



***BOROUGH OF CALDWELL
NEW JERSEY***



**COUNCIL BUSINESS MEETING
August 7, 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

August 7, 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

July 17, 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# 1263-12:** AN ORDINANCE AMENDING CHAPTER 250 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE CHAPTER TITLED "ZONING", TO ADD SECTION 8.1 TITLED "BUILDINGS, IDENTIFICATION"
- ORDINANCE# 1264-12:** AN ORDINANCE TO AMEND THE BOROUGH CODE, CHAPTER 230, TRAFFIC AND VEHICLES, SECTION 230-62 SCHEDULE VIII OF THE BOROUGH CODE ENTITLED, "STOP INTERSECTIONS"
- ORDINANCE# 1265-12:** AN ORDINANCE TO AMEND THE BOROUGH CODE, CHAPTER 230, TRAFFIC AND VEHICLES, SECTION 230- 9 SCHEDULE VIII OF THE BOROUGH CODE ENTITLED, "THROUGH STREETS"
- ORDINANCE# 1266-12:** AN ORDINANCE AMENDING CHAPTER 164 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION TITLED PEACE AND GOOD ORDER
- ORDINANCE# 1267-12:** AN ORDINANCE AMENDING CHAPTER 167 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE CHAPTER TITLED "PEDDLING AND SOLICITING", TO ADD SECTION 4.1 TITLED "FINGERPRINTS"

PUBLIC HEARING AND ADOPTION OF ORDINANCES

- 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:** **Re-Introduce 9/4/2012** - AN ORDINANCE ESTABLISHING THE BOROUGH OF CALDWELL EMPLOYEE EFFICIENCY INCENTIVE PLAN



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PUBLIC HEARING AND ADOPTION OF ORDINANCES (continued)

ORDINANCE# 1262-12: AN ORDINANCE AMENDING CHAPTER 175 OF THE CODE OF THE BOROUGH OF CALDWELL TITLED PROPERTY MAINTENANCE

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.

- 8-170:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 10-00002 PAYABLE TO US BANK CUST, FOR PRO-CAPITAL 1, LLC
- 8-171:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 11-00004 PAYABLE TO US BANK CUST, FOR ATR NJ CAP ONE
- 8-172:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 10-00001 PAYABLE TO STONEFIELD INVESTMENT FUND 1, LLC.
- 8-173:** AUTHORIZING THE REFUND OF A TAX OVERPAYMENT PAYABLE TO: LI JIANDONG & ZHANG HONGPING
- 8-174:** AUTHORIZING THE BOROUGH ADMINISTRATOR TO ADVERTISE AND RECEIVE SEALED BIDS FOR INSTALLATION AND REPAIR SERVICES OF THE WATER DISTRIBUTION SYSTEM IN THE BOROUGH OF CALDWELL
- 8-175:** AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH BOSWELL ENGINEERING FOR PROVIDING THE PREPARATION OF CONSTRUCTION PLANS AND SPECIFICATIONS AND PROVIDING CONSTRUCTION INSPECTION FOR THE BROOKSIDE AVENUE CONSTRUCTION FOR A LUMP SUM FEE OF \$32,000 (\$12,500 FOR THE DESIGN PHASE AND \$19,500 FOR THE CONSTRUCTION PHASE)
- 8-176:** AUTHORIZING THE AWARD OF A 24 MONTH CONTRACT FOR PAYROLL SERVICES TO AUTOMATIC DATA PROCESSING, INC., 1 ADP BOULEVARD ROSELAND, NJ 07068 EFFECTIVE JULY 30, 2012
- 8-177:** RESOLUTION AUTHORIZING THE TRANSFER OF THE CASH BALANCE ON HAND IN PNC BANK ACCOUNT XX-XXXX-2775 FOR THE MANAGEMENT OF THE CALDWELL-WEST CALDWELL MUNICIPAL ALLIANCE GRANT PROGRAM TO THE TOWNSHIP OF WEST CALDWELL, FORMERLY MANAGED BY THE BOROUGH OF CALDWELL
- 8-178:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH AUGUST 7, 2012 FOR 2012 BILLS IN THE TOTAL AMOUNT OF \$3,024,091.21



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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.

- 8-179:** AUTHORIZING THE AWARD OF A CONTRACT FOR THE ESSEX FELLS WATER SUPPLY INTERCONNECTION METER FACILITY TO REIVAX CONTRACTING CORP, 46 WASHINGTON STREET, HARRISON, NJ 07029 IN THE AMOUNT OF \$352,704.00
- 8-180:** RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH GREG SEAMAN, LLC FOR THE MANAGEMENT AND OVERSIGHT OF THE COMPLETION OF CONSTRUCTION AT THE CALDWELL WASTEWATER TREATMENT PLANT
- 8-181:** DISPOSAL OF OBSOLETE BOROUGH OF CALDWELL VEHICLES
- 8-182:** RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE GOVERNING BODY HAVE REVIEWED, AT A MINIMUM, THE GENERAL COMMENTS AND RECOMMENDATIONS SECTIONS OF THE FISCAL YEAR 2011 ANNUAL AUDIT
- 8-183:** RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN FOR THE FISCAL YEAR 2011 AUDIT REPORT
- 8-184:** Pending - AUTHORIZING THE AWARD OF A CONTRACT FOR THE CALDWELL COMMUNITY CENTER – FITNESS ROOM MODIFICATIONS
- 8-185:** AUTHORIZING THE AWARD OF A CONTRACT FOR RENOVATION OF THE CALDWELL COMMUNITY CENTER LOCKER ROOMS TO PAKIS TILE CONTRACTORS, INC. P.O. BOX 1464 WEST CALDWELL, NEW JERSEY 07007 IN THE AMOUNT OF \$140,000.00
- 8-186:** AUTHORIZING THE AWARD OF A CONTRACT FOR THE REMOVAL OF LEAF COMPOST TO NORTH CREEK LLC, 11 PLEASANTVILLE ROAD, BASKING RIDGE, NEW JERSEY 07920 FOR AN ANNUAL REVENUE OF \$3,960.00

PUBLIC SAFETY

Councilman Murray

Liaison: Rent Board / Traffic Committee

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



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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 – August 7, 2012

REPORT OF ATTORNEY

Gregory Mascera

OLD BUSINESS

1. Open Space Acquisitions

NEW BUSINESS

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

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.



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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 8/3/2012 with all available information as of this date. This agenda has been sent to four official newspapers of the Borough on 8/3/2012 in compliance with P. L. 1975, c 213

Lisa O'Neill, Deputy Clerk.

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – July 17, 2012**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:07 PM

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

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

ABSENT:

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 , seconded by Councilman . No Discussion. On roll call, all present voted in the affirmative. Minutes approved 06/19/12.

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

Moved by Councilman Coyle, seconded by Councilman Rodgers to pull this ordinance. Discussion Ensued. On roll call, all present voted in the affirmative. Ordinance Pulled on 07/17/12.

ORDINANCE# 1260-12: AN ORDINANCE AMENDING CHAPTER 51 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION REGULATING ALARM SYSTEMS

Moved by Councilman Kelley seconded by Councilman Coyle. Discussion Ensued. On roll call, all present voted in the affirmative. Ordinance Introduced on 07/17/12.

ORDINANCE# 1261-12: AN ORDINANCE ESTABLISHING THE BOROUGH OF CALDWELL EMPLOYEE EFFICIENCY INCENTIVE PLAN

Moved by Councilman Kelley, seconded by Councilman Rodgers. Discussion Ensued. On roll call, all present voted in the affirmative. Ordinance Introduced on 07/17/12.

ORDINANCE# 1262-12: AN ORDINANCE AMENDING CHAPTER 175 OF THE CODE OF THE BOROUGH OF CALDWELL TITLED PROPERTY MAINTENANCE

Moved by Councilman Murray seconded by Councilman Coyle. Discussion Ensued. On roll call, all present voted in the affirmative. Ordinance Introduced on 07/17/12.

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

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
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Moved by Councilman Coyle, seconded by Councilman Murray. Discussion Ensued.
On roll call, all present voted in the affirmative. Ordinance Adopted on 07/17/12.

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)

Moved by Councilman Murray, seconded by Councilman Hauser. Discussion Ensued.
On roll call, all present voted in the affirmative. Ordinance Introduced on 07/17/12.

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)

Moved by Councilman Murray, seconded by Councilman Hauser. Discussion Ensued.
On roll call, all present voted in the affirmative. Ordinance Introduced on 07/17/12.

ORDINANCE# 1256-12: AN ORDINANCE AMENDING CHAPTER 250-7 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION TITLED “WORD USAGE (FENCES)

Moved by Councilman Murray, seconded by Councilman Kelley. Discussion Ensued.
On roll call, all present voted in the affirmative. Ordinance Introduced on 07/17/12.

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

Moved by Councilman Murray, seconded by Councilman Hauser. Discussion Ensued.
On roll call, Councilman O’Donnell, Murray, Hauser and Coyle voted in the affirmative. Councilman Rodgers voted in the negative. Councilman Kelley abstained. Ordinance Introduced on 06/07/12.

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)

Suzanne Pemrick, 512 Bloomfield Avenue, that the Rent Board and the Council for considering this revision. It has been a section of the ordinance that has troubled the Rent Board for a long time because the wording was such that the landlord’s must maintain the same services as existed before the enactment of the ordinance and that went back to 1984.

Donald Legow, 160 S. Livingston Avenue, Livingston, Carlyle Towers, He has been running 512 Bloomfield Avenue for over 20 years. Mr. Legow was not in favor of the change in the ordinance. Discussions Ensued.

Councilman Murray responded that there are really no major changes in the existing ordinance.

Joanne Zascione, 512 Bloomfield Avenue, spoke about things that have been happening in the building. In addition to individual tenants with individual apartment issues above and beyond issues that affect the entire building.

Moved by Councilman Murray, seconded by Councilman Kelley. Discussion Ensued.
On roll call, all present voted in the affirmative. Ordinance Introduced on 07/17/12.

Mayor Dassing thanked Councilman Murray, Lisa O’Neill and the Rent Board for their work on this. It certainly will be an improvement and will help the Rent Board be more affective. Also, thank you to Ms. Joan Pransky.

OPEN PUBLIC COMMENTS ON RESOLUTION:

**BOROUGH OF CALDWELL
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RESOLUTIONS – CONSENT AGENDA

- 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
- 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:** PULLED
- 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

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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 FIELDS WATER SUPPLY INTERCONNECTION METER FACILITY PROJECT

Motion to hold checks for Community Center Aerobics room and babysitting room. Moved by Councilman O'Donnell, seconded by Councilman Coyle. On roll call, all present voted in the affirmative.

CONSENT

Moved by Councilman Coyle, seconded by Councilman Murray. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 07/17/12.

Council President Hauser reported that he has a list of activities that he would like the Council to review and asked Lisa to forward to the Council.

Councilman Murray reported that the defibrillator has been installed in Fire House. He congratulated our new Junior Volunteer Fireman, Tristan Oesterle. There will be a bike rodeo at the Farmers Market. The officers are reviewing our crossing guards.

Chief Bongiorno asked that the Oval be secured after hours. While patrolling the officers are noticing that the bathrooms are still unlocked. Councilman Hauser responded that he will contact the Recreation Director. Greg Mascara responded that he did provide the ordinance for Bikes and skateboarding. Councilman Murray asked that Greg Mascara provides a house number ordinance. As far as the Auxiliary Police we are still waiting for the class which will be in September. Everyone that was advised is still in the loop.

Councilman O'Donnell reported that camp is up and running. The members love the new aerobics room. The babysitting room needs to be addressed.

Councilman Rodgers reported that the Board of Health and Senior Transportation do not meet in the summer. The seniors have a dinner and a movie on July 26th at 4:00PM in the Fire House. The cost is \$4.00 and reservations are required.

Mayor Dassing reported on the article that appeared in the progress in regards to the senior busing. Roseland would like to meet with us, the transportation service will continue and we may look to restructure things. There will be a fundraiser for the Library on November 15th its called the Mayors Legacy for Literacy it is brought to you by myself and Mayor Susan Gartland. We are working together to raise money for the Library. The event will be at the Green Brook Country Club we are honoring Governor Thomas Kean. I like to thank Governor Kean for agreeing and Mayor Gartland for assisting me as well. In addition today, I have submitted a grant to the NJ Department of Transportation for 2.3 million dollars to support our new streetscape initiative in the downtown. She thanked Glen Beckmeyer, Town Engineer and Paul Carelli, Borough Administrator for their help. If we get the money we will be re-doing all the sidewalks in the downtown, we will re-doing and unifying all the lights, decorative lamp posts will be updated and we would like to put some decorative touches into the downtown.

ADMINISTRATOR'S REPORT:

Paul Carelli reported that the tax bills have been printed and stuffed into envelopes and will be mailed tomorrow. Mayor Dassing thanked Lisa O'Neill and Colette Hassan for helping with the tax bills. I should have a quote for the added camera at the oval. The Chief and I have been working on the protective netting we contacted the company that put the net up. We have been looking at portable type canopies as well. We did an inventory on all the computers that we need for Borough and Police Department we definitely need a file server for the Borough and Police Department. As discussed earlier we did an RFP for the management of the Compost facility and received one bid today. We budgeted roughly \$20,000 for leasing vehicles in the Police Department. In 2011 we made the third payment for the 2008 lease payment therefore this year we are only making one payment so we will have about \$9,600.00 available in this year's budget. He will be meeting with Paul Mazzeo who will be the next Municipal Alliance Coordinator.

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REPORT OF ATTORNEY:

Greg Mascara reported that with the help of Chief Bongiorno for his detail, Sgt. Arnold and Sgt. Pellegrino for their help with the Stop Sign Ordinance, the Through Street Ordinance and the Parking Ordinance the input of the officers and the Chief are always welcome and most helpful and appreciated.

OLD BUSINESS:

Brookside Water Project

Paul Carelli reported that tonight we authorized for the construction we will be advertising on the 26th and we would like to award that contract at the next meeting for the work on the Interconnection. The design work, Crew is finishing up for the Water Main itself and that one will be authorized at the next meeting to go out to bid and we would like to award that one on September 4th. The actual paving we will have a resolution to authorize the design work to Boswell they did prepare the grant for Brookside Avenue. That bid package should be completed by September 18th advertise for that contract is for October.

Community Center BID status (Councilman O'Donnell)

Paul Carelli reported that we have advertised and three contractors have picked up the bid packages. Those bids will be opened on the 24th of July. We will award on August 7th. Councilman Murray would like to set up a committee meeting he would like to know the plan when the Community Center is closed.

NEW BUSINESS:

Open Space Acquisitions (Councilman O'Donnell)

Councilman O'Donnell spoke about purchasing the Knights of Columbus Building and removing building and making that property Open Space. Mayor Dassing spoke about why the building is for sale. The property was built in the 1930's and it has an oil tank that was pulled out, soil that needs to be remediated. Decision was to discuss in closed session.

Licensing for Canvasser/Soliciting (Chief Bongiorno)

Chief Bongiorno spoke about the ordinance, Lisa O'Neill brought up this idea for the application process to start having the canvasser and or solicitor being finger printed. Lisa also checked with West Caldwell and North Caldwell and part of their application process they do have them finger printed.

Paul Carelli spoke about the one bid that was received today for the compost. I forward to Council for review. Greg Mascara responded that if you decide to reject it, even if it is proper you will need a Resolution to do that. It would have to be a material change in the criteria. Discussions Ensued.

OPEN PUBLIC MEETING:

Hilda Moore, 3 Personett Street, asked what the criteria are for Open Space. Mayor Dassing responded that Open Space is a committee that is appointed each year made up from the Mayor and Council. They meet at a regular basis and you are welcome to come. She has a petition from her neighbors petitioning the Borough of Caldwell Mayor and Council to initiate an ordinance that prohibits the sale or rental on any religious congregation including church, synagogue or any other name given to a building used for church purposes and also entertainment business commercial purpose within this residential neighborhood. She is concerned about the parking on her street.

Rosa Granada, 28 Personette Street. spoke about the money that is used for a building whether it is Open Space or Green Acres. She asked about the ordinance and if it was being changed. Greg Mascara responded that it is almost impossible to draft an ordinance that would comply with the requirements of the law. Discussions Ensued.

Stacey Docteroff, 69 Ravine Avenue, West Caldwell, spoke about how she was up here in October in 2010 because of a curbing issue. West Caldwell has informed her that her curbing is in Caldwell. Mayor Dassing responded that she had the Tax Assessor pull the tax maps and he said we own a sliver. Our portion of Westover begins at your corner and goes south. Councilman Murray stated that he spoke to Councilman O'Hern and Mayor Tempesta basically you have no curbing, debris and crusty curb and good curb. Councilman O'Hern said that he had been down

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with DPW and they were accessing the road projects. They are going to determine where that street fell. They are definitely aware that the curbing on that street is a major issue for the West Caldwell residents.

On a motion made by Councilman Coyle and seconded by Councilman Hauser, unanimously affirmed, the Council moved into Executive Session at 9:37PM.

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 Mascera responds that the Executive Session will be discussion of contract issues in regards to Personette Street property, Personnel in regard to the term of the CFO's contract and the term of Mr. Carelli's contract.

The Executive Session was adjourned and upon a motion by Councilman Coyle, seconded by Councilman Kelley, the Council Business Conference Meeting was opened to the public and the press at 11:01P.M.

7-169: RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO PURSUE THE POTENTIAL PURCHASE OF THE KNIGHTS OF COLUMBUS PROPERTY THROUGH GREEN ACRES FUNDING AND THROUGH FUNDING AVAILABLE IN THE BOROUGH OF CALDWELL OPEN SPACE TRUST FUND AND TO TAKE WHATEVER STEPS NECESSARY TO USE THE SERVICES OF THE LAND CONSERVANCY OF NEW JERSEY AND THE BOROUGH ATTORNEY.

Moved by Councilman Coyle seconded by Councilman O'Donnell. Discussions Ensued. On roll call, Councilman Rodgers, O'Donnell, Murray, Hauser and Coyle voted in the affirmative. Councilman Kelley abstained. Resolution approved 07/17/12.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Murray, seconded by Councilman Coyle, unanimously affirmed by all members present, the meeting was adjourned at 11:03P.M.

Prepared by: _____
Lisa O'Neill, Deputy 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 that 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 24 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, other than a portable pool, within the Borough without first having obtained a permit therefore in the manner hereinafter prescribed.

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.

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. Thereafter, the owner of the private swimming pool shall be allowed to operate the private swimming pool 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.

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, other than a Portable Pool, 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.

214-10 Discharge of System

All private swimming pools other than portable 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.



BOROUGH OF CALDWELL NEW JERSEY



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 other than portable 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 a pool 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

Before water is permitted to flow into a private swimming pool other than a portable pool, 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.

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.

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.



BOROUGH OF CALDWELL NEW JERSEY



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: August 7, 2012
DATE OF PUBLICATION: August 16, 2012
MOVED:
SECONDED:

DATE OF SECOND READING: September 18, 2012
DATE OF ADOPTION: September 18, 2012
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						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# 1263-12

AN ORDINANCE AMENDING CHAPTER 250 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE CHAPTER TITLED "ZONING", TO ADD SECTION 8.1 TITLED "BUILDINGS, IDENTIFICATION"

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

That Chapter 250 of the Code of the Borough of Caldwell, New Jersey be amended as herein set forth:

1. Add Chapter 250, Section 8.1 as follows:

Section 8.1 BUILDINGS, IDENTIFICATION

All principal buildings in all districts shall be clearly identified as to building number, house number, street number, or name by means of an unobstructed sign that is attached to the outermost door or some portion of the outermost structure, or affixed to a lamp post or other exterior structure clearly visible and readable from the main abutting street.

2. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

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

DATE OF FIRST READING: August 7, 2012
DATE OF PUBLICATION: August 16, 2012
MOVED:
SECONDED:

DATE OF SECOND READING: September 18, 2012
DATE OF ADOPTION: September 18, 2012
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						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# 1264-12

AN ORDINANCE TO AMEND THE BOROUGH CODE, CHAPTER 230, TRAFFIC AND VEHICLES, SECTION 230-62 SCHEDULE VIII OF THE BOROUGH CODE ENTITLED, "STOP INTERSECTIONS".

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

1. That Chapter 230, Vehicles and Traffic, Section 230-62 Schedule VIII of the Borough Code entitled, "Stop Intersections" be and is hereby amended as follows:

Delete Schedule VIII in its entirety and replace with the following:

In accordance with the provisions of § 230-10, the following described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows: (unless noted otherwise, stop signs shall be installed so as to regulate cars travelling from every direction on the street leading to the stop intersection).

Stop Sign on	Intersection
Academy Road	Bloomfield Avenue and Academy Road
Academy Road	Prospect Street and Academy Road
Arlington Avenue	Bloomfield Avenue and Arlington Avenue
Arlington Avenue	Hatfield Street and Arlington Avenue (All-Way)
Arlington Avenue	Crane Street and Arlington Avenue (All-Way)
Ashland Street	Beekman Hill Road and Ashland Street
Ashland Street	Ryerson Avenue and Ashland Street
Birkendene Road	Westville Avenue and Birkendene Road
Bowers Road	Brookside Avenue and Bowers Road (All-Way)
Brookside Avenue	Bowers Road and Brookside Avenue (All-Way)
Brookside Avenue	Cleveland Road and Brookside Avenue (All-Way)
Brookside Avenue	Gould Place and Brookside Avenue (All-Way)
Brookside Avenue	Westville Avenue and the one-way section of Brookside Avenue
Caton Terrace	Ravine Avenue and Caton Terrace
Caton Terrace	Central Place and Caton Terrace
Cedars Road (North)	Gould Place and Cedars Road
Cedars Road (South)	Gould Place and Cedars Road
Central Place	Francis Place and Central Place
Central Place	Central Avenue and Central Place



BOROUGH OF CALDWELL NEW JERSEY



Cherry Lane	Bowers Road and Cherry Lane
Cherry Lane	Cleveland Road and Cherry Lane
Cherry Lane	Westville Avenue and Cherry Lane
Chestnut Street	Oakgrove Road and Chestnut Street
Cleveland Road	Birkendene Road and Cleveland Road
Cleveland Road	Brookside Avenue and Cleveland Road (All-Way)
Cleveland Street	Bloomfield Avenue and Cleveland Street
Cleveland Street	Whitfield Street and Cleveland Street
Cooks Municipal Parking Lot Exit	Personette Street and Cooks Lot Exit
Crane Street	Arlington Avenue and Crane Street (All-Way)
Crane Street	Elm Road and Crane Street
Crane Street	Forest Avenue and Crane Street
Domessina Lane	Espy Road and Domessina Lane
Elizabeth Street	Academy Road and Elizabeth Street
Elizabeth Street	Westville Avenue and Elizabeth Street
Ella Road	Park Avenue and Ella Road
Ella Road	Wakefield Place and Ella Road
Elm Road	Mountain Avenue and Elm Road
Erwin Place	Hatfield Street and Erwin Place
Erwin Place	Crane Street and Erwin Place
Espy Road	Bloomfield Avenue and Espy Road
Espy Road	Ravine Avenue and Espy Road
Fellsmanor Road	Ryerson Avenue and Fellsmanor Road
Ferndale Road	Mountain Avenue and Ferndale Road
Firehouse Municipal Parking Lot Exit	Roseland Avenue and Firehouse Lot Exit
Florence Place	Thomas Street and Florence Place
Florence Place	Elizabeth Street and Florence Place
Francis Place	Ravine Avenue and Francis Place



BOROUGH OF CALDWELL NEW JERSEY



Gladding Road	Knollwood Terrace and Gladding Road
Gladding Road	Oak Ridge Road and Gladding Road
Gould Place	Bloomfield Avenue and Gould Place
Gould Place	Brookside Avenue and Gould Place (All-Way)
Gould Place	Westville Avenue and Gould Place
Grover Lane	Hatfield Street and Grover Lane
Hanford Place Municipal Parking Lot Exit	Hanford Place and Hanford Lot Exit
Hanford Place	Whitfield Street and Hanford Place
Harrison Street	Forest Avenue and Harrison Street
Harrison Street	Hillside Avenue and Harrison Street
Hatfield Street	Arlington Avenue and Hatfield Street (All-Way)
Hatfield Street	Forest Avenue and Hatfield Street
Hatfield Street	Mountain Avenue and Hatfield Street
Hatfield Street	Smull Avenue and Hatfield Street
Highview Avenue	Prospect Street and Highview Road (North intersection)
Highview Avenue	Prospect Street and Highview Road (South intersection)
Hillcrest Road	Ravine Avenue and Hillcrest Road
Hillside Avenue	Crane Street and Hillside Avenue
Hillside Avenue	Hatfield Street and Hillside Avenue
Jackson Place	Overlook Road and Jackson Place
Jackson Place	Westville Avenue and Jackson Place
Kaplan Municipal Parking Lot Exit (East)	Brookside Avenue and Kaplan Lot Exit
Kaplan Municipal Parking Lot Exit (West)	Gould Place and Kaplan Lot Exit
Kirkwood Place	Forest Avenue and Kirkwood Place
Knollwood Terrace	Bowers Road and Knollwood Terrace
Knollwood Terrace	Cedars Road and Knollwood Terrace
Leaycraft Lane	Birkendene Road and Leaycraft Lane



BOROUGH OF CALDWELL NEW JERSEY



Lincoln Terrace	Gould Place and Lincoln Terrace
Linwood Terrace	Elm Road and Linwood Terrace
Linwood Terrace	Hatfield Street and Linwood Terrace
Magnolia Lane	Bloomfield Avenue and Magnolia Lane
Miller Street	Central Avenue and Miller Street
Miller Street	Park Avenue and Miller Street
Mountain Avenue	Bloomfield Avenue and Mountain Avenue
Myrtle Avenue	Park Avenue and Myrtle Avenue
Myrtle Avenue	Smull Avenue and Myrtle Avenue
North Entrance to Caldwell College	Ryerson Avenue and Service Road (North Entrance)
Oakgrove Road	Roseland Avenue and Oakgrove Road
Oak Ridge Road	Bowers Road and Oak Ridge Road
Oldchester Road	Hawthorne Road and Oldchester Road
Orchard Square	Hatfield Street and Orchard Square
Parking Lot of Mother Joseph's Hall	Ryerson Avenue and Service Road (Parking Lot)
Park Lane	Whitebirch Terrace and Park Lane
Parkway West	Oakgrove Road and Parkway West
Parson's Lot Exit	Bloomfield Avenue and Parson's Lot Exit (North)
Parson's Lot Exit	Brookside Avenue and Parson's Lot Exit (West)
Personette Street	Orchard Square and Personette Street
Ravine Avenue	Central Avenue and Ravine Avenue
Seymour Street	Ryerson Avenue and Seymour Street
Smull Avenue Parking Lot Exit	Smull Avenue and Smull Lot Exit
South Entrance to Caldwell College	Ryerson Avenue and Service Road (South Entrance)
Thomas Street	Academy Road and Thomas Street
Thomas Street	Westville Avenue and Thomas Street
Ward Place	Smull Avenue and Ward Place



BOROUGH OF CALDWELL NEW JERSEY



Ward Place	Park Avenue and Ward Place
Wakefield Place	Park Avenue and Wakefield Place
Wakefield Place	Central Avenue and Wakefield Place
Washburn Place	Bloomfield Avenue and Washburn Place
Washburn Place	Cedars Road and Washburn Place
Washburn Place	Westville Avenue and Washburn Place
Welshman Court	Miller Street and Welshman Court
Welshman Court	Wakefield Place and Welshman Court
Westbrook Drive	Brookside Avenue and Westbrook Drive
Westover Avenue	Bloomfield Avenue and Westover Avenue
Westover Avenue	Ravine Avenue and Westover Avenue
Westville Avenue	Brookside Avenue and Westville Avenue
Whitebirch Terrace	Oakgrove Road and Whitebirch Terrace
Whitfield Street	Park Avenue and Whitfield Street
Whitfield Street	Central Avenue and Whitfield Street



**BOROUGH OF CALDWELL
NEW JERSEY**



2. All Ordinances of the Borough of Caldwell which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
4. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

DATE OF FIRST READING: August 7, 2012
 DATE OF PUBLICATION: August 16, 2012
 MOVED:
 SECONDED:

DATE OF SECOND READING: September 18, 2012
 DATE OF ADOPTION: September 18, 2012
 MOVED:
 SECONDED:

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					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# 1265-12

AN ORDINANCE TO AMEND THE BOROUGH CODE, CHAPTER 230, TRAFFIC AND VEHICLES, SECTION 230- 9 SCHEDULE VIII OF THE BOROUGH CODE ENTITLED, “THROUGH STREETS”

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

1. That Chapter 230, Vehicles and Traffic, Section 230-9 Schedule VII of the Borough Code entitled, “Through Streets” be and is hereby amended as follows:

Delete Section 230-61 (Schedule VII) in its entirety and replace with the following:

In accordance with the provisions of § 230-9, the following described streets are hereby designated as through streets.

Academy Road	From Prospect Street to Bloomfield Avenue
Birkendene Road	From Westville Avenue to Lockward Road
Bloomfield Avenue	Between Caldwell - West Caldwell line and the Caldwell - North Caldwell line
Brookside Avenue	From Bloomfield Avenue to Gould Place
Central Avenue	Between Bloomfield Avenue and the Caldwell - West Caldwell line
Central Place	From Central Avenue to Francis Place
Cleveland Road	From Brookside Avenue to Birkendene Road
Crane Street	From Arlington Avenue to Elm Road
Crane Street	From Forest Avenue to Arlington Avenue
Elm Road	From Mountain Avenue to Bloomfield Avenue
Forest Avenue	Between Bloomfield Avenue and the Caldwell- West Caldwell line
Francis Place	From Ravine Avenue to Caldwell – West Caldwell Line
Gould Place	From Bloomfield Avenue to Westville Avenue
Gould Place	From Westville Avenue to Brookside Avenue
Hatfield Street	Between Arlington Avenue and Mountain Avenue
Hatfield Street	Between Forest Avenue and Smull Avenue
Hatfield Street	Between Forest Avenue and Arlington Avenue
Hawthorne Road	From the Caldwell - Essex Fells line to Ryerson Avenue
Hillside Avenue	From Hatfield Street to West Caldwell – Caldwell Line
Lane Avenue	Between Bloomfield Avenue and the Caldwell - West Caldwell line



BOROUGH OF CALDWELL NEW JERSEY



Miller Street	From Park Avenue to Central Avenue
Mountain Avenue	Between Bloomfield Avenue and the Caldwell - North Caldwell line
Oak Grove Road	Between Roseland Avenue and Caldwell - Essex Fells line
Park Avenue	Between Bloomfield Avenue and the Caldwell - West Caldwell line
Prospect Street	Between Bloomfield Avenue and the Caldwell - West Caldwell line
Ravine Avenue	Between the Caldwell - West Caldwell line and Central Avenue
Roseland Avenue	Between Bloomfield Avenue and the Caldwell - Essex Fells line
Ryerson Avenue	From Hawthorne Road to its terminus with Bloomfield Avenue
Smull Avenue	Between Bloomfield Avenue and the Caldwell - West Caldwell line
Wakefield Place	From Park Avenue to Central Avenue
Westville Avenue	Between Roseland Avenue and the Caldwell - West Caldwell line
Whitfield Street	Between Park Avenue and Central Avenue

2. All Ordinances of the Borough of Caldwell which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
4. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.



BOROUGH OF CALDWELL NEW JERSEY



DATE OF FIRST READING: August 7, 2012
DATE OF PUBLICATION: August 16, 2012
MOVED:
SECONDED:

DATE OF SECOND READING: September 18, 2012
DATE OF ADOPTION: September 18, 2012
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					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# 1266-12

AN ORDINANCE AMENDING CHAPTER 164 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION TITLED PEACE AND GOOD ORDER

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

That Section 2, the Section titled Malicious Mischief of Chapter 164 of the Code of the Borough of Caldwell, New Jersey be amended as herein set forth:

That Chapter 164, Section 2, of the Code of the Borough of Caldwell, the section titled Malicious Mischief is amended by adding the following:

- C. No person shall ride, park, or place in any position, a bicycle, skateboard or other apparatus used for riding or recreation on any publicly owned artificial grass surface within the Borough.
- D. No person shall ride, park, or place in any position, a bicycle, skateboard or other apparatus used for riding or recreation on any publicly owned ramp or other walkway used for handicapped access to a public building.
- 2. All Ordinances of the Borough of Caldwell which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
- 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
- 4. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

DATE OF FIRST READING: August 7, 2012
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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					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# 1267-12

AN ORDINANCE AMENDING CHAPTER 167 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE CHAPTER TITLED "PEDDLING AND SOLICITING", TO ADD SECTION 4.1 TITLED "FINGERPRINTS"

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

That Chapter 250 of the Code of the Borough of Caldwell, New Jersey be amended as herein set forth:

1. Add Chapter 167, Section 4.1 as follows:

Section 4.1 FINGERPRINTS

All applicants for a permit under this Chapter shall, in addition to meeting the requirements set forth in section 4 herein or contained anywhere else in this Chapter, be fingerprinted at the establishment then performing such services on behalf of the police department. The chief of police or other police officer who is investigating the applicant pursuant to section 167-6 herein shall use the fingerprints as part of the background check as set forth in that section.

- 2. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
- 3. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

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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: 8-170

Date of Adoption: August 7, 2012

TITLE:

AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 10-00002 PAYABLE TO US BANK CUST, FOR PRO-CAPITAL 1, LLC

WHEREAS, it has been determined by the Borough Tax Collector that the taxpayers has redeemed the Lien on the property listed at Harrison 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 14 Lot 12.03	US BANK CUST FOR Pro-Capital, LLC. US BANK TLSG 50 S. 16 Street, Suite 1950 Philadelphia, PA 19102-2513	
	TOTAL	\$14,328.83

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: 8-171

Date of Adoption: August 7, 2012

TITLE:

AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 11-00004 PAYABLE TO US BANK CUST, FOR ATR NJ CAP ONE

WHEREAS, it has been determined by the Borough Tax Collector that the taxpayers has redeemed the Lien on the property listed at Harrison 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 14 Lot 12.03	US BANK CUST. FOR ATR ARQUE TAX REC. FUND, LP 50 S. 16 Street, Suite 1950 Philadelphia, PA 19102-2513	
	TOTAL	\$ 3,674.59

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: 8-172

Date of Adoption: August 7, 2012

TITLE:

**AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 10-00001 PAYABLE TO
STONEFIELD INVESTMENT FUND 1, LLC.**

WHEREAS, it has been determined by the Borough Tax Collector that the taxpayers has redeemed the Lien on the property listed at 80 Forest 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 14 Lot 1	STONEFIELD INVESTMENT FUND, 1 LLC. 21 ROBERT PITT DRIVE #202 MONSEY, NY 10952	
	TOTAL	\$40,616.69

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: 8-173

Date of Adoption: August 7, 2012

TITLE:

AUTHORIZING THE REFUND OF A TAX OVERPAYMENT PAYABLE TO: LI JIANDONG & ZHANG HONGPING

WHEREAS, it has been determined by the Borough Tax Collector that the taxpayers Bank has over paid the tax, for 12 Bowers Road, Caldwell, NJ; resulting in a overpayment 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 tax overpayment;

See attached letter from homeowner requesting overpayment be returned:

<u>BLOCK & LOT</u>	<u>RECIPIENT</u>	<u>REFUND AMOUNT</u>
Block 74 Lot 4	Li, Jiandong & Zhang Hongping 12 Bowers Road Caldwell, NJ 07006	\$711.44

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: 8-174

Date of Adoption: August 7, 2012

TITLE:

AUTHORIZING THE BOROUGH ADMINISTRATOR TO ADVERTISE AND RECEIVE SEALED BIDS FOR INSTALLATION AND REPAIR SERVICES OF THE WATER DISTRIBUTION SYSTEM IN THE BOROUGH OF CALDWELL

WHEREAS, it is necessary to advertise and receive sealed bids for installation and repair services of the Water Distribution System in the Borough of Caldwell

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 installation and repair services of the Water Distribution System in the Borough of Caldwell

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: 8-175

Date of Adoption: August 7, 2012

TITLE:

AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH BOSWELL ENGINEERING FOR PROVIDING THE PREPARATION OF CONSTRUCTION PLANS AND SPECIFICATIONS AND PROVIDING CONSTRUCTION INSPECTION FOR THE BROOKSIDE AVENUE CONSTRUCTION FOR A LUMP SUM FEE OF \$32,000 (\$12,500 FOR THE DESIGN PHASE AND \$19,500 FOR THE CONSTRUCTION PHASE)

WHEREAS, the Borough of Caldwell has a need to acquire engineering services as pursuant to the provisions of N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, the Borough Treasurer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, Boswell Engineering has submitted a proposal dated July 9, 2012 indicating that they will provide engineering services for providing the preparation of construction plans and specifications and providing construction inspection for Brookside Avenue Construction for a lump sum fee of \$64,500 (\$25,000 for the design phase and \$39,500 for the construction phase); and

WHEREAS, Boswell Engineering has completed and submitted a Business Entity Disclosure Certification which certifies that Boswell Engineering has not made any reportable contributions to a political or candidate committee in the Borough of Caldwell in the previous one-year, and that the contract will prohibit Boswell Engineering from making any reportable contributions through the term of the contract; and

WHEREAS, the Borough Treasurer has certified that funds are available pursuant to N.J.A.C. 5:30-5.4

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; and

BE IT FUTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FUTHER RESOLVED that the Local Public Contracts Law N.J.S.A. 40A:11-5(1), et seq. requires that the resolution authorizing the award of Contracts for Professional Services without competitive bids must be publicly advertised;

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



July 9, 2012

Borough of Caldwell
One Provost Square
Caldwell, New Jersey 07006-5189

Attention: Mr. Paul Carelli, Borough Administrator

Re: Brookside Avenue Improvements
(NJDOT FY2012)
Borough of Caldwell
Essex County, New Jersey
Our File No. PR-12-4456

Dear Mayor Dassing and Members of the Council:

In accordance with your request, this letter shall serve as Boswell Engineering's (Boswell) proposal for the preparation of construction plans and specifications for the above referenced project.

The 2012 New Jersey Department of Transportation (NJDOT) Municipal Aid Grant for Brookside Avenue Improvements is \$265,000.00. Please note that the application requested \$600,300.00 to fund the construction, construction inspection, and materials testing.

The following is an outline of the scope of work and the estimated fee for our design and construction inspection services.

SCOPE OF WORK

The scope of work includes milling and resurfacing of Brookside Avenue from Bloomfield Avenue to the Borough Line (just east of Runnymede Road). We will work with the Borough to determine shortened project limits as necessary based upon NJDOT funding. Complete curb replacement with Belgian block will be made, as well as sidewalk and driveway repair as appropriate. Handicap ramps will be upgraded to comply with current ADA requirements, including installation of detectable warning surfaces and construction of proper slopes. Pavement markings will be installed in accordance with standards set forth in the *Manual on Uniform Traffic Control Devices*. Upgraded curb pieces and bicycle safe grates will be installed throughout the project limits.

SCOPE OF SERVICES

Boswell will perform the following scope of services:

1. Perform a site visit in order to prepare project base mapping.
2. Prepare roadway construction plans in accordance with current NJDOT requirements.
3. Prepare specifications in accordance with NJDOT and Borough of Caldwell requirements.
4. Prepare bid documents and advertise the project.
5. Perform the necessary updates to the NJDOT's System for Administering Grants Electronically (SAGE) as the project progresses.
6. Coordinate and attend a pre-construction meeting with appropriate Borough officials, utility companies and other parties affected by the construction activities.
7. Provide inspection services during the construction phase.
8. Review contractor invoices to the Borough.
9. Make a final inspection of the project improvements.

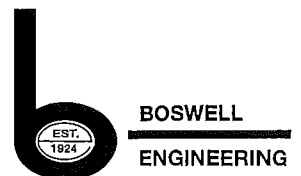
FEE PROPOSAL

Boswell will perform the services outlined in the proposal for an estimated fee not to exceed \$25,000.00 for the design phase and \$39,500.00 for the construction phase. The billing will be based on our hourly rates in effect at the time the work is performed. The NJDOT may reimburse the Borough, through the grant received, up to 15% of the grant to cover construction inspection and materials testing.

ITEMS NOT INCLUDED IN THE ENGINEERING FEE

The following items are not anticipated to be required and are therefore excluded:

1. Topographic Survey, including ROW Location Determination
2. Soil Erosion and Sediment Control Plan Certification



3. Permit Fees
4. New Jersey Department of Environmental Protection Permits
5. Right-of-Way and/or Easement Plans or Descriptions
6. Structural Plans (Including Retaining Walls)
7. Material Testing (required by the NJDOT but cannot be quantified at this time)

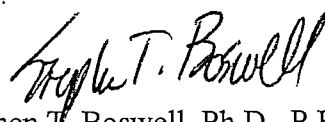
We estimate that the bituminous concrete materials testing required by NJDOT will be approximately \$2,000.00. The Borough will be billed directly by the pavement coring/testing contractor.

Additional work above and beyond what is outlined in the proposal will be performed as authorized by the Borough.

Thank you for the opportunity to submit this proposal. We look forward to providing the Borough of Caldwell with our engineering services and to the successful completion of this project. Should you have any questions or require additional information, please do not hesitate to contact Christopher J. Nash, P.E. or me.

Very truly yours,

BOSWELL ENGINEERING

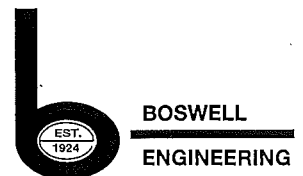


Stephen T. Boswell, Ph.D., P.E., SECB

STB/KAB/amg

cc: Bob Bellasalma, Project Coordinator
Glenn Beckmeyer, P.E., Borough Engineer

120402KABP1.doc




CERTIFICATION OF AVAILABLE FUNDS

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

<u>APPROPRIATION</u>	<u>AMOUNT</u>
C.04.55.835.001	\$64,500.00

PURPOSE:

TO AWARD CONTRACT TO BOSWELL ENGINEERING FOR THE CONSTRUCTION PLANS, SPECIFICATIONS AND INSPECTIONS FOR BROOKSIDE AVENUE CONSTRUCTION FOR A TOTAL FEE OF \$64,500.00


Margaret S. Cherone, CFO

August 6, 2012



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 8-176

Date of Adoption: August 7, 2012

TITLE:

AUTHORIZING THE AWARD OF A 24 MONTH CONTRACT FOR PAYROLL SERVICES TO AUTOMATIC DATA PROCESSING, INC., 1 ADP BOULEVARD ROSELAND, NJ 07068 EFFECTIVE JULY 30, 2012

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 24 month 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

CERTIFICATION OF AVAILABLE FUNDS

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

<u>APPROPRIATION</u>	<u>AMOUNT</u>
2.01.20.100.26	\$5,736.00

**Balance will be appropriated against
future budgets based upon availability
of funds for years 2013 and part of 2014.**

PURPOSE:

**TO AWARD TWENTY-FOUR MONTH CONTRACT, COMMENCING JULY 30, 2012
TO ADP FOR PAYROLL SERVICES, AT AN ANNUAL PROPOSED COST WITH
DISCOUNTS OF \$13,768.33, FOR A TOTAL PROPOSED COST OF \$27,536.66**

Margaret S. Cherone, CFO

August 6, 2012



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 8-177

Date of Adoption: August 7, 2012

TITLE:

RESOLUTION AUTHORIZING THE TRANSFER OF THE CASH BALANCE ON HAND IN PNC BANK ACCOUNT XX-XXXX-2775 FOR THE MANAGEMENT OF THE CALDWELL-WEST CALDWELL MUNICIPAL ALLIANCE GRANT PROGRAM TO THE TOWNSHIP OF WEST CALDWELL, FORMERLY MANAGED BY THE BOROUGH OF CALDWELL

WHEREAS, the Borough of Caldwell recently transferred the management of the Caldwell-West Caldwell Municipal Alliance grant program to the Township of West Caldwell via notification in the letter dated May 7, 2012 to the County of Essex Health Department; and

WHEREAS, the transferred Municipal Alliance grant program has a grant term from 2009 through 2012; and

WHEREAS, the Borough of Caldwell has been the recipient of the annual grant funds from the Governor’s Council on Alcoholism and Drug Abuse during each of these years; and

WHEREAS, the Borough of Caldwell has a cash balance on hand in the amount of \$11,497.81 in PNC Bank, Account XX-XXXX-2775 and will transfer the cash balance to the Township of West Caldwell for the operation of the grant program now under the management of the Township of West Caldwell.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Caldwell, NJ that the Borough Council hereby authorizes the Chief Financial Officer to disburse the amount of \$11,497.81 to the Township of West Caldwell for the management of the Caldwell-West Caldwell Municipal Alliance Grant Program, formerly managed by the Borough of Caldwell.

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: 8-178

Date of Adoption: August 7, 2012

TITLE:

AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH AUGUST 7, 2012 FOR 2012 BILLS IN THE TOTAL AMOUNT OF \$3,024,091.21

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: 8-179

Date of Adoption: August 7, 2012

TITLE:

AUTHORIZING THE AWARD OF A CONTRACT FOR THE ESSEX FELLS WATER SUPPLY INTERCONNECTION METER FACILITY TO REIVAX CONTRACTING CORP, 46 WASHINGTON STREET, HARRISON, NJ 07029 IN THE AMOUNT OF \$352,704.00

WHEREAS, the Borough of Caldwell advertised for and received bids for the Essex Fells Water Supply Interconnection Meter Facility on August 1, 2012; and

WHEREAS, the Borough of Caldwell received proposals from (6) contractors; and

WHEREAS, this matter was reviewed by the Borough's Engineering professional and Licensed Water Operator; and

WHEREAS, the lowest responsible bidder was Reivax Contracting Corp, 46 Washington Street, Harrison, NJ 07029 with a bid of \$352,704.00; and

WHEREAS, a certification is attached hereto indicating the availability of funds within the anticipated appropriation

NOW THEREFORE, BE IT RESOLVED, that Borough Council of the Borough of Caldwell, New Jersey does hereby authorize the award of a contract for the Essex Fells Water Supply Interconnection Meter Facility to Reivax Contracting Corp, 46 Washington Street, Harrison, NJ 07029

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Caldwell that the Borough Administrator is authorized to execute the necessary contracts 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

August 1, 2012

VIA EMAIL/USPS

Mr. Paul M. Carelli, Administrator
Borough of Caldwell Water Department
One Provost Square
Caldwell, NJ 07006

Re: Essex Fells Water Supply Interconnection Meter Facility
Borough of Caldwell, NJ
Crew Proj. No. CLD006.080

Dear Mr. Carelli:

Bids were received by the Borough of Caldwell on August 1, 2012 for the construction of the Essex Fells Water Supply Interconnection Meter Facility. Six bids were received by the Borough. Attached is the Bid Tab listing Contractors and their respective bids, from a low of \$352,704.00 to a high of \$637,615.00. The average of the bids was \$466,142.00. Bids for the three lowest bidders were furnished to us and were checked for accuracy and completeness; other bids were not.

We found the bids submitted by Reivax Contracting Corp. (Reivax), the apparent low bidder, Matina & Son, Inc. (Matina), and Colonnelli Brothers, Inc. (Colonnelli), to be complete as submitted.

In accordance with the requirements of the Department of Labor, we have reviewed the July 31, 2012 list of contractors in violation of the Prevailing Wage Act prepared by the New Jersey Department of Labor, and have ascertained that the three lowest bidders are not on this list and are, therefore, not prohibited in this regard from receiving a Public Works Contract award.

A review of the three lowest bids submitted indicates that there are no mathematical errors that would affect the relative positioning of the bidders.

Crew has worked with Reivax in the past on several water system improvement projects. Reivax is currently completing a water system extension project including a meter vault and pressure-regulating facility, which work was designed by our office. Reivax's performance in the past was considered satisfactory.

Matina listed numerous recently completed projects of similar nature to the above-referenced project. Matina recently constructed the Lane Avenue water main improvements for the Borough, which work was designed by our office. Matina's work and cooperation during the construction phase was considered to be very good.

Reivax listed Cutter Drill and Machine, Howell, New Jersey, and R. Spark, Inc., Somerville, New Jersey, as their subcontractors for the project. Reivax submitted their State of New Jersey Business Registration Certificate, as well as the State of New Jersey Business Registration Certificates for both of the aforementioned subcontractors.

Mr. Paul M. Carelli, Administrator
August 1, 2012
Page 2

Crew recommends that the construction of the Essex Fells Water Supply Interconnection Meter Facility project be awarded to Reivax, subject to the Borough Attorney's review and approval of the original Bid Documents. The Bid Bonds for the three lowest bidders will remain in effect until the Contract is executed.

Very truly yours,

CREW ENGINEERS, INC.

A handwritten signature in black ink, appearing to read "Alec Mittiga". The signature is fluid and cursive, with the first name "Alec" and the last name "Mittiga" clearly distinguishable.

Alec Mittiga, P.E.

AM:js

cc: William Frint, Water Operator

E:\Wpdocs\Letter\carelli.aug.doc

BID TABULATION

CLIENT: Borough of Caldwell

PROJECT: Essex Fells Water Supply Interconnection Meter Facility

CONTRACT: _____

BIDS RECEIVED: Wednesday, August 1, 2012

BIDDERS	BID SECURITY	BID	ALT 1
Reivax Contracting 46 Washington St. Harrison, NJ 07029		\$316,704.00	\$36,000
Matina & Son 146 English St. Hackensack, NJ 07601		\$365,000.00	\$2.00
Colonnelli Bros., Inc. 409 South River St. Hackensack, NJ 07601		\$411,110.00	\$46,000
Garcia, John Construction Co., Inc. 183 Friar Lane Clifton, NJ 07013		\$403,928.80	\$80,000.00
Rock Solid Construction, Inc. 83 Clifford St. Newark, NJ 07105		\$486,190.00	\$14,300
Montana Construction 80 Contant Ave. Lodi, NJ 07644		\$605,615.00	\$32,000


CERTIFICATION OF AVAILABLE FUNDS

THIS IS TO CERTIFY THAT FUNDS ARE AVAILABLE AS FOLLOWS:

<u>APPROPRIATION</u>	<u>AMOUNT</u>
C.06.55.556.001	\$185,000.00
C.06.55.557.002	\$167,704.00

PURPOSE:

TO AWARD CONTRACT TO REIVAX CONTRACTING CORP., 46 WASHINGTON STREET, HOBOKEN, NJ FOR THE ESSEX FELS WATER SUPPLY INTERCONNECTION METER FACILITY IN THE AMOUNT OF \$352,704.00


Margaret S. Cherone, CFO

August 6, 2012



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 8-180

Date of Adoption: August 7, 2012

TITLE:

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH GREG SEAMAN, LLC FOR THE MANAGEMENT AND OVERSIGHT OF THE COMPLETION OF CONSTRUCTION AT THE CALDWELL WASTEWATER TREATMENT PLANT

WHEREAS, the governing body of the Borough of Caldwell serves as the administrative body of the Caldwell Sewer Board; and

WHEREAS, the Borough of Caldwell entered into a contract for Wastewater Treatment Plant Upgrades in 2007; and

WHEREAS, terms and conditions of the contract remain unfulfilled; and

WHEREAS, prolonged delays in the completion of the construction contract may cause harm to the health and welfare of the citizens of Caldwell and to the health and welfare of the citizens of West Caldwell and of other surrounding communities that are served by the Caldwell Wastewater Treatment Plant; and

WHEREAS, Greg Seaman, the sole member of Greg Seaman, LLC, serves as the director of the Caldwell Wastewater Treatment Plant; and

WHEREAS, the Borough of Caldwell has a need to acquire professional services to oversee the completion of the Wastewater Treatment Plant upgrades and; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5, authorizes the Borough to enter into contracts for professional services without competitive bidding; and

WHEREAS, this contract is being awarded in accordance with the requirements of N.J.S.A. 19:44A-20.5 et seq applicable to non-fair and open contracts; and

WHEREAS, Greg Seaman, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Greg Seaman, LLC has not made any reportable contributions to any political or candidate committee in the Borough of Caldwell in the previous one year period; and

WHEREAS, Greg Seaman, LLC has submitted a proposal dated July 12, 2012 indicating that it will provide management services for the completion of the Caldwell Wastewater Treatment Plant at a rate of \$75.00 per hour; and

WHEREAS, the Borough Treasurer has determined and certified in writing that the value of the contract might exceed \$17,500.

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 the administrative body of the Caldwell Sewer Board with Greg Seaman, LLC wherein Greg Seaman, LLC will manage and direct the completion of the construction of the improvements and upgrades to the Caldwell Wastewater Treatment Plant at a rate of \$75.00 per hour; and

BE IT FURTHER RESOLVED that the contract amount shall not exceed \$25,000, and the Borough Treasurer has certified pursuant to N.J.A.C. 5:30-5.4 that funds are available

BE IT FURTHER RESOLVED that should Greg Seaman or Greg Seaman, LLC make a reportable contribution to any political or candidate committee in the Borough of Caldwell through the term of the contract, the contract shall be deemed void; and



BOROUGH OF CALDWELL NEW JERSEY



BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that the Local Public Contracts Law N.J.S.A. 40A:11-5(1), et seq. requires that the resolution authorizing the award of Contracts for Professional Services without competitive bids must be publicly advertised, and the Borough Clerk shall publish notice in the Caldwell Progress stating the nature, duration, service and amount of the Professional Services Agreement, and further providing that copies of this Resolution and the agreement are on file and available for inspection at the Borough Clerk's office, and the Borough Clerk shall so comply

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

July 12, 2012

Mr. Paul Carelli, Administrator
Borough of Caldwell
1 Provost Square
Caldwell, NJ 07006

Re: Wastewater Treatment Plant Management and Completion

Dear Mr. Carelli:

Pursuant to our meeting regarding the management of the completion of the Caldwell Wastewater Treatment Plant authorized at the Council Meeting of June 19, 2012, please allow this letter serve as confirmation of my proposal for this work.

The framework of the project will include, but not be limited to, the following tasks:

- Development of a comprehensive punchlist to complete the project
- Development of outstanding invoices from vendors with items to be completed
- Obtaining cost estimates for completion
- Total cost estimate for project construction/startup completion
- Scheduling of any final permits/equipment certifications
- Discussions with regulatory agencies for satisfaction and approvals
- Project closeout and initiation of performance and maintenance periods
- Research/implementation of manufacturer warranty periods
- Interaction with NJEIT regarding trust loan closeout
- Satisfaction of all safety related issues
- Development of record drawings
- Development of plant O&M manual

I propose the sum of \$75.00 per hour for all time related to the above items, as well as any other matters that may arise.

Any additional expenditures will be reimbursed and/or paid directly to the provider of service upon approval by the Borough Administrator.

Should you have any questions or require additional information please contact me.

Very truly yours,

Gregory Seaman



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 8-181

Date of Adoption: August 7, 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
1991 Chevy Pickup	Sewer Plant	1GCCS14E2MO124375

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



Motor Vehicle Commission  **NEW JERSEY**
Gregory J. Harney
CHIEF ADMINISTRATOR
MOTOR VEHICLE COMMISSION

VEHICLE REGISTRATION




PLATE NO: **MG97YX** GOOD THRU: **10/2011**
VIN: **1GCCS14E2M0124375**
CHE 1991 PKUP **GW:5000** **AX:2**
TOWNSHIP BOROUGH OF CALDWELNO FEE VEH **12**
1 PROVOST SQ CC:894111139070060
CALDWELL NJ 07006 RENEWAL PT:CM
FEE: **0.00** RP200821823927401

Reverse Side - Any Alteration will void the registration

WJ
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REC
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VEH
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BOROUGH OF CALDWELL
NEW JERSEY



Resolution No: 8-182

Date of Adoption: August 7, 2012

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 2011 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 2011 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

Table with 4 columns for Yes, No, Absent, Abstain and 3 rows for Councilmembers: Hauser, Murray, Coyle and O'Donnell, Kelley, Rodgers.

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 8-183

Date of Adoption: August 7, 2012

TITLE:

RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN FOR THE FISCAL YEAR 2011 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 2011 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

Hauser						O'Donnell				
Murray						Kelley				
Coyle						Rodgers				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor

New Jersey Department of Community Affairs
Division of Local Government Services
Corrective Action Plan

Borough of Caldwell
County of Essex
Audit Report Year – December 31 2011

I. Schedule of Findings Relating to the Financial Statements which are required to be reported under Generally Accepted Government Auditing Standards.

Finding 2011-1:

The Borough does not maintain an adequate segregation of duties with respect to the recording and treasury functions.

Recommendation:

The Borough should evaluate the performance of duties and provide for adequate segregation of duties with respect to the recording and treasury functions.

Explanation and Corrective Action:

The Borough Administrator and CFO will reassign certain duties within the specific departments and offices where the concentration of duties and responsibilities assigned to the limited number of individuals is not desirable so as to provide for better controls and an adequate segregation of the functions.

II. Comments and Recommendations

Finding 1: Pay-to-Play Forms

The Borough did not obtain a current pay-to-play political contribution form for a professional service engineering firm.

Recommendation:

The Borough should obtain the required political contribution forms for all vendors as required by the pay-to-play laws.

New Jersey Department of Community Affairs
Division of Local Government Services
Corrective Action Plan

Borough of Caldwell
County of Essex
Audit Report Year – December 31 2011

Explanation and Corrective Action:

The Borough will implement a standard checklist to ensure that all required forms are obtained from vendors doing business with the Borough.

Finding 2: Appropriated Grant Reserves and Grants Receivables

The Borough has a number of older appropriated grant reserve balances and grant receivable balances in the Federal and State Grant Fund, as well as several older Special Legislative grant receivable balances in the General Capital Fund.

Recommendation:

The Borough should review the grant receivable balances for collectability, and cancel those which are cannot be collected. Additionally, the grant reserves should be reviewed for cancellation.

Explanation and Corrective Action:

The Borough will review both the grant receivables and the grant reserves for possible cancellation.

Finding 3: Computerized Expenditure Records

The Borough's disbursements per the computerized expenditure reports for the various funds are not reconciled with the cash disbursement spreadsheets and the general ledgers prepared in Finance.

Recommendation:

The Borough should reconcile the disbursements as per the computerized expenditure reports to the cash disbursement spreadsheets and the general ledgers prepared by Finance on a monthly basis.

Explanation and Corrective Action:

Cash disbursements per the computerized expenditure reports will be reconciled to the cash disbursement spreadsheets and the general ledgers on a monthly basis.

New Jersey Department of Community Affairs
Division of Local Government Services
Corrective Action Plan

Borough of Caldwell
County of Essex
Audit Report Year – December 31 2011

Finding 4: Internal Controls

The Borough records revealed that the CFO and the Assistant Treasurer are the two authorized signatories on the Borough's checks and the Assistant Treasurer is also responsible for the Accounts Payable function, which does not allow for adequate segregation of duties over the disbursement processing cycle. Also some vouchers did not contain all required signatures, such as department head or claimant.

Recommendation:

The Borough should change the authorized signatories for the various Borough accounts. All vouchers should contain the required signatures prior to the release of the related payment.

Explanation and Corrective Action:

The Borough will make revisions to the authorized signatories on the Borough's checks in order to provide for adequate segregation of duties and ensure that all vouchers contain the required signatures prior to payment being made.

Finding 5: Outside Offices

The Borough Police Department does not maintain a formal cashbook for cash receipt transactions, although it does issue pre-numbered receipts.

The Community Center does not assign individual log on authorizations for each employee who utilizes the one cash drawer. In addition, corrections to cash receipts postings in the Community Centers' accounting software are not approved by a Community Center employee independent of the collections.

Recommendation:

The Borough Police Department should maintain a formal cashbook.

The individual employees assigned to collect cash in the Community Center should be provided with an individual log on. The sole cash drawer should be proven at the end of each employee's assigned log on. Consideration should be given to assigning individual drawers to each employee. Corrections to postings of receipts should be approved by a Community Center employee independent of collections.

New Jersey Department of Community Affairs
Division of Local Government Services
Corrective Action Plan

Borough of Caldwell
County of Essex
Audit Report Year – December 31 2011

Explanation and Corrective Action:

A formal cashbook will be maintained by the Police Department.

Each employee who is assigned to collect cash in the Community Center has been assigned an individual log on and the sole cash drawer is proven at the end of each employee's assignment to the cash drawer. The Borough will consider assigning individual drawers to each Community Center employee. Also, a log will be maintained of corrections to receipts posted and will detail an approval signature of the transactions.

Finding 6: Sewer Operating Utility

The Borough does not have formal written sewer fee contracts with the various user municipalities to establish sewer rates and terms of collection.

Recommendation:

The Borough should obtain formal written contracts with the various municipalities.

Explanation and Corrective Action:

The Borough will obtain and execute formal written contracts with the various municipalities for sewer fees and collection terms.

Finding 7: Municipal Court

The Municipal Court records indicate that there are a large amount of tickets assigned to police officers that remain unissued for more than six months.

Recommendation:

The Court Administrator should follow up with the police department to ascertain the status of the tickets assigned but unissued in order to void same.

Explanation and Corrective Action:

The Court Administrator will pursue collection from the respective officers of the older tickets having been assigned but not issued.

New Jersey Department of Community Affairs
Division of Local Government Services
Corrective Action Plan

Borough of Caldwell
County of Essex
Audit Report Year – December 31 2011

**Prepared by Margaret S. Cherone, CFO/Treasurer
Borough of Caldwell, County of Essex**

Signed Margaret S. Cherone

Date 7/31/2012



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 8-185

Date of Adoption: August 7, 2012

TITLE:

AUTHORIZING THE AWARD OF A CONTRACT FOR RENOVATION OF THE CALDWELL COMMUNITY CENTER LOCKER ROOMS TO PAKIS TILE CONTRACTORS, INC. P.O. BOX 1464 WEST CALDWELL, NEW JERSEY 07007 IN THE AMOUNT OF \$140,000.00

WHEREAS, the Borough of Caldwell advertised for and received bids for the renovation of the Caldwell Community Center Locker Rooms on August 2, 2012; and

WHEREAS, the Borough of Caldwell received proposals from (2) contractors; and

WHEREAS, Pakis Tile Contractors, Inc. P.O. Box 1464 West Caldwell, New Jersey 07007 submitted the lowest conforming proposal in the amount of \$140,000.00.

WHEREAS, this matter was reviewed by the Borough's Engineering professional; and

WHEREAS, a certification is attached hereto indicating the availability of funds within the anticipated appropriation.

NOW THEREFORE, BE IT RESOLVED, that Borough Council of the Borough of Caldwell, New Jersey does hereby authorize the award of a contract for renovation of the Caldwell Community Center Locker Rooms to Pakis Tile Contractors, Inc. P.O. Box 1464 West Caldwell, New Jersey 07007.

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
BID TABULATION**

PROJECT: Renovation of the Caldwell Community Center Locker Rooms

BIDS RECEIVED: August 2, 2012 / 11:00am

BIDDERS	BASE BID	ALTERNATE 1 (add/deduct)
Pakis Tile Contractors, Inc. P.O. Box 1464 West Caldwell, N.J. 07007-1464	\$151,000.00	Deduct \$11,000
Hudson Construction Group LLC 14 Forest Avenue Caldwell, N.J. 07006-5208	Did not submit	Did not submit
Salazar & Associates, Inc. a/k/a R&A Advanced Plumbing 625 Rahway Avenue – Suite 1A Union, N.J. 07083	\$197,000.00	Add \$19,000



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 8-186

Date of Adoption: August 7, 2012

TITLE:

AUTHORIZING THE AWARD OF A CONTRACT FOR THE REMOVAL OF LEAF COMPOST TO NORTH CREEK LLC, 11 PLEASANTVILLE ROAD, BASKING RIDGE, NEW JERSEY 07920 FOR AN ANNUAL REVENUE OF \$3,960.00

WHEREAS, the Borough of Caldwell advertised for and received sealed bids for the Removal of Leaf Compost on July 17, 2012; and

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

WHEREAS, North Creek LLC, 11 Pleasantville Road, Basking Ridge, New Jersey 07920 submitted the highest revenue in the annual amount of \$3,960.00; and

WHEREAS, this matter was reviewed by the Borough’s Engineering professional and Borough Attorney.

NOW THEREFORE, BE IT RESOLVED, that Borough Council of the Borough of Caldwell, New Jersey does hereby authorize the award of a contract for Removal of Leaf Compost to North Creek LLC, 11 Pleasantville Road, Basking Ridge, New Jersey 07920 for an annual revenue of \$3,960.00.

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