

**BOROUGH OF CALDWELL, N.J.**  
**COUNCIL CONFERENCE MEETING**  
**MINUTES – JULY 7, 2009**

The Council Conference meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:03 P.M.

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

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

**ABSENT:**

Adequate notice of this Council 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:** Bill Frint, Water Director, 2009 Water Capital Requests  
Brookside Avenue Intersection  
Water System Map Upgrade  
Hydrant replacements on various streets  
Park Terrace North Easement  
The Council agreed to have the attorney work with Bill Frint regarding the easement.

Ms. Ruane reported on the Health Insurance Benefits for the employees. Councilman Norton reported that the Insurance Company has made errors on the spread sheets for the Health Insurance. Councilman Norton suggested that they have a Budget Committee Meeting as soon as possible to resolve this issue.

Bob Bellasalma, Birkendene Avenue, requested that the Council take a vote to defer the changes to the Health Benefits until 2010. Annette Sellars, 14 Ward Place, wanted to know if the changes would be made in the beginning of January 2010 or the end of January 2010. The Mayor responded that that would be something the 2010 Budget Committee would deal with. Councilman Norton made a recommendation to start looking at different insurance brokers and have them put packages together to come before this Council before the end of the year so that on January 1 if we choose to get a new insurance broker there will be not penalty to opt out of the contract. Rebecca Roth, Tax Collector, reported that she works closely with the insurance brokers and she has nothing but good things to say about them.

Meryl Layton, Caldwell Downtown Alliance, reported that the Downtown Alliance submitted a budget to the Council and wanted to know if the Council will approve the \$31,000.00 to be given to the Downtown Alliance. Meryl Layton also reported on the Farmers Market and said it will be going on for another 17 weeks. Councilman Lawshe reported that he enjoys the farmers market, the selection was very good. Councilman Lawshe congratulated John Hamer and Mario Bifalco and the DPW Crew for cleaning up the parking lot. Councilman Lawshe wanted to know how did Ms. Layton get to use the Mayor's Office for the Caldwell Downtown Alliance. The Mayor responded that she allowed her to use the office. Councilman Lawshe had a concern about town employees answering the phone for the Caldwell Downtown Alliance when Meryl is not in the building. Councilman Lawshe reported that he attended a Caldwell Downtown Alliance meeting on March 16, 2009 and at that meeting Ms. Layton stated that they were looking for more volunteers and supporters. Councilman Lawshe wanted to know if they have gotten more volunteers. Ms. Layton said they had gotten some more volunteers. Councilman Lawshe questioned Ms. Layton as to why Councilman Dassing was not asked to be on the Board of the Caldwell Downtown Alliance. Ms. Layton responded that prior to her

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taking this position she met with Councilman Dassing and Councilman Dassing said she was really involved with the Caldwell Merchants Association and didn't express any real interest in the Caldwell Downtown Alliance. Councilman Lawshe reported that he looked at the resolution from 2008, and Councilman Lawshe was a little concerned why they never heard about the budget before a month ago. The resolution is dated September 23, 2008, Councilman Lawshe read from the resolution "whereas the Borough of Caldwell agrees to make budget appropriations of \$27,500.00 to provide financial support of the Caldwell Main Street Program in the current budget year and to consider to the inclusion of similar budget appropriations for the support of the program in future budget years", my concern is if this is that important why didn't the Council have your salary or what you were looking for in the 2009 Budget. Councilman Norton and Councilman Slattery and myself never saw a line item as far as this. To be perfectly honest with you we can't just pluck \$32,000.00 out of the hat. Councilman Lawshe reported that we have employees here that have not gotten raises and are paying 1.5% toward their health benefits, I can't look them in the eye and give the CDA \$32,000.00 when these people are not getting a raise. I have a problem with that. The other thing as far as the money is concerned I do not know where we are going to get the money. If we were to pay your particular salary, we would have to raise taxes to the residents in this town. Mayor Gartland suggested that this be turned over to the budget committee and let them negotiate with the Caldwell Downtown Alliance regarding this. Councilman Norton reported that Councilman Lawshe has some valid points. We started the budget process in January and we did not have this request until just recently. Various discussion ensued why there was not a line item in the budget for the Caldwell Downtown Alliance. Councilman Slattery reported that she would like to find some money to give to the Caldwell Downtown Alliance because if we don't fund the Alliance the State has the right to come in and take away the Main Street Designation. Councilman Slattery reported that they not necessarily fund the full amount but the council should not look at it as funding Ms. Layton's salary, the Council made a commitment to fund x amount of dollars to fund the Caldwell Downtown Alliance, how they determine the salary is determined by that board not by this Council. If we choose to give them x amount of dollars that entire amount could go for something other than salary. Councilman Norton reported that the only money that the Caldwell Downtown Alliance had raised was the money that the town had given them. Various discussion ensued regarding how much money the Caldwell Downtown Alliance has raised during the past year. Councilman Dassing reported that there has been a lot of talk about the investment into the downtown. So far, we have allocated \$18,000.00 to a consultant, \$17,500.00 for 2007 and another \$27,500.00 in 2008, which brings us to \$63,000.00 so far. Councilman Dassing reported that there are a lot of non-profits in this town that do all this type of work for free. For example the Rotary and Kiwanis. Councilman Dassing does not feel that money is what the Alliance needs. The Alliance needs volunteers and the drive to raise money. Councilman Dassing does not see the results from the Alliance. Peter Mescia of the Caldwell Downtown Alliance reported on the achievements the Caldwell Downtown Alliance has completed. Councilman Norton requested that the Downtown Committee be reinstated. Mayor Gartland responded that she will consider his request.

Mayor Gartland requested a break from the meeting at 9:01 P.M. The Council Conference meeting was called back to order at 9:13 P.M.

INTRODUCTION OF ORDINANCES: None

PUBLIC HEARINGS: None

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RECEIVING OF BIDS: None

APPROVAL OF MINUTES: None

The Mayor opened the Public Comment on resolutions at 9:15 P.M. Seeing no one from the public wishing to be heard the Mayor closed the Open Public Comment on resolutions at 9:15 P.M.

RESOLUTIONS:

7-124 Authorizing Payment of bills and the issuance of checks for the period through June 23, 2009 in the total amount of \$448,223.37

Moved by Councilman Slattery, seconded by Councilman Brennan. Various Discussion ensued. On roll call vote, all Councilman Lawshe, Dassing and Norton voted in the negative. Councilman Slattery, Curley, Brennan and Mayor Gartland voted in the affirmative. Resolution adopted 7/7/09.

7-125 Authorizing Payment of bills and the issuance of checks for the period through July 7, 2009 in the total amount of \$2,610.00

Moved by Councilman Slattery, seconded by Councilman Brennan. Discussion ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 7/7/09.

7-126 Authorizing the Borough of Caldwell Tax Collector to prepare and mail estimated tax bills in accordance with chapter 72, P.L. 1994

Moved by Councilman Slattery, seconded by Councilman Brennan. No discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 7/7/09.

7-127 **PULLED**

Various discussion ensued regarding the Letter from The Office of the State Comptroller Audit letter.

REPORT OF COMMITTEE CHAIRMEN AND MEMBERS:

Councilman Lawshe – No Report

Councilman Slattery – No Report

Councilman Curley – Reported that the Ann Marchioni of the Environmental Commission is looking to do a no idle resolution.

Councilman Norton – No report.

Councilman Brennan – Reported that Academy Road was repaved today and has been completed.

Mayor Gartland – Reported that Mr. Frint had an issue that he wanted to address to the Council. Mr. Frint asked for permission to authorize an agreement with a contractor for approximately \$7,500.00 to install a water main extension. Mr. Frint has received three quotes for this job. Mr. Frint will have a contract for the next meeting for a resolution. The council agreed to put a resolution on for the contract at the next meeting. Mayor Gartland reported that Suburban Essex Magazine has nominated the Caldwell Community Center

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for Best of Essex 2009 Readers Choice award for Best Gym and Best Yoga Pilates. Congratulations to JoAnne VanDien and her yoga and pilates staff.

Report of Administrator – No report

Report of Attorney – Stuart Koenig reported that he gave a memorandum to the Mayor and Council regarding the Auditor's contract. Mr. Koenig reported that he would like to discuss the sewer in executive session and also he gave the Council a memorandum regarding Pio Costa litigation and he would like to discuss that in executive session as well.

NEW BUSINESS – Mayor Gartland reported that Edward Sandve was supposed to be here tonight and she was very disappointed that at the last minute he was unable to make the meeting. He has had two opportunities to come before this council and has not been able to come. Mayor Gartland reported that there was a request to un-table the resolution regarding Mr. Sandve and to have it on for the next meeting. A motion was made by Councilman Curley to un-table the resolution and seconded by Councilman Lawshe all members present voted in the affirmative. The Mayor requested to have Ed Sandve appear at the next council meeting. Councilman Norton had requested to have the issue of insurance matters put on the meeting for July 28, 2009. Councilman Norton would like to work with the administrator and the Borough Attorney and present the information back to the Council for review.

OPEN MEETING – Mayor Gartland opened the meeting to the public at 11:11 P.M. seeing no one from the public wishing to be heard the Mayor closed the open public portion of the meeting at 11:12 P.M.

On a motion made by Councilman Curley, and seconded by Councilman Slattery, unanimously affirmed, the Council moved into Executive Session in order to discuss a matter of potential litigation, land acquisition. Said motion was unanimously approved and the Council went into Executive Session at 11:18 P.M.

The Executive Session was adjourned and upon a motion by Councilman Brennan, seconded by Councilman Slattery the Council Business Conference Meeting was opened to the public and the press at 11:38 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 Slattery, unanimously affirmed by all members present, the meeting was adjourned at 11:39 PM.

Prepared by:

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Beth Bush Telepan  
Deputy Clerk

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Date