012 HURRICANE SANDY STORM EMERGENCY**

**WHEREAS,** the Borough of Caldwell's current fund emergency appropriation balance remains unexpended:

2012 Hurricane Sandy Storm Emergency      \$160,000

**WHEREAS,** it is necessary to formally cancel said balance so that the unexpended balance will not have to be raised in the 2013 budget.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Caldwell, NJ that the Borough Council hereby authorizes the Acting Chief Financial Officer to cancel the unexpended balance of the Current Fund so listed above.

**RECORD OF COUNCIL VOTE**

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

COUNCILMAN    Yes    No    Absent    Abstain    COUNCILMAN    Yes    No    Absent    Abstain

Hauser						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

\_\_\_\_\_  
Lisa O'Neill, Deputy Clerk

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