



***BOROUGH OF CALDWELL
NEW JERSEY***



**COUNCIL BUSINESS MEETING
October 2, 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

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

October 2, 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

September 18, 2012

PRESENTATION

Complete Streets Program – Mayor Jerry Fried

Pete Perillo - Energy Purchase.

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.

- 10-214:** RESOLUTION DESIGNATING DESCRIBED LOCATIONS IN THE BOROUGH OF CALDWELL AS BUS STOPS
- 10-215:** AGREEMENT BETWEEN THE NEW JERSEY TRANSIT CORPORATION AND THE BOROUGH OF CALDWELL AND THE COUNTY OF ESSEX FOR THE INSTALLATION AND MAINTENANCE OF A BUS SHELTER AT THE RYERSON AVENUE BUS STOP
- 10-216:** AUTHORIZING THE APPOINTMENT OF PLANNING BOARD MEMBER - Peter Byrne
- 10-217:** APPROVING A TOW OPERATOR'S LICENSE FOR TRITON TOWNING, LLC. IN ACCORDANCE WITH THE PROVISIONS OF BOROUGH ORDINANCE 1201-09
- 10-218:** APPROVING A TOW OPERATOR'S LICENSE FOR NAPOLI TRANSPORTATION, INC. T/A C & L TOWING IN ACCORDANCE WITH THE PROVISIONS OF BOROUGH ORDINANCE 1201-09
- 10-219:** AUTHORIZING ISSUANCE OF ONE (1) TAXICAB LICENSES TO RAFIK HANA, 52 PARK TERRACE NORTH, CALDWELL, NJ 07006. APPLICATION AND APPLICANT HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS



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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.

- 10:220:** RESOLUTION SUPPORTING PUT THE BRAKES ON FATALITIES DAY, OCTOBER 10, 2012. OCTOBER 10, 2012 HAS BEEN DECLARED PUT THE BRAKES ON FATALITIES DAY BY THE BOROUGH OF CALDWELL AND THE CALDWELL POLICE DEPARTMENT
- 10:221:** RESOLUTION AUTHORIZING THE PURCHASE OF ENERGY GENERATION SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

FINANCE

Council President Hauser

Liaison: Library Board of Trustees / Recreation

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

COMMUNITY OUTREACH

Councilman Kelley

Liaison: Board of Education / Community Development / Camp Wyanokie

REPORT OF MAYOR

Mayor Dassing

REPORT OF ATTORNEY

Gregory Mascera

OLD BUSINESS

1. Water Main Project Update – Bill Frint



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1 Provost Square Caldwell, NJ

Borough of Caldwell Council Business Meeting

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MAYOR
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John Kelley
Frank Rodgers

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.

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 9/28/2012 with all available information as of this date. This agenda has been sent to four official newspapers of the Borough on 9/28/2012 in compliance with P. L. 1975, c 213

Lisa O'Neill, Deputy Clerk.

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – September 18, 2012**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:05 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:
August 27, 2012 Special Meeting**

Moved by Councilman Kelley, seconded by Councilman Coyle. No Discussion. On roll call, Councilman Rodgers, Murray, Hauser, Kelley and Coyle all present voted in the affirmative. Councilman O'Donnell abstained. Minutes approved 09/18/12.

September 4, 2012

Moved by Councilman Murray, seconded by Councilman Coyle. No Discussion. On roll call, all present voted in the affirmative. Minutes approved 09/18/12.

INTRODUCTION OF ORDINANCES:

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

Moved by Councilman Hauser, seconded by Councilman Kelley. Discussions Ensued. On roll call, all present voted in the affirmative. Ordinance Introduced 09/18/12.

PUBLIC HEARING AND ADOPTION OF ORDINANCES:

ORDINANCE# 1259-12: AN ORDINANCE AMENDING CHAPTER 214 OF THE CODE OF THE
BOROUGH OF CALDWELL, BEING THE SECTION REGULATING
PRI VATE SWIMMING POOLS

Moved by Councilman Coyle, seconded by Councilman Kelley. Discussions Ensued. On roll call, all present voted in the affirmative. Ordinance Adopted 09/18/12.

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"

Moved by Councilman Kelley, seconded by Councilman Coyle. Discussions Ensued. On roll call, all present voted in the affirmative. Ordinance Adopted 09/18/12.

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"

Moved by Councilman Hauser, seconded by Councilman Coyle. No Discussion. On roll call, all present voted in the affirmative. Ordinance Adopted 09/18/12.

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – September 18, 2012**

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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”

Moved by Councilman Murray, seconded by Councilman Hauser. No Discussion. On roll call, all present voted in the affirmative. Ordinance Adopted 09/18/12.

ORDINANCE# 1266-12: AN ORDINANCE AMENDING CHAPTER 164 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION TITLED PEACE AND
GO OD ORDER

Moved by Councilman Hauser, seconded by Councilman Murray. Discussions Ensued. On roll call, all present voted in the affirmative. Ordinance Adopted 09/18/12.

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”

Moved by Councilman Hauser, seconded by Councilman Coyle. Discussions Ensued. On roll call, all present voted in the affirmative. Ordinance Adopted 09/18/12.

OPEN PUBLIC COMMENTS ON RESOLUTION:

RESOLUTIONS – CONSENT AGENDA

- 9-203:** RESOLUTION ESTABLISHING SALARIES, WAGES, AND ALLOWANCES OF OFFICIALS AND EMPLOYEES OF THE BOROUGH OF CALDWELL FOR THE CALENDAR YEAR 2012
- 9-204:** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH SEPTEMBER 18, 2012 FOR 2012 BILLS IN THE TOTAL AMOUNT OF \$4,532,086.63
- 9-205:** RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDERS (1-4) FOR THE CALDWELL COMMUNITY CENTER LOCKER ROOM PROJECT IN THE AMOUNT OF \$8,870.00 – NEW TOTAL AMOUNT \$148,870.00
- 9-206:** AUTHORIZING THE REFUND OF A TAX COURT APPEAL/JUDGEMENT PAYABLE TO: FAIRVIEW REALTY ASSOC., LLC. & HOWARD GOLDBERG ATTORNEY AT LAW
- 9-207:** AUTHORIZING THE APPOINTMENT OF PLANNING BOARD MEMBER – Sally Santiago
- 9-208:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK’S OFFICE – Trinity Academy HSA / Off Premise – Merchandise Raffle / May 1, 2013 – 10:30PM
- 9-209:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK’S OFFICE – Caldwell College / Off Premise – Basket Raffle / November 17, 2012 – 10:00AM – 6:00PM
- 9-210:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK’S OFFICE – Caldwell College / Off Premise – 50/50 Raffle / November 17, 2012 – 10:00AM – 6:00PM
- 9-211:** AUTHORIZING THE ISSUANCE OF LICENSE FOR MOTOR VEHICLE LOT LICENSE IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT, CONSTRUCTION DEPARTMENT AND THE BOROUGH CLERK’S OFFICE – North Jersey Collision
- 9-212:** RESOLUTION SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2012 STATEWIDE CRACKDOWN

CONSENT

Moved by Councilman Coyle, seconded by Councilman Kelley. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 09/18/12.

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – September 18, 2012**

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9-200: RESOLUTION AUTHORIZING THE CALDWELL HISTORIC COMMISSION TO APPLY FOR CERTIFIED LOCAL GOVERNMENT STATUS BY THE NEW JERSEY HISTORIC PRESERVATION OFFICE (HPO)

9-201: RESOLUTION STATING THE BOROUGH OF CALDWELL WILL SUPPORT AND MAINTAIN DOWNTOWN STREETScape PROJECTS RECEIVING GRANT MONEY FROM THE NJDOT

CONSENT

Moved by Councilman Hauser, seconded by Councilman Coyle. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 09/04/12

Councilman Hauser reported that there will be a Library Board Meeting on Thursday, September 20th.

Councilman O'Donnell reported that he has received great review on the Community Center. The pool is open, the aerobics room is done, the Gym looks great, and the Men's locker room is finished. The woman's locker room will be finished at the end of the week. He is very impressed with Pakis Tile they have done a wonderful job. Thank you to Mr. Carelli for pulling everything together.

Mayor Dassing reported that she spoke to Government Services agency a branch of the Federal Government with regards to 14 Park Avenue. Our case was heard and they have found a way to re-restrict. Greg Mascara responded that the ownership would not change; they would sign a deed revoking initial restriction and imposing a new restriction. The Mayor responded that the building will still be ours and it will come under Health and Human Services. We have a 30 year extension and after the 30 years it will become ours entirely. Greg Mascara responded that one of the stipulations is that the Bridge will remain as a tenant. One of the issues that we need to iron out is what happens if the Bridge decides to go somewhere else. Discussions Ensued.

REPORT OF ATTORNEY:

Greg Mascara reported that in Executive Session he will be discussing Gleason 2, potential Claim of an employee, Sewer Issues, and Ingris 3. He received a letter from the Jim Paganelli, County Counsel, and there is a question in regards to whether the County has been paid in pursuant to the Pilot Program. The Pilot is an accrument for payment in lieu of taxes. Marian Manor was constructed pursuant to the Pilot program. When something is constructed with the Pilot the idea is that the County gets shut out of receiving taxes from that project. The Municipality is able to retain all of the tax dollars, 5% at least must go to the Board of Education, there is no portion that needs to be sent to the County. It appears that the County has not been receiving payments from Caldwell, from this Pilot Program. Greg will be setting up a meeting with Mr. Paganelli.

ADMINISTRATOR'S REPORT:

Paul Carelli reported that as far as the Community Center he thanked Rob and his staff, Mario and his guys for pitching in and helping anyway they could. The projects that have been done, Westbrook catch basin issue that has been fixed, the Parking deck has been caulked and sealed, the lines are not sticking to the deck so we will be fixing that. The steps have been fabricated and it will take about 2 or 3 weeks and then they will be installed. Next Monday ADP will be shadowing Antoinette with Payroll. Councilman Hauser asked for something in writing from ADP. The servers have arrived and they are being worked on by our consultants. The standby generator project is going well, a transfer switch was delivered and the generator was selected by AES Cogen and Ray Sullivan and the old truck has finally been removed.

Paul Carelli also reported that he had a conversation with the Bond Counsel and Matt Jessup gave him advice on a firm that specializes in CFO Consultants. They are a group of retired CFO's and or CMFO. You can sign a contract with them for 6 months or for a year. They also are financial planers and they can evaluate what you are doing and make suggestions for efficiency and for saving money. Mr. Carelli will be reaching out to them tomorrow.

Councilman Murray reported that the Caldwell Police Department in conjunction with the Drug Enforcement Agency will be hosting Operation Take Back on Saturday, September 29th from 10AM to 2PM at the Caldwell Police Department. They are asking that all residents drop off all unused, unwanted and expired medications for disposal in a safe non-hazardous manner.



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 10-215

Date of Adoption: October 2, 2012

TITLE:

AGREEMENT BETWEEN THE NEW JERSEY TRANSIT CORPORATION AND THE BOROUGH OF CALDWELL AND THE COUNTY OF ESSEX FOR THE INSTALLATION AND MAINTENANCE OF A BUS SHELTER AT THE RYERSON AVENUE BUS STOP

WHEREAS, NJ TRANSIT has funds for the purchase of bus shelters throughout the State of New Jersey; and

WHEREAS, the governing body of a municipality in New Jersey or the Board of Chosen Freeholders of a county may apply to the New Jersey Transit Corporation for the purchase and installation of bus shelters at legally designated bus stops; and

WHEREAS, the Borough of Caldwell, in the interest of promoting public transportation, conservation of energy, traffic safety, and for the convenience of the public, endorses the concept of providing bus shelters within its jurisdiction.

NOW, THEREFORE, be it resolved, that the application is hereby made by the Borough of Caldwell to the New Jersey Transit Corporation for the purchase and installation of 1 bus shelter at the bus stop located at the Ryerson Avenue bus stop.

FURTHER, be it resolved that the Mayor and Borough Clerk be authorized to execute the attached agreement with NJ Transit to arrange for the purchase and installation of the shelters.

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

AGREEMENT BETWEEN
THE NEW JERSEY TRANSIT CORPORATION
AND
MUNICIPAL SPONSOR AND COUNTY CO-SPONSOR
FOR THE INSTALLATION AND MAINTENANCE OF BUS SHELTERS
ON COUNTY ROADS

This agreement made as of _____ by and between NEW JERSEY TRANSIT CORPORATION (hereinafter "NJ TRANSIT") and the name of municipality (hereinafter "Sponsor") and the County of _____, (hereinafter "Co-sponsor") State of New Jersey.

WITNESSETH:

WHEREAS, NJ TRANSIT desires to establish and provide for the operation and improvement of a coherent public transportation system in the most efficient and effective manner; and

WHEREAS, NJ TRANSIT desires to promote increased ridership on buses and other means of public transportation; and

WHEREAS, NJ TRANSIT desires to encourage the participation of municipal and county governments and other concerned citizens in the development of a bus shelter program; and

WHEREAS, the Sponsor and Co-Sponsor desire bus shelters to be installed in order to provide a safe and convenient waiting area for the commuting public; and

WHEREAS, the Sponsor has made application to NJ TRANSIT by its resolution dated _____, and the Co-Sponsor has concurred with said application by its resolution dated _____, which resolutions are hereby made a part of this Agreement, for the installation of a bus shelter(s) at certain locations within the name of municipality in the County of _____, and

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties hereto covenant and agree with each other as follows:

1. NJ TRANSIT shall procure and install, at its sole expense, bus shelters at certain locations within the municipal name, the County of _____, which locations are set forth in Exhibit A which is attached to and made part of this Agreement.
2. The Sponsor, at the Sponsor's sole cost and expense, shall secure any and all rights-of-way necessary for the proposed bus shelter installation(s).
3. Other than as set forth in paragraph 4 hereof, the Sponsor shall do any and all preliminary work relating to installation of the bus shelters, including any utility relocations, necessary to prepare the bus shelter site(s) at the locations set forth in Exhibit A. NJ TRANSIT will ensure that the shelter itself will conform with all requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et. seq., as implemented in the Department of Justice regulations 28 CFR Part 35. The Sponsor shall bear all obligations and costs to comply with the act when necessary to

provide access to the shelter involving sidewalks, curb cuts, ramps, or slopes.

4. If NJ Transit, in its sole discretion, determines that the installation of a six (6) inch deep concrete pad foundation is necessary for the bus shelter installation(s), then NJ Transit shall perform or cause to be performed the excavation or fill work related to the installation of said concrete pad.
5. The Sponsor shall obtain any and all necessary consents from adjoining property owners for installation of the bus shelter(s) at the proposed location(s).
6. The Sponsor, in accordance with N.J.S.A. 39:4-197 et. seq., and the Co-Sponsor shall adopt any and all resolutions and/or ordinances necessary to give legal effect to all regulatory signs and devices installed or erected in connection with the bus shelter installations. The Sponsor and Co-Sponsor shall comply with N.J.S.A. 39:4-8 when adopting any ordinance or resolution pertaining to the subject bus shelters if such resolutions or ordinances pertain to regulating or governing of traffic or traffic conditions.
7. The Sponsor shall procure and, when necessary, pay for any and all necessary permits required to carry out the project.
8. The Sponsor and/or Co-Sponsor hereby grant NJ TRANSIT and the New Jersey Department of Transportation (NJDOT), their agents, officials, employees and servants permission to enter its right-of-way at the location(s) set forth in Exhibit A for the purpose of installing or removing bus shelters at said locations.

9. Upon the commencement of the installation of the bus shelter(s) the Sponsor shall assume ownership and possession of the bus shelter(s) and shall retain ownership of said shelters(s) subject to the terms, condition, reservations and covenants set forth in this Agreement.
10. The Sponsor agrees to bear all risks of damage, loss, theft, or destruction, partial or complete, of the bus shelter(s). Any and all replacements, repairs or substitution of parts on the shelter(s) shall be at the cost and expense of the Sponsor, and the Sponsor shall at all times at its own expense keep the bus shelter(s) in good condition and repair. The Sponsor shall provide, at its own expense, security and maintenance (including removal of graffiti and snow removal) necessary to keep the shelter(s) functional, safe, and clean. If the Sponsor fails to maintain a bus shelter so that it is no longer safe, clean or functional as determined by NJ TRANSIT, NJ TRANSIT shall notify the Sponsor in writing of such determination and after thirty (30) days from the date of said notice, NJ TRANSIT may, by its agents, enter upon the site of said shelter, take possession of, and remove such shelter. The Sponsor, however, shall remain liable with respect to the bus shelter as hereinafter provided until its removal. This right retained by NJ TRANSIT to retake possession of a shelter, should the Sponsor fail to abide by this Agreement, shall not be construed, and is not intended to impose, a duty on the part of NJ TRANSIT to inspect and maintain the shelter(s). The duty to inspect and maintain rests entirely with the Sponsor.

11. At no time shall the Sponsor remove or relocate a bus shelter installed pursuant to this Agreement without prior written approval of NJ TRANSIT. All costs of removal and/or relocation, if approved, shall be borne by the Sponsor.
12. The Sponsor shall defend, indemnify, protect, and save harmless the State of New Jersey, NJ TRANSIT, NJDOT, and the Co-Sponsor, their agents, officials, employees, and servants, against all liability, expenses and just or unjust claims made against the Sponsor, the State of New Jersey, NJ TRANSIT, NJDOT, and the Co-Sponsor, their agents, officials, employees, and servants on account of any alleged injuries, deaths, property damage, losses of any kind whatsoever, damages, suits, liabilities, judgments, costs and expenses (including reasonable court costs and attorney's fees), arising out of any acts or omission of the Sponsor, its officials, agents, servants and employees in the performance of any duties, services or obligations connected with or resulting from this agreement or arising from the possession, use, and maintenance of the bus shelters, including without limitation, the delivery, possession, use or removal thereof. NJ TRANSIT assumes no liability or responsibility for the acts, whether negligent or not, of the Sponsor or Co-Sponsor, their officials, employees, agents or servants, by virtue of entering into this Agreement.
13. The Sponsor agrees to carry, throughout the term of this Agreement, commercial general liability insurance which covers any and all claims

arising from the possession, use or maintenance of each bus shelter which is the subject of this Agreement with a minimum limit of \$1,000,000.00 per occurrence. Such insurance shall name NJ TRANSIT and Sponsor and Co-Sponsor as insured and shall contain a provision that no act or omission of Sponsor and Co-Sponsor will affect or limit the obligation of the insurance company to pay the amount of any loss sustained. Such policy shall be noncancellable except upon thirty (30) days advance written notice to NJ TRANSIT. The foregoing insurance coverage is not intended to, nor does it, limit the liability of the Sponsor to hold harmless the State of New Jersey, NJ TRANSIT, NJDOT and the Co-Sponsor. If the Sponsor fails to maintain the types or amounts of insurance required under the terms of this Agreement, NJ Transit shall have the right to unilaterally cancel this agreement and to enter upon the sites of the subject bus shelters, take possession of the shelters and remove the shelters, upon 24 hours notice to Sponsor and Co-Sponsor.

14. The Sponsor shall not install or permit to be installed any graphics or private advertisement on the bus shelters without the prior written approval of NJ TRANSIT.
15. Each party executing and delivering this agreement has due and proper authority to execute and deliver same.

IN WITNESS WHEREOF, the parties hereto execute this Agreement to be effective as of the day and year first written above.

ATTEST:

SPONSOR:

Clerk

Director or Presiding Officer Date

Name (Type or Print):

Name (Type or Print):

Title (Type or Print):

Title (Type or Print):

ATTEST:

CO-SPONSOR:

Clerk

Director or Presiding Officer Date

Name (Type or Print):

Name (Type or Print):

Title (Type or Print):

Title (Type or Print):

ATTEST:

NJ TRANSIT CORPORATION

By: _____
Date

The aforementioned Agreement has been reviewed and is hereby approved as to form only.

JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY

BY: _____

Deputy Attorney General

Date

N:\signs-shelters\spel\agreements\agreecounty
January 3, 2012



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 10-216

Date of Adoption: October 2, 2012

TITLE:

AUTHORIZING THE APPOINTMENT OF PLANNING BOARD MEMBER

BE IT RESOLVED by Mayor Ann Dassing hereby appoints the following persons to the Planning Board for the terms set forth below. Mayor Dassing has requested the consent of the Council, that they do hereby authorize the appointment of the following Planning Board Member:

Peter N. Byrne
72 Westville Avenue
Caldwell, NJ 07006

Alternate 2 Member

Expires December 31, 2013

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						O'Donnell				
Murray						Kelley				
Coyle						Rodgers				

Lisa O'Neill, Acting Borough Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 10-217

Date of Adoption: October 2, 2012

TITLE:

APPROVING A TOW OPERATOR’S LICENSE FOR TRITON TOWNING, LLC. IN ACCORDANCE WITH THE PROVISIONS OF BOROUGH ORDINANCE 1201-09

WHEREAS, Chapter 231 of the Borough Ordinances titled “Towing and Storage of Vehicles” sets forth the means and manner by which tow operators shall be qualified to conduct business as licensees (known as “Towing Operators”) within the Borough; and

WHEREAS, Triton Towing, LLC. has submitted an application pursuant to section 231-5 of the Borough Ordinances to be designated as a Towing Operator; and

WHEREAS, the Chief of Police has determined that Triton Towing, LLC. has fulfilled the application requirements set forth in Chapter 231-5 and as further set forth in Chapter 231; and

WHEREAS, the Chief of Police has recommended to the Mayor and Borough Council that Triton Towing, LLC. be designated as a Towing Operator.

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

That the Mayor and Borough Council do hereby authorize Triton Towing, LLC. as a Towing Operator pursuant to Borough Ordinance 231-4, effective upon passage of this Resolution and ending on December 31, 2013.

BE IT FURTHER RESOLVED, that the Borough Municipal Clerk and the Borough Attorney and all municipal officials are hereby authorized to take such action as is necessary to implement the purposes of the resolution, that a copy of the resolution certified by the Borough Clerk to be forwarded to each of the following:

1. Borough Tax Collector
2. Director, Division of Local Government Services

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: 10-218

Date of Adoption: October 2, 2012

TITLE:

APPROVING A TOW OPERATOR’S LICENSE FOR NAPOLI TRANSPORTATION, INC. T/A C & L TOWING IN ACCORDANCE WITH THE PROVISIONS OF BOROUGH ORDINANCE 1201-09

WHEREAS, Chapter 231 of the Borough Ordinances titled “Towing and Storage of Vehicles” sets forth the means and manner by which tow operators shall be qualified to conduct business as licensees (known as “Towing Operators”) within the Borough; and

WHEREAS, Napoli Transportation, Inc. T/A C & L Towing. has submitted an application pursuant to section 231-5 of the Borough Ordinances to be designated as a Towing Operator; and

WHEREAS, the Chief of Police has determined that Napoli Transportation, Inc. T/A C & L Towing. has fulfilled the application requirements set forth in Chapter 231-5 and as further set forth in Chapter 231; and

WHEREAS, the Chief of Police has recommended to the Mayor and Borough Council that Napoli Transportation, Inc. T/A C & L Towing. be designated as a Towing Operator.

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

That the Mayor and Borough Council do hereby authorize Napoli Transportation, Inc. T/A C & L Towing as a Towing Operator pursuant to Borough Ordinance 231-4, effective upon passage of this Resolution and ending on December 31, 2013.

BE IT FURTHER RESOLVED, that the Borough Municipal Clerk and the Borough Attorney and all municipal officials are hereby authorized to take such action as is necessary to implement the purposes of the resolution, that a copy of the resolution certified by the Borough Clerk to be forwarded to each of the following:

1. Borough Tax Collector
2. Director, Division of Local Government Services

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: 10-219

Date of Adoption: October 2, 2012

TITLE:

AUTHORIZING ISSUANCE OF ONE (1) TAXICAB LICENSES TO Rafik Hana, 52 Park Terrace North, Caldwell, NJ 07006. APPLICATION AND APPLICANT HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey, that they have no objections to the issuance of one (1) Taxicab Licenses to Rafik Hana, 52 Park Terrace North, Caldwell, New Jersey 07006 from October 3, 2012 through March 31, 2013. Applicant and application have been approved by the appropriate municipal departments

2012 Chevy Suburban Wagon 1GNSKJE75CR101072

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Hauser						O'Donnell				
Murray						Kelley				
Coyle						Rodgers				

Lisa O'Neill, Acting Borough Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 10-220

Date of Adoption: October 2, 2012

TITLE:

**RESOLUTION SUPPORTING *PUT THE BRAKES ON FATALITIES DAY*, OCTOBER 10, 2012.
October 10, 2012 has been declared *Put the Brakes On Fatalities Day* by the BOROUGH OF
CALDWELL AND THE CALDWELL POLICE DEPARTMENT**

WHEREAS, Across the nation, traffic crashes caused 32,310 fatalities in 2011, and are the leading cause of death for young people ages 15 to 34; and

WHEREAS, In New Jersey, 627 individuals lost their lives in traffic crashes in 2011; and

WHEREAS, Alcohol-related crashes accounted for 24 percent of the State’s traffic fatalities, while speed related fatalities for 2011 climbed to 174 from 61 recorded in 2007; and

WHEREAS, Motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey’s roadways, as people opt for alternative modes of transportation; and

WHEREAS, 92 motorcyclists, 17 bicyclists and 143 pedestrians were killed in New Jersey in traffic-related crashes in 2011; and

WHEREAS, Safer driving behaviors such as buckling up every ride; obeying posted speed limits; stopping for pedestrians in crosswalks and using crosswalks when walking; avoiding aggressive driving behaviors; never driving impaired; wearing proper safety gear when riding a motorcycle or bicycle; and, focusing solely on driving by avoiding distractions can dramatically reduce the number of traffic-related injuries and deaths;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Caldwell and the Caldwell Police Department do hereby proclaim October 10, 2012, *Put the Brakes On Fatalities Day*, and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

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

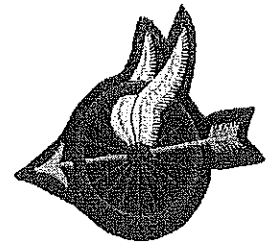
Ann Dassing, Mayor



Caldwell Police Department

TRAFFIC SAFETY BUREAU

One Provost Square – Caldwell, NJ 07006
(973) 226-2600 – Fax (973) 226-0026



JAMES H. BONGIORNO
Chief

MICHAEL J. PELLEGRINO
OIC, Traffic Safety Bureau

TO: Chief Bongiorno
FROM: Sgt. Mike Pellegrino
DATE: September 26, 2012
SUBJECT: PUT THE BRAKES ON FATALITIES DAY, OCTOBER 10, 2012 RESOLUTION
REF: Attached

Chief,

Attached is a resolution I am submitting for approval by the Mayor and Council which proclaims the Borough's and the Police Department's support for the **PUT THE BRAKES ON FATALITIES DAY** national campaign on October 10, 2012.

Information regarding the campaign is included.

Any questions or additional information please let me know.

Thank you.



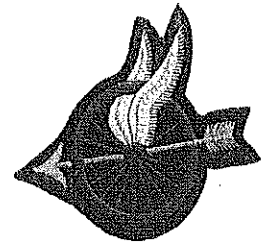
SERGEANT MICHAEL PELLEGRINO
OIC, TRAFFIC BUREAU



Caldwell Police Department

TRAFFIC SAFETY BUREAU

One Provost Square – Caldwell, NJ 07006
(973) 226-2600 – Fax (973) 226-0026



JAMES H. BONGIORNO
CHIEF

MICHAEL J. PELLEGRINO
OIC, Traffic Safety Bureau

PROCLAMATION/RESOLUTION

Supporting ***PUT THE BRAKES ON FATALITIES DAY, OCTOBER 10, 2012***

October 10, 2012 has been declared *Put The Brakes On Fatalities Day* by the
BOROUGH OF CALDWELL AND THE CALDWELL POLICE DEPARTMENT

Whereas, Across the nation, traffic crashes caused 32,310 fatalities in 2011, and are the leading cause of death for young people ages 15 to 34; and

Whereas, In New Jersey, 627 individuals lost their lives in traffic crashes in 2011; and

Whereas, Alcohol-related crashes accounted for 24 percent of the State's traffic fatalities, while speed related fatalities for 2011 climbed to 174 from 61 recorded in 2007; and

Whereas, Motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey's roadways, as people opt for alternative modes of transportation; and,

Whereas, 92 motorcyclists, 17 bicyclists and 143 pedestrians were killed in New Jersey in traffic-related crashes in 2011; and,

Whereas, Safer driving behaviors such as buckling up every ride; obeying posted speed limits; stopping for pedestrians in crosswalks and using crosswalks when walking; avoiding aggressive driving behaviors; never driving impaired; wearing proper safety gear when riding a motorcycle or bicycle; and, focusing solely on driving by avoiding distractions can dramatically reduce the number of traffic-related injuries and deaths;

Therefore, be it resolved that the **Borough of Caldwell** and the **Caldwell Police Department** do hereby proclaim October 10, 2012, *Put the Brakes On Fatalities Day*, and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 10-221

Date of Adoption: October 2, 2012

TITLE:

RESOLUTION AUTHORIZING THE PURCHASE OF ENERGY GENERATION SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Borough of Caldwell has determined to move forward with the EMEX Reverse Auction in order procure electricity for the Borough of Caldwell; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the “Act”) authorizes the purchase of energy generation service for public use through the use of an online auction service; and

WHEREAS, the Borough of Caldwell will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act; and be it

NOW THEREFORE BE IT RESOLVED, that a certified copy of the within Resolution be forwarded by the Borough Clerk to the following:

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