

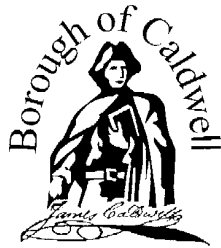


***BOROUGH OF CALDWELL
NEW JERSEY***



**COUNCIL BUSINESS MEETING
November 5, 2015**

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



Council Chambers
1 Provost Square Caldwell, NJ

Borough of Caldwell

Council Business Meeting

AGENDA - REVISED

Phone: (973) 226-6100
Website: www.caldwell-nj.com
November 5, 2015 / 7:00PM

MAYOR
Ann Dassing

BOROUGH COUNCIL
Thomas O'Donnell - President
Richard Hauser
Edward Durkin
Pasquale Capozzoli
Kristian Brown
John Cascarano

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

October 20, 2015

PROCLAMATION

1. Jaime Moreno

INTRODUCTION OF ORDINANCES

ORDINANCE# 1316-15: AN ORDINANCE AMENDING CHAPTER 230 – ARTICLE V OF THE CODE OF THE BOROUGH OF CALDWELL, TRAFFIC REGULATIONS

PUBLIC HEARING AND ADOPTION OF ORDINANCES

ORDINANCE# 1313-15: AN ORDINANCE AMENDING CHAPTER 130 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE ORDINANCE GOVERNING THE OPERATION OF THE HISTORICAL PRESERVATION COMMISSION

ORDINANCE# 1314-15: AN ORDINANCE AMENDING CHAPTER 53 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION REGULATING LICENSING OF ALCOHOLIC BEVERAGES

ORDINANCE#1315-15: CAPITAL ORDINANCE OF THE BOROUGH OF CALDWELL, COUNTY OF ESSEX, STATE OF NJ AUTHORIZING PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF CALDWELL, APPROPRIATING THEREFOR THE SUM OF \$600,000 FROM THE SEWER CAPITAL IMPROVEMENT FUND

OPEN PUBLIC COMMENTS ON RESOLUTIONS

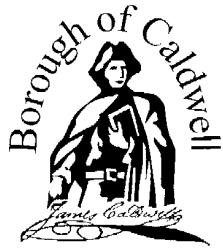
Members of the public are invited to comment at this time on any resolution.

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.

11-199

AUTHORIZING THE AWARD OF A CONTRACT FOR THE FINAL SETTLING SLUDGE COLLECTION SYSTEM AT THE CALDWELL WASTEWATER TREATMENT PLANT TO JEV CONSTRUCTION LLC, 116 W. MAIN STREET, CLINTON, NEW JERSEY 08809 IN THE AMOUNT OF \$482,500.00



Council Chambers

1 Provost Square Caldwell, NJ

Borough of Caldwell Council Business Meeting AGENDA - REVISED

Phone: (973) 226-6100

Website: www.caldwell-nj.com

November 5, 2015 / 7:00PM

MAYOR
Ann Dassing

BOROUGH COUNCIL
Thomas O'Donnell - President
Richard Hauser
Edward Durkin
Pasquale Capozzoli
Kristian Brown
John Cascarano

11-200	AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE - HSA Lincoln School, Off Premise - Merchandise Raffle, December 8, 2015 - 3:00PM - 8:00PM & December 9, 2015 - 3:00PM - 6:00PM
11-201	AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE - Caldwell Volunteer Fire Department, Off Premise - 50/50 Raffle, December 5, 2015 - 7:00PM
11-202	AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE - Caldwell Volunteer Fire Department, Off Premise - 50/50 Raffle, December 5, 2015 - 7:00PM
11-203	RESOLUTION AUTHORIZING A REFUND OF OVERPAYMENT OF 2015 FINAL WATER FOR 10 GOULD PLACE, CALDWELL, NJ.
11-204	AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #14-00018 BLOCK 29, LOT 39.01
11-205	AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH NOVEMBER 5, 2015 FOR 2015 BILLS IN THE TOTAL AMOUNT OF \$
11-206	AUTHORIZING THE APPOINTMENT OF SPECIAL IMPROVEMENT DISTRICT STEERING COMMITTEE MEMBERS

COUNCIL COMMITTEE REPORTS

Borough Council Members

REPORT OF MAYOR

Mayor Dassing

REPORT OF BOROUGH ADMINISTRATOR

Paul M. Carelli

REPORT OF BOROUGH ATTORNEY

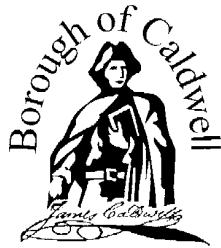
Greg Mascera

REPORT OF POLICE CHIEF

James Bongiorno

REPORT OF COUNTY LIAISON

Patricia Keenan



Council Chambers

1 Provost Square Caldwell, NJ

Borough of Caldwell

Council Business Meeting

AGENDA - REVISED

Phone: (973) 226-6100

Website: www.caldwell-nj.com

November 5, 2015 / 7:00PM

MAYOR

Ann Dassing

BOROUGH COUNCIL

Thomas O'Donnell - President

Richard Hauser

Edward Durkin

Pasquale Capozzoli

Kristian Brown

John Cascarano

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. Agreements

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 10/30/2015 with all available information as of this date. This agenda has been sent to four official newspapers of the Borough on 10/30/2015 in compliance with P. L. 1975, c 213

Lisa O'Neill, Deputy Clerk.

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – October 20, 2015**

Page 1 of 3

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

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

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

Adequate notice of this Council Business/Conference meeting was given on January 1, 2015. Notice was posted on the bulletin board on the first floor of the Borough Hall, One Provost Square, Caldwell, New Jersey. Official newspapers of the Borough were notified of this meeting by mail. Notice was posted and all persons requesting notice were sent same.

PLEDGE OF ALLIGENCE

**APPROVAL OF MINUTES:
October 6, 2015**

Moved by Councilman Cascarano, seconded by Councilman Brown. No Discussion. On roll call, all present voted in the affirmative. Minutes approved 10/20/15.

PRESENTATION:

1. Proclamation to Dorchak Family
Mayor Dassing read the Proclamation to the Dorchak Family.
2. Special Improvement District Project - Stuart Koperweis
3. Fire Prevention by Gary Garamella and Mark Guiliano

OPEN TO PUBLIC:

Moved by Council President O'Donnell, seconded by Councilman Cascarano to open to public.

10-193: 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, December 5, 2015 – 8:00AM – 5:00PM

10-194: AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – HSA Trinity Academy, Off Premise – Merchandise Raffle, December 5, 2015 – 8:00AM – 5:00PM

10-195: AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH CREW ENGINEERS FOR PROVIDING CONSTRUCTION RELATED SERVICES FOR THE ELM ROAD, HATFIELD STREET, AND ERWIN PLACE ROAD IMPROVEMENTS FOR A NOT TO EXCEED FEE OF \$25,400

10-196: RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH PSE&G, 80 PARK PLAZA, NEWARK, NEW JERSEY 07102 FOR EMERGENCY POWER AND LAND LEASE PAYMENTS FOR SOLAR POWER AT THE CALDWELL WASTEWATER TREATMENT PLANT

10-197: AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH OCTOBER 20, 2015 FOR 2015 BILLS IN THE TOTAL AMOUNT OF \$3,818,756.37

Consent Agenda

Moved by Council President O'Donnell, seconded by Councilman Cascarano. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 10/20/15.

10-198: RESOLUTION AUTHORIZING THE HIRING OF ROBERT SULLIVAN TO THE FULL-TIME POSITION OF PARKING ENFORCEMENT OFFICER AND CROSSING GUARD FOR THE BOROUGH OF CALDWELL AT A RATE OF \$20.00 PER HOUR AND A TOTAL OF 35 HOURS PER WEEK EFFECTIVE OCTOBER 26, 2015

Moved by Council President O'Donnell, seconded by Councilman Cascarano. Discussions Ensued. On roll call Council President O'Donnell, Councilman Hauser, Durkin, Brown and Cascarano voted in the affirmative. Councilman Capozzoli abstained. Resolution approved 10/20/15.

COUNCIL COMMITTEE REPORTS:

Councilman Hauser reported that tomorrow there will be an open space committee meeting. There was a joint recreation meeting with Councilman Hladik, Councilman Docteroff and Councilman Cecere, Adam

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – October 20, 2015**

Page 2 of 3

Brewer and Tom Edwards and the discussion was on funds for EVS, Kiwanis Oval grant money used. There are decisions to be made and we will have discussion in Executive Session.

Councilman Capozzoli reported that they will be having coffee with a cop and this will provide the community with a better way to communicate with our Police Department on November 14th at the Community Center from 9AM-11AM. Trick or Treating will be on the Avenue from 12-4PM the crossing guards will be crossing and he encourages everyone to attend to meet new people and see what the down town has to offer. Councilman Capozzoli gave a special thank you to participating merchants for that day.

Councilman Cascarano reported that he has been in touch with the chair of Public Safety Councilman Capozzoli regarding the crossing on Gould and Bloomfield Avenue and we have been trying to address this but the problem is the road is a County road. They have been in contact with the County and we are trying to find a resolution that is good for the pedestrians and the best interest of safety. He has been in touch with Ms. Keenan our County Liaison and both the Mayor and Councilman Capozzoli will be meeting this Monday in order to try and find a way to address it.

NEW BUSINESS:

1. 2015 Best Practices Inventory

Paul Carelli reported that this is what needs to be filed to the State and needs to be memorialized and put on the agenda which is basically what this is.

REPORT OF MAYOR:

Mayor Dassing reported that she met with the assistant to the Administrator from Verona Steven Neil and he expressed interest to EZ Ride shuttle bus as well. The next step is to have EZ ride make a presentation to the Council and Verona was meeting last night and Steven is going to get back to me and let me know what Verona thinks. They are looking at two buses starting a 6AM each bus holds 25 passengers. Verona has a software program that residents can sign up for community recreation programs and they think they can retrofit it to sign up for annual passes for the EZ ride. Everything would be done on line except if we were to sell books of tickets maybe at the Police Department and the Community Center. We would need 100 riders to cover the cost of the buses. The Mayor thanked the Fire Department for an amazing job at 10 Hatfield Street their bravery and commitment is outstanding.

REPORT OF BOROUGH ADMINISTRATOR:

Paul Carelli reported on the following:

- Sewer plant clarifier replacement will be awarded on November 5, 2015.
- George Librizzi will be moving in to the new tax/finance office and he is doing a great job automating everything.
- The re-val has been pushed off for one year.
- The tax maps are being reviewed.
- All windows have been replaced on the Borough side. The last two offices will be worked on next.

REPORT OF BOROUGH ATTORNEY:

Greg Mascera reported about the re-val and the current ratio in town is within the acceptable limits. Normally when a county orders a re-val because the equalization ratio is beyond an acceptable ratio the Borough's ratio is 92% or 93% which is still an acceptable ratio. The urgency to have an appeal is not there as it would be in some instances. Greg handed out a drafted copy of the Historic Preservation ordinance the first reading was on October 6th the second reading will be November 5th there were some changes that Ms. Buckley asked for verification that we discussed and it is immaterial so therefore it will not require the introduction of the ordinance.

REPORT OF POLICE CHIEF:

Chief Bongiorno invited all the residents to Coffee with a Cop. This will give us the opportunity to meet you and you to meet us.

REPORT OF COUNTY LIAISON:

Patricia Keenan reported that there are two upcoming events for Halloween on Friday, October 23rd from 6-9PM at the Iris Gardens there will be Jack-o-lanterns caved by student artists from several Essex County high schools which will be lined up in the Gardens. On October 24th is a Strut your Mutt Parade at the Essex County Brookdale Dog Park and Essex County South Mountain Dog Park.

OPEN PUBLIC MEETING:

Moved by Councilman Capozzoli seconded by Councilman Cascarano to open meeting to the Public.

Richard Basta, 21 Washburn Place read a letter from the Historic Preservation.

Hilda Moore, 23 Personette Street asked if the speed monitor can be looked at she doesn't think it's working on Personette.

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – October 20, 2015**

Page 3 of 3

Bob Kaplan, 51 Cleveland Road talked about the Historic Preservation Ordinance.

Ann Marchioni gave an update on the garden and Foodtown will be donating some food and she encourages everyone to come by if you can't help then thank those that are doing the work. Also, Home Depot has giving us 1500.00 grant.

On a motion made by Council President O'Donnell and seconded by Councilman Cascarano unanimously affirmed, the Council moved into Executive Session at .M.

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. The Executive Session will be discussion of EVS Field, potential litigation sewer and two employees who received rice notices.

The Executive Session was adjourned and upon a motion by Councilman Brown seconded by Council President O'Donnell, the Council Business Conference Meeting was opened to the public and the press at 9:39PM.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Hauser, seconded by Councilman Cascarano unanimously affirmed by all members present, the meeting was adjourned at 9:39PM

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

DATE



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 11-199
Date of Adoption: November 5, 2015

TITLE:
AUTHORIZING THE AWARD OF A CONTRACT FOR THE FINAL SETTLING SLUDGE COLLECTION SYSTEM AT THE CALDWELL WASTEWATER TREATMENT PLANT TO JEV CONSTRUCTION LLC, 116 W. MAIN STREET, CLINTON, NEW JERSEY 08809 IN THE AMOUNT OF \$482,500.00

WHEREAS, the Borough of Caldwell advertised for and received bids for the final settling sludge collection system at the Caldwell Wastewater Treatment Plant on September 17, 2015, and;

WHEREAS, the Borough of Caldwell received bids from (11) contractors, and;

WHEREAS, JEV Construction LLC, 116 W. Main Street, Clinton, New Jersey 08809 submitted the lowest conforming bid in the amount of \$482,500.00, and;

WHEREAS, this matter was reviewed by the Borough’s Licensed Sewer Operator and Borough Attorney, and;

NOW THEREFORE, BE IT RESOLVED, that Borough Council of the Borough of Caldwell, New Jersey does hereby authorize the award of a contract for the final settling sludge collection system at the Caldwell Wastewater Treatment Plant to JEV Construction LLC, 116 W. Main Street, Clinton, New Jersey 08809 in the amount of \$482,500.00

BE IT FURTHER RESOLVED, that the Borough Administrator is hereby authorized to execute a contract for said services in a form to be approved by the Borough Attorney contingent upon the CFO’s certification of available funds.

CERTIFICATION OF AVAILABLE FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq. and any other applicable requirement, I, Christopher Battaglia, Chief Financial Officer of the Borough of Caldwell, have ascertained that there are available sufficient uncommitted funds in the line item specified below to award the contract specified in the above resolution, in the amount specified below. I further certify that I will encumber these finds upon the passage of this resolution.

Line Item	Description	Amount
Christopher Battaglia, CFMO		Date

RECORD OF COUNCIL VOTE

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

COUNCILMAN	Yes	No	Absent	Abstain	COUNCILMAN	Yes	No	Absent	Abstain
O'Donnell					Capozzoli				
Hauser					Brown				
Durkin					Cascarano				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



CALD-00060

September 23, 2015

Mr. Greg Seaman, Sewer Director
Borough of Caldwell
1 Provost Square
Caldwell, NJ 07006

**Re: Final Settling Tank Sludge Collection System Upgrades
Recommendation of Award
Borough of Caldwell, NJ**

Dear Mr. Seaman:

On Thursday, September 17, 2015, the Borough received bids for the above-referenced project. A total of ten bids were received with the three lowest bids summarized as follows:

<u>Contractor</u>	<u>Base Bid</u>
JEV Construction LLC	\$482,500.00
Spectraserv Inc.	\$556,800.00
Blooming Glen Contractors	\$562,547.00

The apparent low bidder is JEV Construction LLC, 116 W. Main St, 2nd Floor, Clinton, NJ, 08809 at a bid price of \$482,500.00. Since their bid was significantly less than the Engineer's Opinion of Probable Construction Cost estimate, and the bid amounts of the next lowest bidders, T&M Associates contacted JEV Construction to confirm that they feel confident that they can successfully execute the project in accordance with the Contract Documents at their proposed bid price. After detailed discussions, JEV Construction confirmed that they are confident that they can execute the project at their proposed bid cost. In addition, we have reviewed JEV Construction's bid submittal and have confirmed that the submitted documents are in conformance with the Bid Submission Requirements.

Therefore, based upon the above, T&M Associates recommends that the Borough award the project to JEV Construction LLC contingent upon certification that funds are available and review and approval of the bid documents by the Borough Attorney. Provided the Borough Attorney is satisfied with the bid submitted by JEV Construction LLC, we are requesting that the Borough prepare the necessary Resolution of Award. Once the project is awarded, kindly send four (4) copies of the signed and sealed Resolution of Award to our office so that we can include it with the Contract Documents and have all Contracts executed by JEV Construction LLC.



CALD-00060
September 23, 2015
Page 2

*Le: Mr. Greg Seaman, Sewer Director
Borough of Caldwell*

*Re: Final Settling Tank Sludge Collection System Upgrades
Recommendation of Award
Borough of Caldwell, Caldwell, NJ*

Should you have any questions or require additional information, please do not hesitate to call.

Very truly yours,

T&M ASSOCIATES

RICHARD CRANE, P.E. BCEE
VICE PRESIDENT

RPC:AB:scb

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Paul Carelli

From: Greg Seaman
Sent: Friday, September 25, 2015 12:18 PM
To: Paul Carelli
Subject: WWTP Clarifier Project

Paul

I have called several of the references provided by JEV Construction, the apparent low bidder on the clarifier project. I purposely avoided any of the projects involving Hatch Mott McDonald to avoid any conflict of interest.

I received responses from the following four references:

Gary Lattimer, Alaimo Engineering - he stated that JEV is an excellent contractor and they had no problems on the job.

William Kirchner, Environmental Resolutions Inc. - he stated that JEV is the best contractor he has ever worked with.

Justin Mendinsky, HRG Engineering - good experience, no change orders, quality work.

Davis Coats, CME Associates - great submit talks, good work, minor change orders, fairly priced.

Based on these responses, I would recommend the award of the clarifier contract to JEV Construction.

Please let me know if you have any questions.

Greg Seaman



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 11-200
Date of Adoption: November 5, 2015

TITLE:
**AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION
HAVE BEEN APPROVED BY THE CLERK’S OFFICE – HSA Lincoln School, Off Premise –
Merchandise Raffle, December 8, 2015 – 3:00PM – 8:00PM & December 9, 2015 – 3:00PM – 6:00PM**

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-1317 HSA Lincoln School
Off Premise – Merchandise Raffle
December 8, 2015 – 3:00PM – 8:00PM
December 9, 2015 – 3:00PM – 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

O’Donnell						Capozzoli				
Hauser						Brown				
Durkin						Cascarano				

Lisa O’Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 11-201
Date of Adoption: November 5, 2015

TITLE:
**AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION
HAVE BEEN APPROVED BY THE CLERK’S OFFICE – Caldwell Volunteer Fire Department, Off
Premise – 50/50 Raffle, December 5, 2015 – 7:00PM**

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-1318 Caldwell Volunteer Fire Department
Off Premise – 50/50 Raffle
December 5, 2015 – 7:00PM

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

O'Donnell						Capozzoli				
Hauser						Brown				
Durkin						Cascarano				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 11-202
Date of Adoption: November 5, 2015

TITLE:
AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK’S OFFICE – Caldwell Volunteer Fire Department, Off Premise – Tricky Tray Raffle, December 5, 2015 – 4:00PM – 10:00PM

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-1319 Caldwell Volunteer Fire Department
Off Premise – Tricky Tray Raffle
December 5, 2015 – 4:00PM – 10:00PM

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

O'Donnell						Capozzoli				
Hauser						Brown				
Durkin						Cascarano				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 11-203
Date of Adoption: November 5, 2015

TITLE:
**RESOLUTION AUTHORIZING A REFUND OF OVERPAYMENT OF 2015 FINAL WATER
FOR 10 GOULD PLACE, CALDWELL, NJ.**

WHEREAS, it has been determined by the Tax Collector that the old homeowner is entitled to a refund due to them sending us the check for Third quarter 2015 Water at the closing and so did the new owners also the water where paid twice.

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

<u>RECIPIENT</u>	<u>REFUND AMOUNT</u>
Ms. Ann Hansen 402 Battery Chase Beaufort, SC 29902	
<u>Re final water reading @</u> 10 Gould Place	\$37.90

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

O'Donnell						Capozzoli				
Hauser						Brown				
Durkin						Cascarano				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 11-204
Date of Adoption: November 5, 2015

TITLE:
AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #14-00018 BLOCK 29, LOT 39.01

WHEREAS, at the Borough of Caldwell Tax Sale held on December 23, 2014, a lien was sold on Block 29, Lot 39.01 also known as 49 Cleveland Street in Caldwell, NJ for delinquent Water; and

WHEREAS, this lien, known as Tax Sale Certificate 14-00018, was sold to US BANK CUST-PROCAPITAL 5 STERLING; and

WHEREAS, the HOMEOWNERS BANK has effected redeemed the Certificate 14-00018 in the amount of \$9439.20; and
WITH A PREMIUM AMOUNT OF \$500.00 TO ALSO BE RETURNED TO THE LIEN HOLDER.

NOW THEREFORE BE IT RESOLVED that authorization is hereby given to issue a check in the amount of \$9939.20 payable to US BANK CUST-PROCAPITAL 5, STERLING for the redemption of Tax Sale Certificate 14-00018

Certificate 14-00018

PRINCIPAL.....	\$ 9387.20
RECORDING FEES.....	\$ 52.00
PREMIUM.....	\$ 500.00
TOTAL REDEMPTION.....	\$ 9,939.20

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

O'Donnell						Capozzoli				
Hauser						Brown				
Durkin						Cascarano				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**



Resolution No: 11-205
Date of Adoption: November 5, 2015

TITLE:
**AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH
NOVEMBER 5, 2015 FOR 2015 BILLS IN THE TOTAL AMOUNT OF \$1,199,828.07**

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 2015 appropriation for said purpose;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Caldwell that the Chief Financial Officer and Borough Administrator 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
O'Donnell					Capozzoli				
Hauser					Brown				
Durkin					Cascarano				

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



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



BOROUGH OF CALDWELL NEW JERSEY



ORDINANCE# 1313-15

AN ORDINANCE AMENDING CHAPTER 130 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE ORDINANCE GOVERNING THE OPERATION OF THE HISTORICAL PRESERVATION COMMISSION

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

That Chapter 130, of the Borough of Caldwell, is hereby repealed in its entirety and substituted with the following:

Chapter 130, SHALL GOVERN THE HISTORICAL PRESERVATION COMMISSION AND SHALL SET FORTH THE REGULATIONS GOVERNING THE OPERATION OF THE COMMISSION as follows:

Chapter 130

Section 130 – 1 Purposes

The purpose of this article is to provide a method by which to locate and identify historic districts, historical structures and landmarks within the Borough of Caldwell and to regulate the repair, alteration, replacement, removal and demolition of historical structures and to otherwise prevent the abuse, loss, removal and destruction of historical structures and landmarks within the community by reason of neglect, improper repair and alteration and development; to thereby preserve the historical, cultural, architectural and social heritage of the community; and to thereby foster civic pride and the economic, social and educational well-being of the community.

Section 130- 2 Interpretations

- A. It is the intention of the Caldwell governing body to maintain an agency to assist in the identification of historic districts, historical structures and landmarks within the municipality and to create a system by which to administer regulations designed to preserve and regulate such historic districts, historical structures or landmarks based upon a rational plan and objective which will complement existing land use legislation.
- B. Nothing herein contained shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner of complying with the requirements of any other state statute or municipal ordinance or regulation.
- C. In the event of any inconsistency, ambiguity or overlapping of requirements between this article and any other requirement enforced by the municipality, the more restrictive ordinance or requirement shall apply, to the extent that state or federal legislation permits.
- D. This article should not be viewed as requiring or prohibiting the use of any particular architectural style. Instead, the intention of this article is to preserve the past by making the past compatible with the present.

Section 130-3 Definitions

As used in this article, the following terms shall have the meanings indicated:

ADDITION

The construction of a new improvement as part of an existing improvement when such improvement changes the exterior appearance of any landmark.

ALTERATION

Any work done on any improvement which is not an addition to the improvement and which changes the appearance of the exterior surface of any improvement.

DEMOLITION

The razing of any improvement or the obliteration of any natural feature of a landmark.

HISTORIC DISTRICT

One or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites.



BOROUGH OF CALDWELL NEW JERSEY



HISTORIC SITE

Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing of historical, archeological, cultural, scenic or architectural significance.

IMPROVEMENT

Any structure or part thereof constructed or installed upon any real property by human endeavor and intended to be kept at the location of such construction or installation for a period of at least 60 days.

LANDMARK

Any historic structure or site which has been designated by ordinance pursuant to N.J.S.A. 40:55D-65.1 or which has been identified in any component of the Master Plan. As used in this chapter, "landmark" may be substituted for "historic," "historic preservation" and "historic site."

MAJOR APPLICATION

Any application for a permit required by this article which involves demolition or removal of a landmark, addition to a landmark, or modification to a landmark which will substantially affect the characteristics of the landmark.

MINOR APPLICATION

Any application for a permit required under this article which does not involve demolition or removal of a landmark, addition to a landmark or modification to a landmark.

NATIONAL REGISTER CRITERIA

The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places.

REPAIR

Any work performed on an improvement which is not an addition to the improvement and which does not change the appearance of the exterior surface of the improvement.

REPLACEMENT

A repair or reconstruction to any improvement for which a building permit ordinarily is required.

STRUCTURE

Any improvement, including but not limited to all buildings.

130 -4 Historic Preservation Commission

A. There is hereby established a Historic Preservation Commission which shall consist of five regular members and two alternate members.

B. Membership on the Commission shall include one member designated as a Class A member, who shall be a person who is knowledgeable in building design and construction or architectural history and who may reside outside of the municipality; and one member designated as a Class B member, who shall be a person who is knowledgeable of or has a demonstrated interest in local history and who may reside outside the municipality. Regular members who are not designated as Class A or Class B members shall be designated as Class C members and shall be citizens of the municipality and shall hold no other municipal office, position or employment except for membership on the Planning Board or Board of Adjustment. Alternate members shall meet the qualifications of Class C members.

C. Appointment; terms.

(1) Regular members and alternate members shall be appointed by the Mayor. At the time of the appointment, the Mayor shall designate the members by class and the alternates as "Alternate No. 1" and "Alternate No. 2."



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(2) The terms for regular members shall be four years.

(3) Alternate members shall serve for terms of two years.

(4) A vacancy in the term of any regular or alternate member occurring otherwise than by expiration of a term shall be filled for the unexpired term only.

(5) Despite any other provision contained herein, the term of any member common to the Commission and to the Planning Board shall be for the term of the membership on the Planning Board, and the term of any member common to the Commission and the Board of Adjustment shall be for the term of membership on the Board of Adjustment.

D. The Commission shall elect a Chairman and Vice Chairman from its members and shall select a Secretary who may or may not be a member of the Commission or a municipal employee.

E. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

F. No member of the Commission shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest.

G. A member of the Commission may, after public hearing if public hearing is requested by such member, be removed by the Borough governing body for cause.

H. Responsibilities.

The Commission shall have the responsibility to:

(1) Prepare a survey of the historic sites of the municipality, pursuant to criteria identified in the survey report.

(2) Make recommendations to the Planning Board on the historic preservation plan element of the Master Plan and on the implications for preservation of historic sites of any other Master Plan elements.

(3) Advise the Planning Board on the inclusion of historic sites in the recommended capital improvement program.

(4) Advise the Planning Board and the Board of Adjustment on applications for development, pursuant to N.J.S.A. 40:55D-110.

(5) Provide written reports, pursuant to N.J.S.A. 40:55D-111, on the application of the Zoning Chapter provisions concerning historic preservation.

(6) Carry out such other advisory, educational and informational functions as will promote historic preservation in the municipality.

S 130-5 Appropriations; Employment of Experts and Staff.

A. The governing body shall make provision in its budget and appropriate funds for the Historic Preservation Commission.

B. The Historic Preservation Commission may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary. The Commission shall obtain its legal counsel from the Municipal Attorney at the rate of compensation determined by the governing body, unless the governing body, by appropriation, provides for separate legal counsel for the Commission. Expenditures by the



BOROUGH OF CALDWELL NEW JERSEY



Commission shall not exceed, exclusive of gifts or grants, the amount appropriated by the governing body for the Commission's use.

S 130-6 Regulation of Historic Structures and Landmarks; Permits

A. The Planning Board and Board of Adjustment shall refer to the Historic Preservation Commission every application for development submitted to either Board for development of any property within an historic district, a landmark designated on the Zoning Map or the official map or identified in any component of the Master Plan, in accordance with N.J.S.A. 40:55D-110.

B. In addition to such other permits that might be required by other applicable ordinances of the Borough, a permit shall be required before any of the following activities are commenced on any property within an historic district or any property that has been designated by ordinance as a historic site or having upon it an historic structure:

- (1) Demolition of any building or structure within an historic district or demolition of an historic structure or landmark.
- (2) Relocation of any historic structure or landmark.
- (3) Change in the exterior appearance of any building within an historic district, or of any existing historic structure or landmark.
- (4) Changes in or addition of new signs or exterior lighting, except that no permit shall be required for one unlighted sign per premises if the surface area of such sign does not exceed one square foot for an identification sign or four square feet for a commercial sign, provided that such sign is attached to and parallel to the facade of the building or structure.
- (5) Any new construction of a principal or accessory structure.

C. Exceptions.

- (1) A permit shall not be required if the proposed change to the historical structure or landmark was approved by the Planning Board or the Board of Adjustment in connection with an application for development, pursuant to N.J.S.A. 40:55D-1 et seq. and The Planning Board or Board of Adjustment, as the case may be, had referred the application for development pursuant to part A of this section 130-7.
- (2) A permit shall not be required for any repainting of the same color, repair or exact replacement of any existing improvement. In the event that the color or exterior surface material of the improvement shall be changed as a result of such repainting, repair or exact replacement, a permit shall not be required if the new color or exterior surface is one that has been previously approved by regulation duly promulgated by the Commission for similar improvements.

D. Application for a permit pursuant to this article shall be filed with the Borough Construction Code Official on a form to be supplied by the Borough. At the time of filing, the applicant shall pay an application fee in the amount set forth in Chapter A270, Fees, of the Caldwell Code.

E. The Construction Code Official shall review the application with the administrative officer and shall classify the application as a minor application or a major application as defined in this article.

F. Minor applications.

(1) If the permit application has been classified by the administrative officer and the Construction Code Official as a minor application, the Construction Code Official shall refer such application to the Commission for its report and its recommendation. In such instance, in accordance with NJSA 40:55D-111, the Commission chairperson may act in the place of the full commission.



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(2) The Commission shall report to the Construction Code Official within 45 days from the date such application was referred to the Commission. If within the forty-five-day period the Commission recommends to the Construction Code Official against the issuance of a permit or recommends conditions to the permit to be issued, the Construction Code Official shall deny issuance of the permit or include the conditions in the permit, as the case may be. Failure to report within the forty-five-day period shall be deemed to constitute a report in favor of issuance of the permit and without the recommendation of conditions to the permit. If the Commission recommends issuance of the permit, then the Construction Code Official shall thereupon issue the permit, and such permit shall contain such conditions as the Commission shall recommend.

G. Major applications.

(1) If the permit application has been classified as a major application, the Construction Code Official shall refer such application to the Commission for its report and its recommendation. The referral shall state that the application has been classified as a major application and that the Commission shall submit its report directly to the Planning Board.

(2) The Planning Board shall have the authority to review major applications for permits, to consider recommendations of the Historic Preservation Commission and to make recommendations to the Construction Code Official with regard to such applications.

(3) The Planning Board shall report to the Construction Code Official within 45 days from the date the application was referred to the Commission. If within the forty-five-day period the Planning Board recommends to the Construction Code Official against the issuance of a permit or recommends conditions to the permit to be issued, the Construction Code Official shall deny issuance of the permit or include the conditions in the permit, as the case may be. Failure to report within the forty-five-day period shall be deemed to constitute a report in favor of issuance of the permit and without the recommendation of conditions to the permit. If the Planning Board recommends issuance of the permit, then the Construction Code Official shall thereupon issue the permit, and such permit shall contain such conditions as the Planning Board shall recommend.

(4) The applicant shall be given notice of all hearings on the application and shall have the opportunity to be heard by the Planning Board on the application.

S 130-7 Standards For Consideration.

The following standards shall be considered by the Historic Preservation Commission in connection with referrals pursuant to N.J.S.A. 40:55D-110; and by the Historic Preservation Commission and Planning Board in connection with permits required by this chapter; and by the Planning Board and Board of Adjustment in connection with development applications pursuant to N.J.S.A. 40:55D-1 et seq. when the development application involves a property which has been designated by ordinance as a historic landmark or historic structure.

A. Demolitions. With regard to an application to demolish a structure within an historic district, or to demolish any historic structure or landmark, the following matters shall be considered:

(1) Its historic, architectural and aesthetic significance.

(2) Its use.

(3) Its importance to the municipality and the extent of its value to an historic district and the extent to which its historic or architectural value is such that its removal would be detrimental to the public interest.

(4) The extent to which it is of old, unusual or uncommon design, craftsmanship, texture or material that it could not be reproduced or could be reproduced only with great difficulty.

(5) The extent to which its preservation would promote the general welfare by maintaining and increasing real estate values; generating business; creating new jobs; attracting tourists, students, writers, historians, artists, artisans and new residents; encouraging study and interest in American history; stimulating interest



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and study in architecture and design; educating citizens in American culture and heritage; or making the municipality a more attractive and desirable place in which to live.

B. Removals out of the municipality. With regard to an application to move an historic structure or landmark to a location outside of the municipality, the following matters shall be considered:

- (1) The historic loss to the site of original location.
- (2) The compelling reasons for not retaining the landmark or structure at its present site.
- (3) The proximity of the proposed new location to the municipality, including the accessibility to the residents of the municipality and other citizens.
- (4) The probability of significant damage to the landmark or structure itself.
- (5) The applicable matters listed in Subsection A above.

C. Removals within the municipality. With regard to an application to move an historic landmark or historic structure to a new location within the municipality, the Commission shall consider the compatibility, nature and character of the proposed surrounding area into which the landmark or structure will be moved as they relate to the intent and purposes of this article.

D. Consideration on other actions. With regard to an application for other approval of any proposed action as set forth in this article, the following matters shall be considered:

- (1) The impact of the proposed change to the historic district and on the historic architectural character of the landmark or structure.
- (2) The historic or architectural importance to the municipality and the extent to which such interest would be affected by the action.
- (3) The extent to which there would be involvement of textures and material that could not be reproduced or could only be reproduced with great difficulty.
- (4) The use of the structure.
- (5) The extent to which the proposed action would adversely affect the view of a landmark or structure from a public street.

E. Visual compatibility factors. In assessing the effect of any proposed change under application for any landmark or any structure within an historic district, the following visual compatibility factors shall be used to analyze the effect that the change applied for would have on the landmark and on those structures to which the landmark is visually related:

- (1) Height. The height of the proposed building shall be visually compatible with adjacent buildings.
- (2) Proportion of the building's front facade. The relationship of the width of the building to the height of the front elevation shall be visually compatible with buildings and places to which it is visually related.
- (3) Proportion of openings within the facility. The relationship of the width of windows to the height of windows in a building shall be visually compatible with the buildings and places to which it is visually related.
- (4) Rhythm of solids to voids on facades fronting on public places. The relationship of solids to voids in such facades of a building shall be visually compatible with the buildings and places to which it is visually related.



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(5) Rhythm of spacing of buildings on streets. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with the buildings and places to which it is visually related.

(6) Rhythm of entrance and/or porch projections. The relationship of entrance and porch projections to the street shall be visually compatible with the buildings and places to which it is visually related.

(7) Relationship of materials, texture and color. The relationship of materials, texture and color of the facade and roof of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related.

(8) Roof shapes. The roof shape of a building shall be visually compatible with buildings to which it is visually related.

(9) Wall of continuity. Appurtenances of buildings, such as walls, open-type fencing and evergreen landscape masses, shall form cohesive walls of enclosure along a street, to the extent necessary to maintain visual compatibility of the building with the buildings and places to which it is visually related.

(10) Scale of building. The size of a building, the mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.

(11) Directional expression of front elevation. A building shall be visually compatible with buildings and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or non-directional character.

S 130 – 8 Identification and Designation of Historic Districts, Historic Structures and Landmarks; procedure

A. The Historic Preservation Commission shall perform a comprehensive survey of the Borough of Caldwell to identify potential historic districts, historic landmarks and historic structures that are worthy of protection and preservation.

B. In evaluating and identifying historic structures and landmarks, the Historic Preservation Commission shall be generally guided by the National Register criteria. The Historic Preservation Commission may identify and recommend for designation any real property or improvement, such as a building, structure, ruins, foundation, route, trail, place or object, including but not limited to a cave, cemetery, burial ground, camp or village area or a natural object or configuration, geological formation or feature, which is of particular, historic, cultural, scenic or architectural significance to the municipality and in which the broad cultural, political, economic or social history of the nation, state, or municipality is reflected or exemplified; or is identified with historical personages or with important events within the main current of national, state or local history; or shows evidence of habitation, activity, or the culture of prehistoric man; or embodies a distinguishing characteristic or an architectural type valued as representative of a period or a style or method of construction; or presents a work of a builder, designer, artist or architect whose individual style significantly influenced the architectural history of the municipality; or is imbued with traditional or legendary lore.

C. The Historic Preservation Commission may initiate the identification of a potential historic district, historic structure or historic landmark. Others wishing to nominate a district, structure or landmark for identification may contact the Historic Preservation Commission regarding consideration of the proposed historic district, landmark or structure. The Historic Preservation Commission shall have the power to establish and publish formal nomination procedures.

D. The Historic Preservation Commission shall schedule a public hearing to consider the identification of any potential historic district, landmark, historic structure or historic site. Such hearing shall be on at least 10 days' written notice, by certified mail, return receipt requested, to the owner of property which is being considered for identification. At the hearing, the Historic Preservation Commission shall consider the



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comments and questions of the owner of such property or properties and of any interested parties and comments of the public, along with other relevant testimony, exhibits, or other physical evidence which addresses the worthiness of such property for identification as set forth herein.

E. During the course of the public hearing or hearings on the identification of a potential historic district, landmark, historic structure or historic site, the Historic Preservation Commission shall make written request of the owners of all properties within a proposed historic district and of the owner of any such other property being considered for identification as a landmark, historic structure or historic site for such owner's or owners' written consent to the creation by ordinance of an historic district or the designation of any property by ordinance as a landmark, historic structure or historic site.

F. At the conclusion of the public hearing on the identification of a potential landmark, the Historic Preservation Commission shall make its recommendation in the form of a written report to be adopted by resolution of the Commission.

G. If the Historic Preservation Commission shall determine that an historic district should be created or that a property is worthy of landmark identification, then the Historic Preservation Commission shall forward its recommendation to the Borough Planning Board.

H. If the owner of a property within a proposed historic district or a property which has been identified as a potential landmark or historic structure or historic site by the Historic Preservation Commission has consented in writing to the creation of such historic district or the designation of such historic property as a landmark, then the Historic Preservation Commission shall forward its recommendation and the written consent of the owner of such property to the Borough Mayor and Council. Upon receipt of consent and the recommendation of the Historic Preservation Commission to create an historic district or to designate any property as a landmark, historic structure or historic site, the Mayor and Council may consider such designation by ordinance pursuant to N.J.S.A. 40:55D-65.1.

I. The properties and districts set forth at the conclusion of this chapter, as amended from time to time are, or will be, designated as "Historic" and shall be portrayed as such on the Borough Zoning Map. In addition, the Borough Tax Assessor, Tax Collector and Construction Code Official shall identify all such properties and districts as "Historic", "Historic Landmark" or "Historic Structure" on public records maintained for such properties.

J. Regulation of any properties set forth at the conclusion of this chapter in accordance with this chapter shall be in addition to such designation and regulation as the Borough Zoning Ordinance (Chapter 250 of the Caldwell Code) may otherwise require.

S 130 – 9 Notice of Violations; Violation and Penalties.

A. If any person shall perform or undertake any activity upon any structure within an historic district, any landmark property or historic structure which requires a permit and such person has not first obtained a permit, then such person shall be deemed to be in violation of this article.

B. Upon learning of the violation, the Construction Code Official shall personally serve upon the owner of the lot wherein the violation is occurring a notice describing the violation in detail and giving the owner 10 days within which to abate the violation by restoring the landmark or improvement to its status quo ante. If the owner cannot be served personally within the municipality with said notice, a copy shall be posted on the site, and a copy shall be sent, by certified mail, return receipt requested, to the owner at his last known address as appears on the municipal tax rolls.

C. In the event that the violation is not abated within 10 days of service of a notice of violation, the Construction Code Official shall issue a summons and complaint, returnable in the Caldwell Municipal Court, charging violation of this article. Each separate day that such violation of this article continues shall constitute a separate violation. The penalties for violations of this article shall be as follows:



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- (1) For each day up to 10 days, not more than \$25 per day.
- (2) For each day from 11 days to 25 days, not more than \$50 per day.
- (3) For each day beyond 25 days, not more than \$75 per day.

D. In the event that any action which is about to occur would permanently and adversely change the landmark, such as in the case of a demolition or removal, and a required permit has not been issued for such action, then the Construction Code Official is hereby authorized to apply to the Superior Court of New Jersey for such injunctive relief as is necessary to prevent the destruction or removal of such landmark.

S 130-10 Emergency Review

Despite anything contained in this Chapter to the contrary, when emergency repairs are required to be made to any historical building within an historic district, or to any structure to preserve a structure's continued habitability or the health and safety of its occupants or others, the Construction Code Official shall notify the Chairperson of the Commission of such need for emergency repairs. The Commission shall make a recommendation regarding emergency repairs within 48 hours of having received such notice from the Construction Code Official and the Construction Code Official shall authorize the emergency repairs to be made consistent with the Commission's recommendations. The Construction Code Official may allow temporary repairs to preserve continued habitability or public safety prior to the Historic Preservation Commission's review when repairs are necessary for a building's occupancy or for public safety. In all circumstances, such emergency repairs shall be made to conform to the provisions of this Chapter within 90 days.

S 130 -11 Permit Review

It shall be the duty of all municipal officials reviewing all permit applications involving real property or improvements thereon to determine whether such application involves any activity which should also be the subject of an application for a permit under this article and to inform both the Secretary of the Historic Preservation Commission and the owner of such property of the need for any such permit.

S 130 - 12 Severability.

If any provision of this article or the application thereof is held invalid for any reason, the invalidity shall not affect other provisions or applications of this article that can be given effect without the invalid provision



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2. All Ordinances and/or Resolutions 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.

NOTICE OF PUBLIC HEARING ON ORDINANCE

Please take Notice that the foregoing ordinance was introduced at a meeting of the Council of the Borough of Caldwell on the 6th day of October, 2015 and passed on first reading; and the same was then ordered to be published according to law; and that such ordinance will be further considered for final passage at a meeting of the Council to be held at the Caldwell Municipal Building, 1 Provost Square, Caldwell, NJ on the 5th day of November, 2015 at seven o'clock p.m. prevailing time or as soon thereafter as the matter may be reached, at which time and place, or at any time and place to which such meeting shall from time to time be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

DATE OF FIRST READING: October 6, 2015 DATE OF SECOND READING: November 5, 2015
DATE OF PUBLICATION: October 15, 2015 DATE OF ADOPTION: November 5, 2015

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

O'Donnell						Capozzoli				
Hauser						Brown				
Durkin						Cascarano				

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# 1314-15

AN ORDINANCE AMENDING CHAPTER 53 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION REGULATING LICENSING OF ALCOHOLIC BEVERAGES

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

That Chapter 53, Section 6 of the Code of the Borough of Caldwell, New Jersey be amended as herein set forth:

That Chapter 53, Section 6 of the Code of the Borough of Caldwell, the section titled "Hours of sale for consumption off the licensed premises" is amended as follows:

Delete Section A. (1) and replace with the following:

(1) Saturday from 10:00 p.m. to Sunday 9:00 a.m.

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

NOTICE OF PUBLIC HEARING ON ORDINANCE

Please take Notice that the foregoing ordinance was introduced at a meeting of the Council of the Borough of Caldwell on the 6th day of October, 2015 and passed on first reading; and the same was then ordered to be published according to law; and that such ordinance will be further considered for final passage at a meeting of the Council to be held at the Caldwell Municipal Building, 1 Provost Square, Caldwell, NJ on the 5th day of November, 2015 at seven o'clock p.m. prevailing time or as soon thereafter as the matter may be reached, at which time and place, or at any time and place to which such meeting shall from time to time be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

BY ORDER OF THE COUNCIL

DATE OF FIRST READING: October 6, 2015
DATE OF PUBLICATION: October 15, 2015
MOVED:
SECONDED:

DATE OF SECOND READING: November 5, 2015
DATE OF ADOPTION: November 5, 2015
MOVED:
SECONDED:

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

O'Donnell						Capozzoli				
Hauser						Brown				
Durkin						Cascarano				

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# 1316-15

AN ORDINANCE AMENDING CHAPTER 230 – ARTICLE V OF THE CODE OF THE BOROUGH OF CALDWELL, TRAFFIC REGULATIONS

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

That Chapter 230 of the Code of the Borough of Caldwell, New Jersey be amended as herein set forth:

That S230-33, of the Code of the Borough of Caldwell, the Section titled “Handicapped parking” is hereby amended as follows:

PUBLIC ROADS: Delete

“Brookside Avenue (1) First parking space located on the easterly side of Brookside Avenue located approximately 10 feet in a southerly direction from the tennis court entrance to the Grover Cleveland Park”

and replace with the following:

Brookside Avenue (1) The space located on the easterly side of Brookside Avenue approximately 10 feet in a southerly direction from the end of the macadam path along the southerly side of the fencing that is around the tennis courts and across from the property at 72 Brookside Avenue.

1. 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.
2. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

NOTICE OF PUBLIC HEARING ON ORDINANCE

Please take Notice that the foregoing ordinance was introduced at a meeting of the Council of the Borough of Caldwell on the 5th, day of November, 2015 and passed on first reading; and the same was then ordered to be published according to law; and that such ordinance will be further considered for final passage at a meeting of the Council to be held at the Caldwell Municipal Building, 1 Provost Square, Caldwell, NJ on the 1st day of December, 2015 at seven o'clock p.m. prevailing time or as soon thereafter as the matter may be reached, at which time and place, or at any time and place to which such meeting shall from time to time be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

BY ORDER OF THE COUNCIL

Lisa O'Neill
Acting Municipal Clerk



**BOROUGH OF CALDWELL
NEW JERSEY**



DATE OF FIRST READING: November 5, 2015 DATE OF SECOND READING: December 1, 2015
DATE OF PUBLICATION: November 12, 2015 DATE OF ADOPTION: December 1, 2015

RECORD OF COUNCIL VOTE

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

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

O'Donnell						Capozzoli				
Hauser						Brown				
Durkin						Cascarano				

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.