

**BOROUGH OF CALDWELL, N.J.**  
**COUNCIL BUSINESS/CONFERENCE MEETING**  
**MINUTES – MAY 26, 2009**

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 Lawshe, Dassing, Slattery, Curley, Norton and Brennan

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

**ABSENT:** None

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:** Meryl Layton of the Caldwell Downtown Alliance made a presentation regarding the Farmers Market that will run from June 26, 2009 through October 30, 2009.

**INTRODUCTION OF ORDINANCES:** None

**PUBLIC HEARINGS:** Ordinance #1196-09 to amend the Borough Code, Chapter 230, Traffic and vehicles, section 230-71 schedule XVII of the Borough Code entitle, "Parking prohibited certain hours"

The Mayor opened the Public Hearing at 7:43 P.M. Maureen Durr of 25 Forest Avenue questioned what street this would be affecting. Mayor Gartland responded that it is five spots prior to the parking lot on Hanford Place. Carla Marras of Wakefield Place said that if she were a resident of Hanford Place she would be outraged. You will be having drunks coming out of the Cloverleaf hanging out and talking. I think this is wrong. Ms. Marras thinks this is going to create more of a problem because you are making only 5 spaces and this will be confusing to people. Carla Marras said she thinks they should leave the parking on Hanford the way it is. Seeing no one else from the public wishing to be heard, Mayor Gartland closed the public hearing at 7:45 P.M.

Moved by Councilman Curley, seconded by Councilman Dassing. No Discussion. On roll call vote Councilman Lawshe and Councilman Norton voted in the negative, Councilman Slattery, Dassing, Curley and Brennan voted in the affirmative. Ordinance adopted 5/26/09

**RECEIVING OF BIDS:** None

**APPROVAL OF MINUTES:** May 12, 2009

Approved by all members present upon a motion made by Councilman Brennan, seconded by Councilman Curley the minutes were adopted May 26, 2009.

Mayor Gartland opened the meeting to the public at 7:48 P.M. for public comment on resolutions. Maureen Durr of 25 Forest Avenue wanted to know when the public portion of the meeting for comment on anything was. She stated she thought that the Council was changing the Open Public Portion of the meeting to the beginning. Mayor Gartland explained that we did change the Open Public Portion of the meeting on the agenda. Maureen Durr also did not like the suggested area of the Farmers Market and wanted to know why the Farmers Market could not be held on Saturdays. Mayor Gartland said that Meryl Layton of the Caldwell Downtown Alliance will be at the June 2, 2009 meeting. Seeing no one from the public wishing to be heard Mayor Gartland closed the open public comment on resolutions at 7:54 P.M.

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RESOLUTIONS:

5-89 Authorizing the issuing of license for raffle to American Legion Post #185 James Caldwell, Off-Premise – Calendar Raffle, September 5, September 21, October 4, October 17, October 26, November 7, November 11, November 23, December 21, 2009 and January 8, January 25, February 12, and February 22, 2010

Moved by Councilman Curley, seconded by Councilman Dassing.  
No Discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 5/26/09.

5-90 Authorizing the issuance of a permit for exempt canvasser/solicitor to New Jersey Environmental Federation, 227 Glenridge Avenue, Apt 1, Montclair, New Jersey 07042

Moved by Councilman Dassing, seconded by Councilman Curley.  
Discussion ensued. On roll call vote, Councilman Slattery and Councilman Norton voted in the negative. Councilman Lawshe, Dassing, Curley and Brennan voted in the affirmative. Resolution adopted 5/26/09.

5-91 Authorizing the issuance of license for motor vehicle lot license to C& G Auto Tech, LLC, 55-57 Bloomfield Avenue, Caldwell New Jersey

Moved by Councilman Norton, seconded by Councilman Brennan.  
Discussion ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 5/26/09.

5-92 Authorizing the issuance of license for motor vehicle lot license to Precision Motors, 91 Bloomfield Avenue, Caldwell, New Jersey

Moved by Councilman Curley, seconded by Councilman Dassing.  
No Discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 5/26/09.

5-93 Authorizing the issuance of license for motor vehicle lot license to RC Auto Sales, 7 Park Avenue, Caldwell, New Jersey

Moved by Councilman Brennan, seconded by Councilman Lawshe.  
No Discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 5/26/09.

5-94 Authorizing the issuance of license for motor vehicle lot license to Jamie Classic Cars, Inc., 103 Bloomfield Avenue, Caldwell, New Jersey

Moved by Councilman Lawshe, seconded by Councilman Brennan.  
No Discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 5/26/09.

5-95 Authorizing the issuance of license for motor vehicle lot license to Al Emmel Auto Body, LLC, 95 Bloomfield Avenue, Caldwell, New Jersey

Moved by Councilman Lawshe, seconded by Councilman Norton.  
Discussion ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 5/26/09.

5-96 Resolution Authorizing refund of overpayment of 2008 and 2009 Taxes due to a NJ State Tax Court Appeal on Block 37, Lot 1.06, 33-45 Academy Road, Hillside Realty, in the amount of \$4,927.50

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Moved by Councilman Lawshe, seconded by Councilman Curley.  
No Discussion. On roll call vote, all members present voted in the affirmative. Resolution adopted 5/26/09.

- 5-97 Resolution Authorizing refund of overpayment of 2008 and 2009 taxes due to a NJ State Tax Court Appeal on Block 37, Lot 1, 2-20 Prospect Street – 500 Bloomfield Avenue, Hillside Realty in the amount of \$2,463.76

Moved by Councilman Slattery, seconded by Councilman Brennan.  
Discussion ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 5/26/09

- 5-98 Authorizing payment of bills and the issuance of checks for the period through May 26, 2009 in the total amount of \$1,781,845.77

Moved by Councilman Lawshe, seconded by Councilman Curley.  
Discussion ensued. On roll call vote, all members present voted in the affirmative. Resolution adopted 5/26/09

- 5-99 Authorizing the appointment of Edward Sandve, P.E. as the sewer director/licensed sewer collection operator from May 26, 2009 to December 31, 2009 with an annual pro-rated salary of \$18,000.00

Moved by Councilman Brennan, seconded by Councilman Slattery.  
Various discussion ensued. A Motion to table the resolution was made by Councilman Slattery, seconded by Councilman Curley. On roll call vote, Councilman Dassing and Councilman Norton voted in the negative, Councilman Lawshe, Slattery, Curley and Brennan voted in the affirmative. Resolution adopted 5/26/09

**REPORT OF COMMITTEE CHAIRMEN AND MEMBERS:**

Councilman Lawshe – Reported that he submitted his letter of resignation from the Tree Committee to Mayor Gartland and Administrator Maureen Ruane. Councilman Lawshe also wanted to congratulate Mario and the DPW workers for doing a great job on Memorial Day. Councilman Lawshe also thanked the DPW workers for putting up the flags on the parking meters

Councilman Slattery – Reported that she is on the West Essex Memorial Day Parade Committee and that this year to committee honored thirty-three World War II Veterans. There was a lot of work done by the committee to identify these people. Approximately 25 of these men and 2 women were at the parade. The flags for the honorees were all donated by Annin Flag Company.

Councilman Dassing – Reported on behalf of the Caldwell Merchants Association she would like to thank the DPW workers for putting the flags on the parking meters. Councilman Dassing also reported that the Caldwell Merchants Association planted flowers around the tress on The Green and if the association has money, they will continue down the street. Councilman Dassing reported that the Local Board of Assistance is pleased to announce that the food pantry will be located at 14 Park Avenue as of June 2, 2009. The pantry will be open Mondays from 2:00 PM to 4:00 PM and Thursdays 10:00 AM to 12:00 PM. If any one has questions or would like to volunteer pleas call Maria Burak at 973-403-4623. Councilman Dassing reported on the Caldwell Merchants Association Meeting. The merchants are interested in getting a reduced rate for parking permits for the merchants and their employees. Councilman Dassing reported that she spoke to Joe Accardi regarding the parking permits and he said he had a report regarding the daytime parking.

Councilman Curley – Reported that the Traffic Committee will be meeting this Thursday at 7:00 PM.

Councilman Norton – Reported that it was an honor to be in my first Memorial Day Parade.

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My children were lucky enough to carry the banner for Caldwell. Councilman Norton told Councilman Dassing that he would be willing to donate to get 10 plantings done on the Avenue. Councilman Norton apologized to Councilman Lawshe and Councilman Slattery and Administrator Maureen Ruane for not having the Budget Committee Meeting last week. Councilman Norton requested that a Budget Committee Meeting be held on June 9, 2009 and have a Council Meeting at 6:00 PM on June 9, 2009 to discuss the Budget Committee's recommendations. Councilman Norton reported that the information Maureen Ruane passed out tonight summarizes the Budget Committee's recommendation.

Councilman Brennan – No report

Mayor Gartland – Reported that Caldwell and West Caldwell have been granted by the County of Essex the Grant money for us to move ahead to do the Kiwanis Oval. We are interested in moving ahead with the project as soon as possible. We need to begin discussions about additional funding. Mayor Gartland thanked the County Executive for expressing his confidence in our project. Mayor Gartland thanked the DPW workers for the work they did on the Avenue for the Memorial Day Parade.

Report of Administrator: Ms. Ruane asked the Council for permission to remove the discussion for the electrical costs to the next meeting. The Council agreed. Ms. Ruane discussed the release of the performance bond for Agudath Israel. The council voted to put the resolution on for the meeting of June 9<sup>th</sup> for the release of the performance bond. Ms. Ruane requested permission to put a resolution on for Boswell Engineering at the June 9<sup>th</sup> meeting. The Council agreed.

Report of Attorney: Stuart Koenig reported on the requests from Cablevision Lightpath and Above Net Communications regarding fiber optic cable. The Council agreed to have two resolutions on for the meeting of June 9, 2009. The Council also requested that both companies provide the list of the other towns they currently have approval.

New Business – Councilman Lawshe requested that Mr. Ezyske be on the agenda for the meeting of June 2, 2009. Councilman Norton had questions regarding the Downtown Committee. Mayor Gartland explained that since we have the Caldwell Merchants Association and the Caldwell Downtown Alliance there was no need for the Downtown Committee. June Cowell of the Caldwell Merchants Association said she would like to see a committee be formed.

OPEN MEETING: Mayor Gartland opened the meeting to the public at 9:11 PM. David Cowell of 29 Brookside Avenue reported that everyone is invited to the Grover Cleveland Birthplace July 4<sup>th</sup> Ice Cream Social. Mr. Cowell also reported that the visitor rate is up over 4,000 at the Grover Cleveland Birthplace. Mr. Cowell also discussed the renovations that will be done to the Birthplace. Mr. Cowell asked the council for their support for the Grover Cleveland Birthplace renovations. Robert Colaizzo of 7 Hatfield Street reported that he like the Borough's new website. Mr. Colaizzo said the website is a nice resource for the town. Mr. Colaizzo also reported that he liked the recent modifications to the entrance on Provost Square. Mr. Colaizzo also thanked the Mayor and Council for the 50% reduction in the Community Center rates for Board members. I am proud to serve on the board and hope to continue serving. Carla Marras of 20 Wakefield Place reported that the Memorial Day Parade was great and the Avenue looked absolutely gorgeous. Ms. Marras had a complaint about garbage that was place out on the street on the corner of Bloomfield and Gould. Ms. Marras also said that many people we putting their garbage out on the street too early and were not following the rules of our ordinance. Ms. Marras wanted to know why the town was not enforcing this ordinance. The Mayor said she would have Mr. Milani look into this matter. Ms. Marras questioned why on the Caldwell Website the women were referred to as Councilman as opposed to Councilwoman.

On a motion made by Councilman Curley, and seconded by Councilman Norton, unanimously affirmed, the Council moved into Executive Session in order to discuss a matter potential litigation and personnel. Said motion was unanimously approved and the Council went into Executive Session at 9:30 P.M.

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The Executive Session was adjourned and upon motion by Councilman Curley, seconded by Councilman Slattery the Council Business Conference Meeting was opened to the public and the press at 10:45 P.M. All those previously in attendance were present.

There being no additional business to be conducted a motion to adjourn the meeting was made by Councilman Curley, seconded by Councilman Brennan, unanimously affirmed by all members present, the meeting was adjourned at 10:46 PM.

Prepared by:

\_\_\_\_\_  
Beth Bush Telepan  
Deputy Clerk

\_\_\_\_\_  
Date