

**BOROUGH OF CALDWELL, N.J.**  
**COUNCIL BUSINESS/CONFERENCE MEETING**  
**MINUTES – MAY 12, 2009**

The Council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:05 P.M.

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

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

**ABSENT:** None

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 a moment of silence for Lisa O'Neill's husband Paul who passed away a little over a week ago. Paul lived a rich and faith filled life, he was a loving father to his sons Paul and Kevin. He will be remembered as a loyal friend and a pillar of his church and a man whose generous spirit, strength, conviction and kind heart unfailingly touched all whom he knew, may he rest in peace.

**PRESENTATIONS:** None

**INTRODUCTION OF ORDINANCES:** Ordinance #1196-09 to amend the Borough Code, Chapter 230, Traffic and vehicles, section 230-71 schedule XVII of the Borough Code entitle, "Parking prohibited certain hours"

Moved by Councilman Curley, seconded by Councilman Slattery. No Discussion. On roll call vote all members present voted in the affirmative. Ordinance introduced 5/12/09

**PUBLIC HEARINGS:** 2009 Municipal Budget Public Hearing

Mayor Gartland read the following statement:

The 2009 municipal budget for the Borough of Caldwell reflects the Borough Council's aggressive commitment to hold municipal taxes to a minimum while at the same time ensuring that necessary municipal services are provided to Caldwell's residents. The Borough Council has worked hard planning and establishing the parameters for the 2009 budget.

Some of the steps taken by the administration to reduce appropriations include:

Instructing department heads to seek a 5% reduction in operating expenses in each of their departments.

Salary freeze for all non-union employees in calendar year 2009.

All non-union employees will contribute 1.5% of their salaries towards health benefits. Department of Public Work employees will contribute \$10.00 per payroll towards health benefits. All Department of Public Work employees hired after January 1, 2009 will contribute 1.5% of their salaries towards health benefits.

Request for additional staffing in the police, library and construction office has been denied for calendar year 2009.

Reduction in dental insurance premium due to a change in companies that reduced the appropriation by \$27,391.00.

Elimination of two holidays for non-union employees.

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With regard to budget appropriations, or expenditures, The Borough of Caldwell 2009 Budget is levy compliant for the CAP for designated municipal expenditures. This is due to a combination of exercising fiscal restraint and receiving a minimal reduction in state aid.

The administration's continued commitment that a significant reinvestment in the infrastructure is necessary for Caldwell to remain a strong, vibrant community and safe place to live. The Borough will be prepared with shovel ready projects to accept any and all grant funding that may be provided to us from the President's stimulus package.

Some of the Proposed Infrastructure Projects include:

Highview Road and Prospect Street – Received NJDOT Grant Funding  
Hawthorne Road – Received CDBG Grant Funding  
Gladding Road – General Capital Funding  
Knollwood Terrace – General Capital Funding  
Park Terrace North – General Capital Funding  
Parkway East and Parkway West – Have applied for CDBG Grant Funding

In an effort to continue to minimize local property taxes this year, the Governing Body will seek \$350,000.00 from the State's Extraordinary Aid program. This funding is critical to the Governing Body's efforts to control taxes. If approved, the funds awarded would be directly applied to reduce the municipal tax burden.

The introduced budget is the first step in the budget adoption process. The Borough will continue to do their due diligence to look for ways to increase revenue and reduce expenditures as we go through the amendment and adoption process.

The Mayor opened the Public Hearing at 7:12 PM. Seeing no one from the public wishing to be heard the Mayor closed the Public Hearing at 7:12 PM.

RECEIVING OF BIDS: None

APPROVAL OF MINUTES: April 14, 2009

Approved by all members present upon a motion made by Councilman Slattery, seconded by Councilman Brennan the minutes were adopted May 12, 2009.

Mayor Gartland opened the meeting to the public at 7:14 P.M. for public comment on resolutions. Seeing no one from the public wishing to be heard Mayor Gartland closed the open public comment on resolutions at 7:14 P.M.

RESOLUTIONS:

5-83 Authorizing change order No. 1, Police Station Renovations – additional amount \$2,640.00 – new total \$182,640.00

Moved by Councilman Slattery, seconded by Councilman Curley. Discussion Ensued. On roll call vote Councilman Lawshe, Slattery, Curley and Brennan voted in the affirmative. Councilman Dassing and Norton voted in the negative. Resolution adopted 5/12/09.

5-84 Approval of sewer connection application for Mountain Ridge Country Club, for construction of a new single family house at 685 Passaic Avenue, West Caldwell (Block 1500, Lot 17) for one equivalent connection upon receipt of \$3,600.00

Moved by Councilman Slattery, seconded by Councilman Curley. No Discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 5/12/09.

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5-85 Authorizing the borough attorney to defend the 2009 tax appeals filed against the Borough

Moved by Councilman Slattery, seconded by Councilman Curley. Discussion ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 5/12/09.

5-86 Authorizing the establishment of the 2009/2010 fees for the Caldwell Community Center

Moved by Councilman Curley, seconded by Councilman Brennan. Discussion ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 5/12/09.

5-87 Authorizing redemption of tax lien certificate #08-00015, Block 54, Lot 6.902, 105 Roseland Avenue, Unit 902, Caldwell, New Jersey 07006, Nadler, Bernice C.

Moved by Councilman Slattery, seconded by Councilman Curley. No Discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 5/12/09.

5-88 Authorizing payment of bills and the issuance of checks for the period through May, 12, 2009 in the total amount of \$3,013,228.26

Moved by Councilman Curley, seconded by Councilman Brennan. Discussion Ensued. On roll call vote, Councilman Lawshe abstained, Councilman Slattery, Curley, Brennan voted in the affirmative, Councilman Dassing and Norton voted in the negative. Resolution adopted 5/12/09.

**REPORT OF COMMITTEE CHAIRMEN AND MEMBERS:**

Councilman Lawshe – Reported on the issue with the Women’s Club. As the tree committee chairperson Councilman Lawshe reported, he was a little upset that our Prosecutor and Municipal Judge only fined an outsider from Montville, cutting down trees, \$125.00 a tree. They cut down four trees. Councilman Lawshe used the example of Cedar Grill on Bloomfield Avenue who cut down a limb and was fined \$100.00. Councilman Lawshe reported that he saw the transcript regarding Mr. Milani talking to the prosecutor regarding this particular matter and he did not think this has anything to do with Mr. Milani. Our prosecutor and our judge are determined by this mayor and council. We are in a severe economic crisis in this country. As stated before, you have an outsider from Montville coming into Caldwell to cut down trees; he was advised the day before that he needed a permit to cut down trees. The bottom line to this is very simple a \$125.00 fine is not setting any example for any of the people of Caldwell. It gives them free liberty to cut down trees. Basically, we are telling anyone in Caldwell to go out and cut down trees for \$125.00. Councilman Lawshe reported that he does not think fair justice was done by our prosecutor and judge. Councilman Lawshe also stated he would be submitting his letter of resignation from the Tree Committee.

Councilman Slattery – Reported that she attended a gathering at the Presby Irish Gardens in Montclair. Governor Corzine and our County Executive were there. Councilman Slattery also reported that she attended a meeting regarding the Memorial Day Parade. Councilman Slattery urged parents to drop off their children appropriately. Councilman Slattery reported on the Health Department Meeting. The new Health Officer is Mike Fitzpatrick. Everyone seems to be very happy with him. The Board of Health also discussed extensively the Swine Flu. The Board of Health has disseminated information to the schools and the information is also on the Caldwell website. Councilman Slattery reported that last week there was a communication from the County Executive regarding the S.E.E. expo regarding employment opportunities. There is an expo scheduled for Thursday, May 14, 2009, 10:00 AM, at the Essex County College Gym on West Market Street in Newark. It is free and open to the public.

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Councilman Dassing – Reported on the Caldwell Community Center Committee Meeting. They received an update on the cleaning service. The cleaning service has improved. Also discussed was new promotion techniques that would be more cost efficient and more targeted to get people that haven't renewed in a year or so to get them back to the gym. Also discussed was a 50% discount being offered to the employees of the Borough of Caldwell and the Board Members on an adult member rate at the Caldwell Community Center. The committee also talked about a new promotion called First Fridays that may be implemented in the fall. This would be for students who have one half days on the first Friday of every month. Councilman Dassing also reported on the Shared Services Committee Meeting. The committee met with Mayor Gasparini and the Administrator from Fairfield regarding shared services of the Construction Department. Fairfield is interested in offering their Construction services to surrounding towns. We need to look at this on our end to see if this is feasible. We still need to work on the numbers with Mr. Milani and the Administrator. Fairfield had made an offer to do our construction services for \$100,000.00 a year but they were very vague with what that would include. We asked them to go back and look at that in more detail.

Councilman Curley – Reported that we are coming to the home stretch with accepting credit cards for the first time at the Caldwell Community Center. The target date is May 26, 2009. Councilman Curley thanked the members on the Technology Committee for their input on the credit cards.

Councilman Norton – Reported that there was a Budget and Finance Committee meeting on April 21, 2009. Councilman Norton reported that he will have a letter that will be presented to the Council after the next Budget and Finance Committee meeting that we will shoot for on Wednesday, May 20th. We put a lot of time and effort in our last meeting, there was a lot of discussion back and forth with a lot of different scenarios that we had come up with in our prior meeting as well as new items that were put on the table. Hopefully we will have a letter put together for the entire council endorsed by the Budget Committee for our next council meeting.

Councilman Brennan – No report

Mayor Gartland – Reported that she received a request from a resident on Whitfield Street regarding parking. She forwarded the request to the Traffic Committee. Mayor Gartland reported on the information received from Sergeant Mike Pellegrino regarding changes to our Ordinance chapter 230. Mayor Gartland would like the opportunity for the Council to review the recommendations from Sergeant Pellegrino at a special council meeting. Mayor Gartland reported on the Essex County Senior Art Show. The exhibit is at the Environmental Center on June 2<sup>nd</sup> and June 4<sup>th</sup>. Mayor Gartland requested that Mr. Milani and Mr. Marucci give an update on the Temple. Mr. Milani and Mr. Marucci reported that the additional modifications must be completed by May 19<sup>th</sup>, 2009. Mayor Gartland requested that Mr. Milani and Mr. Marucci give a memo to the Council regarding the Temple modifications after May 19<sup>th</sup>. Mayor Gartland also reported that she attended an event honoring Sr. Patrice Werner on her retirement from Caldwell College after 36 years. Sr. Patrice has done so much for Caldwell College and the town of Caldwell. We thank her for all her years of service.

Report of Attorney: Stuart Koenig reported on the memo he provided to council regarding Mr. Neill's property on Washburn Avenue. Mayor Gartland asked the attorney if the memo could be provided to Mr. Neill. The attorney advised the Mayor and Council that the memo could be provided to Mr. Neill.

New Business – Councilman Lawshe requested that the resolution for the Sewer Director be placed on the Agenda for the May 26<sup>th</sup> Council Meeting. Councilman Lawshe also requested that the auditor come to our June 2, 2009 meeting. Councilman Norton requested that the Caldwell Merchants Association be put on the Agenda for the June 2, 2009 meeting to give a presentation.

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OPEN MEETING: Mayor Gartland opened the meeting to the public at 8:50 PM. Peter Murray of 61 Arlington Avenue had questions regarding the Farmer's Market. Mr. Murray wanted to know if the Farmer's Market was supported by the Council. Mayor Gartland answered that the Farmer's Market is supported by the Caldwell Downtown Alliance which also is supported by the Borough. The Mayor explained that part of the Main Street Agreement is that the town financially support the Caldwell Downtown Alliance. Each year the Mayor and Council must vote on the dollar amount that the Borough will support the Caldwell Downtown Alliance. Seeing no one from the public wishing to be heard Mayor Gartland closed the open public portion of the meeting at 8:56 PM.

On a motion made by Councilman Curley, and seconded by Councilman Slattery, unanimously affirmed, the Council moved into Executive Session in order to discuss matters of personnel, and potential litigation. Said motion was unanimously approved and the Council went into Executive Session at 9:06 P.M.

The Executive Session was adjourned and upon motion by Councilman Curley, seconded by Councilman Brennan the Council Business Conference Meeting was opened to the public and the press at 9:55 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 Curley, seconded by Councilman Brennan, unanimously affirmed by all members present, the meeting was adjourned at 9:55 PM.

Prepared by:

\_\_\_\_\_  
Beth Bush Telepan  
Deputy Clerk

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Date