

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – April 26, 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, Councilman 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:** Councilman Norton

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:**

April 12, 2011

Moved by Councilman Hauser, seconded by Councilman Coyle. No Discussion. On roll call, Councilman Hauser, Piazza, Coyle and O'Donnell voted in the affirmative. Councilman Murray abstained. Minutes approved 04/26/11.

**FIRE DEPARTMENT PRESENTATION**

Presentation by: Anthony Grenci – Fire Chief  
Caldwell Volunteer Fire Department

**RESOLUTIONS - CONSENT AGENDA**

**4-110** AUTHORIZING ISSUANCE OF ONE (1) TAXICAB LICENSES TO CYC, Inc., 60 Roseland Avenue, Caldwell, NJ 07006. APPLICATION AND APPLICANT HAVE BEEN APPROVED BY APPROPRIATE MUNICIPAL DEPARTMENTS

**4-111** AUTHORIZING THE ISSUANCE OF A PERMIT FOR PEDDLER LICENSE OR IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE BOROUGH CLERK'S OFFICE – Ahmed M. Alqudah

**4-112** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Caldwell Downtown Alliance / Off Premise – 50/50 Raffle / May 22, 2011 6:00PM – 10:00PM

**4-113** AUTHORIZING THE ISSUING OF LICENSE FOR RAFFLE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – North Essex Chamber of Commerce Foundation, Inc. / On Premise – Gift Raffle / May 10, 2011 – 4:30PM – 7:00PM

**4-114** RESOLUTION URGING THE SWIFT PASSAGE OF A-3430, A-3431, AND A3432 STRENGTHENING MUNICIPAL IMMUNITY TO TORT CLAIMS

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**CONSENT**

Moved by Councilman Piazza, seconded by Councilman Hauser. No Discussion. On roll call, all present voted in the affirmative. Resolutions approved 04/26/11.

**4-115** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH APRIL 26, 2011 FOR 2010 BILLS IN THE TOTAL AMOUNT OF \$53,806.41

Moved by Councilman Piazza, seconded by Councilman Hauser. No Discussion. On roll call, Councilman Murray, Hauser, Piazza voted in the affirmative. Councilman Coyle and O'Donnell abstained. Resolution approved 04/26/11.

**4-116** AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH APRIL 26, 2011 FOR 2011 BILLS IN THE TOTAL AMOUNT OF \$349,840.88

**4-117** RESOLUTION AUTHORIZING THE SALE OF A MUNICIPAL OWNED FIRE TRUCK TO THE POSEY TOWNSHIP CLAY COUNTY VOLUNTEER FIRE DEPARTMENT FOR \$62,061.22

**4-118** RESOLUTION AUTHORIZING THE BOROUGH ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH GTBM, INC. FOR AN ELECTRONIC TICKETING (ETICKETING) SYSTEM FOR THE CALDWELL POLICE DEPARTMENT

**4-119** RESOLUTION AUTHORIZING EXTENSION OF AN INTERLOCAL SERVICE AGREEMENT FOR LIBRARY SERVICES BETWEEN THE BOROUGH OF CALDWELL AND THE BOROUGH OF ESSEX FIELDS THROUGH DECEMBER 31, 2011

**4-121** AUTHORIZING THE APPOINTMENT OF BRIAN R. SCARPELLINI AS A FIREFIGHTER IN THE CALDWELL VOLUNTEER FIRE DEPARTMENT

**CONSENT**

Moved by Councilman Piazza, seconded by Councilman Hauser. No Discussion. On roll call, all present voted in the affirmative. Resolutions approved 04/26/11.

**Councilman O'Donnell** reported that there was a miss communications and the copy of the Budget will be distributed this evening. We will be introducing the Budget in May and we are below the Cap.

Mayor Dassing responded that she met with the Construction Official and he was able to identify some of our fees and we may be able to release some new fees for the anticipated revenues for the 2011 Budget.

**Councilman Hauser** reported on Recreation and there were various discussions in regards to foul balls and putting up different netting options. There was an issue regarding lighting. I spoke to Gabe DiMasi, Director of Recreation and he submitted a two month listing of when the power was turned on and off to the minute and I forwarded to all the Council members. There was discussion of field use times, when there was the Caldwell woman's soccer team using the field at 6:30am, that is not happening anymore and they will not be starting until 7:30am. As far as the College using the music in between innings, they have stopped. Councilman Hauser reported on the Library. He was asked by Janet Torsey to pass along a few things. National Library week is coming up.

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Also, there was an informal survey done by one of the users and the feed back from Janet is that the people liked best the helpful and knowledgeable employees. The children's programs are outstanding and the books and video's selection were also super. The top suggestion for improving the Library was to have more weekend hours. The Library will receive more state recognition in the New Jersey Library Association Conference which is coming up. There are a few people who will be receiving awards, Bill Downey, Bruce White and the Boy Scouts Troop 6 & 9 for the Library Champion Award in the Big Read. Susan Panzamo will receive the Library Service Award for creating the work for the Public Library Foundation. Linda Stewart will receive two awards. One is for the posters she created to announce the Longfellow Big Read and the other is for the last summer reading Brochure.

**Councilman Murray** reported on the Rent Board that there was a meeting and they reviewed the entire ordinance that was put together and there are some questions which I will pass to Greg once Lisa has them put together. I would like to thank the Fire Department for the negotiations of selling the Fire truck. The Fireman of the year was Ray Sullivan, Senior Fireman congratulations to him. As for the clothing bin ordinance there is an ordinance in place where the permits are \$25. Greg Mascera responded that the ordinance is what is permitted that was a proposed ordinance that has not been passed. It was a draft that he prepared. The State will supersede the Town and that Municipality will be able to charge is the maximum. Councilman Murray asked the question as to whether or not we have an inventory of what is out there now, and is that something that the Zone Code Enforcer can go and determine, and with notification to them on how and why they were put there, and if they were put there without permission then feasibly the removal of them should occur. Greg Mascera responded that the issue is whether they are in violation of the zoning codes because they are accessory uses and or accessory structures. There should be regulations in place that would regulate the placement of those bins, the number of those bins, how many accessory structures can be on a piece of property in a given zone. Councilman Murray responded that he would like to bring this to Paul Milani's attention. Also, there was an email sent by Fireman Sullivan about the generator being out of service. I think that Mr. Messer and Ray should meet with our Town Engineer, Glenn Beckmeyer and the reason for this is the assessment was done a long time ago and it was put on your presentation. I feel that if the Community Center is in fact an evacuation point then it should be fully not just emergency lighting. The fact that West Caldwell does our police dispatching what they have as a backup system and the backup system that we are putting in is it a true backup or is the backup used to their backup. What is needed in order to completely have backup and redundancy in the Community Center? It was talked about putting a large generator in the Firehouse or somewhere in that vicinity. My question is do you need one large generator or do you need possibly several smaller ones in order to do that. As far as the Police Committee we will be discussing a scenario of things in executive session related to West Caldwell and the Court system.

**Councilman Coyle** reported that there was a productive sewer meeting with Greg Seaman and John Scheri, Hatch Mott MacDonald on the status of the Sewer plant upgrade. Hatch Mott has been working very closely with Maple Construction. We will be having monthly meetings with Hatch Mott and maybe Maple Construction to make sure there progress is being made. Councilman Hauser asked the question as to when the target date is for completion. Greg Seaman, Sewer Director responded as of this date September 1, 2011.

**Mayor Dassing** thanked the Volunteer Fire Department for coming out this evening. Your service, bravery and dedication to our Town it does not go unnoticed. We appreciate every minute you give to us. I will be attending the Essex County Pre-

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Construction meeting for the up coming projects on May 3<sup>rd</sup> at 1:00PM all the roads and streets that they will be re-doing in the spring, summer and fall. The work on Roseland, Westville and Bloomfield Avenues is scheduled to be complete on July 1<sup>st</sup>. It includes re-signaling and we are actually getting a new signal on Westville and Roseland with countdown crosswalks. The black traffic poles will match our black street lamps. We did talk a little about possibly putting parking back in front of the Library but that will be an on going issue once this project is finished. The Rotary Club of Caldwell's raised their flag for more awareness to the club this evening outside Borough Hall. They are a 60 year valued organization in our Town and if you are interested in joining you can contact our Borough Administrator.

**REPORT OF ADMINISTRATOR:**

**Paul Carelli** reported that they have been looking into the concerns of the residents in reference to foul balls. We have had the Engineer here twice looking at different scenarios. The existing netting that is out there now would have to be increased by height but there really isn't anything they can do other than replace all the poles which becomes very costly. Another possible scenario is to increase the height of the fence to 8' which would cost anywhere from \$30,000 to \$40,000. We are also looking at Golf netting and I am waiting for a quote. I have posted on our website the schedule for the Oval on the home page. Councilman Hauser asked the question about the eight to ten spots on the Parking deck as to when they will be opened. Paul responded that Glenn Beckmeyer is prepared to start but that will require to shut down part of the deck. They anticipate within the month.

**REPORT OF ATTORNEY:**

**Greg Mascara** reported on the tax appeals with two days of hearings there are six that will be carried over because of conflicts of schedules. The appeals were either settled or affirmed there were no tax board formal hearings. Councilman Hauser asked the question what it means by affirmed. Greg responded that the assessments were affirmed as assessed by our Tax Assessor, Jack Kelly. I can assure the Council that Mr. Kelly handles the tax appeals like it's his own money. The Higgins vs. Caldwell was an administration complaint filed a while back as a result of a failure in 2009 administration to honor an OPRA request. Paul went above and beyond to obtain the records that required in a format that the complainant found acceptable. Lastly, the water contract with Essex Fells is still a working process.

**OLD BUSINESS:**

**Councilman Piazza** would like to remind the residents and Council that this weekend is the 2<sup>nd</sup> Annual Grover Cleveland Luan. Advanced tickets do give you a discount and they are available at the Community Center and at Grover Cleveland Birthplace. It is Saturday, April 30<sup>th</sup> from 5:00 – 9:00PM partially at Grover Cleveland site and as well at St. Aloysius Gymnasium.

**Mayor Dassing** reported that she has been working on the Historic Commission Ordinance with Greg and he has given her a draft copy that she would like to send to Council so that they could look at it and possibly introduce on the May 10<sup>th</sup> meeting.

**NEW BUSINESS:**

**Councilman Hauser** asked what the email that everyone received from Lisa on April 20<sup>th</sup> from the FCC means. Councilman Piazza responded that it is a change in air way bands.

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**OPEN PUBLIC MEETING:**

**Tom Kelly**, 48 Roseland Avenue, stated that nothing has been done and he is being assaulted. We come here to the Governing body but you have done nothing. Greg Mascara responded that something has been done. The Mayor had stated that the bating cage has been used during bating practice. The Borough has done a lot more than nothing. The college has put individuals in the Parking lot to catch the balls. Mr. Kelly responded that we are still exposed to harm and nothing is being done.

**John Giordano**, 48 Roseland Avenue, reported that his car window was struck by a ball and he did report it to the police. The Borough has reported to the insurance and they have received a claim number.

**Kurt Frederickson**, Prospect Street, reported that he lives by the Middle School and he had the same problem with the balls hitting his car. The middle School extended the poles and put up netting.

On a motion made by Councilman Piazza, and seconded by Councilman Hauser, unanimously affirmed, the Council moved into Executive Session at 8:20P.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, The Bridge Property and Health Benefits.

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 10:40P.M.

**4-120** AUTHORIZING AN INTERLOCAL SERVICE AGREEMENT FOR HEALTH SERVICES BETWEEN THE TOWNSHIP OF BLOOMFIELD AND THE BOROUGH OF CALDWELL EFFECTIVE JANUARY 1, 2011 THROUGH DECEMBER 31, 2013

**4-122** AUTHORIZING AN INTERLOCAL SERVICE AGREEMENT FOR ANIMAL CONTROL SERVICES BETWEEN THE TOWNSHIP OF BLOOMFIELD AND THE BOROUGH OF CALDWELL EFFECTIVE JANUARY 1, 2011 THROUGH DECEMBER 31, 2013

