



***BOROUGH OF CALDWELL
NEW JERSEY***



**COUNCIL BUSINESS MEETING
July 18, 2017**

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



Council Chambers
1 Provost Square Caldwell, NJ

Borough of Caldwell Council Business Meeting AGENDA

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

July 18, 2017 / 7:00PM

MAYOR
Ann Dassing

BOROUGH COUNCIL
John Cascarano - President
Richard Hauser
Thomas O'Donnell
Pasquale Capozzoli
Kristian Brown
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 20, 2017

PRESENTATION

Caldwell Environmental Commission – Ann Marchioni (Emerald Ash Borer)

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.

7-159	AUTHORIZING ISSUANCE OF TWO (2) TAXICAB LICENSES TO Alliance Limousine & Car Service, 46 Ravine Avenue, Caldwell, NJ 07006. APPLICATION AND APPLICANT HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS
7-160	AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #16-00005, Block 22, Lot 17
7-161	AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #16-00022, Block 54, Lot 1.10
7-162	AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #14-00005, Block 15, Lot 2
7-163	AUTHORIZING REFUND OF OVERPAYMENT OF 2015 & 2016 TAXES FOR BLOCK 54, LOT 16, 11 ROSELAND AVENUE, CALDWELL, NJ 07006
7-164	RESOLUTION AUTHORIZING THE BOROUGH OF CALDWELL THROUGH THE CALDWELL POLICE DEPARTMENT TO FILE AN APPLICATION TO PARTICIPATE IN THE FEDERAL 1033 PROGRAM TO ENABLE THE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT



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7-165	AUTHORIZING THE REFUND OF A CONSTRUCTION DEPARTMENT PERMIT PAYMENT PAYABLE TO MR. JOHN MARCHETTA
7-166	RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN FOR THE FISCAL YEAR 2016 AUDIT REPORT
7-167	RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE GOVERNING BODY HAVE REVIEWED, AT A MINIMUM, THE GENERAL COMMENTS AND RECOMMENDATIONS SECTIONS OF THE FISCAL YEAR 2016 ANNUAL AUDIT
7-168	AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH JULY 18, 2017 FOR 2017/2016 BILLS IN THE AMOUNT OF \$2,620,129.88

COUNCIL COMMITTEE REPORTS

Borough Council Members

1. Councilman Cascarano

REPORT OF MAYOR

Mayor Dassing

REPORT OF BOROUGH ADMINISTRATOR

Paul M. Carelli

REPORT OF BOROUGH ATTORNEY

Greg Mascera

REPORT OF ESSEX COUNTY LAISON

Patricia Keenan

OPEN PUBLIC MEETING

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



Council Chambers

1 Provost Square Caldwell, NJ

Borough of Caldwell Council Business Meeting AGENDA

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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.

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 7/14/2017 with all available information as of this date. This agenda has been sent to four official newspapers of the Borough on 7/14/2017 in compliance with P. L. 1975, c 213

Lisa O'Neill, Deputy Clerk

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – June 20, 2017**

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

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

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

ABSENT ROLL CALL: Councilman Hauser

Adequate notice of this Council Business/Conference meeting was given on January 1, 2017. Notice was posted on the bulletin board on the first floor of the Borough Hall, One Provost Square, Caldwell, New Jersey. Official newspapers of the Borough were notified of this meeting by mail. Notice was posted and all persons requesting notice were sent same.

PLEDGE OF ALLIGENCE

PRESENTATION:

1. Mr. Thomas Joseph Calandra / 100th Birthday

Mayor Dassing and Mayor Tempesta presented Mr. Calandra with a proclamation and a clock.

**APPROVAL OF MINUTES:
June 6, 2017**

Moved by Council President Cascarano, seconded by Councilman Brown. No Discussion. On roll call, all present voted in the affirmative. Councilman Hauser absent. Minutes approved 06/20/17.

PUBLIC HEARING AND ADOPTION OF ORDINANCE

Moved by Councilman Capozzoli, seconded by Council President Cascarano to open meeting to the public.

Larry Cohen, Humane Society of the US thanked the Mayor and Council and are there if anyone has any questions.

ORDINANCE #1331-17: AN ORDINANCE AMENDING CHAPTER 60 ARTICLE II OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION TITLED ANIMALS, ARTICLE II DOGS

Moved by Council President Cascarano, seconded by Councilman Capozzoli. Discussions Ensued. On roll call, all present voted in the affirmative. Councilman Rodgers Abstained. Councilman Hauser absent. Ordinance adopted 06/20/17.

Greg Mascera read the changes that were made in the Ordinance.

7:12PM Councilman Hauser arrived.

Moved by Council President Cascarano, seconded by Councilman Rodgers to open meeting to the public

ORDINANCE #1332-17: CALENDAR YEAR 2017 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH CAP BANK (N.J.S.A. 40A: 4-45.14)

Moved by Councilman Brown, seconded by Council President Cascarano. No Discussions. On roll call, all present voted in the affirmative. Ordinance adopted 06/20/17.

OPEN PUBLIC COMMENTS ON RESOLUTIONS

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

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – June 20, 2017**

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RESOLUTIONS – CONSENT AGENDA

- 6-150:** AUTHORIZING THE BOROUGH ADMINISTRATOR TO ADVERTISE AND RECEIVE PROPOSALS FOR THE REPLACEMENT OF THE SAND FILTERS AT THE CALDWELL WASTEWATER TREATMENT PLANT
- 6-151:** RESOLUTION AUTHORIZING INCLUSION IN THE ESSEX COUNTY URBAN COUNTY COMMUNITY DEVELOPMENT PROGRAM FOR PROGRAM YEARS 2018-2020
- 6-152:** AUTHORIZING THE 2017 EQUIVALENT CONNECTION CHARGE OF \$362.12 PER EQUIVALENT CONNECTION, BASED ON THE NUMBER OF EQUIVALENT CONNECTIONS AND THE APPLICATION OF THE SEWER USER AGREEMENTS BETWEEN THE BOROUGH OF CALDWELL AND THE SEWER USER MUNICIPALITIES OF WEST CALDWELL, NORTH CALDWELL, ESSEX FIELDS, FAIRFIELD AND ROSELAND
- 6-153:** RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO HIRE MOTT MACDONALD FOR LICENSED SITE REMEDIATION PROFESSIONAL (LSRP) SERVICES TO PERFORM THE BIENNIAL CERTIFICATION REQUIREMENTS FOR THE 5 KNOLLWOOD TERRACE, BLOCK 69, LOT 1.01 FOR AN AMOUNT OF \$2,000
- 6-154:** AUTHORIZING THE ADOPTION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM
- 6-155:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #16-00001, Block 2, Lot 8.01
- 6-156:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH JUNE 20, 2017 FOR 2017/2016 BILLS IN THE TOTAL AMOUNT OF \$517,495.95
- 6-158:** RESOLUTION APPROVING A CONTRACT BETWEEN THE BOROUGH OF CALDWELL AND THE TOWNSHIP OF VERONA – SUMMER SWIM TEAM 2017 FOR AN AMOUNT OF \$5,700.00

CONSENT

Moved by Council President Cascarano, seconded by Councilman Brown. No Discussion. On roll call, all voted in the affirmative. Resolutions approved 06/20/17.

Moved by Council President Cascarano, seconded by Councilman Rodgers to open meeting to the public

PUBLIC HEARING ON THE 2017 MUNICIPAL BUDGET

Members of the public are invited to comment at this time on the 2017 Municipal Budget

INTRODUCTION OF THE 2017 MUNICIPAL BUDGET AMENDMENT

- 6-157:** RESOLUTION TO AMEND THE BOROUGH OF CALDWELL 2017 MUNICIPAL BUDGET AS INTRODUCED AND APPROVED ON MAY 16, 2017

Moved by Council President Cascarano, seconded by Councilman O'Donnell. Discussions Ensued. On roll call, all voted in the affirmative. Resolution approved 06/20/17.

ADOPTION OF THE 2017 MUNICIPAL BUDGET

Heidi Wohlleb – Nisivoccia LLP
Budget Document – Sheet 41/42

Moved by Council President Cascarano, seconded by Councilman Brown. No Discussion. On roll call, all voted in the affirmative. Budget Adopted 06/20/17.

COUNCIL COMMITTEE REPORTS

Borough Council Members

Council President Cascarno reported that the Health Department is moving forward with our Health initiative and hoping to roll it out in the fall. The Camp Wyanokie outing is this Saturday, June 24th and free for residents of Caldwell, West Caldwell, Fairfield, Roseland and North Caldwell. Lots of activities for everyone and you can sign up at www.campwyanokie.com.

Councilman Brown reported that the Caldwell Public Library will be presenting a special series on the Environment and it is sponsored by Sustainable Jersey and the Caldwell Environmental

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Commission. On Thursday, June 22nd at 6PM “A Plastic Ocean” on Friday at 2PM “Caring for the Environment” and on Tuesday, June 27th Pollinator Day at the Library and a movie at 2PM Wings of Life and at 7PM there will be a presentation about our Pollinator Garden. You can check out the events at the Library website www.caldwellpl.org.

NEW BUSINESS

Borough Council Members

1. Sewer Board Meeting – to be scheduled

After discussion the meeting is scheduled for June 18, 2017 at 6PM.

REPORT OF MAYOR

Mayor Dassing

Mayor Dassing thanked the Caldwell Historic Commission, the Caldwell Public Library and the Library Foundation for a great ceremony that was held this past Saturday to unveil the plaques that will be placed on the outside of the library declaring it a local Historic Landmark. Bob Kaplan, Chairman of the Historic Commission did a lovely job explaining the history of the library and Claudine Pascale, Library Director put the whole thing together. This is the first local landmark in Caldwell and the property is listed on the Caldwell Historic register of places and was designated as such by the Caldwell Historic Preservation Commission. The Mayor thanked Council President Cascarano, Councilman Brown and Councilman Rodgers for attending the event. The Reexamination of Caldwell’s Master Plan is almost ready for a vote by the Planning Board and is expected to be voted on July 12th. The Mayor sent a big thank you to Peter Byrne who is a Caldwell resident and a Planning Board member who for over two years he dedicated his time to this project. He has been an amazing volunteer and getting all groups together to look at the reexamination of the master plan and keeping the project moving. She also thanked Topology who has done an outstanding job as our planners. The Mayor also thanked Jane Kinkle who is a retired teacher at the Middle School and also the Rotary who funded monarch butterfly gardens throughout the town.

REPORT OF BOROUGH ADMINISTRATOR:

Paul Carelli reported:

- Thanked the Mayor and Council for adopting the 2017 Municipal Budget.
- There was another meeting with the PBA and they received a better understanding of the Health Plan. After discussion July 15th is the date the Mayor and Council agreed to hearing back from the PBA in regards to the benefits.
- Water main project is finished.
- He has been supplying information to PK Environmental so they can finish up the assessment report for the Oval.
- Paul met with the Teamsters today and they had a good discussion and he will be calling for a meeting to go over the details.
- He has followed up on the Borough signs and they are done and we should have the sample.
- Paul contacted an engineering consultant who is working on a proposal to prepare the specs for the Dectron Unit.
- He received quotes to fix the steps in the Community Center parking lot and Glenn will be in tomorrow to finalize which Company to select. They did get approval for the camp.
- He received a proposal from Greg Seaman to test the Grids and Screening in a lab. The testing will cost about \$2,200.00.
- Mr. Fitzpatrick is helping on our behalf of the Essex Regional Health that fined us \$4,000 and he is setting up a meeting with them.
- The Tax Assessor has finalized the 2017 County tax form appeals either settled or withdrawn and there were 23 that were settled and the reduction in assessments was \$682,000 for the 23 which is roughly \$18,000.
- CDBG sent an email that the recommendation for the Elevator funding is \$54,880.00.

**BOROUGH OF CALDWELL
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OPEN PUBLIC MEETING:

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

Janice Fisher, Manasquan NJ thanked the Mayor and Council for adopting the ordinance #1331-17.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Brown, seconded by Council President Cascarano unanimously affirmed by all members present, the meeting was adjourned at 8:02PM.

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

DATE



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-159

Date of Adoption: July 18, 2017

TITLE:

AUTHORIZING ISSUANCE OF TWO (2) TAXICAB LICENSES TO Alliance Limousine & Car Service, 46 Ravine Avenue, Caldwell, NJ 07006. APPLICATION AND APPLICANT HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey, that they have no objections to the issuance of Two (2) Taxicab Licenses to Alliance Limousine & Car Service, 46 Ravine Avenue, Caldwell, New Jersey 07006 from July 19, 2017 through July 1, 2018. Applicant and application have been approved by the appropriate municipal departments

2011 Lincoln Town Car
2012 Cadillac Escalade

2LNBL8EV6BX761893
1GYS4HEF0CR260420

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano						Capozzoli				
Hauser						Brown				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-160

Date of Adoption: July 18, 2017

TITLE:

AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #16-00005, Block 22, Lot 17

WHEREAS, at the Borough of Caldwell Tax Sale held on December 22, 2016, a lien was sold on Block 17, Lot 11.02 also known as 3 Kirkwood Place in Caldwell, NJ for delinquent Water; and

WHEREAS, this lien, known as Tax Sale Certificate 16-00005, was sold to TWR AS CUST FOR EBURY FUND 1, NJ; and

WHEREAS, the homeowners bank has effected redeemed the Certificate 16-00005 in the amount of \$1,414.83 with a Premium of \$1,500.00 to also be returned to the Lien Holder; and

NOW THEREFORE BE IT RESOLVED that authorization is hereby given to issue a check in the amount of \$2,914.83 payable to the lien holder TWR AS CUST FOR EBURY FUND 1, NJ for the redemption of Tax Sale Certificate 16-00005

Certificate 16-00005

PRINCIPAL.....	\$	1,359.83
PREMIUM.....	\$	1,500.00
RECORDING FEES.....	\$	<u>55.00</u>
 TOTAL	\$	 2,914.83

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano						Capozzoli				
Hauser						Brown				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-161

Date of Adoption: July 18, 2017

TITLE:

AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #16-00022, Block 54, Lot 1.10

WHEREAS, at the Borough of Caldwell Tax Sale held on December 22, 2016, a lien was sold on Block 54, Lot 1.10 also known as 8 Westbrook Drive in Caldwell, NJ for delinquent Water; and

WHEREAS, this lien, known as Tax Sale Certificate 16-00022, was sold to TRYSTONE CAPITAL ASSESTS, LLC; and

WHEREAS, the homeowners bank has effected redeemed the Certificate 16-00022 in the amount of \$908.73 with a Premium of \$1,300.00 to also be returned to the Lien Holder; and

NOW THEREFORE BE IT RESOLVED that authorization is hereby given to issue a check in the amount of \$2,208.73 payable to the lien holder TRYSTONE CAPITAL ASSESTS, LLC, for the redemption of Tax Sale Certificate 16-00022

Certificate 16-00022

PRINCIPAL.....	\$	853.73
PREMIUM.....	\$	1,300.00
RECORDING FEES.....	\$	<u>55.00</u>
 TOTAL	\$	2,208.73

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano						Capozzoli				
Hauser						Brown				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-162

Date of Adoption: July 18, 2017

TITLE:

AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #14-00005, Block 15, Lot 2

WHEREAS, at the Borough of Caldwell Tax Sale held on December 18, 2014, a lien was sold on Block 15, Lot 2 also known as 54 Forest Avenue in Caldwell, NJ for delinquent Water; and

WHEREAS, this lien, known as Tax Sale Certificate 14-00005, was sold to CCE HOLDINGS LLC; and

WHEREAS, the homeowners bank has effected redeemed the Certificate 14-00005 in the amount of \$18,026.75 with a Premium of \$1,600.00 to also be returned to the Lien Holder; and

NOW THEREFORE BE IT RESOLVED that authorization is hereby given to issue a check in the amount of \$19,626.65 payable to the lien holder CCE HOLDINGS, LLC, for the redemption of Tax Sale Certificate 14,-00005

Certificate 14-00005

PRINCIPAL.....	\$	17,974.65
PREMIUM.....	\$	1,600.00
RECORDING FEES.....	\$	<u>52.00</u>
TOTAL	\$	19,626.65

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano						Capozzoli				
Hauser						Brown				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor

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



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-163

Date of Adoption: July 18, 2017

TITLE:

AUTHORIZING REFUND OF OVERPAYMENT OF 2015 & 2016 TAXES FOR BLOCK 54, LOT 16, 11 ROSELAND AVENUE, CALDWELL, NJ 07006

WHEREAS, it has been determined by the Tax Collector that the Attorneys are entitled to a refund due to a Tax Court Judgement for 2015 & 2016 resulting in an overpayment of taxes; and

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

<u>BLOCK & LOT</u>	<u>RECIPIENT</u>	<u>REFUND AMOUNT</u>
B54 L16	Brach Eichler, LLC. Valley National Bank 101 Eisenhower Parkway Roseland, NJ 07068 Attn: Daniel Pollak	\$11,750.15 for 2015 \$12,317.90 for 2016
	TOTAL.....	\$24,068.05

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano					Capozzoli				
Hauser					Brown				
O'Donnell					Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-164

Date of Adoption: July 18, 2017

TITLE:

RESOLUTION AUTHORIZING THE BOROUGH OF CALDWELL THROUGH THE CALDWELL POLICE DEPARTMENT TO FILE AN APPLICATION TO PARTICIPATE IN THE FEDERAL 1033 PROGRAM TO ENABLE THE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

WHEREAS, the United States Congress authorized the 1033 Program to make use of excess US Department of Defense equipment by making such equipment available to local, county and state levels of government: and

WHEREAS, under the 1033 Program, law enforcement agencies may request resources, and the Defense Logistics Agency (DLA) mandates that all acquired 1033 equipment be under the control of the requesting law enforcement agency who requests it: and

WHEREAS, Senate Bill No. 2364-2(a) recently enacted by the New Jersey Legislature as P.L.2015 Chapter 23, requires that all local or county law enforcement agencies wanting to apply to the 1033 Program, be approved by Resolution by a majority of the full membership of the governing body of that jurisdiction and the said DLA requires that applications for Program participation be submitted every 365 days; and

NOW THEREFORE BE IT RESOLVED by The Governing Body of the Borough of Caldwell that it hereby authorizes the Police Department to participate in the Federal 1033 Program administered through the Law Enforcement Support Office (LESO) and that said Department may acquire any DEMIL A (non-controlled) property without restriction; and

BE IT FURTHER RESOLVED that said council finds that the Caldwell Police Department may request and acquire certain DEMIL B through Q (controlled) property without restriction at the discretion of the Chief of Police for emergency response and preparedness.

BE IT FURTHER RESOLVED that the Council of the Borough of Caldwell further requires that the designated LESO Point of Contact for this venue submit a bi-annual report regarding acquired 1033 Program property and in the event that any property had been obtained contrary to the intent of P.L.2015 c.23, the State Coordinator shall be contacted and equipment shall be transferred or returned via the Federal inventory database system (FEPMIS;) and

BE IT FURTHER RESOLVED that said Council recognizes that the acquisition of 100 1033 Program property is Time sensitive as resources are allocated to all State based on time stamp of requisition and in the event that a LESO Point of Contact requests an item in good faith and said item is determined to be contrary to the intent of this resolution, the LESO Point of Contact may cancel the request prior to the acquisition of the property, without being in violation of P.L.2015 c.23.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano						Capozzoli				
Hauser						Brown				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-165

Date of Adoption: July 18, 2017

TITLE:

**AUTHORIZING THE REFUND OF A CONSTRUCTION DEPARTMENT PERMIT PAYMENT
PAYABLE TO MR. JOHN MARCHETTA**

WHEREAS, it has been determined by the Construction Department that a customer paid for a permit and has now changed the original design; 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 Construction Permit payment;

<u>RECIPIENT</u>	<u>REFUND AMOUNT</u>
Mr. John Marchetta 43 Cleveland Road Caldwell, NJ 07006	\$160.00

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano						Capozzoli				
Hauser						Brown				
O'Donnell						Rodgers				

Lisa O'Neill, Acting Borough Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-166

Date of Adoption: July 18, 2017

TITLE:

**RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN FOR THE FISCAL YEAR 2016
AUDIT REPORT**

WHEREAS, the Division of Local Government Services requires the Chief Financial Officer to file a “Corrective Action Plan”, attached hereto, outlining the actions to be taken by the Borough relative to the findings and recommendations in the annual audit report; and

WHEREAS, the “Corrective Action Plan” shall be prepared by the Chief Financial Officer with assistance from other officials affected by the audit findings and recommendations; and

WHEREAS, the governing body is required by resolution, to approve the “Corrective Action Plan”; and

WHEREAS, the “Corrective Action Plan”, as prepared by the Chief Financial Officer and approved by the governing body, shall be placed on file and made available for public inspection in the office of the Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Caldwell, in the County of Essex, State of New Jersey that it hereby approves the “Corrective Action Plan” for the Fiscal Year 2016 Audit Report submitted by the Chief Financial Officer.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano						Capozzoli				
Hauser						Brown				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-167

Date of Adoption: July 18, 2017

TITLE:

RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE GOVERNING BODY HAVE REVIEWED, AT A MINIMUM, THE GENERAL COMMENTS AND RECOMMENDATIONS SECTIONS OF THE FISCAL YEAR 2016 ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit: R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the *Borough Council* of the *Borough of Caldwell*, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano						Capozzoli				
Hauser						Brown				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor

BOROUGH OF CALDWELL

PART III

COMMENTS AND RECOMMENDATIONS

YEAR ENDED DECEMBER 31, 2016

BOROUGH OF CALDWELL
COMMENTS AND RECOMMENDATIONS

Contracts and Agreements Required to be Advertised for N.J.S.A. 40A:11-4

N.J.S.A. 40A:11-3 states:

a. " When the cost or price of any contract awarded by the contracting agent in the aggregate does not exceed in a contract year the total sum of \$17,500, the contract may be awarded by a purchasing agent when so authorized by ordinance or resolution, as appropriate to the contracting unit, of the governing body of the contracting unit without public advertising for bids, except that the governing body of any contracting unit may adopt an ordinance or resolution to set a lower threshold for the receipt of public bids or the solicitation of competitive quotations. If the purchasing agent is qualified pursuant to Subsection b. of Section 9 of P.L. 1971, C.198 (N.J.S.A. 40A:11-9), the governing body of the contracting unit may establish that the bid threshold may be up to \$25,000. Such authorization may be granted for each contract or by a general delegation of the power to negotiate and award such contracts pursuant to this section.

b. Any contract made pursuant to this section may be awarded for a period of 24 consecutive months, except that contracts for professional services pursuant to subparagraph (i) of paragraph (a) of subsection (1) of section 5 of P.L. 1971, C.198 (N.J.S.A. 40A:11-5) may be awarded for a period not exceeding 12 consecutive months. The Division of Local Government Services shall adopt and promulgate rules and regulations concerning the methods of accounting for all contracts that do not coincide with the contracting unit's fiscal year.

c. The Governor, in consultation with the Department of the Treasury, shall, no later than March 1 of every fifth year beginning in the fifth year after the year in which P.L.1999, C.440 takes effect, adjust the threshold amount and the higher threshold amount which the governing body is permitted to establish, as set forth in subsection a. of this section, or the threshold amount resulting from any adjustment under this subsection, in direct proportion to the rise or fall of the index rate as that term is defined in section 2 of P.L. 1971, C.198 (N.J.S.A. 40A:11-2), and shall round the adjustment to the nearest \$1,000. The Governor shall, no later than June 1 of every fifth year, notify each governing body of the adjustment. The adjustment shall become effective on July 1 of the year in which it is made."

N.J.S.A. 40A: 11-4 states: "Every contract awarded by the contracting agent for the provision or performance of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by resolution of the governing body of the contracting unit to the lowest responsible bidder after public advertising for bids and bidding therefore, except as is provided otherwise in this act or specifically by any other law. The governing body of a contracting unit may, by resolution approved by a majority of the governing body and subject to subsections b. and c. of this section, disqualify a bidder who would otherwise be determined to be the lowest responsible bidder, if the governing body finds that it has had prior negative experience with the bidder."

Effective July 1, 2015 and thereafter, the bid thresholds in accordance with N.J.S.A. 40A:11-3 and 40A:11-4 (as amended) are \$17,500 for a contracting unit without a qualified purchasing agent and \$40,000 for a contracting unit with a qualified purchasing agent.

The governing body of the municipality has the responsibility of determining whether the expenditures in any category will exceed the threshold within the fiscal year. Where question arises as to whether any contract or agreement might result in violation of the statute, the Borough attorney's opinion should be sought before a commitment is made.

The minutes indicated that bids were requested by public advertising per N.J.S.A. 40A:11-4. The minutes also indicated that resolutions were adopted and advertised authorizing the awarding of contracts or agreements for "Professional Services" and "Extraordinary Unspecifiable Services" per N.J.S.A. 40A:11-5.

BOROUGH OF CALDWELL
COMMENTS AND RECOMMENDATIONS
(Continued)

Contracts and Agreements Required to be Advertised for N.J.S.A. 40A:11-4 (Cont'd)

Inasmuch as the system of records did not provide for an accumulation of payments for categories for the performance of any work or the furnishing or hiring of any materials or supplies, the results of such an accumulation could not reasonably be ascertained. Disbursements were reviewed, however, to determine whether any clear-cut violations existed. None were noted.

Collection of Interest on Delinquent Taxes, Utility Rents and Assessments

The statute provides the method for authorizing interest and the maximum rates to be charged for the nonpayment of taxes, utility charges or assessments on or before the date when they would become delinquent.

On January 1, 2016, the governing body adopted the following resolution authorizing interest to be charged on delinquent taxes and utility charges:

"BE IT RESOLVED by the Borough Council of the Borough of Caldwell, NJ pursuant to R.S. 54:4-67, as amended and supplemented, that the rate of interest to be charged for the non-payment of taxes or assessments on or after the date when they become delinquent shall be as follows:

1. No interest shall be charged if payment of any installment so due is made within ten (10) days of the date the same shall be payable; and
2. Upon expiration of the ten (10) day period as aforesaid, the rate of interest shall be eight (8) percent on the first \$1,500.00 of the delinquency and eighteen (18) percent thereafter on any amount in excess of \$1,500; and
3. A penalty shall be charged to a taxpayer with a delinquency in excess of \$10,000 who fails to pay that delinquency prior to the end of the calendar year in the amount of 6% of the delinquency.

FURTHER, BE IT RESOLVED that

4. Any water or sewer account remaining unpaid after due date on each billing shall be subject to a penalty of ten (10) percent of the unpaid balance."

It appears from tests of the Collector's records that interest was collected in accordance with the foregoing resolution.

Delinquent Taxes and Tax Title Liens

An accelerated tax sale was held on December 23, 2016.

The following comparison is made of the number of tax title liens receivable on December 31, of the last three years:

Year	Number of Liens
2016	-0-
2015	-0-
2014	-0-

BOROUGH OF CALDWELL
COMMENTS AND RECOMMENDATIONS
(Continued)

Verification of Delinquent Taxes and Other Charges

A test verification of delinquent charges and current payments was made in accordance with the regulations of the Division of Local Government Services, including the mailing of verification notices as follows:

<u>Type</u>	<u>Number Mailed</u>
Payment of 2016 and 2017 Taxes	20
Payment of 2016 and 2017 Water Rents	10
Payment of 2016 Excess Sewer Rents	10

New Jersey Administrative Code Accounting Requirements

The Division of Local Government Services has established three (3) accounting requirements which are prescribed by the New Jersey Administrative Code. They are as follows:

1. Maintenance of an encumbrance accounting system.
2. Fixed assets accounting and reporting system.
3. General ledger accounting system.

The Borough maintains encumbrance, fixed assets and general ledger accounting systems.

Municipal Court

The report of the Municipal Court has been forwarded to the Division of Local Government Services and the Borough Magistrate under separate cover. Reflected below is a summary of receipts and disbursements for the year ended December 31, 2016.

RECEIPTS AND DISBURSEMENTS FOR THE YEAR ENDED DECEMBER 31, 2016

	<u>Balance</u> <u>Dec. 31, 2015</u>	<u>Receipts/</u> <u>Adjustments</u>	<u>Disbursements</u>	<u>Balance</u> <u>Dec. 31, 2016</u>
Municipal Treasurer:				
Fines and Costs	\$ 22,051.49	\$ 271,443.64	\$ 276,769.87	\$ 16,725.26
P.O.A.A. Fines	212.00	2,038.00	2,116.00	134.00
Public Defender		2,141.00	2,101.00	40.00
State Treasurer	13,122.01	154,087.50	158,191.77	9,017.74
County Treasurer	3,818.50	54,069.75	54,358.25	3,530.00
Conditional Discharge Fee		1,070.00	995.00	75.00
Restitution		200.00	150.00	50.00
Miscellaneous	(3,069.91)	(531.00)		(3,600.91)
Cash Bail	812.00	20,237.00	17,787.00	3,262.00
	<u>\$ 36,946.09</u>	<u>\$ 504,755.89</u>	<u>\$ 512,468.89</u>	<u>\$ 29,233.09</u>

BOROUGH OF CALDWELL
COMMENTS AND RECOMMENDATIONS
(Continued)

Municipal Court (Continued)

During our review of the bank reconciliation for the regular account for December 2016, we noted that the reconciled bank balance for the regular account did not agree to the cash collections for the month of December. However, as the difference was resolved prior to our audit, a formal recommendation is not deemed necessary.

We noted that the total outstanding bail on account does not agree with the reconciled book balance for the bail account. It is recommended that the total outstanding bail on account be reconciled with the bail account book balance on a monthly basis.

Management's Response

The Court Administrator will ensure that the total outstanding bail on account is reconciled with the bail cash balance on a monthly basis.

Sewer Utility Operating Fund

The Borough is in the process of executing formal written sewer fees contracts with the various municipalities in which sewer rates and terms are established to help ensure collection of sewer billings. It is recommended that the Borough implement formal written contracts with the various municipalities for sewer fees.

Management's Response

The Borough is in the process of executing formal contracts with the various municipalities. The Borough has made a concerted effort in obtaining the signed contracts from the various municipalities without success.

A 2014 consumer accounts receivable in the amount of \$130,560.40 remains outstanding in the Sewer Utility Operating Fund as of December 31, 2016. It is recommended that the old sewer consumer accounts receivable be cancelled through a formal resolution.

Management's Response

The Borough will formally cancel the receivable.

Management Suggestions

Older Federal and State Grant Reserves

There are various appropriated reserves and receivable balances in the federal and state grant fund which have been on the Borough's records for several years. It is suggested that these older grant appropriated reserve and receivable balances be reviewed for possible cancellation.

Parking Meter Collections

The internal controls over parking meter collections should be considered to ensure that sufficient controls are in place.

BOROUGH OF CALDWELL
COMMENTS AND RECOMMENDATIONS
(Continued)

Management Suggestions (Cont'd)

Trust Funds Reserves

As of December 31, 2016, there is a zero balance in the Reserve for State Unemployment Insurance due to current year activities. It is suggested that the Borough continues to monitor the balance in this reserve account and if needed budget an employer contribution in 2018 similar to the 2017 budget contribution.

New Jersey Environmental Infrastructure Loan Receivables

It is suggested that the older New Jersey Environmental Infrastructure Loan Receivables and related improvement authorization balances be reviewed for cancellation.

Governmental Accounting Standards Board Statements

The next Governmental Accounting Standards Board ("GASB") statement which will have a significant impact on the Borough will be GASB No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other than Pensions*, will be effective for the calendar year ending December 31, 2018. This standard replaces GASB No. 45, *Accounting and Financial Reporting for Postemployment Benefits Other than Pensions*. It is similar to GASB Statement No. 68, *Accounting and Financial Reporting for Pensions*, in that successful implementation of this standard will require the provision of certain key financial and non-financial information from the State of New Jersey.

Status of Prior Year Recommendations

The Borough has initiated a corrective action plan to resolve comments and recommendations from the 2015 audit report. The prior year recommendations with respect to timely deposits of municipal court receipts, the reconciliation of the regular court account bank balance with monthly cash collections, the disposal of older tickets issued to police officers and adherence to Local Public Contract Law have been resolved during the current year. The remaining prior year recommendations have been repeated in the current year's audit and corrective action with respect to these recommendations is in the process of being implemented.

BOROUGH OF CALDWELL
SUMMARY OF RECOMMENDATIONS

It is recommended that:

1. Consideration be given to providing for a more adequate segregation of duties with respect to the recording and treasury functions.
2. Sewer Operating Utility:
 - a. The Borough implement formal written contracts with the various municipalities for sewer fees.
 - b. The old sewer consumer accounts receivable be cancelled through a formal resolution.
3. Municipal Court:
 - a. The total outstanding bail on account be reconciled with the bail account book balance on a monthly basis.

* * * * *

STATE OF NEW JERSEY
COUNTY OF ESSEX

We, members of the governing body of the Borough of Caldwell, in the County of Essex, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Borough Council of the Borough of Caldwell, in the County of Essex;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2016;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.) _____ (L.S.) _____

(L.S.) _____ (L.S.) _____

(L.S.) _____ (L.S.) _____

(L.S.) _____ (L.S.) _____

(L.S.) _____ (L.S.) _____

Lisa O'Neill – Deputy Clerk

Sworn to and subscribed before me this

_____ Day of _____

Notary Public of New Jersey



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 7-168

Date of Adoption: July 18, 2017

TITLE:

AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH JULY 18, 2017 FOR 2017/2016 BILLS IN THE TOTAL AMOUNT OF \$2,620,129.88

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

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

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

WHEREAS, the Director of Finance of the Borough of Caldwell has certified to the governing body that there are funds legally appropriated and available in the current operating budget for the payment of said bills and that the said payment will not result in the disbursement of public monies or in the encumbering of same in excess of the 2016 and/or 2017 appropriation for said purpose;

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

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Cascarano						Capozzoli				
Hauser						Brown				
O'Donnell						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor