

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

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:04 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: Essex County – Bloomfield Avenue/Roseland Intersection Project
CMX/Birdsall Engineering
John Scheri – Contract Modification – CM-002

Introduction of Ordinances: None

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 03/23/10.

Receiving of Bids: None

Approval of Minutes:

Open Public Comment on Resolutions:

3-59 Authorizing refund of overpayment of 2009 taxes for Block 42, Lot 4.14, 147 Westville Avenue, Caldwell, NJ 07006, Pavel, Koldachenko

Moved by Councilman Slattery, seconded by Councilman Murray. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted on 03/23/10.

3-60 Authorizing refund of overpayment of 2007 taxes for Block 35, Lot 15, 31 Francis Place, Caldwell, NJ 07006, Shawn & Pamela Rudden

Moved by Councilman Slattery, seconded by Councilman Norton. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted on 03/23/10.

3-61 Authorizing issuance of a license to operate electronic, mechanical and other types of amusement – 9 Pool Tables – Ringside Pub

Moved by Councilman Slattery, seconded by Councilman Hauser. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 03/23/10.

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

2 of 6

- 3-62 Authorizing issuance of a license to operate electronic, mechanical and other types of amusement – Trivia Game – Ringside Pub
Moved by Councilman Slattery, seconded by Councilman Murray. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted on 03/23/10.
- 3-63 Authorizing the issuance of two (2) taxicab licenses to Caldwell Taxi, Co., Inc., 570 Bloomfield Avenue, Bloomfield, NJ 07003
Moved by Councilman Murray, seconded by Councilman Lawshe. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted on 03/23/10.
- 3-64 Authorizing the issuing of license for raffle to Caldwell College – Off-Premise-Holiday Raffle, December 15, 2010 – 3:00PM
Moved by Councilman Hauser, seconded by Councilman Slattery. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted on 03/23/10.
- 3-65 Authorizing payment of bills and the issuance of checks for the period through March 23, 2010 for 2009 Bills in the total amount of \$59,420.67
Moved by Councilman Norton, seconded by Councilman Slattery. No Discussion. On roll call, Councilman Dassing, Slattery, Norton and Lawshe voted in the affirmative. Councilman Murray and Hauser abstained. Resolution adopted on 03/23/10.
- 3-66 Authorizing payment of bills and the issuance of checks for the period through March 23, 2010 for 2010 Bills in the total amount of \$368,324.60
Moved by Councilman Slattery, seconded by Councilman Murray. Discussion Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 03/23/10.
- 3-67 Authorizing Birdsall Services Group (BSG) to complete the terms of the Engineering Services for Proposed Synthetic Turf Field at the Kiwanis Oval previously awarded to CMX Engineering.
Moved by Councilman Slattery, seconded by Councilman Norton. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted 03/23/10.
- 3-68 Authorizing the Borough Clerk to advertise and receive sealed bids for the Kiwanis Oval Field Improvement Project.
Moved by Councilman Slattery, seconded by Councilman Norton. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted 03/23/10.

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

3 of 6

OLD BUSINESS: None

REPORT OF COUNCILMAN COMMITTEE CHAIRMEN AND MEMBERS:

Councilman Murray gave an update on the Technology Committee. We have a maintenance contract for the recording machine which is about \$1300.00. They will be here to do a maintenance check on the machine. Councilman Murray reported that Mario and Mr. Beckmeyer have been looking at Borough Hall investigating the structure. West Caldwell used their camera so they could see under the building. Councilman Murray reported on the Board of Education. They are introducing there budget at 3.71% total tax levy. This includes there cuts.

Councilman Hauser gave an update on the Recreation Committee. Annual egg hunt will be at Essex Valley School. Councilman Hauser had the opportunity to speak with Councilman Aiello who is the chair for West Caldwell, Gordy Burchac and Gabe Demassi from the Recreation Department. They discussed some of the budget information as well as some of the plans and changes that they are contemplating. Councilman Hauser reported on the position of Administrator which will be continued in Executive Session.

Councilman Dassing reported about the Taste of Caldwell and she thanked all the restaurants that were involved in the event. Councilman Dassing gave an update about the Shared Service Committee. There will be another meeting scheduled next week. The Caldwell Community Center Committee meeting will be scheduled next week also.

Councilman Slattery gave an update about the Municipal Alliance 3 on 3 Basketball Tournament. The fundraiser is Friday night, March 26th. Donations are still being accepted please can Maria Burak. Councilman Slattery gave an update about Caldwell Library and the Big Read will be sponsoring Earth Day with an Art & Photography Contest. All entries are due by April 27th. Contest is open to all students grades K-12 and college students. Cash prizes for the winners in each category. There will be an Awards Ceremony to be held on May 11, 2010 in Borough Hall.

Councilman Norton gave an update on the Downtown Committee. The insurance sub-committee had a meeting which included Greg Mascera, Borough Attorney, Zach from Fairview Insurance, and Robert Linette, Insurance broker for the Street Fair. They are in the process of putting together an Insurance Ordinance that we would be presented to council at the April 13th meeting in hopes to have in place by May 1st. Councilman Norton thanked Phil Levecchia and Gordon for coming this evening and putting on a presentation in regards to Roseland Avenue and Bloomfield Avenue. They have put forth a clearer picture for everyone to understand the scope of the project. This will have a positive impact on the Downtown. Councilman Norton gave an update on the Hawaiians visit. The Downtown Committee is in the process of putting together some information for the Caldwell Hawaiian Day. We are looking to have a day long program involving the students from St. Al's, the Grover Cleveland Birthplace and possibly putting together a luau in their honor with cooperation with the Kiwanis and Rotary. Councilman Norton gave an update on the Budget Committee. They received word that we have lost 20.45% of our State Aid, approximately 175,000. The committee is looking into ways to reduce the expenditures and appropriations prior to our Budget introduction of April 13th.

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

4 of 6

Councilman Lawshe gave an update on Police Committee. They will be meeting this Friday in regards to the Police Budget. The court will be putting together a recommendation at the next council meeting for credit cards to be used for Municipal Court. Marilyn Reeve, Court Administrator has spoken to three different banks. Councilman Lawshe gave an update on the signs throughout the Borough. I have met with Sergeant Pellegrino, Chief Dombrowski, Councilman Murray, and Dassing to discuss an extensive report that will show were we need signs throughout the Borough.

Mayor Gartland gave an update about the Big Read. Unfortunately we have missed tonight's Christopher Bing the illustrator of The Midnight Ride of Paul Revere who was speaking at Mount St. Dominic's new performing Art's Center regarding his illustrations and some of his concepts. I had the opportunity to meet him and to hear his philosophy, he has an incredible thought process on life. Mr. Bing's work is absolutely spectacular. I applaud the Library for another Big Read and another adventure.

REPORT OF ADMINISTRATOR/CLERK:

Maureen Ruane, Borough Administrator reported that Councilman Hauser would like to revisit on the job injury ordinance that's in place right now. Everyone has a copy of the ordinance that is currently in place and I have found the definition which is in the Police Contract. The Borough has always adhered to the year rule. We pay 66 & 2/3 paid by Workers Comp and the Borough actually makes the employee hold. The Borough is still paying the additional 1/3 of somebody's salary for up to a year.

Councilman Hauser responded that it is highly unusual for there to be zero incentive for that individual to come back to work. Councilman Hauser stated that he has never seen a situation like this and he would seriously discuss making a change in respect to this practice. Councilman Norton responded that he was in agreement to this. It was discussed in the Budget Committee and I would concur that there is no incentive to anyone to get back to the job. Mayor Gartland responded that she would like to know what the rest of the towns do.

Councilman Stattery responded that it should be by ordinance. Maureen Ruane, Borough Administrator stated that there should have a light duty ordinance in place to go hand in hand with the Workman's Comp. Councilman Hauser asks the question to Greg Mascera, Borough Attorney are there any claims that are currently outstanding and how the change of the ordinance might affect them. Greg Mascera, Borough Attorney responded the time of decision rule was just changed in Superior Court he would suggest any employee would be covered under the ordinance at the time that person went out as oppose to going forward.

The time of decision rule states that the discussion made by the Borough that law would apply at that time. Mayor Gartland responded that she read the ordinance and it does not mention anything about one year. I understand what Maureen has said that it has been the standard but is there something contained in the Police contract. Greg Mascera, Borough Attorney responds it becomes an issue of contract interruption and reliance so it would be very fact specific for a certain employee.

Councilman Lawshe gave an update on court wanders. Over the past three years the overtime for the Police Department has been very high. Previously we have used the Police officers in the Borough to be wanders and that causes overtime for them. There cost for overtime would run from \$35 to \$55 per hour and court runs three to four hours. We have met with Judge O'Connor, Court administrator and Maureen we have three people who have applied. Two of them were Police Officers in town and one was an Auxiliary Police. They are willing to work for \$20 per hour.

Mayor Gartland gave an update on Parkway East and Parkway West. The homeowners had received a letter that there would be a meeting at the end of the Street on Saturday. Councilman Murray, Glen Beckmeyer, Borough Engineer and Maureen Ruane, Borough

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

5 of 6

Administrator met with them. There was a discussion in regards of trees, traffic and a number of areas. Councilman Murray responded that Parkway East and Parkway West had received a CDBG grant to be used for paving and sidewalks. Various Discussions Ensued.

Maureen Ruane, Borough Administrator gave an update on the draft resolution for acceptance of credit/debit cards. Councilman Murray responded that we have researched this with Greg Mascera, Edmunds and the State. There was a question based on an existing statute that you can not have more than one credit card processor at a time in a town because this is a unique service we are good with that. We had a question about the rate being raised 2.95% charge we will not have to take ownership of that it stays with the processing company. The whole payment is to the Borough they do have the right to raise that, but it is raised we the right to cancel this program with Edmunds and get the prorated amount back. The program is going to cost \$1200 or \$1300. Various Discussions Ensued.

REPORT OF ATTORNEY:

Greg Mascera, Borough Attorney responded to Councilman Slattery about the dog census. The dog census law has been on the books in New Jersey since 1951. It has been modified four or five times since 1951. It is a statute that most municipalities ignore. There does not seem to be a significant penalty from the State. Councilman Slattery responded that the gentleman from Bloomfield had mentioned that however, there is going to be an emphasis and they are going to start cracking down and we should find a way. Various Discussions Ensued.

NEW BUSINESS: None

OPEN PUBLIC: Mayor Gartland opened the public portion of the meeting at 11:01 PM. Ann Marchioni, 85 Brookside Avenue, she has some data for Council on the Faloni Property. She is showing a map on the areas that were tested by Enviro Tactics. Various Discussions Ensued. Mr. Avalao, Essex County Liaison, reminder of the Cherry Blossom event on April 25th.

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. Borough Attorney, Greg Mascera responds that the Executive Session will be discussion of Land Conservancy Contract with Proposal to purchase 80 Forest Avenue, Faloni Property, personnel issues in regards to Administrator, personnel issues in regards to Greg Seaman, Sewer Director and personnel issues with regards to Beth Bush. On a motion made by Councilman Slattery, and seconded by Councilman Hauser, unanimously affirmed, the Council moved into Executive Session at 11:22 P.M.

The Executive Session was adjourned and upon a motion by Councilman Slattery, seconded by Councilman Murray the Council Business Conference Meeting was opened to the public and the press at 12:46 A.M

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

6 of 6

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Slattery, seconded by Councilman Lawshe, unanimously affirmed by all members present, the meeting was adjourned at 1:08 A.M.

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