



***BOROUGH OF CALDWELL
NEW JERSEY***



**COUNCIL BUSINESS
MEETING August 6, 2013**

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



Council Chambers
1 Provost Square Caldwell, NJ

Borough of Caldwell Council Business Meeting

AGENDA

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

August 6, 2013

MAYOR
Ann Dassing

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

CALL TO ORDER

Honorable Ann Dassing, Mayor of the Borough of Caldwell Presiding

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

APPROVAL OF MINUTES

July 16, 2013

INTRODUCTION OF ORDINANCE

ORDINANCE# 1278-13: BOND ORDINANCE AMENDING BOND SECTION 1 OF ORDINANCE NUMBERED 1248-12 OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY FINALLY ADOPTED MAY 15, 2012 IN ORDER TO AMEND THE AMOUNT OF THE ESSEX COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT.

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.

| | |
|-------|--|
| 8-189 | RESOLUTION TO CANCEL RESERVE BALANCES |
| 8-190 | RESOLUTION TO CANCEL PAYROLL RESERVE BALANCES |
| 8-191 | AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 12-00014 PAYABLE TO US BANK CUST-PROCAP 11, LLC |
| 8-192 | AUTHORIZING A CREDIT FOR OVERPAYMENT OF 2011 & 2012 TAXES FOR BLOCK 74 LOT 5, 14 BOWERS ROAD |
| 8-193 | AUTHORIZING A CREDIT FOR TAX EXEMPT PROPERTY FOR BLOCK 30.02 LOT 7, 98 CENTRAL AVENUE |



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| | |
|-------|--|
| 8-194 | AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Parent Faculty Association of Mt. Saint Dominic Academy - Off Premise / 50/50 Raffle – September 15, 2013 – 12:00PM – 4:00PM |
| 8-195 | RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION Block 302, Lot 58, Tim Berra, 23 Wilson Terrace, West Caldwell, NJ |
| 8-196 | AUTHORIZING THE APPOINTMENT OF Shane Cunningham AS A FIREFIGHTER IN THE CALDWELL VOLUNTEER FIRE DEPARTMENT |
| 8-197 | RESOLUTION AUTHORIZING A REFUND OF OVERPAYMENT OF 2013 TAXES FOR BLOCK 30.02 LOT 7, 98 CENTRAL AVENUE, CALDWELL, NJ |
| 8-198 | AUTHORIZING THE 2013 EQUIVALENT CONNECTION CHARGE OF \$360.82 PER EQUIVALENT CONNECTION |

COUNCIL COMMITTEE REPORTS

Borough Council Members

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

REPORT OF MAYOR

Mayor Dassing

REPORT OF BOROUGH ADMINISTRATOR

Paul M. Carelli

1. Administrator Report August 6, 2013
2. Water and Road Improvement Project Update

REPORT OF ATTORNEY

Gregory Mascera

REPORT OF POLICE CHIEF

Chief James H. Bongiorno, CPD

REPORT OF ESSEX COUNTY LIASSON

James Jude Jorgensen, QPA



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PUBLIC HEARING OF THE 2013 MUNICIPAL BUDGET AMENDMENTS

Members of the public are invited to comment at this time on the 2013 Municipal Budget Amendments

ADOPTION OF THE 2013 MUNICIPAL BUDGET

Budget Document – Sheet 4

OLD BUSINESS

NEW BUSINESS

OPEN PUBLIC MEETING

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

EXECUTIVE SESSION

Closed Session

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

ADJOURNMENT

Additional items **may** be added to this agenda. Final action may be taken on all matters listed or added to this agenda. This agenda was prepared as of 8/2/2013 with all available information as of this date. This agenda has been sent to four official newspapers of the Borough on 8/2/2013 in compliance with P. L. 1975, c 213

Lisa O'Neill, Deputy Clerk.

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

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

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

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

ABSENT: Councilman Coyle and Deputy Clerk, Lisa O'Neill

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

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

Moved by Councilman Kelley, seconded by Councilman O'Donnell. No Discussion. On roll call, all present voted in the affirmative. Minutes approved 07/16/13.

PRESENTATION:

1. Swearing in Robert Adams
2. CP Engineers

OPEN PUBLIC COMMENTS ON RESOLUTIONS:

Moved by Councilman O'Donnell, seconded by Councilman Hauser to Open for Consent Agenda

Councilman Hauser spoke about the agreement and how there was a conflict were it talks about a 3 year term and then the next page it says 5 years. Paul responded that it is a 5 year agreement. Councilman Hauser said it looks like we are locking ourselves into \$17,500 a year. Paul responded that Mr. Paterson negotiated from \$15,000 to \$17,500. In concept Councilman Hauser is fine with it. Discussions Ensued.

Councilman Hauser asked what the ongoing need for the Land Conservancy agreement. He read that they have been part of the Municipality for the last several years. **Greg Mascera** responded that they have become a welcome resource. They helped identify some properties if you recall the Faloni Property. There was a year or two that they were not rehired. With their experience and assistance with the property now has been wonderful. Overall it has been a savings in regards to their involvement with Green Acres grants.

Councilman O'Donnell asked about a charge in the Bills list for a special dog fund of \$8,000. Mayor Dassing responded that it is a trust fund. Also, there is a charge from Essex Fells Police Department to control traffic on Brookside. Paul responded that during the interconnection we had to use them. **Chief Bongiorno** responded for the part that was in Essex Fells.

Councilman Kelley asked the question in regards to the Land Conservancy agreement if we do not in current costs if we are not pursuing any open space property, if we don't have any grant applications correct? **Mayor Dassing** responded that there is a fix fee of \$10,000 which is an annual fee. Discussion Ensued.

Heidi Wohlleb, Nisivoccia spoke about the Corrective Action Plan. Chris Battaglia and Paul have been working to resolve these recommendations. There are a number of recommendations but they are not a serious nature they are more of a booking nature. Discussions Ensued.

RESOLUTIONS – CONSENT AGENDA

7-177: RESOLUTION APPROVING AN INTERMUNICIPAL SERVICE AGREEMENT BETWEEN THE BOROUGH OF CALDWELL AND THE BOARD OF EDUCATION OF CALDWELL-WEST CALDWELL

7-178: RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE GOVERNING BODY HAVE REVIEWED, AT A MINIMUM, THE GENERAL COMMENTS AND RECOMMENDATIONS SECTIONS OF THE FISCAL YEAR 2012 ANNUAL AUDIT

7-179: RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN FOR THE FISCAL YEAR 2012 AUDIT REPORT

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

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- 7-180:** RESOLUTION TO CANCEL RESERVE BALANCES
- 7-181:** AUTHORIZING THE APPOINTMENT OF RENT REVIEW BOARD MEMBER – Robert Christianson
- 7-182:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK’S OFFICE – Kiwanis Club of Caldwell-West Essex, Off Premise / 50/50 Raffle – October 6, 2013 – 11:30AM – 5:00PM
- 7-183:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK’S OFFICE – Saint Aloysius Church, Off Premise / 50/50 Raffle – September 22, 2013 – 4:00PM
- 7-184:** AUTHORIZING THE REFUND OF OVERPAYMENT OF 2012 TAXES FOR BLOCK 53 LOT 2, FOR 12 BROOKSIDE AVENUE, CALDWELL, NJ
- 7-185:** AUTHORIZING AN AWARD OF A PROFESSIONAL SERVICES CONTRACT TO THE LAND CONSERVANCY OF NEW JERSEY IN THE BOROUGH OF CALDWELL
- 7-186:** RESOLUTION AUTHORIZING A ONE YEAR EXTENSION OF EXISTING CONTRACT WITH BATTAGLIA ASSOCIATES, LLC FOR FINANCIAL MANAGEMENT SERVICES FOR THE BOROUGH OF CALDWELL
- 7-187:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH JULY 16, 2013 FOR 2012/2013 BILLS IN THE TOTAL AMOUNT OF \$3,094,466.80

CONSENT

Moved by Councilman Kelley, seconded by Councilman Coyle. Discussions Ensued. On roll call, all present voted in the affirmative. Resolution approved 07/02/13.

COUNCIL COMMITTEE REPORTS:

Councilman Durkin reported that the Finance Committee had a productive meeting. His goal as a Councilman and Chair of the Finance Committee has always been and always will be is putting Caldwell first. I believe the Finance Committee has come to consensus over this year’s budget. Furthermore after additional feedback from other Councilman I would like to think that the entire Council has come to a majority consensus. Despite being the Finance Chair I realize this is not solely my budget but our budget, the town’s budget. With that said the Borough of Caldwell did face its challenges with respect to its finances. Our depth service did increase, the Borough’s assess valuation continued to decrease and we had unavailable revenues of almost \$300,000 that we had last year that we could not use this year. The Council did vote for a 2% salary increase for all employees and as you would probably agree it is important to take care of our Borough employees. So in conclusion we introduced the Budget at a tax percent rate of 1.4% or \$42.00. Upon further review we are currently at .3% or at \$8.76. I urge the rest of the Council to come to an agreement with the Finance Committee and move this budget along.

Councilman Rodgers reported that he met with Mr. Carelli we have started to work on the Employee handbook and I am confident that we will have something to the Mayor and Council by the end of the summer.

Councilman O’Donnell he would like to make mention of Officer Robert Adams who was sworn in tonight and speaking with the Chief he was a number one draft choice. We are very fortunate to have hired him. I assured him that he is joining the finest agency.

Councilman Hauser reported that the meeting he had scheduled with Councilman Hladik that had to do with pursuing the joint Community Center and pool idea has been postponed.

Mayor Dassing reported that everyone should have received the save the date for our Library fundraiser on Thursday, November 21st at 6PM at the Green Brook Country Club. Dorothea Benton Frank is going to be honored, the New York Times bestselling Author and our very own Pat and Grace Collura. Tickets can be purchased on the website and we anticipate that we will need to open that second room.

The Mayor received a letter from Colin Corliss who attained his Eagle Scout. Thanking me for attending his Eagle Scout Court of Honor. He says after this long trail it was so amazing to

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

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finally see everything finished and he could not have done it without all of you having done so much for him and allowing him to do his project which is the garden, which is outside where the book drop is for the Library. He hopes that the Garden stays great and he is still picking weeds and tending to it and I think it looks wonderful and the Town can truly enjoy it. Tomorrow night is a shared service meeting with the Board of Ed and the Township of West Caldwell at 7PM and we will continue talking about things we can do to all work together.

REPORT OF BOROUGH ADMINISTRATOR:

Paul Carelli reported that Councilman Rodgers mentioned about the employee manual and we are working on that. We closed on our note sale we borrowed the money to fund all our water projects and that rate is .93%. He received a 2nd quote on repairing the roof on this building. We had two quotes one for \$8400.00 and \$9100.00. I would like to prepare a resolution for the next meeting to get that work done. We are still looking into phone systems we have one quote and the second one withdrew. He would like a resolution for that too at the next meeting to proceed with that there is a savings of approximately \$1000.00 a month.

Paul gave an update on road work. Brookside Avenue - Granada Construction is way ahead of schedule. The Belgium Block is basically completed on the right side. Mario got together with the contractor and hooked him up with West Caldwell to see if they were interested in continuing the Belgium Block at their expense into their town which is approximately 300' and they did do that. It will look like a finish project all the way through Essex Fells. The contractor said today that they will be milling next week and paving. We are way ahead of schedule. Part two of project is the water work - they will be starting tomorrow in the Cedars they are a little behind schedule do to the weather. There is a completion date of August 16th and he feels that Matina will have it completed. Once that is completed the road resurfacing will start at the Cedars it is currently on schedule. He spoke to Crew today and the bid specifications on August 2nd and we will advertise on August 5th and it is our goal to award contract the 2nd meeting of August.

Mayor Dassing spoke about a company that had approached her on putting bus stops on Bloomfield Avenue where we currently do not have bus stops. These particular bus stops are solar panel and they have a bench and are Wi-Fi ready and the lights are motion sensor. The Company makes their money by selling advertising on the side panel. The Borough has the ability to review all ads and refuse any before they go up. I asked Mr. Mascera to look at the agreement and we had to check with the County.

REPORT OF ATTORNEY:

Greg Mascara reported that in regards to the Borough's right to control the content there's an insolation between what is permitted and the people trying to advertise. What will happen would be our agreement with the vendor will be that we can control it so it will be between the vendor and the people wanting to advertise if there was any conflict what contents would be allowed and would not be allowed. He checked with Mr. Paganelli and the County would have no objection to installing the shelters subject to the Freeholders passing a Resolution after the Borough takes action and according to Mr. Paganelli it is usually a formality and the Freeholders will simply allow us to put these shelters on the right away because it is something that benefits the public at large. In reviewing the agreement there are some modifications that he would like to make just from a legal perspective. There is a threshold question of \$17,500.00 whether this has to go out for an RFP or an RFQ. **James Jorgensen, County Liasson**, responded that there is not supposed to be a cost to the Borough so the only situation you are thinking is what the value of the Revenue is. So if the Revenue is to exceed \$17,500 each year of the contract then it will be considered either a public bid or a competitive contracting process. Discussions Ensued.

REPORT OF ESSEX COUNTY LIASSON:

James Jorgensen spoke about Mr. Christensen and he had asked him to mention about Central Avenue speed bumps. He is going to talk to Senji at another meeting and see if he can get his attention and do something about it. He did not forget it he just hasn't had an opportunity to address it.

OLD BUSINESS:

1. 2013 Municipal Budget – Budget Amendment Resolution

Mayor Dassing read the titles of 7-188.

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

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7-188: RESOLUTION TO AMEND THE BOROUGH OF CALDWELL 2013 MUNICIPAL BUDGET AS INTRODUCED AND APPROVED ON MAY 7, 2013

Councilman Hauser is pleased that the committee decided to recognize or agree to the majority of the proposed additional cuts that were presented. Paul had sent out a list of some things that were not considered and I understand that some of these are small but the biggest one that I still don't understand is the additional \$25,000 on top of the 2% increase that we already had built in what the rationality is for not pulling that out. **Councilman Durkin** responded that it is good business practice to reward your employees. **Councilman O'Donnell** responded that he is in favor of discretionary merit raises in fact until I took control of the Budget no none union employees had received any increase in the Borough for five or six years until I took control then we started recognizing with increases. **Councilman Hauser** responded that he thought the 2% pool that was set up was used for discretionary increases. Employees have gotten increases over the last several years at year end it was set up as a stipend for money to be available so it's not that no one has gotten increases. **Paul Carelli** responded that this is a cushion every line item and every salary line item is exact and it doesn't allow for any flexibility. For example last year or the year before we had an issue at the Community Center where salaries were a lot higher than we originally budgeted fortunately we were able to transfer some money in November to account for that we have buttoned up our process. The thing to understand that everything was put under that Administration salary wage and line item and there was a line for discretionary merit there is a line for other, the incentive program those are line items that you can see how we got to the top number. The discretionary plan as it was outlined in the original budget and the incentive plan \$20,000 was cut, it was originally \$45,000. He urged the Finance Committee to leave the \$25,000 in for any unforeseen issues. **Councilman O'Donnell** asked how we arrived at that \$45,000. **Paul Carelli** responded that \$25,000 was a number for flexibility in case of anything unforeseen. There was a suggestion that we put in \$15,000 for discretionary merit raises which I put in and actually at the beginning we had \$20,000 in for the stipend. The employee incentive program we reduced because we realized that savings was going to come from a line item. We did cut another \$63,000 from salaries from the Introduced Budget. He feels it is important to have that whether the Council chooses to use it for discretionary raises or they don't or if we have a situation come up where we need that I don't have it anywhere else. **Mayor Dassing** responded that one of the examples that was given if we lose an employee we would have to hire someone else and the going rate is \$5,000 more than what we are currently paying we wouldn't have that money to be able to do that. A lot of our employees their salaries are pretty low. **Councilman Hauser** responded that at the same token the day someone leaves is not the day someone else is going to start. **Paul Carelli** responded that another example he can give is we removed the salary allocation to hire an additional person in Public Works. I may get to December and we may need to hire someone. **Councilman Hauser** asked the question about the refund tax appeal line is now \$15,000 higher than what we had in there. Paul responded that it was \$105,000 last year and our proposal went to \$50,000 in a conversation with Heidi we realized that perhaps we didn't need that much so we reduced it down to \$10,000. The tax assessor said we had some appeals that it was too low it should be \$50,000. We may not pay in the calendar year but if it happens in the calendar year it would be in the reserves. We felt it was prudent to raise it up to \$25,000 just to be safe. **Councilman Hauser** responded that with respect to the other cuts sewer and water I am glad that those are received as well. **Councilman O'Donnell** responded that he would like to give Councilman Coyle credit. I know he did a lot of work that he found cuts that were brought to the table at the last meeting and made us aware of and also he mentioned that we have our tax rate history. In the last four (4) years the average homeowner's tax has increased \$20 and four years prior to that the average increase to homeowner's was \$292.00 it's a significant difference. It goes from the philosophy that we are going to manage this with sound business principles and I think Mayor that it is to your credit that you have been able to produce budgets that have these nominal increases. We have all done well. **Mayor Dassing** responded that it speaks to everyone up here who is paying attention, a committee member, a committee head diving down to the details and bringing it back it's all about communication at the end of the day.

Moved by Councilman Kelley, seconded by Councilman Durkin. Discussions Ensued. On roll call, all present voted in the affirmative. Resolution approved 07/16/13.

OPEN PUBLIC MEETING:

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

Moved by Councilman Hauser, seconded by Councilman O'Donnell to Open Public Meeting.

Hilda Moore, 23 Personette Street, asked what was going on with the Knights of Columbus. Mayor Dassing responded that the people next door, if you are looking at the building to the right, have potential oil under their driveway and have agreed to have their soil tested. **Greg Mascera** responded that since the last report there was an issue not because of disagreement but because of reluctance on the part that they were not sure on what they were agreeing too and once they were informed that they were only agreeing to have their soil tested it was being done. Hilda asked about the covers for the catch basins. Paul Carelli responded that he will go out tomorrow and take a look at it.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman O'Donnell, seconded by Councilman Hauser, unanimously affirmed by all members present, the meeting was adjourned at 8:38P.M.

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

DATE



**BOROUGH OF CALDWELL
NEW JERSEY**



ORDINANCE# 1278-13

BOND ORDINANCE AMENDING BOND SECTION 1 OF ORDINANCE NUMBERED 1248-12 OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY FINALLY ADOPTED MAY 15, 2012 IN ORDER TO AMEND THE AMOUNT OF THE ESSEX COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section One. Section 1 of Bond Ordinance numbered 1248-12 of the Borough of Caldwell, in the County of Essex, New Jersey (the "Borough"), finally adopted May 15, 2012, is hereby amended in its entirety to read as follows:

"Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Caldwell, in the County of Essex, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,375,900, including a State of New Jersey Department of Transportation Grant for Brookside Avenue in the amount of \$265,000 (the "State Grant") and an Essex County Community Development Block Grant for Grove Street in the amount of \$30,607.28, and further including the sum of \$49,295 as the down payment required by the Local Bond Law. The down payment in the amount of \$49,295 is at least 5% of the cost of the projects not being funded by the State Grant (which, in the aggregate, equals \$985,900). The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets."

Section Two. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section Three. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.



BOROUGH OF CALDWELL NEW JERSEY



DATE OF FIRST READING: August 6, 2013
DATE OF PUBLICATION: August 15, 2013
MOVED:
SECONDED:

DATE OF SECOND READING: September 3, 2013
DATE OF ADOPTION: September 3, 2013
MOVED:
SECONDED:

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

| | | | | | | | | | | |
|-----------|--|--|--|--|--|---------|--|--|--|--|
| Hauser | | | | | | Kelley | | | | |
| Coyle | | | | | | Rodgers | | | | |
| O'Donnell | | | | | | Durkin | | | | |

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor

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



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 8-189

Date of Adoption: August 6, 2013

TITLE:

RESOLUTION TO CANCEL RESERVE BALANCES

WHEREAS, the reserves listed herein exist on the balance sheet of the Other Trust Funds; and

WHEREAS, it has been determined that the purpose for the creation of this reserve has been completed and the balance of this reserve should be cancelled;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Caldwell, NJ, that the following reserves be cancelled to Current Fund – Miscellaneous Revenues Not Anticipated.

Due to State of New Jersey (DCA) - \$4,923.00

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain **COUNCILMAN** Yes No Absent Abstain

| | | | | | | | | | | |
|-----------|--|--|--|--|--|---------|--|--|--|--|
| Hauser | | | | | | Kelley | | | | |
| Coyle | | | | | | Rodgers | | | | |
| O'Donnell | | | | | | Durkin | | | | |

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor

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



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 8-190

Date of Adoption: August 6, 2013

TITLE:

RESOLUTION TO CANCEL PAYROLL RESERVE BALANCES

WHEREAS, the reserves listed herein exist on the balance sheet of the Payroll Fund; and

WHEREAS, various adjustments were made for overpayments and underpayments of pension withholdings to the State of New Jersey which resulted in a net shortage of the payroll agency account of \$3,400.14.

WHEREAS, the net payroll account has a balance of \$11,266.14.

WHEREAS, in this account there are a number of checks totaling \$3,325.87 which have been outstanding for over a year and, said checks can no longer be cashed, and;

WHEREAS, it is the desire of the Chief Financial Officer of the Borough of Caldwell that the following checks be canceled:

| <u>Check Number</u> | <u>Check Date</u> | <u>Amount</u> |
|---------------------|-------------------|---------------|
| 11066201 | 7/17/2009 | \$ 54.20 |
| 11066240 | 7/17/2009 | \$ 105.03 |
| 11066247 | 7/17/2009 | \$ 484.56 |
| 11120165 | 12/4/2009 | \$ 127.63 |
| 11114608 | 11/20/2009 | \$ 37.51 |
| 11127200 | 12/18/2009 | \$ 125.35 |
| 11157784 | 3/5/2010 | \$ 22.57 |
| 11163534 | 3/19/2010 | \$ 40.63 |
| 11174502 | 4/16/2010 | \$ 40.63 |
| 11179918 | 4/30/2010 | \$ 22.57 |
| 11195751 | 6/11/2010 | \$ 7.23 |
| 11213510 | 7/23/2010 | \$ 45.15 |
| 11220656 | 8/6/2010 | \$ 45.16 |
| 11213549 | 7/23/2010 | \$ 182.30 |
| 11239370 | 9/17/2010 | \$ 22.57 |
| 11233037 | 9/3/2010 | \$ 254.13 |
| 11245455 | 10/1/2010 | \$ 20.31 |
| 11245492 | 10/1/2010 | \$ 27.54 |
| 11239434 | 9/17/2010 | \$ 46.30 |
| 11271646 | 11/26/2010 | \$ 29.39 |
| 11288658 | 12/24/2010 | \$ 92.55 |
| 11294950 | 1/7/2011 | \$ 38.10 |
| 11294956 | 1/7/2011 | \$ 77.26 |
| 11320709 | 3/4/2011 | \$ 92.50 |
| 11320723 | 3/4/2011 | \$ 23.08 |

| <u>Check Number</u> | <u>Check Date</u> | <u>Amount</u> |
|---|-------------------|---------------------|
| 11338984 | 4/15/2011 | \$ 51.96 |
| 11195749 | 6/11/2010 | \$ 137.27 |
| 11382631 | 7/22/2011 | \$ 11.09 |
| 11394260 | 8/19/2011 | \$ 79.09 |
| 11410971 | 9/30/2011 | \$ 405.96 |
| 11422693 | 10/28/2011 | \$ 44.33 |
| 11428247 | 11/11/2011 | \$ 41.57 |
| 11457182 | 1/27/2012 | \$ 169.44 |
| 11457183 | 1/27/2012 | \$ 22.16 |
| 11466690 | 2/24/2012 | \$ 23.09 |
| 11476598 | 3/23/2012 | \$ 23.07 |
| 11476644 | 3/23/2012 | \$ 215.41 |
| 11495066 | 5/18/2012 | \$ 15.01 |
| 11495091 | 5/18/2012 | \$ 22.17 |
| Sub Total: | | \$ 3,325.87 |
| 05/10/2012 Net Payroll Adjustment: | | \$ 4,940.27 |
| Minimum Held Account Balance: | | \$ 3,000.00 |
| Sub Total: | | \$ 11,266.14 |
| Net Shortage in Payroll Agency Account: | | \$ (3,400.14) |
| Total amount to cancel: | | \$ 7,866.00 |

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Caldwell, NJ, that the aforementioned reserves and outstanding checks be cancelled resulting in a \$7,866.00 credit to Current Fund – Miscellaneous Revenues Not Anticipated.



**BOROUGH OF CALDWELL
NEW JERSEY**



RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

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|-----------|--|--|--|--|--|---------|--|--|--|--|
| Hauser | | | | | | Kelley | | | | |
| Coyle | | | | | | Rodgers | | | | |
| O'Donnell | | | | | | Durkin | | | | |

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor

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



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 8-191

Date of Adoption: August 6, 2013

TITLE:

AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 12-00014 PAYABLE TO US BANK CUST-PROCAP 11, LLC

WHEREAS, it has been determined by the Borough Tax Collector that the homeowners has redeemed the Lien on the property listed at 33 Brookside 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 lien redemption;

| <u>BLOCK & LOT</u> | <u>RECIPIENT</u> | <u>REDEMPTION AMOUNT</u> |
|------------------------|--|--------------------------|
| Block 52 Lot 19 | US Bank Cust-Procap 11, LLC. 50 South 16 th Street, Suite 1950 Philadelphia, PA 19102 | \$ 964.20 |
| | | PREMIUM <u>\$ 300.00</u> |
| | | \$1,264.20 |

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

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|-----------|--|--|--|--|--|---------|--|--|--|--|
| Hauser | | | | | | Kelley | | | | |
| Coyle | | | | | | Rodgers | | | | |
| O'Donnell | | | | | | Durkin | | | | |

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 8-192

Date of Adoption: August 6, 2013

TITLE:

RESOLUTION AUTHORIZING A CREDIT FOR OVERPAYMENT OF 2011 & 2012 TAXES FOR BLOCK 74 LOT 5, 14 BOWERS ROAD, CALDWELL, NJ

WHEREAS, the homeowner at 14 Bowers Road filed a tax appeal for the tax year 2010, the property having a assessed value of \$762,500, and

WHEREAS, the assessor found true value at \$637,500, \$125,000 less than the assessed value, and

WHEREAS, to mitigate the financial impact on the Borough the tax assessor negotiated a settlement reducing the assessed value \$100,000 in 2010 and \$25,000 for the subsequent year, and

WHEREAS, the assessor overlooked adjusting this record in the subsequent year, and

NOW THEREFORE BE IT RESOLVED the tax assessment for the property at 14 Bowers Road, Block 75, Lot 5 be reduced by \$25,000 and the new assessed value will be \$637,500, and

BE IT ALSO RESOLVED that the Tax Collector is instructed to credit fourth quarter taxes for the year 2013 in the amount of \$1,163.25, for overpayments in years 2011 and 2012.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

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| Hauser | | | | | | Kelley | | | | |
| Coyle | | | | | | Rodgers | | | | |
| O'Donnell | | | | | | Durkin | | | | |

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 8-193

Date of Adoption: August 6, 2013

TITLE:

**RESOLUTION AUTHORIZING A CREDIT FOR TAX EXEMPT PROPERTY FOR BLOCK
30.02 LOT 7, 98 CENTRAL AVENUE, CALDWELL, NJ**

WHEREAS, the property at 98 Central Avenue, was tax exempt listed as a 15 F on our tax records, was sold and has gone back on our tax rolls, and

WHEREAS, the assessor found the assessed value, doubled, and

WHEREAS, the assessor is correcting this record in the next year

NOW THEREFORE BE IT RESOLVED the tax assessment for the property at 98 Central Avenue, Block 30.02, Lot 7 be reduced back to original assessment, and

BE IT ALSO RESOLVED that the Tax Collector is instructed to credit off the 3rd quarter taxes for the year 2013 in the amount of \$4,206.57 making the 3rd quarter \$2,136.81, which is the correct amount due.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

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|-----------|--|--|--|--|--|---------|--|--|--|--|
| Hauser | | | | | | Kelley | | | | |
| Coyle | | | | | | Rodgers | | | | |
| O'Donnell | | | | | | Durkin | | | | |

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 8-194

Date of Adoption: August 6, 2013

TITLE:

AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK’S OFFICE – Parent Faculty Association of Mt. Saint Dominic Academy - Off Premise / 50/50 Raffle – September 15, 2013 – 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-1267 Parent Faculty Association of Mt. Saint Dominic Academy
Off Premise – 50/50 Raffle
September 15, 2013 – 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

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| Hauser | | | | | | Kelley | | | | |
| Coyle | | | | | | Rodgers | | | | |
| O'Donnell | | | | | | Durkin | | | | |

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 8-195

Date of Adoption: August 6, 2013

TITLE:

RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION Block 302, Lot 58, Tim Berra, 23 Wilson Terrace, West Caldwell, NJ

WHEREAS, Tim Berra, (“Applicant”) requires approval from the Borough of Caldwell Sewer Utility for a SANITARY SEWER INCREASE IN FLOW to service property known as B 302, Lot 58; and

WHEREAS, the project is more specifically known as 23 Wilson Terrace, West Caldwell, New Jersey; and

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

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

WHEREAS, the Sewer Utility Director recommends approval in accordance with the Authority’s Rules and Regulations and payment of the above referenced connection fees;

NOW THEREFORE BE IT RESOLVED by the Borough of Caldwell that the Sewer Director be and hereby approves this application, in accordance with the recommendations.

BE IT FURTHER RESOLVED that this approval is further subject to compliance by the Applicant with the Rules and Regulations of the Borough of Caldwell Sewer Utility and other applicable regulatory agencies.

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE BOROUGH OF CALDWELL, ESSEX COUNTY, NEW JERSEY, AT A REGULAR MEETING HELD ON May 21, 2013.

Lisa O’Neill, Deputy Clerk

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

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| Hauser | | | | | | Kelley | | | | |
| Coyle | | | | | | Rodgers | | | | |
| O’Donnell | | | | | | Durkin | | | | |

Lisa O’Neill, Deputy Clerk

Ann Dassing, Mayor

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



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 8-196

Date of Adoption: August 6, 2013

TITLE:

**AUTHORIZING THE APPOINTMENT OF Shane Cunningham AS A 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 Shane Cunningham, 155 Roseland Avenue, Caldwell, New Jersey as a 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

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|-----------|--|--|--|--|--|---------|--|--|--|--|
| Hauser | | | | | | Kelley | | | | |
| Coyle | | | | | | Rodgers | | | | |
| O'Donnell | | | | | | Durkin | | | | |

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 8-197

Date of Adoption: August 6, 2013

TITLE:

**RESOLUTION AUTHORIZING A REFUND OF OVERPAYMENT OF 2013 TAXES FOR
BLOCK 30.02 LOT 7, 98 CENTRAL AVENUE, CALDWELL, NJ**

WHEREAS, it has been determined by the Tax Collector that the homeowners bank is entitled to a refund due to them sending us the check for THIRD quarter 2013 and have overpaid the tax account \$4,206.57.

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

| <u>BLOCK & LOT</u> | <u>RECIPIENT</u> | <u>REFUND AMOUNT</u> |
|------------------------|--|----------------------|
| Block 30.02 Lot 7 | Refund Department Corelogic Real Estate Tax Service P.O. Box 961250 Fort Worth, TX 76161-9858 | \$4,206.57 |

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

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| Hauser | | | | | | Kelley | | | | |
| Coyle | | | | | | Rodgers | | | | |
| O'Donnell | | | | | | Durkin | | | | |

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 8-198

Date of Adoption: August 6, 2013

TITLE:

AUTHORIZING THE 2013 EQUIVALENT CONNECTION CHARGE OF \$360.82 PER EQUIVALENT CONNECTION, BASED ON THE NUMBER OF EQUIVALENT CONNECTIONS AND THE APPLICATION OF THE SEWER USER AGREEMENTS BETWEEN THE BOROUGH OF CALDWELL AND THE SEWER USER MUNICIPALITIES OF WEST CALDWELL, NORTH CALDWELL, ESSEX FELLS, FAIRFIELD AND ROSELAND

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey that they do hereby adopt the 2013 equivalent connection charge based on the Sewer User Agreements with West Caldwell, North Caldwell, Essex Fells, Fairfield and Roseland and the calculations performed by the Borough Administrator and Borough Sewer Director.

BE IT RESOLVED by the Borough Council of the Borough of Caldwell that the number of equivalent connections per sewer user municipality used for the purposes of the calculations shall be in accordance with the number of connections adjusted through the implementation of the 1997 Hazen & Sawyer sewer connection audit and new connections reported by each municipality through December 31, 2012 as follows:

| | |
|------------------|-----------------|
| Caldwell | 2,944.6 |
| West Caldwell | 4,731.6 |
| North Caldwell | 1,967.6 |
| Essex Fells | 738.0 |
| Roseland | 2,600.0 |
| <u>Fairfield</u> | <u>110.0</u> |
| TOTAL: | 13,091.8 |

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey that the equivalent connection charge is set at \$ 360.82 per equivalent connection and that the Borough Administrator be authorized to forward bills to the sewer user municipalities.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

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| Hauser | | | | | | Kelley | | | | |
| Coyle | | | | | | Rodgers | | | | |
| O'Donnell | | | | | | Durkin | | | | |

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor