

**BOROUGH OF CALDWELL, N.J.**  
**COUNCIL BUSINESS/CONFERENCE MEETING**  
**MINUTES –APRIL 14, 2009**

The Council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:02 P.M.

PRESENT: Councilman Lawshe, Dassing, Slattery, Curley, Norton and Brennan

ALSO PRESENT: Borough Administrator, Maureen Ruane, Borough Attorney, Stuart Koenig, Esq., Deputy Clerk, Beth Bush Telepan

ABSENT: Mayor Gartland

Adequate notice of this Council Business/Conference meeting was given on January 15, 2009. Notice was posted on the bulletin board on the first floor of the Borough Hall, One Provost Square, Caldwell, New Jersey on January 15, 2009. Four official newspapers of the Borough were notified of this meeting by mail on January 15, 2009. Notice was posted and all persons requesting notice were sent same.

PRESENTATIONS: None

INTRODUCTION OF ORDINANCES: None

PUBLIC HEARINGS: Ordinance #1195-09 – Calendar Year 2009 Ordinance to exceed the Municipal Budget Appropriation limits and to establish a cap bank (N.J.S.A. 40A:4-45.14 (b))

Council President Jeff Curley opened the hearing to the public at 7:03 PM. Seeing no one from the public wishing to be heard Council President Jeff Curley closed the hearing at 7:04 PM.

Moved by Councilman Brennan, seconded by Councilman Slattery. No Discussion. On roll call vote all members present voted in the affirmative. Ordinance adopted 04/14/09

RECEIVING OF BIDS: None

APPROVAL OF MINUTES: March 24, 2009

Approved by all members present upon a motion made by Councilman Lawhse, seconded by Councilman Brennan the minutes were adopted April 14, 2009.

Council President Jeff Curley opened the meeting to the public at 7:05 P.M. for public comment on resolutions. Seeing no one from the public wishing to be heard Council President Jeff Curley closed the open public comment on resolutions at 7:05 P.M.

RESOLUTIONS:

4-73 Authorizing the Borough Administrator to submit the annual recycling tonnage report to the New Jersey Department of Environmental Protection for the period January 1, 2008 through December 31, 2008

Moved by Councilman Norton, seconded by Councilman Brennan. No discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 4/14/09.

4-74 Authorizing the issuance of a peddler license for the sale of Novelty Ice Cream – Pre Packaged, beginning May 1, 2009 through September 30, 2009 on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, and Sunday to Bob Hofmann, The Towne Scoop LLC, 542 B Bloomfield Avenue, Verona, New Jersey

Moved by Councilman Lawshe, seconded by Councilman Brennan. Discussion ensued. On roll call vote, Councilman Lawshe, Dassing, Curley, Norton and Brennan voted in the affirmative. Councilman Slattery voted in the negative. Resolution adopted 4/14/09.

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- 4-75 Resolution supporting the Caldwell Environmental Commission as the Official Green Team for the Sustainable Jersey Municipal Program
- Moved by Councilman Slattery, seconded by Councilman Lawshe.  
No Discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 4/14/09.
- 4-76 Resolution supporting participation in the Sustainable Jersey Municipal Certification Program
- Moved by Councilman Norton, seconded by Councilman Dassing.  
Discussion Ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 4/14/09.
- 4-77 Authorizing the payment of bills and the issuance of checks for the period through April 14, 2009 in the total amount of \$2,177,624.99
- Moved by Councilman Brennan, seconded by Councilman Slattery.  
Discussion Ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 4/14/09.
- 4-78 Authorizing the appointment of Edward Sandve, P.E. as sewer director/licensed sewer collection operator from April 14, 2009 to December 31, 2009 with an annual pro-rated salary of \$22,000.00
- Moved by Councilman Brennan, seconded by Councilman Slattery.  
Various Discussions Ensued. On roll call vote, Councilman Lawshe, Dassing and Norton voted in the negative. Councilman Slattery, Curley and Brennan voted in the affirmative. Motion did not carry.
- 4-79 Authorizing the Borough Clerk to advertise and receive sealed bids to furnish and install a generator for the Municipal Complex
- Moved by Councilman Norton, seconded by Councilman Slattery.  
Discussion Ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 4/14/09.
- 4-80 Authorizing the Borough Clerk to advertise and receive sealed bids for fitness equipment and leasing of fitness equipment for the Caldwell Community Center
- Moved by Councilman Brennan, seconded by Councilman Norton.  
Discussion Ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 4/14/09.
- 4-81 Authorizing the Borough Clerk to advertise and received sealed bids for a breathing air compression system for the Caldwell Volunteer Fire Department
- Moved by Councilman Norton, seconded by Councilman Lawshe.  
No Discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 4/14/09.
- 4-82 The Borough of Caldwell and the Caldwell Police Department Support the Click It or Ticket Mobilization of May 18, 2009 – May 31, 2009
- Moved by Councilman Norton, seconded by Councilman Brennan.  
No Discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 4/14/09.

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Councilman Lawshe – As a member of the Construction Code Enforcement Committee, I was happy to hear that on Wednesday evening our Borough Engineer Anthony Marucci and our Code Enforcement Officer, Paul Milani went to see Bridget and Steve Sateary regarding the Holocaust Light that was shining on the back of their house and their daughter's bedroom. They saw it first hand. As I stated at the council meeting last week a timer had been proposed by the Synagogue for the last four months and it was never put in but now something is going to be done. My next-door neighbor the Palmiero's were complaining about the shield on their light shining into their kitchen and den and Mr. Marucci and Mr. Milani saw that first hand and that is being taken care of. I am happy to see that we acted very promptly on that. Councilman Lawshe reported that as a member of the Tree Committee, there is an issue regarding trees that were cut down at the Women's Club. Tim Lally the resident on Brookside whose property is adjacent to the property noticed a tree company pruning the trees on Wednesday and he confronted them and told them that they needed a permit to cut down the trees. Mr. Milani got involved and again on Thursday the next day the Tree Company cut down four trees and they never got a permit. They went to court last night and as our Borough Administrator stated the maximum fine for cutting down trees is \$2,000.00 per tree. Last night at the court hearing the fines were \$125.00 per tree a total of \$500.00 and \$33.00 for court costs. My problem is that we are not setting an example for anyone in this town not to cut down trees. I do not understand how our Municipal Court could only charge \$125.00 per tree. I know there is correspondence on this matter and I have not had a chance to look at it. But I did speak to Mr. Lally and he is very upset. I will discuss this further at the meeting of the 28<sup>th</sup>.

Councilman Slattery – Reported on the letter that was sent to Mayor Gartland regarding the grant award to The Bridge regarding its Search Light Program. The Search Light Program is a screening program for adolescence who may have depression or substance abuse problems. This is a very nice grant and it benefits all the children in this area. I attended the senior citizens meeting last night. There is a potential problem regarding the subsidized lunch provided to the seniors. Three days a week, the seniors pay \$1.75 per lunch and the fourth day they charge \$3.50 per lunch. There may be a shortfall this year, but the prices now will stay the same because of the economy. Councilman Slattery also reported that the Board raised a question to get a bigger room for the exercise classes. Councilman Slattery requested Administrator Maureen Ruane and Caldwell Community Center Director Jim Nolan look into the class. Councilman Slattery reported on The Live Walkability project in Caldwell and the tentative date is June 12, 2009. Councilman Slattery reported that she attended a Board of Health meeting tonight and reported that we still do not have a Health Officer, but they are currently interviewing. Councilman Slattery will be attending a recreation meeting on the 23<sup>rd</sup> regarding the Memorial Day Parade.

Councilman Dassing – Thanked Mario Bifalco and the DPW crew and Maureen Ruane for brining the hand made lampposts to the Town Hall. Councilman Dassing reported that the Caldwell Community Center Committee will be meeting next Wednesday. Councilman Dassing reported that we are still waiting to schedule a Shared Services Committee meeting.

Councilman Norton – Thanked the Police Department for the increased traffic stops, it seems that people are getting the message about the speed limit and yield to pedestrians. Councilman Norton reported that the next Budget Committee Meeting will be Tuesday, April 21, 2009 at 6:30 PM. The idea is to get down to business to try to pare down the budget and look at some revenue sources and keep our fingers crossed for extraordinary aid.

Councilman Brennan – No report

Councilman Curley – Reported that on Thursday the Traffic Committee will be choosing the winner of the 25 MPH sign contest.

Maureen Ruane – Gave an update on the Waste Water Treatment Plant upgrade. Hatch Mott MacDonald will be meeting with the West Caldwell Council next Tuesday night to get them up to speed if they have any questions. Maureen Ruane reported that she reached

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out to the Administrator of West Caldwell and asked him to attend the monthly meeting that will be held regarding the Waste Water Treatment Plant upgrade.

Stuart Koenig, Esq. – Reported on the memorandum he gave to the council regarding the Open Public Meetings Act. Stuart Koenig also reported on the Sharkey Landfill litigation. Stuart Koenig also reported on the issue involving 14 Park Ave. He will be preparing a memorandum for the council for their review. Stuart Koenig also reported on a letter he wrote to an attorney regarding a police issue, this is for information purposes only and no action needs to be taken at this time.

OPEN MEETING: Council President Jeff Curley opened the meeting to the public at 8:03 PM. Seeing no one from the public wishing to be heard Council President closed the open public portion of the meeting at 8:03 PM.

NEW BUSINESS: Councilman Norton wanted to know what was happening with the telecommunication company that gave a presentation to the council a couple of weeks ago. Councilman Curley reported that we received another quote from our current company and we will be having a Technology Committee Meeting to discuss the quotes.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Dassing, seconded by Councilman Brennan, unanimously affirmed by all members present, the meeting was adjourned at 8:07 PM.

Prepared by:

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Beth Bush Telepan  
Deputy Clerk

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Date