



***BOROUGH OF CALDWELL
NEW JERSEY***



**COUNCIL BUSINESS MEETING
May 17, 2016**

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



Council Chambers
1 Provost Square Caldwell, NJ

Borough of Caldwell Council Business Meeting AGENDA

Phone: (973) 226-6100
Website: www.caldwell-nj.com
May 17, 2016 / 7:00PM

MAYOR
Ann Dassing

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

CALL TO ORDER

Honorable Ann Dassing, Mayor of the Borough of Caldwell Presiding

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

APPROVAL OF MINUTES

May 3, 2016

PRESENTATION

1. Theodore N. Stephens / Essex County Surrogate

INTRODUCTION OF ORDINANCE

ORDINANCE# 1320-16: CALENDAR YEAR 2016 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# 1319-16: AN ORDINANCE CREATING CHAPTER 201 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING A CHAPTER CREATING A SPECIAL IMPROVEMENT DISTRICT AND DESIGNATING A DISTRICT MANAGEMENT CORPORATION

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.

5-121	AUTHORIZING THE BOROUGH CLERK TO PREPARE A REQUEST FOR PROPOSALS AND ADVERTISE TO SOLICIT QUOTATIONS FOR THE LEASE OF ADVERTISING SPACE
5-122	RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT BLOCK 57.01, LOT 6.01 WHICH IS 20 PARKWAY EAST, CALDWELL, NJ
5-123	RESOLUTION APPROVING AN INTERMUNICIPAL SERVICE AGREEMENT BETWEEN THE BOROUGH OF CALDWELL AND THE WEST ESSEX REGIONAL SCHOOL DISTRICT



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5-124	AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH MAY 17, 2016 FOR 2016 BILLS IN THE TOTAL AMOUNT OF \$4,117,407.07
5-125	RESOLUTION APPROVING A CONTRACT BETWEEN THE BOROUGH OF CALDWELL AND THE TOWNSHIP OF VERONA - SUMMER SWIM TEAM 2016 FOR AN AMOUNT OF \$5,700.00

INTRODUCTION OF THE 2016 MUNICIPAL BUDGET

Introduction of the 2016 Municipal Budget - Borough of Caldwell

COUNCIL COMMITTEE REPORTS

Borough Council Members

1. Councilman Cascarano

REPORT OF MAYOR

Mayor Dassing

REPORT OF BOROUGH ADMINISTRATOR

Paul M. Carelli

REPORT OF BOROUGH ATTORNEY

Greg Mascera

REPORT OF COUNTY LIAISON

Patricia Keenan

OPEN PUBLIC MEETING

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



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Borough of Caldwell Council Business Meeting

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John Cascarano

Frank Rodgers

EXECUTIVE SESSION

Closed Session

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

ADJOURNMENT

Additional items may be added to this agenda. Final action may be taken on all matters listed or added to this agenda. This agenda was prepared as of 05/13/2016 with all available information as of this date. This agenda has been sent to four official newspapers of the Borough on 05/13/2016 in compliance with P. L. 1975, c 213

Lisa O'Neill, Deputy Clerk.

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – May 3, 2016**

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The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:01PM

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

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

ABSENT: Councilman O'Donnell

Adequate notice of this Council Business/Conference meeting was given on January 1, 2016. Notice was posted on the bulletin board on the first floor of the Borough Hall, One Provost Square, Caldwell, New Jersey. Official newspapers of the Borough were notified of this meeting by mail. Notice was posted and all persons requesting notice were sent same.

PLEDGE OF ALLIGENCE

**APPROVAL OF MINUTES:
April 19, 2016**

Moved by Councilman Cascarano, seconded by Council President Capozzoli. No Discussion. On roll call, all voted in the affirmative. Councilman Hauser and Brown abstained. Minutes approved 05/03/16.

PRESENTATION

1. Ann Marchioni, Environmental Commission / Poster Contest winners

OPEN PUBLIC COMMENTS ON RESOLUTIONS

RESOLUTIONS – CONSENT AGENDA

- 5-111:** RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION FOR Gil Rosendo, 590 Mountain Avenue, North Caldwell, NJ Block 801, Lot 8
- 5-112:** AUTHORIZING THE APPOINTMENT OF ZONING BOARD OF ADJUSTMENT MEMBERS
- 5-113:** RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION FOR Manuel Rodrigues, 7 Harrison Avenue, Roseland, NJ Block 46, Lot 3.02
- 5-114:** ESTABLISHING A NEW PETTY CASH FUND
- 5-115:** RESOLUTION AUTHORIZING THE SEWER DIRECTOR GREGORY SEAMAN, TO SIGN TREATMENT WORKS APPROVAL (TWA) APPLICATIONS ON BEHALF OF THE BOROUGH OF CALDWELL
- 5-116:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #14-00004, Block 58.01, Lot 1
- 5-117:** RESOLUTION ACCEPTING THE BANKING SERVICES PROPOSAL FROM INVESTORS BANK
- 5-118:** RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDERS (1) FOR THE PHASE ONE HATFIELD STREET-ELM ROAD-ERWIN PLACE ROADWAY IMPROVEMENT PROJECT IN THE AMOUNT OF \$1,815.00 – NEW TOTAL CONTRACT AMOUNT \$384,983.45
- 5-119:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH MAY 3, 2016 FOR 2016 BILLS IN THE TOTAL AMOUNT OF \$1,090,866.05
- 5-120:** AUTHORIZING THE BOROUGH CLERK TO PREPARE A REQUEST FOR PROPOSALS AND ADVERTISE TO SOLICIT QUOTATIONS FOR THE MANAGEMENT OF THE CALDWELL LEAF COMPOST FACILITY

CONSENT

Moved by Councilman Cascarano, seconded by Councilman Brown. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 05/03/16.

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COUNCIL BUSINESS/CONFERENCE MEETING
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COUNCIL COMMITTEE REPORTS

Councilman Hauser reported that he attended a joint Recreation meeting with Councilman Brown this evening and it's his understanding that EVS Contract is done and they are looking to add security cameras that are in conjunction with what the school has in place and a temporary sound system. There was discussion on advertising for dollars and there has been nothing done with the Kiwanis Oval and now we have another facility with EVS. Mr. DiMasi will be reaching out to a professional service company and depending on the outcome the respective Borough Administrator's task is to finding a solution. They set a time line of a week to get some initial feedback with a follow up meeting on June 7th. There was some re-visiting of the Community Center with the Recreation Department.

REPORT OF MAYOR:

Mayor Dassing reported that she had a meeting this evening with Peter Bryne who is part of the Planning Board and is on the Master Plan sub-committee he has reached out to Topology and we have a project brief that will be circulated to the Council. We will try to meet with some of the Stakeholders at the Planning Board meeting on Wednesday, May 11th. Peter had a discussion with Philip Abramasen from Topology about the affordable housing component and it will be mentioned in the re-examination plan. It is Phil's opinion that we can get before a Judge and let the Judge know that we are attempting to rectify our unresponsiveness for the past of not filing what needed to be filed and we are seeking relief from now until the re-examination is finished with the mention of the affordable housing piece in it. Peter suggested having Greg and Phil speak to each other about this. Discussions Ensued.

Mayor Dassing reported that she has signed up to take the Mayor's Monarch pledge and we need to figure out three specific actions that we will take in the next year. Ann Marchioni, Environmental Commission, responded that we already have completed two of them.

Councilman Cascarano reported that there was a Finance Committee meeting and again they went over the Budget line item by line item. He is looking at this budget as a twostep process and what they are trying to do is keep our surplus which we have now over \$800,000 with an eye towards the following year when we can hopefully see more significant savings on for example the health care.

REPORT OF BOROUGH ADMINISTRATOR

Paul Carelli reported on the following:

- The Hatfield project is essentially done and Your Way has completed the project. Next is Phase II which will be Tilcon milling and paving. There are a couple punch list items which will be addressed next week.
- Brookside Avenue is done.
- They added a Handicap space in front of the Doctors office on Brookside. We need to update the Borough ordinance which we will do at the next meeting.
- Channel 35 is fully operational.
- The Borough Hall improvements are moving along. The floor has been reinforced and the finance office is almost complete. We will be moving Construction into the Finance office and the Construction office will be next.
- He issued a Purchase Order for the sand filter to Hatch Mott. The clarifier is in the fabrication stage and it will take 16 weeks and is on schedule.
- The Finance committee is working on introducing the Budget at the May 17th meeting.
- Every street in town has been checked for water leaks. There was a big one on Ryerson Avenue and it has been repaired.
- The advertisement for the leaf compost is ready.
- The EVS agreement is ready to be signed.
- Thank you to Lisa for sending out all the mailing for the Special Improvement District.
- He is going month to month with the Energy.me right now and he saved \$3100.00 with the sewer plant.
- He has met with the Business Administrator for the Schools and the ratio switched 2% more of the burden was on Caldwell vs West Caldwell. This year the ratio is in Caldwell's favor. The average house will go up \$200-\$284.

Mayor Dassing asked where we are with the Re-val and Paul responded that the Re-val Company is responsible for sending out letters to all the residents with a time schedule and what they will be doing. It is less than a six month process and they are in charge of all communications and are

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available for one on one meeting. The Mayor also asked about TV's in Living Well and Paul responded that they are aware of it and are working on moving TV's around.

REPORT OF BOROUGH ATTORNEY:

Greg Mascera reported that he had received a letter from an Attorney, Dave Pittney purchaser of the Marian Manor. The question that has arisen about the long term tax exemption that Marian Manor has been running pursuant to. That tax exemption expires in 14 years and they have inquired whether the Borough would be willing to extend the length of the tax abatement. There is a regulation that would encourage that the Municipality would do that if the entity required as part of continuing receiving Federal funds for the affordable housing, section 8, etc. Greg needs to do an analysis and bring it to George Librizzi and bring it formally to the Mayor and Council with regards to the proposal. Discussions Ensued.

Greg reported that the Municipal Land Use Law has been changed where when adjoining Municipalities are entitled to notice under the Municipal Land Use Law that notice no longer has to be by mail and can be by email.

Greg also reported that they have resolved and are finished with Great American Insurance Company. There will be no more payments and it was discussed in Executive Session so he can announce this now. There are no overcharges or Change order charges and he has received a release from Great American Insurance Company's Counsel.

OPEN PUBLIC MEETING:

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

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Hauser, seconded by Councilman Cascarano unanimously affirmed by all members present, the meeting was adjourned at 8:18PM.

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

DATE



**BOROUGH OF CALDWELL
NEW JERSEY**



ORDINANCE# 1320-16

**CALENDAR YEAR 2016 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 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 2016 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 **\$254,090** 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 of the Borough of Caldwell 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 2016 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 **\$254,090**, and that the CY 2016 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 17, 2016
DATE OF PUBLICATION: May 26, 2016

DATE OF SECOND READING: June 21, 2016
DATE OF ADOPTION: June 21, 2016

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Capozzoli						Brown				
Hauser						Cascarano				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor

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



BOROUGH OF CALDWELL NEW JERSEY



ORDINANCE# 1319-16

AN ORDINANCE CREATING CHAPTER 201 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING A CHAPTER CREATING A SPECIAL IMPROVEMENT DISTRICT AND DESIGNATING A DISTRICT MANAGEMENT CORPORATION

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

That Chapter 201 of the Borough of Caldwell, New Jersey be as herein set forth:

Chapter 201

Section 201 – 1 Introduction

The Governing Body considers the Bloomfield Avenue corridor as an integral and vital area tied to the economic and social success of the Borough and therefore that it would be in the best interests of the Borough and the public to create a Special Improvement District and to designate a district management corporation to oversee that District.

Section 201 -2 Purpose

The purposes of this Chapter are to:

- A. Foster the District's economic development, encourage the District's revitalization and strengthen the District's economic and commercial contributions to residents and property owners of the Borough of Caldwell (also referred to as the "Borough").
- B. Allow all those who live, work or invest in the District to contribute to the improvement of the District.
- C. Foster the building of a nonpartisan private/public partnership to implement the improvement of the business district of the Borough.
- D. Foster and create self-help programs to improve the local business climate.

Section 201- 3 Definitions

As used in this Chapter, the following terms shall have the meanings indicated:

DISTRICT MANAGEMENT CORPORATION — The “Downtown Caldwell Partnership” (referenced herein as the “DCP”), an entity incorporated pursuant to Title 15A of the New Jersey Statutes and designated by this Chapter to receive funds collected by a special improvement assessment within the Special Improvement District, as authorized by this Chapter and any amendatory ordinances.

SPECIAL IMPROVEMENT DISTRICT — That area within the Borough of Caldwell described by block and lot numbers and street addresses as set forth in Schedule A, also sometimes referred to as the “District”

Section 201-4 Findings

The Mayor and Council find and declare that:

- A. The District has special needs and requires special services that can best be achieved through a private/public partnership implemented by a Special Improvement District and a district management corporation.
- B. The creation of a Special Improvement District and designation of a district management corporation will promote economic growth and implement, foster and encourage commercial development business vitality, expansion and self-help, and improve the business climate and otherwise be in the best interest of the property owners in the District and in the Borough of Caldwell.



BOROUGH OF CALDWELL NEW JERSEY



- C. The areas within the Borough of Caldwell as described by lot and block numbers and by street addresses, as set forth in Schedule A of this Chapter will benefit from being designated as a Special Improvement District.
- D. A district management corporation will provide the administrative, programming and other services to benefit the businesses, employees, residents and consumers in the Special Improvement District and the district management corporation would assist the Borough of Caldwell in promoting economic growth, employment and development.
- E. A special assessment shall be imposed and collected by the Borough with the regular property tax payment or payment in lieu of taxes or otherwise, and that all of these payments shall be transferred to the DCP to effectuate the purposes of this Chapter and any amendatory ordinances and to exercise the powers given to it by this Chapter.
- F. It is in the best interests of the Borough of Caldwell and the public to create a Special Improvement District and to designate a district management corporation.

201 -5 District Creation

- A. There is hereby created and designated within the Borough of Caldwell a Special Improvement District to be known as the "Caldwell Business Improvement District" consisting of properties designated and listed by tax lot and block number and street addresses on Schedule A attached hereto. The Special Improvement District shall be subject to special assessments on all affected property within the District, which assessment shall be imposed by the Borough for the purposes of promoting the economic and general welfare of the District and the Borough of Caldwell.
- B. Except as expressly set forth in paragraph C, following, all properties within the Special Improvement District, including but not limited to all commercial, industrial and commercial-residential properties, are deemed included in the assessing provisions of this Chapter and are expressly subject to assessment made for Special Improvement District purposes.
- C. Only those properties within the Special Improvement District that are tax-exempt or used solely for single-family, or two-family residences, are deemed excluded from the assessing provisions of this Chapter and are expressly exempt from any assessment made for Special Improvement District purposes.

S 201-6 Assessments

- A. It is hereby determined that the operation and maintenance of the District may involve annual costs relating to services peculiar to the District that are distinguished from operation and maintenance services normally provided by the Borough of Caldwell outside of the District. Pursuant to this Chapter and N.J.S.A. 40:56-83 et seq., those annual costs shall be assessed to the benefited properties or businesses. The properties to be assessed to provide for the payment of such annual costs are set forth in Schedule A hereof.
- D. Each year when the Mayor and Council shall have acted on the estimated costs and/or on the budget of the District, the Tax Assessor shall prepare an assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessable properties in the District. Descriptions of such properties and the name of the then current owners of such properties, so far as names are available, shall be included in each annual assessment roll. The assessment roll, when so prepared, shall be filed in the Office of the Caldwell Municipal Clerk and be available for inspection. The Mayor and Council shall annually meet to consider objections to the amounts of such special assessments at least ten days after a notice of hearing has been published once in the official newspaper and mailed to the named owners of all tracts, parcels and lots of property to be assessed. The notice shall set forth the time and place of the meeting, and set forth the purpose of such meeting, but may refer to the assessment roll for further



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particulars. When the Mayor and Council shall have approved the amounts of the special assessments set forth therein, or as may be changed by it, the Borough of Caldwell Municipal Clerk shall forthwith certify a copy of the assessment roll with supplements to the roll to the County Board of Taxation.

S 201-7 Property Owners Right to Appeal

Any owner of property included within the District and subject to the assessing provisions of this Ordinance, may appeal to the Tax Assessor of the Borough of Caldwell requesting to be excluded from the District and from any assessment provisions of this Ordinance. This appeal is only as to whether or not a property should be included within the District under the standards set forth in Schedule A of this Ordinance. It is not an appeal of taxes.

S 201-8 The District Management Corporation

- A. The nonprofit corporation, the “Downtown Caldwell Partnership”, an entity incorporated pursuant to N.J.S.A. 15A: 1-1 et seq., is hereby designated as the district management corporation for the District and designated by this Chapter to receive funds collected by a business improvement assessment within the Special Improvement District. This management corporation, in addition to acting as an advisory board to the Mayor and Council, shall have all powers necessary and requisite to effectuate the purpose of this Chapter and the District, including but not limited to:
- (1) Adopting bylaws for the regulation of its affairs and conduct of its business and to prescribe rules, regulations and policies in connection with the performance of its function and duties;
 - (2) Employ such persons as may be required and to fix and pay their compensation from funds available to the DCP;
 - (3) Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money;
 - (4) Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the corporation, including contracts with any person, firm, corporation, governmental agency or other entity;
 - (5) Administer and manage its own funds and accounts and pay its obligations;
 - (6) Borrow money from private lenders and from governmental entities;
 - (7) Fund the improvement of the exterior appearance of properties in the District through grants or loans
 - (8) Fund the rehabilitation of properties in the District;
 - (9) Accept, purchase, rehabilitate, sell, lease or manage property in the District;
 - (10) Enforce the conditions of any loan, grant, sale or lease made by the DCP;
 - (11) Provide security, sanitation and other services to the District, supplemental to those provided normally by the municipality;
 - (12) Undertake improvements designed to increase the safety or attractiveness of the District to businesses which may wish to locate there or to visitors to the District, including but not limited to litter cleanup and control, landscaping, parking areas and facilities, recreational and rest areas and facilities, pursuant to pertinent regulations of the Borough;
 - (13) Publicize the District and the businesses included within the District boundaries;



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- (14) Recruit new businesses to fill vacancies in, and to balance the business mix of, the District;
- (15) Organize special events in the District;
- (16) Provide special parking arrangements for the District;
- (17) Provide temporary decorative lighting in the District;
- (18) Advise the Mayor and Council, from time to time, on the control and regulation of:
 - (a) The distribution and location of movable furniture, sculpture or pedestrian traffic control devices, landscaping and other facilities belonging to the Special Improvement District, as the case may be, and not otherwise located or fixed by the plans and specifications; (b) The uses to be permitted within the Special Improvement District property by occupants of abutting property, any transit or telephone utility, concessionaires, vendors and others to serve the convenience and enjoyment of pedestrians and the location of such uses; (c) The issuance of permits to conduct any special activity consistent with the broad purposes of the Special Improvement District.
- B. The DCP will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, or sex.
- C. Pursuant to N.J.S.A. 40:56-68, in order to receive any funds or exercise any of the powers granted herein, the Board of Trustees of the Downtown Caldwell Partnership, Inc., shall include either the Mayor of the Borough or a member of the Borough of Caldwell Council chosen by the governing body.
- D. The Board of Trustees of the DCP shall be as follows: Seven (7) to Eleven (11) directors, to be elected or appointed according to its bylaws, subject to an appointment as set forth in section 6 C, above. Two thirds (2/3) of the Trustees must be either a property or business owner in the District as defined by Schedule A.
- E. The initial incorporating officers of the DCP hereby established by this ordinance shall be appointed by the Borough of Caldwell Council. The initial incorporating officers shall meet to adopt the bylaws of the DCP.

S 201 – 9 Municipal Powers Retained

- A. Despite the creation of a Special Improvement District, the Borough of Caldwell expressly retains all its powers and authority over the area designated as being within the Special Improvement District.
- B. Nothing contained herein shall be interpreted or construed to be a vacation, in whole or in part, of any municipal street or part thereof.
- C. The DCP shall not make or enter into any contracts for the improvement of any publicly owned or operated facility or property within the Special Improvement District, nor adopt any regulation relating to public property in such District unless the Mayor and Council of the Borough of Caldwell delegates to the DCP, by ordinance, the contracting of work to be done on any street or streets or on any other municipal property within the Special Improvement District, provided the DCP, as the contracting unit, complies with the New Jersey Local Public Contracts Law, Public Law 1971, Chapter 198 (N.J.S.A. 40A:11-1 et seq.) and provided the plans, specifications and bid requirements as applicable for the work contracted shall be approved by the Municipal Engineer and the Mayor and Council, by resolution, prior to initiation of any action for the awarding of a contract under the Local Public Contracts Law.
- D. The DCP shall comply with all applicable ordinances or regulations of the Borough of Caldwell and the County of Essex, State of New Jersey and federal government.



BOROUGH OF CALDWELL NEW JERSEY



S 201 – 10 Fiscal Year; Annual Budget

- A. The fiscal year of the District shall be the same fiscal year used by the Borough of Caldwell.
- B. The DCP shall submit a detailed annual budget for each upcoming fiscal year no later than December 31 of the preceding year for approval by resolution by the Mayor and Council.
- C. The budget shall be introduced, approved, amended and adopted by resolution passed by not less than a majority of the full membership of the Caldwell Council. The procedure shall be as follows:
 - (1) Introduction and approval;
 - (2) Public advertising;
 - (3) Public hearing;
 - (4) Amendments and public hearings, if required; and
 - (5) Adoption.
- D. The budget shall be introduced in writing at a meeting of the Mayor and Council. Approval thereof shall constitute a first reading, which may be by title. Mayor and Council, upon approval of the budget, shall fix the time and place for the holding of a public hearing upon the budget.
- E. The budget shall be advertised after approval. The advertisement shall contain a copy of the budget and shall set forth the date, the time and place of the hearing. It shall be published at least ten days prior to the date fixed therefor in the official newspaper of the Borough.
- F. No budget shall be adopted until a public hearing has been held thereon and all persons having an interest therein shall have been given an opportunity to present objections. The hearing shall be held not less than 28 days after the approval of the budget.
- G. The public hearing shall be held at the time and place specified in the advertisement thereof, but may be adjourned from time to time until the hearing is closed.
- H. The budget, as advertised, shall be read at the public hearing in full, or it may be read by its title, if:
 - (1) At least one week prior to the date of the hearing a complete copy of the approved budget, as advertised: (a) Shall be posted in a public place where public notices are customarily posted in the municipal building; and (b) Is made available to each person requesting the same during that week and during the public hearing.
 - (2) The Mayor and Council shall, by resolution passed by not less than a majority of the full membership of the municipal Council, determine that the budget shall be read by its title and declare that the conditions set forth in this Subsection I have been met.
- I. After closing the hearing, the governing body may adopt the budget by title, without amendments, or may approve amendments, as provided in Subsection J, before adoption.
- J. The governing body may amend the budget during or after the public hearing. No amendment by the governing body shall be effective until the taxpayers and all persons having an interest therein shall have been granted a public hearing thereon, if the amendment shall:
 - (1) Add a new item in an amount in excess of 1% of the total amount as stated in the approved budget; or
 - (2) Increase or decrease any item by more than 10%; or



BOROUGH OF CALDWELL NEW JERSEY



- (3) Increase the amount to be raised pursuant to NJSA 40:56-80 or in any amendatory or supplementary act by more than five percent unless the same is made pursuant to an emergency temporary appropriation only.
- K. Notice of the hearing on any proposed amendment shall be advertised at least three days before the date set therefor. The amendment shall be published in full in the same manner as an original publication and shall be read in full at the hearing and before adoption.
- L. Final adoption shall be by resolution, adopted by a majority of the full membership of the governing body, and may be by title.

S 201-11 Annual Reports

- A. Monies appropriated and collected for the annual costs of operating and maintaining a Special Improvement District shall be credited to a special account. The Mayor and Council may incur the annual costs of improving, operating and maintaining a Special Improvement District during a fiscal year, though not specifically provided for by line item or other category in an approved estimate for such fiscal year, if in its discretion it shall be deemed necessary to provide for such annual improvements or operation or maintenance prior to the succeeding fiscal year and so long as the total amount of the account approved for that year is not exceeded by that expenditure. Any balances to the credit of the account and remaining funds unexpended at the end of the fiscal year shall be maintained and applied towards the financial requirements of the business improvements district for the succeeding year.
- B. The Mayor and Council may retain a portion of the collected special assessment proceeds to offset the direct costs incurred in the required assessment and budget processes.
- C. The Mayor and Council shall pay over funds to the management corporation quarterly of each year. The Borough of Caldwell shall not be obligated to pay over funds not received by the Borough of Caldwell.
- D. The DCP shall cause an annual audit of its books, accounts and financial transactions to be made and filed with the Mayor and Council and for that purpose shall employ a certified public accountant of New Jersey. The annual audit shall be completed and filed with the governing body within four months after the close of the fiscal year of the corporation.
- E. The DCP shall, within 30 days after the close of each fiscal year, make an annual report of its activities for the preceding fiscal year to the Mayor and Council and the Borough Clerk.

S 201 -12 No Limitation of Power Nothing contained herein shall prevent the Mayor and Council at any time, subsequent to the adoption of this Chapter, by ordinance abandoning the operation of the Special Improvement District, changing the extent of the Special Improvement District, supplementing or amending the description of the District to be specially assessed or taxed for annual costs of the Special Improvement District, changing or repealing any plan, rules, requisitions or limitations adopted for the operation of the Special Improvement District or rescinding the designation of, or re-designating a district management corporation.

S 201 – 13 Severability.

- A. If any section or provision of this Ordinance or the application thereof is determined to be invalid for any reason, the invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision.
- B. All Ordinances and/or Resolutions of the Borough of Caldwell, which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.



**BOROUGH OF CALDWELL
NEW JERSEY**



- C. 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.

- D. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

DATE OF FIRST READING: April 4, 2016 DATE OF SECOND READING: May 17, 2016
 DATE OF PUBLICATION: April 14, 2016 DATE OF ADOPTION: May 17, 2016

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Capozzoli						Brown				
Hauser						Cascarano				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



BOROUGH OF CALDWELL NEW JERSEY



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



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 5-121

Date of Adoption: May 17, 2016

TITLE:

AUTHORIZING THE BOROUGH CLERK TO PREPARE A REQUEST FOR PROPOSALS AND ADVERTISE TO SOLICIT QUOTATIONS FOR THE LEASE OF ADVERTISING SPACE

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey that they do hereby authorize the Borough Clerk to prepare a Request for Proposals and advertise to solicit quotations for the lease of advertising space.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Capozzoli						Brown				
Hauser						Cascarano				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 5-122

Date of Adoption: May 17, 2016

TITLE:

**RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT BLOCK 57.01, LOT 6.01
WHICH IS 20 PARKWAY EAST, CALDWELL, NJ**

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, NJ that authorization is hereby given to refund the following tax overpayment, to Corelogic Tax Service, LLC Property was refinanced and taxes are not escrowed any longer.

<u>BLOCK & LOT</u>	<u>RECIPIENT</u>	<u>REFUND AMOUNT</u>
B57.01, L6.01	Corelogic Tax Service, LLC P.O. Box 961230 Forth Worth, Texas 76161-0230	\$2,343.18

FILE/REF #17225527

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Capozzoli						Brown				
Hauser						Cascarano				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor

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

BOROUGH OF CALDWELL

1 PROVOST SQUARE
 CALDWELL, NJ 07006
 TEL (973)403-4632 FAX (973)226-6102

REQUISITION	
NO.	R6-00459

S H I P T O	IDA RENNE TAX COLLECTION 1 PROVOST SQUARE CALDWELL, NJ 07006
	V E N D O R

ORDER DATE: 05/09/16
 DELIVERY DATE:
 STATE CONTRACT:
 F.O.B. TERMS:

QTY/UNIT	DESCRIPTION	ACCOUNT NO.	UNIT PRICE	TOTAL COST
1.00	TAX OVERPAYMENT 57.01 6.01	6-01-55-205-020	2,343.1800	2,343.18
			TOTAL	2,343.18

REQUESTING DEPARTMENT

DATE

CoreLogic Tax Services, LLC

May 09, 2016

Attn: Ida Renne
Caldwell Boro
1 Provost Square
Caldwell, NJ 70060

Re: File Number: 17225527
Situs Address: 20 Parkway E, Caldwell, NJ 07006
Property ID Number: 00057.0001 00006.0001
Tax Year/Installment: 2016 / 1
Amount Disbursed: \$2,343.18

Dear Tax Collector:

CoreLogic Tax Services, LLC has discovered that a payment has been made in error in the amount of \$2,343.18. CoreLogic records indicate the correct parcel that should have been paid is 00057.0000 00001.0020. The payment made incorrectly is on the above property.

Please research your records as we are seeking reimbursement of these payments. Please make your check payable to CoreLogic (if applicable) and reference file number 17225527. If a refund has already been issued, please provide the check number and any information that will assist us to recover the funds. Please send all necessary documentation or checks to CoreLogic, P.O. Box 961230, Ft Worth, TX 76161-0230

We sincerely apologize for this error and thank you for your prompt attention. If you have any questions, please feel free to contact us toll-free at 1-877-442-2797 referencing the file number listed above. Our normal business hours are Monday through Friday, 8:00 a.m. to 4:00 p.m. Central Standard Time.

Sincerely,

CoreLogic Tax Services, LLC
Email Address: Fada_recoveries@corelogic.com
P.O. Box 961230, Fort Worth, TX 76161-0230



Block/Lot/Qual:	57.01 6.01	Tax Account Id:	1786
Property Location:	20 PARKWAY EAST	Property Class:	2- Residential
Owner Name/Address:	HACKETT, CAROL 20 PARKWAY EAST CALDWELL, N.J. 07006	Land Value:	258,900
		Improvement Value:	103,400
		Exempt Value:	0
		Total Assessed Value:	362,300
		Additional Lots:	None
Special Taxing Districts:		Deductions:	

Balance Includes any Adjustments to Your Account

Taxes		Utilities					
<input type="button" value="Make a Payment"/>		<input type="button" value="View Tax Rates"/>		Last Payment: 05/05/2016			
Year	Due Date	Orig Billed	Adj Billed	Balance	Interest	Total Due	Status
2016	02/01/2016	2,343.18	0.00	0.00	0.00	0.00	PAID
2016	05/01/2016	2,343.17	-739.09	-739.09	0.00	-739.09	PAID
2016	08/01/2016	0.00	0.00	-1,604.09	0.00	-1,604.09	
Total 2016		4,686.35	-739.09	-2,343.18	0.00	-2,343.18	
2015	02/01/2015	2,194.64	0.00	0.00	0.00	0.00	PAID
2015	05/01/2015	2,194.63	-739.09	0.00	0.00	0.00	PAID
2015	08/01/2015	2,491.72	0.00	0.00	0.00	0.00	PAID
2015	11/01/2015	2,491.71	0.00	0.00	0.00	0.00	PAID
Total 2015		9,372.70	-739.09	0.00	0.00	0.00	
2014	02/01/2014	2,145.73	0.00	0.00	0.00	0.00	PAID
2014	05/01/2014	2,145.72	0.00	0.00	0.00	0.00	PAID
2014	08/01/2014	2,243.54	0.00	0.00	0.00	0.00	PAID
2014	11/01/2014	2,243.54	0.00	0.00	0.00	0.00	PAID
Total 2014		8,778.53	0.00	0.00	0.00	0.00	

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**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 5-123

Date of Adoption: May 17, 2016

TITLE:

RESOLUTION APPROVING AN INTERMUNICIPAL SERVICE AGREEMENT BETWEEN THE BOROUGH OF CALDWELL AND THE WEST ESSEX REGIONAL SCHOOL DISTRICT

WHEREAS, the Borough of Caldwell operates an indoor swimming pool facility at the Caldwell Community Center (the “swimming pool”); and

WHEREAS, the School District has established the West Essex Regional High School interscholastic swim team (“West Essex Swim Team”); and

WHEREAS, the School District does not have a facility to accommodate the requirements of the West Essex Swim Team; and

WHEREAS, the parties have agreed to enter into an agreement whereby the Borough would make available to the School District the swimming pool facility to allow the West Essex Swim Team to conduct team practices and to host swim meets; and

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, County of Essex, as follows:

1. The Borough Administrator and Borough Clerk are hereby authorized and directed to execute the attached Intermunicipal Services Agreement with the West Essex Regional School District, 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

Capozzoli						Brown				
Hauser						Cascarano				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor

INTERMUNICIPAL SERVICES AGREEMENT

THIS AGREEMENT made this ___ day of _____ 2016, by and between THE BOROUGH OF CALDWELL, having an address at One Provost Square, Caldwell, New Jersey, and the West Essex Regional School District, Having an address at West Greenbrook Road, North Caldwell, New Jersey (hereinafter referred to as "West Essex").

WITNESSETH:

WHEREAS, The Borough Caldwell operates an indoor swimming pool facility at the Caldwell Community Center (the "swimming pool facility"); and

WHEREAS, West Essex operates an interscholastic swim team; and

WHEREAS, West Essex does not have a facility to accommodate the needs of the West Essex Swim Team

WHEREAS, the parties have agreed that the Borough of Caldwell will make available to West Essex the swimming pool facility to allow the West Essex Swim Team to conduct team practices and to host swim meets; and

WHEREAS, this Agreement has been authorized by appropriate resolution of the Borough of Caldwell and by appropriate resolution of West Essex.

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the parties do hereby enter into this Agreement with terms as follows:

1. The Borough of Caldwell shall allow the West Essex Swim Team to use the swimming pool facility for (3) three interscholastic swim seasons, beginning with the 2016- 2017 season, and continuing through the 2018-2019 swim seasons.
2. The Borough of Caldwell will make the swimming pool facility available for use by the Caldwell Swim Team for each season from November 15th through March 1st of the following year.
3. The West Essex swim team shall have the right to use the swimming pool facility on Mondays, Tuesdays, Wednesdays and Fridays, from 8:45 p.m. to 9:45 p.m. for practices and for home swim meets. Despite the foregoing, West Essex shall have the right to use only four lanes of the pool for practice purposes.
4. There shall be a maximum of 10 home swim meets. Warmups can begin at 7:30pm on meet days.
5. West Essex shall provide written notice of the home swim meet schedule to the Borough Administrator upon execution of this Agreement.

6. West Essex shall pay the Borough of Caldwell the following sum in consideration for the use of the swimming pool facility as set forth herein.

2016-2017 season: \$16,000

2017-2018 season: \$16,000

2018-2019 season: \$16,000

7. West Essex will indemnify and hold the Borough of Caldwell and its agents harmless from and against any and all claims of whatever nature, actions or proceedings, costs, expenses and liabilities, including attorneys fees and disbursements incurred in connection with each such claim, action or proceeding, whether in contract or tort, arising from West Essex's use of the Caldwell Community Center and of the swimming pool facility.
8. West Essex will observe and comply with the rules and regulations of the Caldwell Community Center during the term of this Agreement. West Essex is obligated to provide all supervision for its students, personnel, staff and spectators.
9. West Essex may not assign, license or otherwise transfer its rights under this Agreement to any other person or entity without prior written consent of the Borough, which consent may be withheld in the Borough's sole discretion.
10. The Board may not delegate its duties or allow any other person or entity to assume its duties under this Agreement without the prior written consent of the Borough, which consent may be withheld in the Borough's sole discretion.

IN WITNESS WHEREOF, the parties have caused their appropriate designees to sign this Agreement the date and year written below their names, with the last date of signing being inserted as the date of this Agreement.

THE BOROUGH OF CALDWELL

BY: Paul M. Carelli, Borough Administrator

WEST ESSEX REGIONAL SCHOOL DISTRICT

BY: Michael Falkowski, Business Administrator



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 5-124

Date of Adoption: May 17, 2016

TITLE:

AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH MAY 17, 2016 FOR 2016 BILLS IN THE TOTAL AMOUNT OF \$4,117,407.07

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey that,

WHEREAS, certain bills which are contained on the bills list which is annexed hereto and incorporated herein have been submitted to the Borough of Caldwell for payment, and;

WHEREAS, pursuant to N.J.S.A. 40A:5:16, it has been certified to the governing body that the goods or services for which said bills were submitted have been received by or rendered to the Borough of Caldwell, and;

WHEREAS, the Director of Finance of the Borough of Caldwell has certified to the governing body that there are funds legally appropriated and available in the current operating budget for the payment of said bills and that the said payment will not result in the disbursement of public monies or in the encumbering of same in excess of the 2015 and/or 2016 appropriation for said purpose;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Caldwell that the, Borough Administrator and Deputy Clerk be and are hereby authorized to sign checks in payment of the bills set forth in the annexed schedule.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Capozzoli						Brown				
Hauser						Cascarano				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 5-125

Date of Adoption: May 17, 2016

TITLE:

RESOLUTION APPROVING A CONTRACT BETWEEN THE BOROUGH OF CALDWELL AND THE TOWNSHIP OF VERONA - SUMMER SWIM TEAM 2016 FOR AN AMOUNT OF \$5,700.00

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 Borough Administrator 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

Capozzoli						Brown				
Hauser						Cascarano				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor

CONTRACT AND HOLD HARMLESS AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2016
BETWEEN: CALDWELL CYCLONES SWIM TEAM (hereinafter referred to as
“APPLICANT”); AND THE TOWNSHIP OF VERONA, a municipal corporation, with
offices at 600 Bloomfield Avenue in the Township of Verona, County of Essex and State
of New Jersey (hereinafter “Township)

WITNESSETH:

WHEREAS, the Township operates the Verona Community Pool (hereinafter
referred to as the “Pool”); and

WHEREAS, the Applicant desires to enter upon and use the Pool for the purpose
of conducting practice sessions; and

WHEREAS, the Township is desirous of granting the Applicant the right to enter
upon and use the Pool facility on certain dates and at specific times for the conduct of
practice sessions; and

WHEREAS, the Township may allow the Applicant to use the facility owned
and/or maintained by the Township subject to and under the conditions listed below and
for the purposes listed below:

1. Applicant shall have the right to enter upon and use the Pool for practice
sessions during the term commencing Monday, June 20, 2016 and ceasing on
Friday, July 29, 2016.
2. WHEREAS the Applicant agrees to keep and maintain a daily log of all
personnel who appear on the grounds and/or around the Pool area under the
terms of this Agreement.
3. The hours during which Caldwell Cyclones may use the Pool facility are as
follows:

Monday through Friday 6:00 a.m. – 8:00 a.m.

4. As consideration for use of the Pool on the aforesaid dates and times, the
Applicant agrees to pay the Township the sum of **\$ 5700.00**. The Applicant
agrees to make payment in full on or before June 17, 2016. In the event full
consideration is not paid by the Applicant by June 17, 2016, the Township
shall have the right to terminate the Agreement.
5. In the event the Applicant is desirous of using the Pool on dates and times
other than those specifically set forth herein, then written permission must be
first obtained from the Township which permission shall not be unreasonably
denied.
6. The Applicant agrees to pay additional charges for such additional dates as
may be imposed by the Township.

7. The Applicant agrees as follows:
 - a. None of its swimmers, coaches or spectators shall use or permit the use of the Pool's office phone except for emergencies.
 - b. No pet will be allowed in the Pool area.
 - c. By the latest time indicated for any day i.e. 8:00 a.m., all team members will be out of the water and deck area. All swim team personnel must vacate the pool area promptly at 8:00 a.m.
 - d. All refreshments, food, etc. will be available only at the snack bar and as agreed by written contract between the concessionaire and the Applicant.
 - e. Trash, ashes and cigarette butts will be placed in appropriate receptacles.
 - f. Any movement of tables, benches, umbrellas, etc. must be replaced to its original position.
 - g. The Applicant shall not use lane lines or any other Verona Swim Team equipment without prior permission of the Verona Swim Team.
 - h. The Applicant assumes all insurance liability and safety responsibilities for its members, guests, spectators and others while at the Pool.
 - i. Applicant agrees to provide and continue to provide security and safety as recommended by the Verona Township Police Department while using and enjoying the premises.

NOW, THEREFORE in consideration for being permitted to utilize Township facilities/properties, the parties agree as follows:

1. Applicant agrees to indemnify, release and hold harmless the TOWNSHIP OF VERONA from any claim of any kind or manner that results from injury or otherwise incurred at the Township venue. Applicant shall provide proof of insurance to the Township in an amount of at least one million (\$1,000,000.00) dollars and shall list the Township of Verona as additional insured under said policy.
2. This Agreement shall not release the Applicant from obtaining any approvals, licenses and/or permits (if any) required by the Township for the project and/or activity.

WHO IS BOUND. This Contract binds the Applicant and their successors. Anyone who succeeds to the Applicant or in any way directly or indirectly assumes ownership and/or direction of the Applicant's business or operations is also bound. This Hold Harmless provisions made for the benefit of the Township of Verona.

SIGNATURES. The Applicant agrees to the terms of this Contract and Hold Harmless Provision. If this Contract and old Harmless Agreement is made by a corporation its proper corporate officers sign and its corporate seal is affixed.

CALDWELL CYCLONES SWIM TEAM

TOWNSHIP OF VERONA

By: _____

Applicant

Dated: _____

Witness:

Dated: _____

By: _____

Matthew Cavallo, Township Manager

Dated: _____

ATTEST:

Township Clerk