BOROUGH OF CALDWELL
NEW JERSEY

COUNCIL BUSINESS MEETING
November 22, 2016

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

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

APPROVAL OF MINUTES

November 1, 2016

PRESENTATION

1. Designation of the Library as a Historic Landmark

INTRODUCTION OF ORDINANCE

ORDINANCE #1323-16: 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 $125,000 FROM THE WATER 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.

<table>
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<td>11-205</td>
<td>AUTHORIZING AWARD OF A PROFESSIONAL SERVICES CONTRACT TO CREW ENGINEERS, INC. TO CONDUCT HYDRANT FLOW TESTS AND PERFORM A HYDRAULIC EVALUATION OF THE WATER SYSTEM IN THE VICINITY OF ORCHARD SQUARE</td>
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<td>11-206</td>
<td>RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION FOR MBF AUTO RE, LLC, 1120 BLOOMFIELD AVENUE, WEST CALDWELL, BLOCK 1700, LOT 1</td>
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<td>11-207</td>
<td>RESOLUTION AUTHORIZING THE AWARD OF AN EMERGENCY CONTRACT FOR A WATER MAIN EXTENSION FROM HATFIELD STREET TO ORCHARD SQUARE</td>
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**COUNCIL COMMITTEE REPORTS**

**REPORT OF MAYOR**

Mayor Dassing

**REPORT OF BOROUGH ATTORNEY**

Greg Mascera

**OLD BUSINESS:**

1. CDBG Application

**REPORT OF POLICE CHIEF**

James Bongiorno

**REPORT OF COUNTY LIAISON**

Patricia Keenan
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

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 11/18/2016 with all available information as of this date. This agenda has been sent to four official newspapers of the Borough on 11/18/2016 in compliance with P. L. 1975, c 213

Lisa O'Neill, Deputy Clerk
The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:02PM.

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

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, 2016. 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 18, 2016

OPEN PUBLIC COMMENTS ON RESOLUTIONS
Moved by Councilman Cascarano, seconded by Council President Capozzoli to open meeting to the Public.

RESOLUTIONS – CONSENT AGENDA

11-188: AUTHORIZING THE BOROUGH ADMINISTRATOR TO ADVERTISE AND RECEIVE BIDS FOR BIOSOLIDS HAULING AT THE CALDWELL WASTEWATER TREATMENT PLANT

11-189: AUTHORIZING THE BOROUGH ADMINISTRATOR TO ADVERTISE AND RECEIVE BIDS FOR WASTE REMOVAL SERVICES OF GRITS AND SCREENINGS AT THE CALDWELL WASTEWATER TREATMENT PLANT

11-190: AUTHORIZING THE BOROUGH ADMINISTRATOR TO PREPARE SPECIFICATIONS AND ADVERTISE FOR THE RECEIPT OF BIDS FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE AND CURBSIDE RECYCLING SERVICE IN THE BOROUGH OF CALDWELL

11-191: AUTHORIZING THE APPOINTMENT OF JENNIFER J. CANCEL AS A SUBSTITUTE CROSSING GUARD IN THE BOROUGH OF CALDWELL EFFECTIVE IMMEDIATELY AT AN HOURLY RATE OF $16.00 PER HOUR

11-192: AUTHORIZING THE APPOINTMENT OF JOSEPHINE F. MAROULIS AS A SUBSTITUTE CROSSING GUARD IN THE BOROUGH OF CALDWELL EFFECTIVE IMMEDIATELY AT AN HOURLY RATE OF $16.00 PER HOUR


11-194: RESOLUTION OPPOSING THE $0.23 PER GALLON GAS TAX INCREASE PASSED BY THE NEW JERSEY STATE LEGISLATURE


11-195: AMENDING RESOLUTION #9-170 ESTABLISHING SALARIES FOR 2016

11-196: AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH OCTOBER 18, 2016 FOR 2016 BILLS IN THE TOTAL AMOUNT OF $868,524.69
CONSENT:
Moved by Councilman Cascarano, seconded by Councilman Rodgers. No Discussion. On roll call, all present voted in the affirmative. Resolutions approved 11/01/16.

COUNCIL COMMITTEE REPORTS:
Councilman Hauser reported that there was a personnel meeting earlier tonight and a question came up. Councilman Hauser asked Greg when there are different legal issues that come up specifically around law suits, potential law suits, Paul will speak with you and then there will be some discussion. The question is at what point the Governing Body becomes aware of it and Greg responded any potential action should be brought to the Council.

REPORT OF MAYOR:
Mayor Dassing thanked all that supported “What about me” wine tasting event. They have raised almost $23,000 and there were over 30 Volunteers it was an amazing team. Also, thank you to all the Mayor’s and Congressman Frelinghuysen for attending and we have declared October 20th “Pets of Domestic Violence Awareness Day” in the five (5) West Essex Towns and Nutley. Also, she has a new program that she will soon be announcing a “Snow Buddy” program where we will try and pair youth’s with seniors, veterans and someone with a disability on their block after a snow storm with shoveling and cleaning out the fire hydrant in front of their houses. The Mayor will send out a press release.

REPORT OF BOROUGH ADMINISTRATOR:
Paul Carelli reported on the following:
- Greg and Paul are working on the sewer contracts.
- A requisition was made for the graphic artist for the street signs.
- He met with the Fire Department on their capital projects.
- The garbage and recycling bids will be opened on December 29th.
- The second clarifier was defective at the sewer plant so it will need to be refabricated.
- The Borough has five (5) weeks to submit to CDBG.
- The Council meeting will be changed from November 15th to November 22nd.
- Some projects that he would like to have approved tonight are on the list that he provided to the Council.
- He had some capital improvement requests from the Library and they are replacing their carpet and the quote was just under $16,000. The Library Foundation will pay half which is $8000. They will also need to replace 17 smoke detectors which will cost $1700.00.
- They brought in a firm to look at upgrading the software at the Community Center to a web base program and that will cost $5300.00.
- The Fire Department would like to replace the glass conference room because it is leaking. They had two quotes, one was for $26,100.00 and the other was $15,800.00.
- All this is on page 3 of the handout.
- The lighting throughout the Borough was about $135,000.00 I don’t want to do this tonight. We may want to look at another company or determine how we will finance that.

11-197: AUTHORIZING THE BOROUGH ADMINISTRATOR TO MOVE FORWARD WITH THE CAPITAL PROJECTS LISTED ON THE ADMINISTRATOR REPORT.

REPORT OF BOROUGH ATTORNEY:
Greg Mascera reported that he has been asked to make some minor changes to the Rent Board Ordinance so he will be in touch with Peter Russo, Rent Board Attorney. Paul and Greg will be attending tomorrow the mediation for COAH in Newark. Caldwell’s fair share obligation has not been set and we are working on that. He has been talking with the Mayor about changing our fee ordinance as requested by Mark Guiliano. This will give us the opportunity to re-visit the content of our ordinance.

REPORT OF COUNTY LIAISON:
Patricia Keenan encouraged everyone to read “Let’s Play” it’s a guide book to all the activities and facilities at the Essex County Parks for the Fall and Winter months.
Councilman O’Donnell reported that the Caldwell Fire Department will hold a fundraiser on Friday night, November 4th at 7PM. It’s a Texas Holdem Fundraiser to benefit the Children’s Education Fund and he encourages everyone to attend.

OPEN PUBLIC MEETING:
Moved by Councilman Hauser, seconded by Council President Cascarano to open meeting to the Public.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Brown, seconded by Councilman Cascarano unanimously affirmed by all members present, the meeting was adjourned at 7:40PM.

Prepared by: ___________________  _    ____________
Lisa O'Neill, Deputy Borough Clerk               DATE
ORDINANCE# 1323-16

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 $125,000 FROM THE WATER CAPITAL IMPROVEMENT
FUND

BE IT ORDAINED by the Council of the Borough of Caldwell, County of Essex, State of New Jersey, (not less than 2/3 of all members thereof affirmatively concurring) as follows:

SECTION 1. The improvements described in section 3 of this ordinance are hereby authorized as improvements to be made by the Borough of Caldwell in the County of Essex. For said improvements or purposes stated in section 3, there is hereby appropriated the sum of $125,000.

SECTION 2. For financing of said improvements and to meet the costs and expenses in connection therewith, there is hereby appropriated the sum of $125,000 from the following source by virtue of its availability for these purposes from funds provided in a budget or budgets of the Borough of Caldwell heretofore adopted:

<table>
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<tr>
<th>Source</th>
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<tr>
<td>Water Capital Improvement Fund</td>
<td>$125,000</td>
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SECTION 3. The improvements hereby authorized for which the aforesaid sum is appropriated are as follows:

Improvements related to the extension of the water main from Hatfield Street to Orchard Square and appurtenances necessary and suitable thereto $125,000.

SECTION 4. Said improvements are lawful capital improvements of the Borough having a period of usefulness of at least five years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

SECTION 5. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

SECTION 6. This capital ordinance shall take effect at the time and in the manner provided by law.

DATE OF FIRST READING: November 22, 2016
DATE OF PUBLICATION: November 26, 2016
DATE OF SECOND READING: December 6, 2016
DATE OF ADOPTION: December 6, 2016

RECORD OF COUNCIL VOTE

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

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<th>COUNCILMAN</th>
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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.
Resolution No: 11-198
Date of Adoption: November 22, 2016

TITLE:
AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK’S OFFICE – Volunteer Fire Company of the Borough of Caldwell, Off Premise – Tricky Tray Raffle, December 3, 2016 – 4:30PM - 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-1340  Volunteer Fire Company of the Borough of Caldwell
Off Premise – Tricky Tray Raffle
December 3, 2016 – 4:30PM – 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.

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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.
Resolution No: 11-199  
Date of Adoption: November 22, 2016 

TITLE:  
AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK’S OFFICE – Volunteer Fire Company, Off Premise – 50/50 Raffle, December 3, 2017 – 4:30PM – 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-1341  Volunteer Fire Company of the Borough of Caldwell  
Off Premise – 50/50 Raffle  
December 3, 2016 – 4:30PM – 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.

UNanimously adopted by the Borough Council of the Borough of Caldwell, New Jersey with Councilman Capozzoli. Seconded by Councilman Brown.

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.

COUNCILMAN    Yes    No      Absent      Abstain           COUNCILMAN           Yes   No      Absent     Abstain

| Capozzoli       |  | |  | Brown         |  | |  |
|-----------------|  | |  | Cascarano     |  | |  |
| Hauser          |  | |  | Rodgers       |  | |  |

Lisa O’Neill, Deputy Clerk  
Ann Dassing, Mayor

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.
Resolution No: 11-200  
Date of Adoption: November 22, 2016  

TITLE:  
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, December 3, 2017 – 8:00AM  

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-1342 Trinity Academy HSA  
Off Premise – Merchandise Raffle  
December 3, 2016 – 8:00AM  

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: _______________  

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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.
Resolution No: 11-201  
Date of Adoption: November 22, 2016  

TITLE:  
AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK’S OFFICE – Trinity Academy HSA, Off Premise – 50/50 Raffle, December 3, 2017 – 8:00AM

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-1343  Trinity Academy HSA  
Off Premise – 50/50 Raffle  
December 3, 2016 – 8:00AM – 12:30PM

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: _______________

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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.
Resolution No: 11-202
Date of Adoption: February 16, 2016
TITLE:

AUTHORIZING ISSUANCE OF ONE 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 November 1, 2016 through October 31, 2017. Applicant and application have been approved by the appropriate municipal departments.

2015 Chevrolet Wagon 1GNSJKC5FR727629

RECORD OF COUNCIL VOTE

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

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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.
Resolution No: 11-203
Date of Adoption: November 22, 2016

TITLE:
RESOLUTION AUTHORIZING THE BAGGING OF CALDWELL PARKING METERS FOR THE HOLIDAY SEASON FROM DECEMBER 1, 2016 TO JANUARY 1, 2017

BE IT RESOLVED that the Borough Council of the Borough of Caldwell hereby authorizes the bagging of Caldwell parking meters for the holiday season from December 1, 2016 to January 1, 2017.

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

Lisa O’Neill, Deputy Clerk
Ann Dassing, Mayor
Resolution No: 11-204
Date of Adoption: November 22, 2016

TITLE:
AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH NOVEMBER 22, 2016 FOR 2016 BILLS IN THE TOTAL AMOUNT OF $4,311,910.66

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 and/or 2016 appropriation for said purpose;

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

RECORD OF COUNCIL VOTE

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

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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.
Resolution No: 11-205  
Date of Adoption: November 22, 2016  

**TITLE:**  
AUTHORIZING AWARD OF A PROFESSIONAL SERVICES CONTRACT TO CREW ENGINEERS, INC. TO CONDUCT HYDRANT FLOW TESTS AND PERFORM A HYDRAULIC EVALUATION OF THE WATER SYSTEM IN THE VICINITY OF ORCHARD SQUARE

WHEREAS, the Borough has determined that there is a need to hire an engineering firm to conduct hydrant flow tests and perform a hydraulic evaluation of the water system in the vicinity of Orchard Square; and

WHEREAS, it is the desire of the Borough Council of the Borough of Caldwell, New Jersey to award a contract to Crew Engineers, Inc., 1250 Route 23 North, Butler, New Jersey 07405, and;

WHEREAS, Crew Engineers, Inc. has agreed to provide these services for a lump sum cost of $5,500 for the hydrant flow tests and hydraulic evaluation, and;

WHEREAS, the governing body of the Borough of Caldwell pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Caldwell that they do hereby award a contract to Crew Engineers, Inc. subject to an agreement to be approved and executed by the Borough Administrator.

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**RECORD OF COUNCIL VOTE**

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

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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.
November 11, 2016

VIA FEDEX

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

Re: Proposal for Professional Engineering Services
   Orchard Square Hydraulic Evaluation
   Caldwell, NJ
   Crew Proj. No. P2378

Dear Mr. Carelli:

Crew Engineers, Inc. (Crew) is pleased to present this Proposal to the Borough of Caldwell (Borough) for providing Professional Engineering Services to conduct hydrant flow tests and perform a hydraulic evaluation of the water system in the vicinity of Orchard Square.

Project Understanding

Recently, there was a fire in a home on Orchard Square that spread to two other homes. We understand that the Fire Departments of Caldwell and West Caldwell reported that there was insufficient water from the hydrants at the end of Orchard Square and that, ultimately, they needed to draw water from further back in the system. We understand that they were able to draw sufficient water from Bloomfield Avenue, Forest Avenue, and Hatfield Street. The Borough desires to know the amount of water available for firefighting purposes on Orchard Square and what system improvements could be made to increase the available water at this location.

Scope of Services

Crew will develop a plan of hydrant flow tests to be conducted in the vicinity of Orchard Square to obtain the information needed to perform the hydraulic evaluation. We anticipate that the Borough of Caldwell will assist in the hydrant flow testing and will operate the hydrants and valves. The results of the hydrant flow tests will be used in our hydraulic evaluation of the water distribution system on Orchard Square, and the immediate surrounding area on Personette Street, Kirkwood Place, and the intersection of Hatfield Street and Grover Lane. Crew will prepare a brief report that will contain the existing capacity of the water distribution system at Orchard Square for firefighting purposes, as well as any recommended improvements to increase the capacity of the system at that location.

Borough of Caldwell Responsibilities

We understand that the Borough will be responsible for the following:

- Assist Crew with the performance of field flow testing by operating system hydrants and providing traffic control where needed in test area. In addition, provide advance notice to all water customers of possible low pressure and dirty water conditions that may result from testing.
Engineering Fee, Payments, and Period of Services

The engineering fees for the Professional Engineering Services to be performed for the project, as presented in this Proposal, will be based on a lump-sum price, and will be the total fees for the services described for the work to be performed. Lump-sum price is developed from estimates of manhours required for selected personnel to perform the designated services and tasks.

The engineering fee is predicated on conducting the anticipated field flow tests in a single night. Should any anomalies in the system be discovered or conditions beyond the control of Crew occur resulting in the need for additional testing, such work will be billed on an hourly rate basis in accordance with the attached Billing Rate Schedule. Any work performed beyond the Scope of Work in this Proposal, when authorized, will be billed on an hourly basis.

Based on the project approach, scope of work, and method of payment described above, the fee for Professional Engineering Services to perform the hydraulic evaluation will be as follows:

<table>
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<tr>
<th>Task</th>
<th>Fee</th>
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<tbody>
<tr>
<td>Hydraulic Evaluation</td>
<td>$ 5,500</td>
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<tr>
<td><strong>Total Fee</strong></td>
<td><strong>$ 5,500</strong></td>
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In addition to the attached Billing Rate Schedule are our Standard Terms and Conditions and State of New Jersey Business Registration Certificate, which are considered integral parts of this Proposal.

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

Very truly yours,

CREW ENGINEERS, INC.

Mauro M. Bacolo, P.E., President

MMB.js
Enclosure
cc: William Print, VIA EMAIL
E:\Wyotech\PROJ\A-J\Caldwell\RP2379\RP2379.doc

Client hereby engages Crew Engineers, Inc. to perform the services described above for the compensation set forth and under Crew Engineers, Inc.'s Standard Terms and Conditions. Crew Engineers, Inc. shall be authorized to commence the services upon receipt of this letter. We agree
that this letter, together with the listed enclosures, constitutes the entire agreement between Borough of Caldwell and Crew Engineers, Inc. relating to the project.

ACCEPTED

Borough of Caldwell
Caldwell, New Jersey

By: ____________________________

Typed Name and Title

_______________________________

Signature
CREW ENGINEERS, INC.
BILLING RATE SCHEDULE

Crew Engineers, Inc. (Crew) will be compensated for professional services in accordance with the following hourly billing rates:

<table>
<thead>
<tr>
<th>General Description</th>
<th>Hourly Billing Rates</th>
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</thead>
<tbody>
<tr>
<td>Principal</td>
<td>$168</td>
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<tr>
<td>Senior Project Manager</td>
<td>$152</td>
</tr>
<tr>
<td>Project Manager</td>
<td>$142</td>
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<tr>
<td>Senior Project Engineer</td>
<td>$126</td>
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<tr>
<td>Project Engineer/Project Scientist</td>
<td>$116</td>
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<tr>
<td>Chief Designer/Chief Surveyor/Senior Designer</td>
<td>$96</td>
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<tr>
<td>Engineer/Scientist</td>
<td>$96</td>
</tr>
<tr>
<td>Construction Observer/Field Technician</td>
<td>$80</td>
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<tr>
<td>CADD Operator/Draftsperson</td>
<td>$76</td>
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<tr>
<td>Technical Support/Technical Typist</td>
<td>$60</td>
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</table>

The hourly billing rates indicated above are for the calendar year and are subject to revision and adjustments as of January 1 of each calendar year.

- Crew will bill the CLIENT monthly, with net payment due in 45 days. Past due invoices will be subject to a service charge at the rate of 1-1/2 percent per month. The bill shall consist of a summary of direct labor hours by personnel, plus a listing of reimbursable costs incurred. Unless CLIENT provides Crew with a written statement of any objections to the bill within 15 days of receipt, CLIENT shall be deemed to accept the bill as submitted.
- The above rates include all employees’ wages, payroll burdens, overhead, and profit.
- CLIENT is charged for time actually spent on the project. Timesheets are available for inspection by prior arrangement.
- Non-project stenographic, general clerical and accounting work, general office expense, and general administrative costs are included in overhead. These costs are not billed separately.
- Normal and reasonable time for contract negotiations are also covered in overhead; however, extended contract negotiations or time spent resolving differences in terms and conditions, scopes of work, or change notices will be billed.

In addition to regular hourly billing rates listed above, the CLIENT will also pay for:

- Overtime at straight time rates for exempt employees to the extent an employee works more than 40 hours per week for CLIENT.
- Cost of a record set of reproducible originals or duplicates to be retained by Crew in cases where the CLIENT wants the originals and for the cost of postage and insurance for mailing such originals.
- Cost of any office space and accompanying services used by CLIENT’S representatives.
- All reproductions on behalf of the assignment at our standard rates or billed by outside services.
- All field office expenses.
- Cost for the use of special field equipment, safety equipment, and field sampling equipment or consumables in accordance with billing by outside services, plus 10% handling charges.
- Courier service.
- Travel and subsistence of Crew personnel incurred on behalf of the project. (Current rate for the use of vehicles is in accordance with the present IRS standard mileage rate.)
- Cost plus 15 percent of outside consulting and/or professional services - such as, analytical, drilling, legal, accounting, engineering, and other specialized services. Crew will obtain CLIENT’S approval before authorizing such services.
- Pay for expert witness testimony equal to 1-1/2 times their hourly billing rate.
STANDARD TERMS AND CONDITIONS

1. STANDARD OF CARE. Services shall be performed in accordance with the standard of professional practice ordinarily exercised by the applicable profession at the time and within the locality where the Services are performed. Professional services are not subject to, and Crew can not provide, any warranty or guarantee, express or implied, including warranties or guarantees contained in any uniform commercial code. Any such warranties or guarantees contained in any purchase orders, requisitions or notices to proceed issued by Client are specifically objected to.

2. CHANGE OF SCOPE. The scope of Services set forth in this Agreement is based on facts known at the time of execution of this Agreement, including, if applicable, information supplied by Client. For some projects involving conceptual or process development services, scope may not be fully definable during initial phases. As the Project progresses, facts discovered may indicate that scope must be redefined. Crew will promptly provide Client with an amendment to this Agreement to recognize such change, which shall be deemed approved if not objected to within 15 days of receipt by Client.

3. SAFETY. Crew has established and maintains programs and procedures for the safety of its employees. Unless specifically included as a service to be provided under this Agreement, Crew specifically disclaims any authority or responsibility for general job site safety and safety of persons other than Crew employees.

4. DELAYS. If events beyond the control of Client or Crew, including, but not limited to, fire, flood, explosion, riot, strike, war, process shutdown, act of God or the public enemy, and act or regulation of any government agency, result in delay to any schedule established in this Agreement, such schedule shall be amended to the extent necessary to compensate for such delay. In the event such delay exceeds 90 days, Crew shall be entitled to an equitable adjustment in compensation.

In the event Crew is delayed by Client and such delay exceeds 30 days, Crew shall be entitled to an extension of time equal to the delay and an equitable adjustment in compensation.

5. TERMINATION/SUSPENSION. Either party may terminate this Agreement upon 30 days' written notice to the other party. Client shall pay Crew for all Services, including profit relating thereto, rendered prior to termination, plus any expenses of termination.

In the event either party defaults in its obligations under this Agreement (including Client's obligation to make the payments required hereunder), the non-defaulting party may provide 7 days' written notice stating its intention to suspend performance under the Agreement if cure of such default is not commenced and diligently continued. Failure of the defaulting party to commence cure within such time limit and diligently continue shall be cause to suspend performance under this Agreement.

6. OPINIONS OF CONSTRUCTION COST. Any opinion of construction costs prepared by Crew is supplied for the general guidance of the Client only. Since Crew has no control over competitive bidding or market conditions, Crew cannot guarantee the accuracy of such opinions as compared to contract bids or actual costs to Client.

7. RELATIONSHIP WITH CONTRACTORS. Crew shall serve as Client's professional representative for the Services, and may make recommendations to Client concerning actions relating to Client's contractors, but Crew specifically disclaims any authority to direct or supervise the means, methods, techniques, sequences or procedures of construction selected by Client's contractors.

8. CONSTRUCTION REVIEW. For projects involving construction, Client acknowledges that under generally accepted professional practice, interpretations of construction documents in the field are normally required, and that performance of construction-related services by the design professional for the project permits errors or omissions to be identified and corrected at comparatively low cost. Client agrees to hold Crew harmless from any claims resulting from performance of construction-related services by persons other than Crew.

9. INSURANCE. Crew will maintain insurance coverage for Professional, Comprehensive General, Automobile, Worker's Compensation, and Employer's Liability in amounts in accordance with legal, and Crew's business requirements. Certificates evidencing such coverage will be provided to Client upon request. For projects involving construction, Client agrees to require its construction contractor, if any, to include Crew as an additional insured on its policies relating to the Project. Crew's coverages referenced above shall, in such case, be excess over contractor's primary coverage.

10. INDEMNITIES. To the fullest extent permitted by law, Crew shall indemnify and save harmless Client from and against loss, liability, and damages sustained by Client, its agents, employees, and representatives by reason of injury or death to persons or damage to tangible property to the extent caused directly by the willful misconduct or failure to adhere to the standard of care described in Paragraph 1 above by Crew, its agents or employees.

To the fullest extent permitted by law, Client shall defend, indemnify, and save harmless Crew, its agents, employees, and representatives from and against loss, liability, and damages (including reasonable litigation costs) arising from or relating to
STATE OF NEW JERSEY
BUSINESS REGISTRATION CERTIFICATE
FOR STATE AGENCY AND CASINO SERVICE CONTRACTORS

TAXPAYER NAME:
CREW ENGINEERS, INC.

TRADE NAME:

TAXPAYER IDENTIFICATION#
223-402-769/000

CONTRACTOR CERTIFICATION#
0098335

ADDRESS
1250 ROUTE 23 N
BUTLER NJ 07405

ISSUANCE DATE:
09/19/01

EFFECTIVE DATE:
10/10/95

DIRECTOR, Division of Revenue

This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.
Resolution No: 11-206  
Date of Adoption: November 22, 2016  

TITLE:  
RESOLUTION APPROVING AN APPLICATION FOR A SEWER CONNECTION FOR MBF AUTO RE, LLC, 1120 BLOOMFIELD AVENUE, WEST CALDWELL, BLOCK 1700, LOT 1  

WHEREAS, MBF Auto Re, LLC (“Applicant”) requires approval from the Borough of Caldwell Sewer Utility for a SANITARY SEWER INCREASE IN FLOW to service property known as B1700, Lot 1; and  

WHEREAS, the project is more specifically known as 1120 Bloomfield Avenue, West Caldwell, NJ; and  

WHEREAS, the applicant is proposing 20 new equivalent units; and  

WHEREAS, the connection fee for this project is calculated as follows: 20 EDU x $3600/EDU = $72,000.00  

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

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

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

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE BOROUGH OF CALDWELL, ESSEX COUNTY, NEW JERSEY, AT A REGULAR MEETING HELD ON November 22, 2016  

Lisa O’Neill, Deputy Clerk  

RECORD OF COUNCIL VOTE  
Councilman: ______________ presented the following resolution - Seconded by Councilman: ______________  

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Lisa O’Neill, Deputy Clerk     Ann Dassing, Mayor  

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.
BOROUGH OF CALDWELL
NEW JERSEY

Resolution No: 11-207
Date of Adoption: November 22, 2016

TITLE:
RESOLUTION AUTHORIZING THE AWARD OF AN EMERGENCY CONTRACT FOR A WATER MAIN EXTENSION FROM HATFIELD STREET TO ORCHARD SQUARE

WHEREAS, the Caldwell Licensed Water Operator has identified a required water main extension in the Borough of Caldwell from Hatfield Street to Orchard Square; and

WHEREAS, the water main is in need of an immediate extension to protect the public health, safety and welfare; and

WHEREAS, based on the written notification of the Licensed Water Operator, the Borough Administrator recommends the immediate water main extension to protect public health, safety, and welfare; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-6, "Emergency Contracts") allows the award of contracts without public advertising for bids and bidding when an emergency affecting public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, the provisions of Chapter 19, P.L. 2004 (as amended by P.L. 20Q5, c.51) of the Pay-to-Play Laws (N.J.S.A. 19:44A-20.4 et seq.) are waived when an emergency exists affecting the public health, safety or welfare which requires the immediate delivery of goods or performance of services; and

WHEREAS, while emergency contracts can be awarded without formal bidding it is still prudent to seek two proposals from qualified contractors; and

WHEREAS, Carner Brothers, PO Box 116, 10 Steel Court, Roseland, NJ 07068 has evaluated the necessary repairs and has already provided a proposal to the Borough and in this instance provided the lower cost; and

WHEREAS, the Chief Financial Officer has certified that funding is available in the Water Capital Improvement Authorization for the water main extension under Ordinance# 1323-16 contingent upon the adoption of said ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Caldwell, in the County Essex, State of New Jersey, that the Borough Administrator is hereby authorized to enter into an agreement with Carner Brothers, PO Box 116, 10 Steel Court, Roseland, NJ 07068 in an amount not to exceed $115,000.

HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE BOROUGH OF CALDWELL, ESSEX COUNTY, NEW JERSEY, AT A REGULAR MEETING HELD ON November 22, 2016

Lisa O’Neill, Deputy Clerk

RECORD OF COUNCIL VOTE

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

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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.
DATE: 11/14/2016

CUSTOMER: BOROUGH OF CALDWELL WATER DEPT

LOCATION: ORCHARD SQUARE NEW 8" WATER MAIN

ESTIMATE

CARNER BROS: WE WILL SUPPLY THE MANPOWER, MATERIAL AND EQUIPMENT NECESSARY TO PERFORM THE FOLLOWING WATER MAIN EXTENSION FROM IN THE AREA ACROSS FROM #2 ORCHARD SQUARE TO THE INTERSECTION OF ORCHARD SQUARE AND HATFIELD AVENUE IN CALDWELL, NEW JERSEY. WE WILL PERFORM 6" WET TAPS ON THE EXISTING 6" WATER MAINS ON HATFIELD AVENUE AT ORCHARD SQUARE TO FACILITATE TYING IN THE NEW 8" WATER MAIN. THE NEW MAIN WILL BE 8" CLASS 54 DUCTILE IRON PIPE. THE PIPE WILL BE APPROXIMATELY 4' DEEP AND APPROXIMATELY 375' LONG. WE WILL OFFSET THE NEW MAIN UNDER THE EXISTING CULVERT ON ORCHARD SQUARE. ALL PIPING AND FITTINGS WILL BE BLEDDED IN 6" OF 3/4" CLEAN STONE. THE TRENCH WILL BE BACKFILLED WITH QUARRY PROCESS CRUSHED STONE, COMPACTED IN 1' LIFTS. THE TRENCH IN THE ROADWAY WILL BE RESTORED WITH 4" BASE AND 2" TOP HOT ASPHALT. ANY ASPHALT AND FILL REMOVED DURING EXCAVATION WILL BE PROPERLY DISPOSED OF.

WE WILL ATTEMPT TO TUNNEL UNDER THE EXISTING CULVERT ON ORCHARD SQUARE BUT WE CANNOT GUARANTEE THIS IS POSSIBLE DUE TO UNKNOWN SOIL CONDITIONS SUCH AS LARGE ROCK AND CONCRETE. OUR PRICE IS BASED UPON BEING ABLE TO TUNNEL THE CULVERT.
ALL ASPHALT PRICES ARE BASED UPON THE ASPHALT INDEX PRICE AS OF 11-14-2016.

ESTIMATED COST: $81,974.69

*If permits and/or bonds are required, cost of permit(s)/bond(s) plus $25.00 service fee additional. Price is subject to 7% NJ Sales Tax, if applicable.

DEPOSIT: 50%

TERMS: Payment in full upon completion of work. A 2% per month service charge is applied to all accounts over 30 days. In the event of any default as a result of which Carner Bros. must retain counsel or bonded collection agency, the Customer agrees that all costs and expenses herewith will be added to the balance due. We Accept All Major Credit Cards.

During the course of our work, it is sometimes necessary to remove and replace shrubbery and/or trees. Although Carner Bros. does all it can to preserve plant life, we cannot be responsible or liable for any damage to shrubbery and/or trees.

Please be aware that Carner Bros. is fully insured, including workmen’s compensation, contractor’s liability, and underground liability. A certificate of insurance will be issued upon request. -New Jersey Home Improvement Contractor’s License: #13VH02526600
-New Jersey Public Works License: #612127

Carner Bros. is not responsible for the following:
1) Landscape restoration, permanent asphalt restoration, and sidewalk restoration unless specifically agreed to above.
2) Any unknown underground obstruction, including but not limited to, rock, water, unknown utility lines, etc. Any additional costs for unknown obstructions will be invoiced on a “time-and-material” basis.
3) Any municipal or governmental fees, including police for traffic control.

TOOD R. ZARTMAN, PRESIDENT
CARNER BROS.

ACCEPTED: ___________________ DATE: ___________________
Upon acceptance of this Estimate, kindly sign the copy and return to us along with your deposit check. We will then be in a position to schedule the work to be done.

Thank you for giving Carner Bros. the opportunity to be of service to you.
CUSTOMER: BOROUGH OF CALDWELL WATER DEPT

LOCATION: PERSONETTE STREET AND KIRKWOOD PLACE

ESTIMATE

CARNER BROS. WE WILL EXCAVATE AND REPLACE THE EXISTING TEE AND VALVES AT THE INTERSECTION OF KIRKWOOD PLACE AND PERSONETTE STREET. TWO NEW 6" VALVES WILL BE INSTALLED WITH A NEW 6"X6" TEE INLINE WITH PERSONETTE STREET AND A NEW 4" VALVE INLINE TO KIRKWOOD PLACE. THE EXISTING VALVE 20' TO THE SOUTH OF THE TEE WILL BE CUT OUT AND A STRAIGHT PIECE OF PIPE INSTALLED. ALL EXCAVATED ASPHALT AND SOIL WILL BE PROPERLY DISPOSED OF AND THE TRENCHES BACKFILLED WITH QUARRY PROCESS STONE AND HOT PAVED WITH 4" BASE AND 2" TOP ASPHALT.

ESTIMATED COST: $13,700.00

*If permits and/or bonds are required, cost of permit(s)/bond(s) plus $25.00 service fee additional. Price is subject to 7% NJ Sales Tax, if applicable.

DEPOSIT: 50%
TERMS: Payment in full upon completion of work. A 2% per month service charge is applied to all accounts over 30 days. In the event of any default as a result of which Carner Bros. must retain counsel or bonded collection agency, the Customer agrees that all costs and expenses herewith will be added to the balance due. **We Accept All Major Credit Cards.**

During the course of our work, it is sometimes necessary to remove and replace shrubbery and/or trees. Although Carner Bros. does all it can to preserve plant life, we cannot be responsible or liable for any damage to shrubbery and/or trees.

Please be aware that Carner Bros. is fully insured, including workmen's compensation, contractor's liability, and underground liability. A certificate of insurance will be issued upon request.  
- **New Jersey Home Improvement Contractor's License:** #13VH02526600  
- **New Jersey Public Works License:** #612127

**Carner Bros. is not responsible for the following:**
1) Landscape restoration, permanent asphalt restoration, and sidewalk restoration unless specifically agreed to above.
2) Any unknown underground obstruction, including but not limited to, rock, water, unknown utility lines, etc. Any additional costs for unknown obstructions will be invoiced on a “time-and-material” basis.
3) Any municipal or governmental fees, including police for traffic control.

______________________________
**TODD R. ZARTMAN, PRESIDENT**  
**CARNER BROS.**

ACCEPTED: _______________ DATE: _______________

Print Name ______________________________

Upon acceptance of this Estimate, kindly sign the copy and return to us along with your deposit check. We will then be in a position to schedule the work to be done.

Thank you for giving Carner Bros. the opportunity to be of service to you.
DATE: 11/14/16

CUSTOMER:  BOROUGH OF CALDWELL

LOCATION: ORCHARD SQUARE FIRE HYDRANT OPTION

ESTIMATE

CARNER BROS: WE WILL INSTALL A NEW 4 ½" X 5' BURY FIRE HYDRANT OFF OF THE NEW WATER MAIN ON ORCHARD SQUARE. THE LOCATION WILL BE AT THE DISCRETION OF THE BOROUGH OF CALDWELL WATER DEPARTMENT.

ESTIMATED COST FOR HYDRANT AND INSTALLATION: $8837.43

*If permits and/or bonds are required, cost of permit(s)/bond(s) plus $25.00 service fee additional. Price is subject to 7% NJ Sales Tax, if applicable.

DEPOSIT: 50%

TERMS: Payment in full upon completion of work. A 2% per month service charge is applied to all accounts over 30 days. In the event of any default as a result of which Carner Bros. must retain counsel or bonded collection agency, the Customer agrees that all costs and expenses herewith will be added to the balance due. We Accept All Major Credit Cards.
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______________________________  
TODD R. ZARTMAN, PRESIDENT  
CARNER BROS.

ACCEPTED:______________________  DATE:______________________

Print Name______________________  

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