

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – March 8, 2011**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:07PM

PRESENT: Mayor Dassing, Council President Murray, Hauser, Piazza, Coyle and O'Donnell

ALSO PRESENT: Borough Administrator, Paul Carelli, and Borough Attorney, Greg Mascera, Esq.

ABSENT: Councilman Norton and Lisa O'Neill, Acting Borough Clerk

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 22, 2011

Moved by Councilman Piazza, seconded by Councilman Coyle. Discussions Ensued. On roll call, all present voted in the affirmative. Minutes approved 03/08/11.

RECEIVING OF BIDS:

Lane Avenue Water Main Improvements – Borough of Caldwell, Essex County, New Jersey

INTRODUCTION OF ORDINANCES:

Supplemental Debt Statement – March 8, 2011

ORDINANCE #1232-11 - BOND ORDINANCE PROVIDING FOR ROADWAY IMPROVEMENTS TO FOREST AVENUE IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$410,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$410,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Moved by Councilman Murray, seconded by Councilman Hauser. No Discussion. On roll call, all presented voted in the affirmative. Introduction of Ordinance was approved on 03/08/11.

PUBLIC HEARING AND ADOPTION OF ORDINANCES:

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 Hauser, seconded by Councilman Coyle. No Discussion. On roll call, all presented voted in the affirmative. Adoption of Ordinance was approved on 03/08/11.

RESOLUTIONS – CONSENT AGENDA

3-78 AUTHORIZING THE APPOINTMENT OF BOARD OF SENIOR ADVISORY MEMBER

3-79 AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Parents & Friends Association of Mount St. Dominic Academy / Off-Premise – 50/50 Raffle / June 6, 2011 – 7:00PM – 9:00PM

3-80 AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Caldwell-West Caldwell Lacrosse Club, Inc. / Off-Premise – 50/50 Raffle / April 16, 2011 – 9:00AM – 2:00PM

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3-81 AUTHORIZATION THE ISSUANCE OF LICENSE FOR MOTOR VEHICLE LOT LICENSE FOR AI Emmel Auto Body, LLC. IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT, CONSTRUCTION DEPARTMENT AND THE BOROUGH CLERK'S OFFICE

3-82 AUTHORIZING ISSUANCE OF A LICENSE TO OPERATE ELECTRONIC, MECHANICAL AND OTHER TYPES OF AMUSEMENT DEVICES; FOR Starz, Inc. t/a Ringside Pub APPLICATION AND APPLICANT HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS

3-83 AUTHORIZING THE REFUND OF A TAX OVERPAYMENT PAYABLE TO RAYMOND & DONNA BADACH

3-84 RESOLUTION ACCEPTING GRANT FUNDS FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FISCAL YEAR 2011 MUNICIPAL AID PROGRAM FOR FOREST AVENUE – SECTION 2 PROJECT

CONSENT

Moved by Councilman Hauser, seconded by Councilman Piazza. No Discussion. On roll call, all present voted in the affirmative. Resolutions approved 03/08/11.

3-85 AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH MARCH 8,2011 FOR 2010 BILLS IN THE TOTAL AMOUNT OF \$166,158.88

Moved by Councilman Hauser, seconded by Councilman Piazza. No Discussion. On roll call, Councilman Murray, Hauser, Piazza voted in the affirmative. Councilman Coyle and O'Donnell abstained. Resolutions approved 03/08/11.

3-86 AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH MARCH 8, 2011 FOR 2011 BILLS IN THE TOTAL AMOUNT OF \$3,286,207.23

3-87 RESOLUTION AUTHORIZING THE RECREATION SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF WEST CALDWELL

3-88 AUTHORIZING THE EXTENSION OF THE APPOINTMENT OF LISA O'NEILL AS THE ACTING BOROUGH CLERK UNTIL MAY 11, 2011 AND UNTIL HER SUCCESSOR IS APPOINTED AND QUALIFIED

3-89 RESOLUTION AUTHORIZING BUDGET TRANSFERS OF APPROPRIATION RESERVES FOR CALENDAR YEAR 2010

CONSENT

Moved by Councilman Hauser, seconded by Councilman Piazza. No Discussion. On roll call, all present voted in the affirmative. Resolutions approved 03/08/11

3-90 RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER TWENTY-SIX (26) FOR THE KIWANIS OVAL IMPROVEMENT PROJECT IN THE AMOUNT OF \$5,125.00 AS REQUIRED BY THE KIWANIS OVAL IMPROVEMENT AGREEMENT – NEW CONTACT AMOUNT \$1,796,225.71

Moved by Councilman Hauser, seconded by Councilman Piazza. No Discussion. On roll call, Councilman Murray, Hauser, Piazza, and Coyle voted in the affirmative. Councilman O'Donnell abstained. Resolutions approved 03/08/11.

OLD BUSINESS:

Fee Ordinance Status

Paul Carelli, Borough Administrator asked how the Council would like to proceed with the fee ordinance. It touches various committee's and responsibilities. Councilman Murray responded that the original list had the municipal fines which I think we submitted and it was proposed with what we were currently at and I think we were in agreement based on the Police Department. Councilman Piazza responded that it looks like that list encompassed so many different things it might make a lot of sense to break that up into smaller chunks potentially move things forward, off of that list, while waiting to determine what we are doing with some of the others rather than

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wait until we figure out what we are doing with the entire list. Councilman Murray responded that from Revenue prospective at least for next meeting, the Municipal fines, I would like to get that going.

**3-91 RESOLUTION AN INCREASE IN THE LOCAL SUPPLEMENTAL VIOLATIONS
BUREAU FINE SCHEDULE OF THE BOROUGH OF CALDWELL MUNICIPAL
COURT**

Moved by Councilman Murray, seconded by Councilman Piazza. No Discussion. On roll call, all present voted in the affirmative. Resolutions approved 03/08/11.

Light Duty Policy

Paul Carelli, Borough Administrator reported that the light duty policy was what the Police had proposed. I passed out a draft and there were some recommendations from our Borough Attorney as well as our Labor Attorney. I did forward that over to the Police and I just got it back this afternoon. The light duty policy is basically if you are out on some kind of disability were maybe you can't perform your duties but you can come in and do light duty including office work and administration. This is a policy that the Police would like to see and put into affect. Greg Mascera responded that ultimately it would be up to the Council to determine whether the Council would authorize that policy. Councilman Murray responded that he would like to get the documents of what they think it should be and present it to the Police Committee and get their feel of what they think and bring it back to the Council and make a determination at the next meeting.

Councilman O'Donnell reported on the Finance Committee we will be having a Finance meeting this Thursday and we will be presenting a preliminary budget on the 22nd of this month.

Councilman Piazza reported on the Senior Transportation Committee. The committee is requesting that we consider making a change to the salary ordinance. The substitute drivers require a CDL license endorsed with a P which is limiting on who can drive these buses. It has driven the price above what our threshold is. Currently they are limited to go over no higher than \$10 an hour and they are not even getting anyone to think about it. They are asking to change that to \$20 an hour which would put them more in line to compete and bring on some of these drivers. The good news is that what they are budgeted it really should not cause any increase in the amount of monies the committee would need. They just need to offer some additional money to hire these people and it should not cost us or any of the participating towns anything additional to accommodate that. They are starting to look at the possibility of replacing the bus we currently have. The bus is going on 10 years old. There are different programs out there that might be able to get us grants through these programs. There are three other towns that contribute into this and this will be going before these towns to see if they are willing too. Councilman Murray asked the question what other towns are involved. Councilman Piazza responded Roseland and West Caldwell. Apparently in the past I believe we all owned the bus but currently Caldwell owns this bus. We might want to consider purchasing a bus again or having it as a joint thing with the three participating towns. To have a new bus it would be about \$60,000 which would be \$20,000 for each town and they are looking to do this in 2012. Councilman Hauser asked if it is possible to get a bus and use a bus when we need it. Can we think about renting a bus as oppose to buying one. Councilman Piazza responded that this bus runs daily there are routes set up all across the town's different points and different places.

Councilman Hauser reported that the Personnel Committee with respect to the Library there was a Library meeting last Tuesday. The Library Board has moved forward to placing an ad for a Librarian. It seems that we have made progress with coming to an agreement with West Caldwell in regards to the joint Recreation agreement between both Towns.

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Councilman Murray reported that they had a meeting with the Police Chief we discussed twenty or more topics. Prior to that meeting we had a meeting with two members of the PBA to discuss the contract. It was a positive meeting and we have agreed to get back to them with some numbers and hopefully more sit downs. We have two meetings set up with them next week one has to do with a vendor E-tickets and we will be sitting down with them. We are going to start the meet and greet where the committee will have the opportunity to meet the officers and get their input. As far as the Board of Health I did receive a complaint from a resident on Central Place which has been forward over to the Board of Health and to Paul Milani.

Councilman Coyle reported that there will be a pre-construction meeting scheduled for Thursday the 10th prior to the start of the Oak Grove Road Improvements. I spoke to Mario today and he is out on the Road beginning work preparing all of the many potholes showing up all over the Town. There is some consideration to giving a date change for Recyclables we are thinking on Thursday instead of a Monday. Councilman Murray asked the question if we are obligated to pickup at every business. Greg Mascera responded that he believes we are but he will have to check. Various Discussions Ensued.

Councilman Coyle reported that the committee met with representatives with PSE&G on Friday, March 4th to discuss natural gas infrastructure in Town. There are six minor leaks that have been reported and are currently being investigated in addition to some repairs that have taken place on Hatfield, Westville, and Forest and most recently on Bloomfield Avenue. They reported that one main break on Oak Grove Road in 2010 and two major leaks 2011 are considered extremely low in comparison to some of the other Towns that are serviced in this district we belong to the Orange district. The reason we called them in was to make sure that we were not seeing an abnormally high number of issues in the Town. They did insure that they do a number of routine checks throughout the year there is a leak mobile that drives around once a year throughout the town to see if there are any leaks that can be discovered that way. They do a survey in the Business area and they also do a survey on foot every three years. We asked them to make sure that they notify the Borough Administrator when they are going to be in the Town doing work We asked them to provide a leak history for the town to see if there are problem areas that are existing. We had a Utility meeting to discuss the Sewer Utility and the steps of construction project at the Sewer plant and the discussion and the outcomes of that will be discussed in Executive Session.

Mayor Dassing would like to take this time to express their condolences for Councilman Hauser and his family for the loss of his Mother. We are all thinking of you and we are very sorry and if there is anything we can do to help no matter if it is small or big we will help. Thank you to Rob Patterson and his fabulous staff at the Community Center for the open house for camp on Saturday from 2:00 – 5:00PM. They also had Family movie night from 5:00 – 7:00PM were Toy Story 3 was playing with about 50 people in the pool on fun blow up rafts. From 7-10:00PM Teen night and they were expecting over 100 teenagers. She also wanted to recognize Rob Patterson and Jessica, Aqua Director for staying open 2 hours in the pool for the Special Olympics. We have 21 volunteers which are one on one for children ages 5 – 17 years old. Our program is one of the largest in the Northern, New Jersey. There are really great things going on and I think it puts the word Community back into the Community Center and I just wanted to recognize their efforts and to wish them all the best and to keep up the good work. Speaking also of the Community Center, Mayor Jerry Fried and Councilman Murnick from Montclair wanted to see the Community Center and everything we offer. Montclair does not have a Community Center. There might be a way for us to share services. When we are talking about Transportation they have a bus so there might be something that we can work out there. For starters they would like to bring up between 10-20 seniors for the senior lunch program. We are working possibly to create a program were maybe the seniors would come up and have lunch and then go into the pool and swim a special membership for Montclair.

REPORT OF ADMINISTRATOR:

Paul Carelli reported that yesterday we had Janet come in and started taking photographs of all the employees. I would like to incorporate the ID batch for the employees. Mayor Dassing

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responded that it is a volunteer service and she would like to thank Janet for that. Councilman Piazza responded that maybe we can incorporate that same thing and put pages on the Borough site to help identify the people in town with who is here.

I am trying to close out the Oval as far as the construction of that. We did have a change order tonight a resolution for grooming the field. There will be another change order in June to come back and do it again. Other than that I met with Mario and Gabe we went over the list basically everything is done. I did supply as part of your package the change orders and the status. At this point in time we owe Applied Landscaping about \$39,000. I will be recommending in two weeks from now that we pay them but before we do that we have just one issue with the netting that has to be repaired. Councilman Murray asked the question if we have sent a bill to West Caldwell for all of these additional items. I know we had the final number. Paul Carelli responded that we actually don't have the final number. I spoke to Applied and working out the final details and change orders so we can get the final number. As far as West Caldwell they have made two payments, the original down payment, there was a first invoice which we know they paid. There was a second invoice that is pending and there will be a third one which will be the final closeout which I am trying to determine at this point what that actually is. All the Engineering services through Birdsall have been paid in full so it's just this last payment. I just have to rectify the netting. Councilman Hauser responded that he knows there were a number of problems with seaming on the surface. Paul Carelli responded that they have all been addressed. Prior to the next meeting I will have a total analysis of everything that was spent. Various Discussions Ensued.

Paul Carelli reported that they had two meetings this week in regards to Health insurance. One of the firms we met with was recommended by our PBA. At our last meeting they had made some suggestions and we took those suggestions and we had a very good meeting. We also met with another individual that Councilman O'Donnell recommended and I thought both were very good had some ideas and were very informative. I did pass along some of the information that they need and they were going to supply us with some quotes. Mr. Carelli passed out to Council a new requisition form to be used in regards to purchasing. This is part of new policy that he is putting together along with the CFO. Councilman Hauser asked the question as to whether Edmunds would be able to incorporate something like this electronically as to oppose having paper floating around. Paul Carelli said he will find out. Councilman Piazza responded to Councilman Hauser if Edmunds does not when we look to move forward we can do something like that in other aspects it is very easy. So we could actually have exactly what you asked for just with a document in a document portal area within the site like an internet within the Borough. Paul Carelli reported that we were able to flip the switch and all our receipts are being posted to the General Ledger in Edmunds. We will actually be able to get a report with revenue and expenditures on the same report. The last thing I forward to Council the survey of health as far as benefits go so you can take a look at that.

REPORT OF ATTORNEY:

Greg Mascera reported everything will be discussed in Executive Session.

NEW BUSINESS:

Mayor Dassing reported that the Kiwanis Beefsteak Dinner will be held this Saturday night at the North Caldwell Community Center. Tickets are \$35.00 and I heard the steak is to die for. Tickets include Wine and Beer. You can still purchase tickets at Kiwanis.org. Also, she spoke to Lauren our television person that we believe on Tuesday we will be meeting with Comcast to discuss televising our meetings. Hopefully we will be able to get this going soon.

OPEN PUBLIC MEETING:

James Jorgensen, Liaison for Essex County, the County Executive and the office of the Small Business Development in terms of action basically had their grand opening of their Essex County Small Business Development Resource Center and Reference Library. It is a one room resource

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center it basically has about 500 books on marketing, starting a business, developing a business plan, financial services, and it's tied into the Essex County bonding readiness program. They have three computer terminals that allow you to utilize all the information and also research on line. It's the first of its kind and there is nothing like it in the State of New Jersey. It's by appointment only. Also, the 35th Annual Cherry Blossom Festival is coming soon. I have a bunch of handouts for you.

On a motion made by Councilman Murray, and seconded by Councilman O'Donnell, unanimously affirmed, the Council moved into Executive Session at 8:28 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 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 Faloni litigation, sewer contract sewer utility, the status of the sewer plant contract, Forest Avenue/The Bridge property and PBA update.

The Executive Session was adjourned and upon a motion by Councilman Coyle, seconded by Councilman Piazza, the Council Business Conference Meeting was opened to the public and the press at 9:59 P.M.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Coyle, seconded by Councilman Piazza, unanimously affirmed by all members present, the meeting was adjourned at 9:59 P.M.

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