



***BOROUGH OF CALDWELL  
NEW JERSEY***



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**COUNCIL BUSINESS MEETING  
June 21, 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](http://www.caldwell-nj.com)

June 21, 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

June 9, 2016

### PUBLIC HEARING AND ADOPTION 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)

### 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.*

6-131	AUTHORIZING THE CLEAN UP OF CUTTING THE GRASS AT 8 FRANCIS PLACE, BLOCK 34, LOT 5.03 AND TO PLACE A LIEN ON THE SAID PROPERTY
6-132	AUTHORIZING THE CLEAN UP OF CUTTING THE GRASS AT 11 MYRTLE AVENUE, BLOCK 25, LOT 7.01 AND TO PLACE A LIEN ON THE SAID PROPERTY
6-133	AUTHORIZING THE TAX COLLECTOR TO REFUND TAX OVERPAYMENT FOR BLOCK 58.01 LOT 8, 178 ROSELAND AVENUE, CALDWELL, NJ 07006, DUE TO TAX COURT JUDGEMENT. 2014/2015 STATE TAX JUDGEMENT
6-134	AUTHORIZING THE TAX COLLECTOR TO REFUND OVERPAYMENT OF 2016, 2 <sup>ND</sup> QUARTER TAXES FOR BLOCK 65 LOT 1.22, 22 FELS MANOR ROAD, CALDWELL, NJ 07006
6-135	AUTHORIZING THE TAX COLLECTOR TO REFUND OVERPAYMENT BLOCK 50 LOT 17, 39 WASHBURN PLACE, CALDWELL, NJ 07006
6-136	AUTHORIZING REFUND OF OVERPAYMENT BLOCK 36.01 LOT 71, 501-507 BLOOMFIELD AVENUE CELL TOWER, CALDWELL, NJ 07006



Council Chambers

1 Provost Square Caldwell, NJ

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Kristian Brown  
John Cascarano  
Frank Rodgers

6-137	AUTHORIZING THE 2016 EQUIVALENT CONNECTION CHARGE OF \$359.19 PER EQUIVALENT CONNECTION, BASED ON THE NUMBER OF EQUIVALENT CONNECTIONS AND THE APPLICATION OF THE SEWER USER AGREEMENTS BETWEEN THE BOROUGH OF CALDWELL AND THE SEWER USER MUNICIPALITIES OF WEST CALDWELL, NORTH CALDWELL, ESSEX FELLS, FAIRFIELD AND ROSELAND
6-138	AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH JUNE 21, 2016 FOR 2016 BILLS IN THE TOTAL AMOUNT OF \$2,049,796.65

### PUBLIC HEARING AND ADOPTION OF THE 2016 MUNICIPAL BUDGET

*Members of the public are invited to comment at this time on the 2016 Municipal Budget*

Budget Document – Sheet 41/42

### COUNCIL COMMITTEE REPORTS

*Borough Council Members*

1. Councilman Cascarano
2. Councilman Rodgers

### REPORT OF MAYOR

*Mayor Dassing*

### REPORT OF BOROUGH ADMINISTRATOR

*Paul M. Carelli*

1. Sale of \$5,828,717 Bond Anticipation Notes, Series 2016A

### REPORT OF BOROUGH ATTORNEY

*Greg Mascera*

### REPORT OF POLICE CHIEF

*James Bongiorno*

### 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*



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)

June 21, 2016 / 7:00PM

MAYOR

Ann Dassing

BOROUGH COUNCIL

Pasquale Capozzoli - President

Richard Hauser

Thomas O'Donnell

Kristian Brown

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 06/17/2016 with all available information as of this date. This agenda has been sent to four official newspapers of the Borough on 06/17/2016 in compliance with P. L. 1975, c 213

Lisa O'Neill, Deputy Clerk.

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – June 9, 2016**

**Page 1 of 3**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:00PM

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

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

**ABSENT:** Councilman Hauser

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:  
May 17, 2016**

Moved by Councilman Cascarano, seconded by Council President Capozzoli. No Discussion. On roll call, all voted in the affirmative. Councilman Rodgers abstained. Councilman Hauser absent. Minutes approved 06/09/16.

**PRESENTATION**

1. Proclamation presented to Chief James Bongiorno/Declaring May 2016 Mental Health Awareness Month

**INTRODUCTION OF ORDINANCE**

**ORDINANCE# 1321-16:** AN ORDINANCE AMENDING CHAPTER 230 – ARTICLE V OF THE CODE OF THE BOROUGH OF CALDWELL, TRAFFIC REGULATIONS

Moved by Councilman Cascarano, seconded by Councilman Brown. No Discussion. On roll call, all voted in the affirmative. Introduced Ordinance 06/09/16.

**ORDINANCE #1322-16:** AN ORDINANCE TO FIX SALERIES AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF CALDWELL FOR THE YEAR 2016

Moved by Councilman Cascarano, seconded by Councilman Brown. No Discussion. On roll call, all voted in the affirmative. Introduced Ordinance 06/09/16.

**OPEN PUBLIC COMMENTS ON RESOLUTIONS**

**RESOLUTIONS – CONSENT AGENDA**

**6-126:** AUTHORIZING THE ISSUANCE OF A PERMIT FOR CANVASSER/SOLICIT OR IN A ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE BOROUGH CLERK'S OFFICE – Renewal by Anderson

**6-127:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #15-00011, Block 58.10 Lot 25

**6-128:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #14-00011, Block 39, Lot 36

**6-129:** AUTHORIZING THE ISSUANCE OF RENEWAL LIQUOR LICENSES FOR THE PERIOD JULY 1, 2016 THROUGH JUNE 30, 2017. APPLICATIONS AND APPLICANTS HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS

**6-130:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH JUNE 9, 2016 FOR 2016 BILLS IN THE TOTAL AMOUNT OF \$934,736.86

**CONSENT**

Moved by Councilman O'Donnell, seconded by Councilman Cascarano. No Discussion. On roll call, all present voted in the affirmative. Councilman Hauser absent. Resolutions approved 06/09/16.

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – June 9, 2016**

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Chris Battaglia, CFO discussed the general capital balances with the Council.

**COUNCIL COMMITTEE REPORTS**

*Borough Council Members*

**Council President Capozzoli** thanked Mark Guiliano and West Caldwell's Fire Official John Medina. He had the honor of being invited to the fire presentation to the two gentlemen that were burned in the 2000 Seton Hall Dorm Fire.

Chief Bongiorno responded that this Saturday at Caldwell University they did training exercise that the OEM coordinated with the Police Department, Fire Department and West Essex First Aid Squad as well as Essex County. Mark Guiliano did an excellent job coordinating that and as well as the University.

**Councilman Cascarano** reported that on Saturday, June 11<sup>th</sup> Caldwell Health Department will be having a Wellness Day from 10AM-1PM. The Caldwell Police Department portable Drug Collection will be on hand to bring your prescriptions. The Camp Wyanokie outing will be on Saturday, June 25<sup>th</sup> registration is on the website campwyanokie.com. There will be a Barbeque, fishing derby and more fun things to do.

**Councilman Brown** congratulated the Environmental Commission and Ann Marchioni for all their hard work. They have received the Anjec Open Space Stewardship funding grant in the amount of \$1500.00 which will go towards the Personette Street Polinary Garden. He attended a Recreation Committee meeting and discussion was on the RFP that will get some consulting assistance for advertising at the Oval.

**REPORT OF MAYOR:**

**Mayor Dassing** thanked Jane Kinkle and Phyllis Kent for their leadership role in creating the garden's that are on the side and back of the Library. On Saturday in addition to the Health Fair there will be Caldwell History Day which begins at 10AM at the Library. The Historic Commission is doing this Old House presentation and they will have information on many of the houses in Caldwell. Marie LanFrank who is the Board of Education Member has asked her to remind the community that the Board of Ed is looking for community input regarding programs, services, facilities, etc. There is a survey that you can complete on line at [cwcboe.org](http://cwcboe.org) the communities input is needed in addition to the parents. Mayor Dassing updated the Council on where they are in regards to the Pine Brook. She met with the Chief of Staff of Senator McKeon's office and they discussed all the steps that the Borough has gone through and she was able to put together some files. In 2006 the Borough wrote to Congressman Frelinghuysen and in 2007 the Army Corps of Engineers and they created a trip report and they surveyed the brook and informed us what is wrong and right with it. Since then they have been meeting as a Brook Study Committee trying to figure out if there was a remedy for the erosion that was going on which is back behind the apartment buildings. This evening the Mayor met with the new president of the Apartments this evening and there are 108 units and he lives in unit 59 which backs into the brook. They have written to 25 different entities with letters of inquiry looking for grant money. Glenn Beckmeyer has gotten the surveys and information from Mr. Flint who had his bank shored up professionally and we are trying to put a number on the brook that is most effected. They have reached out to four different entities with grant applications to the Department of Environmental Protection which is called a partnership proposal request. A grant was submitted to the State of New Jersey Hazard Mitigation and FEMA . There were letters of inquiry sent to private foundations which total seven that they have identified and they might be interested.

**REPORT OF BOROUGH ATTORNEY:**

**Greg Mascera** reported that on Tuesday morning he was at the Essex County Tax Board working with George Librizzi on the 2016 tax appeals and there were only two and both were withdrawn. Credit goes to George; he stays on top of every assessment within the Borough and makes adjustments when necessary. Also, approximately 40 – 45% of the properties in town have already been evaluated by the field workers who are working on the re-val for next year. Greg has filed the COAH litigation on behalf of the Borough it will be a while before we hear anything back. This is a proactive step taking by the Borough to try and get ahead of any builders remedy lawsuits.

**REPORT OF POLICE CHIEF:**

**James Bongiorno** reported that they will have their portable prescription at the Wellness Day and we do encourage everyone to bring any expired or unused prescription medications. There will be

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – June 9, 2016**

**Page 3 of 3**

bicycle safety there and Maria Burak will be raffling bicycle helmets. The Police Department has completed the “click it or ticket” campaign and there were only fifteen tickets given out this year.

**REPORT OF COUNTY LIAISON:**

**Patricia Keenan** reported that seniors are invited to the Farmers’ Market at Essex County Verona Park on Tuesdays from July 5 – September 13<sup>th</sup> from 10AM – 2PM. It’s a great opportunity to buy fruits and vegetables and transportation is provided. The Essex County Summer Music Festival which is held throughout all the County parks. On Monday August 8<sup>th</sup> at the Grover Cleveland Park Jersey Sound will be performing.

Mayor Dassing asked if Patricia could ask the County when they would be paving the southbound Lane of Roseland Avenue.

**OPEN PUBLIC MEETING:**

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

On a motion made by Councilman Cascarano and seconded by Council President Capozzoli, unanimously affirmed, the Council moved into Executive Session at 7:44P.M.

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

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman , seconded by Councilman unanimously affirmed by all members present, the meeting was adjourned at 7:57PM.

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**



Resolution No: 6-131

Date of Adoption: June 21, 2016

**TITLE:**

**AUTHORIZING THE CLEAN UP OF CUTTING THE GRASS AT 8 FRANCIS PLACE, BLOCK 34, LOT 5.03 AND TO PLACE A LIEN ON THE SAID PROPERTY**

**WHEREAS,** Chapter 175-3, Section D, Article 6 of the Borough Code of the Borough of Caldwell provides that upon an order becoming final, the Construction Code Enforcement Official may request the Department of Public works to perform the mowing of a residential property; and

**WHEREAS,** the cost of such work is to be charged against and become a charge and lien upon the property; and

**WHEREAS,** the fee establish by borough code for the mowing of a residential property up to 5,000 square feet is set at \$150.00; and

**WHEREAS,** at the Borough of Caldwell on June 5, 2016, a lien was attached to the said property for cutting the lawn and cleaning the property at 8 Francis Place; and

**WHEREAS,** this lien, is in the amount of \$150.00;

**BE IT RESOLVED,** that the Borough Council of the Borough of Caldwell hereby authorizes the lien attached to the said property for cutting the lawn and cleaning the property as described herein.

**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: 6-132

Date of Adoption: June 21, 2016

**TITLE:**

**AUTHORIZING THE CLEAN UP OF CUTTING THE GRASS AT 11 MYRTLE AVENUE, BLOCK 25, LOT 7.01 AND TO PLACE A LIEN ON THE SAID PROPERTY**

**WHEREAS,** Chapter 175-3, Section D, Article 6 of the Borough Code of the Borough of Caldwell provides that upon an order becoming final, the Construction Code Enforcement Official may request the Department of Public works to perform the mowing of a residential property; and

**WHEREAS,** the cost of such work is to be charged against and become a charge and lien upon the property; and

**WHEREAS,** the fee establish by borough code for the mowing of a residential property up to 5,000 square feet is set at \$150.00; and

**WHEREAS,** at the Borough of Caldwell on June 5, 2016, a lien was attached to the said property for cutting the lawn and cleaning the property at 11 Myrtle Avenue; and

**WHEREAS,** this lien, is in the amount of \$150.00;

**BE IT RESOLVED,** that the Borough Council of the Borough of Caldwell hereby authorizes the lien attached to the said property for cutting the lawn and cleaning the property as described herein.

**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: 6-133

Date of Adoption: June 21, 2016

**TITLE:**

**AUTHORIZING THE TAX COLLECTOR TO REFUND TAX OVERPAYMENT FOR BLOCK 58.01 LOT 8, 178 ROSELAND AVENUE, CALDWELL, NJ 07006, DUE TO TAX COURT JUDGEMENT. 2014/2015 STATE TAX JUDGEMENT**

**WHEREAS**, it has been determined by the Tax Collector that the Owners are entitled to a REFUND due to a **Tax Court Judgement** for 2014/2015; and

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

<u>BLOCK &amp; LOT</u>	<u>RECIPIENT</u>	<u>REFUND AMOUNT</u>
B58.01, L8	Howard B. Goldberg Attorney Trust Acct. c/o Fairview Realty Associates 33 Clinton Road West Caldwell, NJ 07006	\$2,423.00 – 2014 Due \$2,587.00 – 2015 Due
	<b>Total Refund</b>	<b>\$5,010.00</b>

**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

**HOWARD B. GOLDBERG**

Attorney at Law  
33 Clinton Road  
West Caldwell, New Jersey 07006

Tel. No. (973) 227-6100  
Fax No. (973) 227-6394

E-mail: [howardbgoldberg@yahoo.com](mailto:howardbgoldberg@yahoo.com)

May 10, 2016

Ida Mae Renne, C.T.C.  
**TAX COLLECTOR, BOROUGH OF CALDWELL**  
Municipal Building  
One Provost Square  
Caldwell, New Jersey 07006

Re: **Fairview Realty Assoc. LLC v. Caldwell Township**  
**Block 58.01, Lot 8**  
**178 Roseland Avenue**  
**Docket No.: 005740-2014, 004765-2015, 004639-2016**

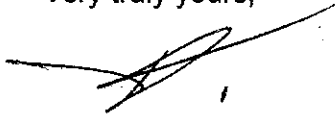
Dear Ms. Renne,

Enclosed please find copies of Tax Court Judgments in the above captioned-matter.

Please forward the tax refund to the undersigned, made payable to same, pursuant to the Stipulation of Settlement terms.

Thank you.

Very truly yours,

  
Howard B. Goldberg

HBG/lf  
Enclosure

*Refund*

2014 - 2423 -  
2015 - 2587 -  
5010 -

# BOROUGH OF CALDWELL

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

REQUISITION	
NO.	R6-00570

SHIP TO	IDA RENNE TAX COLLECTION 1 PROVOST SQUARE CALDWELL, NJ 07006
VENDOR	VENDOR #: 02887 GOLDBERG, HOWARD B., ATTORNEY 33 CLINTON ROAD WEST CALDWELL, NJ 07006

ORDER DATE: 06/07/16  
 DELIVERY DATE:  
 STATE CONTRACT:  
 F.O.B. TERMS:

QTY/UNIT	DESCRIPTION	ACCOUNT NO.	UNIT PRICE	TOTAL COST
1.00	TAX APPEAL 2014-2015/ 58.01- 8	6-01-55-270-000	5,010.0000	5,010.00
			TOTAL	5,010.00

REQUESTING DEPARTMENT

DATE



**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 6-134

Date of Adoption: June 21, 2016

**TITLE:**

**AUTHORIZING THE TAX COLLECTOR TO REFUND OVERPAYMENT OF 2016, 2<sup>ND</sup>  
QUARTER TAXES FOR BLOCK 65 LOT 1.22, 22 FELLO MANOR ROAD, CALDWELL, NJ  
07006**

**WHEREAS**, it has been determined by the Tax Collector that the old homeowner is entitled to a refund of \$2,748.69 due to the old bank sending us the check for 2<sup>nd</sup> Quarter 2016 at the closing and so did the new bank, taxes were paid twice. (The old owner should have received their payment back from/to his escrow).

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

<u>BLOCK &amp; LOT</u>	<u>RECIPIENT</u>	<u>REFUND AMOUNT</u>
B65, L1.20	Anthony Drozd 95 Bell Street Belleville, New Jersey 07109	<b>\$2,748.69</b>

**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

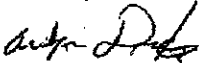
Anthony Drozd  
95 Bell Street  
Belleville New Jersey 07109  
973-751-2277

May 16, 2016

Caldwell Tax Collector

On April 15, 2016 I sold my home located at 22 Fells Manor Rd. Caldwell N. J.  
I have been waiting for my escrow balance to be sent to me by the lender who held my mortgage. I contacted them only to find out they sent it to the Town of Caldwell. The amount is \$2748.65 according to the lender. At closing the new buyer also paid for taxes. I am requesting that I be refunded the amount of \$2748.69 to the location listed on the top of this page. Thank you for your time and consideration.

Cordially



Anthony Drozd

Tax Account Maintenance

Add Edit Close Delete << >> Detail Notes Letter

Notes Exist

Block 65 Lot 1.22 Qualifier Tax Bill Restricted Edit

Owner: LARAITA FRANK & ELLENMAN, MEGHAN Prop Loc: 22 FELLS MANOR RD C0022

General Assessed Values Additional Billing Deductions Balance All Charges Add/Omit

Year	Qtr	Type	Billed	Principal Balance	Interest	Total Balance
2015	2		2,748.69	-2,748.69	.00	-2,748.69
2016	1		2,748.69	.00	.00	.00
2016		Total	5,497.38	-2,748.69	.00	-2,748.69
2015	4		2,922.93	.00	.00	.00
2015	3		2,922.94	.00	.00	.00
2015	2		2,574.44	.00	.00	.00

Other Delinquent Balances: .00 Interest Date: 06/14/16 Interest Date: Interest Detail

Other APR2 Threshold Amt: .00 Per Diem: .0000 Last Payment Date: 04/29/16

TOTAL TAX BALANCE DUE

Principal: -2,748.69 Penalty: .00

Misc. Charges: .00 Interest: .00 Total: -2,748.69

\*Indicates Addressed Billings in a Tax Quarter





**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 6-135

Date of Adoption: June 21, 2016

**TITLE:**

**AUTHORIZING THE TAX COLLECTOR TO REFUND OVERPAYMENT BLOCK 50 LOT 17,  
39 WASHBURN PLACE, CALDWELL, NJ 07006**

**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 Mr. Bernard O’Gara due to a 50% Vet Deduction being granted removing 50% from the Property Taxes for 2016 and going forward.

**BLOCK & LOT**

**RECIPIENT**

**REFUND AMOUNT**

B50, L17

Bernard O’Gara  
39 Washburn Place  
Caldwell, New Jersey 07006

**\$2,436.99**

**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

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

REQUISITION	
NO.	R6-00572

SHIP TO	IDA RENNE TAX COLLECTION 1 PROVOST SQUARE CALDWELL, NJ 07006
VENDOR	MR. BERNARD O'GARA 39 WASHBURN PLACE CALDWELL, NJ 07006

VENDOR #: 03862

ORDER DATE: 06/08/16  
 DELIVERY DATE:  
 STATE CONTRACT:  
 F.O.B. TERMS:

QTY/UNIT	DESCRIPTION	ACCOUNT NO.	UNIT PRICE	TOTAL COST
1.00	VET DISCOUNT 50% 2016- FOWARD	6-01-55-205-020	2,436.9900	2,436.99
			TOTAL	2,436.99

REQUESTING DEPARTMENT

DATE



**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 6-136

Date of Adoption: June 21, 2016

**TITLE:**

**AUTHORIZING REFUND OF OVERPAYMENT BLOCK 36.01 LOT 71, 501-507 BLOOMFIELD AVENUE CELL TOWER, CALDWELL, NJ 07006**

**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 PANYORK GROUP, INC., Due to the Cell Tower being removed from the Property and no more Taxes are due on this Cell Tower for 2016.

**BLOCK & LOT**

**RECIPIENT**

**REFUND AMOUNT**

B36.01, L71

PANYORK GROUP, LLC.  
270 Sylvan Avenue  
Suite 2280  
Englewood Cliffs, NJ 07632

**\$3,931.44**

**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.	R6-00571

SHIP TO	IDA RENNE TAX COLLECTION 1 PROVOST SQUARE CALDWELL, NJ 07006
VENDOR	VENDOR #: 03582 PANYORK GROUP, INC. 270 SYLVAN AVE. ENGLEWOOD CLIFFS, NJ 07632

ORDER DATE: 06/07/16  
 DELIVERY DATE:  
 STATE CONTRACT:  
 F.O.B. TERMS:

QTY/UNIT	DESCRIPTION	ACCOUNT NO.	UNIT PRICE	TOTAL COST
1.00	CELL TOWER REMOVED 36.01 71 T	6-01-55-205-020	3,931.4400	3,931.44
			TOTAL	3,931.44

REQUESTING DEPARTMENT

DATE



**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 6-137

Date of Adoption: June 21, 2016

**AUTHORIZING THE 2016 EQUIVALENT CONNECTION CHARGE OF \$359.19 PER EQUIVALENT CONNECTION, BASED ON THE NUMBER OF EQUIVALENT CONNECTIONS AND THE APPLICATION OF THE SEWER USER AGREEMENTS BETWEEN THE BOROUGH OF CALDWELL AND THE SEWER USER MUNICIPALITIES OF WEST CALDWELL, NORTH CALDWELL, ESSEX FELS, FAIRFIELD AND ROSELAND**

**BE IT RESOLVED** by the Borough Council of the Borough of Caldwell, New Jersey that they do hereby adopt the 2016 equivalent connection charge based on the Sewer User Agreements with West Caldwell, North Caldwell, Essex Fells, Fairfield and Roseland and the calculations performed by the Borough Administrator and Borough Sewer Director.

**BE IT RESOLVED** by the Borough Council of the Borough of Caldwell that the number of equivalent connections per sewer user municipality used for the purposes of the calculations shall be in accordance with the number of connections adjusted through the implementation of the 2014 Caldwell Sewer Utility sewer connection audit and connections reported by each municipality through December 31, 2015 as follows:

Caldwell	3,069.3
West Caldwell	4,506.0
North Caldwell	2,023.6
Essex Fells	787.9
<u>Fairfield</u>	<u>110.0</u>
<b>TOTAL:</b>	<b>10,496.8</b>

**BE IT RESOLVED** by the Borough Council of the Borough of Caldwell that the percentage of flow used for the purposes of the calculations for the Borough of Roseland shall be in accordance with total 2015 Roseland flow divided by the 2015 Total System flow at the Caldwell Wastewater Treatment plant through December 31, 2015 as follows:

Roseland Flow:	231,142,600
<u>Total System Flow:</u>	<u>1,509,700,000</u>
<b>PERCENTAGE:</b>	<b>15.31%</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Caldwell, New Jersey that the equivalent connection charge is set at \$359.19 per equivalent connection for the sewer user municipalities of Caldwell, West Caldwell, North Caldwell, Essex Fells, and Fairfield and a percentage rate of 15.31% for the user municipality of Roseland and that the Borough Administrator is authorized to forward bills to the sewer user municipalities.

**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