



***BOROUGH OF CALDWELL  
NEW JERSEY***



***COUNCIL BUSINESS / CONFERENCE MEETING***

***August 17, 2021***

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



# Borough of Caldwell Council Business Meeting

## AGENDA

Phone: (973) 226-6100

Website: [www.caldwell-nj.com](http://www.caldwell-nj.com)

August 17, 2021 / 7:15PM

**MAYOR**  
John Kelley

**BOROUGH COUNCIL**  
Christine Schmidt - President  
Francis Rodgers  
Henderson Cole  
Jonathan Lacey  
Frances DePalma-Iozzi  
Jeffrey Gates

Council Chambers  
1 Provost Square Caldwell, NJ

### CALL TO ORDER

*Honorable John Kelley, Mayor of the Borough of Caldwell Presiding*

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

### APPROVAL OF MINUTES

July 13, 2021

### PRESENTATION

### OPEN PUBLIC MEETING - COMMENTS ON RESOLUTIONS OR ANY TOPIC

*Max Time: 3min per speaker*

*Members of the public are invited to comment at this time on ANY issues, whether or not on the agenda*

### INDRODUCTION OF ORDINANCES

- ORDINANCE 1415-21** AN ORDINANCE AMENDING THE BOROUGH CODE, CHAPTER 41, POLICE DEPARTMENT, SECTION 41-45 OF THE BOROUGH CODE ENTITLED, "POLICE CHAPLIN".
- ORDINANCE 1416-21** AN ORDINANCE AMENDING THE BOROUGH CODE, CHAPTER 49 ARTICLE 1 (AFFORDABLE HOUSING REGULATIONS), SECTION 10 OF THE BOROUGH CODE ENTITLED, "CONTROL PERIODS FOR RESTRICTED OWNERSHIP UNITS AND ENFORCEMENT MECHANISMS".

### ORDINANCE FOR SECOND READING AND ADOPTION

- ORDINANCE 1414-21** AN ORDINANCE BY CALDWELL BOROUGH IN ESSEX COUNTY, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTION 250 OF THE BOROUGH OF CALDWELL'S ZONING CODE.

### RESOLUTIONS - CONSENT AGENDA

*All items listed on the Consent Agenda are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council request specific items to be removed for separate action.*

8-173	AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD 7/10/2021 THROUGH 8/16/2021
8-174	RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of August 17, 2021



# Borough of Caldwell Council Business Meeting

## AGENDA

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August 17, 2021 / 7:15PM

### MAYOR

John Kelley

### BOROUGH COUNCIL

Christine Schmidt - President

Francis Rodgers

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Council Chambers  
1 Provost Square Caldwell, NJ

<b>8-175</b>	RESOLUTION AUTHORIZING THE APPOINTMENT OF SIGNAGE COMMITTEE MEMBER
<b>8-176</b>	RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE –Parents Faculty Association of Mount St. Dominic Academy on – Premise-Tricky Tray October 16, 2021
<b>8-177</b>	RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE –Rotary/Kiwanis Caldwell Parents Faculty Association of Mount St. Dominic Academy on –Premise-50/50 Cash Raffle October 16, 2021
<b>8-178</b>	RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE –Rotary/Kiwanis Caldwell Parents Faculty Association of Mount St. Dominic Academy off –Premise-50/50 Cash Raffle December 4, 2021
<b>8-179</b>	RESOLUTION APPROVING THE APPOINTMENT OF ROBERT SPAGNUOLOAS A FIREFIGHTER FOR THE CALDWELL VOLUNTEER FIRE DEPARTMENT
<b>8-180</b>	RESOLUTION FOR THE GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
<b>8-181</b>	RESOLUTION AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #18-00010, BLOCK 58.01, LOT 1, 126 ROSELAND AVENUE, CALDWELL, NJ 07006
<b>8-182</b>	RESOLUTION AUTHORIZING CONSTRUCTION CHANGE ORDER NO. 1 TO FRANK CYRWUS, INC., 227 HAMBURG TPKE, UNIT 8, POMPTON LAKES, NJ 07442 FOR THE BOROUGH PROJECT ENTITLED THE COMMUNITY CENTER ROOF REPLACEMENT
<b>8-183</b>	RESOLUTION AWARDING A CONTRACT IN LIEU OF PUBLIC BIDDING TO SCHIFANO CONSTRUCTION CORP., ONE SMALLEY AVENUE, P.O. BOX 288, MIDDLESEX, NEW JERSEY 08846, FOR PLACE, 2020 MORRIS COUNTY CO-OP ROAD PROGRAM
<b>8-184</b>	RESOLUTION APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BOROUGH OF CALDWELL, ESPY ROAD, HILLCREST ROAD AND WESTOVER AVENUE – 2022 VARIOUS STREETS.

### RESOLUTIONS

<b>8-188</b>	RESOLUTION TO INTRODUCE THE 2020 MUNICIPAL BUDGET
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### NEW BUSINESS

### COUNCIL COMMITTEE REPORTS

*Borough Council Members*





# Borough of Caldwell Council Business Meeting

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### MAYOR

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Council Chambers  
1 Provost Square Caldwell, NJ

1. Council President Schmidt- Signage Committee/ Library/ Communications Committee
2. Councilwoman DePalma-Iozzi – Police Night Out

#### REPORT OF MAYOR

*Mayor Kelley*

#### REPORT OF BOROUGH ADMINISTRATOR

*Thomas Banker*

#### REPORT OF BOROUGH ATTORNEY

*Vincent Nuzzi*

#### EXECUTIVE SESSION

*Closed Session*

*BE IT HEREBY RESOLVED in accordance with the provisions of N.J.S.A. 10:12 and 13, the public shall be excluded from the Executive Session of the Governing Body which is being held for the discussion of the following subject matters: 1. Pending or anticipated litigation or contract negotiation; 2. Personnel matters; 3. This Executive Session shall continue for an indefinite period of time and upon termination of the Executive Session, the Governing Body may choose to resume the public portion of the meeting. The discussion, which shall be conducted in closed session, shall be disclosed upon termination of litigation or contractual matter, upon resolution of the personnel matter with consent of said person or persons and as provided by N.J.S.A. 4-12 but in no case later than two (2) years from this date. These minutes shall be available as soon as the matter is resolved or not later than two years hence.*

#### ADJOURNMENT

Additional items may be added to this agenda. Final action may be taken on all matters listed or added to this agenda. This agenda was prepared as of 08/13/2021 with all available information as of this date. This agenda has been sent to four official newspapers of the Borough on 08/13/2021 in compliance with P. L. 1975, c 213

Brittany Heun, Deputy Clerk  
Kim Conlon, Deputy Clerk



**BOROUGH OF CALDWELL  
NEW JERSEY**

**ORDINANCE NO. 1415-21**

**AN ORDINANCE AMENDING THE BOROUGH CODE, CHAPTER 41, POLICE DEPARTMENT, SECTION 41-45 OF THE BOROUGH CODE ENTITLED, "POLICE CHAPLIN".**

Recommended for approval by:

Approved as to form and legality by:

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

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

BE IT ORDAINED by the Council of the Borough of Caldwell as follows:

1. That Chapter 41 of the Borough Code entitled "Police Department" is hereby amended by adding section 41-45 entitled "Police Chaplin" and will state as follows:

**Chapter 41. Police Department**

**§ 41-45. Police Chaplain**

A. Appointment; qualifications. The Borough Council of the Borough of Caldwell may appoint one or more Chaplains to the Police Department. Any person appointed shall be a clergyman/clergywoman in good standing in the religious body in which he/she was ordained. Said Chaplain shall become a member of the Borough Police Department.

B. Authority

(1) The office of Chaplain is to be of service to the Chief of Police, any sworn or non-sworn member of the police department, their families, and the residents of the Borough of Caldwell.

(2) The Chaplain is a staff assistant to the Chief and may be consulted for any purpose by the Chief or supervisory people. It is understood that all communications with the Chaplain whether of a personal or professional nature by members of the Police Department will be held in confidence.

(3) The Chaplain shall be a sworn officer of the Police Department of the Borough of Caldwell but is foremost a duly ordained minister and an experienced representative of his or her denomination. It shall be the responsibility of the Police Department to provide the Chaplain with necessary insurance, uniforms and equipment.

(4) The Chaplain is considered a staff assistant to the Chief of Police and is authorized to act in his name where the presence of police officers requires the assistance of the Chaplain. When on duty, the Chaplain shall be properly distinguished by his insignia and identification and shall conduct himself in a manner becoming his role and denomination.

C. Duties and responsibilities. The Chaplain is requested to perform the following duties, and such other duties that may be requested by the Chief of Police:

(1) Assist Police Department officials in making notifications to families receiving serious injury or upon death.

(2) When an officer is seriously injured or killed on duty, respond to the hospital on request and work with the hospital staff and hospital chaplain according to common ethical courtesies.

(3) Visit sick or injured police personnel at home or in the hospital.

(4) Attend and participate in funerals of active as well as retired members of the Police Department.

(5) Counsel officers regarding personal problems and stationhouse adjustments.

(6) Coordinate and conduct memorial services.

(7) Participate in in-service training programs.

- (8) Attend departmental graduations, promotions, award ceremonies and other invocations and benedictions.
- (9) Assist in programs and counseling for youthful offenders.
- (10) Assist in improving public relations and community outreach.
- (11) Notify, as soon as possible, an involved person's clergyman in case of a death or serious accident.
- (12) Make proper referrals in unique cases which need specialized attention.

D. Regulations and procedure. The Chaplain should have a working knowledge of the duties of law enforcement officers and shall keep abreast of new procedures and be willing to attend training sessions and programs. In addition, the Chaplain shall comply with the following procedures:

- (1) The Chaplain shall conform to all police procedures and department regulations insofar as applicable.
- (2) The Chaplain shall not publicly comment on any law enforcement officer, department official or department policy or action.
- (3) The Chaplain shall not release any information to the public without the approval of the Chief of Police and the person or officers involved.

DATE OF FIRST READING: **August 17, 2021**

DATE OF ADOPTION:

MOVED:

MOVED:

SECONDED:

SECONDED:

**RECORD OF COUNCIL VOTE**

\_\_\_\_\_ presented the following ordinance - 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 ordinance, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.



**BOROUGH OF CALDWELL**

**ORDINANCE NO. 1416-21**

**AN ORDINANCE AMENDING THE BOROUGH CODE, CHAPTER 49 ARTICLE 1 (AFFORDABLE HOUSING REGULATIONS), SECTION 10 OF THE BOROUGH CODE ENTITLED, "CONTROL PERIODS FOR RESTRICTED OWNERSHIP UNITS AND ENFORCEMENT MECHANISMS".**

Recommended for approval by:

Approved as to form and legality by:

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

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

**BE IT ORDAINED** by the Council of the Borough of Caldwell as follows:

1. That Chapter 49 Article 1 (Affordable Housing Regulations), Section 10 is hereby amended as follows:

**§ .10-Control Periods for Restricted Ownership Units and Enforcement Mechanisms.**

- Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Section for a period of at least thirty (30) years, until Caldwell Borough takes action to release **and or extend** the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented. **After thirty years, the Borough shall have unilateral authority to extend or release such controls.**

DATE OF FIRST READING: **August 17, 2021**

DATE OF ADOPTION:

MOVED:

MOVED:

SECONDED:

SECONDED:

**RECORD OF COUNCIL VOTE**

\_\_\_\_\_ presented the following ordinance - 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 ordinance, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.





**BOROUGH OF CALDWELL  
NEW JERSEY**

**ORDINANCE NO. 1414-21**

**AN ORDINANCE BY CALDWELL BOROUGH IN ESSEX COUNTY, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTION 250 OF THE BOROUGH OF CALDWELL'S ZONING CODE.**

Recommended for approval by:

Approved as to form and legality by:

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

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

**WHEREAS**, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

**WHEREAS**, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

**WHEREAS**, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer"), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

**WHEREAS**, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

**WHEREAS**, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis



items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

**WHEREAS**, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

**WHEREAS**, the Governing Body of the Borough of Caldwell has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on Borough of Caldwell in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough of Caldwell's residents and members of the public who visit, travel, or conduct business in the Borough of Caldwell, to amend the Borough of Caldwell's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Borough of Caldwell; and

**WHEREAS**, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

**NOW THEREFORE, BE IT ORDAINED**, by the Governing Body of the Borough of Caldwell, in the County of Essex, State of New Jersey, as follows:

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Borough of Caldwell, except for the delivery of cannabis items and related supplies by a delivery service.

2. Section 250-8.Q. of the Borough of Caldwell's Zoning Code (General Regulations) is hereby amended by adding to the list of prohibited uses, the following: "All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service."

3. Any article, section, paragraph, subsection, clause, or other provision of the Borough of Caldwell's Zoning Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

5. This ordinance shall take effect upon its passage and publication and filing with the Essex County Planning Board, and as otherwise provided for by law.

ATTEST:

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

\_\_\_\_\_  
Hon. John Kelley, Mayor

I, \_\_\_\_\_, Deputy Clerk of the Borough of Caldwell, do hereby certify that the foregoing is a true copy of an ordinance duly adopted by the Governing Body of Essex County on \_\_\_\_\_, 2021.

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

DATE OF FIRST READING: **July 13, 2021**

MOVED: Councilman Lace

SECONDED: Council President Schmidt

DATE OF ADOPTION: **August 17, 2021**

MOVED: \_\_\_\_\_

SECONDED: \_\_\_\_\_

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**RECORD OF COUNCIL VOTE**

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Councilman Lace presented the following ordinance - Seconded by: Council President Schmidt

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



## BOROUGH OF CALDWELL

Resolution No: 8-174  
Date of Adoption: August 17, 2021

**TITLE:**

**RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED  
For the Meeting of August 17, 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 August 17, 2021, the foregoing Resolution was duly adopted.

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

The foregoing Resolution, having been duly presented to me on August 17, 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: 8-175  
Date of Adoption: August 17, 2021

**TITLE:**

**RESOLUTION AUTHORIZING THE APPOINTMENT OF SIGNAGE COMMITTEE MEMBER**

Recommended for approval by:

Approved as to form and legality by:

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

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

**BE IT RESOLVED** by Mayor John Kelley hereby appoints the following person to the Signage Committee for the terms set forth below. Mayor Kelley has requested the consent of the Council, that they do hereby authorize the appointment of the following Signage Committee Member:

<b>NAME</b>	<b>MEMBER TYPE</b>	<b>TERM EXPIRATION DATE</b>
Jeffrey DiGangi	Governing Body Member	December 31, 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  
NEW JERSEY**

Resolution No: 8-176

Date of Adoption: August 17, 2021

**TITLE:**

**RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE -Parents Faculty Association of Mount St. Dominic Academy on -Premise-Tricky Tray October 16, 2021**

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 a raffle license in accordance with the application filed. Applicant and application have been approved by the Borough Council.

RA-1452 Parents Faculty Association of Mount St. Dominic Academy  
On-Premise - Tricky Tray  
October 16, 2021 - 2pm - 7pm

**FURTHER BE IT RESOLVED** that the Clerk be and is hereby authorized to sign a statement of Findings and Determination granting said license and the Borough Clerk be and is hereby authorized to sign said license.

**RECORD OF COUNCIL VOTE**

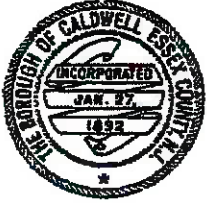
\_\_\_\_\_ presented the following resolution - Seconded by: \_\_\_\_\_

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

Schmidt						Lace				
Rodgers						DePalma-Iozzi				
Cole						Gates				

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

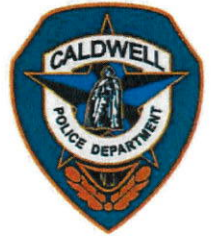
\_\_\_\_\_  
**John Kelley, Mayor**



**CALDWELL POLICE DEPARTMENT**  
**DETECTIVE BUREAU**

One Provost Square – Caldwell, NJ 07006  
(973) 226-2600 – Fax (973) 226-0026

James H. Bongiorno - Chief of Police



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TO: Brittany Heun, Deputy Clerk  
FROM: Sergeant Mike Pellegrino #442  
DATE: July 30, 2021  
SUBJECT: Raffle License Applications  
REFERENCE: RA -1452 Parents Faculty Association of Mount St. Dominic Academy  
On-Premise – 50/50 Cash Raffle  
October 16, 2021 – 2 PM – 7 PM

As per your request, regarding the above referenced matter, I have investigated all parties involved and have found no reasons so as to the denial of this application. If there are any questions please do not hesitate to contact me. Thank you.

Respectfully submitted,

  
Sergeant Mike Pellegrino #442

**BOROUGH OF CALDWELL  
OFFICE OF THE ADMINISTRATOR**

**July 29, 2021**

**MEMORANDUM**

**To:** Honorable Mayor and Borough Council

**From:** Brittany Heun, Deputy Clerk

**Subject:** **Raffle License Application**

Attached please find copies of the following Raffle license application that has been submitted to the Borough for our approval:

RA-1452      Parents Faculty Association of Mount St. Dominic Academy  
On Premise – 50/50 Cash Raffle  
October 16, 2021 – 2pm - 7pm

The applicant and applications have been approved by the Clerk's office and Police Department. I will include a resolution on the agenda of the Council Business meeting on August 17, 2021.

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



# FINDINGS AND DETERMINATION

Application No. RA1452  
Identification No. 66-05-3010

Application For : RAFFLE LICENSE

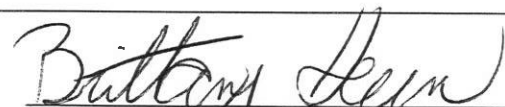
Name of Municipality : BOROUGH OF CALDWELL

Name of Applicant: PARENT FACULTY ASSOCIATION OF MT. ST. DOMINIC ACAD

( Mark appropriate answers to ALL questions)

1. Applicant is qualified.	6. There is satisfactory proof that no payment will be made for conducting the games or assisting therein except to the extent allowed by law.
2. Members designated to conduct games are bona fide active members.	7. There is satisfactory proof that the prizes are of the nature and amount allowed by the Act.
3. Members designated to conduct games are of good moral character and have never been convicted of crime.	8. The rental to be paid for raffles equipment does conform to the schedule of authorized rentals prescribed by the rules of the Control Commission and raffles equipment lessor has been approved by the Control Commission.
4. The games will be conducted according to the Act and the Rules and Regulations.	Other:
5. The entire net proceeds are to be disposed of for a purpose permitted by the Act.	License is granted

Date 7/29/2021

  
Signature of Verifying Official

Township Clerk  
Title



**BOROUGH OF CALDWELL  
NEW JERSEY**

Resolution No: 8-177

Date of Adoption: August 17, 2021

**TITLE:**

**RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE –Rotary/Kiwanis Caldwell Parents Faculty Association of Mount St. Dominic Academy on –Premise-50/50 Cash Raffle October 16, 2021**

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 a raffle license in accordance with the application filed. Applicant and application have been approved by the Borough Council.

RA-1453 Parents Faculty Association of Mount St. Dominic Academy  
On Premise- 50/50 Cash Raffle  
October 16, 2021 – 2pm - 7pm

**FURTHER BE IT RESOLVED** that the Clerk be and is hereby authorized to sign a statement of Findings and Determination granting said license and the Borough Clerk be and is hereby authorized to sign said license.

**RECORD OF COUNCIL VOTE**

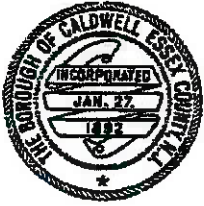
\_\_\_\_\_ presented the following resolution - Seconded by: \_\_\_\_\_

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

Schmidt						Lace				
Rodgers						DePalma-Iozzi				
Cole						Gates				

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

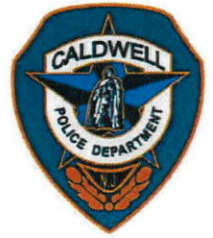
\_\_\_\_\_  
**John Kelley, Mayor**



**CALDWELL POLICE DEPARTMENT**  
**DETECTIVE BUREAU**

One Provost Square – Caldwell, NJ 07006  
(973) 226-2600 – Fax (973) 226-0026

James H. Bongiorno - Chief of Police



---

TO: Brittany Heun, Deputy Clerk  
FROM: Sergeant Mike Pellegrino #442  
DATE: July 30, 2021  
SUBJECT: Raffle License Applications  
REFERENCE: RA -1453 Parents Faculty Association of Mount St. Dominic Academy  
Off-Premise – 50/50 Cash Raffle  
December 4, 2021 – 11 AM

As per your request, regarding the above referenced matter, I have investigated all parties involved and have found no reasons so as to the denial of this application. If there are any questions please do not hesitate to contact me. Thank you.

Respectfully submitted,

  
Sergeant Mike Pellegrino #442

**BOROUGH OF CALDWELL  
OFFICE OF THE ADMINISTRATOR**

**July 29, 2021**

**MEMORANDUM**

**To:** Honorable Mayor and Borough Council

**From:** Brittany Heun, Deputy Clerk

**Subject: Raffle License Application**

Attached please find copies of the following Raffle license application that has been submitted to the Borough for our approval:

RA-1453      Parents Faculty Association of Mount St. Dominic Academy  
Off Premise – 50/50 Cash Raffle  
December 4, 2021 – 11am

The applicant and applications have been approved by the Clerk's office and Police Department. I will include a resolution on the agenda of the Council Business meeting on August 17, 2021.

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



# FINDINGS AND DETERMINATION

Application No. RA1453  
Identification No. 660-05-3010

Application For : RAFFLE LICENSE

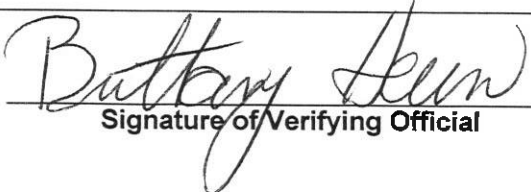
Name of Municipality : BOROUGH OF CALDWELL

Name of Applicant: PARENT FACULTY ASSOCIATION MOUNT SAINT DOMINIC ACA

( Mark appropriate answers to ALL questions)

1. Applicant is qualified.	6. There is satisfactory proof that no payment will be made for conducting the games or assisting therein except to the extent allowed by law.
2. Members designated to conduct games are bona fide active members.	7. There is satisfactory proof that the prizes are of the nature and amount allowed by the Act.
3. Members designated to conduct games are of good moral character and have never been convicted of crime.	8. The rental to be paid for raffles equipment does conform to the schedule of authorized rentals prescribed by the rules of the Control Commission and raffles equipment lessor has been approved by the Control Commission.
4. The games will be conducted according to the Act and the Rules and Regulations.	Other:
5. The entire net proceeds are to be disposed of for a purpose permitted by the Act.	License is granted

Date 7/29/2021

  
Signature of Verifying Official  
Township Clerk  
Title



**BOROUGH OF CALDWELL  
NEW JERSEY**

Resolution No: 8-178

Date of Adoption: August 17, 2021

**TITLE:**

**RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE -Rotary/Kiwanis Caldwell Parents Faculty Association of Mount St. Dominic Academy off -Premise-50/50 Cash Raffle December 4, 2021**

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 a raffle license in accordance with the application filed. Applicant and application have been approved by the Borough Council.

RA-1454 Parents Faculty Association of Mount St. Dominic Academy  
Off-Premise - 50/50 Cash Raffle  
December 4, 2021 - 11:00 am

**FURTHER BE IT RESOLVED** that the Clerk be and is hereby authorized to sign a statement of Findings and Determination granting said license and the Borough Clerk be and is hereby authorized to sign said license.

**RECORD OF COUNCIL VOTE**

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

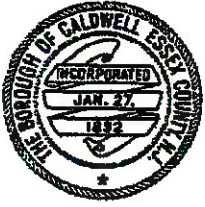
COUNCIL MEMBER Yes No Absent Abstain COUNCIL MEMBER Yes No Absent Abstain

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.



**CALDWELL POLICE DEPARTMENT**  
**DETECTIVE BUREAU**

One Provost Square – Caldwell, NJ 07006  
(973) 226-2600 – Fax (973) 226-0026



James H. Bongiorno - Chief of Police

---

TO: Brittany Heun, Deputy Clerk  
FROM: Sergeant Mike Pellegrino #442  
DATE: July 30, 2021  
SUBJECT: Raffle License Applications  
REFERENCE: RA -1454 Parents Faculty Association of Mount St. Dominic Academy  
On-Premise – Tricky Tray  
October 16, 2021 – 2 PM – 7 PM

As per your request, regarding the above referenced matter, I have investigated all parties involved and have found no reasons so as to the denial of this application. If there are any questions please do not hesitate to contact me. Thank you.

Respectfully submitted,

  
Sergeant Mike Pellegrino #442

**BOROUGH OF CALDWELL  
OFFICE OF THE ADMINISTRATOR**

**July 29, 2021**

**MEMORANDUM**

**To:** Honorable Mayor and Borough Council

**From:** Brittany Heun, Deputy Clerk

**Subject:** **Raffle License Application**

Attached please find copies of the following Raffle license application that has been submitted to the Borough for our approval:

RA-1454 Parents Faculty Association of Mount St. Dominic Academy  
On Premise – Tricky Tray  
October 16, 2021 – 2pm – 7pm

The applicant and applications have been approved by the Clerk's office and Police Department. I will include a resolution on the agenda of the Council Business meeting on August 17, 2021.

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

# FINDINGS AND DETERMINATION

Application No. RA1454  
Identification No. 660-5-3010

Application For : RAFFLE LICENSE

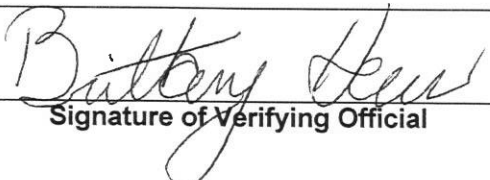
Name of Municipality : BOROUGH OF CALDWELL

Name of Applicant: PARENT FACULTY ASSOCIATION OF MOUNT SAINT DOMINIC

( Mark appropriate answers to ALL questions)

1. Applicant is qualified.	6. There is satisfactory proof that no payment will be made for conducting the games or assisting therein except to the extent allowed by law.
2. Members designated to conduct games are bona fide active members.	7. There is satisfactory proof that the prizes are of the nature and amount allowed by the Act.
3. Members designated to conduct games are of good moral character and have never been convicted of crime.	8. The rental to be paid for raffles equipment does conform to the schedule of authorized rentals prescribed by the rules of the Control Commission and raffles equipment lessor has been approved by the Control Commission.
4. The games will be conducted according to the Act and the Rules and Regulations.	Other:
5. The entire net proceeds are to be disposed of for a purpose permitted by the Act.	License is granted

Date 7/29/2021

  
Signature of Verifying Official

Township Clerk  
Title





**BOROUGH OF CALDWELL**

Resolution No: 8-179  
Date of Adoption: August 17, 2021

**TITLE:**

**RESOLUTION APPROVING THE APPOINTMENT OF ROBERT SPAGNUOLOAS A FIREFIGHTER FOR THE CALDWELL VOLUNTEER FIRE DEPARTMENT**

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 authorize the appointment of the following persons as Firefighters for the Caldwell Volunteer Fire Department.

Robert Spagnuolo  
39 Hope Street  
Nutley, NJ 07110

**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  
NEW JERSEY**

Resolution No: 8-180

Date of Adoption: August 17, 2021

**TITLE:**

**RESOLUTION FOR THE GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

Recommended for approval by:

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

Approved as to form and legality by:

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

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty- five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

**R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.**

NOW, THEREFORE BE IT RESOLVED, That the *Borough Council* of the *Borough of Caldwell* hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON August 17, 2021 at 7:15pm.

\_\_\_\_\_  
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

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: 8-181
Date of Adoption: August 17, 2021

TITLE:

RESOLUTION AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE #18-00010, BLOCK 58.01, LOT 1, 126 ROSELAND AVENUE, CALDWELL, NJ 07006

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

WHEREAS, at the Borough of Caldwell Tax sale held on 12/10/2018 a lien was sold on Block 58.01 Lot 1, The Tax Collector's Office has received payment for redemption of Tax Title Lien # 18-00010 on Block 58.01 Lot 1 known as: 126 Roseland Avenue in the name of Lew, Lup F.

WHEREAS, the Homeowner has effected redeemed the certificate # 18-00010 in the amount of \$12,061.16. With a Premium amount of \$0.00 to also be returned to the Lien Holder.

WHEREAS, reimbursements are now required to be made to the following Lien Holder:
CCE Holdings LLC
11 Hillside Avenue
Roseland, NJ 07068

From Tax Lien Redemption Account, Lien, Penalty, Interest and Costs:

Table with 2 columns: Category and Amount. Rows include PRINCIPAL (\$11,999.16), RECORDING FEE (\$65.00), PREMIUM (\$0.00), and TOTAL REDEMPTION (\$12,064.16).

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Caldwell, County of Essex, State of New Jersey that the borough Treasurer is authorized to prepare a check in the amount of \$12,064.16 made payable to:

"ABOVE LIEN HOLDER"

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Treasurer.

I HEREBY CERTIFY the above to be a true copy of the Resolution adopted by the Borough Council of the Borough of Caldwell at a duly convened meeting held on 8/17/2021.

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 Schmidt, Rodgers, Cole, Lace, DePalma-Iozzi, and 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

1 PROVOST SQUARE  
 CALDWELL, NJ 07006  
 TEL (973)403-4632 FAX (973)226-6102

REQUISITION	
NO.	R1-00362

S H I P  T O	TAX COLLECTION 1 PROVOST SQUARE CALDWELL, NJ 07006
V E N D O R	VENDOR #: 03451 CCE HOLDINGS, LLC 11 HILLSIDE AVE. ROSELAND, NJ 07068

ORDER DATE: 08/05/21  
 DELIVERY DATE:  
 STATE CONTRACT:  
 F.O.B. TERMS:

QTY/UNIT	DESCRIPTION	ACCOUNT NO.	UNIT PRICE	TOTAL COST
1.00	LIEN REDEMPTION 18-00010	T-11-55-286-010	65.0000	65.00
1.00	LIEN REDEMPTION 18-00010	RECORDING FEES T-11-55-286-009 OUTSIDE TAX LIENS	11,999.1600	11,999.16
			TOTAL	12,064.16

REQUESTING DEPARTMENT

DATE



**BOROUGH OF CALDWELL**

Resolution No: 8-182

Date of Adoption: August 17, 2021

**TITLE:**

**RESOLUTION AUTHORIZING CONSTRUCTION CHANGE ORDER NO. 1 TO FRANK CYRWUS, INC., 227 HAMBURG TPKE, UNIT 8, POMPTON LAKES, NJ 07442 FOR THE BOROUGH PROJECT ENTITLED THE COMMUNITY CENTER ROOF REPLACEMENT**

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

- WHEREAS,** the Borough of Caldwell AND Frank Cyrwus, Inc. entered into a contract for the Community Center Roof Replacement on March 09, 2021 and
  - WHEREAS,** the Mayor and Council of the Borough of Caldwell, County of Essex, awarded a contract on March 05, 2021 to Frank Cyrwus, Inc., 227 Hamburg Tpke, Unit 8, Pompton Lakes, New Jersey 07442 for a total Amount of \$144,596.55, and
  - WHEREAS,** the contractor when removing the shingles from the roof encountered rotted and delaminated plywood wood sheathing unknown to the Borough at the time of bidding and which exceeded the amount projected to replace in the bid and
  - WHEREAS,** the contractor was instructed to remove and replace all the rotted and delaminated wood sheathing to new plywood to finish the installation of the new shingles to make the building water tight and safe and
  - WHEREAS,** the contractor has submitted Change Order No. 1 in the amount of \$58,394.45; and
  - WHEREAS,** as a result of the change orders the contract will increase to \$202,991.00; and
  - WHEREAS** the Chief Financial Officer has certified that funds are available.
  - WHEREAS,** this matter was reviewed by the Mayor and Council of the Borough of Caldwell; and
- NOW THEREFORE, BE IT RESOLVED,** by the Mayor and Council of the Borough of Caldwell that the change order for the increase in the contract is authorized according to Change Order No. 1 presented and the revised contract amount is \$202,991.00.

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, Christopher 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
	Christopher Battaglia, CFMO	Date

**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: 8-183

Date of Adoption: August 17, 2021

**TITLE:**

**RESOLUTION AWARDING A CONTRACT IN LIEU OF PUBLIC BIDDING TO SCHIFANO CONSTRUCTION CORP., ONE SMALLEY AVENUE, P.O. BOX 288, MIDDLESEX, NEW JERSEY 08846, FOR PLACE, 2020 MORRIS COUNTY CO-OP ROAD PROGRAM**

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

- WHEREAS,** the Borough of Caldwell Mayor and Council desire to construct improvements to various streets in the Borough of Caldwell, the "scope of improvements" including but not limited to pavement resurfacing and
- WHEREAS,** the cost of the "scope of improvements" would require the Borough of Caldwell to adhere to the Public Bidding process as per the New Jersey Local Public Contracts Law and Regulation" N.J.S.A. 40A:11-1 et seq. and N.J.A.C. 5:34 Public Bidding Law and Regulations and
- WHEREAS,** the New Jersey Local Public Contracts Law and Regulation N.J.S.A. 40A:11-10 "Joint agreement for provisions and performance of goods and services; cooperative marketing; authorization" allows for two of more governing bodies the ability to provide provisions and the performance of goods and services for the use by their respective jurisdictions under a cooperative association in lieu of Public Bidding and
- WHEREAS,** the Morris County Cooperative Pricing Council was created for such cooperative purposes in 1974 and
- WHEREAS,** the Borough of Caldwell is an active member of the Morris County Cooperative Pricing Council (Co-op) yielding the Borough all the benefits granted under such a relationship and
- WHEREAS,** the Co-op has a contract in place procured through the Public Bidding process awarded under N.J.S.A. 40A:11-1 et seq. and N.J.A.C. 5:34 with Schifano Construction Corporation, One Smalley Avenue, P.O. Box 288, Middlesex, New Jersey 08846 to perform such required work and
- WHEREAS,** this matter was reviewed by the Borough of Caldwell Mayor and Council; and
- WHEREAS,** the cost of the required work by Schifano Construction Corporation through the Co-op contract will not exceed the amount of \$226,987.16 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 Borough Council of the Borough of Caldwell, New Jersey does hereby authorize the award of a contract for 2020 Morris County Co-Op Road Program To Schifano Construction Corp., One Smalley Avenue, P.O. Box 288, Middlesex, New Jersey 08846, with the contract amount \$450,000.00 and

**BE IT FURTHER RESOLVED** by the Borough Council of the Borough of Caldwell that the Borough Administrator is authorized to execute the necessary contracts and documents upon approval.

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, Christopher 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
Christopher Battaglia, CFMO		Date

**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: 8-184
Date of Adoption: August 17, 2021

TITLE:

RESOLUTION APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BOROUGH OF CALDWELL, ESPY ROAD, HILLCREST ROAD AND WESTOVER AVENUE - 2022 VARIOUS STREETS.

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

WHEREAS, 2022 Municipal Aid funds are available through the New Jersey Department of Transportation; and,

WHEREAS, the Borough of Caldwell Mayor and Council desire to construct improvements to various streets in the Borough of Caldwell, including but not limited to curb repairs, storm drainage repairs, pavement resurfacing, and replacement of traffic control signs.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of Caldwell formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to submit an electronic grant application identified as (2022 - MA - 00615) to the New Jersey Department of Transportation on behalf of the Borough of Caldwell and that the signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council on this 17th day of August, 2021

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

Deputy Clerk

Mayor John Kelley

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 (Yes, No, Absent, Abstain). Rows include Schmidt, Lace, Rodgers, DePalma-Iozzi, and 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.