



BOROUGH OF CALDWELL
NEW JERSEY

REGULAR BOROUGH COUNCIL MEETING
March 15, 2022

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



**BOROUGH OF CALDWELL
NEW JERSEY**

Resolution No: 3-71
Date of Adoption: March 15, 2022

TITLE:

**RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED
For the Meeting of March 15, 2022**

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 Borough 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 March 15, 2022, the foregoing Resolution was duly adopted.

Borough Deputy Clerk

The foregoing Resolution, having been duly presented to me on March 15, 2022 I hereby approve the same.

Mayor

RECORD OF COUNCIL VOTE

_____ presented the following resolution - Seconded by: _____

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

DePalma-Iozzi						Lace				
Gates						Buechner				
Cole						Alonso				

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
NEW JERSEY**

Resolution No: 3-73
Date of Adoption: March 15, 2022

TITLE:

RESOLUTION AUTHORIZING AN INTERLOCAL SERVICE AGREEMENT FOR PLANT WATERING BETWEEN THE BOROUGH OF CALDWELL AND THE TOWNSHIP OF VERONA

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

- WHEREAS,** the Borough of Caldwell values the beautification of our Downtown and considers it as essential to the success of our local businesses as well as the quality of life of our Community; and
- WHEREAS,** hanging flower baskets will be installed and will therefore need to be watered and maintained from on or around May 27, 2022 – September 5, 2022; and
- WHEREAS,** the Borough of Caldwell has determined that sharing plant watering services with the Township of Verona, which already has the materials and manpower designated to water their flower baskets, provides the most efficient and cost-effective manner in which to complete this task in Caldwell; and
- WHEREAS,** the Township of Verona has agreed to provide these services for the cost of \$7,252.00; and
- WHEREAS,** it is the desire of the Borough of Caldwell, NJ to enter into an Interlocal Service Agreement for Plant Watering Services between the Borough of Caldwell and the Township of Verona:

NOW, THEREFORE BE IT RESOLVED by the Borough Council of Caldwell that the Borough Administrator is hereby authorized and directed to execute the interlocal agreement in substantially the form as is attached hereto on behalf of the Borough of Caldwell.

RECORD OF COUNCIL VOTE

_____ presented the following resolution - Seconded by: _____

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

DePalma-Iozzi						Lace				
Gates						Buechner				
Cole						Alonso				

Brittany Heun, Deputy Clerk

John Kelley, Mayor

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**BOROUGH OF CALDWELL
NEW JERSEY**

Resolution No: 3-74

Date of Adoption: March 15, 2022

TITLE:

RESOLUTION AUTHORIZING THE APPOINTMENT OF JAMES HOFFMAN AS PLUMBING SUBCODE OFFICIAL/Inspector and BUILDING INSPECTOR EFFECTIVE MARCH 17, 2022

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

WHEREAS, the Borough of Caldwell promulgated requests for qualifications for Plumbing Subcode Official/Inspector and Building Inspector; and,

WHEREAS, James Hoffman has met all of the required qualifications for the position of Plumbing Subcode Official/Inspector and Building Inspector; and,

WHEREAS, the Borough of Caldwell desires to appoint James Hoffman to the position of Plumbing Subcode Official/Inspector and Building Inspector, effective

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey that they do hereby appoint Mr. James Hoffman to the position of Plumbing Sub Code Official/Building Inspector effective March 17, 2022.

RECORD OF COUNCIL VOTE

_____ presented the following resolution - Seconded by: _____

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

DePalma-Iozzi						Lace				
Gates						Buechner				
Cole						Alonso				

Brittany Heun, Deputy Clerk

John Kelley, Mayor

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**BOROUGH OF CALDWELL
NEW JERSEY**

Resolution No: 3-75

Date of Adoption: March 15, 2022

TITLE:

RESOLUTION FOR GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE July 2022 - June 2023

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Caldwell County of Essex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Essex;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Caldwell, County of Essex, State of New Jersey hereby recognizes the following:

- The Borough Council does hereby authorize submission of a strategic plan for the West Caldwell/Caldwell Municipal Alliance grant for fiscal year July 1, 2022 to June 30, 2023 in the amount of:

DEDR	\$12,480
Cash Match	\$3,120
In-Kind	\$9,360

- The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
John Kelley, Mayor

CERTIFICATION

I, Brittany Heun, Deputy Municipal Clerk of the Borough of Caldwell, County of Essex, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough Council on this 15 day of March, 2022.

Brittany Heun Deputy Municipal Clerk

RECORD OF COUNCIL VOTE

_____ presented the following resolution - Seconded by: _____

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

DePalma-Iozzi					Lace				
Gates					Buechner				
Cole					Alonso				

Brittany Heun, Deputy Clerk

John Kelley, Mayor

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



**DEPARTMENT OF HEALTH & REHABILITATION
DIVISION OF COMMUNITY HEALTH SERVICES
50 South Clinton Street – Suite 4301
East Orange, NJ 07018
Telephone: (973) 395-8455 - Fax (973) 395-8437
www.essexcountynj.org**

Joseph N. DiVincenzo, Jr.
Essex County Executive
October 22, 2021

Eileen Fishman
Division Director

The Honorable Joseph Tempesta, Jr.
Township of Caldwell/West Caldwell
30 Clinton Road
West Caldwell, NJ 07006

Dear Mayor Tempesta:

The FY2023 Municipal Alliance Base intent for Caldwell/ West Caldwell is \$11,080. The funds are to be utilized to provide substance abuse prevention and education programs to the community as outlined in your plan/application. Funding for this year, July 1, 2022 to June 30, 2023, is based on the statewide funding formula.

In addition to the Base intent, Caldwell/ West Caldwell has been awarded an additional \$1400 Supplemental Award. This is a one-time funding incentive based on availability of funds. The total funding for the period of July 1, 2022 to June 30, 2023 is \$12,480 in DEDR funds with the stipulation the Municipal Alliance provides the required 25% Cash Match (\$3,120.00) and 75% In-Kind (\$9,360) for the FY2023 grant.

Future funding will be based on funds expended, monitoring results, contract compliance, program requirement compliance and overall availability of funds.

In order to be fully compliant with the contract, the Caldwell/West Caldwell Municipal Alliance must adhere to all requirements as outlined in contract language, GCADA Municipal Alliance Program Guidelines, and Essex County Municipal Alliance Program Requirements.

Municipalities may take up to 15% of their DEDR award for coordination, which are included in your funding **\$1,872.00.**

We are distributing (via email) the SFY 2023 Municipal Plan Update Forms with instructions to your Alliance Coordinator. Please ensure all forms are completed and returned to Elizabeth Marques, Essex County Alliance Coordinator with your township resolution no later than January 7, 2022. If you have any questions, please contact her at 973-395-8454.

As always thank you for your continued hard work and dedication.

Sincerely,

Elizabeth Marques

Elizabeth Marques, County Alliance Coordinator
Cc: Municipal Alliance Coordinator

PUTTING ESSEX COUNTY FIRST

ESSEX COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER



**BOROUGH OF CALDWELL
NEW JERSEY**

Resolution No: 3-76

Date of Adoption: March 15, 2022

TITLE:

**RESOLUTION AUTHORIZING EMERGENCY INSPECTION AND REPAIR A 6-INCH CALDWELL
SEWER PIPE CROSSING 192 RUNNYMEDE ROAD IN WEST CALDWELL**

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

WHEREAS, the Local Public Contracts Law, in section N.J.S.A.40A:11-6 thereof, authorizes the award of a contract on an emergency basis in cases where the situation may affect the public health, safety or welfare; and

WHEREAS, the Borough of Caldwell provides sewer treatment services to all or part of 6 municipalities, including Caldwell; and

WHEREAS, the continuous operation of the sanitary collection system is essential to the public health, safety and welfare of all those located within those municipalities; and

WHEREAS, on Monday, February 21, 2022 the Department of Public Works while conducting a field inspection discovered a surcharged condition on the 6-inch VCP Sanitary line servicing the homes at the end of Birkendene Road in Caldwell; and

WHEREAS, the Department was unsuccessful in clearing the line with their own forces; and

WHEREAS, the Department requested the assistance of Mott MacDonald to help identify the cause of the blockage and make recommendations to return the line to service; and

WHEREAS, Mott MacDonald suggested the Borough engage an outside contractor to clean and televise the sewer line to locate the cause of the backup; and

WHEREAS, this investigation identified a significant obstruction in the line as crosses a private property at 192 Runnymede Road in West Caldwell requiring an immediate repair; and

WHEREAS, the location of the pipe, terrain and size obstruction prohibited the Department from making the repair with its own forces; and

WHEREAS, the Administrator was advised of the condition and its potential threat to public health and safety so a declaration of emergency was issued on February 23, 2022; and

WHEREAS, Mott MacDonald contacted three emergency contractors, of which REIVAX Contracting Corp, located at 68 FINDERNE AVENUE, BRIDGEWATER, NJ 08807, was able to respond within two hours and was engaged to complete the repair; and

WHEREAS, the contractor mobilized by 1430 hours and completed the repair by 0400 hrs on February 24, 2022; and

WHEREAS, Mott MacDonald returned to the site on March 4, 2022 to re-televise the sewer line to verify the effectiveness of the repair and followed up with the owner of 192 Runnymede Road in West Caldwell confirming their satisfaction with the restoration of their property; and

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

1. An emergency existed in the operation of the sewerage collection system, as reported by the Public Works Director to the Borough Administrator.
2. In order to eliminate the emergency as soon as possible, at the lowest possible cost to the Borough as could be achieved in the time frame, Mott MacDonald took appropriate action to identify a properly experienced and licensed vendor who could compete the emergency repairs at a favorable price while the Department of Public Works retained their usual sewer cleaning/camera vendor for the initial investigation.
3. The award of the contract to Reivax Contracting Corp, 68 FINDERNE AVENUE, BRIDGEWATER, NJ 08807, in the amount of \$27,021.25 is hereby approved.
4. The award of the contract to National Water Main Cleaning, 1806 Newark Turnpike, Kearny, NJ 07032, in the amount of 4,399.50 is hereby approved.

RECORD OF COUNCIL VOTE

_____ presented the following resolution - Seconded by: _____

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

DePalma-Iozzi						Lace				
Gates						Buechner				
Cole						Alonso				

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
NEW JERSEY

Resolution No: 3-77
Date of Adoption: March 15, 2022

TITLE:

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT WITH G20 TECHNOLOGIES, LLC FOR THE CALENDAR YEAR 2022

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

WHEREAS, the Borough of Caldwell has a need to acquire G20 Technologies, LLC as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$180,000/year; and,

WHEREAS, the anticipated term of this is a 1-year contract from January 1, 2022 through December 31, 2022; and,

WHEREAS, G20 Technologies, LLC has submitted a proposal indicating they will be providing poly aluminum chloride used for Phosphorous removal from our waste stream. and,

WHEREAS, G20 Technologies, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that they have made any reportable contributions to a candidate or candidate committee in the Borough of Caldwell in the previous one-year, and that this contract will prohibit the company of G20 Technologies, LLC from making any reportable contributions through the term of the contract; and

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

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Caldwell authorizes the Borough Administrator to enter into a contract with G2- Technologies as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

CERTIFICATION OF AVAILABLE FUNDS

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

Table with 3 columns: Line Item, Description, Amount. Row 1: 1-07-20-100-521, CHEMICAL TREATMENT, NTE \$108,000.00

Chris Battaglia, Chief Financial Officer

Date

RECORD OF COUNCIL VOTE

presented the following resolution - Seconded by:

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

Table with 10 columns for council members and their votes. Rows include DePalma-Iozzi, Gates, Cole, Lace, Buechner, and Alonso.

Brittany Heun, Deputy Clerk

John Kelley, Mayor



BOROUGH OF CALDWELL
NEW JEEERSEY

Resolution No: 3-78

Date of Adoption: March 15, 2022

TITLE:

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT WITH ATLANTIC COAST POLYMERS, INC FOR THE CALENDAR YEAR 2022

Recommended for approval by:

Thomas Banker, Administrator

Approved as to form and legality by:

Title:

WHEREAS, the Borough of Caldwell has a need to acquire Atlantic Coast Polymers, Inc as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$50,000/year; and,

WHEREAS, the anticipated term of this is a 1-year contract from January 1, 2022 through December 31, 2022; and,

WHEREAS, Atlantic Coast Polymers, Inc. has submitted a proposal indicating they will be providing provide polymer for sludge thickening.

WHEREAS, Atlantic Coast Polymers, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that they have made any reportable contributions to a candidate or candidate committee in the Borough of Caldwell in the previous one-year, and that this contract will prohibit the company of Atlantic Coast Polymers, Inc. from making any reportable contributions through the term of the contract; and

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

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Caldwell authorizes the Borough Administrator to enter into a contract with Atlantic Coast Polymers, Inc. as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

CERTIFICATION OF AVAILABLE FUNDS

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

Table with 3 columns: Line Item, Description, Amount. Row 1: 1-07-20-100-521, CHEMICAL TREATMENT, NTE \$50,000.00

Chris Battaglia, Chief Financial Officer Date

RECORD OF COUNCIL VOTE

presented the following resolution - Seconded by:

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

Table with 10 columns for council members and their votes. Rows include DePalma-Iozzi, Gates, and Cole.

Brittany Heun, Deputy Clerk

John Kelley, Mayor