



**BOROUGH OF CALDWELL
NEW JERSEY**



COUNCIL BUSINESS / CONFERENCE MEETING

September 28, 2021

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



**BOROUGH OF CALDWELL
NEW JERSEY**

ORDINANCE NO. 1419-21

BOND ORDINANCE PROVIDING FOR A STORMWATER SYSTEM CAPITAL IMPROVEMENT PLAN IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$570,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Caldwell, in the County of Essex, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$600,000, including the sum of \$30,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$570,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the preparation of a stormwater system capital improvement plan, including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection

with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$570,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$600,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

DATE OF FIRST READING: **September 28, 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. 1415-21

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

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 Chaplain" 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: **September 28, 2021**

MOVED: Council President Schmidt

MOVED:

SECONDED: Councilwoman DePalma-Iozzi

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. 1417-21

BOND ORDINANCE PROVIDING FOR VARIOUS ROAD AND SIDEWALK IMPROVEMENTS IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$475,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Caldwell, in the County of Essex, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$500,000, including the sum of \$25,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$475,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various road and sidewalk improvements, as described in a list on file in the office of the Borough Clerk, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital

budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$475,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. The amount appropriated hereby provides for the purpose for which an emergency temporary appropriation in the amount of \$150,000 was authorized by resolution adopted on September 9, 2021. Accordingly, the Borough shall not include the emergency temporary appropriation in the 2021 Budget.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

DATE OF FIRST READING: **September 9, 2021**

DATE OF ADOPTION: **September 28, 2021**

MOVED: Councilman Gates

MOVED:

SECONDED: Councilman Rodgers

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. 1418-21

CALENDAR YEAR 2021 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:

Approved as to form and legality by:

Thomas Banker, Administrator

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 1.0% 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 2021 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 2.5% increase in the budget for said year, amounting to \$ 213,893.08 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 2021 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 \$299,450.31, and that the CY 2021 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.

I, Brittany Heun, Deputy Clerk of the Borough of Caldwell, do hereby certify that the above is a true copy of a resolution adopted by the Borough Council at a meeting held on September 28, 2021.

DATE OF FIRST READING: **September 9, 2021**

DATE OF ADOPTION: **September 28**

MOVED: Councilman Lace

MOVED:

SECONDED: Councilman Gates

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



**BOROUGH OF CALDWELL
NEW JERSEY**

Resolution No: 9-215
Date of Adoption: September 28, 2021

TITLE:

**RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED
For the Meeting of September 28, 2021**

Recommended for approval by:

Thomas Banker, Administrator

Approved as to form and legality by:

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 September 28, 2021, the foregoing Resolution was duly adopted.

Borough Deputy Clerk

The foregoing Resolution, having been duly presented to me on September 28, 2021 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

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: 9-216
Date of Adoption: September 28, 2021

TITLE:

AUTHORIZING PAYMENT OF THE BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD 9/14/2021 THROUGH 9/27/2021 IN THE AMOUNT OF \$7,625,264.72

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,

WHEREAS, certain bills which are contained on the bills list which is annexed hereto and incorporated herein have been submitted to the Borough of Caldwell for payment, and;

WHEREAS, pursuant to N.J.S.A. 40A:5:16, it has been certified to the governing body that the goods or services for which said bills were submitted have been received by or rendered to the Borough of Caldwell, and;

WHEREAS, the Director of Finance of the Borough of Caldwell has certified to the governing body that there are funds legally appropriated and available in the current operating budget for the payment of said bills and that the said payment will not result in the disbursement of public monies or in the encumbering of same in excess of the 2020 appropriation for said purpose;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Caldwell that the, Borough Administrator and Deputy Clerk be and are hereby authorized to sign checks in payment of the bills set forth in the annexed schedule

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

P.O. Type: All Print Alpha, Revenue, & G/L Accounts: Y Open: N Void: N Paid: Y
 Format: Condensed Held: N Aprv: Y Rcvd: Y
 Range: 0-First to 1-Last Bid: Y State: Y Other: Y Exempt: Y
 Rcvd Batch Id Range: First to Last Received Date Range: 09/14/21 to 09/27/21 Include Non-Budgeted: Y
 DEPARTMENT Page Break: No Subtotal CAFR: No Subtotal DEPARTMENT: No

Budget Account	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Fund:	CURRENT FUND					
1-01-20-100-011	FULL TIME REGULAR PAY					
00087	PAYROLL ACCOUNT	21-01259	09/16/2021 PAYROLL	2,367.61	0.00	
1-01-20-100-053	XEROX COPIER					
04420	CIT BANK, N.A.	21-01273	COPIER LEASE 08/04 & 09/04/21	1,475.38	0.00	
04394	DEX IMAGING LLC	21-01329	09/08/21 COPIER OVERAGES	<u>88.10</u>	0.00	
				1,563.48		
1-01-20-100-103	WEBSITE MAINTENANCE					
01190	TRI-STATE TECHNICAL SERVICES	21-01335	OCT. 2021 MICROSOFT EXCHANGE	236.00	0.00	
01190	TRI-STATE TECHNICAL SERVICES	21-01336	STORM FLOODING OPRA REQUEST	<u>315.00</u>	0.00	
				551.00		
1-01-20-100-299	MISCELLANEOUS					
04420	CIT BANK, N.A.	21-01274	FOLDING MACHINE LEASE 8/9, 9/9	692.02	0.00	
04385	KELLEY, JOHN	21-01326	ZOOM - REIMBURSEMENT	655.65	0.00	
00723	CAMILLERI, THERESA	21-01328	CERTIFIED/RETURN POSTAGE	<u>14.75</u>	0.00	
				1,362.42		
1-01-20-120-011	FULL TIME REGULAR PAY					
00087	PAYROLL ACCOUNT	21-01259	09/16/2021 PAYROLL	202.04	0.00	
1-01-20-120-103	EDUCATION-CLERK CERTIFICATION					
04375	HEUN, BRITTANY	21-01269	CLERK CERITIFCATION COURSE FEE	745.00	0.00	
1-01-20-130-011	FULL TIME REGULAR PAY					
00087	PAYROLL ACCOUNT	21-01259	09/16/2021 PAYROLL	190.00	0.00	
1-01-20-145-011	FULL TIME REGULAR PAY					
00087	PAYROLL ACCOUNT	21-01259	09/16/2021 PAYROLL	2,100.00	0.00	
1-01-20-145-036	TAX OFFICE SUPPLIES					
04394	DEX IMAGING LLC	21-01329	09/08/21 COPIER OVERAGES	37.70	0.00	
1-01-20-150-011	FULL TIME REGULAR PAY					
00087	PAYROLL ACCOUNT	21-01259	09/16/2021 PAYROLL	1,414.27	0.00	
1-01-22-195-011	FULL TIME REGULAR PAY					
00087	PAYROLL ACCOUNT	21-01259	09/16/2021 PAYROLL	5,686.70	0.00	
1-01-22-195-042	MEETINGS & EDUCATION					
04512	BURGHARDT, CHRISTINA	21-01218	TECHNICAL ASSISTANT PROGRAM	669.49	0.00	

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
1-01-23-220-150	EMPLOYEE HEALTH BENEFITS					
04083	EB EMPLOYEE SOLUTIONS, LLC	21-01324	JUL. 2021 DIFFERENCE CARD	169.15	0.00	
04083	EB EMPLOYEE SOLUTIONS, LLC	21-01325	AUG. 2021 DIFFERENCE CARD	<u>169.15</u>	0.00	
				338.30		
1-01-25-240-011	FULL TIME REGULAR PAY					
00087	PAYROLL ACCOUNT	21-01259	09/16/2021 PAYROLL	97,968.45	0.00	
1-01-25-240-014	CROSSING GUARDS					
00087	PAYROLL ACCOUNT	21-01259	09/16/2021 PAYROLL	1,353.00	0.00	
1-01-25-240-059	ENFORSYS FEE/MDT FEES					
01478	VERIZON WIRELESS	21-01318	JUL 13- AUG 12 582292082-00001	268.11	0.00	
1-01-25-240-150	RADIO TYE LINES					
03978	VERIZON	21-01314	POLICE INTERNET 09/12/2021	109.00	0.00	
1-01-25-240-299	MISCELLANEOUS					
01478	VERIZON WIRELESS	21-01315	JUL 09- AUG 08 742297176-00001	213.68	0.00	
1-01-25-266-010	FIRE PREVENTION S&W					
00087	PAYROLL ACCOUNT	21-01259	09/16/2021 PAYROLL	2,829.86	0.00	
1-01-25-266-021	FIRE PREVENTION O/E					
03113	GUILIANO, MARK	21-01322	INK CARTRIDGE - REIMBURSEMENT	31.98	0.00	
1-01-26-290-011	FULL TIME REGULAR PAY					
00087	PAYROLL ACCOUNT	21-01259	09/16/2021 PAYROLL	16,395.05	0.00	
1-01-26-290-026	EQUIPMENT MAINTENANCE					
01983	MODERN GROUP LTD.	21-01290	BACKHOEREPAIR	1,702.10	0.00	
1-01-26-290-043	UNIFORMS					
02465	AMERICAN WEAR	21-01190	UNIFORM SERVICE DEC 2020	240.75	0.00	
02377	CINTAS CORPORATION	21-01298	UNIFORMS JULY&AUG 2021	<u>888.67</u>	0.00	
				1,129.42		
1-01-26-290-050	DPW SUPPLIES					
00244	GRAINGER	21-01289	SAND BAGS	133.86	0.00	
00441	PAINTLAND INC	21-01293	ROAD LINES	45.00	0.00	
03699	COSTELLO'S HARDWARE,HOME,GARDN	21-01294	MISC MATERIALS	<u>99.33</u>	0.00	
				278.19		
1-01-26-290-299	MISCELLANEOUS					
00529	STRUCTURAL STONE & BRICK CO	21-01287	SAND	45.00	0.00	
03782	COMCAST	21-01320	XFINITY TV-DPW SEPTEMBER 2021	<u>33.79</u>	0.00	
				78.79		
1-01-26-305-079	ADDITIONAL TRANSFER CHARGES					
04474	DOREMUS AVE RECYCLING AND TRAN	21-01333	WASTE DISPOSAL 09/15/2021	2,253.67	0.00	
00153	ECUA	21-01334	SEP. 2021 1ST HALF SOLID WASTE	<u>18,338.09</u>	0.00	
				20,591.76		

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
1-01-26-310-024	REPAIRS & MAINTENANCE					
01697	SMS SECURITY SYSTEMS INC	21-01288	ALARM INSPECTIONS	716.00	0.00	
04051	POWER EQUIPMENT COMPANY	21-01291	GENERATOR REPAIR	<u>1,805.50</u>	0.00	
				2,521.50		
1-01-26-313-113	REMOVAL OF TREES					
00066	BROHEIMER TREE EXPERTS INC	21-01295	REMOVAL OFTREE	625.00	0.00	
1-01-26-315-027	STREETS - VEHICLE REPAIRS					
03869	BARNWELL HOUSE OF TIRES	21-01284	TIRES	166.71	0.00	
02464	PROSTOCK AUTO PARTS	21-01296	MISC PARTS	1,109.15	0.00	
03021	AMERICAN HOSE & HYDRAULICS	21-01297	COMPACTOR REPAIRS	<u>347.78</u>	0.00	
				1,623.64		
1-01-27-330-011	FULL TIME REGULAR PAY					
00087	PAYROLL ACCOUNT	21-01259	09/16/2021 PAYROLL	2,641.94	0.00	
1-01-27-330-036	OFFICE SUPPLIES					
04394	DEX IMAGING LLC	21-01329	09/08/21 COPIER OVERAGES	37.70	0.00	
1-01-28-370-011	FULL TIME REGULAR PAY					
00087	PAYROLL ACCOUNT	21-01259	09/16/2021 PAYROLL	1,399.71	0.00	
1-01-28-372-011	FULL TIME REGULAR PAY					
00087	PAYROLL ACCOUNT	21-01259	09/16/2021 PAYROLL	2,593.48	0.00	
1-01-28-372-803	COPIER LEASE					
04394	DEX IMAGING LLC	21-01329	09/08/21 COPIER OVERAGES	37.70	0.00	
1-01-28-372-804	UTILITIES					
03998	VERIZON	21-01308	9/21/21 CC 455-874-233-0001-48	549.21	0.00	
1-01-28-372-806	FITNESS LEASING					
02941	MUNICIPAL ASSET MANAGEMENT, INC	21-01330	OCT. 2021 LEASE AGREEMENT	1,124.89	0.00	
1-01-28-372-901	PUBLIC WORKS SUPPLIES					
04439	CINTAS FIRE PROTECTION	21-01292	SPRINKLER TEST CCC	469.00	0.00	
1-01-28-372-902	POOL CHEMICALS					
00478	REISINGER OXYGEN SERVICE INC	21-01286	POOL CHEMICALS	134.25	0.00	
1-01-29-390-011	FULL TIME REGULAR PAY					
00087	PAYROLL ACCOUNT	21-01259	09/16/2021 PAYROLL	8,391.70	0.00	
1-01-29-390-071	ELECTRIC & GAS					
04383	CONSTELLATION NEW ENERGY, INC.	21-01304	SRVC 262 BLOOMFIELD 8/5 & 9/3	377.76	0.00	
1-01-29-390-076	TELEPHONE					
03979	VERIZON	21-01310	LIBRARY - 09/21/2021	146.99	0.00	

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
1-01-31-440-075	ADMIN - TELEPHONE					
01478	VERIZON WIRELESS	21-01316	JUL 13- AUG 12 582292082-00002	709.09	0.00	
01478	VERIZON WIRELESS	21-01317	AUG 13- SEP 12 582292082-00002	<u>617.20</u>	0.00	
				1,326.29		
1-01-36-472-021	SOCIAL SECURITY/MEDICARE					
00087	PAYROLL ACCOUNT	21-01259	09/16/2021 PAYROLL	6,034.28	0.00	
1-01-36-476-021	DCRP					
02930	PRUDENTIAL RETIREMENT	21-01263	EMPLOYER CONTRIBUTIONS-DCRP	10.89	0.00	
1-01-43-490-011	FULL TIME REGULAR PAY					
00087	PAYROLL ACCOUNT	21-01259	09/16/2021 PAYROLL	4,827.02	0.00	
1-01-55-207-020	SCHOOL TAXES PAYABLE					
00049	BD OF ED CALD/W CALD	21-01272	AUG & SEP 2021 SCHOOL TAXES	2,802,201.00	0.00	
	Fund Total: CURRENT FUND			2,997,251.35		
Fund:	WATER OPERATING					
1-05-20-100-011	S&W ALLOCATED TO WATER					
00087	PAYROLL ACCOUNT	21-01259	09/16/2021 PAYROLL	9,672.41	0.00	
1-05-20-100-539	CONTRACTOR SYSTEM REPAIRS					
00118	CARNER BROTHERS	21-01198	35Arlington replace water srvc	5,100.00	0.00	
1-05-20-100-544	STATE WATER FEES					
01893	NJ STATE TREASURER	21-01199	2021 NJ Safe water operation	360.00	0.00	
	Fund Total: WATER OPERATING			15,132.41		
Fund:	SEWER OPERATING					
1-07-20-100-011	S&W ALLOCATED TO SEWER					
00087	PAYROLL ACCOUNT	21-01259	09/16/2021 PAYROLL	5,233.70	0.00	
1-07-20-100-522	TELEPHONE					
03998	VERIZON	21-01312	08/27/2021 251-337-277-0001-56	362.47	0.00	
1-07-20-100-524	ELECTRIC & GAS (DIRECT ELECTRICITY)					
04383	CONSTELLATION NEW ENERGY, INC.	21-01305	PINE TREE PLACE 8/6 & 9/7/21	80,222.46	0.00	
1-07-20-100-529	LEGAL FEES					
4514	MARAZITI FALCON, LLP	21-01270	SEWER UTILITY PRO. SERVICES	57,006.02	0.00	B
1-07-20-100-535	COLLECTION SYSTEM/VERONA FEES					
00565	VERONA TOWNSHIP	21-01323	3RD QTR 2021 SEWER USER CHARGE	8,400.00	0.00	
	Fund Total: SEWER OPERATING			151,224.65		
	Year Total:			3,163,608.41		

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
Fund:	GENERAL CAPITAL					
C-04-19-136-701	ACQUISITION OF LEASED PARKING FACILITIES					
03974	HENDRICKS APPRAISAL COMPANY	21-01332	PROPOSED AQUISITION WORK	5,000.00	0.00	
C-04-55-160-001	DUE TO/FROM CURRENT					
03967	BOROUGH OF CALDWELL	21-01271	INTERFUND TRANSFER 04 TO 01	4,000,000.00	0.00	
C-04-55-160-006	DUE TO/FROM WATER CAPITAL					
03967	BOROUGH OF CALDWELL	21-01321	INTERFUND 04 TO 06	300,000.00	0.00	
	Fund Total: GENERAL CAPITAL			4,305,000.00		
	Year Total:			4,305,000.00		
Fund:	TRUST OTHER					
T-11-55-286-007	ESCROW FEES					
03985	DURKIN & DURKIN, LLP	21-01331	26 ORCHARD SQUARE - ESCROW	322.00	0.00	
T-11-55-286-026	POLICE OUTSIDE DUTY					
00087	PAYROLL ACCOUNT	21-01259	09/16/2021 PAYROLL	3,520.00	0.00	
00083	CURRENT ACCOUNT	21-01261	09/16/21 PAYROLL- OUTSIDE DUTY	1,430.00	0.00	
				4,950.00		
T-11-55-286-031	FOOD PANTRY DONATIONS					
00087	PAYROLL ACCOUNT	21-01259	09/16/2021 PAYROLL	172.50	0.00	
	Fund Total: TRUST OTHER			5,444.50		
Fund:	PAYROLL FUND					
T-13-55-286-010	ADP - NET PAYROLL					
04478	PRIMEPOINT, LLC	21-01260	09/16/21 NET PAYROLL/PR TAXES	111,486.77	0.00	
T-13-55-286-020	ADP - PAYROLL TAXES					
04478	PRIMEPOINT, LLC	21-01260	09/16/21 NET PAYROLL/PR TAXES	36,232.99	0.00	
T-13-55-286-110	MASS MUTUAL CONTRIBUTIONS					
03444	MASSMUTUAL RETIREMENT SERVICES	21-01265	EE CONTRIBUTIONS W/E 09/16/21	1,546.15	0.00	
T-13-55-286-250	AFLAC INSURANCE					
03447	AFLAC INSURANCE	21-01267	SEPTEMBER 2021 EE CONTRIBUTION	1,125.14	0.00	
T-13-55-286-260	NY LIFE INSURANCE					
03955	NEW YORK LIFE INSURANCE	21-01266	SEPTEMBER 2021 BILLING	72.78	0.00	
T-13-55-286-510	DCRP					
02930	PRUDENTIAL RETIREMENT	21-01262	EMPLOYEE CONTRIBUTIONS-DCRP	19.98	0.00	
T-13-55-286-610	UNION DUES - TEAMSTERS					
03446	TEAMSTERS LOCAL 97 OF NJ	21-01268	SEP. 2021 EE CONTRIBUTION	408.00	0.00	

Budget Account Vendor	Description	P.O. Id	P.O. Description	Amount	Void Amount	PO Type
T-13-55-286-620 03445	UNION DUES - PBA WEST ESSEX PBA LOCAL	21-01264	PBA DUES W/E 09/16/2021	320.00	0.00	
	Fund Total: PAYROLL FUND			151,211.81		
	Year Total:			156,656.31		
Total Charged Lines: 120		Total List Amount:	7,625,264.72	Total Void Amount:	0.00	

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	1-01	2,997,251.35	0.00	0.00	2,997,251.35
WATER OPERATING	1-05	15,132.41	0.00	0.00	15,132.41
SEWER OPERATING	1-07	<u>151,224.65</u>	<u>0.00</u>	<u>0.00</u>	<u>151,224.65</u>
Year Total:		3,163,608.41	0.00	0.00	3,163,608.41
GENERAL CAPITAL	C-04	4,305,000.00	0.00	0.00	4,305,000.00
TRUST OTHER	T-11	5,444.50	0.00	0.00	5,444.50
PAYROLL FUND	T-13	<u>151,211.81</u>	<u>0.00</u>	<u>0.00</u>	<u>151,211.81</u>
Year Total:		156,656.31	0.00	0.00	156,656.31
Total of All Funds:		<u><u>7,625,264.72</u></u>	<u><u>0.00</u></u>	<u><u>0.00</u></u>	<u><u>7,625,264.72</u></u>



**BOROUGH OF CALDWELL
NEW JERSEY**

Resolution No: 9-217

Date of Adoption: September 28, 2021

TITLE:

RESOLUTION AMENDING RESOLUTION 7-171 AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH MARAZITI FALCON LLP FOR LEGAL SERVICES REGARDING THE CALDWELL SEWER UTILITY

Whereas, the Local Public Contracts Law (N.J.S.A.11-1 et seq.) provides that contracts for professional services may be negotiated and awarded by the governing body without public advertising for bids; and

Whereas, the Borough of Caldwell (the "Borough") wishes to engage the services of Maraziti Falcon LLP ("Maraziti") for the provision of professional legal services related to the Caldwell Sewer Utility (the "Utility"); and

WHEREAS, the Borough Treasurer has determined and certified in writing that the value of the acquisition will exceed \$50,000; and

WHEREAS, an additional \$7,006.02 is needed to fulfill payment of invoices submitted by Maraziti, bringing the total to \$57,006.02; and

WHEREAS, the Chief Financial Officer has certified that funds are available pursuant to N.J.A.C. 5:30-5.4

NOW THEREFORE BE IT RESOLVED that the Borough of Caldwell authorizes the Borough Administrator to enter into a contract for the Borough of Caldwell as described herein; and

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

BE IT FUTHER RESOLVED that the Local Public Contracts Law N.J.S.A. 40A:11-5(1), et seq. requires that the resolution authorizing the award of Contracts for Professional Services without competitive bids must be publicly advertised;

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 funds 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
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: 9-218
Date of Adoption: September 28, 2021

TITLE: RESOLUTION APPROVING THE CORRECTIVE ACTION PLAN FOR THE FISCAL YEAR 2019 AUDIT REPORT

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

- WHEREAS, the Division of Local Government Services requires the Chief Financial Officer to file a "Corrective Action Plan"...
WHEREAS, the "Corrective Action Plan" shall be prepared by the Chief Financial Officer with assistance from other officials...
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...

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 2020 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

Table with 10 columns for council members and their votes (Yes, No, Absent, Abstain). Rows include Schmidt, Rodgers, Cole, Lace, DePalma-Iozzi, and 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, 2020

Department: Finance/Administration

Finding 2020-01:

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

Outside Offices:

Finding 2020-02: Sewer Utility

The Borough is in the process of executing formal written sewer fees contracts with the various municipalities in which sewer rates and terms are established to help ensure collection of sewer billings. It is recommended that the Borough implement formal written contracts with the various municipalities for sewer fees.

Recommendation:

It is recommended that the Borough has formal written contracts with the various municipalities for sewer fees.

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.

Date Initiated 2015

Status/Date Completed: Ongoing

Finding 2020-03: Clerk's Office

Our review of the outside offices revealed that the Clerk's cashbook does not contain all pertinent information related to the various permit/license fees that are collected. While the prenumbered receipts issued by the Clerk's Office contain the details of when the individual receipts were collected and who the receipts were collected from the current Clerk's cashbook only notes the type of fee and amount collected.

Recommendation:

It is recommended that the Clerk's cashbook contains details of when the receipts are collected and who the receipts are collected from

Explanation and Corrective Action Plan

The Borough will ensure that the Clerk's cashbook is modified to include the date when fees are collected and who the fees are collected from.

Date Initiated 2021

Status/Date Completed: Completed

Prepared by: Chris Battaglia

Dated: September 20, 2021



BOROUGH OF CALDWELL

Resolution No: 9-219
Date of Adoption: September 28, 2021

TITLE:

RESOLUTION AUTHORIZING THE LOCAL ASSISTANCE BOARD TO APPROVE EXPENDITURES FROM THE FOOD PANTRY TRUST FUND

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

Whereas, on September 16, 2014, the Borough of Caldwell (the "Borough") created the Food Pantry Trust Fund (the "Pantry Trust") to accept monetary donations made in support of the Borough's Food Pantry; and

Whereas, under the terms of the Pantry Trust and the state statute governing such trusts, such donations as are received may only be utilized for costs directly related to the operation of the pantry, such as the purchase of foodstuffs and other materials and supplies, furniture and equipment used in the Pantry and the cost of staff dedicated to Pantry operations; and

Whereas, expenditures from the Pantry Trust are limited by state law to the amounts actually available as cash within the Pantry Trust; and

Whereas, the Mayor and the Council of the Borough have appointed the members of the Local Assistance Board to, among other duties, oversee the operations of the Food Pantry; and

Whereas, the resolution establishing the Pantry Trust was silent on the issue of the authorization of such expenditures; and

Whereas, the Mayor and the Council wish to have the Local Assistance Board be the body to authorize all expenditures from the Pantry Trust;

Now Therefore Be It Resolved By The Mayor And Council Of The Borough Of Caldwell New Jersey That:

1. The Local Assistance Board is hereby authorized to determine and approve all expenditures from the Food Pantry Trust Fund, subject to the limitation in state law governing expenditures from such trusts.
2. The Chief Financial Officer is hereby authorized and directed to process all requests for payments from the Pantry Trust as are approved in accordance with this resolution.

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

Resolution No: 9-220
Date of Adoption: September 28, 2021

TITLE:

RESOLUTION APPOINTING MONSIGNOR ROBERT E. EMERY AS THE POLICE CHAPLAIN OF THE CALDWELL POLICE DEPARTMENT EFFECTIVE SEPTEMBER 28, 2021

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

WHEREAS, the police chaplains serve an integral role in providing comfort to members of the police department as well as members of the public, and can assist the police department in matters of community outreach; and

WHEREAS, the Borough Council finds that it is in the best interest of the Borough and the Borough's Police Department to create the position of Police Chaplain under Borough Ordinance Chapter 41 Section 45;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Caldwell that, Monsignor Robert E. Emery be appointed Police Chaplain of the Caldwell Police Department. As Police Chaplain, Monsignor Emery shall:

1. Monsignor Emery shall perform the duties of the chaplain, which are to render assistance upon request by the Chief of Police; attend training and maintain certification; establish a "ministry of presence" when visiting the Department; maintain confidential communications with Department personnel, upon their independent request, that is motivated by spiritual or penitential considerations; assist other Department Chaplains in fulfilling the responsibilities of the Chaplaincy Program; respond to critical incidents only when requested by the Chief of Police or his designee.
2. Monsignor Emery shall receive a stipend of one (1) dollar, for his role as Caldwell Police Chaplain.
3. Monsignor Emery shall serve a one (1) year term which will end on December 31, 2022.

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: 9-221
Date of Adoption: September 28, 2021

TITLE:

AUTHORIZING THE ISSUING OF A PRIVATE USE OF PUBLIC PROPERTY PERMIT, TO THE VERO AMICI JUNIOR LEAGUE.

Recommended for approval by:

Thomas Banker, Administrator

Approved as to form and legality by:

Title:

WHEREAS, the Vero Amici Junior League has filed an application for a Private Use of Public Property Permit, to hold a fundraiser on the green; and

WHEREAS, as part for the fundraiser, the junior league members will be in charge of decorating the green for fall, and maintain the display for a number of weeks; and

WHEREAS, the fall display would be put in place the weekend of October 10, 2021 and taken down the weekend of November 27, 2021; and

WHEREAS, the Mayor and Council feel that this event would be a great way to bring the youth of the town together to create this festive display.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey that the Borough Administrator is authorized to sign off on the Private Use of Public Property Application and for the Borough Deputy Clerk to issue the necessary permit to the Vero Amici Junior, so that they may proceed with their fundraiser and decorate the green.

RECORD OF COUNCIL VOTE

_____ presented the following resolution - Seconded by: _____

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

Schmidt						Lace				
Rodgers						DePalma-Iozzi				
Cole						Gates				

Brittany Heun, Deputy Clerk

John Kelley, Mayor



BOROUGH OF CALDWELL

Resolution No: 9-222

Date of Adoption: September 28, 2021

TITLE:

AUTHORIZING THE ISSUING OF CANVASSER AND/OR SOLICITOR PERMIT. APPLICANTS AND APPLICATION HAVE BEEN APPROVED BY THE APPROPRIATE MUNICIPAL DEPARTMENTS- Power Home Remodeling, 2147 Route 27 South, Edison, NJ 08817

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

BE IT RESOLVED by the Borough Council of the Borough of Caldwell, New Jersey that they have no objections to the issuance of Four (4) Canvasser and/or Solicitors Permits to Steven Mianowski, Garrett Lomauro, Paul Jadamiec, and Gabriel Acosta Haro on behalf of Power Home Remodeling, 2147 Route 27 South, Edison, NJ 08817. Applicants and Applications have been approved by the appropriate Municipal Departments.

Steven Mianowski 88 Skyline Drive, Millington, NJ 07946
Soliciting for Power Home Remodeling, 2147 Route 27 South, Edison, NJ 08817

Garrett Lomauro 21 Mount Kemble Avenue, Morristown, NJ 07960
Soliciting for Power Home Remodeling, 2147 Route 27 South, Edison, NJ 08817

Paul Jadamiec 133 Forest Avenue, West Caldwell, NJ 07006
Soliciting for Power Home Remodeling, 2147 Route 27 South, Edison, NJ 08817

Gabriel Acosta Haro 13 Christine Street, Elizabeth, NJ 07202
Soliciting for Power Home Remodeling, 2147 Route 27 South, Edison, NJ 08817

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

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

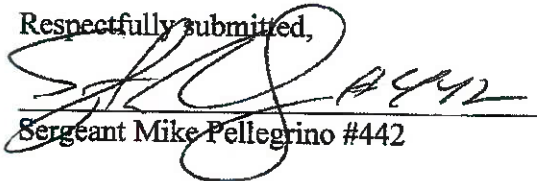


James H. Bongiorno
Chief of Police

TO: Brittany Heun, Borough Clerk
FROM: Sergeant Mike Pellegrino #442
DATE: August 20, 2021
SUBJECT: Application for Canvasser and/or Solicitor Permit
REFERENCE: Power Home Remodeling
c/o Josh Peltz
2147 Route 27 South
Edison, New Jersey 08817

Steven Mianowski 88 Skyline Drive Millington, New Jersey 07946 (Employee)
Garrett Lomauro 21 Mount Kemble Avenue Morristown, New Jersey 07960 (Employee)
Paul Jadamiec 133 Forest Avenue West Caldwell, New Jersey 07006 (Employee)
Gabriel Acosta Haro 13 Christine Street Elizabeth, New Jersey 07202 (Employee)

As per your request, regarding the above referenced matter, I have investigated all parties involved and have found no reasons as to the denial of this application. If you wish to discuss this matter further please contact me at your earliest convenience.

Respectfully submitted,

Sergeant Mike Pellegrino #442



**BOROUGH OF CALDWELL
NEW JERSEY**

Resolution No: 9-223
Date of Adoption: September 28, 2021

TITLE:

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR AN AFFORDABLE HOUSING TRUST FUND REQUIRED BY NJSA 40A:12A-3 et seq.

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:12A-3 ET sq. provides for receipt of Affordable Housing Funds by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Affordable Housing Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Caldwell, County Essex, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Affordable Housing Trust Fund required by N.J.S.A. 40A:12A-3 et seq.
2. The Clerk of the Borough of Caldwell, County Essex is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

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
NEW JERSEY**

Resolution No: 9-224
Date of Adoption: September 28, 2021

TITLE:

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR DONATIONS – ENVIRONMENTAL COMMISSION REQUIRED BY N.J.S.A 40A:5-29

Recommended for approval by:

Thomas Banker, Administrator

Approved as to form and legality by:

Title

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A 40A:5-29 to accept bequests, legacies and gifts made to promote the protection and conservation of land, air, water and other natural resources within the Borough, and to educate the public and advise Borough government about the best methods for protecting and conserving these resources; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Donations – Environmental Commission Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Caldwell, County Essex, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Donations – Environmental Commission Trust Fund / N.J.S.A 40A:5-29
2. The Clerk of the Borough of Caldwell, County Essex is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

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

Resolution No: 9-225
Date of Adoption: September 28, 2021

TITLE:

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH HEYER, GRUEL & ASSOCIATES FOR PROFESSIONAL SERVICES AS ADMINISTRATIVE AGENT FOR ALL COAH PROJECTS

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title

WHEREAS, the Local Public Contracts Law (N.J.S.A.11-1 et seq.) provides that contracts for professional services may be negotiated and awarded by the governing body without public advertising for bids; and

WHEREAS, the Borough of Caldwell (the "Borough") wishes to engage the services of Heyer, Gruel & Associates ("HGA") for the provision of professional services related as the Administrative Agent on behalf of the Borough in regards to all regulated affordable housing projects within the Borough; and

WHEREAS, those services include the responsibilities of an "Administrative Agent" as such are set forth in the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.) ("UHAC"), which include without limitation: Affirmative Marketing; Household Certification; Affordability Controls; Resale and Rental; Processing Requests of Unit Owners; and Enforcement (the "Services"); and

WHEREAS, the Borough Administrator has solicited a proposal from HGA for such Services and has negotiated with HGA terms and conditions that are appropriate to the needs of the Borough;

NOW, THEREFORE BE IT RESOLVED By The Mayor And Council Of The Borough Of Caldwell New Jersey That:

1. The proposal of HGA as set forth in the attached Exhibit A, which is attached to and made part of this resolution, is hereby accepted by the Borough as the basis of a contract for the provision of those services by HGA; and
2. The Borough Administrator is hereby authorized and directed to enter into a contract with HGA for the provision of the Services described in this resolution; and
3. The maximum amount authorized to be paid to HGA pursuant to such contract is twenty thousand dollars (\$20,000); and
4. The Borough Attorney is hereby authorized and directed to prepare an appropriate form of contract to allow HGA to perform the Services and receive the compensation set forth in the attached proposal; and
- 5.. The award of this contract is subject to and conditioned upon the provision by the Chief Financial Officer of the Borough of a certification of the availability of funds sufficient to provide for payment of the contract; and
- 6.. The Borough Clerk is hereby authorized and directed to cause such notices as are required by statute to be provided in the form as required by such statutes for the award of contracts of this

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



September 20, 2021

Thomas Banker, Borough Administrator
Borough of Caldwell
1 Provost Square
Caldwell, NJ 07006

RE: Request for Proposals
Administrative Agent
Borough of Caldwell

Dear Mr. Banker:

As requested, Heyer, Gruel & Associates (HGA) is pleased to submit this proposal to provide services associated with the duties and responsibilities of the Affordable Housing Administrative Agent, as set forth in the Uniform Housing Affordability Controls (N.J.S.A. 5:80-26.1 et. seq.) for the Borough of Caldwell. These duties and responsibilities include the following:

1. Affirmative Marketing;
2. Household Certification;
3. Affordability Controls;
4. Resale and Rental;
5. Processing Requests of Unit Owners; and
6. Enforcement

Pursuant to the Uniform Housing Affordability Controls (UHAC), HGA will create an operating manual and a complete set of application documents and forms that comply with all relevant regulations, if required. We will work closely with the Borough's Municipal Housing Liaison as well as the Borough attorney, if necessary, to ensure constant communication and efficiency in the process.

HGA is a community planning consulting firm providing a wide range of planning services to over 35 municipalities throughout the State of New Jersey. We believe our firm is well-qualified to serve as the Affordable Housing Administrative Agents to the Borough.

The firm currently serves as the Affordable Housing Administrative Agents for the following New Jersey municipalities:

- Bordentown Township, Burlington County
- Fair Haven Borough, Monmouth County
- Point Pleasant Beach Borough, Ocean County
- Washington Borough, Warren County
- Harrison Town, Hudson County
- Union City, Hudson County

Our firm has certified Affordable Housing Administrative Agents on staff who have completed the Affordable Housing Professional Certificate Program (run by Rutgers and the Affordable Housing Professionals of New Jersey), and additional staff will be used as necessary.

HGA will provide Administrative Agent services to the Borough at our attached hourly rates. The Borough should note that pursuant to N.J.S.A. 5:80-26.1 et. seq., the developer of an affordable housing development is responsible for the costs of the affirmative marketing process.



In addition to the above, the firm has prepared numerous Housing Elements/Fair Share Plans and Spending Plans, and is currently assisting a number of municipalities in addressing their affordable housing obligations. We have also testified as expert witnesses in affordable housing litigation.

We have provided additional information regarding our planning experience in affordable housing as well as our fees. Should you have any questions, please do not hesitate to contact us.

Sincerely yours,

HEYER, GRUEL & ASSOCIATES



Susan S. Gruel, PP
Principal



Fred Heyer, PP, AICP, CUD, LEED- AP ND, CNUa
Principal

AFFORDABLE HOUSING QUALIFICATION/EXPERIENCE

The firm has extensive planning expertise in the field of affordable housing.

The affordable landscape in New Jersey has been in a state of flux and uncertainty since the NJ Supreme Court decision on March 10, 2015 ("Mount Laurel IV") that returned primary jurisdiction over affordable housing matters to the trial courts. HGA is currently assisting approximately twenty municipalities with a range of affordable housing services, including evaluating fair share numbers and methodology, conducting vacant land assessments, negotiating settlement agreements, serving as expert witnesses in litigation matters, preparing Housing Elements and Fair Share Plans, and pursuing their implementation through ordinance amendments and redevelopment plans.

Our firm is currently serving as Affordable Housing Planner for the following municipalities:

- Atlantic Highlands Borough
- Bordentown Township
- Corbin City
- Fair Haven Borough
- Hampton Township
- Harding Township
- Harmony Township
- Town of Harrison
- Hazlet Township
- Highlands Borough
- Hope Township
- Town of Kearny
- Millstone Township
- New Providence Borough
- City of North Wildwood
- Rochelle Park Township
- Sayreville Borough
- Swedesboro
- Union City
- Washington Borough (Warren County)
- Borough of West Cape May

Prior to the 2015 Mount Laurel IV decision, the firm was involved in the preparation of numerous Second and Third Round plans. HGA prepared dozens of Second Round plans for a diverse range of communities. In a number of instances, a vacant land assessment was performed, and a corresponding vacant land adjustment was a key component of the Plan. Based on the vacant land adjustment, a realistic development potential (RDP) was established and relied upon to determine the community's fair share obligation. Our firm participated in mediation with COAH since there were individual/entities that filed objections.

The firm has experience in representing municipalities in builders' remedy lawsuits, judgements of repose and compliance. HGA planners have testified in court in fairness/compliance hearings.

HGA has also worked with housing authorities, including the Union City Housing Authority and Harrison Housing Authority on partnerships and funding arrangements to preserve and produce housing units affordable to low- and moderate-income families.

Court appearances include:

- Atlantic Highlands Borough
- Borough of West Cape May
- Hampton Township
- Sayreville
- Bordentown Township
- Corbin City
- Town of Harrison
- Town of Kearny
- Union City
- Hope Township
- Millstone Township
- Rochelle Park
- Swedesboro
- New Providence Borough
- Highlands Borough



Additionally, Fred Heyer, PP, AICP, CUD, LEED-AP ND, CNUA, and Susan S. Gruel, PP, have served as instructors for the past 15 years at the Graduate Department of the Bloustein School of Public Policy and Planning. They teach comprehensive planning which includes affordable housing.

HGA staff also includes certified Affordable Housing Professionals and offers Administrative Agent services, including but not limited to:

- Affirmative Marketing;
- Housing Certification;
- Affordability Controls;
- Resale and Rental;
- Processing Requests of Unit Owners;
- Enforcement;
- Monitoring Reports;
- Operating Manuals;
- Deed Restrictions; and
- Affordability Assistance programs.



STAFFING AND RATES

The following is a breakdown of anticipated staffing involvement and hourly rates:

FEE SCHEDULE - MUNICIPAL CLIENTS		
ADMINISTRATIVE AGENT:		\$110 PER HOUR

Note: Travel time and mileage are not billed.