

**BOROUGH OF CALDWELL
COUNCIL BUSINESS/CONFERENCE MEETING
MINUTES – April 27, 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: Mayor Gartland, 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: None

Introduction of Ordinances:

#1206-10 AN ORDINANCE AMENDING CHAPTER 37 OF THE CODE OF THE BOROUGH OF CALDWELL BEING THE PERSONNEL POLICIES OF THE BOROUGH, SO AS TO MODIFY THE SECTION GOVERNING SPECIAL LEAVE

#1207-10 A BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE KIWANIS OVAL IN PROVOST SQUARE IN AND BY THE BOROUGH OF CALDWELL, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$2,000,000.00 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$1,187,500 BONDS OR NOTES OF THE BOROUGH OF FINANCE PART OF THE COST THEREOF

RECEIVING OF BIDS: Kiwanis Oval Improvement Project

APPROVAL OF MINUTES: February 23, 2010, Executive Session, February 23, 2010, March 9, 2010 and March 9, 2010 Executive Session

Moved by Councilman Lawshe, seconded by Councilman Hauser. No Discussion. On roll call vote, all members present voted in the affirmative. Minutes approved
04/27/10

OPEN PUBLIC COMMENT ON RESOLUTIONS:

4-86 Authorizing the 2010 Equivalent Connection Charge of \$350.21 per equivalent Connection between the Borough of Caldwell and the sewer user municipalities of West Caldwell, North Caldwell, Essex Fells, Fairfield and Roseland

Moved by Councilman Hauser, seconded by Councilman Dassing
Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 04/27/10.

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- 4-87 Authorizing the issuance of a Motor Vehicle Lot License to CYC, Inc., 60 Roseland Avenue, Caldwell, NJ 07006 for the period April 1, 2010 through May 31, 2011
Moved by Councilman Hauser, seconded by Councilman Murray. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 04/27/10.
- 4-88 Authorizing the issuance of a special liquor permit to the Caldwell Downtown Alliance for an event to be held at Luce Restaurant, 115 Bloomfield Avenue, Caldwell, NJ 07006 on May 23, 2010 from 6:00PM – 10:00PM
Moved by Councilman Hauser, seconded by Councilman Norton. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted on 04/27/10.
- 4-89 Authorizing the issuance of a Motor Vehicle Lot License to Precision Motors, 91 Roseland Avenue, Caldwell, NJ 07006 for the period April 1, 2010 through May 31, 2010.
Moved by Councilman Murray, seconded by Councilman Lawshe. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 04/27/10.
- 4-90 Authorizing the issuance of a Peddlers License for the sale of Pre-package Novelty ice cream and drinks April 30, 2010 through August 31, 2010
Moved by Councilman Murray, seconded by Councilman Dassing. Discussions Ensued. On roll call, Councilman Murray, Hauser, Dassing, Norton and Lawshe voted in the affirmative. Councilman Slattery voted in the negative. Resolution adopted on 04/27/10.
- 4-91 Authorizing the Caldwell Cyclones Swinn Team to enter into a contract with the Township of Verona for the use of their pool \$5,000.00
Moved by Councilman Dassing, seconded by Councilman Lawshe. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 04/27/10.
- 4-92 Authorizing payment of bills and the issuance of checks for the period through April 27, 2010 for 2009 Bills in the total amount of \$2,969.95
Moved by Councilman Slattery, seconded by Councilman Norton. No Discussion. On roll call, Councilman Dassing, Slattery, Norton and Lawshe voted in the affirmative. Councilman Murray and Hauser abstained. Resolution adopted on 04/27/10.
- 4-93 Authorizing payment of bills and the issuance of checks for the period through April 27, 2010 for 2010 Bills in the total amount of \$656,682.22
Moved by Councilman Dassing, seconded by Councilman Norton. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 04/27/10.

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4-94 Authorizing Professional Service Agreement with Boswell Engineering for providing the preparation of construction plans and specifications and providing construction inspection for the Small Avenue Road construction for a lump sum fee of \$17,000 for the design phase and \$46,000 for the construction phase

Moved by Councilman Murray, seconded by Councilman Hauser. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 04/27/10.

4-95 Authorizing a Professional Service Agreement to Superior Services, LLC for services in connection with the operation of the Borough of Caldwell water system in an amount not to exceed \$7,020 per annum plus the cost of additional services not to exceed \$48,000 per annum

Moved by Councilman Murray, seconded by Councilman Hauser. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 04/27/10.

4-96 Authorizing a Sewer Connection for one (1) single family home, 31 Cedars Road Caldwell, NJ 07006, Block 44, Lot 13

Moved by Councilman Norton, seconded by Councilman Hauser. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted on 04/27/10.

4-97 Authorizing the establishment of the 2010/2011 Fees for the Caldwell Community Center

Moved by Councilman Norton, seconded by Councilman Lawshe. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted on 04/27/10.

4-98 Authorizing appointment of Margaret S. Cherone as the Chief Financial Officer/Treasurer of the Borough of Caldwell

Moved by Councilman Lawshe, seconded by Councilman Dassing. No Discussion. On roll call, all members present voted in the affirmative. Resolution adopted on 04/27/10.

4-99 Authorizing an Employment Agreement between the Borough of Caldwell and the Chief Financial Officer/Treasurer Margaret S. Cherone

Moved by Councilman Lawshe, seconded by Councilman Norton. Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 04/27/10.

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 Mascara responds that the executive session is in regards to the appointment of Paul Carelli as Borough Administrator.

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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 8:23 P.M

4-100 Authorizing appointment of Paul Carelli as the Borough Administrator of The Borough of Caldwell

Moved by Councilman Lawshe, seconded by Councilman Hauser.
Discussions Ensued. On roll call, all members present voted in the affirmative. Resolution adopted on 04/27/10.

OLD BUSINESS: Leaf Collection for Landscapers

Draft Ordinance Insurance for events on Borough Property

Draft Ordinance governing part time employment

Draft Ordinance governing part time employment – vacation days

Councilman Slattery would like Greg Mascera, Borough Attorney to look into the legality of our Leaf collection ordinance for omitting leaf pick up for those who have landscapers. These residents pay the same taxes and they are not getting the same services. Greg Mascera, Borough Attorney stated he would check the ordinances and get back to Councilman Slattery. Various Discussions Ensued.

Greg Mascera, Borough Attorney gave an update on the ordinance for part time employees. The ordinance is written that part time employees are those employees that work less than twenty (20) hours. The ordinance for vacation days is written that those part time workers that work less than twenty (20) hours are not entitled to vacation days but part time workers who work more than twenty (20) hours are entitled to prorated vacation days. The law in New Jersey that will be affected on May 22nd will amend the twenty hour threshold to twenty-five hours. It will be that a Municipality may not consider a full time unless the employee works twenty five hours. The Borough has the option to determine as to what is to be classified as a part time. Various Discussions Ensued

Councilman Murray gave an update on the Technology Committee we have sat down with three phone vendors. They have been supplied with a spec of what we have and asked for suggestions.

Councilman Hauser gave an update on Camp Wyanokie that in mid to late May they will be having a Fishing Derby. There are a number of improvements to the campsite.

Councilman Dassing gave an update on the Community Center Committee. They have been interviewing for the Community Center Director and the Camp Director. The Shared Services Committee will be meeting with West Caldwell on May 4th in West Caldwell to continue discussions on Shared Services. Councilman Dassing made a public statement that the Library will not be closing.

Councilman Slattery gave an update on the Board of Education. The Budget was passed also, incumbent Rosemary Hansen was re-elected and John King as a new member. The Board of Health needs two members on their board. If interested please contact Maria Burak or the Mayor. An organization called Greener Corners will be doing a walk through Caldwell to see what can be done to make Caldwell a Greener Place. They will be supplying us with recommendations.

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Councilman Slattery read a statement: Tonight is Maureen Ruane's last night as a fourteen year employee with the Borough of Caldwell. I would like to thank you not only as a Council person but as a resident of Caldwell. Maureen's dedication and work ethics exceeded by know one I have ever known. Many years she has performed multiple jobs that required for more than any one individual that can successfully execute this condition, certainty led to unwitting mistakes, but as Winston Churchill among others have said a mistake is not a failure until you stop trying to correct it. Maureen never stopped trying to correct any errors known to her. The failure in this instance lies with the Council, and when I say Council I include myself 100%. The failure lies with the Council for not addressing and correcting the circumstances of her employment. I wish her only the best but at the same time I feel bad not only for her but also for our Town. Because the existing environment and conditions of her firing are on like anything seen since the 1690's in Salem, Massachusetts. Maureen hold your head high and continue to give your best, as you always have, no matter the circumstances.

Councilman Norton thanked the Caldwell Police Department for an incident that happened on Friday. With their quick and professional apprehension of a suspect that was fleeing on foot across Bloomfield Avenue they were able to get the situation underhand. It could have been a pretty horrific matter. Thank you for keeping the Town safe. Councilman Norton gave an update on the Budget Committee there have been a series of meetings reviewing the final budget numbers. Prior to the Introduction of the Budget on May 11th we will have a full Council review of the Budget to make sure we have crossed all our t's and dotted all our i's in regards to revenue's and our appropriation. Councilman Norton gave an update on the DOWNTOWN Committee we are having a Caldwell Presidential Celebration happening this Thursday, April 29th and Friday, April 30th. Various Discussions Ensued.

Councilman Lawshe reported on the Fire Committee that there is an AFG Grant, Assistant to Firefighter's Grant. Councilman Dassing and Tony Grecni will be working together; there is 390,000,000 available in this grant. Councilman Lawshe reported that Sgt. Pellegrino had given to the Committee a complete study of signage for the Town.

Mayor Gartland spoke about the Caldwell High School Chorus and the Longfellow's Chorus performing at the Middle School the Home Snow Flakes, written by Charles Kaufman, Chorus Director. There were sixteen (16) Longfellow singers and fifty-five (55) Caldwell High School students. Library Board Members and interested individuals from town housed members of the Longfellow's Chorus. Mayor Gartland had a couple stay with her from Maine.

Karen Lembo, Library Director gave an update on the Finale of the Big Read. The Boy Scout Troops of Caldwell will be staying at the Longfellow's Wayside Inn in Massachusetts on May 14th -16th. The Scouts will be camping behind the Inn. Mayor Gartland is very sorry to see Maureen leave. She is a dedicated hard worker for fourteen years, always with a smile on her face. I thank her and I know that her future she will have something great planned for her.

NEW BUSINESS:

Councilman Hauser reported that the First Presbyterian Church will be installing an elevator. He was told that the Handicap Parking spaces around the circle will be unavailable during construction. Mayor Gartland responded that the Chief can designate a few parking spaces for that period of time.

Councilman Norton reported that he would like to discuss the concept of Employee Training. There should be a policy set forth borough wide not just in the Police

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department but all departments. He would like this policy to be from April until the end of the year any training that is not mandatory will not be approved. Any classes should be approved by the Borough Administrator and the Department head before taking the class. Various Discussions Ensued.

Councilman Dassing reported that two new members are needed to serve on the Zoning Board of Adjustments. They meet the first Wednesday of every month.

OPEN PUBLIC PORTION:

Gail Pruner – 507 Bloomfield Avenue, thanking Maureen Ruane for all her years of service.

Colette Hassan – 13 Yolanda Drive, if someone has a certification and they want to keep this certification up even if it is not needed can they pay for it themselves. Mayor Gartland responds that it's something that should be discussed with the Personnel Committee or the Council. One part will have to do with payment and the other would have to do with time needed to take off.

Caldwell College student asking questions on the proposed fee to the students at Caldwell College.

Councilman Norton responded that the numbers being proposed are \$50.00 a semester for a full-time student and \$25.00 for a part-time student. As far as anything else that is concerned these are discussions that are going on with Caldwell College officials so at this point rather refrain from going into any detail at this time. Various Discussions Ensued.

Councilman Slattery responded that she is opposed to any fees to the students.

Christine Corliss, 72 Small Avenue, would like to thank Councilman Dassing for saying that you do support the Library. There are rumors going around town saying that the Caldwell Library will be closing. We hope that you continue to support the Library and never let this be a budget cut.

Councilman Lawshe responded that the Council has never discussed as to closing the Library. Various Discussions Ensued.

Rebecca Roth – 43 Bowers Road – talking about the training that Councilman Norton is speaking about. I have two certifications and I understand to cut the cost you suggest that I pay for the class. What I don't understand is having to take a vacation day to get an education that is for helping the town. I don't believe that we should have to take a vacation day in order to get an education. Various Discussions Ensued.

Jeffrey Curley, Central Avenue, as a former Councilman I would like to thank Maureen Ruane for her service to the Town. Is our new Borough Administrator licensed as a Clerk? Councilman Norton responded that the Borough Administrator does not have his license for Clerk at this time.

Marilyn Reeve – Birkendene Road, asks the question about Councilman Lawshe's comment about that there would not be any furloughs in the Police Department, what about the staff in Borough Hall. Councilman Lawshe responds that the reason he made that comment about the Police is because in their contract it states there would be no furloughs.

