

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – February 22, 2011**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:06PM

PRESENT: Mayor Dassing, Councilman Norton, Murray, Hauser, Piazza, Coyle and O'Donnell

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

ABSENT:

Adequate notice of this Council Business/Conference meeting was given on January 1, 2011. Notice was posted on the bulletin board on the first floor of the Borough Hall, One Provost Square, Caldwell, New Jersey on January 1, 2011. Four official newspapers of the Borough were notified of this meeting by mail on January 1, 2011. Notice was posted and all persons requesting notice were sent same.

APPROVAL OF MINUTES:

February 8, 2011

Moved by Councilman Norton, seconded by Councilman Piazza. No Discussion. On roll call, all present voted in the affirmative. Minutes approved 02/22/11.

INTRODUCTION OF ORDINANCES:

SUPPLEMENTAL DEBT STATEMENT – February 22, 2011

ORDINANCE #1231-11 - BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$150,000 FOR WATER SYSTEM IMPROVEMENTS IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$150,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

Moved by Councilman Norton, seconded by Councilman Murray. Discussions Ensued. On roll call, all presented voted in the affirmative. Introduction of Ordinance was approved on 02/22/11.

PUBLIC HEARING AND ADOPTION OF ORDINANCES:

The following individuals expressed their favor for Ordinance #1229-11 and #1230-11

Joseph Testa, 22 Parkway East
Bob Colaizzo, 7 Hatfield Street
Christie Berg, 95 Hatfield Street
Jim Ponezek 53 Arlington Avenue
Aaron Burrier, 77 Arlington Avenue
Marianna Murray, 63 Arlington Avenue
Alan Schindler, 95 Hatfield Street

The following individuals expressed their disfavor for Ordinance #1229-11 and #1230-11

Gary Flynn, 23 Hillside Avenue
John Kelly, Hillside Avenue
Karla Marris, 20 Wakefield Place
Lisa Nicol, 28 Erwin Place
John Finnegan, 25 Hatfield Street
Michael Pellegrino

Bob Christensen, 3 Ravine Avenue

Councilman Hauser thanked everyone who participated whether you were for or against the stop signs. It is encouraging that people are interested in something. He spoke about the stop signs on his corner and

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stated that looking out his window people don't stop at the stop signs. The issue is speeding and we need to address that on an enforcement level.

Councilman O'Donnell stated that the two stop signs on Brookside Avenue have slowed down traffic 100%.

Councilman Norton said it is great to see everyone involved. For the past two years we have put together a lot of different ideas and have done a lot of research and homework in the Traffic Committee. This year Council President Murray has said that we are going to take all that we have learned and bring that to the Public Safety Committee to address it as an actionable item. There will be less talk and more action.

ORDINANCE #1229-11 -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 Norton, seconded by Councilman Piazza. Discussion Ensued. On roll call Councilman Norton, Murray, Coyle and O'Donnell voted in the affirmative. Councilman Hauser and Piazza voted in the negative. Ordinance was adopted on 02/22/11.

ORDINANCE #1230-11 -AN ORDINANCE TO AMEND THE BOROUGH CODE, CHAPTER 230, TRAFFIC AND VEHICLES, SECTION 230-61 SCHEDULE VII OF THE BOROUGH CODE ENTITLED, "THROUGH STREETS".

Moved by Councilman Norton, seconded by Councilman Piazza. Discussion Ensued. On roll call Councilman Norton, Murray, Coyle and O'Donnell voted in the affirmative. Councilman Hauser and Piazza voted in the negative. Ordinance was adopted on 02/22/11.

RESOLUTIONS – CONSENT AGENDA

2-61: AUTHORIZING THE ISSUANCE OF LICENSE FOR MOTOR VEHICLE LOT LICENSE IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT, CONSTRUCTION DEPARTMENT AND THE BOROUGH CLERK'S OFFICE – Precision Motors

2-62: AUTHORIZING THE ISSUANCE OF LICENSE FOR MOTOR VEHICLE LOT LICENSE IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT, CONSTRUCTION DEPARTMENT AND THE BOROUGH CLERK'S OFFICE – RC Auto Sales

2-63: AUTHORIZING THE ISSUANCE OF LICENSE FOR MOTOR VEHICLE LOT LICENSE IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT, CONSTRUCTION DEPARTMENT AND THE BOROUGH CLERK'S OFFICE – Jamie Classic Cars

2-64: AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 10-00010 PAYABLE TO HAVVID DEVELOPMENT, LLC.

2-65: AUTHORIZING THE RETURN OF PREMIUM FOR CERTIFICATE 09-00003 PAYABLE TO:U.S. CUST-PRO CAPITAL, LLC.

CONSENT

Moved by Councilman Coyle, seconded by Councilman Piazza. No Discussion. On roll call, all present voted in the affirmative. Resolutions approved 02/22/11.

2-66: AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Caldwell-West Caldwell Education Foundation / On Premise –50/50 Raffle / April 3, 2011 – 4:00PM – 7:00PM

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2-67: AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Caldwell-West Caldwell Education Foundation / On Premise –Tricky Tray Raffle / April 3, 2011 – 4:00PM – 7:00PM

2-68: AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Caldwell-West Caldwell Education Foundation / On Premise –Merchandise Raffle / April 3, 2011 – 7:00PM

CONSENT

Moved by Councilman Coyle, seconded by Councilman Piazza. No Discussion. On roll call, Councilman Murray, Hauser, Piazza, O'Donnell and Coyle voted in the affirmative. Councilman Norton abstained. Resolutions approved 02/22/11.

2-69: AUTHORIZING THE AWARD OF A CONTRACT FOR OAK GROVE ROAD IMPROVEMENTS TO AIM CONTRACTORS INC., 71 LIBERTY STREET, PASSAIC, NJ 07055. IN THE AMOUNT OF \$84,397.00, BEING FUNDED BY CDBG 2010 GRANT IN THE AMOUNT OF \$82,450.00 AND THE BALANCE OF \$1,947.00 TO BE PAID FROM THE BOROUGH OF CALDWELL GENERAL CAPITAL IMPROVEMENT FUND

Moved by Councilman Coyle, seconded by Councilman Piazza. No Discussion. On roll call, all present voted in the affirmative. Resolutions approved 02/22/11.

2-70: AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH FEBRUARY 22, 2011 FOR 2010 BILLS IN THE TOTAL AMOUNT OF \$11,482.50

Moved by Councilman Coyle, seconded by Councilman Piazza. No Discussion. On roll call, Councilman Norton, Murray, Hauser, and Piazza voted in the affirmative. Councilman Coyle and O'Donnell abstained. Resolutions approved 02/22/11.

2-71: AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH FEBRUARY 22, 2011 FOR 2011 BILLS IN THE TOTAL AMOUNT OF \$235,799.65

2-72: AUTHORIZING APPOINTMENT OF JOAN PRANSKY, ESQ. AS RENT BOARD ATTORNEY FOR THE YEAR 2011

2-73: AUTHORIZING THE APPOINTMENT OF DARREN SINCLAIR AS A VOLUNTEER FIREMAN IN THE CALDWELL VOLUNTEER FIRE DEPARTMENT

2-74: AUTHORIZING THE BOROUGH CLERK TO PREPARE A REQUEST FOR PROPOSAL TO OBTAIN PROFESSIONAL QUOTES FOR ENGINEERING/INSPECTION SERVICES FOR THE LANE AVENUE WATER MAIN REPLACEMENT PROJECT

2-75: PULLED

2-76: AUTHORIZING THE ESTABLISHMENT OF THE 2011 FEES FOR THE CALDWELL COMMUNITY CENTER

CONSENT

Moved by Councilman Coyle, seconded by Councilman Piazza. No Discussion. On roll call, all present voted in the affirmative. Resolutions approved 02/22/11.

OLD BUSINESS: None

Councilman Norton – reported that the Community Development Committee met this morning in regards to Community Center. We were hoping to have information for the 2011 Budget but we are still waiting on some items to fill in the lines. The Planning Board had an application that was passed for Brookside Avenue the former Progress Building there will be a new Italian Restaurant. Our 2nd Annual Luau will take place on April 30th weather permitting under a tent at the Grover Cleveland Birthplace. There will be entertainment, a fire, roasted pig and a real party.

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Councilman O'Donnell – reported that there will be meeting with Paul Carelli, Marge Cherone and Council President Murray tomorrow night to review the preliminary budget. He will be reporting to the Council with that information.

Councilman Piazza – reported that there are still free radon kits at the Community Center and to see Maria to get one. The Borough's website is not really what it should be. I think it is safe to say that the website will be completely redone with absolutely no cost to the Borough. What you are going to see coming out on our website is you will be able to pay property taxes and water bills on line through the website. This will be off of a link that will be off the website. The way the program works is you will be able to pay with a check, ACH direct debit and there will be a small fee of \$1.05. You will be able to use a Visa credit card for a convenience fee of \$3.95. For those of you who want to rack up your miles on credit cards you can use them but however there is a more substantial fee to cover cost which is approximately 2.95% of your actual tax bill. As soon as we are up and running I will get the word out as soon as possible. I would like to let the Council know that the T1 line is in the process of being removed.

Councilman Hauser – reported on February 14th he had a meeting for the Senior Advisory Committee and in the past one of the concerns from Maria Burak was that there has to be 50 people to participate in the county lunch program. As a follow up since it is an Essex County program we will be opening up to other towns. Maria will be meeting with Montclair and other towns in the area. The problem seems to be Transportation. As far as the Personnel Committee we have had two meetings since our last Council meeting and we have been in discussion about the Insurance. We are waiting for Julie from Fairview to give us some other numbers. Once it is presented the Committee we will have Julie present to the entire Council with some of these options. As of February 1st the old plan expired our new rates are 15.7% health, 26.8% prescription and 17.23% dental those are significant increases over the existing plan. On the Recreation side there has been a proposal sent to West Caldwell to try and get a resolution to our Recreational Agreement.

Councilman Murray – reported that he has been in contact with Chief Greci and there are some disputed invoices to take care of. We are trying to slim down his Capital Budget. On Friday morning we will be meeting with Chief Dombrowski to go over something's. As far as the Rent Board we have appointed a new attorney this evening and her name is Joan Pransky.

Councilman Coyle – reported that they had a marathon with Public Works Safety Committee. We discussed a number of items like Lane Avenue Water Project and street improvements including Hatfield, Forest and Oak Grove Road. In April we will be switching over to automated water billing which will be on the same cycle as the tax billing quarterly basis. I have received my first Tree removal which is behind Trinity Academy.

Mayor Dassing – reported that she attended a Mayor's Breakfast with Congressman Frelinghuysen and twenty other Mayor's from surrounding area. He is still on the appropriation's Committee which is a good thing for Caldwell. The money for Community Block Grant has been severely cut and this is what we use a lot of our dollars to pave our roads and various other projects in Town. I also went to Trenton for the Legislative's Day for the Mayor's. The DCA is talking shared services and the DEP is talking Community and Customer friendly. There will be training their people to be more helpful rather than harmful. We had discussions about Governor Christie's initiatives for Health care reform and Pension reform. Some Mayor's had discussions and feel that the 2% cap is making towns do many things that they wouldn't normally do. Is it the tool answer, no but it was a good discussion. Mayor Gartland was awarded for her 25 years in service as a Councilman and Mayor.

REPORT OF ADMINISTRATOR:

Paul Carelli reported that most of his topics are in executive session. The Finance Committee had forward me a list of some outstanding items and you will be pleased to know that we will be

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able to address a lot of them. Some of the outstanding issues as far as the audit, finances and the Budget for this year, Marge and I will be talking about that tomorrow night.

REPORT OF ATTORNEY:

NEW BUSINESS:

Mayor Dassing spoke about the Rotary flag and asked Council if April would be a good date. After discussion the Council decided to wait and hear from the Rotary as to the month they would like to have the flag put up.

Councilman Murray spoke about the fee ordinances. He spoke with Lt. Driggs who suggested our Municipal court fees in violations to be increased which have not been increased for 8 to 9 years. We asked him to provide a list of what his recommendations were. The Committee recommends that we go along with the numbers he has proposed, which my understanding according to Lt. Driggs nears with what West Caldwell Municipal fees are. I would ask that everyone would review the chart in addition I think there are some construction fees and dog license fees. My suggestion would be to review it all and get comments back to Paul and look for introduction of an ordinance next meeting. Paul Carelli responded that there is a section for where the Construction official put a memo together with some examples. The Municipal court sheet that you were referring to if we have a consent on this our next step would be that we notify the Municipal Court and they would put that request into the assignment judge who would then come back and approve it. Once that is approved we can then introduce the ordinance with those changes. Councilman Murray responded that he thinks you need to put a resolution on first to approve it by Council then it would be submitted to the assignment judge. Paul Carelli responded that if we do this at the next meeting approving those changes for the court then that would go to the assignment judge. Once that's approved we can then introduce the ordinance. Greg Mascera responded we will put a resolution authorizing the fees subject to approval by assignment judge. That can be codified by virtue of ordinance.

OPEN PUBLIC MEETING:

Councilman Aiello, West Caldwell Councilman

It was so nice to see all the residents here to voice there opinion. I grew up in Caldwell and I lived at one of the intersections you guys are talking about. I am here to address the Mayor and Governing body. Councilman Hauser mentioned we were given a proposal regarding the Recreation shared service agreement. I would like to say that we are not represented by Counsel this evening nor are we here to negotiate an agreement tonight. In the agreement it does give a March 3rd date it doesn't say what happens after March 3rd. Mayor Dassing you hand delivered this letter to Mayor Tempesta on the 15th of February which was our last Council meeting; we don't meet again until March 1st. The only people that have this proposal is Jim Loti, our attorney, myself, Councilman Cecere and the Recreation Committee. We want to go on record asking to extend the date to which we have to respond. We respectfully ask this Governing Body to reconsider that date. The first time the Governing Body in our town will see this in on March 1st. We would like to extend an invitation to the Caldwell Recreation Committee to perhaps meet with our Recreation Committee prior to the March 1st date. Various Discussions Ensued.

Gordon Lawshe, 15 Elizabeth Street

I would like to bring to the attention of all the residents of Caldwell along with this Council an Ordinance #1189-08 that took place on October 14, 2008 for \$306,000 worth of various capital improvements, which was never used for its original appropriation, and this \$306,000 was cancelled for the purpose and acquisition of a Fire Truck. Some examples of these various capital improvements are on August 9, 2005 \$45,000 was appropriated for gutters and leaders for

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the Community Center and it was never done. \$505 was for the canopies for the Community Center. \$44,000 for roof and gutters at Borough Hall and on August 15, 2006 \$87,500 was appropriated for strong black coat for the parking deck. The Council and Mayor knew there were problems then and totally over looked it. The final cost to repair the parking deck was \$295,000. All this money was appropriated for major repairs and I am surprised that we used it to buy a Fire Truck. Why did we purchase a Fire Truck with all this money and let the repairs to the Borough fall by the waist side and go unnoticed. Here is my concern I did find out that there was one bid on that Fire Truck. That Fire Truck was over \$500,000. I find it hard to believe that there are not other Fire Truck Companies out there that wouldn't be interested in submitting a bid for a \$500,000 piece of equipment. Why was there only one bid returned on this. I'm curious to see who wrote the specs for this quote of the Fire Truck. I was told a Company called Federated was awarded the bid and I heard various rumors that there was a serious conflict on this purchase and that maybe someone from the Council should look into this rumor. Who was the salesperson who represented Federated on this buy? When I was on the Council I was told by our Fire Chief that the Borough can receive \$100,000 for the sale of the old Fire Truck before we bought this new one. That Fire Truck is still sitting in the Parking lot down below. Someone said to me that we can't even get \$10,000 for it now. I know from being on the Council last year \$90,000 was part of Revenue that we were counting on getting last year and we did not get. I would like to thank the Mayor and Council for letting me present this to you and if you have any comments I look forward to hearing from you.

Eric Levine, Counsel for PBA local 81

I am here today because of rumors we have heard about the health insurance potentially being changed. There has historically been a process that has been taken place in Caldwell when you issue a change in the health carrier the administrator and the PBA have sat down and basically worked it through. I was involved with that administration when the changes were made to the Oxford plan. The PBA has concerns at this point because we are basically hearing rumors except until tonight when we essentially had validation that Fairview will be bringing some information in regards to health insurance in the coming dates. Our concerns are if and when there will be a change in carriers and if so to what plans are being proposed. If there is, why a specific reason why that is being done. If it is for savings, what is the savings, how is the savings being achieved? What we are here today to say we would like to give our input to the extent we can to be involved in helping out. We have already gone out and explored some options and met with some professionals who have raised some ideas to us in ways to save costs in short of changing carriers. Various Discussions Ensued.

Joe DeBellis, 16 Gould Place

To passionate petitions have come before the Council this evening. The problem I have with this whole study is Michael Pellegrino was really not used by Council as a Policeman, as a Police traffic expert and allowed or asked to do his job. He should be representing the Borough of Caldwell that's who pays him, that's who sent him to school for his education that's who made him very qualified in traffic study and he wasn't used. I don't think it makes sense and it looks wrong for a policeman to have his uniform off and representing anybody from but our Town. I'm asking that in the future put him involved and have him do studies on anything you want to do on traffic studies, stop signs whatever it is. He has the qualifications to give an opinion to take it or not but he is our guy.

On a motion made by Councilman Murray, and seconded by Councilman Piazza, unanimously affirmed, the Council moved into Executive Session at 9:37 P.M.

Mayor Dassing 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

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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 potential litigation in regards to Sewer Plant, contract actions regards to Sewer Plant, Personnel issues including Librarian and Insurance issues contractual issues with Health Insurance, status of The Bridge, Recreation Agreement an update on Faloni Property and Forest Avenue.

The Executive Session was adjourned and upon a motion by Councilman Coyle, seconded by Councilman Murray, the Council Business Conference Meeting was opened to the public and the press at 11:51 P.M.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Norton, seconded by Councilman Norton, unanimously affirmed by all members present, the meeting was adjourned at 11:51 P.M.

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