

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – June 22, 2010**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:07 P.M.

PRESENT: Mayor Gartland, Councilman Murray, Hauser, Dassing, Norton and Lawshe

ALSO PRESENT: Borough Administrator, Paul Carelli, Borough Attorney, Greg Mascera, Esq. and Acting Borough Clerk, Lisa O'Neill

ABSENT: Councilman Kay Slattery

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.

MINUTES: May 11, 2010

Moved by Councilman Hauser, seconded by Councilman Murray. On roll call, all present voted in the affirmative. The minutes were adopted June 22, 2010

PRESENTATIONS: Caldwell Public Space Recycling – Aaron Klein

PUBLIC HEARINGS:

Ordinance# 1211-10 - An Ordinance to Exceed the Municipal Budget Appropriation Limits for Calendar Year 2010 and to Establish a Cap Bank

Moved by Councilman Lawshe, seconded by Councilman Murray. Discussions Ensued. On roll call, all members present voted in the affirmative. Ordinance amended on 6/22/10.

Bob Christensen, 3 Ravine Avenue – talked about the parking to be from 12:00AM to 12:00AM. Asked about the location of the one sided parking.

Ordinance# 1210-10 - An Ordinance Amending Chapter 230 of the Code of the Borough of Caldwell, being the Section Governing Vehicles and Traffic.

Moved by Councilman Norton, seconded by Councilman Dassing. Discussions Ensued. On roll call, all members present voted in the affirmative. Ordinance amended on 6/22/10.

Ordinance# 1213-10 - An Ordinance Amending Chapter 37 of the Code of the Borough of Caldwell, being the Personnel Policies of the Borough, so as to modify the Section Governing Part Time Employment.

Moved by Councilman Lawshe, seconded by Councilman Hauser. Discussions Ensued. On roll call, all members present voted in the affirmative. Ordinance amended on 6/22/10.

Amy Piazza, 24 Erwin Place – concerned about ordinance #1215-10 and how it affects events especially the Farmers Market. I know there is a fee schedule for events we run on an average of nineteen (19) weeks and I am wondering how this will affect the Farmers Market for this year and for moving forward. Councilman Norton responded that there are different levels that are set forth. Your organization will need to sit down with the Borough Administrator and fill out the PUPPA form. This form will have the insurance requirements, fees and as well as discounts. Mayor Gartland responded that the Administrator can address this with you, your husband or Jerry Smith. Various Discussions Ensued.

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Ordinance# 1215-10 - An Ordinance to Amend the Borough Code, Chapter 101, Titled, Entertainment, Public, at Sections 1 through 23.

Moved by Councilman Norton, seconded by Councilman Lawshe. Discussions Ensued. On roll call, all members present voted in the affirmative. Ordinance amended on 6/22/10.

Ordinance# 1216-10 - An Ordinance Amending Chapter 182 of the Code of the Borough of Caldwell, being the Section Governing Registration and Inspection of Apartment Units.

Moved by Councilman Lawshe, seconded by Councilman Norton. Discussions Ensued. On roll call, all members present voted in the affirmative. Ordinance amended on 6/22/10

Doug Piazza, 24 Erwin Place – considering the three days that are left until the Farmers Market and I do wonder if there is any possible way that we can waive the fee for the Farmers Market this year. Since we have had a year of preparation and planning to get this up and running. We have not budgeted for any fees and I do have a concern that these fees will put a strong strain on this Farmers Market. Mayor Gartland responded that the Borough Administrator can take a look at it and work with you. Councilman Murray asked the question to Mr. Piazza who is the sponsor of the Farmers Market? Mr. Piazza responded that the Farmers Market is a committee of 5 people. The CDA & Project main street act as our sponsor as we are not a business entity. Councilman Murray asked do the proceeds that come from the Farmers Market help fund the Farmers Market? Mr. Piazza responded that the money that is generated from last year went right back into the Farmers Market this year for advertising, our banners, and tables. We run events for the children all the time. I put in over 200 hours of Volunteer time and we stand on our own. I am not a member of the Caldwell Downtown Alliance. I only work for the Farmers Market. Councilman Dassing responded that the Caldwell Downtown Alliance is the sponsor and they should be handling the fees.

Ordinance# 1217-10 - An Ordinance Amending Chapter A270-1 of the Code of the Borough of Caldwell, being the Schedule of Fees Charged by the Borough, so as to set the Permit Fee in accordance with the Chapter 101 of the Borough Code.

Moved by Councilman Norton, seconded by Councilman Hauser. Discussion Ensued. On roll call, all members present voted in the affirmative. Ordinance amended on 6/22/10

RESOLUTIONS:

6-137 AUTHORIZING THE ISSUANCE OF RENEWAL LIQUOR LICENSES FOR THE PERIOD JULY 1, 2010 THROUGH JUNE 30, 2011.
APPLICATIONS AND APPLICANTS HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS

Moved by Councilman Lawshe, seconded by Councilman Hauser. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted on 6/22/10

6-138 AUTHORIZING THE ISSUANCE OF A PERMIT FOR EXEMPT CANVASSER/ SOLICITOR IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE BOROUGH CLERK'S OFFICE.

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Moved by Councilman Lawshe, seconded by Councilman Hauser. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted on 6/22/10

- 6-139 Resolution approving LGA Engineering, Inc's Oval Improvement scope modifications by providing full time inspections during the critical periods of construction at the Kiwanis Oval in the amount of \$19,200 as agreed to in conjunction with the approval of the Borough of West Caldwell's Governing Body.

Moved by Councilman Murray, seconded by Councilman Hauser. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 6/22/10

- 6-140 AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH JUNE 22, 2010 FOR 2009 BILLS IN THE TOTAL AMOUNT OF \$2,655.50.

Moved by Councilman Lawhe, seconded by Councilman Norton. No Discussion. On roll call, Councilman Dassing, Norton and Lawshe voted in the affirmative. Councilman Murray and Hauser abstained. Resolution adopted on 6/22/10

- 6-141 AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH JUNE 22, 2010 FOR 2010 BILLS IN THE TOTAL AMOUNT OF \$1,046,849.25.

Moved by Councilman Lawshe, seconded by Councilman Norton. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 6/22/10

- 6-142 AUTHORIZING THE HIRING OF BOB BRENNACK AS CODE ENFORCEMENT OFFICER IN THE BOROUGH OF CALDWELL AT A RATE OF \$22.00 PER HOUR FOR 14 HOURS PER WEEK.

Moved by Councilman Lawshe, seconded by Councilman Norton. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 6/22/10

- 6-143 RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF WEST CALDWELL FOR JOINT DISPATCH SERVICES

Moved by Councilman Murray, seconded by Councilman Lawshe. Discussions Ensued. On roll call, Councilman Murray, Hauser, Dassing, Lawshe voted in the affirmative. Councilman Norton abstained. Resolution adopted on 6/22/10

- 6-144 AUTHORIZING ADOPTION OF EMERGENCY TEMPORARY APPROPRIATIONS FOR THE YEAR 2010.

Moved by Councilman Lawshe, seconded by Councilman Hauser. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 6/22/10

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6-145 RESOLUTION DETERMINING THAT THE 2010 BUDGET SHALL BE READ BY ITS TITLE ONLY AT THE PUBLIC HEARING

Moved by Councilman Murray, seconded by Councilman Hauser. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 6/22/10

6-146 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 Norton, seconded by Councilman Hauser. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 6/22/10

6-147 RESOLUTION RELEASING CALDWELL PLAZA, INC FROM THE OBLIGATION OF MAINTAINING A PERFORMANCE GUARANTY

Moved by Councilman Murray, seconded by Councilman Lawsh. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 6/22/10

PUBLIC HEARING OF THE 2010 MUNICIPAL BUDGET:

Tom O'Donnell, 32 Gladding Road – The analysis of absence liability in 2009 was \$769,000 and in 2010 \$933,000 can you explain why there is a 23% increase. Marge Cherone, CFO responded that composites gross number of days which is categorized by

Administrative offices, DPW Department and Police Department. Employees have a per diem and those days are multiplied by there per diem rate which calculates the value. There are changes throughout the year. Councilman Norton responded that there are various factors and he is not sure whether it can be shared with the public. Councilman Dassing responded that she would like to see a five year history.

Bob Christensen, Ravine Avenue – stated that he knows that a budget is needed but he doesn't know much about it. A lot of money is going around and not going in were it should go. I notice you saved \$175,000 on medical insurance and that goes back into the budget. How does one employee get a \$14,000 raise? Various discussions ensued.

REPORT OF COUNCIL COMMITTEE CHAIRMEN AND MEMBERS:

Councilman Murray reported on the Technology Committee and his meeting with Paul Carelli, Borough Administrator. As far as roads Parkway East and Parkway West are under construction and moving along.

Councilman Dassing reported on the Community Center. Teen nights are a big hit. There will a day in July and one in August and they will be having another one the last week of September. In October they will begin having them on the 2nd and 4th Saturday. Councilman Dassing reported that they had a Shared Service Meeting with Mayor Gartland, Councilman Norton and herself. Mayor Ed Abbott from Essex Fells, Councilman Pat Wahl, Councilman George Peck and Borough Administrator Francine Paserchia from Essex Fells were there. Mayor Joseph Tempesta also was in attendance. We spoke about positions opening in towns that can be shared. We will be getting together in another few weeks to discuss this further. Also, we talked about equipment with the DPW that can be shared.

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Councilman Norton reported that the DOWNTOWN has come up with a slogan or motto that they would like to put forth for the Council to review. It is Discover Caldwell pride in our past and promise for our future. We would like to post on the East end of Town, right in the middle and West side of Town on Bloomfield Avenue. There would be several different banner types throughout the DOWNTOWN. Councilman Norton gave an update on the Budget Committee. They are planning a meeting the week of July 6th. They would like to bring in several banks from the area.

Councilman Lawshe reported that the Fire Department had their wet down on Saturday. He commented on what a nice job Tony Greci did. The food was very good and a lot of people showed up.

Mayor Gartland thanked the Fire Department and Caldwell College for a terrific day.

REPORT OF ADMINISTRATOR:

Paul Carelli reported about the estimate tax bills. The average household will go up \$109.00. He reported that our CFO will be doing a Budget Analysis at the next meeting. The Caldwell Community Summer Camp revenue is up 9% from last year to this year. We are very pleased since there were some obstacles that we had to deal with.

REPORT OF ATTORNEY:

Greg Mascera reported that the definitions for the Recreation agreement are done. Paul Carelli and I have been focusing on Shared Services and other agreements. He thanked Paul and Lisa for being so helpful and making his job easier.

NEW BUSINESS:

Councilman Lawshe reported that the Kiwanis Oval is completely cleared. He suggested that everyone go and take a look on how quickly everything was cleared out in one week.

OPEN PUBLIC MEETING:

Bob Colaizzo, 7 Hatfield Street – asked the question to Councilman Lawshe on what is Joint Dispatching? Councilman Lawshe responded that when the phone call comes in it is directed to West Caldwell they will then dispatch to Caldwell. Councilman Dassing responded that Shared Service for Joint Dispatching has been since 2003. There is always a police officer in our building 24 hours a day.

Ann Marchioni, 85 Brookside Avenue – wished to thank the Council for allowing Mr. Klien from Greener Corners to do a presentation. We could be one of the first town's in West Essex to do this. Mrs. Marchioni also asked about the Faloni Property. She stated that there was a sign that stated 2-4 lots available. She has spent years stopping this from happening. What is the status right now? Greg Mascera responded that we are in a potential litigation that should not be discussed in Public. Various Discussions Ensued.

Karen Kleppe-Lembo, Caldwell Public Library, Director – reported that this will be the 10th year that we have partnered with the Camp Caldwell. Our kick off will be make a splash make a difference. Everyone who participates in the program will be bringing can food for the food pantry.

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Tom O'Donnell, 32 Gladding Road – asked the question whether Caldwell will be involved with the 2.5% cap. All surrounding towns have done so already. Mayor Gartland responded that the Governor's office contacted her today and they were commending the Council for the low increase in their budget.

On a motion made by Councilman Murray, and seconded by Councilman Norton, unanimously affirmed, the Council moved into Executive Session at 9:29 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. Greg Mascera responds that the Executive Session will be discussion of litigation of Patrick Toscano, discussion of personnel open position for Tax Collector and Contracts for the Joint Dispatch.

The Executive Session was adjourned and upon a motion by Councilman Lawshe, seconded by Councilman Hauser the Council Business Conference Meeting was opened to the public and the press at 10: 35 P.M.

6-148 Authorize the Borough Administrator to hire a Tax-Utility Consultant

Moved by Councilman Lawshe, seconded by Councilman Murray.

No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted on 6/22/10

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman , seconded by Councilman , unanimously affirmed by all members present, the meeting was adjourned at 10:36 P.M.

Prepared by: _____
Lisa O'Neill, Acting Borough Clerk

_____ Date