

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

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

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

ALSO PRESENT: Borough Attorney, Greg Mascera, Esq.

ABSENT: None

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: Charity Bookmarks Proclamation – Donald Meserlian
Update from CMX on Kiwanis Oval
Municipal Solutions – Ed Cuiba

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 Murray. No Discussion. On roll call vote, all members present voted in the affirmative. Ordinance amended 02/09/10.

PUBLIC HEARINGS: None

RECEIVING OF BIDS: None

APPROVAL OF MINUTES: January 26, 2010

Moved by Councilman Slattery, seconded by Councilman Norton. Councilman Hauser had one correction. The minutes were adopted on 02/09/10.

Open Public Comment on Resolutions:

Mr. Michael Rubin, 77 Brookside Avenue, had questions about resolution 2-44 appointing Glenn Beckmeyer as the Municipal Engineer, stating that a resolution had already been passed by the governing body at a previous council. Borough Attorney, Greg Mascara responded that this resolution was setting his fees. Mayor Gartland responded it's setting the contract. Mr. Rubin questioned why the Borough was doing it twice. We have an attorney adopting a resolution for fees at \$40,000 with a \$125.00 an hour and then on January 26th we gave him a raise of \$60,000 without rescinding the first resolution or authorizing renegotiation of those terms. Greg Mascara, Borough Attorney responded to the question by stating that it was done because in the original contract Mr. Beckmeyer role was limited. The new professional services agreement has a much broader scope. In order to make the payment more transparent as to what each person is paid.

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Mayor Gartland questioned if it is necessary for us to withdrawal the original resolution. Greg Mascara, Borough Attorney stated that the new resolution clarifies the role that Mr. Beckmeyer will perform. Mr. Rubin asked if the Council authorized the renegotiating of the terms of Mr. Beckmeyer compensation. Councilman Dassing responded that the Borough is doing it in the form of the resolution. Mr. Rubin asked who authorized the renegotiation of a resolution that was already adopted on January 1st that pays \$6,000.00. Councilman Lawshe responded that we never paid the Borough Engineer \$6,000.00. Greg Mascara, Borough Attorney responded that Mr. Beckmeyer is replacing Mr. Marucci and that Mr. Marucci was paid \$24,000.00 last year. Various Discussions Ensued.

Seeing no one else from the public wishing to be heard the Mayor closed the Open Public Comment on Resolutions at 8:48 P.M.

RESOLUTIONS:

2-36 Grant Agreement between Caldwell Borough and the State of New Jersey by and for the Department of Environmental Protection, Grant Identifier: PF10-118.

Moved by Councilman Murray, seconded by Councilman Norton. No Discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 02/09/10.

2-37 Authorizing redemption of tax lien certificate #9-00013, Block 54, Lot 1.10, 8 Westbrook Drive, Caldwell, NJ 07006, Connelly, Nguyen & Christine

Moved by Councilman Slattery, seconded by Councilman Murray. No Discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 02/09/10.

2-38 Authorizing redemption of tax lien certificate #09-00004, Block 16, Lot 6, 293 Bloomfield Avenue, Caldwell, NJ 07006, B.A.L. Realty, LLC

Moved by Councilman Slattery, seconded by Councilman Norton. No Discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 02/09/10.

2-39 Authorizing redemption of tax lien certificate #09-00002, Block 14, Lot 4.02, 64 Forest Avenue, Caldwell, New Jersey 07006, Thrope, Nolan & Carmella

Moved by Councilman Norton, seconded by Councilman Hauser. No Discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 02/09/10.

2-40 Authorizing payment redemption of tax lien certificate #09-00009, Block 36.01, Lot 5.02, 585 Bloomfield Avenue, #85 Caldwell, NJ 07006, Bassani, John.

Moved by Councilman Hauser, seconded by Councilman Murray. No Discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 02/09/10.

2-41 Authorizing the issuing of license for raffle to Mount St. Dominic Academy – On-Premises – 50/50 Raffle, June 7, 2010, 7:00 PM – 9:00 PM.

Moved by Councilman Murray, seconded by Councilman Slattery. No Discussion. On roll call vote, Councilman Murray, Hauser, Dassing, Slattery and Lawshe voted in the affirmative. Councilman Norton abstained. Resolution adopted 02/09/10.

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2-42 Authorizing payment of bills and the issuance of checks for the period through February 9, 2010 for 2010 Bills in the total amount of \$2,124,975.39

Moved by Councilman Slattery, seconded by Councilman Norton. Discussion Ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 02/09/10.

2-43 Authorizing payment of bills and the issuance of checks for the period through February 9, 2010 for 2009 Bills in the total amount of \$363,309.23

Moved by Councilman Slattery, seconded by Councilman Dassing. No Discussion. On roll call vote, Councilman Dassing, Slattery, Norton, and Lawshe voted in the affirmative. Councilman Murray and Hauser abstained. Resolution adopted 02/09/10.

2-44 Authorizing the appointment of Glenn Beckmeyer, P.E. as Municipal Engineer for the Borough of Caldwell

Moved by Councilman Murray, seconded by Councilman Lawshe. Discussion Ensued. On roll call vote, Councilman Murray, Hauser, Dassing, Norton and Lawshe voted in the affirmative. Councilman Slattery voted in the negative. Resolution adopted 02/09/10.

2-45 Authorizing the appointment of Nisivoccia and Company as the Borough Auditors for the Year 2010.

Moved by Councilman Lawshe, seconded by Councilman Hauser. Discussion Ensued. On roll call vote, Councilman Murray, Hauser, Dassing, Slattery and Lawshe voted in the affirmative. Councilman Norton voted in the negative. Resolution adopted 02/09/10.

OLD BUSINESS:

Councilman Norton spoke about the council meeting calendar that we currently have in place for 2010. He spoke about the article that he had read in the Star Ledger that the Borough Council meetings were ending at 1:00 am. He stated that the Borough will continue to have meetings until 1:00 am squeezing if we only hold two meetings per month. Councilman Norton asked the council to consider adding a third meeting each month. Mayor Gartland responded that if a third meeting is needed we can always call a special meeting that week. Various Discussion Ensued.

Councilman Hauser asked why the 2010 goals and objectives where not on the agenda. Councilman Slattery requested that it be put on the next agenda and allot time for discussion. Mayor Gartland suggested that we list it on the next agenda as the first topic of discussion.

REPORT OF COMMITTEE CHAIRMEN AND MEMBERS:

Councilman Murray gave an update on the Technology Committee. The committee is in the process of reviewing contracts, speaking to vendors for phone services, internet, the Borough website, email contract, reverse 911, cell phone agreements, time clocks, copiers, credit cards and channel 35.

Councilman Hauser gave a report on the Recreation Committee. Councilman Hauser is trying to get together with representatives from West Caldwell. Councilman Hauser reported on the search for a Borough Administrator.

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Councilman Dassing reported that she attended an Open Space Meeting. The committee is looking to fill two vacancies. Mayor Gartland suggested that anyone interested in becoming a member of this committee submit a resume to the Borough. Councilman Dassing stated that the Open Space Committee meets quarterly. Councilman Dassing reported the Mr. Peter Meschia spoke about the Faloni Property. Mr. Matthew Dank, Esq. from the Morris Land Conservancy told Mr. Meschia that the survey is clean meaning there are no encroachments existing on the property, that the Borough has received a no further action letter from the State which would need to be recertified every two years. Mr. Matthew Dank, Esq. also reported that the Forest Avenue property contract is near finalization. The Borough could expect funding from Green Acres if the house were to remain on the property. When Green Acres proceeds with a survey they will just exclude the house portion when the town purchases the property. Mr. Matthew Dank, Esq. inquired about the status of the Land Conservancy contract with the Borough. The committee also discussed the use of the property on Elm Road.

Councilman Dassing reported that the Caldwell Merchant Association is requesting that the Council discuss the possibility of extending the time for parking from 2 hours to four hours because the Merchant's are having a hard time leaving their stores and moving their cars. Mayor Gartland asked if the Merchant's have purchased parking permits. Mayor Gartland suggested that the Police Committee look into the feasibility of this request. Councilman Lawshe agreed with the Mayor. Councilman Dassing reported on the Community Center Committee meeting. Councilman Dassing reported that the committee is working on a new ad campaign and will get back to the council with more details. Councilman Dassing offered her thanks to Mr. Paul Miliani for arraigining the removal of all non approved newspaper boxes from the Bloomfield Avenue corridor by the Department of Public Works. There were fourteen newspaper boxes removed.

Councilman Slattery reported that the Board of Education had two social studies teachers present their curriculum. Councilman Slattery reported that the Board of Health is having another H1N1 Clinic on Thursday, Feb. 11th from 4PM – 7 PM. A \$25.00 fee will be charged. Councilman Slattery reported that the seniors had a pasta party today with the Builders Club from Grover Cleveland Middle School. Over fifty seniors were in attendance and served by the young adults from the Builders Club members. Councilman Slattery reported that Caldwell Live will be hosting "Thanks for the Memories" lecture which teaches seniors how to avoid hosting "senior moments" on February 22nd at 1:30 pm. On "Feel Good Friday" Caldwell Live will be hosting a Registered Nurse from Mountinside Hospital who will be discussing nutrition and exercise for seniors. Caldwell Live will also be hosting an event on March 4th and March 11th at 1:15 at the Caldwell Public Library. This event will help seniors write stories about themselves. A group of students from James Caldwell High School will be in attendance to help with the writing. There will be a Blood Pressure screening on Tuesday, February 16th at the Senior Center. The Board of Health met tonight and Councilman Dassing was in attendance to speak about the over population of deer in the Borough. The Board of Health will be requesting information from the County on how they plan to deal with this situation.

Councilman Norton wished the DPW, Police and Fire Department good luck with the upcoming snowstorm. Councilman Norton thanked the staff from Caldwell College for recording our council meeting. Councilman Norton reported that the Budget Committee will be having weekly meetings.

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Starting the week of February 22nd the committee is going to change the process of our Budget meetings from once a week to two times a week to get the budget paired down to the best of the committee's ability.

Councilman Lawshe reported that the Police Committee met a week ago and the committee gave Chief Dombrowski some ideas that the committee would like him to think about. The committee is concentrating on speeding and overtime costs. Councilman Lawshe reported on the shared service meeting that he attended on January 26, 2010 with the Mayor and Maureen Ruane which we hosted here in Caldwell. Five towns attended this meeting. Verona, Cedar Grove and North Caldwell did not attend the meeting. Also in attendance at this meeting were Police Chiefs and Borough Administrators. The main focuses were regional dispatch, merging courts and construction departments.

Mr. Jerry Smith, Caldwell Downtown Alliance handed out an extensive report from the CDA. Various Discussions Ensued.

Mayor Gartland reported on her meeting with Ray Shepard from the American Red Cross. On June 18th they are hosting their annual breakfast and they are looking for heroes in their local communities.

The Borough of Caldwell has issued a proclamation for the Boy Scouts of American recognizing that is has been 100 years since their formation and honoring the Boy Scouts for the programs they provide for our young scouts.

Report of Administrator:

The council was provided a sample resolution requesting the State Establish Municipal Service Fees to be paid by students attending Colleges and Universities with the Municipality. Councilman Norton is interested in putting this on a future agenda. Councilman Norton feels that the Borough provides many services to the college, such as, police, fire, roads etc. Councilman Norton does not think that assessing a fee of \$50 or \$100 per student is too much to ask for. Various Discussion Ensued.

The council was provided a sample resolution Opposing Senate Bill S-458 which calls for a referendum to consolidate the offices of municipal tax assessor and municipal tax collector, as well as health services and animal control services to the county. Councilman Murray requested that we wait until the Borough receives more information from the County.

The council was provided a sample proclamation for Dating Violence Awareness & Prevention Month in February. The council voted to issue the proclamation.

REPORT OF THE ATTORNEY: None

NEW BUSINESS: None

OPEN PUBLIC PORTION – Mayor Gartland opened the public portion of the meeting at 10:18 P.M. Mrs. Ann Marchioni, 85 Brookside Avenue told the council that kilowatt meters will be going into the Library and have been donated by Ace Hardware. Mrs. Marchioni stated they can be checked out like a book. Ms. Marchioni reported that we are the 2nd Municipality in the state to do this, Princeton

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is number one. Mrs. Marchioni read a letter regarding Open Space and the Faloni Property.

Mr. Michael Rubin, 77 Brookside Avenue, is concerned about the actions the governing body has been taking in the last couple of months and believes that it is unauthorized by Law. Mr. Rubin referenced the December 8th council meeting when a motion was made by Councilman Norton to interview for certain Borough positions. That motion was voted down with a 4 to 3 vote with the Mayor being the breaking vote. Mr. Rubin stated that three of the present council members went ahead and conducted those interviews anyway. Mr. Rubin asked what authority you can possibly have after a motion was voted down. Mr. Rubin stated that during the course of those interviews on December 28, 2009 an email that was sent from then Councilman Elect Hauser, setting forth an interview schedule and was sent to Mayor Gartland and Councilman Slattery. It stated, we have the following interviews set up for this week if either one of you would like to participate in the process. We would like to have you with us Peter, Ann, Gordon and I will participate. To avoid Sunshine Law issues we can only have one other sitting Council person or Mayor. That is directly in violation of the Open Public Meetings Act, NJSA 10:4-11. Various Discussions Ensued.

Mrs. Betros, 15 Gladding Road, spoke about the Faloni property and asked why the property has not been finalized. Borough Attorney, Greg Mascera responds because there are legal issues the property owner litigated the risk but did not eliminate the risk the property is still contaminated. The conditional no further action letter says explicitly that there are still unacceptable levels of contamination on the property. Various Discussions Ensued.

Mr. Michael Rubin questioned whether the governing body obtained an opinion from an Environmental Attorney or an Environmental Consultant? Mayor Gartland responded that the Borough has not. Mrs. Ann Marchioni read into the record a data sheet related to contamination. Councilman Dassing responded that the area that they are talking about is the wrong area. The area that is contaminated is in the other part of that property. Mrs. Marchioni responded that it is not in this letter. Councilman Dassing responded that DEP does not know it. There were truck loads of Macadam in 1998, 1999, 2000 from the Jack's parking lot that's thirty feet down. I know the truck driver that put it there.

Ms. Carol Keenan, 11 Knollwood Terrace responded that she certainly would have seen trucks with Macadam in them from my backyard dumping thirty feet down. Various Discussions Ensued.

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 Lawshe, and seconded by Councilman

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Norton, unanimously affirmed, the Council moved into Executive Session at 11:33 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.

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 12:59 A.M.

Prepared by: _____ Date _____
Maureen Ruane, Registered Municipal Clerk