



***BOROUGH OF CALDWELL
NEW JERSEY***

**REGULAR BOROUGH COUNCIL MEETING
November 15, 2022**

Trinity Academy Gymnasium
235 Bloomfield Avenue,
Caldwell, NJ
7:15pm



**BOROUGH OF CALDWELL
NEW JERSEY**

Resolution No: 11-243

Date of Adoption: November 15, 2022

TITLE:

RESOLUTION APPOINTING BRITTANY HEUN AS FUND COMMISSIONER AND JAMES BONGIORNO AS ALTERNATE FUND COMMISSIONER FOR THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND

Recommended for approval by:

Thomas Banker, Administrator

Approved as to form and legality by:

Title:

WHEREAS, the Borough of Caldwell is a member of the Garden State Municipal Joint Insurance Fund; and

NOW, THEREFORE, BE IT RESOLVED on this 15th day of November, 2022 by the Borough Council of the Borough of Caldwell, County of Essex, State of New Jersey that:

1. Brittany Heun is hereby appointed as Fund Commissioner representing the Borough of Caldwell on the Garden State Municipal Joint Insurance Fund Board of Commissioners.
2. James Bongiorno is hereby appointed as Alternate Fund Commissioner representing the Borough of Caldwell on the Garden State Municipal Joint Insurance Fund Board of Commissioners.

I do hereby certify that the foregoing is a true copy of a resolution passed by the Borough Council of the Borough of Caldwell at a meeting held on the 15th day of November 2022.

Brittany Heun, Deputy 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.



**BOROUGH OF CALDWELL
NEW JERSEY**

Resolution No: 11-244
 Date of Adoption: November 15, 2022

TITLE:

RESOLUTION AWARDING PROFESSIONAL SERVICE AGREEMENT TO BECKMEYER ENGINEERING, PC FOR DESIGN SERVICES IN CONNECTION WITH THE RENOVATION OF THE CALDWELL COMMUNITY CENTER. CALDWELL WATER SYSTEM IN AN AMOUNT NOT TO EXCEED \$149,000.00.

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 "MEP" (Mechanical, Electrical, Plumbing & Fire Protection) Design Services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-5 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL SERVICES" without competitive bids must be publicly advertised;

WHEREAS, the anticipated term of this contract is for the length of time to produce Public Bid Documents for the Renovation of the Caldwell Community Center; and,

WHEREAS, Beckmeyer Engineering, P.C. has submitted a proposal indicating that the above required design services in addition to coordinating with the Architectural and Structural Design Services (outside consultant) in producing Design Plans and Specifications which will be utilized as "Bid Documents" for the required Public Bidding of this project as required by NJ State Statues. In addition, additional hourly fees for Additional Services (Tasks) outside the scope of the Design Services (above and within the "Proposal") as per the "Proposal" rate schedule for other positions without prior approval from the Borough Administrator; and,

WHEREAS, Beckmeyer Engineering, P.C. has completed and submitted a Business Entity Disclosure Certification which certifies that the Company has not 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 him 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 Beckmeyer Engineering, P.C. as described herein in the amount of \$149,000.00; 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.

Line Item	Description	Amount
	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

DePalma-Iozzi					Lace				
Gates					Buechner				
Cole					Alonso				

Brittany Heun, Deputy Clerk

John Kelley, Mayor



**BOROUGH OF CALDWELL
NEW JERSEY**

Resolution No: 11-245

Date of Adoption: November 15, 2022

TITLE:

**RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN FOR THE FISCAL YEAR 2021
AUDIT REPORT**

Recommended for approval by:

Thomas Banker, Administrator

Approved as to form and legality by:

Title:

WHEREAS, the Division of Local Government Services requires the Chief Financial Officer to file a "Corrective Action Plan", attached hereto, outlining the actions to be taken by the Borough relative to the findings and recommendations in the annual audit report; and

WHEREAS, the "Corrective Action Plan" shall be prepared by the Chief Financial Officer with assistance from other officials affected by the audit findings and recommendations; and

WHEREAS, the governing body is required by resolution, to approve the "Corrective Action Plan"; and

WHEREAS, the "Corrective Action Plan", as prepared by the Chief Financial Officer and approved by the governing body, shall be placed on file and made available for public inspection in the office of the Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Caldwell, in the County of Essex, State of New Jersey that it hereby approves the "Corrective Action Plan" for the Fiscal Year 2021 Audit Report submitted by the Chief Financial Officer.

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

Borough of Caldwell
Corrective Action Plan

Borough of Caldwell
County of Essex
Audit Report Year: December 31, 2021

Finding 2021-01:

Criteria: Concentration of Duties and responsibilities in a limited number of individuals is not desirable from a control point of view.

Condition: The Borough does not maintain an adequate segregation of duties with respect to the recording and treasury functions. The various departments or offices of the Borough are responsible for the issuance of permits and licenses; collection of taxes, utility charges and permit and license fees; and recording of collections. Also, the Tax Collector is responsible for collecting, depositing and posting all cash receipts to the Borough's finance software.

Cause: This is due, in part, to the limited number of personnel of the Borough and the decentralized nature of governmental collection procedures.

Effect or Potential Effect: Segregation of duties refers to separating those functions that place too much control over a transaction or class of transactions that would enable a person to perpetuate errors and prevent detection within a reasonable period of time.

Explanation and Corrective Action Plan

The Borough Administrator will work to reassign duties to allow for separation of functions that place too much control over a transaction or class of transactions that would enable a person to perpetuate errors and prevent detection within a reasonable period of time. The Borough is exploring the option of filling a full-time cashiering position.

Status/Date Completed: Ongoing

2: Sewer Operating Utility

Recommendation:

The Borough continue to implement formal written contracts with the remaining municipalities for sewer fees and approve the Equivalent Dwelling Unit rate utilized in the annual sewer billings in the Borough's minutes.

Explanation and Corrective Action Plan

The Borough has made a concerted effort in obtaining signed contracts from the various municipalities without success. The Borough will continue to pursue this and will approve EDU rates utilized in the Borough's minutes.

Date Initiated 2015

Status/Date Completed: Ongoing

3: Sewer Operating Utility

Recommendation:

Every effort be made to ensure that an operating deficit in the Sewer Utility Operating Fund does not occur.

Explanation and Corrective Action Plan

The Borough will make every effort possible to ensure that an operating deficit in the Sewer Utility Operating Fund does not occur.

Date Initiated 2021

Status/Date Completed: Ongoing

4: Outside Offices

Recommendation:

The Clerk's cashbook contain details of when receipts are collected

Explanation and Corrective Action Plan

The Clerk will record details of when receipts are collected with the cashbook

Date Initiated 2022

Status/Date Completed: Ongoing

5: Outside Offices

Recommendation:

Board of Health collections are deposited within 48 hours of receipt as per state statute

Explanation and Corrective Action Plan

Every effort will be made to ensure board of health collections are deposited within 48 hours of receipt.

Date Initiated 2022

Status/Date Completed: Ongoing

Prepared by: Chris Battaglia

Dated: November 10, 2022



**BOROUGH OF CALDWELL
NEW JERSEY**

Resolution No: 11-246
Date of Adoption: November 15, 2022

TITLE:

**RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED
For the Meeting of November 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 November 15, 2022, the foregoing Resolution was duly adopted.

Borough Deputy Clerk

The foregoing Resolution, having been duly presented to me on November 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.