

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – April 13, 2010**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:01 P.M.

PRESENT: Councilman Murray, Hauser, Dassing, Slattery, Norton and Lawshe

ALSO PRESENT: Borough Administrator, Maureen Ruane and Borough Attorney, Greg Mascera, Esq.

ABSENT:

Adequate notice of this Council Business/Conference meeting was given on January 1, 2010. Notice was posted on the bulletin board on the first floor of the Borough Hall, One Provost Square, Caldwell, New Jersey on January 1, 2010. Four official newspapers of the Borough were notified of this meeting by mail on January 1, 2010. Notice was posted and all persons requesting notice were sent same.

PRESENTATIONS: Everton Scott from PSE&G – Roseland Avenue Project
Gerald Smith

INTRODUCTION OF ORDINANCES:

#1206-10 AN ORDINANCE AMENDING CHAPTER 37 OF THE CODE OF BOROUGH OF CALDWELL, BEING THE PERSONNEL POLICIES OF THE BOROUGH, SO AS TO MODIFY THE SECTION GOVERNING SPECIAL LEAVE

Moved by Councilman Lawshe, seconded by Councilman Dassing. Discussion Ensued. On roll call, all members present voted in the affirmative. Ordinance amended 04/13/10.

#1207-10 A BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE KIWANIS OVAL IN PROVOST SQUARE IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$2,000,000.00 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$1,187,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Moved by Councilman Murray, seconded by Councilman Norton. Discussion Ensued. On roll call, all members present voted in the affirmative. Ordinance amended 04/13/10.

PUBLIC HEARING: NONE

RECEIVING OF BIDS: NONE

APPROVAL OF MINUTES: NONE

OPEN PUBLIC COMMENT ON RESOLUTIONS:

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RESOLUTIONS:

- 4-69 Authorizing the appointment of Gregory Seaman as the Sewer Director, Regulatory Compliance Representative and Licensed Sewer Operator
- Moved by Councilman Lawshe, seconded by Councilman Norton.
Discussions Ensued. On roll call, Councilman Murray, Hauser, Dassing, Lawshe and Norton voted in the affirmative. Councilman Slattery voted in the Negative. Resolution adopted on 04/13/10.
- 4-70 Authorizing the Borough to advertise for open positions
- Moved by Councilman Murray, seconded by Councilman Hauser. No Discussions. On roll call, all members present voted in the affirmative. Resolution adopted on 4/13/10.
- 4-71 PULLED
- 4-72 Authorizing the Caldwell Tenants Association to use the Fire House Meeting Room for Calendar Year 2010
- Moved by Councilman Slattery, seconded by Councilman Lawshe. No Discussions. On roll call, all members present voted in the affirmative. Resolution adopted on 4/13/10.
- 4-73 Authorizing payment of bills and the issuance of checks for the period through April 13, 2010 for 2009 Bills in the total amount of \$50,798.16
- Moved by Councilman Slattery, seconded by Councilman Norton.
Discussions Ensued. On roll call, Councilman Dassing, Slattery, Norton and Lawshe voted in the affirmative. Councilman Murray and Hauser abstained. Resolution adopted on 4/13/10.
- 4-74 Authorizing payment of bills and the issuance of checks for the period through April 13, 2010 for 2010 Bills in the total amount of \$3,318,811.14
- Moved by Councilman Hauser, seconded by Councilman Dassing. No Discussions. On roll call, all members present voted in the affirmative. Resolution adopted on 4/13/10.
- 4-75 Authorizing a contract medication to the Wastewater Treatment Plant upgrades Contract no. 2007-1 – Additional Amount of \$129,156.24 – New Total Amount \$11,816,875.42
- Moved by Councilman Dassing, seconded by Councilman Hauser.
Discussion Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 4/13/10.
- 4-76 Authorizing the Borough Administrator to submit the Annual Recycling Tonnage Grant Report to the NJ Department of Environmental Protection for periods January 1, 2009 through December 31, 2009
- Moved by Councilman Norton, seconded by Councilman Dassing. No Discussions. On roll call, all members present voted in the affirmative. Resolution adopted on 4/13/10.

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- 4-77 Authorizing the acceptance of credit/debit card and e-check payments for the Collection of Taxes, Water and Excess Sewer Utility Fees
Moved by Councilman Murray, seconded by Councilman Norton. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 4/13/10.
- 4-78 Authorizing redemption of tax lien certificate #09-00005, Block 17, Lot 9, 9 Kirkwood Place, Caldwell, NJ 07006, Hodgson, Antoinette
Moved by Councilman Murray, seconded by Councilman Hauser. No Discussions. On roll call, all members present voted in the affirmative. Resolution adopted on 4/13/10.
- 4-79 Authorizing the appointment of the Law Firm of McManimon & Scotland, L.L.C. as Bond Counsel for the Borough of Caldwell Calendar Year 2010.
Moved by Councilman Lawshe, seconded by Councilman Norton. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 4/13/10.
- 4-80 Authorizing award of a Professional Services contract to Crew Engineers, Inc. for the Design and construction of water system improvements involving the replacement of the existing water main on Bloomfield Avenue in the amount of \$24,700.00
Moved by Councilman Dassing, seconded by Councilman Lawshe. Discussions Ensued. On roll call, all present voted in the affirmative. Resolution adopted on 4/13/10.
- 4-81 Authorizing the issuing of license for raffle to Grover Cleveland Park Conservancy – On-Premise-Merchandise, April 24, 2010 – 1:00PM – 2:30PM
Moved by Councilman Murray, seconded by Councilman Hauser. No Discussions. On roll call, all present voted in the affirmative. Resolution adopted on 4/13/10.
- 4-82 Authorizing the issuance of a Motor Vehicle Lot License to Al Emmel Auto Body, 95 Bloomfield Avenue, Caldwell, NJ for the period May 1, 2010 to April 30, 2011
Moved by Councilman Lawshe, seconded by Councilman Murray. No Discussions. On roll call, Councilman Murray, Hauser, Dassing, Slattery and Lawshe voted in the affirmative. Councilman Norton abstained. Resolution adopted on 4/13/10.
- 4-83 Authorizing the issuance of a Motor Vehicle Lot License to RC Auto Sales, 7 Park Avenue, Caldwell, NJ for the period of May 1, 2010 to April 30, 2011
Moved by Councilman Murray, seconded by Councilman Hauser. No Discussions. On roll call, all present voted in the affirmative. Resolution adopted on 4/13/10.

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On a motion made by Councilman Murray, and seconded by Councilman Hauser, unanimously affirmed, the Council moved into Executive Session at 8:03 P.M.

Mayor Gartland read the following statement: **BE IT HEREBY RESOLVED** in accordance with the provisions of N.J.S.A. 10:12 and 13, the public shall be excluded from the Executive Session of the Governing Body which is being held for the discussion of the following subject matters: 1. Pending or anticipated litigation or contract negotiation; 2. Personnel matters; 3. This Executive Session shall continue for an indefinite period of time and upon termination of the Executive Session, the Governing Body may choose to resume the public portion of the meeting. The discussion, which shall be conducted in closed session, shall be disclosed upon termination of litigation or contractual matter, upon resolution of the personnel matter with consent of said person or persons and as provided by N.J.S.A. 4-12 but in no case later than two (2) years from this date. These minutes shall be available as soon as the matter is resolved or not later than two years hence. Borough Attorney, Greg Mascara responds that the Executive Session will be discussion will be with regard to the Insurance which is offered to the Borough Employees.

The Executive Session was adjourned and upon a motion by Councilman Murray, seconded by Councilman Norton the Council Business Conference Meeting was opened to the public and the press at 8:58 P.M. All those previously in attendance were present

4-84 Authorizing the termination of enrollment of certain Municipal Employees from the United Health Care/Oxford Health Plans Traditional Freedom Plan to the United Health Care/Oxford Health Plans \$20 Liberty Plan, and from the United Health Care/Oxford Access Liberty Prescription Plan to the Bollinger Prescription Plan

Moved by Councilman Norton, seconded by Councilman Hauser. Discussions Ensued. On roll call, Councilman Murray, Hauser, Dassing, Norton and Lawshe voted in the affirmative. Councilman Slattery voted negative. Resolution adopted on 4/13/10.

4-85 Authorizing 2010 Temporary Capital Budget
Moved by Councilman Murray, seconded by Councilman Hauser. Discussions Ensued. On roll call, all present voted in the affirmative. Resolution adopted 4/13/10.

OLD BUSINESS:

Councilman Lawshe asked the question as to the project on Bloomfield Avenue that will be done by the County. He was told that the previous Council has approved the overtime for this project. Maureen Ruane, Borough Administrator responded yes, but not in 2010. When the Resolution was passed there was a concession of the Council that the portion of payment was to provide Police protection while we received all the other monies from Grant Funding. Borough Attorney, Greg Mascera responded that he needs to see whether a Council can bind a successor Council with regard to expenditure. Mayor Gartland responded that when the project was presented to us, the County would pay for the entire project with Grant stimulus money. At the time there were no figures or numbers presented to us. Councilman Lawshe responded that three years ago we may have had the money but right now we do not. Discussions Ensued.

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REPORT OF COUNCILMAN COMMITTEE CHAIRMEN AND MEMBERS:

Councilman Murray gave an update on the Technology Committee. On Thursday the 22nd we have two confirmed vendors in regards to our phone system to see how we can move forward. As far as the DPW we have some leaks in the building that need to be addressed.

Councilman Hauser gave an update on the Personal Committee. We are in the process of selecting a new Administrator and CFO.

Councilman Dassing congratulated Caldwell College for a successful first 5K run to benefit Autism research and also to benefit their new Autism center. There were over 500 runners and three of our Police Officers, Sergeant Pellegrino, Officer Luszc and Officer Simmons ran in the race. Councilman Dassing reported on a Shared Service meeting that was this evening with West Caldwell. Councilman Dassing reported about different services that would be available between the two Communities. We have identified a report for 2003 which is called a Blue Shield report which talks about merging of Police forces and the ability to do that. We talked about their DPW mechanic doing the maintenance of our vehicles that we send out for repair and we might be able to supplement their staff with another part time staff.

Councilman Slattery thanked the Caldwell Police Department, Brad Palatucci and Matt DeAngelo for their assistance with her friend. Councilman Slattery gave an update on the Senior Advisory Committee that on Wednesday the 14th at the Community Center the County will be issuing Passports. There is a Blood Screening on May 11th at 8:30am. Councilman Slattery reported that the Board of Education sent there final budget to the State with a 3.71% increase. Various Discussions Ensued.

Councilman Norton gave an update on the Budget Committee. The Committee has decided not to introduce the Budget until April 27th. We will need to schedule a Special Budget meeting for next week. Councilman Norton reported on the Downtown Committee our Borough Attorney is working on a new Comprehensive Insurance ordinance that will be before the Council for review and an introduction on April 27th this will include new processes for anyone applying to utilize borough property for Downtown events. The Downtown Committee will be presenting for everyone's review and entertainment. The event will be a two day event to honor Grover Cleveland and the Hawaiian Restoration Day which is being sponsored by the Downtown Committee and the Kiwanis Clubs. On April 29th there will be a luau at the First Presbyterian Church the proceeds will be going to the Grover Cleveland Restoration. Various Discussions Ensued.

Councilman Lawshe gave an update on Kiwanis Oval. The bids have been sent out and seven companies have bided the job. Bids will be opened on April 27th. The start date should be by the end of May. Councilman Lawshe reported on the Police Committee. We have discussed a number of issues with the Chief Dombrowski. We spoke about the Overtime and we will be putting policies into place. Councilman Lawshe reported that he was approached from a Landscaper who is seriously interested in taking care of the Islands in town. He is interested in planting and maintaining the Islands. Councilman Lawshe reported that some discussions have been made about our Code Enforcement possibly taking over Fire Inspections in Town. Various Discussions Ensued.

Mayor Gartland read a statement that it is with mixed emotions that I announce that I will not seek re-election.

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REPORT OF ADMINISTRATOR/CLERK:

REPORT OF ATTORNEY:

NEW BUSINESS:

OPEN PUBLIC PORTION:

Lisa O'Neill, 19 Parkway West had a question about the benefits and how much the Town would be saving. Maureen Ruane, Borough Administrator responded \$4,931.00 a month. Councilman Norton responded that it is yet to be determined.

Joseph Testa, 22 Parkway East had a question on the sidewalk removal, trees being taken down and paving on Parkway East and West. Councilman Murray responded that it will be a one way to allow parking on both sides of the street. The exact amount of trees that are going to be taken down, I'm not sure about. Mayor Gartland responded that there would be approximately eighteen (18) trees taken down. Various Discussions Ensued. Pasquale Cappozzoli, 7 Parkway West had a question as to why they were not properly notified. He wants to make sure that everyone on our street will be notified when anything would be done on the street. Various Discussions Ensued.

Anthony Greci, gave an update on the wet down on June 19th from 2:00 to 8:00pm at Caldwell College.

Bob Christensen, Ravine Avenue asked the question whether the teachers opened their contracts or they did not. Councilman Slattery responded that her understanding was that they have not.

Mayor Gartland read the following statement: **BE IT HEREBY RESOLVED** in accordance with the provisions of N.J.S.A. 10:12 and 13, the public shall be excluded from the Executive Session of the Governing Body which is being held for the discussion of the following subject matters: 1. Pending or anticipated litigation or contract negotiation; 2. Personnel matters; 3. This Executive Session shall continue for an indefinite period of time and upon termination of the Executive Session, the Governing Body may choose to resume the public portion of the meeting. The discussion, which shall be conducted in closed session, shall be disclosed upon termination of litigation or contractual matter, upon resolution of the personnel matter with consent of said person or persons and as provided by N.J.S.A. 4-12 but in no case later than two (2) years from this date. These minutes shall be available as soon as the matter is resolved or not later than two years hence. Borough Attorney, Greg Mascara responds that the Executive Session will be discussion of potential litigation in regards to Faloni Property, Contract issues in regards to Water Operator and Personnel matters in regards to CFO, Borough Administrator and all openings in the Borough. On a motion made by Councilman Slattery, and seconded by Councilman Hauser, unanimously affirmed, the Council moved into Executive Session at 10:08 P.M.

The Executive Session was adjourned and upon a motion by Councilman Murray, seconded by Councilman Norton the Council Business Conference Meeting was opened to the public and the press at 11:46 P.M.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Murray, seconded by Councilman Lawshe, unanimously affirmed by all members present, the meeting was adjourned at 11:47 P.M.

Prepared by: *Lisa O'Neill*
Lisa O'Neill, Acting Municipal Clerk

May 25, 2010
Date