



***BOROUGH OF CALDWELL  
NEW JERSEY***



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**COUNCIL BUSINESS MEETING  
December 20, 2016**

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

Phone: (973) 226-6100  
Website: [www.caldwell-nj.com](http://www.caldwell-nj.com)  
December 20, 2016 / 7:00PM

MAYOR  
Ann Dassing

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

## CALL TO ORDER

*Honorable Ann Dassing, Mayor of the Borough of Caldwell Presiding*

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

## APPROVAL OF MINUTES

December 6, 2016

## PRESENTATION

1. Michael Laddey, Hudson Projects / Street Sign Designs

## PUBLIC HEARING AND ADOPTION 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.*

12-215	RESOLUTION TO RENEW MEMBERSHIP WITH THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND AND AUTHORIZE THE BOROUGH ADMINISTRATOR TO EXECUTE THE INDEMNITY AND TRUST AGREEMENT
12-216	AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN FAIRVIEW INSURANCE AND THE BOROUGH OF CALDWELL FOR PROFESSIONAL RISK MANAGEMENT CONSULTING SERVICES JANUARY 1, 2017 THROUGH DECEMBER 31, 2019
12-217	RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER REDUCTION (1) FOR FINAL SETTLING SLUDGE COLLECTION SYSTEM AT THE CALDWELL WASTEWATER TREATMENT PLANT IN THE AMOUNT OF (\$25,300) - NEW TOTAL CONTRACT AMOUNT \$457,200.00
12-218	RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION CHAPTER 159 - ASSISTANCE TO FIREFIGHTERS
12-219	RESOLUTION AUTHORIZING BUDGET TRANSFERS FOR CALENDAR YEAR 2016



Council Chambers

1 Provost Square Caldwell, NJ

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Frank Rodgers

12-220	AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH DECEMBER 20, 2016 FOR 2016 BILLS IN THE TOTAL AMOUNT OF \$1,720,530.59
12-221	DISPOSAL OF OBSOLETE BOROUGH OF CALDWELL POLICE VEHICLE

### COUNCIL COMMITTEE REPORTS

*Borough Council Members*

1. Councilman Cascarano

### REPORT OF MAYOR

*Mayor Dassing*

### REPORT OF BOROUGH ATTORNEY

*Greg Mascera*

### 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

*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.*



Council Chambers

1 Provost Square Caldwell, NJ

# Borough of Caldwell Council Business Meeting

## AGENDA

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December 20, 2016 / 7:00PM

### MAYOR

Ann Dassing

### BOROUGH COUNCIL

Pasquale Capozzoli - President

Richard Hauser

Thomas O'Donnell

Kristian Brown

John Cascarano

Frank Rodgers

## 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 12/16/2016 with all available information as of this date. This agenda has been sent to four official newspapers of the Borough on 12/16/2016 in compliance with P. L. 1975, c 213

Lisa O'Neill, Deputy Clerk

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – December 6, 2016**

**Page 1 of 4**

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, Councilman Hauser, O'Donnell, Brown, Cascarano and Rodgers

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

**ABSENT:** Council President Capozzoli

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:  
November 22, 2016**

Moved by Councilman Hauser, seconded by Councilman Cascarano. No Discussion. On roll call, all voted in the affirmative. Minutes approved 12/06/16.

**PRESENTATION**

1. Environmental Commission - Sustainability Awards

Ann Marchioni, Environmental Commission gave awards to Marguerite Kenney and Claudine Pascale.

**OPEN PUBLIC COMMENTS ON RESOLUTIONS**

Moved by Councilman Brown, seconded by Councilman Rodgers to open meeting to the Public.

**RESOLUTIONS – CONSENT AGENDA**

**12-209:**AUTHORIZING THE BOROUGH ADMINISTRATOR TO ADVERTISE AND RECEIVE SEALED BIDS FOR THE WASHBURN PLACE, HANFORD PLACE, AND LINCOLN TERRACE WATER MAIN REPLACEMENT PROJECT CONSTRUCTION

**12-210:** AUTHORIZING THE SUBMISSION OF THE ESSEX COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR THE YEAR 2017

**12-211:** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – St. Aloysius Roman Catholic Church, Off Premise – 50/50 Raffle, January 13, 2017 – 7:00PM

**12-212:** RESOLUTION AUTHORIZING BUDGET TRANSFERS FOR CALENDAR YEAR 2016

**12-213:** 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

**12-214:**RESOLUTION AUTHORIZING THE BAGGING OF CALDWELL PARKING METERS FOR THE HOLIDAY SEASON FROM DECEMBER 1, 2016 TO JANUARY 1, 2017

**CONSENT**

Moved by Councilman Cascarano, seconded by Councilman Brown. No Discussion. On roll call, all voted in the affirmative. Resolutions approved 12/06/16.

**COUNCIL COMMITTEE REPORTS:**

**Councilman Hauser** reported that at the tree lighting there was a problem with the lights and Hunter Adams from Broheimer and Mario and John were on top of it. They would like to recognize Hunter for coming to the rescue.

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
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**REPORT OF MAYOR:**

**Mayor Dassing** thanked everyone in general there was a collection that was started for the three families involved in the Orchard Square Fire. Everyone is so generous to date they have collected in cash and checks over \$8500.00, in gift cards \$6,271.00 with a total of \$14,944.00 as of last week. Thank you to all the residents that have donated and she would like to thank Maria Burak who has done an amazing job cataloging and keeping track of all the donations. The American Legion fund raiser in December 17<sup>th</sup> from 1-5PM it will be held at the American Legion and they are asking for a \$10 donation. There will be food and pastries donated from various business's in town who are very, very generous. The Fire Department will be out back with their equipment and she is sure that the children would love to see that. All those proceeds will be split between the three families. Mayor Dassing congratulated Calandra's Italian Village they were named NJ Business of the Year for businesses of a 100 employees or more. Congratulations to the Calandra's family and Calandra's Italian Village. The new Miele's bakery on Smull Avenue will be having a class for Cake Decorating if anyone is interested.

**REPORT OF BOROUGH ATTORNEY:**

**Greg Mascera** reported that he will have three items for Executive Session.

**REPORT OF BOROUGH ADMINISTRATOR:**

- The PBA Contract expires at the end of the year and also the Public works contract.
- He has sent to everyone the Joint Dispatch Agreement and it will be expiring at the end of this year. The proposal from West Caldwell is a 2% increase for three years. He will need some direction at this point.
- There was a brief public safety committee meeting and Council President Capozzoli asked that I mention that we are going to try and do some new initiatives in 2017. We are always looking for better ways to enhance security and provide our officers with equipment and resources to do their job. One of things they are looking at is putting a GPS in all the cars. A lot of towns are doing that and it provides a level of safety and accountability for the officers.
- The garbage and recycling bids will be opened on December 29<sup>th</sup>.
- He was asked to look at NJ Direct for lighting and he has provided PSE&G bills for the Community Center, Borough Hall, the Fire House and the Library. He will be meeting with Pete Pirello to see if there is any savings going forward.
- A purchase order was issued for the new software for the Community Center the community pass software web base and replacing Rectrac. It will provide accountability and financial reporting going ahead. The system should be up and running in about two months.
- The clarifiers at the sewer plant are up and running on line. The project has been completed and the good news with that is at the next meeting there will be a negative change order. The original contract was for \$482,500 and the final cost is \$457,200.
- We also refurbished one sand filter at a cost of \$72,500 and there was a quote to replace the other five at \$350,000 but there was some unforeseen language in the estimate and Greg Seaman and Paul came up with the idea to demo the other five and once that is done they can see the condition and get a better cost analysis going forward.
- He received a quote for the five remaining cells for \$31,460.
- There was a resolution tonight to put in the application for CDBG for the elevator at 14 Park Avenue.

**Councilman O'Donnell** asked about the windows in the fire house and Paul responded that it was approved already and there were two quotes, the higher quote he felt more comfortable with because it was more detailed.

**Councilman Brown** asked about the Energy audit, we had the first one done with the one firm and now we have another firm looking at the information do we have a date when they are going to be submitting their audit and Paul responded that he gathered all the information that was requested and he will reach out to Pete.

**Councilman Hauser** asked about the contracts for the sewer plant from the surrounding towns have we received any back and Paul responded no. He has been contacted by North Caldwell asking for information. Discussions Ensued.

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – December 6, 2016**

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**REPORT OF COUNTY LIAISON:**

**Patricia Keenan** reported that there are a couple of events coming up. The first is the Holiday Lights at the Zoo from 5PM – 9PM through January 2<sup>nd</sup>. Free Admission and donations of non-perishable food items, non-perishable pet food, unwrapped toys and new & gently used winter coats for the less fortunate are appreciated. The second is the Holiday Candlelight Tours on Tuesdays, Thursdays and Sundays nights at 7PM through December 28<sup>th</sup>. There is an \$8 entrance fee which includes coffee, hot chocolate & cookies. Registration is required. Patricia encourages everyone to go to County website to see all the other upcoming events.

**NEW BUSINESS:**

Bill Frint gave an update on the water works being done in the town. There were two resolutions passed to start the work immediately in the Orchard Square area. One resolution was to authorize construction of approximately 375' of an 8" water main that will connect from Hatfield Street right at the mouth of Grover Lane and proceed down Orchard Square and tie into the main that goes around the circle of Orchard Square. This will be putting another water supply into that area. Weather permitting they are hoping to have that main in and service in three weeks. At the same time tomorrow they are starting a small hydraulic study in that area to determine the available fire flows, Personette, Orchard Square, Forest Avenue and Hatfield to see what's there now and this connection will be tunneled under the brook. Discussion Ensued.

**Paul Carelli** reported that he has a draft ordinance for the meeting in January to raise the water rates. We recommended a \$1.00 increase which will generate \$200,000 for the budget. Discussions ensued.

**OPEN PUBLIC MEETING:**

Moved by Councilman Cascarano, seconded by Councilman Brown to open meeting to the Public.

Ann Marchioni, Environmental Commission asked about water supply through the state.

Thea White, 7 Orchard Square received in the mail information for obtaining insurance on piping in front of her house.

Hilda Moore, 23 Personette Street asked about the pressure in the fire hydrants and the tree that is lifting her sidewalks.

Bob Martoglio, 18 Grover Lane is concerned that the emergency funds have been exhausted and where does the town go next. There was a discussion with Mr. Frint on the loops that are in Caldwell. He also asked how the fire department is being aware of these close loop situations. Discussions Ensued.

Brian Archibald, 10 Hillcrest Road he thanked the Mayor and Council and he would asked that a Hydraulic study for the whole town be done.

On a motion made by Councilman Cascarano, seconded by Councilman Brown, unanimously affirmed, the Council moved into Executive Session at 8:28P.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 Fair share housing litigation, Marian Manor contract negotiations and potential litigation regarding Police Officers Geary and Marinaro.

**BOROUGH OF CALDWELL  
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The Executive Session was adjourned and upon a motion by Councilman O'Donnell, seconded by Council Brown, the Council Business Conference Meeting was opened to the public and the press at 9:13P.M.

There being no additional business to be conducted a motion to adjourn the meeting was made by Council Hauser, seconded by Councilman Brown unanimously affirmed by all members present, the meeting was adjourned at 9:13PM.

Prepared by: \_\_\_\_\_  
Lisa O'Neill, Deputy Borough Clerk

\_\_\_\_\_  
DATE





**BOROUGH OF CALDWELL  
NEW JERSEY**



**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:

Water Capital Improvement Fund                      \$125,000

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 SECOND READING:    December 6, 2016  
DATE OF PUBLICATION:     November 26, 2016                      DATE OF ADOPTION:             December 6, 2016  
MOVED:  
SECONDED:

**RECORD OF COUNCIL VOTE**

Councilman: \_\_\_\_\_ presented the following resolution - Seconded by Councilman: \_\_\_\_\_

COUNCILMAN    Yes   No   Absent   Abstain                      COUNCILMAN            Yes   No   Absent   Abstain

Capozzoli						Brown				
Hauser						Cascarano				
O'Donnell						Rodgers				

\_\_\_\_\_  
**Lisa O'Neill, Deputy Clerk**

\_\_\_\_\_  
**Ann Dassing, Mayor**

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



**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 12-215

Date of Adoption: December 20, 2016

**TITLE:**

**RESOLUTION TO RENEW MEMBERSHIP WITH THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND AND AUTHORIZE THE BOROUGH ADMINISTRATOR TO EXECUTE THE INDEMNITY AND TRUST AGREEMENT**

**WHEREAS**, a number of local governmental units in the State of New Jersey have joined together to form a Joint Insurance Fund as permitted by the Chapter 372 Laws of 1983 (40A:10-36); and

**WHEREAS**, the statutes and regulations governing the creation and operation of a Joint Insurance Fund contain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a Fund; and

**WHEREAS**, the Governing Body of the Borough of Caldwell, has determined that membership in the Garden State Municipal Joint Insurance Fund (hereinafter referred to as the "Fund") is in the best interests of itself and its citizens; and

**WHEREAS**, the Governing Body of the Borough of Caldwell has previously executed a resolution to join the Garden State Municipal Joint Insurance Fund subject to the acceptance of its assessment;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Caldwell (hereinafter referred to as the "Municipality") does hereby resolve and agree to renew its membership in the Fund for a period not to exceed three (3) years beginning January 1, 2017 to December 31, 2019 for the purpose of establishing the following types of coverage:

- Workers' Compensation and Employer's Liability;
- General Liability including law enforcement and public official's liability;
- Motor vehicle liability;
- Property damage (buildings, contents, equipment, and motor vehicle);

**BE IT FURTHER RESOLVED**, that the Municipality has never defaulted on claims and has not been canceled for nonpayment of insurance premiums for a period of at least two years prior to the adoption of this Resolution; and

**BE IT FURTHER RESOLVED**, that the Mayor and the Borough Administrator are authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the Fund and to deliver same to the Executive Director of the Fund with the express reservation that said document shall become effective only upon approval by the New Jersey Department of Insurance and the Department of Community Affairs.

**RECORD OF COUNCIL VOTE**

Councilman: \_\_\_\_\_ presented the following resolution - Seconded by Councilman: \_\_\_\_\_

COUNCILMAN    Yes    No    Absent    Abstain    COUNCILMAN    Yes    No    Absent    Abstain

Capozzoli						Brown				
Hauser						Cascarano				
O'Donnell						Rodgers				

\_\_\_\_\_  
Lisa O'Neill, Deputy Clerk

\_\_\_\_\_  
Ann Dassing, Mayor



**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 12-216

Date of Adoption: December 20, 2016

**TITLE:**

**AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN FAIRVIEW INSURANCE AND THE BOROUGH OF CALDWELL FOR PROFESSIONAL RISK MANAGEMENT CONSULTING SERVICES JANUARY 1, 2017 THROUGH DECEMBER 31, 2019**

**WHEREAS**, Fairview Insurance Agency Associates, Inc. has offered to the Borough of Caldwell, Professional Risk Management Consulting Services as required Garden State Municipal Joint Insurance Fund, and;

**WHEREAS**, the Borough of Caldwell desires these professional services

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Caldwell hereby authorize the Mayor to execute an agreement between Fairview Insurance Agency Associates, Inc. and the Borough of Caldwell for Professional Risk Management Consulting Services for a 3 year term commencing January 1, 2017 through December 31, 2019.

**RECORD OF COUNCIL VOTE**

Councilman: \_\_\_\_\_ presented the following resolution - Seconded by Councilman: \_\_\_\_\_

COUNCILMAN    Yes    No    Absent    Abstain    COUNCILMAN    Yes    No    Absent    Abstain

Capozzoli						Brown				
Hauser						Cascarano				
O'Donnell						Rodgers				

\_\_\_\_\_  
**Lisa O'Neill, Deputy Clerk**

\_\_\_\_\_  
**Ann Dassing, Mayor**

## **RISK MANAGEMENT CONSULTANTS AGREEMENT**

**THIS AGREEMENT** entered into this \_\_\_ day of \_\_\_, 20\_\_\_, between the Borough of Caldwell (hereinafter referred to as GOVERNING BODY and **FAIRVIEW INSURANCE AGENCY ASSOCIATES, INC.**, (hereinafter referred to as the CONSULTANT.)

**WHEREAS**, the CONSULTANT has offered to the GOVERNING BODY professional risk management consulting services as required by \_\_\_ FUND (JIF), and;

**WHEREAS**, the GOVERNING BODY desires these professional services pursuant to the resolution adopted by the governing body of the GOVERNING BODY at a meeting held on \_\_\_\_\_, and;

**NOW, THEREFORE**, the parties in consideration of the mutual promises and covenants set forth herein, agree as follows:

1. For and in consideration of the amount stated hereinafter, the CONSULTANT shall:
  - a. Assist the GOVERNING BODY in identifying its insurable Property & Casualty exposures and to recommend professional methods to reduce, assume or transfer the risk of loss.
  - b. Assist the GOVERNING BODY in understanding the various coverages available from the JIF.
  - c. Review with the GOVERNING BODY any additional coverages that the CONSULTANT feels should be carried but are not available from the FUND and subject to the GOVERNING BODY'S authorization, place such coverages outside the FUND.
  - d. Assist the GOVERNING BODY in the preparation of applications, statements of values, and similar documents requested by the Insurer, it being understood that this Agreement does not include any appraisal work by the CONSULTANT.
  - e. Review Certificates of Insurance from contractors, vendors and professionals when requested by the GOVERNING BODY.
  - f. Review the GOVERNING BODY'S assessment as prepared by the FUND, assist the GOVERNING BODY in the preparation of its annual insurance budget.
  - g. Review the loss and engineering reports and generally assist the safety committee in its loss containment objectives. Also, attend no less than one (1) municipal safety committee meeting per annum to promote the safety objectives and goals of the GOVERNING BODY and the FUND.

- h. Assist where needed in the settlement of claims, with the understanding that the scope of the CONSULTANT'S involvement does not include the work normally done by a public adjuster.
- i. Perform any other risk management related services required by the FUND.

**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE:** During the performance of this Contract, the Contractor agrees to comply with the requirements of N.J.S.A. 10:5-31 et seq., N.J.A.C. 17:27) as follows:

a. During the performance of this contract, the Contractor agrees as follows: The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the Contractor will ensure that equal opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

b. The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

c. The contractor or subcontractor, will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

d. The contractor or subcontractor where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq. as amended and supplemented from time to time and the Americans With Disabilities Act.

e. The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

f. The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

g. The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personal testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

h. In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

i. The contractor and its subcontractor shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C.17:27.

2. In exchange for the above services, the CONSULTANT shall be compensated in the following manner:

- a. The CONSULTANT shall be paid a fee as compensation for services rendered an amount equal to seven percent (7%) of the GOVERNING BODY'S annual assessment as promulgated by the JIF. Said fee shall be paid to the CONSULTANT by the JIF within thirty (30) days of payment of the GOVERNING BODY'S assessment.
- b. For any insurance coverages authorized by the GOVERNING BODY to be placed outside the FUND, the brokerage commissions paid to the CONSULTANT will come from the insurance company. The premiums for said policies shall not be added to the JIF's assessment in computing the fee outlined in 2(a).
- c. If the GOVERNING BODY shall require of the CONSULTANT extra services other than those outlined above, the CONSULTANT shall be paid

by the GOVERNING BODY a fee at the rate of \$TBD per hour, in addition to actual expenses incurred.

3. The term of this Agreement shall be for three (3) year(s).

**ATTEST:**

**FOR MEMBER:**

\_\_\_\_\_

\_\_\_\_\_

**ATTEST:**

**CONSULTANT:**

\_\_\_\_\_

\_\_\_\_\_

**FAIRVIEW INSURANCE AGENCY  
ASSOCIATES, INC.**

Note:

This sample has been promulgated to assist municipalities in preparing or negotiating agreements with their risk managers. It does not represent an official statement of policy, nor is it an endorsement of any form or amount of compensation. Careful consideration at the local level should be given to determine how the document might be amended to meet a community's unique needs or desires. Prior to use, the sample should also be reviewed by the local attorney for form, consistency with local JIF by laws, inclusion of affirmative action language, etc.



BOROUGH OF CALDWELL
NEW JERSEY



Resolution No: 12-217

Date of Adoption: December 20, 2016

TITLE:

RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER REDUCTION (1) FOR FINAL SETTLING SLUDGE COLLECTION SYSTEM AT THE CALDWELL WASTEWATER TREATMENT PLANT IN THE AMOUNT OF (\$25,300) - NEW TOTAL CONTRACT AMOUNT \$457,200.00

WHEREAS, the Borough Council of the Borough of Caldwell in the County of Essex, State of New Jersey has on November 5, 2015 authorized the awarding 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; and

WHEREAS, during the course of the contract, it was discovered after work began, the need for the following change Order to decrease the contract as follows:

Table with 2 columns: No, Description. Row 1: 1 This change order is being issued to credit the overall construction value for the unused portion of the allowance associated with Bid Item 3 Miscellaneous Work Allowance (if and where directed). REDUCTIONS: The reduction for Bid Item 3 is \$25,300.00 calculated as \$40,000 for Bid Item minus the amount utilized during the contract of \$14,700.

TOTAL CHANGE ORDER 1: (\$25,300)

New Contract Total: \$457,200.00

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Caldwell in the County of Essex, State of New Jersey does hereby authorize change order (1) for final settling sludge collection system at the Caldwell Wastewater Treatment Plant

RECORD OF COUNCIL VOTE

Councilman: \_\_\_\_\_ presented the following resolution - Seconded by Councilman: \_\_\_\_\_

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Table with 10 columns for council members and their votes. Rows include Capozzoli, Hauser, O'Donnell, Brown, Cascarano, and Rodgers.

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor



CHANGE ORDER NO. 1

DATE:

PROJECT:

OWNER:

CONTRACTOR:

**DESCRIPTION OF CHANGE:**  
This change order is being issued to credit the overall construction value for the unused portion of the allowance associated with Bid Item 3 Miscellaneous Work Allowance (If and where directed).


**REDUCTIONS:**  
The reduction for Bid Item 3 is \$25,300.00 calculated as \$40,000 for Bid Item 3 minus the amount utilized during the contract of \$14,700.

**EXTRA:**  
NONE

**SUPPLEMENTARY:**  
NONE

**APPROVAL RECOMMENDED:**

Richard Crane, P.E. BCEE  
(NAME)

ACCEPTED: 

CONTRACTOR: **Joaquim DeMatos**  
0 **Manager**

OWNER'S APPROVALS:

SEE ATTACHED DETAIL	ADDITIONAL	REDUCTION
A. TOTAL REDUCTIONS THIS C.O.	\$0.00	\$25,300.00
B. TOTAL EXTRAS THIS C.O.	\$0.00	\$0.00
C. TOTAL SUPPLEMENTARY THIS C.O.	\$0.00	\$0.00
TOTALS THIS C.O.	\$0.00	\$25,300.00
NET CHANGE THIS CHANGE ORDER		\$25,300.00
PREVIOUS CHANGE ORDERS	\$0.00	\$0.00
TOTAL CHANGE ORDERS TO DATE	\$0.00	\$25,300.00
NET CHANGE IN CONTRACT		\$25,300.00

NOTE: All work to be done according to Contract Specifications.

ORIGINAL CONTRACT BID PRICE	<input type="text" value="\$482,500.00"/>
CHANGE ORDERS TO DATE	<input type="text" value="-25,300.00"/>
REVISED CONTRACT PRICE	<input type="text" value="\$457,200.00"/>

PROJECT:

OWNER:

CONTRACTOR:

ITEM NO.	DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
R E D U C T I O N	This change order is being issued to credit the overall construction value for the unused portion of the allowance associated with Bid Item 3 Miscellaneous Work Allowance (If and where directed)			\$25,300.00

A. TOTAL REDUCTIONS \$25,300.00

E X T R A				
-----------------------	--	--	--	--

B. TOTAL EXTRA \$0.00

S U P P L E M E N T A R Y				
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C. TOTAL SUPPLEMENTARY \$0.00



**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 12-218

Date of Adoption: December 20, 2016

**TITLE:**

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION  
CHAPTER 159 – ASSISTANCE TO FIREFIGHTERS**

**WHEREAS,** NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS,** the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED,** that the Borough of Caldwell in the County of Essex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$14,762.00, which is now available from "ASSISTANCE TO FIREFIGHTERS" in the amount of \$14,762.00.

**BE IT FURTHER RESOLVED,** that the like sum of \$14,762.00 is hereby appropriated under the caption "ASSISTANCE TO FIREFIGHTERS"; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from the State of NJ in the amount of \$14,762.00

**RECORD OF COUNCIL VOTE**

Councilman: \_\_\_\_\_ presented the following resolution - Seconded by Councilman: \_\_\_\_\_

COUNCILMAN    Yes    No    Absent    Abstain                      COUNCILMAN                      Yes    No    Absent    Abstain

Capozzoli						Brown				
Hauser						Cascarano				
O'Donnell						Rodgers				

\_\_\_\_\_  
Lisa O'Neill, Deputy Clerk

\_\_\_\_\_  
Ann Dassing, Mayor



**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 12-219

Date of Adoption: December 20, 2016

**TITLE:**

**RESOLUTION AUTHORIZING BUDGET TRANSFERS FOR CALENDAR YEAR 2016**

**WHEREAS,** certain appropriations were required and provided for during the calendar year 2016 and will require additional sums for expenditures to the end of 2016; and

**WHEREAS,** other appropriations reflect that balances do exist as of the end of the year 2016; and

**WHEREAS,** it is provided per N.J.S.A. 40A:4-58 that municipalities may make transfers from appropriations having excesses to those requiring additional sums.

**NOW, THEREFORE, BE IT RESOLVED,** by the Governing Body of the Borough of Caldwell that the list of transfers herein and below be and they are authorized to be made upon records of appropriations in the keeping of the Finance Director as per the amounts listed herein and below, provided this resolution is adopted by not less than 2/3 vote of the full membership of the Governing Body as required by Statute.

<u>BUDGET LINE ITEM</u>	<u>IN</u>	<u>OUT</u>
BUILDINGS AND GROUNDS O/E	\$5,000.00	
COLLECTION OF TAXES O/E	\$500.00	
COLLECTION OF TAXES S&W	\$250.00	
COMMUNITY CENTER O/E	\$9,000.00	
MUNICIPAL CLERK S&W	\$750.00	
MUNICIPAL COURT S&W	\$11,000.00	
PARKING METER MAINTENANCE O/E	\$500.00	
POLICE DEPARTMENT S&W	\$22,000.00	
POLICE O/E	\$5,000.00	
SENIOR CITIZEN TRANS. S&W	\$3,500.00	
SOCIAL SECURITY	\$11,000.00	
STREET & ROADS MAINTENANCE S&W	\$13,000.00	
STREET LIGHTING	\$7,000.00	
UNIFORM CONSTRUCTION CODE S&W	\$500.00	
ELECTRIC		\$9,000.00
EMPLOYEE GROUP HEALTH		\$4,665.00
ENVIRONMENTAL COMMISSION O/E		\$2,835.00
FINANCIAL ADMINISTRATION S&W		\$2,000.00
FIRE DEPARTMENT O/E		\$3,000.00
FIRST AID CONTRIBUTIONS		\$3,750.00
GASOLINE		\$12,000.00
MAYOR AND COUNCIL O/E		\$1,000.00
MUNICIPAL PROSECUTOR O/E		\$10,000.00
OFFICE OF EMERGENCY MANAGEMENT O/E		\$1,750.00
PUBLIC HEALTH SERVICES O/E		\$3,500.00
PUBLIC HEALTH SERVICES S&W		\$2,000.00
RENT REVIEW BOARD O/E		\$2,000.00
SHADE TREE O/E		\$3,000.00
STREET & ROADS MAINTENANCE O/E		\$5,000.00
TAX ASSESSMENT O/E		\$2,500.00
UNEMPLOYMENT		\$15,000.00
VEHICLE REPAIRS AND MAINTENANCE		\$4,000.00
ZONING BOARD OF ADJUSTMENT O/E		\$2,000.00
	<u>\$89,000.00</u>	<u>\$89,000.00</u>



**BOROUGH OF CALDWELL  
NEW JERSEY**



**RECORD OF COUNCIL VOTE**

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Councilman: \_\_\_\_\_ presented the following resolution - Seconded by Councilman: \_\_\_\_\_

COUNCILMAN    Yes    No    Absent    Abstain    COUNCILMAN    Yes    No    Absent    Abstain

Capozzoli						Brown				
Hauser						Cascarano				
O'Donnell						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.



**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 12-220

Date of Adoption: December 20, 2016

**TITLE:**

**AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH DECEMBER 20, 2016 FOR 2016 BILLS IN THE TOTAL AMOUNT OF \$1,720,530.59**

**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: \_\_\_\_\_

COUNCILMAN    Yes   No   Absent   Abstain    COUNCILMAN    Yes   No   Absent   Abstain

Capozzoli						Brown				
Hauser						Cascarano				
O'Donnell						Rodgers				

\_\_\_\_\_  
Lisa O'Neill, Deputy Clerk

\_\_\_\_\_  
Ann Dassing, Mayor



**BOROUGH OF CALDWELL  
NEW JERSEY**



Resolution No: 12-221

Date of Adoption: December 20, 2016

**TITLE:**

**DISPOSAL OF OBSOLETE BOROUGH OF CALDWELL POLICE VEHICLE**

**WHEREAS**, the Borough Administrator has advised the Borough Council that there is an obsolete Borough Of Caldwell Police Department vehicle that is no longer needed for public use; and

**WHEREAS**, N.J.S.A. 40A:11-36 authorizes the disposition of personal property not needed for public use without public sale when the fair market value of the property is less than \$3,750.00; and

**WHEREAS**, the Borough of Caldwell vehicles being disposed of below, have a value of less than \$3,750.00; and

**WHEREAS**, it is in the best interest of the Borough of Caldwell to dispose of said equipment.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Caldwell that the obsolete Borough of Caldwell vehicle referenced by the Borough Administrator is no longer needed for public use by the Borough and shall be disposed of according to the manner as prescribed by law.

VEHICLE / EQUIPMENT	DEPARTMENT	VIN# / ASSET TAG#
2006 Ford Explorer	Police Department	1FMEU72E86UB61804

**RECORD OF COUNCIL VOTE**

Councilman: \_\_\_\_\_ presented the following resolution - Seconded by Councilman: \_\_\_\_\_

COUNCILMAN    Yes   No   Absent   Abstain    COUNCILMAN    Yes   No   Absent   Abstain

Capozzoli						Brown				
Hauser						Cascarano				
O'Donnell						Rodgers				

\_\_\_\_\_  
Lisa O'Neill, Deputy Clerk

\_\_\_\_\_  
Ann Dassing, Mayor