



***BOROUGH OF CALDWELL
NEW JERSEY***

**REGULAR BOROUGH COUNCIL MEETING
September 20, 2022**

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

Borough of Caldwell



Proclamation Recognizing the 30th Annual Caldwell Kiwanis/Rotary Street Fair

Whereas: The Rotary and Kiwanis Clubs of Caldwell and West Essex have sponsored the Rotary- Kiwanis Street Fair in Caldwell on the first Sunday of October.

Whereas: This year on October 2, 2022, the 30th street fair will be held.

Whereas: The proceeds of the street fair are spent to enrich the quality of life in the Caldwells.

Let it hereby be it resolved: That the Mayor and Council hereby proclaim October 2, 2022, Rotary-Kiwanis' Street Fair Day.

Be it further resolved: That the Mayor and Council recognize and applaud the positive contributions made to Caldwell by the Kiwanis and Rotary Clubs.

John Kelley
Mayor Kelley

Jeffery Gates
Council President Gates

Frances DePalma-Iozzi
Councilwoman DePalma-Iozzi

Jonathan Lace
Councilman Lace

Henderson Cole
Councilman Cole

Barbara Buechner
Councilwoman Buechner

Ricardo Alonso
Councilman Alonso



**BOROUGH OF CALDWELL
NEW JERSEY**

ORDINANCE NO. 1432-22

**CALENDAR YEAR 2022 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

Recommended for approval by:

Thomas Banker, Administrator

Approved as to form and legality by:

Title:

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Caldwell in the County of Essex finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$91,288.21 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Caldwell in the County of Essex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Caldwell shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 319,508.74, and that the CY 2022 municipal budget for the Borough of Caldwell be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

DATE OF INTRODUCTION: **August 16, 2022**

DATE OF ADOPTION: **September 20, 2022**

FIRST: Councilwoman Buechner

FIRST:

SECOND: Councilwoman DePalma-Iozzi

SECOND:

RECORD OF COUNCIL VOTE

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



**BOROUGH OF CALDWELL
NEW JERSEY**

Resolution No: 9-109
Date of Adoption: September 6, 2022

TITLE:

RESOLUTION TO AMEND RESOLUTION 1-30 TO INCREASE THE MAXIMUM AMOUNT TO BE PAID TO MARAZITI FALCON TO \$400,000

Recommended for approval by:

Thomas Banker, Administrator

Approved as to form and legality by:

Title:

WHEREAS, on January 11, 2022 the Borough awarded a contract to Maraziti Falcon ("Maraziti") for legal services related to various lawsuits related to the operations of the Caldwell Sewer Utility for a maximum amount of \$100,000 and

WHEREAS, after the award of the contract, the litigation matters for which Maraziti was engaged were expanded to include other legal matters and extended requirements for legal services and

WHEREAS, the cost of such additional work increased the maximum amount to be paid to Maraziti, with the total obligation still uncertain at this time;

WHEREAS, on May 3, 2022 the Borough Council Approved Resolution 5-137, which allowed for an increase to the maximum amount to be paid to Maraziti, in the amount of \$200,000.

Now Therefore, be it Resolved by the Mayor and Council of the Borough of Caldwell, New Jersey that:

1. The maximum amount authorized pursuant to Resolution 1-30 is hereby increased to the amount of \$400,000.

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: 9-210

Date of Adoption: September 20, 2022

TITLE:

RESOLUTION AUTHORIZING THE APPOINTMENT OF DEBRA LYNCH AS A CROSSING GUARD IN THE BOROUGH OF CALDWELL EFFECTIVE IMMEDIATELY AT AN HOURLY RATE OF \$17.00 PER HOUR

Recommended for approval by:

Thomas Banker, Administrator

Approved as to form and legality by:

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 person as a Crossing Guard effective immediately

Debra Lynch
36 Henning Drive
Fairfield NJ 07004

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: 9-211

Date of Adoption: September 20, 2022

TITLE:

RESOLUTION AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE –CALDWELL COLLEGE ALUMNI ASSOCIATION, ON –PREMISE- 50/50 CASH RAFFLE- OCTOBER 3, 2022 – 10am-5 pm

Recommended for approval by:

Thomas Banker, Administrator

Approved as to form and legality by:

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-1469 Caldwell College Alumni Association
On-Premise-50/50 Cash Raffle
October 3, 2022-10am – 5pm

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

DePalma-Iozzi						Lace				
Gates						Buechner				
Cole						Alonso				

Brittany Heun, Deputy Clerk

John Kelley, Mayor

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



James H. Bongiorno
Chief of Police

TO: Brittany Heun, Deputy Borough Clerk

FROM: Detective Robert Paxson #440

DATE: September 7, 2022

SUBJECT: Raffle License Application

REFERENCE: RA -1469 Caldwell College Alumni Association
Off Premise 50/50 Cash Raffle
October 3, 2022 10am-5pm

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,

Detective Robert Paxson #440

**BOROUGH OF CALDWELL
OFFICE OF THE ADMINISTRATOR**

September 7, 2022

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-1469 Caldwell College Alumni Association
On-Premise – 50/50 Cash Raffle
October 3, 2022 – 10 am - 5pm

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 September 20, 2022.

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



**BOROUGH OF CALDWELL
NEW JERSEY**

Resolution No: 9-212
Date of Adoption: September 20, 2022

TITLE:

**RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED
For the Meeting of September 20, 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 September 20, 2022, the foregoing Resolution was duly adopted.

Borough Deputy Clerk

The foregoing Resolution, having been duly presented to me on September 20, 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: 9-214

Date of Adoption: September 20, 2022

TITLE:

RESOLUTION TO HIRE SANDRA BINKIEWICZ AS THE PARKING ENFORCEMENT OFFICER FOR THE CALDWELL POLICE DEPARTMENT

Recommended for approval by:

Thomas Banker, Administrator

Approved as to form and legality by:

Title:

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey that they do hereby appoint Sandra Binkiewicz to the position of Parking Enforcement Officer, with the Caldwell Police Department, at a starting salary of \$35,000.00. Employment is pending upon the results of her medical examination.

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.