

**BOROUGH OF CALDWELL  
COUNCIL BUSINESS/CONFERENCE MEETING  
MINUTES – May 6, 2014**

The council Business meeting of the Borough Council of the Borough of Caldwell was called to order in the Council Chambers at 7:00PM

**PRESENT:** Mayor Dassing, Council President Hauser, Councilman O'Donnell, Kelley, Rodgers and Capozzoli

**ALSO PRESENT:** Deputy Clerk, Lisa O'Neil, Borough Administrator, Paul Carelli and Borough Attorney, Greg Mascera

**ABSENT AT ROLL CALL:** Councilman Durkin

Adequate notice of this Council Business/Conference meeting was given on January 1, 2014. Notice was posted on the bulletin board on the first floor of the Borough Hall, One Provost Square, Caldwell, New Jersey. Official newspapers of the Borough were notified of this meeting by mail. Notice was posted and all persons requesting notice were sent same.

**APPROVAL OF MINUTES:**

April 15, 2014

Moved by Councilman O'Donnell, seconded by Councilman Capozzoli. No Discussion. On roll call, all present voted in the affirmative. Minutes approved 05/06/14.

**PRESENTATION:**

1. Proclamation David Maas / Bow Tie Cinema
2. Environmental Commission - Awards

**INTRODUCTION OF ORDINANCE:**

**ORDINANCE# 1291-14:** AN ORDINANCE AMENDING CHAPTER 230 OF THE CODE OF THE BOROUGH OF CALDWELL MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 OF THE NEW JERSEY STATUTES APPLICABLE TO CERTAIN ROADWAYS, DRIVEWAYS AND PUBLIC AREAS WITHIN THE BOROUGH

Moved by Councilman O'Donnell, seconded by Councilman Capozzoli. Discussions Ensued. On roll call, all present voted in the affirmative. Ordinance Introduced 05/06/14.

**ORDINANCE #1292-14** AN ORDINANCE AMENDING CHAPTER 230 OF THE CODE OF THE BOROUGH OF CALDWELL, BEING THE SECTION GOVERNING VEHICLES AND TRAFFIC

Moved by Councilman Hauser, seconded by Councilman O'Donnell. No Discussions. On roll call, all present voted in the affirmative. Ordinance Introduced 05/06/14.

**PUBLIC HEARING AND ADOPTION OF ORDINANCES:**

**ORDINANCE# 1289-14:** AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF CALDWELL BY ADDING A CHAPTER TITLED "DUMPSTERS"

Moved by Councilman Hauser, seconded by Councilman Capozzoli. No Discussion. On roll call, all present voted in the affirmative. Ordinance Adopted 05/06/14.

Shepard Wescott, Brookside Avenue, he had a question on the time period of this ordinance.

Stanely Zarkowsky, Elm Road, he has concerns about shoveling and County plows.

**ORDINANCE #1290-14:** AN ORDINANCE AMENDING CHAPTER 207 OF THE BOROUGH OF CALDWELL, BEING THE SECTION REGULATING STREETS AND SIDEWALKS

Moved by Councilman Hauser, seconded by Councilman Capozzoli. Discussions Ensued. On roll call, all present voted in the affirmative. Ordinance Adopted 05/06/14.

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**OPEN PUBLIC COMMENTS ON RESOLUTIONS:**

Moved by Councilman O'Donnell, seconded by Councilman Capozzoli to open to the Public for Consent Agenda

**RESOLUTIONS – CONSENT AGENDA**

- 5-109:** RESOLUTION APPOINTING LISA O'NEILL AND FRED ARNOLD AS ALTERNATE FUND COMMISSIONERS FOR THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND
- 5-110:** AUTHORIZING THE LIEN REDEMPTION OF CERTIFICATE 13-00020 BLOCK 66, LOT 1.12
- 5-111:** AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE. APPLICANT AND APPLICATION HAVE BEEN APPROVED BY THE CLERK'S OFFICE – Caldwell Merchants Association/ Off Premise-- 50/50 Raffle, May 31, 2014 – 10:00AM – 5PM, Rain Date June 1, 2014 – 12:00PM – 5:00PM
- 5-112:** 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 – Linda Hofmann, The Towne Scoop
- 5-113:** AUTHORIZING THE ISSUANCE OF A PERMIT FOR EXEMPT CANVASSER/SOLICIT OR IN ACCORDANCE WITH APPLICATION FILED. APPLICANT AND APPLICATION HAS BEEN APPROVED BY THE POLICE DEPARTMENT AND THE BOROUGH CLERK'S OFFICE – Frank Culotta, 38 Cleveland Avenue, East Hanover, NJ 7006 – Comcast
- 5-114:** VOID
- 5-115:** AUTHORIZING THE APPOINTMENT OF LEONARD HILL AS A SUBSTITUTE CROSSING GUARD IN THE BOROUGH OF CALDWELL EFFECTIVE IMMEDIATELY AT AN HOURLY RATE OF \$16.00 PER HOUR
- 5-116:** RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR UNIFORM FIRE SAFETY ACT PENALTY MONIES REQUIRED BY N.J.S.A 52:27D-192 ET SEQ.
- 5-117:** RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CALDWELL, ESSEX COUNTY, NEW JERSEY TO APPROVE AN EMERGENCY PURCHASE FOR AN AMOUNT NOT TO EXCEED \$16,500
- 5-118:** RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION FOR A VOIP TELEPHONE SYSTEM FOR THE BOROUGH OF CALDWELL FOR AN AMOUNT OF \$22,959.77

**CONSENT**

Moved by Councilman O'Donnell, seconded by Councilman Capozzoli. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 05/06/14.

**COUNCIL COMMITTEE REPORTS:**

**Councilman Durkin** reported that there was a productive DPW meeting. The process we have started is a very thorough process and the biggest thing now is the planning. Capital equipment is in the Budget this year. He thanked the Fire Department for inviting him to their dinner. He also thanked John Goridano of 40 Roseland Avenue; he sold a lot of tickets in support of the Fire Department and Governor Codey for his generous support for our Fire Department.

**Councilman Hauser** thanked Ann Marchioni for all her hard work and the presentations that were given out this evening. He was impressed whether it was K-2 or the adult presentation there was a lot of thought put into many of the submissions. There was a shared service meeting with the Board of Education and West Caldwell and there is no interest on the Board of Education's side for combining DPW there was in some of the other areas and we are talking about having a follow up meeting at the end of May.

**Councilman Rodgers** thanked Chief Garamella and the Fire Department for a wonderful evening. He also thanked Ann Marchioni because his wife went on Saturday she got mulch, she got a recycling bin and she got an oak tree. The National Library Association award committee has selected Bob and Janet Markman to receive the 2014 NJLA Library service award for individuals. The ceremony is going to be at Revel in Atlantic City, our librarian, Bark Hauck-Mah, will be there presenting the award to the Markman's.

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**Councilman Kelley** reported that the Board of Health has a meeting on the 13<sup>th</sup> and the Rent Board on the 21<sup>st</sup> he will have reports on those at the next meetings. We will be scheduling a personnel meeting and the primary discussion will be department heads, annual performance reviews and merit raises. He apologized to the Volunteer Fire Department for not attending the dinner and he heard it was a great event John Giordano and Governor Codey were being honored. He would like to extend an apology on behalf of Caldwell to Governor Codey on Friday night at the dinner one of the Councilman up here treated Governor Codey with rudeness and disrespect. When Governor Codey extended his hand the Councilman refused to shake his hand and told him he wouldn't shake his hand and it was because Governor Codey supported the candidates that ran against him in the last election. My comments are not to embarrass or humiliate the Councilman instead are strictly an apology to Governor Codey. You are a friend of Caldwell as a former Governor to the State of New Jersey and a current State Senator you have worked hard to make our community a safe and strong one. You have personally done things to help Caldwell and will always remember your efforts in assisting and communicating with PSE&G. Again my apologies for the treatment you received by a Councilman. I hope every resident that sees Governor Codey stops and shakes his hand. Governor Codey is a friend of Caldwell.

**Mayor Dassing** reported on the Brook Study Committee which met last week and with our town engineer, Glenn Beckmeyer we talked about the positioning of some of the trees and we will need to get an arborist out there to look at the trees that are lining the brook because some are in danger of falling. We have a survey now of Dr. Gouterman's property and we can kind of see whose property they are on and were we need to go if they are in danger of falling. Part two of the meeting they talked about any kind of an engineering study that might be obtained to further help us to decide what we should be doing there from an engineer's stand point to stop the erosion which the Pine Brook is probably twice as wide as it was in 1985. Mr. Flint has been diligent in coming to these meetings and helping us out. He has identified twenty-five different grant sources that we will be looking into and we have a letter of introduction that explains the problem and we will be sending that out to private, state and federal. They submitted a grant to the NJDEP which was a federally funded grant administered by NJDEP but the grant specially wanted a natural solution to the problem. The Mayor thanked Mr. Flint for his continued support. The Mayor thanked the Fire Department for a wonderful evening. It's amazing to see what they have accomplished in just this year. Gary and his team put together the FAITH list which is houses that have mentally or physically disabled people we are now identifying where they are and what room there in and what limitations they have god forbid a fire should happen. They also started the Fire Prevention Seminars in the lobbies of all the high risers. Mark Guiliano is our new Fire Inspector and we have an in house, in town fire prevention bureau and she thanked the department for making Caldwell safer.

**REPORT OF ADMINISTRATOR:**

**Paul Carelli** reported that the ADA walkway is completed and was funded with a \$96,000.00 CDBG Grant.

We received the \$150,000 Local Aid Grant which is the grant that we teamed up with West Caldwell to renovate the EVS field.

The ADA Crosswalks are just about done in the front of Borough Hall.

We have a \$56,000 grant to replace the chairlift. CDBG has given us authorization to renovate what we have is sufficient. He will be re-advertising that.

If there any issues or comments for the Capital Project list please get that to me before next meeting it needs to go to Bond Counsel.

**REPORT OF ATTORNEY:**

**Greg Mascera** reported that the Personette property closing is on the horizon. We have complied with the Green Acres request. We are waiting for the funding information which he is expected within the next two weeks. I was asked to consider writing an ordinance for road openings and he has looked at the ordinance that now exists and on newly paved roads within three years there is not any opening of the pavement. He would need guidance from Council and Mayor what further restriction that you would like from him to replace. The ordinance what is written talks about old asphalt but never really defines old asphalt and never says what new asphalt is. There are penalties involved and fees. Paul Carelli responded that the Borough Engineer has a lot of information on this and he will reach out to him. Discussions Ensued.

**REPORT OF ESSEX COUNTY LIASSON:**

**James Jorgensen** he congratulated the Mayor and Council for moving forward with VOIP phone system. When he became the purchasing agent one of his objectives was to convert the hall of records complex to finalize the VOIP. He can tell you that they have significant savings of approximately \$15,000 to \$20,000 a month. He also extended his congratulations to the movie theater for this wonderful centennial.

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There was a ribbon cutting yesterday for the path that is on the Orange reservoir which allows you to go from the Turtle back zoo pass, McCloones, pass the new paddle boat area all around the reservoir.

**NEW BUSINESS:**

**Land Conservancy New Contract**

Mayor Dassing spoke about the contract that was distributed to the Council for the Environmental resource inventory. Councilman Hauser responded that in the Environmental Commission a point was raised that meeting this is required as part of the Master Plan.

**Ann Marchioni, Environmental Commission** spoke about the Land Conservancy was the consulting group that they used for open space plan and they are familiar with that part of our existing documents and they have a handle of what Caldwell is already like.  
After discussion a resolution will be on the next meeting.

**OPEN PUBLIC MEETING:**

Moved by Councilman O'Donnell, seconded by Councilman Capozzoli to open meeting to the Public.

**Ms. Kathy Stieve, 35 Brookside Avenue**, had a concern about the tree in front of her house and the progress on the island. Mr. Carelli responded that he will take a look at the tree tomorrow and he is waiting for Mr. Beckmeyer to give him a proposal on the design.

**Henry McCaler, 40 Roseland Avenue**, thanked the Mayor and others for taking a proactive stand in assisting us with ball strikes and noise issues.

**Ann Marchioni, 85 Brookside Avenue**, asked if PSE&G will be repairing the road after the electrical fire they had on Brookside. Paul responded that it will be done but not by PSE&G.

Moved by Councilman Hauser, seconded by Councilman O'Donnell to go into Executive Session.

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. The Executive Session will be discussion of contract in regards to Mr. Paul Carelli, Borough Administrator and for the record the Borough Administrator did received rice notice and he has elected to have the session in private.

The Executive Session was adjourned and upon a motion by Councilman Hauser, seconded by Councilman O'Donnell, the Council Business Conference Meeting was opened to the public and the press at 8:51PM

**5-119: RESOLUTION AUTHORIZING THE BOROUGH ATTORNEY TO PREPARE A CONTRACT FOR PAUL CARELLI BASED ON TERMS AND CONDITIONS AS DISCUSSED**

Moved by Councilman O'Donnell, seconded by Councilman Kelley. Discussions Ensued. On roll call, all present voted in the affirmative. Resolutions approved 05/06/14.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman O'Donnell, seconded by Councilman Rodgers unanimously affirmed by all members present, the meeting was adjourned at 8:52P.M.

Prepared by: \_\_\_\_\_  
Lisa O'Neill, Deputy Borough Clerk

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DATE