



***BOROUGH OF CALDWELL  
NEW JERSEY***



***COUNCIL BUSINESS / CONFERENCE MEETING***

***April 6, 2021***

Borough of Caldwell  
1 Provost Square  
Caldwell, New Jersey 07006  
7:15PM



## BOROUGH OF CALDWELL

Resolution No: 4-107

Date of Adoption: April 6, 2021

**TITLE:**

**RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED  
For the Meeting of April 6, 2021**

Recommended for approval by:

Approved as to form and legality by:

\_\_\_\_\_  
Thomas Banker, Administrator

\_\_\_\_\_  
Title:

**WHEREAS**, The Borough of Caldwell (the "Borough" or the "public body" has been duly created and is validly existing as a public body corporate and politic of the State of New Jersey pursuant to applicable laws of the State of New Jersey; and

**WHEREAS**, The Borough constitutes a "public body" as such term is defined in the New Jersey Open Public Meetings Act, constituting Chapter 231 of the Pamphlet Laws of 1975 of the State of New Jersey, N.J.S.A. 10:4-6 et seq. and the acts amendatory thereof and supplemental thereto (the "Open Public Meetings Act"); and

**WHEREAS**, the Open Public Meetings Act permits a public body, as such term is defined therein, to exclude members of the public from portions of any "meeting", as such term is defined therein including N.J.S.A. 10:4-12(b) et seq., under certain limited circumstances which include, but are not limited to, (a) a discussion of pending or anticipated litigation in which the public body is or may become a party, or (b) a discussion of any matters which fall within the attorney-client privilege, or (c) a discussion of a collective bargaining agreement including the negotiation of the terms and conditions thereof, or (d) a discussion regarding the purchase, acquisition or lease of real property with public funds or (e) a discussion of involving the employment, appointment or termination of employment of an existing or prospective public officer or employee; and

**WHEREAS**, the governing body of the Borough has determined that and is of the opinion that such circumstances presently exist that permit the governing body of the Borough to discuss the matters set forth in this Resolution in executive session; and

**WHEREAS**, the matters set forth in this Resolution are within the exceptions and the limited circumstances set forth in N.J.S.A. 10:4-12(b) et seq., the governing body of the Borough desires to conduct a portion of the meeting in an executive session from which members of the public will be excluded.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF CALDWELL**, in accordance with the provisions of The Open Public Meetings Act, that the governing body of the Borough hereby determines to conduct a portion of the meeting in an executive session from which members of the public will be excluded in accordance with the provisions of Open Public Meetings Act; and

**BE IT FURTHER RESOLVED**, that the aforementioned executive session will be limited to matters relating to the following items and which matters involve, as applicable, pending and anticipated litigation involving or expected to involve the Borough, matters which fall within the attorney-client privilege, matters regarding the discussion of a collective bargaining agreement, matters relating to purchase, acquisition or lease of real property with public funds or matters relating to personnel.

**BE IT FURTHER RESOLVED**, that the minutes of each executive session will be prepared and maintained by the Township and with regard to each of the matters discussed in executive session; and

**BE IT FURTHER RESOLVED**, that the minutes relating to a particular matter discussed will be made available to members of the public – (a) at such time as the matter no longer requires confidentiality as permitted by applicable laws, (b) upon the completion of a pending or anticipated litigation, or (c) upon such matter no longer falling within the attorney-client privilege, (d) upon the completion of a collective bargaining agreement including the negotiation of the terms and conditions thereof, or (e) upon the completion of a purchase, acquisition or lease of real property with public funds, or (f) as such disclosure may otherwise may be required by the Open Public Meetings Act.

It is hereby certified that at a regular meeting of the Mayor and Council of the Borough of Caldwell, New Jersey being held on the date of April 6, 2021, the foregoing Resolution was duly adopted.

\_\_\_\_\_  
Borough Deputy Clerk

The foregoing Resolution, having been duly presented to me on April 6, 2021 I hereby approve the same.

\_\_\_\_\_  
Mayor

**RECORD OF COUNCIL VOTE**

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

COUNCILMAN    Yes    No    Absent    Abstain    COUNCILMAN    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: 4-108

Date of Adoption: April 6, 2021

**TITLE:**

**RESOLUTION OF THE COUNCIL OF THE BOROUGH OF CALDWELL ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN**

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), the Borough of Caldwell (hereinafter “Caldwell” or the “Borough”) filed a Declaratory Judgment Complaint on May 27, 2016, seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “HEFSP”), to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine”; and

**WHEREAS**, that action was consolidated with a prior builder’s remedy action entitled Landmark Real Estate Developers, Inc. v. Borough of Caldwell, Docket ESX-L-35578-16; and

**WHEREAS**, the Borough simultaneously sought, and ultimately secured, an immunity order providing Caldwell immunity from all Mount Laurel lawsuits while it pursued approval of its Housing Element and Fair Share Plan, which order had the effect: and

**WHEREAS**, in connection with the Declaratory Judgment action globally, the Borough and Fair Share Housing Center entered into a Settlement Agreement on July 30, 2020, which is subject to the Court’s approval and a Compliance Hearing currently scheduled for May 13, 2021; and

**WHEREAS**, in connection with the Settlement Agreement, the Borough’s Planner prepared an Amended Housing Element and Fair Share Plan which was adopted by the Borough’s Planning Board on March 10, 2021 at a public hearing;

**WHEREAS**, the Planning Board adopting the Amended Housing Element and Fair Share Plan;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF CALDWELL:**

1. That Borough Council hereby endorses the Amended Housing Element and Fair Share Plan, which is attached hereto as Exhibit A, as adopted by the Borough of Caldwell Planning Board via the Planning Board Resolution that is attached hereto as Exhibit B.
2. That it authorizes and directs its professionals to file with the Court (i) the Amended Housing Element and Fair Share Plan, (ii) the resolutions of the Planning Board adopting and the Borough Council endorsing the Amended Housing Element and Fair Share Plan and (iii) any additional documents deemed necessary or desirable.
3. That it authorizes its professionals to seek Court approval of the Amended Housing Element and Fair Share Plan.
4. That it reserves the right to amend the Amended Housing Element and Fair Share Plan, should that be necessary in the future.

Attach  
ESAP  
HEFSP  
+  
Planning Board  
Resol

I, Brittany Heun, Borough Clerk of the Borough of Caldwell, in the County of Essex, State of New Jersey, hereby certify this to be a true copy of the action of the Borough Council, at its Regular Meeting, held \_\_\_\_\_.

WITNESS my hand this \_\_\_\_ day of \_\_\_\_\_, 2021.

Brittany Heun  
Municipal Clerk

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**RECORD OF COUNCIL VOTE**

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\_\_\_\_\_ 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.

**Resolution No. 01-2021**

**RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF CALDWELL  
ADOPTING A HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), the Borough of Caldwell (hereinafter “Caldwell” or the “Borough”) filed a Declaratory Judgment Complaint on or about May 27, 2016, in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine,” and

**WHEREAS**, the Borough simultaneously sought, and ultimately secured, a protective order providing Caldwell immunity from all exclusionary zoning lawsuits while it pursued approval of its Housing Element and Fair Share plan, which is still in full force and effect; and

**WHEREAS**, the Court also appointed Elizabeth McManus, PP, AICP as the Special Court Master (hereinafter the “Court Master”), as is customary in Mount Laurel matters adjudicated in the courts; and

**WHEREAS**, with assistance from the Court Master, the Borough and Fair Share Housing Center (hereinafter “FSHC”) engaged in good faith negotiations, which resulted in a Settlement Agreement between the Borough and FSHC dated July 30, 2020 (hereinafter “FSHC Settlement Agreement”); and

**WHEREAS**, a Fairness Hearing was held on October 25, 2019, during which settlement agreements with Landmark Real Estate Developers, II Inc. (hereinafter “Landmark”), and Thomas Stille (hereinafter “Stille”) were approved, and said approvals were memorialized by an Order entered by the Court on November 14, 2019; and

**WHEREAS**, as per the terms of the July 30, 2020 FSHC Settlement Agreement and the Court’s November 14, 2019 Order as to Landmark and Stille, the Borough’s planner has prepared ad Housing Element and Fair Share Plan, which has been reviewed and modified by the Borough’s affordable housing counsel, and which is attached hereto with Appendices as **Exhibit A**; and

**WHEREAS**, the members of the Planning Board have reviewed the Housing Element and Fair Share Plan, and have determined to adopt same; and


**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Housing Element and Fair Share plan on February 10, 2021; and

**WHEREAS**, the Planning Board had determined that the attached Housing Element and Fair Share Plan is consistent with the goals and objectives of the Borough of Caldwell’s current Master Plan, and that adoption and implementation of the Housing Element and Fair Share Plan

is in the public interest and protects public health and safety and promotes the general welfare;  
and

**WHEREAS**, the Planning Board anticipates that the Appendices to the attached Housing Element and Fair Share Plan may or may not be amended and supplemented subject to the approval of the Borough's professionals, FSHC, the Court Master and the Court.

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the Borough of Caldwell, County of Essex, State of New Jersey, that the Planning Board hereby adopts the Housing Element and Fair Share Plan, attached hereto as **Exhibit A**.

  
\_\_\_\_\_  
Chairman of the Planning Board

I hereby certify that this is a true copy of the resolution adopting the Housing Element and Fair Share Plan of the Borough of Caldwell, County of Essex, on February 10, 2021.

  
\_\_\_\_\_  
Planning Board Secretary



**BOROUGH OF CALDWELL**

Resolution No: 4-109

Date of Adoption: April 6, 2021

**TITLE:**

**RESOLUTION APPROPRIATING FUNDS OR BOND IN THE EVENT OF A SHORTFALL IN FUNDING FOR THE BOROUGH'S AFFORDABLE HOUSING PROGRAMS**

Recommended for approval by:

Approved as to form and legality by:

\_\_\_\_\_  
Thomas Banker, Administrator

\_\_\_\_\_  
Title:

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on May 27, 2016, the Borough of Caldwell (hereinafter "Caldwell" or the "Borough") filed a Declaratory Judgment Complaint in Superior Court, Law Division, seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

**WHEREAS**, the Borough simultaneously, and ultimately secured, a protective order providing Caldwell immunity from all exclusionary zoning lawsuits while it pursues approval of its Housing Element and Fair Share Plan, which is still in full force and effect; and

**WHEREAS**, the Borough adopted a Housing Element and Fair Share Plan on or about March 10, 2021; and

**WHEREAS**, the Borough has prepared a Spending Plan consistent with N.J.A.C. 5:97-8.1 – 8.14 and P.L. 2008, c.46; and

**WHEREAS**, in the event the funding sources as identified in the Spending Plan prove inadequate to complete the affordable housing programs included in the Borough's Housing Element and Fair Share Plan and any future amendments thereof; and to the extent permitted by law, the Borough shall provide sufficient funding to address any shortfalls.

**NOW THEREFORE BE IT RESOLVED**, by the Council of the Borough of Caldwell, in the County of Essex, and the State of New Jersey, that the Borough does hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing programs that may arise whether due to inadequate funding from other sources or for any other reason; and

**BE IT FURTHER RESOLVED** that the Borough may repay debt through future collections of development fees and in-lieu contributions, as such funds become available; and

**BE IT FURTHER RESOLVED** that the Mayor, Borough Administrator, and Borough Clerk are authorized and designated to execute any and all necessary documents in order to implement the intent of this Resolution.

I hereby certify that this is a true copy of the resolution appropriating funds or bonds in the event of a shortfall in funding for the Borough's Affordable Housing programs for the Borough of Caldwell, County of Essex on April 6, 2021.

\_\_\_\_\_  
Brittany Heun  
Caldwell Deputy Borough Clerk

\_\_\_\_\_  
Hon. John Kelley  
Mayor of Caldwell Borough



**RECORD OF COUNCIL VOTE**

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\_\_\_\_\_ 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: 4-110

Date of Adoption: April 6, 2021

**TITLE:**

**RESOLUTION AUTHORIZING THE BOROUGH OF CALDWELL TO ISSUE A PURCHASE ORDER TO TROJAN UV TO PROVIDE PARTS FOR UV DISINFECTION SYSTEM REPAIRS AT THE CALDWELL WASTEWATER TREATMENT PLANT.**

Recommended for approval by:

\_\_\_\_\_  
Thomas Banker, Administrator

Approved as to form and legality by:

\_\_\_\_\_  
Title:

**WHEREAS**, Trojan UV, a Division of Trojan Technologies Group ULC, of London, Ontario, Canada is the manufacturer of the Ultraviolet Disinfection System at the Caldwell Wastewater Treatment Plant; and,

**WHEREAS**, only Trojan UV can provide the required communication and distribution replacement back plates needed to complete required repairs and,

**WHEREAS**, our attempts to obtain pricing from alternate manufacturers were unsuccessful due to the proprietary nature of the equipment; and

**WHEREAS**, Trojan UV has provided the Borough of Caldwell with a quotation for the equipment required to complete repairs to (4) UV Control Panels in the amount of \$23,800.00 incorporated herein; and

**NOW, THEREFOR, BE IT RESOLVED**, the Borough Council hereby authorizes the Administrator to execute the attached Agreement with Trojan UV to provide replacement parts and equipment to repair the Ultraviolet Disinfection System at the Caldwell Wastewater Treatment Plant, in the same form as attached.

**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**



**QUOTE**

A division of Trojan Technologies Group ULC  
 3020 GORE ROAD  
 LONDON, ONTARIO, CANADA N5V 4T7  
 T 519.457.3400 F 519.457.3030 www.trojanuv.com

**Original**

**QUOTE FOR:** MOTT MACDONALD GROUP, INC.  
 111 WOOD AVENUE SOUTH  
 ISELIN, NJ  
 08830  
 UNITED STATES

**SHIP TO:** MOTT MACDONALD C/O CALDWELL WWTP  
 Att: Sean Morgan 973-575-0225  
 25 Pine Tree Place  
 Deliver to West Caldwell, NJ  
 Caldwell, NJ  
 07006  
 UNITED STATES

FOR CUSTOMER SERVICE, CONTACT HEATHER WILCOX  
 VOICE - 1-800-291-0851/1-800-291-0208  
 FAX - 1-800-291-0127/1-800-290-6189  
 EMAIL - easternus@trojanuv.com

**FORWARD AGENT:**  
**CUSTOMER #:** 671941  
**QUOTE #:** 123470  
**QUOTE DATE:** 03-19-2021  
**REFERENCE:** Caldwell NJ  
**LOB:** W97 AFTERMARKET PARTS

**We thank you for your inquiry.**

QTY	UNIT	ITEM	PRICE	UNIT	AMOUNT
<b>Att: Erik Alverson</b>					
<b>Leadtime 4-6 weeks</b>					
4.00	EA	NON-INVENTORY	3600.00EA	NJT	14400.00
4.00	EA	Communication back plate (low voltage) 328733C050L00003 Complete assembly	2225.00EA	NJT	8900.00
1.00	EA	Distribution back plate (High Voltage) 328731C0540030 Complete assembly	500.00EA	NJT	500.00
		FREIGHT & HANDLING			



**QUOTE**

A division of Trojan Technologies Group ULC  
 3020 GORE ROAD  
 LONDON, ONTARIO, CANADA N5V 4T7  
 T 519.457.3400 F 519.457.3030 www.trojanuv.com

**Original**

**QUOTE FOR:** MOTT MACDONALD GROUP, INC.  
 111 WOOD AVENUE SOUTH  
 ISELIN, NJ  
 08830  
 UNITED STATES

**SHIP TO:** MOTT MACDONALD C/O CALDWELL WWTP  
 Att: Sean Morgan 973-575-0225  
 25 Pine Tree Place  
 Deliver to West Caldwell, NJ  
 Caldwell, NJ  
 07006  
 UNITED STATES

FOR CUSTOMER SERVICE, CONTACT **HEATHER WILCOX**  
 VOICE - 1-800-291-0851/1-800-291-0208  
 FAX - 1-800-291-0127/1-800-290-6189  
 EMAIL - easternus@trojanuv.com

**FORWARD AGENT:**  
**CUSTOMER #:** 671941  
**QUOTE #:** 123470  
**QUOTE DATE:** 03-19-2021  
**REFERENCE:** Caldwell NJ  
**LOB:** W97 AFTERMARKET PARTS

**We thank you for your inquiry.**

QTY	UNIT	ITEM	PRICE	UNIT	AMOUNT
<b>Att: Erik Alverson</b>					
<b>Leadtime 4-6 weeks</b>					

In accordance with our terms & conditions refer to our website for details.  
<https://www.trojantechnologies.com/sales-terms-conditions/>

GOODS	COSTS	TOTAL USD
0.00	23800.00	23800.00

**DELIVERY TERMS:** NO URGENCY FOR DELIVERY

**PAYMENT TERMS:**

**FREIGHT MAY BE ADDED TO THE TOTAL OF THIS QUOTE ONLY IF REQUESTED.**

**SUBJECT TO SALES TAX, WHERE APPLICABLE. Tax to be included if not tax exempt.**

**GST# R105405385**

**THIS QUOTE EXPIRES: 04-18-2021**

**U.S. CUSTOMERS MUST PROVIDE SHIP TO'S FEDERAL I.D. #'s FOR SHIPPING PURPOSES UPON RECEIPT OF A FORMAL PURCHASE ORDER.**

**SOLD:**

**SHIP:**

**BUSINESS ENTITY DISCLOSURE CERTIFICATION  
FOR NON-FAIR AND OPEN CONTRACTS  
Required Pursuant To N.J.S.A. 19:44A-20.8**

~~<NAME OF CONTRACTING AGENCY>~~  
Trojan Technologies Group LLC

The following is statutory text related to the terms and citations used in the Business Entity Disclosure Certification form.

**"Local Unit Pay-To-Play Law" (P.L. 2004, c.19, as amended by P.L. 2005, c.51)**

**19:44A-20.6 Certain contributions deemed as contributions by business entity.**

5. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

**19:44A-20.7 Definitions relative to certain campaign contributions.**

6. As used in sections 2 through 12 of this act:

"business entity" means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction;

"interest" means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate;

**Temporary and Executing**

12. Nothing contained in this act shall be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during the one-year period immediately preceding the effective date of this act.

~~~~~  
**The New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.)**

**19:44A-3 Definitions.** In pertinent part...

p. The term "political party committee" means the State committee of a political party, as organized pursuant to R.S.19:5-4, any county committee of a political party, as organized pursuant to R.S.19:5-3, or any municipal committee of a political party, as organized pursuant to R.S.19:5-2.

q. The term "candidate committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) for the purpose of receiving contributions and making expenditures.

r. the term "joint candidates committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection: ...; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

**19:44A-8 and 16 Contributions, expenditures, reports, requirements.**

*While the provisions of this section are too extensive to reprint here, the following is deemed to be the pertinent part affecting amounts of contributions:*

"The \$300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2)

**BUSINESS ENTITY DISCLOSURE CERTIFICATION  
FOR NON-FAIR AND OPEN CONTRACTS  
Required Pursuant To N.J.S.A. 19:44A-20.8  
TROJAN TECHNOLOGIES GROUP ULC**

**Part I – Vendor Affirmation**

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the *Trojan Technologies Group ULC* has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding (date of award scheduled for approval of the contract by the governing body) to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the <name of entity of elected officials> as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

|  |  |
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|  |  |

**Part II – Ownership Disclosure Certification**

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

- Partnership     
 Corporation     
 Sole Proprietorship     
 Subchapter S Corporation  
 Limited Partnership   
 Limited Liability Corporation     
 Limited Liability Partnership

| Name of Stock or Shareholder | Home Address |
|------------------------------|--------------|
|                              |              |
|                              |              |
|                              |              |
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|                              |              |
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|                              |              |

**Part 3 – Signature and Attestation:**

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: Trojan Technologies Group ULC  
Signature of Affiant: Heather Wilcox Title: Account Manager  
Printed Name of Affiant: Heather Wilcox Date: March 23, 2021

Subscribed and sworn before me this 23 day of March, 2021.

My Commission expires:  
Sept 10, 2023

  
\_\_\_\_\_  
(Witnessed or attested by)

Melissa Dawn Sutherland, Notary Public, County of Middlesex,  
limited to the attestation of instruments and the taking  
of affidavits, for Trojan Technologies Group ULC and its  
subsidiaries, associated companies and affiliates.  
Expires September 10, 2023.

# C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

## Public Agency Instructions

This page provides guidance to public agencies entering into contracts with business entities that are required to file Political Contribution Disclosure forms with the agency. **It is not intended to be provided to contractors.** What follows are instructions on the use of form local units can provide to contractors that are required to disclose political contributions pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005, c. 271, s.2). Additional information on the process is available in Local Finance Notice 2006-1 ([http://www.nj.gov/dca/divisions/dlgs/resources/lfns\\_2006.html](http://www.nj.gov/dca/divisions/dlgs/resources/lfns_2006.html)). Please refer back to these instructions for the appropriate links, as the Local Finance Notices include links that are no longer operational.

1. The disclosure is required for all contracts in excess of \$17,500 that are **not awarded** pursuant to a "fair and open" process (N.J.S.A. 19:44A-20.7).
2. Due to the potential length of some contractor submissions, the public agency should consider allowing data to be submitted in electronic form (i.e., spreadsheet, pdf file, etc.). Submissions must be kept with the contract documents or in an appropriate computer file and be available for public access. **The form is worded to accept this alternate submission.** The text should be amended if electronic submission will not be allowed.
3. The submission must be **received from the contractor and** on file at least 10 days prior to award of the contract. Resolutions of award should reflect that the disclosure has been received and is on file.
4. The contractor must disclose contributions made to candidate and party committees covering a wide range of public agencies, including all public agencies that have elected officials in the county of the public agency, state legislative positions, and various state entities. The Division of Local Government Services recommends that contractors be provided a list of the affected agencies. This will assist contractors in determining the campaign and political committees of the officials and candidates affected by the disclosure.
  - a. The Division has prepared model disclosure forms for each county. They can be downloaded from the "County PCD Forms" link on the Pay-to-Play web site at <http://www.nj.gov/dca/divisions/dlgs/programs/lpcl.html#12>. They will be updated from time-to-time as necessary.
  - b. A public agency using these forms **should edit them to properly reflect the correct legislative district(s)**. As the forms are county-based, **they list all legislative districts in each county. Districts that do not represent the public agency should be removed from the lists.**
  - c. Some contractors may find it easier to provide a single list that covers all contributions, regardless of the county. These submissions are appropriate and should be accepted.
  - d. The form may be used "as-is", subject to edits as described herein.
  - e. The "Contractor Instructions" sheet is intended to be provided with the form. It is recommended that the Instructions and the form be printed on the same piece of paper. The form notes that the Instructions are printed on the back of the form; where that is not the case, the text should be edited accordingly.
  - f. The form is a Word document and can be edited to meet local needs, and posted for download on web sites, used as an e-mail attachment, or provided as a printed document.
5. It is recommended that the contractor also complete a "Stockholder Disclosure Certification." This will assist the local unit in its obligation to ensure that contractor did not make any prohibited contributions to the committees listed on the Business Entity Disclosure Certification in the 12 months prior to the contract. (See Local Finance Notice 2006-7 for additional information on this obligation at [http://www.nj.gov/dca/divisions/dlgs/resources/lfns\\_2006.html](http://www.nj.gov/dca/divisions/dlgs/resources/lfns_2006.html)) A sample Certification form is part of this package and the instruction to complete it is included in the Contractor Instructions. **NOTE: This section is not applicable to Boards of Education.**

# C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

## Contractor Instructions

Business entities (contractors) receiving contracts from a public agency that are NOT awarded pursuant to a "fair and open" process (defined at N.J.S.A. 19:44A-20.7) are subject to the provisions of P.L. 2005, c. 271, s.2 (N.J.S.A. 19:44A-20.26). This law provides that 10 days prior to the award of such a contract, the contractor shall disclose contributions to:

- any State, county, or municipal committee of a political party
- any legislative leadership committee\*
- any continuing political committee (a.k.a., political action committee)
- any candidate committee of a candidate for, or holder of, an elective office:
  - of the public entity awarding the contract
  - of that county in which that public entity is located
  - of another public entity within that county
  - or of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county

The disclosure must list reportable contributions to any of the committees that exceed \$300 per election cycle that were made during the 12 months prior to award of the contract. See N.J.S.A. 19:44A-8 and 19:44A-16 for more details on reportable contributions.

N.J.S.A. 19:44A-20.26 itemizes the parties from whom contributions must be disclosed when a business entity is not a natural person. This includes the following:

- individuals with an "interest" ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit
- all principals, partners, officers, or directors of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

When the business entity is a natural person, "a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity." [N.J.S.A. 19:44A-20.26(b)] The contributor must be listed on the disclosure.

Any business entity that fails to comply with the disclosure provisions shall be subject to a fine imposed by ELEC in an amount to be determined by the Commission which may be based upon the amount that the business entity failed to report.

The enclosed list of agencies is provided to assist the contractor in identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the contractor's responsibility to identify the specific committees to which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the contractor's submission and is disclosable to the public under the Open Public Records Act.

The contractor must also complete the attached Stockholder Disclosure Certification. This will assist the agency in meeting its obligations under the law. **NOTE: This section does not apply to Board of Education contracts.**

\* N.J.S.A. 19:44A-3(s): "The term "legislative leadership committee" means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly or the Minority Leader of the General Assembly pursuant to section 16 of P.L.1993, c.65 (C.19:44A-10.1) for the purpose of receiving contributions and making expenditures."







**List of Agencies with Elected Officials Required for Political Contribution Disclosure**  
**N.J.S.A. 19:44A-20.26**

**County Name:**

State: Governor, and Legislative Leadership Committees

Legislative District #s:

State Senator and two members of the General Assembly per district.

**County:**

Freeholders

County Clerk

Sheriff

(County Executive)

Surrogate

Municipalities (Mayor and members of governing body, regardless of title):

**USERS SHOULD CREATE THEIR OWN FORM, OR DOWNLOAD  
FROM the Pay to Play section OF THE DLGS WEBSITE A  
COUNTY-BASED, CUSTOMIZABLE FORM.**



## STOCKHOLDER DISCLOSURE CERTIFICATION

Name of Business:

I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

OR

I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business organization:

Partnership

Corporation

Sole Proprietorship

Limited Partnership

Limited Liability Corporation

Limited Liability Partnership

Subchapter S Corporation

Sign and notarize the form below, and, if necessary, complete the stockholder list below.

Stockholders:

|               |               |
|---------------|---------------|
| Name:         | Name:         |
| Home Address: | Home Address: |
| Name:         | Name:         |
| Home Address: | Home Address: |
| Name:         | Name:         |
| Home Address: | Home Address: |

|                                                                                                                                                                                                                                       |                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Subscribed and sworn before me this <u>23</u> day of <u>March</u> , 2021.                                                                                                                                                             | <u>Heather Wilcox</u><br>(Affiant)                                       |
| (Notary Public) Melissa Dawn Sutherland, Notary Public, County of Middlesex, permitted to the attestation of instruments and the taking of affidavits, for Trojan Technologies Group ULC and its associated companies and affiliates. | <u>Heather Wilcox Account Manager</u><br>(Print name & title of affiant) |
| My Commission Expires September 10, 2023.                                                                                                                                                                                             | (Corporate Seal)                                                         |



**BOROUGH OF CALDWELL**

Resolution No: 4-111

Date of Adoption: April 6, 2021

**TITLE:**

**AUTHORIZING ISSUANCE OF ONE (1) TAXICAB LICENSE TO Sezai Gurses, Metropolitan Limousine, 806 MURRAY STREET, AVENEL, NJ. APPLICATION AND APPLICANT 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 they have no objections to the issuance of One (1) Taxicab License to Sezai Gurses, Metropolitan Limousine, 806 Murray Street, Avenel, NJ from April 1, 2021 through March 31, 2022. Applicant and application have been approved by the appropriate Municipal Departments.

2011 Cadillac Escalade ESV, 1GYS4JEF5BR111491

**RECORD OF COUNCIL VOTE**

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

COUNCILMAN    Yes    No    Absent    Abstain    COUNCILMAN    Yes    No    Absent    Abstain

|         |  |  |  |  |  |               |  |  |  |  |
|---------|--|--|--|--|--|---------------|--|--|--|--|
| Schmidt |  |  |  |  |  | Lace          |  |  |  |  |
| Rodgers |  |  |  |  |  | DePalma-Iozzi |  |  |  |  |
| Cole    |  |  |  |  |  | Gates         |  |  |  |  |

\_\_\_\_\_  
**Brittany Heun, Deputy Clerk**

\_\_\_\_\_  
**John Kelley, Mayor**

**BOROUGH OF CALDWELL  
OFFICE OF THE ADMINISTRATOR**

**March 28, 2021**

**To: Mayor and Council**

**From: Brittany Heun, Deputy Clerk**

**Subject: Application for license Taxicab**

Attached please find a copy of application for a taxicab license from Sezai (Sergio) Gurses, Metropolitan Limousine, 806 Murray St. Avenel, NJ 07001 which has been submitted to the Borough for your approval. The application is from April 1, 2020 through March 31, 2021.

The applicant and applications has been approved by the Clerks office and Police Department. I will include a resolution on the agenda of the Council Business meeting on April 6, 2021.

If you have any questions or require any additional information please do not hesitate to call my office.

# **Caldwell Police Department**

1 Provost Square • Caldwell, NJ 07006  
(973) 226-2602 • Fax (973) 364-0511




**James H. Bongiorno**  
Chief of Police

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TO: Brittany Heun, Deputy Borough Clerk  
FROM: Sergeant Michael Pellegrino #442  
REFERENCE: Application for License - Taxicab  
Metropolitan Limousine  
DATE: March 30, 2021

As per your request, regarding the above referenced matter, I have conducted an investigation into the company in question. The investigation of the proprietor listed, Sezai (Sergio) Gurses, 806 Murray Street, Avenel, NJ 07001, produced acceptable results and all vehicles and operators contained within the application are properly licensed, registered and insured. Therefore, I find no reason as to why this application should not be approved.

Respectfully submitted,

  
Sergeant Michael Pellegrino #442



**BOROUGH OF CALDWELL**

Resolution No: 4-112

Date of Adoption: April 6, 2021

**TITLE:**

**AUTHORIZING THE ISSUANCE OF A PERMIT FOR PEDDLER LICENSE OR IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE BOROUGH CLERK'S OFFICE - The Guac Spot**

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 they do hereby approve the application for the issuance of a peddler license permit to The Guac Spot, 18 Grove Avenue, Verona, NJ 07044 in accordance with the application filed. Applicant and application have been investigated and approved by the Police Department and the Borough Clerk's Office.

**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  
OFFICE OF THE ADMINISTRATOR**

**March 30, 2021**

**To:           Honorable Mayor and Borough Council**

**From:       Brittany Heun, Deputy Clerk**

**Subject:     Application for Peddler's License**

Attached please find a copy of an Application for a Peddler's License from Johnathan Gonzalez 245 Cedar Grove Road, Little Falls, NJ 07424 of The Guac Spot, 18 Grove Avenue, Verona, NJ 07044. A copy of this application has been forwarded to the Police Department for their review and report.

The applicant and application have been approved by the Clerks office and the Police Department. I will include a resolution on the agenda of the Council Business meeting on April 6, 2021

If you have any questions or require additional information do not hesitate to contact my office.

**CALDWELL POLICE DEPARTMENT**  
**1 PROVOST SQUARE • CALDWELL, NJ 07006**  
**(973) 226-2602 • FAX (973) 364-0511**



**James H. Bongiorno**  
*Chief of Police*

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TO: Brittany Heun, Deputy Borough Clerk

FROM: Sergeant Michael Pellegrino #442

REFERENCE: Application for Peddler License  
Johnathan Gonzalez      The Guac Spot  
245 Cedar Grove Road      18 Grove Avenue  
Little Falls, NJ 07424      Verona, NJ 07044

DATE: March 29, 2021

As per your request, regarding the above referenced matter, I have conducted an investigation into the company in question. The investigation of the proprietor listed produced no questionable findings and all licensed drivers and vehicles contained within the application are properly licensed, registered and insured. Therefore, I find no reason as to why this application should not be approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "M. Pellegrino #442".

Sergeant Michael Pellegrino #442