

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – January 26, 2010**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:20 P.M.

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

ALSO PRESENT: Borough Administrator, Maureen Ruane, 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.

INTRODUCTION OF ORDINANCES: ORDINANCE #1202-10

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 MODIFY THE AMOUNT OF FEES CHARGED FOR CERTAIN BOROUGH SERVICES

Moved by Councilman Lawshe, seconded by Councilman Norton. Discussion Ensued. On roll call vote, all members present voted in the affirmative. Ordinance introduced 1/26/10

PUBLIC HEARINGS: None

RECEIVING OF BIDS: None

APPROVAL OF MINUTES: January 12, 2010

Moved by Councilman Murray, seconded by Councilman Dassing, Discussion ensued. On roll call vote, all members present voted in the affirmative. Minutes approved 1/26/10.

Open Public Comment on Resolutions: The Mayor opened the public comment on resolutions at 7:25 P.M. Carla Marras, Wakefield Place, asked if resolution #1-35 was a paid position. The Mayor responded yes and the Borough Administrator reported it paid \$2000.00. Seeing no one else from the public wishing to be heard the Mayor closed the Open Public Comment on Resolutions at 7:26 P.M.

RESOLUTIONS:

1-28 Authorizing appointment of Gregory Mascera, Esq. as Municipal Attorney for the Year 2010.

Moved by Councilman Lawshe, seconded by Councilman Norton. Discussion Ensued. On roll call vote, Councilman Murray, Hauser, Dassing, Norton and Lawshe voted in the affirmative. Councilman Slattery abstained. Resolution adopted 01/26/10.

1-29 Authorizing the release of the performance bond for the K. Hovnanian's Hilltop Estates Parcel 2 Site Work Performance Bond #8816336.

Moved by Councilman Norton, seconded by Councilman Murray. Discussion Ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 01/26/10.

1-30 Authorizing redemption of tax lien certificate #09-00010, Block 36.04, Lot 5.04, 5 Domessina Lane, Unit E4, Caldwell, New Jersey 07006, Danielle Y. Yankova.

Moved by Councilman Lawshe, seconded by Councilman Norton. Discussion Ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 01/26/10.

1-31 Authorizing redemption of tax lien certificate #09-00016, Block 71.01, Lot 16, 31 Bowers Road, Caldwell, New Jersey 07006, O'Rourke, Nicholas & Mary.

Moved by Councilman Norton, seconded by Councilman Hauser. Discussion Ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 01/26/10.

1-32 Authorizing payment of bills and the issuance of checks for the period through January 26, 2010 for 2009 Bills in the total amount of \$109,527.28.

Moved by Councilman Norton, seconded by Councilman Slattery. Discussion Ensued. On roll call vote, Councilman Dassing, Slattery, Norton and Lawshe voted in the affirmative. Councilman Murray and Hauser abstained. Resolution adopted 01/26/10.

1-33 Appointing Anthony Grenci as the Emergency Management Coordinator for the Borough of Caldwell.

Moved by Councilman Norton, seconded by Councilman Murray. Discussion Ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 01/26/10.

1-34 Authorizing payment of bills and the issuance of checks for the period through January 26, 2010 for 2010 Bills in the total amount of \$588,283.23.

Moved by Councilman Lawshe, seconded by Councilman Hauser. Discussion Ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 01/26/10.

1-35 Authorizing appointment of Dawn R. SanFilippo, Esq. as Rent Board Attorney for the year 2010.

Moved by Councilman Murray, seconded by Councilman Norton. Discussion Ensued. On roll call vote, Councilman Murray, Hauser, Dassing, Norton and Lawshe voted in the affirmative. Councilman Slattery abstained. Resolution adopted 01/26/10.

OLD BUSINESS: Councilman Slattery requested that the Council respond to the letter from the Board of Health regarding the deer and Lyme disease problem. Councilman Slattery had questions regarding the resolution that was pulled two weeks ago for the \$5000.00 for the Caldwell Downtown Alliance. Councilman Slattery also asked if there would be a line item in the 2010 Budget. Councilman Norton stated to his knowledge it was not a line item in the 2010 Budget. Mayor Gartland suggested that the Attorney listen to the December 22, 2009 tape and make a recommendation to the Council. Councilman Hauser stated that in November of last year there was a shortfall of \$259,000 in the budget. Councilman Hauser reported that he received information from the Borough Administrator that we are in a shortfall of \$259,000 in the revenue that is an area that we discussed in prior meetings could have been addressed in 2009 and was chosen not to and it is one of those things that we need to pick up the pieces in 2010. Councilman Murray questioned if there are any guidelines regarding the revenue shortfall. Borough Administrator Maureen Ruane reminded the council that she sent out the

revenue ending numbers and after the reserve for uncollected taxes, added and omitted taxes and the resolution cancelling appropriations the borough was at a zero dollar shortfall for 2009.

REPORT OF COMMITTEE CHAIRMEN AND MEMBERS:

Councilman Murray - Reported that the Technology Committee met. Councilman Murray reported that he was provided with information regarding phone systems, cellular phones, laptops, web, credit cards, energy IT consultant etc. Councilman Murray stated that he has scheduled a meeting with Ray Sullivan this Saturday to discuss this information. Councilman Murray also stated that he has called the vendors to verify what is in their contracts. Councilman Murray also reported that he had a DPW Committee meeting with Mario Bifalco and there will be a follow-up meeting this Thursday.

Councilman Hauser – Reported that he has received many responses to the various posting that we have for different positions. Councilman Hauser stated he also reached out to Councilman Aiello of West Caldwell regarding recreation.

Councilman Dassing – Extended condolences to the Ferrara family. Councilman Dassing thanked Councilman Hauser for the suggestion for the discussion tonight regarding the goals and objectives. Councilman Dassing reported that the Caldwell Community Center Committee has met twice and it was decided that the Community Center will go green. This will be the last printed guide for the Spring, going forward the guide will be available on-line and registration will also take place on line. The Community Center Committee is working with the Technology Committee on streamlining the process. Councilman Dassing also reported that she attended a meeting on Saturday for newly elected and experienced officials. It was very informative. The New Jersey League of Municipalities website is a great resource. Councilman Dassing questioned why she was not informed of the Shared Services Meeting coming up.

Councilman Slattery – Extended condolences to Manny Ferrara and his family. All of Caldwell really lost a fine lady. Councilman Slattery reported that she has a Public Assistance Meeting in the morning.

Councilman Norton - Reported that they had their first Downtown Committee Meeting. Councilman Norton thanked the members of the Kiwanis and the Rotary and the CDA and the CMA. It was a very productive two hour meeting. Councilman Norton also reported that a sub committee will be put together to look into drafting an ordinance regarding insurance matters for use of Borough property. Councilman Norton also reported that the Caldwell Downtown Alliance and the Caldwell Merchants Association should become one organization. Councilman Norton reported that there will be another Downtown Committee meeting next week and he would like the Borough Attorney and Diane Lilli to attend the meeting. Councilman Norton reported that on February 9th they will start the pilot program with Caldwell College they are coming to video tape the council meeting at a test program. Councilman Norton reported that the Budget Committee has implemented changes in the Borough's policies that have a positive impact on our budget for 2010 of nearly \$500,000.

Councilman Lawshe - Reported that the Police Committee has had two meetings so far. First and foremost the committee is addressing the overtime situation. Last year the police overtime was \$163,400 which we all feel is way too high. The committee is working with the Chief to trim down the overtime. There have been discussions about possibly looking into auxiliary police. Councilman Lawshe reported that there is a new police car on the road.

Mayor Gartland – Reported that the Rotary has a foundation that is the RCC Endowment for Haiti relief effort. The Rotary has provided posters to go into local stores and the Community Center. Mayor Gartland also reported that the County,

Executive is having his 2010 State of the County Address on Tuesday, February 16th at the Essex County Hospital Center.

OPEN PUBLIC PORTION – Mayor Gartland opened the public portion of the meeting at 10:10 P.M. Ann Marchioni, Environmental Commission had questions regarding the Faloni Property. A question was raised by a resident of 59 Roseland Avenue for the Council to consider another revaluation of the property in Caldwell. Seeing no one else from the public wishing to be heard the Mayor closed the open public portion of the meeting at 10:36 P.M.

A motion was made by Councilman Norton and seconded by Councilman Lawshe to go into executive session.

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. On a motion made by Councilman Slattery, and seconded by Councilman Murray, unanimously affirmed, the Council moved into Executive Session at 10:37 P.M.

The Executive Session was adjourned and upon a motion by Councilman Norton, seconded by Councilman Slattery the Council Business Conference Meeting was opened to the public and the press at 12:50 A.M. All those previously in attendance were present.

Borough Attorney, Greg Mascera dictated a resolution into the record – Be it resolved by the Borough of Caldwell that Maureen Ruane be terminated as Administrator of the Borough and that her duties in conjunction in that position also be terminated upon 90 days formal notice to Mrs. Ruane. It also be resolved that Mrs. Ruane be terminated as Borough Clerk and that she receive 90 days notice of said termination as the Borough Clerk.

Moved by Councilman Norton, seconded by Councilman Lawshe. On roll call vote, Councilman Murray, Hauser, Dassing, Norton and Lawshe voted in the affirmative. Councilman Slattery voted in the negative.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Norton, seconded by Councilman Lawshe, unanimously affirmed by all members present, the meeting was adjourned at 1:00 A.M.

Prepared by: _____
Beth Bush Telepan
Deputy Clerk

_____ Date