



BOROUGH OF CALDWELL

Resolution No: 6-155

Date of Adoption: June 22, 2021

TITLE:

RESOLUTION AUTHORIZING THE PROMOTION OF ACTING SERGEANT GLENN SIMMONS TO SERGEANT WITHIN THE BOROUGH OF CALDWELL POLICE DEPARTMENT

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

WHEREAS, Section 41-2 of the Code of the Borough of Caldwell provides that the “police department of the borough shall consist of a Chief of Police and such captains, lieutenants, sergeants, patrolmen and such other employees as shall, from time to time, be deemed necessary by the Mayor and the Borough Council to properly preserve peace and good order with the borough”; and

WHEREAS, Section 41-14 of the Code of the Borough of Caldwell provides that the Chief of Police shall be responsible to the Police Committee and the Borough Council for the efficiency and management of the Police Department; and

WHEREAS, The Chief of Police has advised the Police Committee of the need to promote Police Offices from within the Police Department in order to fill vacancies that have been created through retirement to help effectively and efficiently manage the Police Department; and

WHEREAS, the Chief of Police and the Interview Committee have interviewed candidates for this promotion and have recommended Acting Sergeant Glenn Simmons to the Council for the position of Sergeant; and

WHEREAS, the Borough Council has approved the promotion.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Caldwell that:

Acting Sergeant Glenn Simmons be promoted to the rank of Sergeant assigned to the Patrol Division - effective on July 01, 2021.

RECORD OF COUNCIL VOTE

_____ presented the following resolution - Seconded by: _____

COUNCIL MEMBER Yes No Absent Abstain COUNCIL MEMBER Yes No Absent Abstain

Schmidt					Lace				
Rodgers					DePalma-Iozzi				
Cole					Gates				

Brittany Heun, Deputy Clerk

John Kelley, Mayor

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



BOROUGH OF CALDWELL

Resolution No: 6-156

Date of Adoption: June 22, 2021

TITLE:

RESOLUTION AUTHORIZING THE PROMOTION OF DETECTIVE ANDREW APICELLA TO SERGEANT WITHIN THE BOROUGH OF CALDWELL POLICE DEPARTMENT

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

WHEREAS, Section 41-2 of the Code of the Borough of Caldwell provides that the “police department of the borough shall consist of a Chief of Police and such captains, lieutenants, sergeants, patrolmen and such other employees as shall, from time to time, be deemed necessary by the Mayor and the Borough Council to properly preserve peace and good order with the borough”; and

WHEREAS, Section 41-14 of the Code of the Borough of Caldwell provides that the Chief of Police shall be responsible to the Police Committee and the Borough Council for the efficiency and management of the Police Department; and

WHEREAS, The Chief of Police has advised the Police Committee of the need to promote Police Offices from within the Police Department in order to fill vacancies that have been created through retirement to help effectively and efficiently manage the Police Department; and

WHEREAS, the Chief of Police and the Interview Committee have interviewed candidates for this promotion and have recommended Detective Andrew Apicella to the Council for the position of Sergeant; and

WHEREAS, the Borough Council has approved the promotion.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Caldwell that:

Detective Andrew Apicella be promoted to the rank of Sergeant assigned to the Detective Bureau - effective on July 01, 2021.

RECORD OF COUNCIL VOTE

_____ presented the following resolution - Seconded by: _____

COUNCIL MEMBER Yes No Absent Abstain COUNCIL MEMBER Yes No Absent Abstain

Schmidt					Lace				
Rodgers					DePalma-Iozzi				
Cole					Gates				

Brittany Heun, Deputy Clerk

John Kelley, Mayor

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BOROUGH OF CALDWELL

Resolution No: 6-157

Date of Adoption: June 22, 2021

TITLE:

RESOLUTION AUTHORIZING THE PROMOTION OF ACTING SERGEANT CANDICE MARINARO TO SERGEANT WITHIN THE BOROUGH OF CALDWELL POLICE DEPARTMENT

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

WHEREAS, Section 41-2 of the Code of the Borough of Caldwell provides that the “police department of the borough shall consist of a Chief of Police and such captains, lieutenants, sergeants, patrolmen and such other employees as shall, from time to time, be deemed necessary by the Mayor and the Borough Council to properly preserve peace and good order with the borough”; and

WHEREAS, Section 41-14 of the Code of the Borough of Caldwell provides that the Chief of Police shall be responsible to the Police Committee and the Borough Council for the efficiency and management of the Police Department; and

WHEREAS, The Chief of Police has advised the Police Committee of the need to promote Police Offices from within the Police Department in order to fill vacancies that have been created through retirement to help effectively and efficiently manage the Police Department; and

WHEREAS, the Chief of Police and the Interview Committee have interviewed candidates for this promotion and have recommended Acting Sergeant Candice Marinaro to the Council for the position of Sergeant; and

WHEREAS, the Borough Council has approved the promotion.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Caldwell that:

Acting Sergeant Candice Marinaro be promoted to the rank of Sergeant assigned to the Patrol Division effective on July 01, 2021.

RECORD OF COUNCIL VOTE

_____ presented the following resolution - Seconded by: _____

COUNCIL MEMBER Yes No Absent Abstain COUNCIL MEMBER Yes No Absent Abstain

Schmidt						Lace				
Rodgers						DePalma-Iozzi				
Cole						Gates				

Brittany Heun, Deputy Clerk

John Kelley, Mayor

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BOROUGH OF CALDWELL

Resolution No: 6-158

Date of Adoption: June 22, 2021

TITLE:

RESOLUTION APPOINTING MATTHEW DEANGELO AS THE CAPTAIN OF THE CALDWELL POLICE DEPARTMENT EFFECTIVE JULY 01, 2021

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

WHEREAS, the Borough of Caldwell has the need to fill the current vacancy of Captain within the Caldwell Police Department; and

WHEREAS, the Borough of Caldwell has determined Detective Matthew DeAngelo is best qualified to serve as the Captain of Police; and

WHEREAS, the terms of the compensation package of the Captain of Police are agreed upon; and

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

WHEREAS, the Council has made an offer of employment to Matthew DeAngelo to serve as the Borough of Caldwell Captain of Police, effective July 01, 2021, at an annual salary of \$160,000; and

WHEREAS, Matthew DeAngelo has accepted the offer to serve as Captain of the Borough of Caldwell Police Department subject to the terms and conditions agreed upon for this position;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Caldwell that:

Matthew DeAngelo is appointed as the Borough of Caldwell Captain of Police effective on July 01, 2021, at an annual salary of \$160,000.

RECORD OF COUNCIL VOTE

_____ presented the following resolution - Seconded by: _____

COUNCIL MEMBER Yes No Absent Abstain COUNCIL MEMBER Yes No Absent Abstain

Schmidt						Lace				
Rodgers						DePalma-Iozzi				
Cole						Gates				

Brittany Heun, Deputy Clerk

John Kelley, Mayor

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



BOROUGH OF CALDWELL

Resolution No: 6-159

Date of Adoption: June 22, 2020

TITLE:

RESOLUTION AUTHORIZING THE ISSUANCE OF RENEWAL LIQUOR LICENSES FOR THE PERIOD July 1, 2021 THROUGH June 30, 2022. APPLICATIONS AND APPLICANTS HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey, that the following be and is hereby-granted liquor license renewal for the period of July 1, 2021 through June 30, 2022. Applicants and applications have been inspected, investigated, and approved by the appropriate municipal departments.

License # **0703-31-012-001**
James Caldwell Post 185 – The American Legion
303 Bloomfield Avenue
Caldwell, NJ 07006

License # **0703-33-002-008**
Starz Inc. – Ringside Pub
379 Bloomfield Avenue
Caldwell, NJ 07006

License # **0703-32-005-008**
ACLC Inc.
La Taverna Il Vecchio Café Calandra’s Bakery
234-240 Bloomfield Avenue
Caldwell, NJ 07006

License # **0703-44-011-003**
HAJ Supermarkets Inc.
T/A Jack’s Supermarkets
370 Bloomfield Avenue
Caldwell, NJ 07006

License # **0703-33-10-002**
Cloverleaf Tavern
393 – 397 Bloomfield Avenue
Caldwell, NJ 07006

License # **0703-44-009-006**
Shoprite Liquors Caldwell Sunrise Cellars
478 Bloomfield Avenue
Caldwell, NJ 07006

License # **0703-44-004-005**
Chintan Enterprises, Inc.
T/A The Bottle Stop
153 Roseland Avenue
Caldwell, NJ 07006

License # **0703-44-001-004**
TL Enterprises Inc.
Wine Village
363 Bloomfield Avenue
Caldwell, NJ 07006

RECORD OF COUNCIL VOTE

_____ presented the following resolution - Seconded by: _____

COUNCIL MEMBER Yes No Absent Abstain COUNCIL MEMBER Yes No Absent Abstain

Schmidt					Lace				
Rodgers					DePalma-Iozzi				
Cole					Gates				

Brittany Heun, Deputy Clerk

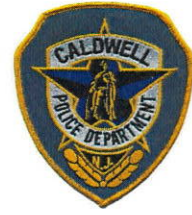
John Kelley, Mayor

Caldwell Police Department

1 Provost Square • Caldwell, NJ 07006

(973) 226-2602 • Fax (973) 364-0511

Detective Bureau



James H. Bongiorno
Chief of Police

TO: Brittany Heun, Borough Clerk
FROM: Detective Andrew Apicella #405
REFERENCE: 2021 Liquor License Renewals - ABC
DATE: June 17, 2021

Below Please find a list of all premises that were inspected in relation to the New Jersey Alcohol and Beverage Commissions guidelines for liquor license renewal. All were found to be in compliance with said guidelines. Therefore, I find no reason not to approve the listed establishments' applications.

License # **0703-31-012-001**
James Caldwell Post 185 - The American Legion
303 Bloomfield Avenue
Caldwell, NJ 07006

License # **0703-32-005-008**
ACLC Inc.
La Taverna II Vecchio Café Calandra's Bakery
234-240 Bloomfield Avenue
Caldwell, NJ 07006

License # **0703-33-10-002**
Cloverleaf Tavern
393-397 Bloomfield Avenue
Caldwell, NJ 07006

License # **0703-44-004-005**

Respectfully submitted,

Det. A. Apicella #405

Detective Andrew Apicella #405

Chintan Enterprises, Inc.
T/A The Bottle Stop
153 Roseland Avenue
Caldwell, NJ 07006

License # **0703-33-002-008**
Starz Inc. – Ringside Pub
Caldwell, NJ 07006
379 Bloomfield Avenue

License # **0703-44-011-003**
HAJ Supermarkets Inc.
T/A Jack's Supermarkets
Caldwell, NJ 07006
370 Bloomfield Avenue

License # **0703-44-009-005**
Shoprte Liquors Caldwell Sunrise Cellars
Caldwell, NJ 07006
478 Bloomfield Avenue

License # **0703-44-001-004**
TL Enterprises Inc.
Wine Village
363 Bloomfield Avenue
Caldwell, NJ 07006

Respectfully submitted,

Det. A. Apicella #405
Detective Andrew Apicella #405



BOROUGH OF CALDWELL

Resolution No: 6-160

Date of Adoption: June 22, 2021

TITLE:

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CALDWELL AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH MICHAEL GEARY

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

WHEREAS, on or about July 20, 2017, Plaintiff filed a lawsuit against the Borough of Caldwell and Chief of Police James Bongiorno ("Bongiorno"), in the Superior Court of New Jersey, Law Division, Essex County and given the docket number ESX-L-5257-17 (hereinafter the "Lawsuit");

WHEREAS, on or about March 12, 2019, Plaintiff filed an Amended Complaint against the Borough and Bongiorno and Thomas Icolari of Bloomfield Police Department, Internal Affairs Division, ("Icolari"); and

WHEREAS, on or about March 19, 2019, Plaintiff filed a Second Amended Complaint against the Borough and Bongiorno and Icolari;

WHEREAS, on or about December 26, 2019, Plaintiff filed a Third Amended Complaint against the Borough and Bongiorno and Icolari; and

WHEREAS, on or about February 9, 2021, Plaintiff filed a Fourth Amended Complaint against the Borough and Bongiorno; and

WHEREAS, thereafter the Borough, Bongiorno, and Icolari answered Plaintiff's claims against them and denied any and all liability; and

WHEREAS, thereafter all the Parties engaged in discover; and

WHEREAS, thereafter on or about December 23, 2019, Plaintiff filed a lawsuit against the Borough and Bongiorno, in the Superior Court of New Jersey, Law Division, Essex County and given the docket number ESX-L-9357-19 (hereinafter the "Termination Lawsuit"); and

WHEREAS, thereafter on or about December 22, 2020 Superior Court Judge Thomas Moore sustained all charges against the Plaintiff, reversed plaintiff's termination and suspended him for ninety days. Plaintiff was also awarded unpaid wages during the period of his termination, minus ninety days; and

WHEREAS, thereafter the Borough and Bongiorno filed an appeal of Judge Moore's decision with the Superior Court Appellate Division, and given the docket number A-1233-21; and

WHEREAS, the Borough has charged the Plaintiff with an Internal Affairs charge, Internal Affairs case number 2018-05, PNDA date November 16, 2018. This Internal Affairs charge is currently pending an Internal Affairs hearing; and

WHEREAS, on or about September 20, 2019 the Borough submitted an Internal Affairs matter for investigation, case number 2019-015 is currently pending investigation; and

WHEREAS, as a result of ongoing settlement discussions, Geary, the Borough, Chief Bongiorno, Icolari, and the Garden State Municipal Joint Insurance Fund ("GSMJIF"), agree to amicably resolve all their differences with Plaintiff; and

WHEREAS, the parties desire to enter into a global Settlement Agreement to memorialize the terms and conditions of their understanding, as well as the respective obligations of the Parties.

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

- (1) That the aforesaid recitals are hereby adopted and incorporated herein as if repeated in full; and
- (2) That the Mayor be and hereby is directed and authorized to execute, and the Township Clerk be and hereby is directed and authorized to witness, a Settlement Agreement with Geary, in a form substantially similar to the Settlement Agreement attached hereto as **EXHIBIT A** and according to the terms and conditions set forth therein; and
- (3) That the Mayor be and hereby is authorized to take any and all actions reasonably necessary to effectuate the said settlement.

RECORD OF COUNCIL VOTE

_____ presented the following resolution - Seconded by: _____

COUNCIL MEMBER Yes No Absent Abstain COUNCIL MEMBER Yes No Absent Abstain

Schmidt						Lace				
Rodgers						DePalma-Iozzi				
Cole						Gates				

Brittany Heun, Deputy Clerk

John Kelley, Mayor

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

EXIHIBIT A

- Settled for \$375,000
- Dismissal of all claims against the Borough, Bongiorno, and Icolari
- Irrevocable letter of resignation
- Resignation in good standing
- Tax indemnification
- Compliance with pension regs
- Dismissal of appeals and any pending Internal Affairs matters