



***BOROUGH OF CALDWELL
NEW JERSEY***



**COUNCIL BUSINESS MEETING
September 17, 2013**

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



Council Chambers
1 Provost Square Caldwell, NJ

Borough of Caldwell Council Business Meeting

AGENDA

Phone: (973) 226-6100

Website: www.caldwell-nj.com

September 17, 2013 / 7:00pm

MAYOR
Ann Dassing

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

CALL TO ORDER

Honorable Ann Dassing, Mayor of the Borough of Caldwell Presiding

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

APPROVAL OF MINUTES

August 20, 2013

PRESENTATIONS

1. Sustainable Jersey Presentation / Gray Russell
2. Essex County Surrogate's Court / Theodore N. Stephens

PUBLIC HEARING AND ADOPTION OF ORDINANCE

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

ORDINANCE # 1279-13: AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE II, ADMINISTRATOR, CHAPTER 31, OFFICERS AND EMPLOYEES AT SECTION 31-12 ENTITLED "POWERS AND DUTIES," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CALDWELL, NEW JERSEY," IN ORDER TO AMEND THE ROLE OF THE ADMINISTRATOR IN HIRING AND FIRING CERTAIN EMPLOYEES

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.

9-210	RESOLUTION AUTHORIZING A REFUND OF OVERPAYMENT OF 2013 TAXES FOR BLOCK 68 LOT 2.09 FOR 28 KNOLLWOOD TERRACE, CALDWELL, NJ
9-211	AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – HSA Trinity Academy - On Premise / 50/50 Raffle – December 7, 2013 – 8:00AM – 5:00PM



Council Chambers
1 Provost Square Caldwell, NJ

Borough of Caldwell Council Business Meeting

AGENDA

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

September 17, 2013 / 7:00pm

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9-212	AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – HSA Trinity Academy - On Premise / 50/50 Raffle – January 31, 2014 – 6:00PM – 11:00PM
9-213	AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – HSA Trinity Academy - On Premise / Tricky Tray Raffle – January 31, 2014 – 6:00PM – 11:00PM
9-214	AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – HSA Trinity Academy - Off Premise / 50/50 Raffle – January 31, 2014 – 6:00PM – 11:00PM
9-215	RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO ADVERTISE FOR POSITIONS IN THE MUNICIPAL COURT OF THE BOROUGH OF CALDWELL
9-216	RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO ADVERTISE FOR POSITION OF CERTIFIED TAX ASSESSOR IN THE BOROUGH OF CALDWELL
9-217	RESOLUTION APPROVING AN INTERMUNICIPAL SERVICE AGREEMENT BETWEEN THE BOROUGH OF CALDWELL AND THE WEST ESSEX REGIONAL SCHOOL DISTRICT
9-218	AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH SEPTEMBER 17, 2013 FOR 2013 BILLS IN THE TOTAL AMOUNT OF \$4,216,821.44
9-219	RESOLUTION APPOINTING THE CHIEF FINANCIAL OFFICER/TREASURER OF THE BOROUGH OF CALDWELL
9-220	AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH BOSWELL ENGINEERING FOR THE PREPARATION OF THE NJDOT FY2014 MUNICIPAL AID GRANT APPLICATION, CONSTRUCTION PLANS, AND SITE OBSERVATION FOR THE ACADEMY ROAD / ELIZABETH STREET ROAD IMPROVEMENTS FOR A NOT TO EXCEED FEE OF \$32,500 (\$16,000 FOR DESIGN PHASE AND \$16,500 FOR CONSTRUCTION PHASE)

COUNCIL COMMITTEE REPORTS

Borough Council Members

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

REPORT OF MAYOR

Mayor Dassing

REPORT OF BOROUGH ADMINISTRATOR

Paul M. Carelli

1. Administrator Report September 17, 2013



Council Chambers
1 Provost Square Caldwell, NJ

Borough of Caldwell Council Business Meeting

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MAYOR
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REPORT OF ATTORNEY

Gregory Mascera

REPORT OF POLICE CHIEF

Chief James H. Bongiorno, CPD

REPORT OF ESSEX COUNTY LIASSON

James Jude Jorgensen, QPA

OLD BUSINESS

NEW BUSINESS

1. Ordinance for Hanford Place Parking Curfew
2. Cell Tower Proposal

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.

1. Personnel

ADJOURNMENT

Additional items **may** be added to this agenda. Final action may be taken on all matters listed or added to this agenda. This agenda was prepared as of 9/17/2013 with all available information as of this date. This agenda has been sent to four official newspapers of the Borough on 9/17/2013 in compliance with P. L. 1975, c 213

Lisa O'Neill, Deputy Clerk.

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – August 20, 2013**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at **7:01PM**

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

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

ABSENT: Councilman Kelley

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

**APPROVAL OF MINUTES:
August 6, 2013**

Moved by Councilman Coyle, seconded by Councilman O'Donnell. No Discussion. On roll call, all present voted in the affirmative. Council President Hauser abstained. Minutes approved 08/20/13.

INTRODUCTION OF ORDINANCE:

RDINANCE# 1279-13: AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE II, ADMINISTRATOR, CHAPTER 31, OFFICERS AND EMPLOYEES AT SECTION 31-12 ENTITLED "POWERS AND DUTIES," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CALDWELL, NEW JERSEY," IN ORDER TO AMEND THE ROLE OF THE ADMINISTRATOR IN HIRING AND FIRING CERTAIN EMPLOYEES

Councilman Durkin asked the question if this is the same ordinance that we have spoken about or what is different about it. Greg Mascera responded that what it does, personnel policies chapter 37-3H which we have right now is it allows the Administrator, he reads the ordinance; "Administrator shall of the authority to, and shall, fill a vacant position after having considered all of the applicants in the manner set forth in this section. Despite the foregoing, the Mayor and Council, and not the Administrator, shall act to fill a vacant or new position for a department head after having received and considered the recommendation of the Administrator". Discussion Ensued.

Moved by Councilman O'Donnell, seconded by Councilman Hauser. Discussions Ensued. On roll call, Councilman O'Donnell, Hauser and Coyle, voted in the affirmative. Councilman Durkin and Rodgers voted in the negative. Ordinance introduced on 08/20/13.

OPEN PUBLIC COMMENTS ON RESOLUTIONS:

Moved by Councilman Coyle, seconded by Councilman O'Donnell to open to the Public for Consent Agenda

RESOLUTIONS – CONSENT AGENDA

Councilman Rodgers asked the question on resolution #8-199, how we determine the streets to be worked on. Paul Carelli responded that there is a chart that prioritizes all the roads in town that need work. We needed to come up with an application for this year and typically with a DOT grant they want a street that is a main thoroughfare it connects from one town to another or a county road to a county road. Looking at the list the next one to apply was Academy Road. **Councilman Hauser** asked Paul when that list was prepared. Paul responded maybe two years. Councilman Hauser asked if it was updated. Paul responded that it needs to be updated because the top 15 have been done. Discussion Ensued.

Councilman Hauser asked why resolution 8-204 is on the agenda now when we do the salary ordinance in the beginning of the year. Paul responded that it is after we adopt the budget. Councilman O'Donnell asked when we would be moving forward with the discretionary raises. The money that is in a line item for other can we use that for discretionary raises. Paul responded yes and Councilman O'Donnell would like to move forward. Discussion Ensued.

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – August 20, 2013**

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Councilman Hauser asks the question in regards to 8-207 why are the kilowatt hours up 35% over last year's kilowatt hours. Paul responded that it was part of the renegotiation extension with Hatch Mott when the new plant went on line it uses more electricity.

- 8-199:** APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE ACADEMY ROAD / ELIZABETH STREET ROAD IMPROVEMENT PROJECT
- 8-200:** RESOLUTION SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2013 STATEWIDE CRACKDOWN
- 8-201:** RESOLUTION AUTHORIZING A REFUND OF OVERPAYMENT OF 2013 TAXES FOR BLOCK 5 LOT 4.04 FOR 82 ELM ROAD, CALDWELL, NJ
- 8-202:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Caldwell College, Inc. - On Premise / 50/50 Raffle – November 22, 2013 – 6:00PM – 11:00PM
- 8-203:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Caldwell College, Inc. - On Premise / Tricky Tray Raffle – November 22, 2013 – 6:00PM – 11:00PM
- 8-204:** RESOLUTION ESTABLISHING SALARIES, WAGES, AND ALLOWANCES OF OFFICIALS AND EMPLOYEES OF THE BOROUGH OF CALDWELL FOR THE CALENDAR YEAR 2013
- 8-205:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH AUGUST 20, 2013 FOR 2012/2013 BILLS IN THE TOTAL AMOUNT OF \$5,671,595.77
- 8-206:** AUTHORIZING THE INSERTION IN BUDGET OF SPECIAL ITEM OF REVENUE AND APPROPRIATION CHAPTER 159 -2013 FEMA Assistance to Firefighters Grant
- 8-207:** RESOLUTION AUTHORIZING PAYMENT TO HATCH MOTT MACDONALD OPERATING SERVICES FOR EXPENDITURES IN EXCESS OF THE 2012 CONTRACT CREDIT AMOUNT FOR SLUDGE HAULING DISPOSAL, PLANT MAINTENANCE, AND EXCESS ELECTRICITY COSTS FOR THE OPERATION AND MAINTENANCE OF THE CALDWELL WASTEWATER TREATMENT PLANT

CONSENT

Moved by Councilman Coyle, seconded by Councilman O'Donnell. Discussions Ensued. On roll call, all present voted in the affirmative. Resolution approved 08/20/13.

COUNCIL COMMITTEE REPORTS:

Councilman Hauser reported that Adele Puccio, Library Director has resigned. A job posting will be in several different places and we will be conducting interviews as resumes come in. Adele's resignation date is October 9th; she will be accepting a job in Bloomfield. During the meeting he spoke about shared service with other Municipalities but there were some members very much against it and some thought it would be a great idea.

Councilman Coyle reported that he asked Paul Carelli to distribute minutes of our committee meeting majority which was a discussion about roads. There are some additional bid specs being prepared for recycling, the Library ramp and the chair lift. We will have more information in October.

Mayor Dassing reported that there was a meeting at the Caldwell community center with the Caldwell Merchant Association and Project Main Street. Some CMA members attended putting feet on the street seminar in Montclair and they wanted to educate project main street members about what they learned. What they said in Montclair is to make friends with the County Engineer. The Mayor asked Jim Jorgensen if he can arrange a meeting for us some members from the CMA some members from the PMS and anyone else who would like to go and talk to him about some ideas that we have for Bloomfield Avenue. She received an email from Nicholas Campinella, president of Sun Pacific Power Corporation and they have the plans for the sewer plant and they surveyed the sewer plant for solar and we can put a Meg down there. She would like a discussion at the Sewer Board meeting and have him come and make a presentation.

REPORT OF BOROUGH ADMINISTRATOR:

1. Administrator Report August 20, 2013

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – August 20, 2013**

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Paul reported that the generator is on line now. The gentleman has some work to do as far as hooking the heat and hot water up. Bob, Chris and I have been working on the capital ordinance evaluation status and Bob has left me with eight (8) pages of ordinances that date back to 2000 where there is vary degrees of funded and unfunded. I think there is a good amount of funded money that he would like to present to the Council and decide what we want to do with that as far as re-appropriating, cancelling a combination of both. There are some projects that he would like to move with, this building needs some work downstairs, the televising of the Council meetings, and computers that are needed in the Community Center. He finally got a hold of FEMA and he was told to just send P.O's and cancel checks for the things we paid for. The total is about \$90,000.00. As far as the ADA compliance we have started striping and redid the handicap spots. We need to put a drop off zone in front of the Community Center. We have brought in another concrete contractor to give us quotes for in front of the Library and the side of the Library we need to change the crosswalk right in front of Borough Hall. Chris has 99% of the budget in Edmunds now he will have payroll allocated tomorrow after this resolution. We will be able to get a snap shot were we are financially at a moment's notice. On Friday he will be meeting with the new Administrator in West Caldwell on Friday and they hired a new IT person for the Board of Education and I will be meeting with him also. Our Municipal Judge and as well as the County are pressuring me to replace the Deputy Court Administrator, we currently have someone working part-time and that person might be interested. Councilman Rodgers and I have been working on the Employee handbook and we have a new draft that hopefully we can get to everyone by next meeting. Brookside Avenue is completed. We received bids on Friday to award the contract in the Cedars and there is a recommendation for that and the bids did come under the estimate. As far as the Cedars water main project, today the water main was placed in the service on Overlook and all the water services on Knollwood were completed and the final services on Overlook will be completed this week and then next week they will connect the new main to the existing system.

REPORT OF POLICE CHIEF:

Chief James Bongiorno reported that the department is currently participating in the Drive Sober or get Pulled Over Campaign which started August 16th – September 2nd and it's a state sponsored grant. Four of our officers were able to participate in active shooter training in West Orange. The training was set up by Picatinny Arsenal and the officers were equipped with video cameras during the whole training session.

REPORT OF ESSEX COUNTY LIASION:

James Jorgensen reported that the Surrogates office is looking to make a presentation. On September 11th there is a solemn ceremony at the Eagle Rock 911 Memorial in West Orange it will start at 8AM.

OLD BUSINESS:

Councilman Hauser asked about the phone systems, changes and savings status. Paul responded that he had asked Ray Sullivan to give it one more look over. He received a proposal which will save us money and we are targeting to get that changed over on 9/1. Councilman Hauser asked what the status was with the secondary engineering presentation that was made. Paul responded that everyone liked it and we haven't followed through with it. Councilman Hauser asked him to reach out and do whatever has to be done to get it in place.

Councilman Durkin asked the question about line item 9 Video installation in Council Chambers it looks like we have the money and need to come up with \$7,000 and he would like for it to be done. After discussion a new resolution was needed to get out and bid for Televising.

8-208: AUTHORIZING THE BOROUGH CLERK TO ADVERTISE AND RECEIVE SEALED BIDS FOR THE PURCHASE AND INSTALLATION OF AUDIO-VISUAL EQUIPMENT FOR THE TELEVISIONING OF BOROUGH OF CALDWELL COUNCIL BUSINESS MEETINGS

Moved by Councilman Hauser, seconded by Councilman Rodgers. Discussions Ensued. On roll call, all present voted in the affirmative. Resolution approved 08/20/13.

NEW BUSINESS:

Councilman O'Donnell spoke about a section on Washburn about 150' was overlooked when bid specs were put together. It doesn't need water but it needs to be paved and he thinks that there should be a change order to pave that. Paul responded at the pre-construction meeting we will ask Reviac to give a change order and we can see how much it is.

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – August 20, 2013**

Page 4 of 4

8-209: AUTHORIZING THE AWARD OF A CONTRACT FOR ROADWAY IMPROVEMENTS, GOULD PLACE, CEDARS ROAD, JACKSON PLACE, KNOLLWOOD TERRACE, AND OVERLOOK ROAD TO REIVAX CONTRACTING CORP., 356 THOMAS STREET, NEWARK, NJ 07114 IN THE AMOUNT OF \$923,425.68.

Moved by Councilman Coyle, seconded by Councilman O'Donnell. Discussions Ensued. On roll call, all present voted in the affirmative. Resolution approved 08/20/13.

OPEN PUBLIC MEETING:

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

Frederick Albano, 17 Knollwood Terrace, he spoke about the paving on Knollwood and his concern is a hanley stone gully and he would like to keep the gully and not have it paved over.

Hilda Moore, 23 Personette Street, she asked about the covers on the catch basins at Personette Street.

On a motion made by Councilman Coyle and seconded by Councilman O'Donnell, unanimously affirmed, the Council moved into Executive Session at 8:24PM.

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 a potential litigation regarding the Community Center and personnel regarding a former employee Marge Cherone.

The Executive Session was adjourned and upon a motion by Councilman Coyle, seconded by Councilman Hauser, the Council Business Conference Meeting was opened to the public and the press at 8:41P.M.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Coyle, seconded by Councilman O'Donnell, unanimously affirmed by all members present, the meeting was adjourned at 8:41PM.

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

DATE



**BOROUGH OF CALDWELL
NEW JERSEY**



ORDINANCE# 1278-13

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

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

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

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

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

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



BOROUGH OF CALDWELL NEW JERSEY



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

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

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor

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



BOROUGH OF CALDWELL NEW JERSEY



ORDINANCE# 1279-13

AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE II, ADMINISTRATOR, CHAPTER 31, OFFICERS AND EMPLOYEES AT SECTION 31-12 ENTITLED "POWERS AND DUTIES," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CALDWELL, NEW JERSEY," IN ORDER TO AMEND THE ROLE OF THE ADMINISTRATOR IN HIRING AND FIRING CERTAIN EMPLOYEES.

WHEREAS, the Borough Council of the Borough of Caldwell, New Jersey, wishes to modify the power of the Borough Administrator to grant the Administrator the authority to hire certain Borough employees.; and

WHEREAS, in connection therewith, the Council wishes to amend certain provisions contained within Chapter 31 of the Borough Code relating to the Administrator's power to hire, fire and discipline Borough employees.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Caldwell, in the County of Essex and State of New Jersey, that Chapter 31 of the "Revised General Ordinances of the Borough of Caldwell, New Jersey" is hereby amended and supplemented as follows:

1. That Chapter 31 of the Code of the Borough of Caldwell, the Chapter governing officers and employees is hereby amended at section 31-12 as follows:

Delete Section 31-12 I and replace with the following:

I. With regard to employees:

1. Establish and maintain sound personnel practices and maintain appropriate records of all employees.
2. Hire all new employees who are to work in a capacity below that of a department head or its equivalent
3. Fire or modify the working hours of all employees who work in a capacity below that of a department head or its equivalent.
4. Discipline all Borough employees.

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 20, 2013

DATE OF SECOND READING: September 17, 2013

DATE OF PUBLICATION: August 29, 2013

DATE OF ADOPTION: September 17, 2013

MOVED:

MOVED:

SECONDED:

SECONDED:

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser					Kelley				
Coyle					Rodgers				
O'Donnell					Durkin				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor

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



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 9-210

Date of Adoption: September 17, 2013

TITLE:

**RESOLUTION AUTHORIZING A REFUND OF OVERPAYMENT OF 2013 TAXES FOR
BLOCK 68 LOT 2.09 FOR 28 KNOLLWOOD TERRACE, CALDWELL, NJ**

WHEREAS, it has been determined by the Tax Collector that the homeowners bank is entitled to a refund due to them sending us the check for THIRD quarter 2013 and so did the refinance company paid twice.

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

<u>BLOCK & LOT</u>	<u>RECIPIENT</u>	<u>REFUND AMOUNT</u>
Block 68 Lot 2.09	Title Resource Group c/o Mardan Settlement Service 3001 Leadenhall Road Mount Laurel, NJ 08054 Attn: Michele Briggs	\$5,479.78

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 9-211

Date of Adoption: September 17, 2013

TITLE:

AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK’S OFFICE – HSA Trinity Academy - On Premise / 50/50 Raffle – December 7, 2013 – 8:00AM – 5:00PM

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

RA-1270 HSA Trinity Academy
On Premise – 50/50 Raffle
December 7, 2013 – 8:00AM – 5:00PM

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

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



BOROUGH OF CALDWELL NEW JERSEY



Resolution No: 9-212

Date of Adoption: September 17, 2013

TITLE:

AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK’S OFFICE – HSA Trinity Academy - On Premise / 50/50 Raffle – January 31, 2014 – 6:00PM – 11:00PM

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

RA-1271 HSA Trinity Academy
On Premise – 50/50 Raffle
January 31, 2014 – 6:00PM – 11:00PM

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

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 9-213

Date of Adoption: September 17, 2013

TITLE:

AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK’S OFFICE – HSA Trinity Academy - On Premise / Tricky Tray Raffle – January 31, 2014 – 6:00PM – 11:00PM

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

RA-1272 HSA Trinity Academy
On Premise – Tricky Tray Raffle
January 31, 2014 – 6:00PM – 11:00PM

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

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 9-214

Date of Adoption: September 17, 2013

TITLE:

AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK’S OFFICE – HSA Trinity Academy - Off Premise / 50/50 Raffle – January 31, 2014 – 6:00PM – 11:00PM

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

RA-1273 HSA Trinity Academy
Off Premise – Tricky Tray Raffle
March 21, 2014 – 6:00PM

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

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 9-215

Date of Adoption: September 17, 2013

TITLE:

**RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO ADVERTISE
FOR POSITIONS IN THE MUNICIPAL COURT OF 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 for the following positions in the Borough of Caldwell.

Deputy Municipal Court Administrator

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 9-216

Date of Adoption: September 17, 2013

TITLE:

**RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO ADVERTISE
FOR POSITION OF CERTIFIED TAX ASSESSOR 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 for the following positions in the Borough of Caldwell.

Certified Tax Assessor

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 9-217

Date of Adoption: September 17, 2013

TITLE:

**RESOLUTION APPROVING AN INTERMUNICIPAL SERVICE AGREEMENT BETWEEN THE
BOROUGH OF CALDWELL AND THE WEST ESSEX REGIONAL SCHOOL DISTRICT**

WHEREAS, the Borough of Caldwell operates an indoor swimming pool facility at the Caldwell Community Center (the “swimming pool”); and

WHEREAS, the School District has established the West Essex Regional High School interscholastic swim team (“West Essex Swim Team”); and

WHEREAS, the School District does not have a facility to accommodate the requirements of the West Essex Swim Team; and

WHEREAS, the parties have agreed to enter into an agreement whereby the Borough would make available to the School District the swimming pool facility to allow the West Essex Swim Team to conduct team practices and to host swim meets; and

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, County of Essex, as follows:

- (1). The Mayor and Borough Clerk are hereby authorized and directed to execute the attached Intermunicipal Services Agreement with the West Essex Regional School District, which agreement shall be maintained on file with the Borough Clerk and be available for public inspection.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor

INTERMUNICIPAL SERVICES AGREEMENT

THIS AGREEMENT made this ___ day of _____ 2013, by and between THE BOROUGH OF CALDWELL, having an address at One Provost Square, Caldwell, New Jersey, and the West Essex Regional School District, Having an address at West Greenbrook Road, North Caldwell, New Jersey (hereinafter referred to as "West Essex").

WITNESSETH:

WHEREAS, The Borough Caldwell operates an indoor swimming pool facility at the Caldwell Community Center (the "swimming pool facility"); and

WHEREAS, West Essex operates an interscholastic swim team; and

WHEREAS, West Essex does not have a facility to accommodate the needs of the West Essex Swim Team

WHEREAS, the parties have agreed that the Borough of Caldwell will make available to West Essex the swimming pool facility to allow the West Essex Swim Team to conduct team practices and to host swim meets; and

WHEREAS, this Agreement has been authorized by appropriate resolution of the Borough of Caldwell and by appropriate resolution of West Essex.

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the parties do hereby enter into this Agreement with terms as follows:

1. The Borough of Caldwell shall allow the West Essex Swim Team to use the swimming pool facility for (3) three interscholastic swim seasons, beginning with the 2013- 2014 season, and continuing through the 2015-2016 swim season.
2. The Borough of Caldwell will make the swimming pool facility available for use by the Caldwell Swim Team for each season from November 15th through March 1st of the following year.
3. The West Essex swim team shall have the right to use the swimming pool facility on Mondays, Wednesdays and Fridays, from 8:30 p.m. to 9:30 p.m. for practices and for home swim meets. Despite the foregoing, West Essex shall have the right to use only four lanes of the pool for practice purposes.
4. There shall be a maximum of 10 home swim meets.
5. West Essex shall provide written notice of the home swim meet schedule to the Borough Administrator upon execution of this Agreement.

6. West Essex shall pay the Borough of Caldwell the following sum in consideration for the use of the swimming pool facility as set forth herein.

2013-2014 season: \$11,000
2014-2015 season: \$12,000
2015-2016 season: \$13,000

7. West Essex will indemnify and hold the Borough of Caldwell and its agents harmless from and against any and all claims of whatever nature, actions or proceedings, costs, expenses and liabilities, including attorneys fees and disbursements incurred in connection with each such claim, action or proceeding, whether in contract or tort, arising from West Essex's use of the Caldwell Community Center and of the swimming pool facility.
8. West Essex will observe and comply with the rules and regulations of the Caldwell Community Center during the term of this Agreement. West Essex is obligated to provide all supervision for its students, personnel, staff and spectators.
9. West Essex may not assign, license or otherwise transfer its rights under this Agreement to any other person or entity without prior written consent of the Borough, which consent may be withheld in the Borough's sole discretion.
10. The Board may not delegate its duties or allow any other person or entity to assume its duties under this Agreement without the prior written consent of the Borough, which consent may be withheld in the Borough's sole discretion.

IN WITNESS WHEREOF, the parties have caused their appropriate designees to sign this Agreement the date and year written below their names, with the last date of signing being inserted as the date of this Agreement.

THE BOROUGH OF CALDWELL

BY: Ann Dassing, Mayor

WEST ESSEX REGIONAL SCHOOL DISTRICT

BY: Michael Falkowski, Business Administrator



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 9-218

Date of Adoption: September 17, 2013

TITLE:

AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH SEPTEMBER 17, 2013 FOR 2013 BILLS IN THE TOTAL AMOUNT OF \$4,216,821.44

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 2012 and/or 2013 appropriation for said purpose;

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

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 9-219

Date of Adoption: September 17, 2013

TITLE:

**RESOLUTION APPOINTING THE CHIEF FINANCIAL OFFICER/TREASURER OF THE
BOROUGH OF CALDWELL**

WHEREAS, NJSA 40A:9-140.10 requires every municipality of the state of New Jersey to appoint a Chief Financial Officer; and

WHEREAS, the Borough of Caldwell has established the position as the Chief Financial Officer/Treasurer under Chapter 31, Article V of the Administrative Code; and

WHEREAS, the Borough of Caldwell desires to appoint a Chief Financial Officer/Treasurer to handle matters relating to the Borough of Caldwell; and

WHEREAS, the Borough of Caldwell advertised the employment opportunity in accordance with applicable law; and

WHEREAS, funds are available to pay for the employment services contemplated herein; and

WHEREAS, the Mayor of the Borough of Caldwell has nominated Chris Battaglia, a duly certified municipal finance officer, as the Borough of Caldwell Chief Financial Officer/Treasurer.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Caldwell, County of Essex, as follows:

- (1) The Borough Council is hereby authorized to appoint Chris Battaglia as the Chief Financial Officer/Treasurer.
- (2) A notice of this action shall be printed in the Caldwell Progress as required by law.

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						Kelley				
Coyle						Rodgers				
O'Donnell						Durkin				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



BOROUGH OF CALDWELL
NEW JERSEY



Resolution No: 9-220

Date of Adoption: September 17, 2013

TITLE:

AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH BOSWELL ENGINEERING FOR THE PREPARATION OF THE NJDOT FY2014 MUNICIPAL AID GRANT APPLICATION, CONSTRUCTION PLANS, AND SITE OBSERVATION FOR THE ACADEMY ROAD / ELIZABETH STREET ROAD IMPROVEMENTS FOR A NOT TO EXCEED FEE OF \$32,500 (\$16,000 FOR THE DESIGN PHASE AND \$16,500 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 September 13, 2013 indicating that they will provide engineering services for the preparation of the NJDOT FY2014 Municipal Aid Grant Application, construction plans, and site observation for the Academy Road / Elizabeth Street Road Improvements for a not to exceed fee of \$32,500 (\$16,000 for the design phase and \$16,500 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.

NOW THEREFORE BE IT RESOLVED that the Borough of Caldwell authorizes the Borough Administrator to enter into a contract for the Borough of Caldwell upon receipt of a FY2014 grant award; 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: _____

Table with 10 columns: COUNCILMAN, Yes, No, Absent, Abstain, COUNCILMAN, Yes, No, Absent, Abstain. Rows include Hauser, Murray, Coyle, O'Donnell, Kelley, and Rodgers.

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



September 13, 2013

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

Re: Request for Professional Services
NJDOT FY2014 Municipal Aid Grant Application,
Design, and Site Observation
Borough of Caldwell
Our File No. PR-13-5394

Dear Mr. Carelli:

In accordance with your request dated August 29, 2013, this letter shall serve as Boswell Engineering's (Boswell) proposal for the preparation of the NJDOT FY2014 Municipal Aid Grant Application, construction plans, and site observation for the above referenced project.

The following is an outline of the scope of work and the fee for our professional services.

SCOPE OF SERVICES

Boswell will perform the following scope of services:

1. Perform a site visit to verify the scope of work outlined in the RFP, measure quantities, and complete the NJDOT FY2014 Municipal Aid Application in accordance with the NJDOT's System for Administering Grants Electronically (SAGE). In accordance with the RFP, the SAGE application must be completed three days prior to the September 20, 2013 deadline. Professional services for this task will not be billed to Caldwell for compensation.
2. Perform a site visit in order to prepare project base mapping.
3. Prepare roadway construction plans in accordance with current NJDOT requirements.
4. Prepare specifications in accordance with NJDOT and Borough of Caldwell requirements.
5. Prepare bid documents and advertise the project.
6. Perform the necessary updates to SAGE as the project progresses.
7. Coordinate and attend a pre-construction meeting with appropriate Borough officials, utility companies and other parties affected by the construction activities.
8. Provide site observation during the construction phase.
9. Review contractor invoices to the Borough.
10. Make a final inspection of the project improvements.
11. Prepare the initial and final payment reimbursement paperwork through SAGE and the NJDOT.

We performed a site inspection of both streets and developed a construction cost estimate as part of our due diligence in the preparation of this proposal. We estimate the construction cost to be \$375,000.00. For the purpose of this proposal, we will assume the Borough will authorize a project utilizing the grant money alone for construction. The Borough can anticipate

\$230,000.00 to \$250,000.00 in funding for this project, therefore, the our fee is based on a similar magnitude of construction dollars.

FEE PROPOSAL

Boswell will perform the services outlined in the proposal for an estimated fee not to exceed \$16,000.00 for the design phase and \$16,500.00 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 or cannot be quantified at this time 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)

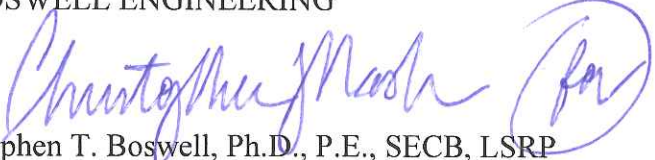
We estimate that the bituminous concrete materials testing required by NJDOT will be approximately \$2,000.00. The Borough will be billed directly by the pavement coring/testing contractor and this is reimbursable under the grant.

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, LSRP

STB/CJN

STOCKHOLDER DISCLOSURE CERTIFICATION

Name of Business:

[X] I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

OR

[] I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business organization:

- Partnership, Corporation, Sole Proprietorship, Limited Partnership, Limited Liability Corporation, Limited Liability Partnership, Subchapter S Corporation

Sign and notarize the form below, and, if necessary, complete the stockholder list below.

Stockholders:

Table with 2 columns and 3 rows for stockholder information. Row 1: Stephen T. Boswell, Bruce D. Boswell. Row 2: Kevin J. Boswell. Row 3: Empty.

Subscribed and sworn before me this 12th day of Sept., 2013. Notary Public MARGHERITE M. FAIELLO. Affiant: Stephen T. Boswell, Ph.D., P.E. SECB President. My Commission Expires January 8, 2017.

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY)

SS.:

COUNTY OF)

I, Stephen T. Boswell of the ~~City of~~ Township of Wyckoff in the
County
of Bergen and the State of New Jersey of full age,
being duly sworn according to law on my oath depose and say that:

I am President of the firm
of Boswell Engineering, Inc., the Bidder making the
Bid for the above-named project, and that I executed the said Bid with full authority so
to do; that said bidder has not, directly or indirectly entered into any agreement,
participated in any collusion or otherwise taken any action, in restraint of free,
competition in connection with the above named project; and that all statements
contained in said Bid and in this affidavit are true and correct, and made will full
knowledge that the Borough of Caldwell relies upon the truth of the statements
contained in said Bid, in this affidavit and in any statements contained in the Bid, in
this affidavit and in any statements requested by the Authority showing evidence of
qualifications in awarding the contract for the said Project.

I further warrant that no person or selling agency has been employed or retained to
solicit or secure such contract upon an agreement or understanding for a commission,
percentage, brokerage, or contingent fee, except bona fide employees or bona fide
established commercial or selling agencies maintained by

Boswell Engineering, Inc.

Name of Contractor



Also type or print name of affiant under signature
Stephen T. Boswell, Ph.D., P.E., SECB

Subscribed and sworn to
Before me this 12th day
of September, 2013



Notary Public of
My Commission Expires January 8, 2017

MARGHERITE M. FAIELLO
A Notary Public of New Jersey
My Commission Expires January 8, 2017

STATE OF NEW JERSEY
BUSINESS REGISTRATION CERTIFICATE
FOR STATE AGENCY AND CASINO SERVICE CONTRACTORS

DEPARTMENT OF TREASURY/
DIVISION OF REVENUE
PO BOX 252
TRENTON, N. J. 08646-0252

TAXPAYER NAME:
BOSWELL ENGINEERING, INC.

TRADE NAME:

TAXPAYER IDENTIFICATION#
221-896-168/000

CONTRACTOR CERTIFICATION#
0099760

ADDRESS:
330 PHILLIPS AVE
SO HACKENSACK NJ 07606

ISSUANCE DATE:
10/03/01

EFFECTIVE DATE:
07/01/66

Patricia A. Chiacchio
Director, Division of Revenue

FORM-BRC(08-01)

This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.



State of New Jersey

CHRIS CHRISTIE
Governor
KIM GUADAGNO
Lt. Governor

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE & PROPERTY
CONTRACT COMPLIANCE AUDIT UNIT
EEO MONITORING PROGRAM
P.O. BOX 206
TRENTON, NJ 08625-0206

ANDREW P. SIDAMON-ERISTOFF
State Treasurer

ISSUANCE OF CERTIFICATE OF
EMPLOYEE INFORMATION REPORT

Enclosed is your Certificate of Employee information Report (hereinafter referred to as the "Certificate" and issued based on the Employee Information Report (AA-302) form completed by a representative of your company or firm. Immediately upon receipt, this certificate should be forwarded to the person in your company or firm responsible for ensuring equal employment opportunity and/or overseeing the company or firm's contracts with public agencies. Typically, this person may be your company or firm's Human Resources Manager, Equal Employment Opportunity Officer or Contract Administrator. If you do not know to whom the certificate should be forward, kindly forward it to the head of your company or firm. Copies of the certificate should also be distributed to all facilities of your company or firm who engage in bidding on public contracts in New Jersey and who use the same federal identification number and company name. The certificate should be retained in your records until the date it expires. This is very important since a request for a duplicate/replacement certificate will result in a \$75.00 fee.

On future successful bids on public contracts, your company or firm must present a photocopy of the certificate to the public agency awarding the contract after notification of the award but prior to execution of a goods and services or professional services contract. Failure to present the certificate within the time limits prescribed may result in the awarded contract being rescinded in accordance with N.J.A.C. 17:27-4.3b.

Please be advised that this certificate has been approved only for the time periods stated on the certificate. As early as ninety (90) days prior to its expiration, the Division will forward a renewal notification. Upon the Division's receipt of a properly completed renewal application and \$150.00 application fee, it will issue a renewal certificate. In addition, representatives from the Division may conduct periodic visits and/or request additional information to monitor and evaluate the continued equal employment opportunity compliance of your company or firm. Moreover, the Division may provide your company or firm with technical assistance, as required. Please be sure to notify the Division immediately if your company's federal identification number, name or address changes.

If you have any questions, please call (609) 292-5473 and a representative will be available to assist you.

Enclosure(s) (AA-01 Rev. 11/11)

New Jersey Is an Equal Opportunity Employer • Printed on Recycled and Recyclable Paper

Certification

CERTIFICATE OF EMPLOYEE INFORMATION REPORT 1502

This is to certify that ~~the~~ **RENEWAL** listed below has submitted an Employee Information Report pursuant to N.J.A.C. 17:27-1.1 et. seq. and the State Treasurer has approved said report. This approval will remain in effect for the period of

15-JUN-2013 to 15-JUN-2016

BOSWELL ENGINEERING, INC.
330 PHILLIPS AVENUE
SO. HACKENSACK NJ 07606



Andrew P. Sidamon-Eristoff
State Treasurer



CERTIFICATE OF LIABILITY INSURANCE

BOSWE-2

OP ID: MA

DATE (MM/DD/YYYY)

03/27/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER GJEM Insurance Agency Division of Otterstedt 25 Mount Vernon Street Ridgefield Park, NJ 07660 Matt Mcarow	Phone: 201-641-3800 Fax: 201-641-9236	CONTACT NAME: Eugene Kinnealy PHONE (A/C, No, Ext): 201-641-0770 E-MAIL ADDRESS: gkinnealy@boswellengineering.com	FAX (A/C, No): 201-641-2970													
	INSURED Boswell Engineering Inc. 330 Phillips Avenue P.O. Box 3152 South Hackensack, NJ 07606		<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A: Hanover Insurance Co.</td> <td>158</td> </tr> <tr> <td>INSURER B: Chartis Insurance</td> <td>040</td> </tr> <tr> <td>INSURER C: Great American Insurance</td> <td>22136</td> </tr> <tr> <td>INSURER D: Zurich American Insurance Co.</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Hanover Insurance Co.	158	INSURER B: Chartis Insurance	040	INSURER C: Great American Insurance	22136	INSURER D: Zurich American Insurance Co.		INSURER E:		INSURER F:
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INSURER D: Zurich American Insurance Co.																
INSURER E:																
INSURER F:																

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY		ZHY7920144	12/03/2012	12/03/2013	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					MED EXP (Any one person) \$ 10,000
						PERSONAL & ADV INJURY .. \$ 1,000,000
						GENERAL AGGREGATE \$ 3,000,000
						PRODUCTS - COMP/OP AGG \$ 3,000,000
						\$
A	AUTOMOBILE LIABILITY		AHY7924529	12/03/2012	12/03/2013	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input checked="" type="checkbox"/> ANY AUTO					BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS				BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS	<input checked="" type="checkbox"/> NON-OWNED AUTOS				PROPERTY DAMAGE (Per accident) \$
						\$
C	UMBRELLA LIAB	<input checked="" type="checkbox"/> OCCUR	TUJ0249172	12/03/2012	12/03/2013	EACH OCCURRENCE \$ 24,000,000
	EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE				AGGREGATE \$ 24,000,000
	DED <input checked="" type="checkbox"/> RETENTION \$ 10,000					\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY		WC4321538	12/06/2012	12/06/2013	WC STATUTORY LIMITS OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N <input checked="" type="checkbox"/> N				E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
						E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	Prof. Liability		EOC3826449	03/27/2013	03/27/2014	Cims Made 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

SAMPLE CERTIFICATE SAMPL02	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Joseph E. Baisi, Jr</i>

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Crew Engineers, Inc.

1250 Route 23 North
Butler, NJ 07405
(973) 492-3300
(973) 492-1123 (fax)

NJ Certificate of Authorization 24GA27920500

September 13, 2013

VIA EMail

Mr. Paul Carelli
Borough Administrator
Borough of Caldwell
One Provost Square
Caldwell, NJ 07006-5189

Re: Proposal for Engineering Services
Roadway Improvements
Elizabeth Street and Academy Road
Caldwell, NJ
Crew Proj. No. P-2227

Dear Mr. Carelli:

Crew Engineers, Inc. (Crew) is pleased to submit this Proposal for providing engineering services for pavement improvements including milling and resurfacing, and where needed: full depth road improvements, drainage, curb and sidewalk improvements on Elizabeth Street and Academy Road.. On September 10 Gerard Rolling P.E of this office visited the site to review the project. This proposal reflects our understanding of what the Borough proposes for this project and our observations during the site visit.

Our firm intends to use a sub-consultant, Jeffrey B. Doolittle, P. E. and L. S, Mahwah, NJ for the surveying services described in the Scope of Services. Mr. Doolittle is a licensed surveyor in the State of New Jersey and has worked with us in Caldwell and on other roadway improvement projects in northern New Jersey

Scope of Services

Crew will complete all services described in the Scope of Services contained in the Request for Proposal. proposes that the services be provided as follows:

Task 1 – NJDOT Municipal Aid Grant Application

Crew will use the NJDOT SAGE program in making this application

Task 2 – Surveying Services

Crew will prepare a survey of the project area that will include; establishing roadway centerline and existing curb elevations, roadway cross sections at 50 foot intervals and at driveways, locate surface features and rim and invert elevations of all sanitary and storm sewers.

Task 3 – Design

Crew will be available throughout the project via telephone or written communication to discuss project status and review areas of concern. Crew will; prepare all drawings required for NJDOT approval and needed for construction; prepare administrative and technical specifications in accordance with Borough and NJDOT requirements, and an opinion of probable construction cost after design drawings have been completed.

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C. Bidding Services

For bidding services Crew will; provide 20 copies of drawings and specifications for issuance to prospective bidders, respond to bidders questions and issue addenda, review bids, develop bid tabulation sheet, check references and issue letter to Borough recommending award.

D. Construction Related Services

On similar projects, construction related services provided by Crew include acting as a liaison between the Borough and the Contractor, arranging for and attending and pre-construction meeting and preparing minutes, reviewing and approving shop drawings and reviewing payment requests. The costs of these engineering services are not included in this proposal. We will, as requested provide a construction observer for a total of 33 days at a cost of \$75 per hour

Project Schedule

Crew will adhere to the schedule contained in the Request for Proposal

Owner Responsibilities

In conjunction with the performance of the professional services by Crew described in this Proposal, we understand that the Township will arrange, provide, or perform the following:

- Provide any available property boundary and site information to Crew, to incorporate on the site plan.
- Pay any required fees imposed by the Hudson, Essex and Passaic Soil Conservation District, or other reviewing agencies.

Cost Proposal

The cost proposal for Part 1, Part 2 and the combined costs for Parts 1 and 2 are as follows:

Part 1	\$34,000
Part 2	\$25,600
Part 1 and 2 Combined	\$59,600

Ms. Maureen Ruane
July 14, 2006
Page 3

Additional Submittals

Forms and submittals referenced in the Request for Proposal are attached.

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Crew appreciates this opportunity to provide services to the Borough of Caldwell. Please advise us if you need additional information or require clarification of the Proposal.

Very truly yours,

CREW ENGINEERS, INC.

GR P.E.

GR:js
Enclosure

C:\Wpdocs\PROP-M-Z\West Orange\P1815\P1815.doc