

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – February 23, 2010**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:10 P.M.

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

ALSO PRESENT: Borough Administrator, Maureen Ruane and Borough Attorney, Greg Mascera, Esq.

ABSENT: Mayor Gartland

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: CMX – Kiwanis Oval

Introduction of Ordinances:

ORDINANCE #1203-10

An Ordinance Amending 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 Norton. Discussion Ensued. On roll call, all members present voted in the affirmative. Public Hearing will be held on 03/09/10.

ORDINANCE #1204-10

An Ordinance Amending 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 Murray. Discussion Ensued. On roll call, all members present voted in the affirmative. Public Hearing will be held on 03/09/2010.

PUBLIC HEARINGS: None

RECEIVING OF BIDS: None

APPROVAL OF MINUTES: None

OPEN PUBLIC COMMENT ON RESOLUTIONS: None

RESOLUTIONS:

2-46 Authorizing redemption of tax lien certificate #09-00014, Block 54, Lot 6.1701, 105 Roseland Avenue, Unit 1701, Caldwell, NJ 07006, Salerno, Alphonse & Alexander

Moved by Councilman Murray, seconded by Councilman Norton. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted on 2/23/10.

2-47 PULLED

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2-48 Authorizing the issuing of license for raffle to Caldwell/West Caldwell Education Foundation – On-Premises – 50/50 Raffle, March 14, 2010 – 4:00PM-7:00PM
Moved by Councilman Murray, seconded by Councilman Slattery. Discussion Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 2/23/10.

2-49 Authorizing payment of bills and the issuance of checks for the period through February 23, 2010 for 2009 Bills in the total amount of \$58,918.47
Moved by Councilman Lawshe, seconded by Councilman Norton. Discussion Ensued. Councilman Dassing, Slattery, Norton, and Lawshe voted in the affirmative. Councilman Murray and Hauser abstained. Resolution adopted on 2/23/10.

2-50 Authorizing payment of bills and the issuance of checks for the period through February 23, 2010 for the 2010 Bills in the total amount of \$1,496,172.41
Moved by Councilman Lawshe , seconded by Councilman Hauser. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted on 2/23/10.

Old Business: 2010 Goals and Objectives – Priority List

Councilman Hauser reported that he would like four selections by each council person off the list of 2010 Goals and Objectives Priority List.

Councilman Slattery – #1 pursue shared services, #2 have a CFO in place, #3 strategies for enforcement of 25mph speed limit throughout the town, #4 completions of the Kiwanis Oval and Borough Green projects.

Councilman Lawshe - #1 pursue shared services, #2 have a CFO in place, #3 creation of an Auxiliary Police force, #4 fiscal stability with long range planning.

Councilman Murray - #1 have a CFO in place, #2 complete the Kiwanis oval project, #3 25 mph speed limit throughout the town, #4 the ability of the individual P & L weekly updates and comparisons.

Councilman Norton, #1 fiscal stability with the long range planning, #2 aggressive downtown revitalization plan, #3 create the 25mph speed limit, #4 additional shared services.

Councilman Hauser, #1 additional shared services, #2 completion of Kiwanis Oval project, #3 fill CFO slot on a part-time basis, #4 accountability at the Department management level.

Councilman Dassing, #1 fiscal stability with the long range planning, #2 additional shared services, #3 create an historic commission, #4 hire a grant writer.

Councilman Hauser reported that the #1 selection pursue additional services from other towns, #2 fill the CFO on a part-time basis, #3 fiscal stability long range planning, #4 25 mph speed limit and the auxiliary police is tied. Various Discussions Ensued.

Councilman Slattery asked the Borough Attorney if he had a chance to look up the statute in regards to the Borough Engineer being appointed for three (3) years. Borough Attorney, Greg Mascera responded that the statute does state that the Borough Engineer position is a three year appointment. Ms. Ruane concurred that the statute states a three year term and that is how the Borough made the appointment and the engineer's contract reflects the same. Councilman Slattery stated that she was concerned that the prior Engineer was still under

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contract. Borough Attorney, Greg Mascera responded that he was not. Councilman Slattery also asked if we had any numbers on what the yearly cost savings would be by switching to the Oxford health benefits. Ms. Ruane reported that we should have numbers within the next week.

Councilman Murray asked whether we were going to continue to video tape council meeting. Councilman Norton responded that the borough will be required to make a minimal

equipment purchase that will be approximately \$1500.00 to be able to broadcast the council meetings. Councilman Norton said that the new equipment will interface with Comcast and Fios. Councilman Norton stated that Caldwell College students are doing the video taping as a work study program. Various Discussions Ensued.

Councilman Murray reported that the DPW has been working hard and doing a good job with the snow. Councilman Murray reported that the technology committee will try to schedule a meeting this week depending on the weather. Councilman Murray would like to hold a vendor day so he can meet with all the vendors currently doing business with the Borough in regards to computerization. Councilman Murray reported that that the Borough's website has been updated. Councilman Murray added that the prior governing body purchased software which makes our website quite extensive.

Councilman Hauser reported that the Recreation Committee will be having a championship game for the 5th and 6th grade boys on Saturday, February 27th at 10:00AM at the Middle School. On Tuesday, March 2nd at 7:00PM at the Middle School are the 6th, 7th and 8th grade girls. On Wednesday, March 3rd at 6:30PM at the Middle School is the 6th, 7th and 8th grade girls all-star game. On Wednesday, March 3rd at 8:00PM at the middle school 7th and 8th grade boys all-star game. On Wednesday, March 3rd at 7:30PM foul shooting awards for Al Josephson and Kay Slattery.

Councilman Slattery reported that the Board of Education meets in the beginning of the month. Councilman Slattery reported that most of the school districts will have severe cuts in the budget. She also reported that the Senior Advisory committee met last night and has selected the same slate of officers as last year. Councilman Slattery reported that the senior center has received a \$300.00 donation in memory of Mary Ferrara. The senior center will utilize this donation to buy additional Wii games. The senior center will be starting the first ever Wii Bowling tournament. Councilman Slattery stated that that they will use part of the money to have a plaque made in Mary Ferrara's honor to hang in the center.

Councilman Norton reported that the budget committee will be having their next meeting on Thursday, February 25, 2010 from 6:00PM – 10:00PM. The budget committee will be meeting once weekly for four (4) hours. Councilman Norton reported that the Downtown Committee has scheduled a meeting for Tuesday, March 2, 2010 to discuss forming an insurance subcommittee. The reason to form the insurance subcommittee would be to work on an extensive ordinance to present to the governing body shortly. Councilman Norton reported that he met with the County Executive, his Chief of Staff and Councilman Dassing. Councilman Norton explained that the group met to get some information on the Bloomfield Avenue and Roseland Avenue Intersection Project. Councilman Norton reported that another meeting would be set up with the new Engineer and someone from the County to discuss the upcoming project. Councilman Norton also reported that they discussed the idea of a borough wide 25mph speed limit. Councilman Norton asked Mr. Bill Edge who was in attendance at the council meeting to explain to the governing body about the Hawaiian Delegation that comes to Caldwell to celebrate on an annual basis at the Grover Cleveland Birthplace. Mr. Edge explained to the Council about the Hawaiian Delegation and how there are two doctors from Hawaii who come to celebrate Grover Cleveland each year.

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Councilman Lawshe reported about meeting with various subcommittees. Councilman Lawshe reported that Police overtime was the subcommittee's main concern. Councilman Lawshe reported that much of the police overtime was incurred due to court. The Police Committee is exploring using Auxiliary Police to be wanders. They would want the people before they go into the court. Councilman Lawshe reported that the subcommittee has met with a company for utilization of credit cards in the court. Councilman Lawshe also reported that there are numerous ordinances which we will be given to Mr. Mascera to look at and we can talk about at future council meeting. The committee has met with Tony Greci who is our Fire Chief and our OEM Coordinator for the Borough. Mr. Greci is accepting applications for new members and Junior Firefighters.

Councilman Dassing reported that she had a copy of a draft of a Historic Preservation amendment to the Master Code for the Borough of Caldwell. This would be an ordinance that would amend the Mater Plan and establish a Historic Preservation Commission with guide lines for the Borough of Caldwell. It was authored by a resident in Caldwell, Mr. Dave Cowell. Councilman Norton asked question of the Borough Attorney. Mr. Mascera stated that the designation would have to be voluntary one, once you volunteer and accept that designation any type of changes or modifications need to be approved. Borough Attorney, Greg Mascera responded that many times people would want their property not to be designated so when they sell the property it is not subject to those restrictions.

REPORT OF ATTORNEY:

Greg Mascera reported that the Towing Ordinance came about because the Company J&M Towing Company wanted to be considered as a towing service to the borough. Lisa O'Neill has received a letter from Mr. Polanger who is an attorney for J&M Towing and Ms. O'Neill has received an application and application fee. Mr. Polanger has inquired about this and Ms. O'Neill has spoken with the Chief and the Chief will ad J&M Towing to the Borough's list of official towing companies. Councilman Slattery asked Mr. Mascera if the council should vote on this. Mr. Mascera responded that the governing body has given the authority to the chief under the ordinance. As long as the criteria of the borough's towing ordinance are met they could not be rejected.

NEW BUSINESS:

Councilman Murray reported that New Jersey Monthly Magazine came out with a ranking out of 566 Towns and that Caldwell came in 3rd place. Councilman Murray stated that it is a great testament to the residents, employees, volunteers and the merchants in the Borough. Councilman Murray asked if we could reach out to Glenn Beckmeyer Town Engineer, Bill Frint from Water Department, Greg Seaman from the Sewer Department and Mario from DPW to see what issues that they know of and bring them to council. Councilman Murray asked if it was possible to get an update from Greg Seaman our Sewer Director.

OPEN PUBLIC-

Council President Dassing opened the public portion of the meeting at 9:25 P.M. Ann Marchioni, Environmental Commission stated that she heard there were some concerns

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about the Faloni property. Ms. Marchioni has contacted the office of Ground Field Reuse Department of DEP Green Acres Program, Mr. Pehase is specifically assigned to Essex County. Ms. Marchioni reads into the record a statute from the DEP. Concerning the future liability for Caldwell we are covered under the liability protection which will be available for Caldwell under the 1998 Ground Field and Contaminated Site relegation act N.J.S.A. 58:10-23.11G(D)(4). Ms. Marchioni has spoken with Environmental Tactics and found out that two years ago DEP revised the standards and the Borough is under the strictest standards in regards to the property. Mr. Pehase also stated that should the DEP change their regulations comparing what has already been remediate with future regulations, you compare what is done, what may happen in the future if only it's by order of magnitude then you are eligible for money to deal with that \$3,000,000 at year. Environmental Tactics would charge around \$5,000.00 for additional testing. Various Discussions Ensued.

Bob Christensen, 3 Ravine Avenue – gave a warning about removing snow off the top roof of cars. There was an incident on Bloomfield Avenue when snow fell off the car top and rushed onto the windshield of the car traveling behind him. Chief Dombrowski responded that in 2011 they would be able to hand out tickets for that offense. Mr. Christensen asked Councilman Norton about having three meetings a month. Mr. Christensen states that he totally agrees with having the three meetings. This would allow the residents to come to some of these meetings. Mr. Christensen stated that he does not agree with the council voting on terminating the administrator after hours when no one had a chance to express their disagreement. Mr. Christensen did not understand how Councilman Murray and Councilman Hauser voted on this when they just came on the council in January, they have never had the opportunity to work with administrator for 13 years to know what she has done and to see how she worked.

Councilman 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 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. Borough Attorney, Greg Mascara responds that the Executive Session will be discussion of Personnel will be for Antoinette Canova and Beth Bush. Also, the contract negotiation of the Essex Fells Sewer and Water Contract and the discussion of the CFO. On a motion made by Councilman Murray, and seconded by Councilman Slattery, unanimously affirmed, the Council moved into Executive Session at 9:40 P.M.

The Executive Session was adjourned and upon a motion by Councilman Norton, seconded by Councilman Hauser the Council Business Conference Meeting was opened to the public and the press at 11:28 P.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 Slattery, unanimously affirmed by all members present, the meeting was adjourned at 11:29 P.M.

Prepared by: Maureen Ruane
Maureen Ruane
Registered Municipal Clerk

4/23/10
Date