

BOROUGH OF CALDWELL, N.J.
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – August 11, 2009

The Council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:235 P.M.

PRESENT: Mayor Gartland, Councilman Lawshe, Slattery, Dassing, Norton and Brennan

ALSO PRESENT: Borough Administrator, Maureen Ruane, Borough Attorney, Stuart Koenig, Esq., Deputy Clerk, Beth Bush Telepan

ABSENT: Councilman Curley

Adequate notice of this Council Business/Conference meeting was given on January 15, 2009. Notice was posted on the bulletin board on the first floor of the Borough Hall, One Provost Square, Caldwell, New Jersey on January 15, 2009. Four official newspapers of the Borough were notified of this meeting by mail on January 15, 2009. Notice was posted and all persons requesting notice were sent same.

Mayor Gartland requested that there be a moment of silence for Anthony Cavaliere. Anthony Cavaliere was a councilman for 15 years, well respected and a wonderful gentleman. He was a long time resident of Caldwell. Thank you for all the dedication he and his family have given to Caldwell.

PRESENTATIONS: Ryan Graham, Fairview Insurance regarding health benefits.

INTRODUCTION OF ORDINANCES: None

PUBLIC HEARINGS: None

RECEIVING OF BIDS: None

APPROVAL OF MINUTES: July 28, 2009

Moved by Councilman Brennan, seconded by Norton. On roll call vote Councilman Dassing, Slattery, Curley, Norton and Brennan voted in the affirmative, Councilman Lawshe abstained. The minutes were adopted August 11, 2009.

Mayor Gartland opened the meeting to the public at 8:12 P.M. for public comment on resolutions. Maureen Durr of 25 Forest Avenue wanted to know why the public portion for comment on the resolution was held now instead of after the Council voted on the resolutions. Seeing no one from the public wishing to be heard Mayor Gartland closed the open public comment on resolutions at 8:14 P.M.

RESOLUTIONS:

7-134 Approval of the Sewer Connection Application for Evans Run, LLC, 320 Runnymede Road, Essex Fells, New Jersey, for construction of a new 47 unit residential development at Clinton Road, West Caldwell, New Jersey (Block 1600, Lots 23-27). Connection Fee of \$101,700.00

Moved by Councilman Norton, seconded by Councilman Lawshe Discussion ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 8/11/09.

8-139 Authorizing payment of bills and the issuance of checks for the period through August 11, 2009 in the total amount of \$2,936,882.86

Moved by Councilman Brennan, seconded by Councilman Slattery Discussion ensued. On roll call vote, Councilman Lawshe, Slattery, Curley, Norton and Brennan voted in the affirmative. Councilman Dassing abstained. Resolution adopted 8/11/09.

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8-140 Authorizing the reduction of the surety bond for Calandra's Italian Village to \$50,000.00

Moved by Councilman Norton, seconded by Councilman Brennan. Discussion ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 8/11/09.

8-141 Authorizing the acceptance of the resignation of Edward Sandve, Sewer Director, effective August 15, 2009

Moved by Councilman Lawshe, seconded by Councilman Dassing. Discussion ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 8/11/09.

A motion was made by Councilman Lawshe seconded by Councilman Dassing to appoint Anthony Marucci as Sewer Director. The Council agreed to have a resolution on the agenda for August 28, 2009.

8-142 Authorizing award of a contract to Crew Engineers, Inc. for professional services to perform a hydraulic study to evaluate the potential water supply connection from Essex Fells on Brookside in the amount of \$6,200.00

Moved by Councilman Slattery, seconded by Councilman Norton. Discussion ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 8/11/09.

REPORT OF COMMITTEE CHAIRMEN AND MEMBERS:

Mayor Gartland – We are all incredibly disappointed for receiving no extraordinary aid from the State of New Jersey. Caldwell has been very conscientious in keeping our budget under the cap and being concerned about our taxpayers. We have abided by the rules every year and have certainly appreciated the assistance we have received in the past. However, it certainly would have been wonderful to divide the assistance more evenly in Essex County. This council determined that the pension deferral for 15 years at over 8 percent interest which was a parameter for state aid as it turned out was unacceptable for Caldwell. I guess as a result of this we were advised that Caldwell and many other communities in Essex County and throughout the state were disqualified from receiving state aid. I am grateful that Caldwell is in much better fiscal condition than some of our surrounding towns such as Roseland and South Orange, who in all reports were in deep financial difficulties and in desperate need of help. They certainly were bailed out with very substantial state aid. Maybe now Roseland can pay their sewer fees to Caldwell and help Caldwell with our financial problems. I am very disappointed and I know that everyone on this Council is very disappointed. I certainly thought that we would get something. I see that there were only two towns in all of Essex County that received State Aid. I am sure that many of the other towns are equally disappointed. We have all worked very hard to put budgets together that have met all of the state's parameters and the state's requirements. I certainly hope that next year is handled a little differently so that towns that are not as conscientious and do not present their budgets or deal with their taxes and their budgets in a proper way are not rewarded. This is how you have to look at it this year because it looks as though those that did what they were required to do to properly deal with the taxes in their community were not rewarded. I just ask that in the future that some consideration be given to those that do the job as well as those that do not do the job.

Councilman Lawshe – No report

Councilman Slattery – No report.

Councilman Dassing – Reported that Foot Solutions, which is a shoe store in Caldwell, will sponsor a shoe drive on September 8, 2009. It is known as Soles for Souls. There will be a drop box for used and new shoes. They are hoping it will be a big success.

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Councilman Norton – Reported there was Budget Committee Meeting prior to this evenings meeting. We ran out of time unfortunately, but there were a lot of discussions back and forth. I think it would be best to hold another Budget Committee Meeting prior to our next Council meeting. Councilman Norton said that being disappointed with the State Aid is an understatement. The Budget Committee has put a lot of hours into the budget, we have come up with some additional cuts and some need to be discussed at length and some others are pretty cut and dry. We are waiting for additional information regarding the presentation by Fairview Insurance. Councilman Norton requested that the Administrator coordinate a Budget Committee Meeting and a Special Council Meeting.

Councilman Brennan – No report

Mayor Gartland – Reported that she communicated with West Caldwell Mayor Joe Tempesta regarding the Kiwanis Oval project and they have agreed to set up a committee. Mayor Gartland requested that Councilman Lawshe and Administrator, Maureen Ruane be on the committee. There will be a meeting August 18, 2009 at 6:00 P.M. at Caldwell Borough Hall to move ahead with the RFP for the Kiwanis Oval Project. We have a deadline of June 30, 2010 for the project. Mayor Gartland reported that she contacted Senator Codey and Assemblywoman Jasey and Assemblyman McKeon and said that she hoped that next year they give different consideration on how they distribute the extraordinary aid money. I have spoken to other Mayors and they were absolutely shocked at how the money was distributed.

Administrator - Reported that she will hold the proposed discussion on the 5K race at Caldwell College she would like to hold this to the next meeting when Chief Dombrowski is available.

Attorney Stuart Koenig – Reported that he would like to discuss sewer issues in executive session.

New Business –Councilman Lawshe asked the Administrator if the Auditor, John Ezyske, has done any work for the Borough for 2009. The attorney responded that he might have done something earlier in the year for the sewer. Councilman Lawshe reported that the Auditor received a check for approximately \$22,000.00 in May and wanted to know what this was for. Ms. Ruane requested that Councilman Lawshe ask the questions before the meeting so that she may have the answer for him. Councilman Lawshe agreed and asked Ms. Ruane to get the information for him. Councilman Lawhse asked the Administrator when the Auditor will start working on the 2009 budget. Ms. Ruane responded that the Auditor will not start working on the 2009 budget until 2010. Councilman Lawshe requested that any bills that the auditor submits for 2009 other than for the audit, over \$32,500.00, be in an itemized bill format. This is the format it should be in regarding his contract and we have not received an itemized bill as of yet. Administrator, Maureen Ruane, reported that the Auditor will be coming to the August 25, 2009 meeting.

OPEN MEETING: Mayor Gartland opened the meeting to the public at 8:51 PM. Carla Marras, 20 Wakefield Place, asked the Mayor if she was going to continue the Ordinance Committee Meeting. Mayor Gartland responded that she is waiting for Mr. Milani to put together some recommendations and she will continue the meeting. Maureen Durr, 25 Forest Avenue, wanted to know who was paying for the Porta John at the Farmers Market. Mayor Gartland informed Ms. Durr that the Caldwell Downtown Alliance will be paying for it. Ms. Durr also questioned where the Porta John will be located. Councilman Slattery responded that the Porta John will be in the back portion of the parking lot not near the exit. Councilman Norton wanted to go on the record stating that he thinks it's a terrible idea for the Porta John to be on the premises. Councilman Norton suggested that if anyone needed to use the facilities they should go into a store and purchase something on the Avenue. Richard Hauser, 33 Arlington Avenue, wanted to know if the August 18, 2009 meeting was open to the public. The Mayor responded that it is a committee meeting and not open to the

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public. Councilman Norton had questions regarding committee meetings. Councilman Norton wanted to know if the Borough was required to keep minutes of the committee meetings. Attorney, Stuart Koenig, responded no. Councilman Norton suggested that committee meeting minutes be provided to council members to keep them updated on the information from the committee meetings. Rebecca Roth wanted to know when the Council would be interviewing CFO's. Councilman Brennan suggested that the Personnel Committee meet the week of August 24, 2009. Bob Christiansen, Ravine Avenue, requested that the council consider offering a discount to unemployed residents with children who want to join the Community Center. Peter Murray, 61 Arlington Avenue, wanted to know what type of impact, positively or negatively, if we get the money from the surrounding towns for the sewer. Attorney, Stuart Koenig said that the arrears would go to surplus. The current charge for 2009 is necessary to operate the sewer utility for this year. Seeing no one else from the public wishing to be heard the Mayor closed the Open Public portion of the meeting at 9:04 P.M.

On a motion made by Councilman Brennan, and seconded by Councilman Norton, unanimously affirmed, the Council moved into Executive Session in order to discuss a matter of potential litigation and personnel. Said motion was unanimously approved and the Council went into Executive Session at 9:04 P.M.

The Executive Session was adjourned and upon motion by Councilman Slattery, seconded by Councilman Norton the Council Business Conference Meeting was opened to the public and the press at 9:47 P.M. All those previously in attendance were present.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Brennan, seconded by Councilman Dassing, unanimously affirmed by all members present, the meeting was adjourned at 9:47 PM.

Prepared by:

Beth Bush Telepan
Deputy Clerk

Date