



***BOROUGH OF CALDWELL
NEW JERSEY***



**COUNCIL BUSINESS MEETING
July 17, 2012**

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



Council Chambers
1 Provost Square Caldwell, NJ

Borough of Caldwell Council Business Meeting

AGENDA - Revised

Phone: (973) 226-6100
Website: www.caldwell-nj.com

July 17, 2012

MAYOR
Ann Dassing

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

CALL TO ORDER

Honorable Ann Dassing, Mayor of the Borough of Caldwell Presiding

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

APPROVAL OF MINUTES

June 19, 2012

INTRODUCTION OF ORDINANCES

- ORDINANCE# 1259-12:** AN ORDINANCE AMENDING CHAPTER 214 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION REGULATING PRIVATE SWIMMING POOLS
- ORDINANCE# 1260-12:** AN ORDINANCE AMENDING CHAPTER 51 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION REGULATING ALARM SYSTEMS
- ORDINANCE# 1261-12:** AN ORDINANCE ESTABLISHING THE BOROUGH OF CALDWELL EMPLOYEE EFFICIENCY INCENTIVE PLAN
- ORDINANCE# 1262-12:** AN ORDINANCE AMENDING CHAPTER 175 OF THE CODE OF THE BOROUGH OF CALDWELL TITLED PROPERTY MAINTENANCE

PUBLIC HEARING AND ADOPTION OF ORDINANCES

- ORDINANCE# 1253-12:** AN ORDINANCE AMENDING CHAPTER A270-1 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SCHEDULE OF FEES CHARGED BY THE BOROUGH, SO AS TO SET THE FEES AND THE ESCROW REQUIREMENTS FOR APPLICATIONS TO THE ZONING BOARD OF ADJUSTMENT AND TO THE PLANNING BOARD IN ACCORDANCE WITH CHAPTER 26 OF THE BOROUGH CODE
- ORDINANCE# 1254-12:** AN ORDINANCE AMENDING CHAPTER 250-8 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION TITLED DEFINITONS AND WORD USAGE – (MOBILE TEMPORARY STORAGE CONTAINERS)
- ORDINANCE# 1255-12:** AN ORDINANCE AMENDING CHAPTER 250-8 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION TITLED GENERAL REGULATIONS (MOBILE TEMPORARY STORAGE CONTAINERS)
- ORDINANCE# 1256-12:** AN ORDINANCE AMENDING CHAPTER 250-7 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION TITLED “WORD USAGE (FENCES)
- ORDINANCE# 1257-12:** AN ORDINANCE AMENDING CHAPTER 250-8 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION REGULATING THE SIZE AND PLACEMENT OF FENCES



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PUBLIC HEARING AND ADOPTION OF ORDINANCES (continued)

ORDINANCE# 1258-12: AN ORDINANCE AMENDING SECTION 17 OF CHAPTER 182 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION TITLED "MAINTENANCE OF SERVICES" (RENT CONTROL)

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.

- 7-150: AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 11-00008 PAYABLE TO RICHARD VENTOLA 11
- 7-151: AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 11-00010 PAYABLE TO ROBERT PALMISANO
- 7-152: AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 11-00014 PAYABLE TO ROBERT PALMISANO
- 7-153: 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)
- 7-154: AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Saint Aloysius Roman Catholic Church / Off Premise – 50/50 Raffle / September 16, 2012 – 4:00PM
- 7-155: 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 / August 1, 2012 – 6:00PM – 10:00PM
- 7-156: DISPOSAL OF OBSOLETE BOROUGH OF CALDWELL VEHICLES
- 7-157: RESOLUTION AUTHORIZING AN AWARD OF CONTRACT WITH BEYER-WARNOCK FLEET FOR A 2013 FORD EXPLORER BASE 4-DOOR 4x4 SPORT UTILITY VEHICLE AS APPROPRIATED IN CAPITAL ORDINANCE #1252-12 FOR THE CALDWELL FIRE DEPARTMENT FOR AN AMOUNT OF \$34,012.94 UNDER STATE CONTRACT # A78762
- 7-158: AUTHORIZING THE APPOINTMENT OF Tristan Oesterle AS A JUNIOR FIREFIGHTER IN THE CALDWELL VOLUNTEER FIRE DEPARTMENT
- 7-159: AUTHORIZING THE APPOINTMENT OF MEMBERS FOR HISTORICAL PRESERVATION COMMISSION COMMITTEE – James Vere



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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.

- 7-160:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Parents & Friends Association of Mount Saint Dominic Academy / Off Premise – 50/50 Raffle / September 16, 2012 – 12:00PM – 4:00PM
- 7-161:** AUTHORIZING THE ISSUANCE OF A PERMIT FOR EXEMPT CANVASSER/SOLICIT OR IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE BOROUGH CLERK'S OFFICE – Charles B. Garrity, Power Home Remolding Group, 6 Commerce Drive, Cranford, NJ.
- 7-162:** RESOLUTION MEMORIALIZING CLERICAL CHANGES TO ORDINANCE # 1251-12 TITLED “AN ORDINANCE AMENDING CHAPTER 230 – ARTICLE V OF THE CODE OF THE BOROUGH OF CALDWELL, TRAFFIC REGULATIONS
- 7-163:** AUTHORIZING AN AWARD OF A PROFESSIONAL SERVICES CONTRACT TO THE LAND CONSERVANCY OF NEW JERSEY IN THE BOROUGH OF CALDWELL
- 7-164:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH JULY 17, 2012 FOR 2012 BILLS IN THE TOTAL AMOUNT OF \$1,942,279.74
- 7-165:** AUTHORIZING THE AWARD OF A CONTRACT FOR PAYROLL SERVICES TO AUTOMATIC DATA PROCESSING, INC., 1 ADP BOULEVARD ROSELAND, NJ 07068
- 7-166:** AUTHORIZING THE AWARD OF A CONTRACT FOR A 200 KILOWATT, DIESEL FUELED, STANDBY GENERATOR AT THE CALDWELL COMMUNITY CENTER TO AES-NJ COGEN CO., INC. 4 DEER TRAIL, KINNELON, NEW JERSEY 07405, IN THE AMOUNT OF \$126,000.00, BEING FUNDED BY CAPITAL ORDINANCE #1185-08 IN THE AMOUNT OF \$60,000 AND CAPITAL ORDINANCE #1252-12 IN THE AMOUNT OF \$70,000
- 7-167:** RESOLUTION FOR THE BOROUGH OF CALDWELL TO SUPPORT AND PARTICIPATE IN THE VOLUNTEER TUITION CREDIT PROGRAM (P.L. 1998, c. 145)
- 7-168:** AUTHORIZING THE BOROUGH ADMINISTRATOR TO ADVERTISE AND RECEIVE SEALED BIDS FOR THE CONSTRUCTION OF THE ESSEX FELLS WATER SUPPLY INTERCONNECTION METER FACILITY PROJECT

FINANCE

Council President Hauser

Liaison: Library Board of Trustees / Recreation

PUBLIC SAFETY

Councilman Murray

Liaison: Rent Board / Traffic Committee



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PUBLIC WORKS / UTILITIES

Councilman Coyle

Liaison: Open Space / Environmental / Tree Removal

COMMUNITY CENTER

Councilman O'Donnell

Liaison: Planning Board / Local Board of Assistance / Senior Advisory Board

PERSONNEL / HEALTH AND HUMAN SERVICES

Councilman Rodgers

Liaison: Board of Health / Senior Citizens Transportation

COMMUNITY OUTREACH

Councilman Kelley

Liaison: Board of Education / Community Development / Camp Wyanokie

REPORT OF MAYOR

Mayor Dassing

REPORT OF ADMINISTRATOR

Paul M. Carelli

1. Administrator Report Spreadsheet – July 17, 2012

REPORT OF ATTORNEY

Gregory Mascera

OLD BUSINESS

1. Community Center BID status (Councilman O'Donnell)

NEW BUSINESS

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

1. Open Space Acquisitions (Councilman O'Donnell)
2. Licensing for Canvasser/Soliciting (Chief Bongiorno)

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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EXECUTIVE SESSION

Closed Session

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

1. Personnel

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 7/13/2012 with all available information as of this date. This agenda has been sent to four official newspapers of the Borough on 7/13/2012 in compliance with P. L. 1975, c 213

Lisa O'Neill, Acting Borough Clerk.

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – June 19, 2012**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:06 PM

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

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

ABSENT: Councilman Kelley

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

APPROVAL OF MINUTES:

June 19, 2012

Moved by Councilman Coyle, seconded by Councilman Murray. No Discussion. On roll call, all present voted in the affirmative. Minutes approved 07/17/12.

PRESENTATION OF AWARDS:

Garden State Municipal Joint Insurance Fund Presented by Mr. Zach Edelman
2011 Safety Incentive Award – Borough of Caldwell

PRESENTATION:

Essex County Surrogate's Court – Surrogate's New Initiatives

Presented by: Theodore N. Stephens, II
Essex County Surrogate

OPEN PUBLIC COMMENTS ON RESOLUTION:

RESOLUTIONS – CONSENT AGENDA

- 6-134:** RESOLUTION AWARDING PROFESSIONAL SERVICE AGREEMENT TO SUPERIOR SERVICES, LLC FOR SERVICES IN CONNECTION WITH THE OPERATION OF THE BOROUGH OF CALDWELL WATER SYSTEM IN AN AMOUNT NOT TO EXCEED \$7,020 PER ANNUM PLUS THE COST OF ADDITIONAL SERVICES NOT TO EXCEED \$48,000 PER ANNUM
- 6-135:** AUTHORIZING THE APPOINTMENT OF FRANCINE T. PASERCHIA AS THE BOROUGH CLERK OF THE BOROUGH OF CALDWELL AT AN ANNUAL STIPEND OF \$5,000 EFFECTIVE JULY 1, 2012
- 6-136:** AUTHORIZING THE APPOINTMENT OF LISA O'NEILL AS THE DEPUTY BOROUGH CLERK AT A SALARY OF \$51,756 EFFECTIVE JULY 1, 2012
- 6-137:** AUTHORIZING THE ISSUANCE OF RENEWAL LIQUOR LICENSES FOR THE PERIOD JULY 1, 2012 THROUGH JUNE 30, 2013. APPLICATIONS AND APPLICANTS HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS
- 6-138:** AUTHORIZING THE INSERTION IN BUDGET OF SPECIAL ITEM OF REVENUE AND APPROPRIATION – CHAPTER 159 - Alcohol Education Rehabilitation & Enforcement
- 6-139:** AUTHORIZING THE BOROUGH CLERK TO PREPARE A REQUEST FOR PROPOSALS AND ADVERTISE TO SOLICIT QUOTATIONS FOR THE MANAGEMENT OF THE CALDWELL LEAF COMPOST FACILITY

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – June 19, 2012**

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- 6-140:** AUTHORIZING THE INSERTION IN BUDGET OF SPECIAL ITEM OF REVENUE AND APPROPRIATION – CHAPTER 159 – Comcast Grant 2012
- 6-141:** AUTHORIZING THE INSERTION IN BUDGET OF SPECIAL ITEM OF REVENUE AND APPROPRIATION – CHAPTER 159 – 2011 Safety Incentive Program Award
- 6-142:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH JUNE 19, 2012 FOR 2012 BILLS IN THE TOTAL AMOUNT OF \$4,120,550.88
- 6-143:** RESOLUTION AUTHORIZING AN AWARD OF CONTRACT FOR MILLING AND PAVING OF CHERRY LANE FOR AN AMOUNT OF \$17,607.45 AS APPROPRIATED IN CAPITAL ORDINANCE #1248-12 FOR THE BOROUGH OF CALDWELL
- 6-144:** RESOLUTION AUTHORIZING AN AWARD OF CONTRACT FOR MILLING AND PAVING OF OAK RIDGE ROAD FOR AN AMOUNT OF \$17,999.00 AS APPROPRIATED IN CAPITAL ORDINANCE #1248-12 FOR THE BOROUGH OF CALDWELL
- 6-145:** AUTHORIZING THE BOROUGH OF CALDWELL TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED 2012 TAX BILLS IN ACCORDANCE WITH CHAPTER 72, P.L. 1994

CONSENT

Moved by Councilman Coyle, seconded by Councilman Murray. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 06/19/12.

Council President Hauser reported there was a joint meeting with West Caldwell Recreation Committee. West Caldwell has spoken with the Board of Education reviewing that agreement about the fields. The reason that comes into Caldwell purview is there are something's we jointly would like to do in regards to the Board of Education. I have requested that we be a part of those meetings with the Board of Education when it relates to field usage and field maintenance. I suggested that we speak to the Board of Education to try and collaborate on things like share services for technology which includes computer systems, phone systems and any other things that we can possibly do. West Caldwell talked about some capital projects that they are planning for the fields. The lighting at Memorial Park is done, the lighting at Francisco is planned for 2013 and they spoke about the security at the various ball fields. The Recreation Director has asked that both Police Departments show some presence at the fields before and after events. There has been some damage on the fields and they spoke about possibly putting camera's up. Also, we spoke about members of Caldwell, West Caldwell who join Community Center and or Community pools to have some sort of a share offering. People who join the Community Pool would also have membership to the Community Center which would benefit the residents.

Councilman Murray responded that he is 100% in favor of having camera's on the fields. He would like to see this body move forward with the cameras. I would also like to let West Caldwell know that if they lock everything at 11:00PM and then open the gates at 7:00AM we are in favor of that. Discussions Ensued.

- 6-146:** RESOLUTION AUTHORIZING THE PURCHASE OF ADDITIONAL SECURITY CAMERA EQUIPMENT FOR THE CALDWELL COMMUNITY CENTER IN AN AMOUNT NOT TO EXCEED \$5,000

Moved by Councilman Murray, seconded by Councilman Coyle. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 06/19/12.

Councilman Murray reported that the Parking Ordinance will go into effect on July 1st. I spoke to Mr. Carelli about making sure that all the signs, posting and striping are done by that time. **Chief Bongiorno** reported that there have been some residential burglaries and he reminded the residents to lock all doors and windows when you are not at home. If you can put jewelry and all valuables away don't leave them in plain site. We have vacant house forms available at the Police Department let us know when you will be away. Stop all mail and newspaper delivery. He thanked Sergeant Arnold for attending Lincoln Schools 5th grade graduation. Sergeant Arnold is heavily involved with the Dare program and the students were really happy to see him there. He had the honor of going to Middlesex County with Officer Roberts he was honored by MADD (Mothers

**COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – June 19, 2012**

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against Drunk Driving) for his efforts arresting and stopping impaired drivers. Chief read the award; **2011 Law Enforcement Distinguished Service Award**

In recognition of your meritorious service your lifesaving efforts and dedication to keeping our New Jersey roads safe from impaired drivers. Your accomplishments have made a difference and are an inspiration in the prevention and creation of more victims and survivors. In appreciation for DUI/DWI Enforcement – New Jersey Chapter of MOTHERS AGAINST DRUNK DRIVING acknowledges WILLIAM ROBERTS Patrol Officer Caldwell Borough Police Department.

Also, he gave a special thank you to the Nursery School at Congregation Agudath Israel specifically Shari Ornstein. They had a touch a truck event which they asked for us to bring a car along with the DPW and Fire Department. They made a nice donation to us and we were able to buy equipment we needed for our vehicles. He commended his officers who participated in the Click it or tick it campaign with the State from May 21st – June 3rd. Over that two week period we issued 125 tickets out of the 125 we issued 20 tickets for not wearing a seatbelts. Discussions ensued on Computer systems in the Police Department.

Councilman O'Donnell reported that he has the renovation specifications for the Community Center.

Councilman Rodgers reported that the Board of Health started their immunization program. They are working with the school nurses. As far as personnel we finished our first performance evaluation with the Borough Administrator and now we are in the process developing the other documents for the rest of the Town employees. He thanked Councilman Hauser and Mayor Dassing for their assistance in the process.

Mayor Dassing reported that the new office hours at the tax office are 1:00PM – 8:00PM the tax assessor and tax collector will be there. She thanked the Police Department for their help with Art on the Avenue. She also thanked Caldwell Fire Department for putting up the banner. The Mayor met with the County Executive and the Borough Administrator on Monday and we had some thoughts about possibly sharing some transportation services that the County offers. The County Administrator was going to get back to us with the programs they have available throughout the County for our residents in addition to what we currently provide. We discussed the possibility of applying for Open Space dollars for recreation projects that we might want to do jointly with West Caldwell. We spoke about the Street Sweeper, we have an agreement with the County that they provide the salt in the winter and we sweep their roads.

ADMINISTRATOR'S REPORT:

Paul Carelli reported the renovations for the Community Center are on scheduled. The signs we want to get done by July 1st. We will be paving Cherry Lane and Oak Ridge Road on Thursday. The fliers were sent out to the residents. We did appropriate money in our budget to repair the Street Sweeper. For the next Council meeting we will be putting together a salary ordinance for the year.

Mayor Dassing asked to see the proofs of the signs before they are delivered.

REPORT OF ATTORNEY:

Greg Mascara reported that PSE&G, Mr. Robert Wabal, is looking for an access agreement from the Borough into and through the property in which the Sewer plant is located. This would be an access road to the power lines and then after the access road there would be a more formal agreement that would allow PSE&G to continue access down that easement to continue to access their power lines. There is forth coming that there is a proposal to pay the Borough for this agreement.

6-147: RESOLUTION AUTHORIZING THE BOROUGH ATTORNEY TO NEGOTIATE TEMPORARY PERMISSION FOR AN ACCESS AGREEMENT WITH PSE&G AND THE BOROUGH OF CALDWELL

Moved by Councilman Coyle, seconded by Councilman Murray. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 06/19/12.

OLD BUSINES:

Payroll RFP

To discuss with Councilman Kelley.

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Employee Incentive Plan

Councilman Hauser asked for input from the Council and to have it to him by July 17th meeting. **Greg Mascara** suggested that Councilman Hauser and himself get together and discuss and draft an Ordinance for the next meeting.

NEW BUSINESS:

Fire Alarm Ordinance

Greg Mascara prepared a draft ordinance and went over it with Councilman Murray and Paul Carelli. He asked for Council's approval or disapproval.

Councilman Murray responded that there are numerous false alarms and the Fire Department asked that we review the ordinance.

Pool Ordinance

Greg Mascara prepared a draft ordinance for this and sent it to Mr. Milani. Mr. Milani had some changes and he hasn't had a chance to look this over.

Property Maintenance Ordinance to be on the July 17th meeting.

Jim Jorgensen, Liaison to Essex County, spoke about safe streets. It was an ordinance passed by the County and it was in relevance to the State of New Jersey's grant money. The DOT said if you want grant money to repair or build a road and if you don't have language in your specifications or your grant request that speaks to safety for runners, bikers, safety for people waiting at a bus stop everything you submit has to have a safety factor in the language of a grant request. If you do not have a safety aspect included you will not get the grant.

OPEN PUBLIC MEETING:

Tom Kelly, 48 Roseland Avenue, spoke about the steps in the lower level parking lot and how they are in need of repairs. He was concerned about the Community Center not allowing the public to use their restrooms he finds it offensive closing public restrooms to the public. The balls are still coming over we are being exposed to danger and at risk. Put higher nets up because the ones that were put up are not doing the job.

Hilda Moore, 23 Personette Street, asked if anything was being done with the ordinances allowing churches in Caldwell. Greg Mascara responded that he is working on that and will have that at the next meeting. There is a lot of garbage in her yard from the Knights of Columbus. She asked that the Farmers Market be moved since people are using her yard to get there.

Peter Nancoz, 45 Birkendene Road, he asked about having overnight guests and where they can park. He was told overnight parking is not allowed on the streets.

On a motion made by Councilman Coyle and seconded by Councilman Hauser, unanimously affirmed, the Council moved into Executive Session at 8:51PM.

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

The Executive Session was adjourned and upon a motion by Councilman Murray, seconded by Councilman Hauser, the Council Business Conference Meeting was opened to the public and the press at 10:04P.M.

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6-148: RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO NEGOTIATE AN AGREEMENT FOR THE MANAGEMENT OF THE COMPLETION OF THE CALDWELL SEWER PLANT UPGRADES WITH THE CALDWELL SEWER OPERATOR OR HATCH MOTT MACDONALD

Moved by Councilman Coyle, seconded by Councilman Murray. No Discussions. On roll call, all present voted in the affirmative. Resolutions approved 06/19/12.

6-149: RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO EXTEND A FULL-TIME EMPLOYMENT OFFER TO THE CHIEF FINANCIAL OFFICER AND MODIFY THE TERMS OF THE EXISTING AGREEMENT AT A SALARY TO BE ANNUALIZED

Moved by Councilman Rodgers, seconded by Councilman O'Donnell. No Discussion. On roll call, Councilman Rodgers, O'Donnell and Murray voted in the affirmative. Councilman Hauser voted negative. Resolutions approved 06/19/12.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Hauser, seconded by Councilman Coyle, unanimously affirmed by all members present, the meeting was adjourned at 10:07P.M.

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

DATE



BOROUGH OF CALDWELL NEW JERSEY



ORDINANCE# 1259-12

AN ORDINANCE AMENDING CHAPTER 214 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION REGULATING PRIVATE SWIMMING POOLS

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

That Chapter 214 of the Code of the Borough of Caldwell, New Jersey be amended as herein set forth:

That Chapter 214 of the Code of the Borough of Caldwell, the section governing swimming pools is repealed in its entirety and replaced with the following.

214-1 Definitions

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

APPROVED

Accepted or acceptable under applicable specifications stated in this article or accepted or suitable for the proposed use under the procedures and powers of administration delegated in this article.

CONSTRUCT

The construction, building, erection, creation or installation of a new private swimming pool as designed or the alteration or enlargement of an existing pool or its accessory buildings, structures or facilities.

LOT OF LAND

A unit of land upon which exists a residence building.

PORTABLE POOL

Any aboveground surface swimming, bathing or wading pool that is constructed of canvass, rubber, plastic or other material which is not designed or intended to be stationary or permanently fixed, but one which is so designed and intended as to be removable and stored each year at the end of the normal summer season.

PRIVATE SWIMMING POOL

All swimming pools, bathing pools, wading pools or tanks of artificial construction, whether permanently installed or portable, collapsible or otherwise, having a depth of 18 inches or greater, or having a volume in excess of 150 cubic feet, established or maintained by any person upon any premises occupied by not more than two families for the use of the occupants of such residence and their guests.

214-2 Permit required; compliance with Chapter

A. It shall be unlawful to establish or install or alter a private swimming pool within the Borough without first having obtained and maintained a permit therefore in the manner hereinafter prescribed and as renewed annually as provided in § 214-5

B. It shall be unlawful for any person to maintain or use a private swimming pool that is not in conformity with the requirements of this article. However, any swimming pool in existence prior to April 18, 1966 shall be exempt from the provision of sections §§ 214-3, 214-4, and 214-6.

214-3 Permit application

Application for a permit shall be made on a form prescribed by the Construction Official, by the owner of the property or his duly authorized agent. The application shall be filed with the Building Department and shall be accompanied by the following:

- A. Plans and specifications, including method of construction in detail, drawn to scale and including all dimensions.
- B. A plot plan drawn to scale, depicting the property lines of the premises within which the swimming pool is to be installed or constructed, the location of the proposed swimming pool, the existing house and other structures, and the location of all proposed accessory buildings or structures.
- C. Any other information that may be required by the Borough Plumbing Inspector or the Borough Health Officer.



BOROUGH OF CALDWELL NEW JERSEY



214-4 Approval

The Construction Official shall issue a permit for the construction, installation or alteration of a pool when the application, plans and specifications and other information have been approved by the Borough Plumbing Inspector and the Borough Health Officer, and further provided that the plans and specifications and other information filed are found to be in compliance with the Borough Building Code and with all other rules and regulations of this article.

B. Upon completion of construction in accordance with this Article, the owner of the private swimming pool shall be issued a permit to use and operate the pool for a one year period. Thereafter, the owner shall apply to the Construction Official for annual permits to operate the pool as provided herein. The Construction Official shall issue the renewal permit provided that the pool meets all of the requirements of this Article and of any other Article contained in the Borough Code in any way governing private swimming pools.

The property owner shall make application for a permit renewal annually as provided in § 214-5.

214-5 Fees

The fees set forth in Chapter A270, Fees, shall be paid for each permit indicated, and such fee shall accompany the application for such permit.

214-6 Construction materials

All materials used in the construction of swimming pools shall be of a durable quality and waterproof and shall be so designed as to facilitate the emptying and cleaning of such pools. The bottom and sides of all pools shall be either white or of a light color, except that aluminum paint shall not be used as a finish. Sand or earth bottoms shall not be permitted.

214-7 Location of pool and accessory building and structures

A. No private swimming pool or wading pool shall be constructed or installed on any lot unless upon said lot there exists a residence building. No private swimming pool or wading pool or part thereof shall be constructed or installed:

- (1) Nearer to the street line of which said premises front than a line 10 feet to the rear of the building setback line as established by the Zoning Ordinance of the Borough of Caldwell.
- (2) Nearer than 10 feet to the rear property line.
- (3) Nearer than 10 feet to any side property line.
- (4) Nearer than 10 feet from any exit door of the residence building.

B. Bathhouses, sun decks, buildings or structures to house mechanical equipment or for storage purposes shall be considered as accessory buildings and shall be located in accordance with the Borough Zoning Ordinance.

C. The minimum rear yard area of any lot as required by the Zoning Ordinance shall not be occupied or have built upon it any swimming pool or any accessory buildings or structures in excess of 30% of the required yard area.

214-8 Variance Approval

The Borough Zoning Board or Planning Board, as the case may be shall have the power to grant variance approval to the regulations in this section where, by reason of exceptional narrowness or shallowness or shape of a specific lot or by reason of exceptional topographic conditions or extraordinary or exceptional conditions of such lot, the strict application of the terms of this article would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such lot; provided, however, that no exception shall be granted under this section unless such exception can be granted without substantial detriment to the public good and unless such exception will not substantially impair the intent and purpose of this article.

214-9 Water Supply

A. There shall be no physical connection between a potable public or private water supply system and such pools or their circulating systems. Potable water for makeup and filling purposes shall be introduced into a pool by means of a discharge pipe or hose turned downward either over a float-controlled surge tank or over the pool itself, having in either case an air-gap of at least six inches between the orifice of the discharge pipe or hose and the pool or the tank overflow level.

B. No water for the operation of a pool furnished by the Borough shall be drawn for such operation and use during any time when restrictions are enacted against use of water for any purpose other than normal domestic use.



BOROUGH OF CALDWELL NEW JERSEY



214-10 Discharge of System

All swimming pools shall be provided with not over one two-inch diameter galvanized iron pipe or approved equal drain extending from such pool to either a brook, adequate dry well, storm sewer or sanitary sewer where capacity is adequate as determined by the Borough Engineer, or in the instance of small portable pools, by a suitable method approved by the Borough Engineer and Health Officer. No pool drain shall be connected directly to the sanitary sewer system at a point or in such a manner as could cause a backup of water within the house sewer line system itself or cause a cross connection. Where only a sanitary system is available for the discharge of pool water, such discharge will be permitted into such sanitary sewer only upon a permit from the Borough Engineer and at such time or times as designated by such Engineer.

214-11 Disinfection, filtration, recirculation and bacteriological standards.

Until such time as the Board of Health of Caldwell promulgates rules and regulations concerning pools, all pools shall be constructed, installed and maintained so as to provide necessary equipment for chlorination and other disinfection, filtering and recirculation of the pool water so as to comply with the following approved bacteriological standards: Testing-samples shall be taken at the discretion of the Health Officer:

- A. Not more than two samples, when less than 20 samples have been examined, shall contain more than 200 bacteria per cubic centimeter, or shall show positive test (confirmed) for Bacillus Coli, also zero coliform by plating technique of any of five ten-cubic-centimeter portions of water at times when the pool is in operation.
- B. All private swimming pools constructed within the Borough shall have chlorinated materials or equipment of acceptable capacity and design which will provide in the water at all times when the pool is in use a residual or not less than 4/10 parts per 1,000,000 or more than 6/10 parts per 1,000,000 or an excess residual of chloramine of not less than 7/10 parts per 1,000,000 or more than one part per 1,000,000. Equipment necessary for daily chemical testing shall be kept on the premises at all times when the pool is in operation.

214-12 Lighting and electrical equipment

- A. No overhead current carrying electrical conductors shall cross swimming pools or be located within 10 feet of such pools.
- B. All metal fences, enclosures or railings near or adjacent to swimming pools, which might become electrically alive as a result of contact with broken overhead conductors or from any other cause, shall be effectively grounded.
- C. Lights used to illuminate any swimming pool shall be so arranged and shaded as to reflect light away from adjoining premises or streets so as not to cause a nuisance or an annoyance to occupants of neighboring properties or to create traffic hazards.
- D. Underwater lights shall be prohibited unless they are of the low voltage type.

214-13 Appearance

All areas surrounding the pools shall be made and kept neat and attractive so as to be in conformity with surrounding property, and no rubbish, debris or litter shall be permitted to remain or accumulate in or about the pool.

214-14 Enclosure

- A. Before water is permitted to flow into a swimming pool of either a below-ground surface or aboveground service-type pool for the purpose of initial test or use, a permanent fence constructed of durable material of not less than four feet nor more than six feet in height shall be installed so as to effectively exclude small children and so as to completely enclose the pool. A dwelling house or accessory building may be used as part of such enclosure. The fence shall be provided with a gate or gates which shall be kept locked at all times when the pool is not in use or attended. The type of fence shall be such that no opening in the same shall exceed four inches in width. All access ladders and steps used in connection with a portable type of swimming pool shall be removed from the pool when the same is not in use.
- B. All existing private swimming pools shall be fenced as herein required within 60 days after passage of this article.

214-15 Evening and nighttime use

The owner of a private swimming pool or any other person in charge of the premises upon which such pool is located shall not use or permit such pool to be used by bathers except during daylight hours unless such pool while in use is adequately lighted by artificial means so that all portions thereof may be clearly seen by a person with ordinary vision stationed adjacent to the edge of such pool.



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214-16 Noise

All pools shall be maintained and operated so that they do not cause noise, nuisances or annoyance to neighboring property owners or citizens and residents of the Borough.

214-17 Conflict with other provisions

The provisions of this article are in addition to those contained in Chapter 81, Construction Codes, Uniform, and any conflict between the two will be decided in favor of the more stringent regulations.

214-18 Enforcement

The owner of any private swimming pool within the Borough shall allow the Construction Official, Health Officer, Plumbing Inspector or other official authorized by the Borough Council access to the pool, and all accessory buildings, structures and equipment, for the purpose of inspection to ascertain compliance with this article at all reasonable times. Any nuisance or hazard to health which may exist or develop in or in consequence of or in connection with any such swimming pool or any violation of this article shall forthwith be abated and removed by the person in possession of such pool upon receipt of notice from the Construction Official, Health Officer or other designated official so requiring.

214-19 Violations and penalties

Any person who violates any of the provisions of this article shall, upon conviction thereof, be subject to a fine not exceeding \$2,000, imprisonment for a term not exceeding 90 days, a period of community service not exceeding 90 days, or a combination thereof. Each day that the violation is permitted to exist or continue or occur shall constitute a separate offense.

DATE OF FIRST READING: July 17, 2012
DATE OF PUBLICATION: July 26, 2012
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DATE OF SECOND READING: August 7, 2012
DATE OF ADOPTION: August 7, 2012
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RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						O'Donnell				
Murray						Kelley				
Coyle						Rodgers				

Lisa O'Neill, 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# 1260-12

AN ORDINANCE AMENDING CHAPTER 51 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION REGULATING ALARM SYSTEMS

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

That Chapter 51 of the Code of the Borough of Caldwell, New Jersey be amended as herein set forth:

That Chapter 51 of the Code of the Borough of Caldwell, the section governing alarm systems is repealed in its entirety and replaced with the following.

Section 51-1 Legislative findings.

The Borough governing body finds that many owners and occupants of residential and commercial premises within the Borough have installed various types of alarm devices for the purpose of detecting or preventing burglary, fire and other perils; that such devices are of different type, character and quality; that many of such devices have external audible alarm systems which emit loud noises; that many of such devices do not contain automatic shut-off systems and, because of the absence or unavailability of the owner or operator of such devices, it is often difficult or impossible to control, terminate or shut-off such devices thereby exposing persons in the vicinity of such devices to loud noises for lengthy and indefinite periods of time; that these conditions are contrary to the public health, welfare and well-being of persons in the community; and that uncontrolled emission of alarm signals for lengthy and indefinite periods of time is not necessary to the legitimate purpose to be served by such devices. The governing body further finds that the public safety and welfare interests of the municipality will be promoted if such devices conform to certain standards. The governing body further finds that the occurrence of false alarms from the various types of alarm devices and the intentional or unintentional misuse of such devices cause unnecessary response by the Police Department thereby resulting in unnecessary expense and an unproductive diversion of police personnel and equipment from their normal public safety functions.

Section 51-2 Purpose

The purpose of this chapter is to establish regulations concerning the operation and maintenance of certain alarm devices and systems within the Borough of Caldwell and to provide penalties for the violation of any of the provisions hereof.

Section 51-3 Definitions

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

ALARM CONSOLE

The control panel or panels located in police headquarters for the purpose of receiving alarm signals and for giving alarm indications and locations.

ALARM DEVICE

Any type of alarm actuating equipment which provides warning of intrusion, fire, smoke, burglary, flood or like peril including a direct alarm, or local alarm. For the purpose of this chapter, the term "alarm device" shall not include self-contained smoke detectors with an indoor audible alarm signal.

ALARM SYSTEM

The installation in one (1) or more buildings of one (1) or more alarm devices.

DIRECT ALARM

An alarm device which has a direct line to an alarm console.

FALSE ALARM

The activation of an alarm where an emergency does not exist, or an alarm actuated by inadvertence, negligence or an unintentional or intentional act of someone other than an intruder, and shall include alarms caused by malfunctioning of the alarm, device alarm system or its related equipment. The term "false alarm" shall not include alarms created by malfunctioning of the Police Department alarm console or other Police Department equipment or activations caused by public utility interruptions where such interruptions have been reported to the police or activations caused by a natural disaster or activations caused by testing or repair of an alarm system or device provided that the Police Department has been notified prior to the commencement of such tests of repairs or an activation which is immediately followed by a telephone call to the Police Department from the owner or operator of the device notifying the Police Department that the alarm signal is to be disregarded.



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LOCAL ALARM

Any alarm device, other than a direct alarm, which when activated, produces an external emergency signal.

PERSON

Any natural person, partnership or corporation, limited partnership, association, business, club or organization.

Section 51-4 Registration

Any person that owns, operates, maintains or has on his property any alarm device within the Borough of the Borough of Caldwell shall notify the Police Department in writing and on registration forms available at the police headquarters. Such notice shall state the name, address and telephone number of the owner or operator of the alarm device, the location of the device and the name, address and telephone number of at least two (2) persons who can be reached in case of an emergency or malfunction in order that the device can be shut-off or temporarily disconnected.

Section 51- 5 Direct Alarms

Any connection of direct alarms to the police alarm console shall be of a type inspected and approved by the contractor servicing the police alarm console at the time of the installation of the direct alarm device. It shall be the responsibility of the person causing the direct alarm device to be installed to make arrangements with the approved contractor for the payment of all connection fees and maintenance charges. The Borough of the Borough of Caldwell shall not be charged for alarm console connection fees or maintenance charges. A schedule of connection fees and maintenance charges shall be maintained at the Caldwell police headquarters.

Section 51-6 Local Alarms

All external audible alarms shall be registered with the Police Department in accordance with this chapter and shall be equipped with a timing device that will automatically silence the external audible alarm signal within 30 minutes after it is activated.

Section 51-7 False Alarms; penalties

The Police Department shall cause a record of all false alarms that occur in the Borough. The owner or operator of an alarm device within the Borough shall be subject to the following penalties for false alarms that occur during any calendar year:

- A. For the first and second false alarms, a written warning shall be issued to the owner or operator.
- B. For the third and fourth false alarms, there shall be imposed a fine of \$75 for each false alarm.
- C. For the fifth and subsequent false alarms, there shall be imposed a fine of \$150 for each such false alarm. In addition, in the case of false alarms involving direct alarms, the Police Department shall conduct an investigation as to the reasons for such continued false alarms, and, upon a finding by the Police Department that there has been abuse or neglect in the operation or maintenance of any such alarm device and a failure to take reasonable action to remedy the cause of such false alarms, the Chief of Police, or his designee, may require that such alarm device be disconnected from police headquarters, either temporarily or permanently. No disconnection shall be made until after ten days from the date the Police Department has given written notice to the owner or operator that the device will be disconnected. The owner or operator shall have the right to appeal the decision of the Police Department to the Borough governing body. Notice of an appeal must be in writing and must be filed in the office of the Borough Clerk not later than ten days from the date notice of intended disconnection is given by the Police Department. If an appeal is filed as provided herein, the Mayor and Council shall hold a public hearing on the matter and may affirm, reverse or modify the decision of the Police Department, and no disconnection shall be made until the appeal is decided by the Mayor and Council.

Section 51-8 Indemnification of officers and employees.

As a condition prerequisite to the installation of a direct alarm on the Police Department alarm console with Police Department headquarters, the owner or operator of such alarm device shall be required to agree in writing to indemnify and hold harmless the Borough of Caldwell, its agents, servants and employees, including but not limited to members of the Caldwell Police Department, from any and all damages arising out of connection of such owner's or operator's equipment to Police Headquarters, including all damages arising out of or as a result of any forced entry by police personnel into unattended premises occurring during alarm response.

Section 51-9 When effective

This chapter shall apply to alarm devices placed in service prior to or subsequent to the effective date hereof; provided, however, that owners or operators of existing alarm devices shall have 30 days from the effective date hereof to register such alarm devices with the Caldwell Police Department in accordance with this chapter and one hundred twenty (120) days from the effective date hereof to equip alarm devices having an external audible alarm with an automatic silencing mechanism as required by this chapter.



BOROUGH OF CALDWELL NEW JERSEY



Section 51-10 Violations and penalties

This chapter shall be enforceable in the Municipal Court of the Borough of Caldwell. Any person who is guilty of violating any provision of this chapter, other than a provision for which a specific penalty is indicated, shall be subject to a fine of not more than \$1,000.

Section 51-11 Severability

If any provision of this chapter or the application thereof is held invalid for any reason, the invalidity shall not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to that end, the provisions of this chapter are severable.

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RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser					O'Donnell				
Murray					Kelley				
Coyle					Rodgers				

Lisa O'Neill, 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# 1261-12

AN ORDINANCE ESTABLISHING THE BOROUGH OF CALDWELL EMPLOYEE EFFICIENCY INCENTIVE PLAN

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

EMPLOYEE EFFICIENCY INCENTIVE PROGRAM

Establishment; Purpose

There is hereby established in the Borough of Caldwell an Employee Efficiency Incentive Program ("Program"), to enhance municipal services, save taxpayer money, enhance municipal employee morale, and to secure for the Borough of Caldwell and its taxpayers the maximum benefit from the conservation of Borough resources. The Program recognizes that the employees of the Borough represent an unlimited source of ideas for better ways to serve the public. Monetary awards are intended to offer a significant efficiency incentive for employees to become involved in the creative process and to assist management. The Program recognizes that every employee will, by identifying problems and providing possible solutions, become part of the creative management team of the Borough. This Program is subject to ongoing review and monitoring as to its administrative costs and effectiveness; and may be modified or terminated.

Basic Procedures

- a. Cost savings/cost avoidance refers to the actual monetary savings (i.e., reduction in spending within a departmental budget) generated by reason of an employee suggestion; provided, however, that the decreased expenditure does not result in a diminution of Borough services.
- b. A suggestion is a definite, constructive, original idea or a new application of an existing idea or procedure, submitted in writing by one or more eligible Borough employees, which is intended to increase productivity, conserve Borough resources, increase efficiency, and reduce Borough costs. (Despite anything contained herein to the contrary, suggestions to increase fees as a means to increase revenue will not be considered.)
- c. All Borough employees are eligible. There is no limit to how often an employee or group may receive an award, but each suggestion will result in only one award. Employees may nominate other employees for suggestions submitted by those other employees.
- d. In order to be eligible for an award, the cost savings or cost avoidance must result in at least \$1,000.00 savings during the first year after implementation of the suggestion.
- e. Employees whose suggestions result in actual dollar savings or cost avoidance of at least \$1,000.00 during the first year of implementation shall receive 20 percent of the actual dollar savings for that year; provided, however, that no award, individual or joint, shall exceed \$10,000.00. Payments shall be made in full during the month of December, or as soon thereafter as possible. In the case of a suggestion jointly submitted by 2 or more employees, the award will be divided equally among those employees.

Efficiency Incentive Committee

- a. In accordance with N.J.S.A. 40A:5-31, the official name of the Efficiency Incentive Committee is the Public Employees' Awards Committee. The Committee shall be commonly known as the Efficiency Incentive Committee.
- b. The Efficiency Incentive Committee shall consist of five persons who are officers, employees, or members of the Governing Body of the Borough. The initial committee shall consist of two members appointed for three year terms, two members for two year terms, and one member for a one year term. All subsequent members shall serve three year terms.
- c. The members of the Efficiency Incentive Committee shall consist of:
 1. One member appointed by the Mayor.
 2. Two Department Heads appointed by the Borough Administrator.
 3. Two non-Department Head staff from different departments appointed by the Borough Administrator. The Chief Financial Officer shall be an ex officio member with no vote.



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- d. The Efficiency Incentive Committee shall function as set forth in N.J.S.A. 40A:5-31 and shall adopt and promulgate rules and regulations, and amend them from time to time as may be necessary for the conduct and operation of the Program. The rules and regulations shall be consistent with the requirements and purposes of this section and shall be as deemed necessary and appropriate for the proper administration of the Program. Copies of the rules and regulations will be available to all employees in the office of the Borough Clerk and will be posted on the Borough's web site.
- e. The Efficiency Incentive Committee shall establish procedures to encourage participation in the Program, and will schedule regular meetings in order to review suggestions which have been received. Although the Efficiency Incentive Committee may establish specific methods for rating suggestions and may consult with various experts or other individuals to assist in its assessment, evaluation and determinations concerning suggestions shall be based upon the criteria set forth in this section. Upon completion of review by the Efficiency Incentive Committee, the Committee shall submit in writing to the Borough Council for final determination with respect to award recipients. Such determinations shall be within the sole discretion of the Borough Council and shall be final.

Funding of Awards.

All monetary awards granted pursuant to the Employee Efficiency Incentive Program will be charged to the budget of the department(s) that benefits from the adopted suggestion(s).

No Modification of Collective Bargaining Agreement.

The Employee Efficiency Incentive Program shall not be construed to change or otherwise modify the terms of any collective bargaining Agreement existing between the Borough of Caldwell and any duly organized employee union.

No Effect on Base Compensation.

Awards paid to Borough hereunder shall not be considered as part of base compensation and shall not be included for purposes of computing a retirement allowance under the applicable public retirement system.

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DATE OF SECOND READING: August 7, 2012
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 SECONDED:

RECORD OF COUNCIL VOTE

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

COUNCILMAN	Yes	No	Absent	Abstain	COUNCILMAN	Yes	No	Absent	Abstain
Hauser					O'Donnell				
Murray					Kelley				
Coyle					Rodgers				

Lisa O'Neill, Acting Borough Clerk

Ann Dassing, Mayor

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



BOROUGH OF CALDWELL NEW JERSEY



ORDINANCE# 1262-12

AN ORDINANCE AMENDING CHAPTER 175 OF THE CODE OF THE BOROUGH OF CALDWELL TITLED PROPERTY MAINTENANCE

BE IT ORDAINED by the Mayor and Council of the Borough of Caldwell, County of Essex, and State of New Jersey that Chapter 175 of the Borough Code is hereby amended as follows:

Chapter 175 is modified as follows:

ADD SECTION 3

- A. This section shall govern all single family, two family and three family homes in the Borough and shall supersede any other provision in the Borough Code that conflicts with the provisions hereof.
1. All structures and property governed by this Section shall be kept free of all of the following conditions:
 - a. Broken glass, excessive brush, weeds, stumps and roots, obnoxious growth, filth, garbage, trash, refuse and debris.
 - b. Dead and dying trees, limbs or other natural growths which by reason of rotting, deteriorating conditions, storm damage or weathering constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.
 - c. Loose and overhanging objects and accumulations of ice and snow which, by reason of location above ground level, constitute a danger of falling on persons in the vicinity thereof.
 - d. Holes, excavations, breaks, projections, obstructions, icy conditions and other safety hazards of walks, driveways, parking lots, parking areas and other parts of the premises, which are accessible to and used by persons on the premises. All such holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate safety hazards or unsanitary conditions.
 - e. Sources of infestation or potential infestation by rodents, mosquitoes, flies and other harmful vermin.
 2. The exterior of every structure or accessory structure, including fences, shall be maintained in good repair, and all surfaces thereof shall be kept painted and finished where necessary, for purposes of preservation and appearance. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling of paint or other conditions reflecting weathering, deterioration or inadequate maintenance, to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties in the neighborhood protected from blighting influences.
 3. There shall not be stored or used, at a location visible from the sidewalk, streets or other public areas, equipment and materials relating to commercial or industrial uses, including, commercial vehicles, snow plows and snow blowers, unless permitted under Chapter 250, Zoning, of this Code for the particular premises.
 4. All brush, shrubs, grass and trees shall be maintained so as not to obstruct public access to specific sidewalks and roadways. Brush, shrubs and trees shall be kept trimmed so that they do not cross the line of the sidewalk from the ground to a height of seven feet. Poison ivy, poison sumac, poison oak and similar noxious vegetation shall be removed from the vicinity of any public sidewalk or roadway. Lawn grass shall be trimmed and maintained so that it does not exceed a height of ten inches from the ground.
 5. Receptacles for garbage and recyclables shall be stored out of the sight of the public. Occupants of corner lots shall store garbage and recyclables in the back yard. They may be stored in the garage and placed at the curb of township roadways not earlier than the evening of the day before the regularly scheduled pickup.
 6. All parts of the premises shall be kept in clean and sanitary conditions, free of nuisances and free of health, safety and fire hazards.
 7. Adequate runoff drains shall be provided and maintained to eliminate any recurrent or excessive accumulations of storm water.



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B. ENFORCING AGENT.

The provisions of this section shall be enforced by the Construction Code Enforcement Official or his/her designated representative.

C. ENFORCEMENT PROCEDURE.

1. Notice and Hearing.

- a. Where a violation of this chapter or the regulations hereunder is found to exist, a written notice from the Construction Code Enforcement Official or his/her designated representative shall be served upon the owner, tenant or operator, who shall be responsible for correcting such condition. The notice shall contain the following:
 - (i) An identification of the conditions constituting the violation.
 - (ii) The necessary corrective actions.
 - (iii) A reasonable time period, not to exceed sixty days, to correct or abate the violation.
 - (iv) The right of the person in violation to request a hearing.
 - (v) A statement that the notice shall become an Order of the Construction Code Enforcement Official in ten days after service, unless a hearing is requested in writing, within that time period.
- b. The notice may be served personally or by certified mail at the last known address of the owner, tenant or operator alleged to be in violation. Where it is ascertained that the owner, tenant or operator does not reside on the premises and the last known address cannot be ascertained, the notice may be posted on the outside front entrance of the affected building.
- c. Service upon any owner, tenant or operator may also be achieved by service of any notice upon a member of the family of the owner, tenant or operator of the age of 14 years or over then residing at the residence of such owner or operator.

2. After ten days from the date of service of the notice, the notice shall constitute a final Order, unless any owner, tenant or operator alleged to be in violation requests a hearing thereon and serves a written request, in person or by certified mail, upon the Construction Code Enforcement Official for such hearing. The request for hearing shall state briefly the ground(s) or reason(s) for which the request for hearing is based, and the factual matters contained in the notice of violation which are disputed by the person alleged to be in violation. Appeals will be granted strictly on factual matters. The Construction Code Enforcement Official, upon receipt of the request for hearing, within 30 days therefrom and within five days' notice to the party alleged to be in violation, shall set the matter down for a hearing before him or her.

3. At the hearing provided for herein, the Construction Code Enforcement Official shall consider all matters presented by the owner, tenant or operator alleged to be in violation, together with all other relevant evidence. Within ten days from the date of the hearing, the Construction Code Enforcement Official shall either affirm the prior notice issued by him or her, or modify such notice in any manner deemed appropriate and consistent with the provisions and enforcement of this section.

4. The Construction Code Enforcement Official may extend the time for correction and abatement of any violation of this Section for an additional period of time not to exceed 30 days except where major capital improvement or renovations are involved. If such should occur, the time for completion may be extended for a period of time deemed adequate and reasonable by the Construction Code Enforcement Official.

- a. **Violations and Penalties.** An owner, tenant or operator who violates this chapter by failure to comply with an order entered by the Construction Code Enforcement Official shall appear before the Municipal Judge for a hearing and/or imposition of fines, sanctions, sentence, or any combination thereof. A violation of this chapter shall be punishable by a fine not exceeding \$1,250.00 dollars, imprisonment for a term not exceeding 90 days or a period for community service not exceeding 90 days, or any combination thereof. Each violation of a different section of this chapter shall constitute a separate and distinct violation independent of any other section. Each day's failure to comply with any provision of this chapter shall constitute a separate violation.



**BOROUGH OF CALDWELL
NEW JERSEY**



5. Upon an Order becoming final, the Enforcement Official may request the Borough of Public Works to perform the necessary work. The Construction Code Enforcement Official and/or the Department of Public Works shall cause the cost of such work to be charged against and become a charge and lien upon the property. The fee schedule for mowing of residential properties is as follows:

for properties up to 5,000 square feet :	\$150.00
for properties from 5,001 to 7,500 square feet:	\$250.00
for properties from 7,501 to 10,000 square feet:	\$350.00
for properties above 10,000 square feet:	\$450.00

In addition to the charges set forth in the fee schedule for mowing of properties, any other work performed on the property shall be billed to the property owner at a cost of \$30 per man hour for each man hour of work performed by a Department of Public Works Employee pursuant to this Chapter.

If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this ordinance.

All ordinance or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

This amendment to the Code of the Borough of Caldwell shall become effective upon publication and in accordance with law.

DATE OF FIRST READING: July 17, 2012
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RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						O'Donnell				
Murray						Kelley				
Coyle						Rodgers				

Lisa O'Neill, 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: 7-150

Date of Adoption: July 17, 2012

TITLE:

AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 11-00008 PAYABLE TO RICHARD VENTOLA 11

WHEREAS, it has been determined by the Borough Tax Collector that the taxpayers has redeemed the Lien on the property listed at 3 Kirkwood Place, 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;

<u>BLOCK & LOT</u>	<u>RECIPIENT</u>	<u>REDEMPTION AMOUNT</u>	
Block 17 Lot 11.02	Richard Ventola 11 9 Twin Brook Road West Caldwell, NJ 07006	\$2835.50	
		Premium	\$ 500.00
		<hr/>	
	TOTAL		\$3335.50

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser					O'Donnell				
Murray					Kelley				
Coyle					Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-151

Date of Adoption: July 17, 2012

TITLE:

AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 11-00010 PAYABLE TO ROBERT PALMISANO

WHEREAS, it has been determined by the Borough Tax Collector that the taxpayers has redeemed the Lien on the property listed at 45 Cleveland Street, 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;

<u>BLOCK & LOT</u>	<u>RECIPIENT</u>	<u>REDEMPTION AMOUNT</u>
Block 29 Lot 22	Robert Palmisano 51 Grover Lane West Caldwell, NJ 07006	\$ 613.56 \$ 200.00
	TOTAL	\$ 813.56

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser					O'Donnell				
Murray					Kelley				
Coyle					Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-152

Date of Adoption: July 17, 2012

TITLE:

AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 11-00014 PAYABLE TO ROBERT PALMISANO

WHEREAS, it has been determined by the Borough Tax Collector that the taxpayers has redeemed the Lien on the property listed at 22 Westover Avenue, 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;

<u>BLOCK & LOT</u>	<u>RECIPIENT</u>	<u>REDEMPTION AMOUNT</u>
Block 38 Lot 6.01	Robert Palmisano 51 Grover Lane West Caldwell, NJ 07006	\$ 657.09 Premium \$ 100.00
	TOTAL	\$ 757.09

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser					O'Donnell				
Murray					Kelley				
Coyle					Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-153

Date of Adoption: July 17, 2012

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 S. Livingston Avenue
Livingston, NJ 07039

Event to Be Held:

Caldwell College
120 Bloomfield Avenue
Caldwell, New Jersey 07006

Sunday, July 29, 2012 & Tuesday, July 31, 2012
6:00PM – 9:30PM

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						O'Donnell				
Murray						Kelley				
Coyle						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-154

Date of Adoption: July 17, 2012

TITLE:

AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK’S OFFICE – Saint Aloysius Roman Catholic Church / Off Premise – 50/50 Raffle / September 16, 2012 – 4:00PM

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

RA-1239 Saint Aloysius Roman Catholic Church
Off Premise – 50/50 Raffle
September 16, 2012 – 4:00PM

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

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						O'Donnell				
Murray						Kelley				
Coyle						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-155

Date of Adoption: July 17, 2012

TITLE:

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 / August 1, 2012 – 6:00PM – 10:00PM

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

RA-1240 Grover Cleveland Park Conservancy
Off Premise – 50/50 Raffle
August 1, 2012 – 6:00PM – 10:00PM

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

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						O'Donnell				
Murray						Kelley				
Coyle						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-156

Date of Adoption: July 17, 2012

TITLE:

DISPOSAL OF OBSOLETE BOROUGH OF CALDWELL VEHICLES

WHEREAS, the Public Safety and Public Works Committees have advised the Borough Council that there are obsolete vehicles that are no longer needed for public use; and

WHEREAS, N.J.S.A. 40A:11-36 authorizes the disposition of personal property not needed for public use without public sale when the fair market value of the property is less than \$3,750.00; and

WHEREAS, the Borough vehicles being disposed of below, have a value of less than \$3,750.00; and

WHEREAS, it is in the best interest of the Borough of Caldwell to dispose of said equipment.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Caldwell that the obsolete vehicles referenced by the Public Safety and Public Works Committees are no longer needed for public use by the Borough and shall be disposed of according to the manner as prescribed by law.

VEHICLE	DEPARTMENT	VIN# NUMBER
1998 Ford Expedition	OEM - Fire Department	1FMPU 18L8W LC216 63
1997 Ford Mason Dump Truck	Water Department	3FEKF 38G6V MA532 60

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser					O'Donnell				
Murray					Kelley				
Coyle					Rodgers				

Lisa O'Neill, Acting Borough Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-157

Date of Adoption: July 17, 2012

TITLE:

RESOLUTION AUTHORIZING AN AWARD OF CONTRACT WITH BEYER-WARNOCK FLEET FOR A 2013 FORD EXPLORER BASE 4-DOOR 4x4 SPORT UTILITY VEHICLE AS APPROPRIATED IN CAPITAL ORDINANCE #1252-12 FOR THE CALDWELL FIRE DEPARTMENT FOR AN AMOUNT OF \$34,012.94 UNDER STATE CONTRACT # A78762

WHEREAS, the Borough of Caldwell, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough of Caldwell has the need on a timely basis to purchase goods or services utilizing the State of New Jersey Division of Purchase and Property Procurement Bureau under State Contract# A78762; and

WHEREAS, the Borough of Caldwell has the need for a 2012 Ford Explorer Base 4-Door 4x4 Sport Utility Vehicle for the Caldwell Fire Department; and

WHEREAS, the Borough of Caldwell intends to enter into a contract with Beyer-Warnock Fleet, 175 Route 10, East Hanover, New Jersey 07936 for an amount of \$34,012.94 as appropriated in Capital Ordinance #1252-12; 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 that the Borough of Caldwell authorizes the Borough Administrator to enter into a contract for the Borough of Caldwell 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

Hauser					O'Donnell				
Murray					Kelley				
Coyle					Rodgers				

Lisa O'Neill, Acting Borough Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-158

Date of Adoption: July 17, 2012

TITLE:

**AUTHORIZING THE APPOINTMENT OF Tristan Oesterle AS A JUNIOR FIREFIGHTER
IN THE CALDWELL VOLUNTEER FIRE DEPARTMENT**

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey, that they do hereby authorize the appointment of Tristan Oesterle, 93 Central Avenue, Caldwell, New Jersey as Junior firefighter in the Caldwell Volunteer Fire Department effective immediately.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						O'Donnell				
Murray						Kelley				
Coyle						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-159

Date of Adoption: July 17, 2012

TITLE:

**AUTHORIZING THE APPOINTMENT OF MEMBERS FOR HISTORICAL PRESERVATION
COMMISSION COMMITTEE – James Vere**

BE IT RESOLVED by Mayor Ann Dassing hereby appoints the following person to the Historic Preservation Commission for the terms set forth below. Mayor Dassing has requested the consent of the Council, that they do hereby authorize the appointment of the following Historic Preservation Commission Committee

James Vere
89 Brookside Avenue
Caldwell, NJ 07006

Class C Alternate Member

Expires December 31, 2013

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Norton						Piazza				
Hauser						Coyle				
Murray						O'Donnell				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-160

Date of Adoption: July 17, 2012

TITLE:

AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK’S OFFICE – Parents & Friends Association of Mount Saint Dominic Academy / Off Premise – 50/50 Raffle / September 16, 2012 – 12:00PM – 4:00PM

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

RA-1241 Parents & Friends Association of Mount Saint Dominic Academy
Off Premise – 50/50 Raffle
September 16, 2012 – 12:00PM – 4:00PM

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

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						O'Donnell				
Murray						Kelley				
Coyle						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-161

Date of Adoption: July 17, 2012

TITLE:

AUTHORIZING THE ISSUANCE OF A PERMIT FOR EXEMPT CANVASSER/SOLICIT OR IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE BOROUGH CLERK’S OFFICE – Charles B. Garrity, Power Home Remolding Group, 6 Commerce Drive, Cranford, NJ.

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey that they do hereby approve the application for issuance of an exempt canvasser/solicitor permit to Power Home Remolding Group, 6 Commerce Drive, Cranford, NJ in accordance with the application filed. Applicant and application has been investigated and approved by the Police Department and the Borough Clerk’s office.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						O'Donnell				
Murray						Kelley				
Coyle						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-162

Date of Adoption: July 17, 2012

TITLE:

**RESOLUTION MEMORIALIZING CLERICAL CHANGES TO ORDINANCE # 1251-12
TITLED "AN ORDINANCE AMENDING CHAPTER 230 – ARTICLE V OF THE CODE OF
THE BOROUGH OF CALDWELL, TRAFFIC REGULATIONS**

WHEREAS, The Council passed Ordinance Number 1251-12 on June 7, 2012; and

WHEREAS, said Ordinance contained a typographical error which caused four Section identifying numbers to be duplicated; and

WHEREAS, the duplicated numbers have been replaced so that all numbers in the Section of Article V addressed in the Ordinance run in succession from Section 18 through Section 48; and

WHEREAS, previous references within the Ordinance to Section 39 now correctly reference Section 43; and

WHEREAS, The Chief of Police has requested that Section 27, the unlawful acts Section, be modified by designating each paragraph by letter; and

WHEREAS, the referenced paragraphs have been designated as paragraphs A through E; and

WHEREAS, Section 27 has been corrected to provide that the Provost Lot is a three hour lot; and

WHEREAS, Section 28 has been modified by more particularly describing the areas on Elizabeth Street and on the portion of Roseland Avenue between the driveways of 155 Roseland Area where parking stopping and standing is prohibited; and

WHEREAS, Section 29 has been modified by removing the incorrect reference to overnight parking; and

WHEREAS, each of the revisions herein set forth are not material but are clerical in nature and are for administrative ease only.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Caldwell that:

1. Ordinance Number 1251-12 is modified effective as of June 7, 2012, the effective date of the Ordinance.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser					O'Donnell				
Murray					Kelley				
Coyle					Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-163

Date of Adoption: July 17, 2012

TITLE:

AUTHORIZING AN AWARD OF A PROFESSIONAL SERVICES CONTRACT TO THE LAND CONSERVANCY OF NEW JERSEY IN THE BOROUGH OF CALDWELL

WHEREAS, with the creation of a dedicated source of tax revenue ("Open Space Trust") and an Open Space Committee for the acquisition of open space, a need exists to retain the services of an open space preservation consultant whose staff members have technical expertise and experience in the field of open space and farmland preservation and stewardship; and

WHEREAS, The Land Conservancy of New Jersey is a nonprofit organization whose mission is to preserve and protect open space for natural, historic, agricultural and recreational purposes and to assist municipalities in the stewardship of open space lands; and

WHEREAS, the Borough desires to engage the Conservancy for the purpose of assisting the Borough Council and the Open Space Committee with a variety of open space services, including (but not limited to) landowner negotiations and the preparation of grant applications as may be required with regard to the possible acquisition of open space and farmland; and

WHEREAS, it is the desire of the Borough Council of the Borough of Caldwell, New Jersey to award a contract to The Land Conservancy of New Jersey, 19 Boonton Avenue, Boonton, New Jersey 07005 for a twelve (12) month period commencing on June 1, 2012 and ending on May 31, 2013.; and

WHEREAS, The Land Conservancy of New Jersey has agreed to provide these professional services for a cost of \$10,500.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Caldwell that they do hereby award a contract to The Land Conservancy of New Jersey 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						O'Donnell				
Murray						Kelley				
Coyle						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-164

Date of Adoption: July 17, 2012

TITLE:

AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH JULY 17, 2012 FOR 2012 BILLS IN THE TOTAL AMOUNT OF \$1,942,279.74

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

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

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

WHEREAS, the Director of Finance of the Borough of Caldwell has certified to the governing body that there are funds legally appropriated and available in the current operating budget for the payment of said bills and that the said payment will not result in the disbursement of public monies or in the encumbering of same in excess of the 2011 and/or 2012 appropriation for said purpose;

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

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						O'Donnell				
Murray						Kelley				
Coyle						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-165

Date of Adoption: July 17, 2012

TITLE:

AUTHORIZING THE AWARD OF A CONTRACT FOR PAYROLL SERVICES TO AUTOMATIC DATA PROCESSING, INC., 1 ADP BOULEVARD ROSELAND, NJ 07068

WHEREAS, the Borough of Caldwell advertised for and received bids for Payroll Service on May 29, 2012; and

WHEREAS, the Borough of Caldwell received proposals from (1) payroll vendor; and

WHEREAS, Automatic Data Processing, Inc., 1 ADP Boulevard Roseland, NJ 07068 submitted the lowest conforming proposal in an annual amount of \$13,768.33.

NOW THEREFORE, BE IT RESOLVED, that Borough Council of the Borough of Caldwell, New Jersey does hereby authorize the award of a contract for Payroll Services to Automatic Data Processing, Inc.

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

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						O'Donnell				
Murray						Kelley				
Coyle						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-166

Date of Adoption: July 17, 2012

TITLE:

AUTHORIZING THE AWARD OF A CONTRACT FOR A 200 KILOWATT, DIESEL FUELED, STANDBY GENERATOR AT THE CALDWELL COMMUNITY CENTER TO AES-NJ COGEN CO., INC. 4 DEER TRAIL, KINNELON, NEW JERSEY 07405, IN THE AMOUNT OF \$126,000.00, BEING FUNDED BY CAPITAL ORDINANCE #1185-08 IN THE AMOUNT OF \$60,000 AND CAPITAL ORDINANCE #1252-12 IN THE AMOUNT OF \$70,000

WHEREAS, the Borough of Caldwell advertised for and received proposals for a 200 kilowatt, diesel fueled, standby generator at the Caldwell Community Center on March 9, 2012; and

WHEREAS, the Borough of Caldwell received bids from one (1) contractors; and

WHEREAS, the Borough of Caldwell has appropriated capital in the amount of \$126,000.00, being funded by Capital Ordinance #1185-08 in the amount of \$60,000 and Capital Ordinance #1252-12 in the amount of \$70,000; and

WHEREAS, the lowest responsible bidder was AES-NJ Cogen Co., Inc. 4 Deer Trail, Kinnelon, New Jersey 07405 with a bid of \$126,000.00; and

WHEREAS, the Borough Council of the Borough of Caldwell, New Jersey hereby authorizes the award of a contract for a 200 Kilowatt, Diesel Fueled, standby generator at the Caldwell Community Center to AES-NJ Cogen Co., Inc. in the amount of \$126,000.

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Caldwell that the Mayor and Borough Administrator are authorized to execute the necessary contacts 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					O'Donnell				
Murray					Kelley				
Coyle					Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-167

Date of Adoption: July 17, 2012

TITLE:

**RESOLUTION FOR THE BOROUGH OF CALDWELL TO SUPPORT AND PARTICIPATE
IN THE VOLUNTEER TUITION CREDIT PROGRAM (P.L. 1998, c. 145)**

WHEREAS, the Borough Council of the Borough of Caldwell in the County of Essex, deems it appropriate to enhance the recruitment and retention of Volunteer firefighters and emergency medical volunteers in the Borough of Caldwell; and

WHEREAS, the State of New Jersey has enacted P.L. 1998, c 145 which permits municipal governments to allow their firefighting and emergency medical volunteers to take advantage of the Volunteer Tuition Credit Program at no cost to the municipal government.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Caldwell, in the County of Essex, that the Volunteer Tuition Credit Program as set forth in P.L. 1998, c.145 is herewith adopted for the volunteer firefighters and emergency medical volunteers in the municipality; and

BE IT FURTHER RESOLVED, that Lisa O'Neill, Deputy Clerk is herewith delegated the responsibility to administer the program and is authorized to enter into all agreements and to maintain files of all documents as may be required under the P.L. 1998, c.145, a copy of which is herewith made part of this resolution.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						O'Donnell				
Murray						Kelley				
Coyle						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-168

Date of Adoption: July 17, 2012

TITLE:

AUTHORIZING THE BOROUGH ADMINISTRATOR TO ADVERTISE AND RECEIVE SEALED BIDS FOR THE CONSTRUCTION OF THE ESSEX FELLS WATER SUPPLY INTERCONNECTION METER FACILITY PROJECT

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey, that they do hereby authorize the Borough Administrator to advertise and receive sealed bids for the construction of the Essex Fells Water Supply Interconnection Meter Facility project.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						O'Donnell				
Murray						Kelley				
Coyle						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor