

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – March 9, 2010**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7: 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:** Stephen Kehayes – NJDEP Office of Brownfield Reuse  
Ed Cuiba – Municipal Solutions

**Introduction of Ordinances: **ORDINANCE #1205-10****

**AN ORDINANCE AMENDING CHAPTER 270-1 OF THE CODE OF 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 Slattery, seconded by Councilman Norton. No Discussion. On roll call, all members present voted in the affirmative. Ordinance introduced on 03/09/10.

**PUBLIC HEARINGS:**

**ORDINANCE #1203-10 - An Ordinance to Amend the Borough Code, Chapter 230, Traffic and Vehicles, Section 230-59 Schedule V of the Borough Code Entitled, “Prohibited Turns at Intersections”.**

Moved by Councilman Slattery, seconded by Councilman Hauser. Discussion Ensued. On roll call, all members present voted in the affirmative. Ordinance amended on 03/09/10.

**ORDINANCE #1204-10 – An Ordinance to Amend the Borough Code, Chapter 230, Traffic and Vehicles, Section 230-62 Schedule VII of the Borough Code Entitled, “Stop Intersections”.**

Moved by Councilman Murray, seconded by Councilman Slattery. No Discussion. On roll call, all members present voted in the affirmative. Ordinance amended on 03/09/10.

**RECEIVING OF BIDS:** None

**APPROVAL OF MINUTES:** February 9, 2010

Moved by Councilman Hauser, seconded by Councilman Dassing. Discussion Ensued. On roll call, all members present voted in the affirmative. Minutes approved 3/09/10.

**OPEN PUBLIC COMMENT ON RESOLUTIONS:**

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RESOLUTIONS:

- 3-51 Authorizing the Borough Clerk to advertise and receive sealed bids for the Parkway East and Parkway West Roadway Construction
- Moved by Councilman Lawshe, seconded by Councilman Murray. Discussion Ensued. On roll call, all members present voted in the affirmative. Resolution adopted 3/09/10.
- 3-52 PULLED
- 3-53 Authorizing payment of bills and the issuance of checks for the period through March 9, 2010 for 2009 Bills in the total amount of \$230,143.20
- Moved by Councilman Slattery, seconded by Councilman Dassing. Discussion Ensued. On roll call, Councilman Dassing, Slattery, Norton and Lawshe voted in the affirmative. Councilman Murray and Hauser abstained. Resolution adopted 3/09/10.
- 3-54 Authorizing payment of bills and the issuance of checks for the period through March 9, 2010 for 2010 Bills in the amount of \$2,029,081.67
- Moved by Councilman Murray, seconded by Councilman Hauser. Discussion Ensued. On roll call, all members present voted in the affirmative. Resolution adopted 3/09/10.
- 3-55 Authorizing the issuance of a permit for exempt canvasser/solicitor to Said H. Elsayed, 1084 Main Street, Apt. 1, Paterson, NJ 07503.
- Moved by Councilman Hauser, seconded by Councilman Dassing. Discussion Ensued. On roll call, Councilman Murray, Hauser, Dassing, Norton and Lawshe voted in the affirmative. Councilman Slattery voted in the negative. Resolution adopted 3/09/10.
- 3-56 Authorizing the issuing of license for raffle to Caldwell College – On – Premise-50/50 Raffle, April 24, 2010 – 4:00PM
- Moved by Councilman Murray, seconded by Councilman Slattery. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted 3/09/10.
- 3-57 Authorizing the issuing of license for raffle to Caldwell Downtown Alliance – Off-Premise – 50/50 Raffle, May 23, 2010 – 6:00PM
- Moved by Councilman Murray, seconded by Councilman Slattery. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted 3/09/10.
- 3-58 Authorizing the issuing of license to Caldwell College – Off-Premise-Spring Raffle, June 17, 2010 – 3:00PM
- Moved by Councilman Murray, seconded by Councilman Slattery. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted 3/09/10.

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**OLD BUSINESS:**

Councilman Lawshe spoke about Mayor's Gala Ball. Two checks were written for \$9,370.00 and they never appeared on a bill list. I have spoken to the Mayor, other Councilman and the Borough Administrator these checks were written out of the Borough of Caldwell's trust account. The Mayor and Administrator stated that this money was a separate entity and it did not have to appear on a bill list. I have spoken to two surrounding towns and I have spoken to their Borough Administrator's. These Administrator's spoke to their auditors and they told them that yes this had to appear on the bill list. Councilman Lawshe stated that this was taxpayer's money and the Mayor's Gala did not have a separate bank account. Mayor Gartland responded that it was not tax payers' money but monies of people attending this Mayor Gala function. Mayor Gartland responded that if in fact you are making accusations then take it to the prosecutor's office and have it investigated. Mayor Gartland stated that Councilman Lawshe asked questions and she had answered the questions. Councilman Lawshe said that he spoke to three different auditors from three different towns and they said that it had to be on a bill list. Mayor Gartland stated that the reason that the monies were not given to the Library was because a 501 C3 foundation was not set up. That 501 C3 foundation was set up in September, 2009. It was two years after this ball took place. Councilman Dassing responded that according to a letter of determination provided by the IRS it was provided in May, 2008. Mayor Gartland responded that was an initial application that was made by the first group that started a foundation. It was not completed and it was not a corporation. Mayor Gartland explained that Ellen Feeney, was the attorney that set up the foundation, and made a second application which was properly submitted and properly approved. Various Discussions Ensued.

**REPORT OF COUNCIL COMMITTEE CHAIRMEN AND MEMBERS:**

Councilman Murray gave an update on DPW and stated that they did a great job on snow. Councilman Murray updated the council on the situation in the chief's office and another situation with the heating and the steam pipes. Councilman Murray is updated the council in regards to accepting credit card payments for sewer, water and tax bills.

Councilman Hauser gave an update on the West Caldwell Recreation Committee. Councilman Hauser reported that there is a twirling show on March 14<sup>th</sup> at the High School at 1:00PM. On March 27<sup>th</sup> at Essex Valley School 10:00-11:30 Easter egg Hunt. Councilman Hauser has received some budget information from West Caldwell Recreation which is on the expense side. He stated that he is still looking for information for the revenue side. Councilman Hauser gave an update on the Personnel committee. The committee has completed the first stage of the interview process for Administrator. The committee is ready to present four candidates to the Council at a special meeting. A special meeting will take place on March 16, 2010 at 6:00PM. for these interviews.

Councilman Dassing gave an update on the Community Center. The Community Center had a Rock n Roll on February 12<sup>th</sup> for Valentine's Day Party. There were games and

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dancing. Councilman Dassing gave an update on the Taste of Caldwell's 3<sup>rd</sup> Annual Event. This event will take place on March 14<sup>th</sup> at 4:00PM. They expect four hundred people to be in attendance.

What a Racket will be having an Ad in Benefit. This will benefit the Children's Institute, 10% of sales will be going to the Children's Institute and 20% of sales will be donated from Lorretta Borrat, from My Pal My Sibling Dolls. She will have her dolls there too.

Councilman Slattery gave an update on the Board of Education. The Board of Education reported that their Kindergarten registration is down this year. The Board of Education has designated April as Scholarship month. There were presentations by the physical education department which focused on fitness. The Board of Education has adopted a policy regarding diabetes management which actually is in conformity with State guidelines. They do not have all the state aid numbers yet, but expect to see a significant cut in all state aid. Any school district carrying a surplus over 2% will have additional monies taken away. Caldwell-West Caldwell school surplus is at 1.6%. Councilman Slattery hoped that it will not be a big impact to the school budget. Councilman Slattery gave an update on Senior Transportation Committee. The committee is working towards increasing the utilization of senior bus services by West Caldwell seniors. Councilman Slattery gave an update on the Senior Advisory Board to the council. Wednesdays will be Wii days at the center. Lunch will be served for approximately 140 people for St. Patrick's Day. The meat was donated by Villa Meats. Councilman Slattery reported that the Board of Health Committee is in need of two board members anyone interested in volunteering for that board can contact Maria Burak. The board has drafted some questions to ask the County about the deer population. Councilman Slattery also reported that it is a state requirement that you go door to door and canvas every home to make sure every dog has a dog license.

Councilman Norton gave an update on the Downtown Committee. The committee has set a goal to establish a sub-committee to review the Insurance ordinances. The subcommittee is comprised of one Councilman, which is myself and two residents who are Robert Linnett, Paula Sules and our Borough Attorney. Councilman Norton gave an update on the Hawaiian's. The committee has discussed the inclusion of the Junior High classes to come over and participate at the event to be held on April 30<sup>th</sup> at the Grover Cleveland Birthplace. The Committee has discussed having a luau celebration either on April 29<sup>th</sup> or May 1<sup>st</sup>. Councilman Norton gave an update on the Budget Committee he reported that there were two Budget Committee meetings since the last council meeting. The Committee has made some good strides in regards to cost cutting measures and are looking into additional revenue enhancements for budget year 2010. The committee will be meeting Monday's from 6:00PM to 10:00PM.

Councilman Lawshe updated the council on the Police Committee. The committee is working on positive things for the residents of Caldwell. A big money saver for the town will be the implementation of wanders for the court. The committee is recommending the borough hire auxiliary police at \$20.00 per hour. Councilman Lawshe predicted it would be a very big cost savings for the Borough. Police Chief Kurt Dombrowski responded that he has been to the Fairfield Court on two separate occasions and noticed

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that there were no police officers at court. Fairfield has hired retired Police Officers for court. Borough Attorney, Greg Mascera asked the Chief if they were licensed to carry weapons. Mr. Mascera asked the Chief to explain to him the difference of a license to carry as a civilian and a license to carry as a retired police officer. The Chief responded that if a police officer is retired naturally or medically they are authorized to carry a gun, but they must qualify twice a year at a certified range. Councilman Lawshe gave an update on a meeting with Officer Michael Pellegrino. Officer Pellegrino has started a sign project with the Chief and Officer Arnold. The Police Committee feels that this is something that we need to look at in the Borough. The signs need to be updated throughout the Borough. Councilman Slattery responded that the Senior Advisory Committee would like to have someone from their Committee sit on the Traffic Committee. Councilman Lawshe updated the council on the construction committee. The committee is in the process of discussions with Mr. Milani our code enforcement officer. There are many different things that the committee would like to put into place. These would pertain to some of the apartments in town and quite a few other things. Councilman Lawshe will get this information to Mr. Mascera tomorrow. Councilman Lawshe gave an update on the annual 3 on 3 Municipal Alliance Basketball tournament at the High School. The money goes to the Municipal Alliance which helps support the DARE programs in the school system.

Mayor Gartland reported that Caldwell was named a 2010 New Jersey Monthly top town. Caldwell was selected as one of the top ten towns in New Jersey by New Jersey Monthly. We are very proud and honored to have that title. The Borough is listed as number three and the Borough will continue to work hard to keep us in the top ten. Mayor Gartland reported that she had a meeting with Mayor Tempesta and the President at Caldwell College and their athletic director regarding the Kiwanis Oval. Caldwell College is very interested in becoming a partner in this endeavor and the Dr. Blatner, President of Caldwell College will be having a meeting this Thursday to begin the discussion as to exactly what the college's contribution will be. The engineers are nearing completion on the bid specification. CMX Company is in the process of putting together the final details. The Borough hopes to have the bids come in by the middle to the end of April.

**REPORT OF ATTORNEY:**

Greg Mascera reported that he has spoken to West Caldwell's Borough Attorney Mr. Lott on formalizing and agreement between Caldwell and West Caldwell and the drafting of an Oval Improvement Agreement between the municipalities. Mr. Lott had some interesting ideas and some questions. West Caldwell would like to take the lead as far as contracting and day to day administration of the improvement and the development. Mr. Mascera told Mr. Lott that he would present this concept to the Council and get a feeling as to what the Mayor and Council would like to do. Mayor Gartland responded that logically the Administrator will be gone, she has been and integral part of all the discussions and I don't know if the new Administrator would be up to speed so I would guess this is probably why they are requesting that West Caldwell be the lead agency. Mr. Mascera responded that Mr. Lott did not really give a reason other than that West Caldwell volunteered to be the lead and hoped that Caldwell would honor that wish. The two towns have discussed having a committee of four people, two from Caldwell and two

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from West Caldwell and then have a head of that committee and it was suggested that the that it should be Director of Recreation. Councilman Norton responded that since this project started in Caldwell and we took the lead and that the oval was located in Caldwell Caldwell should take the lead. Mr. Mascera responded that he did mention to Mr. Loti that the property is located in Caldwell and that there will have to be a lease agreement in place because West Caldwell will be unable to expend funds for property in another Municipality. The governing body also discussed the use of the field by Caldwell

College and how we would incorporate Caldwell College into the agreement. Mr. Mascera was directed by the governing body to relay back to Mr. Loti that Caldwell would like to remain the driver of the bus so to speak. Mr. Mascera reported that he spoke to Daniel Kaminski in regards to the February 9<sup>th</sup> letter signed by Susan Jacobucci. Mr. Kaminski asked that we put together a letter for the reasons we don't have a CFO in place. Mr. Kaminski also asked Mr. Mascera to include the names of people that we have previously interviewed. Mr. Mascera also reported that Councilman Dassing asked him to review the Historic Preservation ordinance. Mr. Mascera stated that it is very inclusive and is similar to other ordinances that he has worked with in other municipalities. Mr. Mascera's recommendation to the governing body is to refer this to the Planning Board and for the Planning Board to make a determination on whether a Historic district would be appropriate. If a Historic district is appropriate the Planning Board would do an amendment to the Master Plan and create that district. Various Discussions Ensued.

**New Business:** Councilman Dassing spoke about paying bills. On the resolution there is one lump dollar sum figure. Councilman Dassing is looking for a way in the resolution to break the number down for the residents to see that so much is for Board of Ed, Community Center, and Police, etc. Various Discussions Ensued.

**OPEN PUBLIC:** Mayor Gartland opened the public portion of the meeting at 10:28 PM. Leo Brady, 20 Gladding Road, for a long time this area was always called a township. For tax purposes perhaps sometime in the future we may have to come back together again.

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,

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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 Personnel on Beth Bush and Greg Seaman. Also, contract /litigation matter related to Faloni property. There will be litigation matters discussed in regards to the DEP that has been on going matter. On a motion made by Councilman Murray, and seconded by Councilman Slattery, unanimously affirmed, the Council moved into Executive Session at 10:31 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 12:49 A.M. All those previously in attendance were present. Borough Attorney, Greg Mascara dictated a resolution into the record about the matter of the Borough of Caldwell vs. The NJDEP that was filed in the New Jersey Office of the Administrated Law Docket # EWR09600-2005N were as the Borough challenged certain conditions contained in its New Jersey Pollution discharge elimination system issued by the NJDEP whereas the Borough has submitted a request in regards to certain fluid limits whereas the NJDEP has agreed to modify the permit in certain respects and whereas in the issue of resolving the matter the Borough and NJDEP have agreed to settle the matter be it resolved that the borough shall execute the stipulation of settlement that was prepared by the NJDEP. Motion to accept the resolution as dictated by Greg Mascera Councilman Murray, seconded by Councilman Norton, all in favor.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Murray, seconded by Councilman Norton, unanimously affirmed by all members present, the meeting was adjourned at 12:51 A.M.

Prepared by: Maureen Ruane  
Maureen Ruane, Registered Municipal Clerk

4/25/10  
Date