

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – December 22, 2009**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:04 P.M.

PRESENT: Councilman, Slattery, Curley, Norton, Brennan and Mayor Gartland

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

ABSENT: Councilman Lawshe, Councilman Dassing

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.

PRESENTATIONS: None

INTRODUCTION OF ORDINANCES: None

PUBLIC HEARINGS:

2010 Community Development Block Grant – Oak Grove Road

Mayor Gartland opened the Public Hearing at 7:05 P.M., seeing no one from the public wishing to be heard the Mayor closed the Public Hearing at 7:05 P.M.

Ordinance #1200-09 – 2009 Salary Ordinance

Mayor Gartland opened the Public Hearing at 7:06 P.M., seeing no one from the public wishing to be heard the Mayor closed the Public Hearing at 7:06 P.M.

Moved by Councilman Curley, seconded by Councilman Brennan. No Discussion. On roll call vote all members present voted in the affirmative. Ordinance adopted 12/22/09

Ordinance #1201-09 – Towing and Storage of Vehicle

Moved by Councilman Curley, seconded by Councilman Slattery. Discussion Ensued. On roll call vote all members present voted in the affirmative. Ordinance adopted 12/22/09

RECEIVING OF BIDS: None

APPROVAL OF MINUTES: November 10, 2009, November 24, 2009, December 8, 2009 (special council meeting), December 8, 2009, September 1, 2009 and September 15, 2009

Approved by all members present upon a motion made by Councilman Curley, seconded by Councilman Brennan the minutes were adopted December 22, 2009.

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Open Public Comment on Resolutions: Mayor Gartland opened the public comment on resolutions at 7:11 P.M. seeing no one from the public wishing to be heard the Mayor closed the open public comment on resolutions at 7:11 P.M.

RESOLUTIONS:

12-208 Authorization to enter into a Memorandum of Understanding with the Borough of Roseland, Borough of Essex Fells and Township of North Caldwell

Moved by Councilman Slattery, seconded by Councilman Curley. Discussion Ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 12/22/09.

12-209 Authorizing the appointment of Louis Bisciotti as a Probationary Firefighter in the Caldwell Volunteer Fire Department

Moved by Councilman Curley, seconded by Councilman Brennan. Discussion Ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 12/22/09.

12-210 Authorizing sewer connection application for 455 Bloomfield Avenue, Caldwell, New Jersey (Block 28, Lot 8).

Moved by Councilman Slattery, seconded by Councilman Curley. Discussion Ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 12/22/09.

12-211 Authorizing the issuing of license for raffle to, HSA Trinity Academy, On-Premise – Basket Raffle, January 22, 2010 – 8:00PM – 11:00PM or Snow date – January 29, 2010 – 8:00PM -11:00PM

Moved by Councilman Slattery, seconded by Councilman Brennan. No Discussion. On roll call vote, Councilman Slattery, Norton and Brennan voted in the affirmative, Councilman Curley abstained. Resolution adopted 12/22/09.

12-212 Authorizing the issuing of license for raffle to, HSA Trinity Academy, On-Premise – 50/50 January 22, 2010 – 8:00PM – 11:00PM or Snow date – January 29, 2010 – 8:00PM -11:00PM

Moved by Councilman Norton, seconded by Councilman Brennan. No Discussion. On roll call vote, Councilman Slattery, Norton and Brennan voted in the affirmative, Councilman Curley abstained. Resolution adopted 12/22/09.

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12-213 Authorizing payments of bills and the issuance of checks for the period through December 22, 2009 in the amount of \$714,485.04

Moved by Councilman Brennan, seconded by Councilman Curley. Discussion Ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 12/22/09.

12-214 Authorizing the submission of the Essex County Community Development Block Grant Application for the year 2010

Moved by Councilman Slattery, seconded by Councilman Curley. No discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 12/22/09.

12-215 Authorizing Chapter 159, P.L. 1948 Solid Waste Administration FY08 Recycling Tonnage Grant for the Borough of Caldwell in the amount of \$9,986.48

Moved by Councilman Brennan, seconded by Councilman Curley. Discussion Ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 12/22/09.

12-216 Authorizing Chapter 159, P.L. 1948 Division of Highway Traffic Safety FY09 Over the Limit for the Borough of Caldwell Police Department in the amount of \$4,400.00

Moved by Councilman Slattery, seconded by Councilman Brennan. Discussion Ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 12/22/09.

12-217 Authorizing the Borough Treasurer to transfer funds to meet the requirements of the 2009 Budget in the amount of \$9,573.50

Moved by Councilman Slattery, seconded by Councilman Curley. Discussion Ensued. On roll call vote, Councilman Slattery, Curley and Brennan voted in the affirmative. Councilman Norton voted in the negative. Resolution adopted 12/22/09.

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OLD BUSINESS:

Councilman Curley requested a status on the money from the Mayors Gala. Ms. Ruane responded that a check in the amount of \$16, 052.10 was transferred to the Library Foundation.

REPORT OF COMMITTEE CHAIRMEN AND MEMBERS:

Councilman Slattery – Wished everyone a Merry Christmas and Happy Chanukah and anything else that applies. Councilman Slattery attended the Christmas Tree Lighting and the Menorah Lighting, both were very well attended in the spirit of the season. I am wishing that next year this council can work in the spirit of this season, which would be together and cut out some of this ridiculous bickering.

Councilman Curley – Wished everyone a Merry Christmas, a Happy Chanukah, and a Happy New Year. Councilman Curley reported that it has been a pleasure serving on the Council and that he will be at the recessed meeting on January 1, 2010.

Councilman Norton – Thanked the Caldwell Police Department for an incident that happened at his home and their quick response time to assist his daughter. Councilman Norton reported that he would like to thank the two officers that responded personally. Councilman Norton thanked Mario Bifalco and the DPW Department for an incredible job this weekend with the snow removal. Councilman Norton reported that he stopped by the garage after it was all done and saw Mario Bifalco and John Hammer and told them that he had one word for them and it starts with an F and it's fabulous. Councilman Norton said bar none town after town as you go down the hill in either direction and nobody touched what our DPW did with the clean up of the snow. Councilman Norton wished everyone a Merry Christmas and a Happy Holiday Season and we will see you on January 1, 2010.

Councilman Brennan – Reported that Mario Bifalco and the DPW did a great job with the snow removal.

Mayor Gartland - Reported that the DPW did an outstanding job with the snow removal. Mayor Gartland congratulated the Caldwell Police Department for the work with the major accident that shut down Bloomfield Avenue on Thursday of last week. Mayor Gartland reported on the Winter Wonderland ran by the Caldwell Downtown Alliance. Mayor Gartland thanked the Police Chief and his wife for playing Santa and Mrs. Santa. They were wonderful. Mayor Gartland thanked Caldwell Flowerland for hosting the event. Mayor Gartland also thanked Fortes, Minute Man Press, Caldwell Camera and Rock n Joes for their support and any other businesses that supported the event. This was an exciting adventure in the downtown, which brought quite a few people into our downtown to shop. Mayor Gartland wished everyone a Merry Christmas and a Happy Chanukah. Mayor Gartland reported that she attend the Christmas Tree Lighting and the Menorah Lighting. It was very inspiring to see the children that attended the lightings. Mayor Gartland thanked all the employees and everyone that worked so hard this year to make this a wonderful town and thank God, we did not have to lay anyone off like West Caldwell. I am grateful that we had a good year. We have a wonderful community.

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REPORT OF ADMINISTRATOR/CLERK: None

REPORT OF ATTORNEY: Stuart Koenig, Esq. reported on the memorandums he gave to the Council regarding appointment procedures and the impact on advertising for positions and an update on the Faloni matter and a list of the tax appeals. Stuart Koenig, Esq. also reported that he gave the Council a memorandum regarding the PBA Grievance and the sewer matters that he would like to discuss in executive session.

Mayor Gartland reported on a letter received from Borough Attorney, Stuart Koenig, Esq., copies of the letter will be provided to the Progress and The Jersey Tomato Press and the Star Ledger. Mayor Gartland thanked Stuart Koenig for the nineteen years he has served the Borough of Caldwell. Stuart Koenig writes that he respectfully requests that he not be nominated to be appointed as Borough Attorney for 2010. Mr. Koenig will fulfill his duties for the balance of his term of office and arrange for a smooth transition to whoever may be chosen as his successor. The meeting of December 22, 2009 will be his last meeting. Mayor Gartland reported that it has been a pleasure working with Mr. Koenig and the advice that he has always given to the Borough of Caldwell has been sound and well thought out. Mayor Gartland reported that she will personally miss him greatly because he was always dependable, had incredible knowledge, and well recognized in the State of New Jersey.

NEW BUSINESS:

Councilman Curley – reported that the funding for the Caldwell Downtown Alliance was voted down this year. Mayor Gartland reported that she had spoke to Councilman Norton and Councilman Dassing to give the Caldwell Downtown Alliance \$5,000.00 for this year to keep the Main Street Designation going. Mayor Gartland reported that the Caldwell Downtown Alliance has raised between eight and ten thousand dollars in the last few months. They have made great strides and a lot of effort to raise the money. Mayor Gartland said that she has spoken to Councilman Norton and he has asked to put a Downtown Committee on the Agenda for next year. Mayor Gartland reported that the Downtown Committee will be on the agenda for next year. Mayor Gartland reported that this is an opportunity for us to move ahead and concentrate on the downtown for the purpose of helping our Downtown and this will alleviate some of the tensions between the two committees that are working to help our Downtown. Maybe this is a way to help them work more compatibly. Mayor Gartland had asked to make a nominal contribution for this year. The Main Street's organizations concern that if there was nothing contributed this year that it would be a problem. Councilman Slattery reported that the contribution should be made this year because we have made a commitment to Main Street. Councilman Curley reported that the Caldwell Downtown Alliance has made a significant effort over the past couple of months to raise money. Councilman Norton reported that the Mayor had brought this up to Councilman Dassing and him in a meeting. Councilman Norton questioned the amount of money raised by the Caldwell Downtown Alliance. Mayor Gartland responded that the Caldwell Downtown Alliance has an accountant that has volunteered his time to do an accounting of the money raised. Councilman Slattery made a motion to give the Caldwell Downtown Alliance \$5000.00 seconded by Councilman Curley. Councilman Slattery, Curley and Brennan voted in the affirmative. Councilman Norton requested to make a statement; in the end of the year of 2008, he was lucky enough to sit on the Downtown Committee by invitation from Councilman Mescia

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and Councilman Curley, this was a fabulous start to what he was hoping for a fabulous 2009 in regards to working with different entities in regards to bringing our downtown to Caldwell of the past, unfortunately at that time the Mayor had taken the Downtown Committee be taken off the table. Councilman Norton reported that he had requested to bring the Downtown Committee back several times throughout the year and unfortunately that request was denied or ignored every time. It is the eleventh hour of the year of 2009 and the Mayor has brought the idea of the committee back up to us. Councilman Norton reported that this being done at the eleventh hour and without a full council is a little disheartening at best. Councilman Norton voted in the negative. Councilman Norton reported that he had requested the overtime from the DPW Department and the Police Department for the accidents that happened on Bloomfield Avenue. Councilman Norton asked Stuart Koenig if the costs incurred from the accident could be billed to the insurance companies of vehicles involved. Stuart Koenig, Esq. said he would look into it. Lt. Bongiorno reported that the two officers that were called in for the accident, PSE&G will be paying their overtime. Councilman Norton also reported that he met with the Professor of the Communications Department of Caldwell College. They are interested in starting a pilot program in February 2010 for a three month period, recording and televising the Council Meetings. The good news is there will be no cost to the Borough.

OPEN PUBLIC MEETING:

Mayor Gartland opened the meeting to the public at 8:11 P.M., Bob Colaizzo of 7 Hatfield Street, said that Fairfield's televised meetings appear to be live. Bob Colaizzo said that using a Web Cam may also be a good idea for Caldwell. Mr. Colaizzo wished the Council Happy Holidays and wished the council members who were leaving good luck and also good luck to the new council members. Assembly Giblin wanted to pay his respects to the two outgoing council members and wish them good luck. Assembly Giblin also mentioned that Gene Collard was an icon as far as Caldwell is concerned. Assembly Giblin also offered his help for any of the important issues that are facing the State and Local Governments. Lisa O'Neill requested that she has gotten the names of the football team members and the cheerleaders and would like to have a proclamation for them in January. Mayor Gartland reported that we are also honoring The Amazing Kreskin on January 12, 2009. We will be honoring his 75th Birthday, we will have a proclamation and a key to the city for him. Tom O'Donnell of 32 Gladding Road wanted to know if North Caldwell and Essex Fells do not join in on the sewer agreement what is the impact to Caldwell. Worst case scenario it would be \$240,000.00, which is divided by five towns that would be a 20% impact on Caldwell. Mr. O'Donnell made a statement regarding the Caldwell Downtown Alliance he did not agree to give the \$5,000.00 to them he would rather take the \$5,000.00 and give it as bonuses to the employees that work in this town. Councilman Norton responded that in a prior meeting with Councilman Dassing and Mayor Gartland they wanted to know where the \$5,000.00 would go, would it go to marketing for the Downtown or economic development or does it go to salary. These were things we were in discussion with but the Council tonight decided it was a better idea to just hand \$5,000.00 over for the Main Street Designation. Unfortunately these discussions were not finalized, thus my no vote tonight. Mayor Gartland responded that the Caldwell Downtown Alliance has projects that they will continue to bring to the merchants in the Downtown through the Main Street Designation. Mayor Gartland encouraged Mr. O'Donnell to come to the Caldwell Downtown Alliance meetings to see what they are doing. Mr. O'Donnell asked what merchants are benefitting

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from the Main Street Program. Mayor Gartland responded that Tasty Coco has had a lot of input from them. Jerry Smith owner of the Rite Aid Building is being assisted with redesigning the front of the store. They have prepared a booklet for all the buildings in the town, they wrote an historical prospective of the town. Mario Bifalco, Director of Public Works said that the Main Street Designation was significant in getting the grant for the senior center. Councilman Norton disagreed and suggested Mr. Bifalco speak with Councilman Dassing to get the facts about the grant. Richard Hauser of 33 Arlington Avenue had several questions regarding the settlement with the various towns regarding the sewer. Mr. Hauser said at the last council meeting there was a request to go out for advertising for various positions that are coming up for renewal and that was voted down. Mr. Hauser wanted to know if he could use the facilities to interview for various positions. Stuart Koenig, Esq. explained the Pay to Play laws in New Jersey regarding appointments. Stuart Koenig, Esq. had prepared a memorandum for the Council regarding appointments and suggested that the memorandum be sent to Councilman Elect Hauser. Seeing no one else from the public wishing to be heard the Mayor closed the open public portion of the meeting at 8:48 P.M.

On a motion made by Councilman Curley, and seconded by Councilman Brennan, 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 8:48 P.M.

The Executive Session was adjourned and upon motion by Councilman Curley, seconded by Councilman Norton the Council Business Conference Meeting was opened to the public and the press at 10:30 P.M. All those previously in attendance were present.

A motion was made by Councilman Brennan seconded by Councilman Slattery to amend resolution #12-213 from \$714,485.04 to \$518,473.14. On roll call all members present voted in the affirmative. Resolution amended on December 22, 2009.

There being no additional business to be conducted a motion to recess the meeting to January 1, 2010 at 11:30 A.M. was made by Councilman Slattery, seconded by Councilman Brennan, unanimously affirmed by all members present, the meeting was recessed to January 1, 2010 at 10:18 P.M.

Prepared by:

Beth Bush Telepan
Deputy Clerk

Date